South Worcestershire Councils (SWC) response to additional information provided by PRP Consultants (PRP) post Stage 2c of the Examination Hearings relating to:

SWDP60d – Land at Kiln Lane, Leigh Sinton - further information on the additional community facilities proposed as part of an increased housing allocation on this site, plus an additional note on CIL compliance.

The sections below are in response to the additional information supplied to the Inspector by PRP Consultants (PRP) following Stage 2c of the examination hearings in relation to proposals for an additional extension site to allocation SWDP 60d – Land at Kiln Lane, Leigh Sinton.

1. **Number of dwellings proposed and site boundary**

1.1 The statement submitted by PRP is seemingly inconsistent and unclear in the number of additional units proposed by the extension site. Whilst the statement declares several times a housing development/proposed allocation increased to 90 to 95 dwellings, the accompanying site layout plan (SK20) appears to imply an additional 90 to 95 dwellings on top of the 53 dwellings already permitted on the original site allocation (SWDP 60d). The additional development area to the south west of the original allocation site (shown on figure 1 below in grey) measures approximately 2.7ha and would give an indicative gross density of 35 dwellings per hectare at 90 to 95 dwellings. This appears to imply an additional 90 to 95 dwellings, which would bring the total capacity on site to a maximum of 148 (or 146 if the current reserved matters application is approved).

1.2 In terms of the proposed site boundaries, it is unclear from diagram SK20 whether PRP are requesting the additional housing area in grey to be allocated or the entire extension with the community building and pitches included. If it is the latter, this suggests a bespoke allocation policy which is currently not a feature of the plan.

1.3 Additionally, the ‘current development edge’ notation on the plan also requires clarification. This boundary will be the eventual development edge which will become established once the Kiln Lane scheme for 53 dwellings is built out. Furthermore, additional development in this area will see further encroachment into the Significant Gap.
1.4 It is also important to state that the alternative highway access from the Leigh Sinton Road has not as far as the South Worcestershire Councils are aware been tested or assessed in relation to this proposed boundary/site extension.

Fig. 1 - Extract of map SK20 provided by PRP Consultants

2. **Cumulative Impact (EX/809a, as updated)**

2.1 The cumulative impact on Leigh Sinton (using data monitored up to 1st June 2015) would see a 68.44% increase in dwellings (from a 2011 base of 282 to 475) if an additional 95 dwellings (on top of the 53 dwellings at SWDP 60d) were allocated, or a 49.65% increase (from a 2011 base of 282 to 422) if the site total is increased to 95 dwellings (including the 53 dwellings at SWDP 60d).

2.2 Even by excluding the uplift scenarios of the proposed Kiln Lane extension site above, Leigh Sinton currently has the highest settlement uplift percentage of all current category 2 villages at 34.75%. This percentage uplift is also currently higher than all category 1 villages except for Welland and Clifton upon Teme. A further increase in settlement size would suggest a disproportionate level of growth to that currently planned/occurring in the other villages of Malvern Hills District. The SWC believe a further
uplift at Leigh Sinton through additional Local Plan allocations, in the context of the overall requirements and supply identified under SWDP3, would be disproportionate.

3. **Soundness of the proposed allocation site**

3.1 The current allocation is considered to be sound. The site has outline planning permission for 53 dwellings (13/00952/OUT), with a current reserved matters application for 51 dwellings pending a decision (14/01140/REM). It is considered an extension to the site cannot make the proposed allocation more sound than it already is. Indeed, Mr Rawle of PRP at Stage 2c of the SWDP hearing accepted that the allocation is sound without the additional modification. The proposed increase in site capacity is not needed to address the housing requirements of the SWDP. The SWDP Inspector has repeatedly advised that his role is not to improve upon a plan that is already sound.

4. **Consistency of approach to proposed SWDP sites at selection stage and examination**

4.1 The SWCs are of the view that in essence the site presented by PRP is more akin to an omission site than a modest adjustment or extension of the current allocated site. PRP have at the hearings accepted that the existing allocation is sound and is not dependent upon this subsequent proposal to make it sound or ensure its delivery. The disposition of intended uses now promoted by PRP suggests that these proposals are essentially stand alone which further endorses its potential treatment as an omission site. This being the case, the SWC would be concerned that its formal consideration may give rise to questions of fairness as to how other possible extensions to allocations have been heard through the consultation and examination process. There are concerns that this approach could be open to legal challenge if one site is allowed a greater level of consideration over others. The site should not be considered further unless the Inspector is minded to request further work to find additional allocations should he find any of the currently examined allocation sites unsound.
5. **Community Infrastructure Levy (CIL) compliance and the provision of new community facilities**

5.1 With regard to the legal opinion submitted as additional information by PRP (Land off Bransford Road, Rushwick, current planning application 15/00504/OUT), this rehearses the general requirements of the CIL regulations but SWDP 60d is for the consideration of an allocation and not a planning application. Land off Bransford Road, Rushwick is an omission site and is not being considered at this stage.

5.2 The community benefits have been discussed with some representatives of the parish council but there is no suggestion that the parish council as a whole has formally endorsed or accepted the proposal. Furthermore, if there are perceived community benefits for Leigh Sinton then there would be nothing to prevent the parish council from advocating this proposal through their Neighbourhood Plan.

5.3 The Powick appeal decision that has been provided as additional information by PRP relates to a facility that has planning permission, so the parish council had already agreed to the community facility. Currently the SWC understand that the Leigh and Bransford Parish Council in Leigh Sinton has not formally indicated that it supports the proposal presented by PRP which appears to include an additional 90 to 95 dwellings at Leigh Sinton.

5.4 PRP refer to a long lease (virtual freehold) being on offer to the parish council. The SWC are aware that the landowner has offered a lease arrangement but has asked for break clauses. To be a genuine benefit of the development, having regard to other public open space, sport and recreation facilities serving Leigh Sinton (such as those at Guinness Park Farm that are understood to be the subject of a lease arrangement), the lease would need to be for 999 years without any break clause or freehold without any encumbrances and should include built facilities incorporating changing rooms to Sport England standards to ensure that the parish council could access additional grant funding in the future if necessary.

5.5 PRP also refer to potential FA funding for the pitches but that is an assumption which would run contrary to the debate held with Sport England on the additional SWDP hearings session on 17th June 2015 regarding the alternative approach in pitch strategy.

Response produced by the south Worcestershire Councils

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