

P19-0570

19 May 2022

Planning Policy  
Malvern Hills District Council  
Planning Services  
The Council House  
Avenue Road  
Malvern  
WORCS  
WR14 3AF

Dear Sir/Madam,

**Leigh and Bransford Neighbourhood Plan – Regulation 16 Public Consultation**

Pegasus are pleased to submit representations to the Leigh and Bransford Neighbourhood Plan Regulation 16 public consultation on behalf of our clients, Patrick Maley and Christine Harfoot, with regard to site CFS1084 which is located centrally within the village of Leigh Sinton.

Our clients have previously made representation to both the Reg 18 South Worcestershire Development Plan Review and the Regulation 14 Leigh and Bransford Neighbourhood Plan public consultation with regard to their site.

Representation is made to three specific policies;

- LB.H.1 – Development Boundary
- LB.H.5 – Significant Gap
- LB.H.6 – Site Specific allocation

The representations are accompanied by the following appendices;

Appendix 1 – Site plan  
Appendix 2 – Pegasus Landscape and Visual Impact Assessment  
Appendix 3 – SWDP Significant Gap Topic Paper (2019)  
Appendix 4 – Calibro Surface Water Report  
Appendix 5 – Pegasus Heritage Note

I would be most grateful if you could please confirm receipt of these representations and advise of the timings of the next stages of Leigh and Bransford Neighbourhood Plan preparation,

Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT

T [REDACTED] E Cirencester@pegasusgroup.co.uk

Offices throughout the UK and Ireland.

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales  
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT

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Yours faithfully



**Principal Planner**



Cc:



Enc. Representations x 3  
Appendices x 5

## Regulation 16 Consultation on the Submitted Leigh and Bransford Neighbourhood Plan RESPONSE FORM

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Leigh and Bransford Parish Council has submitted the draft Leigh and Bransford Neighbourhood Plan to Malvern Hills District Council. In accordance with Regulation 16, Malvern Hills District Council would like to invite comments from organisations and individuals on the Neighbourhood Plan.

This consultation runs for six weeks from Friday 8<sup>th</sup> April to 5:00pm on Friday 20<sup>th</sup> May 2022.

If you wish to comment on the draft Leigh and Bransford Neighbourhood Plan **please complete and return this form no later than 5:00 pm on Friday, 20<sup>th</sup> May 2022 to:**

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Please fill in your details in the boxes below:

Full Name:

Organisation (if applicable): Pegasus Group

Address (including postcode): Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RE

Telephone number:

Email address:

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

LB/H/1 – New housing within Leigh Sinton and Bransford Residential Settlement Boundaries

Please use the space below to make comments on this part of the Neighbourhood Plan.

The Parishes of Leigh and Bransford Neighbourhood Plan Reg 16 consultation document (LBNP) shows the existing development boundary for Leigh Sinton at Map 2 (p.21).

The LBNP proposes an amendment to the development boundary at Map 2a which picks up proposed changes to the development boundary for the village proposed by the South Worcestershire Development Plan Review (SWDPR) evidence base (Development Boundaries Review Sept 2019) plus an additional extension to the southwest of the village which extends into the area current designated by the SWDP as 'Significant Gap' (SG).

No justification is provided in the LBNP for the extension of the development boundary into the SG to the southwest of the village nor is this extension of the development boundary supported by the current published evidence base of the SWDPR.

As submitted to the Reg 14 LBNP our client's seek extension of the Development Boundary at Leigh Sinton to include site CFS1084 in which they have a land interest, and which is located in the heart of the village. (Please see our representation to LB/H/6).

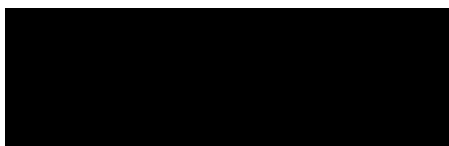
Please use a separate form for each representation.

### Future Notification

Please state whether you would like to be notified of the decision on the Neighbourhood Plan proposal:

Yes  No

Signature



Date

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Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

LB/H/5 – Housing: Significant Gap

Please use the space below to make comments on this part of the Neighbourhood Plan.

Policy LB/H/5 of the submitted Leigh and Bransford Neighbourhood Plan (LBNP) seeks to retain the open nature of the Significant Gap identified by Policy 2D of the adopted South Worcestershire Development Plan (2016).

The Significant Gap is shown on Plan 3 of the LBNP.

The reasoned justification of the SWDP to Policy 2D states ;

*"The purpose of maintaining these gaps, which either serve as a buffer or visual break between rural settlements and adjacent urban areas or protect the character and setting of settlements, is to provide additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between smaller settlements and urban areas in order to retain their individual identity."* (emphasis added)

Pegasus previously made representations on this point to the Reg 14 LBNP consultation on behalf of our clients who have a land interest at CFS1084. A site plan of our client's site is attached at Appendix 1. These representations are repeated below.

The Landscape and Visual Impact Report prepared by Pegasus (Dec 2019), attached at Appendix 2 clearly demonstrates at paragraphs 1.23 – 1.25 that bringing our clients' site forward for development will not have an impact on the existing visual break and separation between Malvern and Leigh Sinton.

Modification to the Significant Gap at Leigh Sinton was undertaken during the preparation of the SWDP to allow a housing allocation to come forward at the village (SWDP60d - Land at Kiln Lane). This resulted in an incursion into the Significant Gap on the southern edge of the village that extends almost as far south as the southern most part of our clients' site.

The development of our client's site would therefore not affect the policy intent of the Significant Gap. A significant buffer and visual separation between Leigh Sinton and the north of Malvern would be maintained, as well as clear separation between the two settlements, with development spreading no further south along Leigh Sinton Road towards Malvern than currently already exists.

The submitted Reg 16 LBNP Consultation Report responds to the points made above to the Reg 14 consultation by stating that the SWDP Review does not intend to amend the significant gap between Malvern and Leigh Sinton, however the Strategic Gaps Topic Paper prepared to support the SWDP Review, the Review of Strategic Gaps Report (Nov 2019), attached at Appendix 3, states at p.5 with regard to Leigh Sinton in response to the question;

*" Could the SG be reduced in extent whilst retaining its purpose?"*

*"Limited reduction only (on the southern edge of Leigh Sinton)"*

The Topic Paper therefore concedes that the SG could be reduced on the southern edge of Leigh Sinton.

Given the SWDP Review Topic Paper evidence and the Pegasus LVIA evidence our client requests that the Significant Gap as shown on Map 3 should be amended to exclude site CFS1084.

Given the SWDP Review Topic Paper evidence and the Pegasus LVIA evidence our client requests that the Significant Gap as shown on Map 3 should be amended to exclude site CFS1084.

Failing that, a criteria-based policy should be developed so that development can come forward within the Significant Gap where it can be demonstrated that openness and separation would not be affected by the development such that it does not conflict with the adopted policy of the SWDP

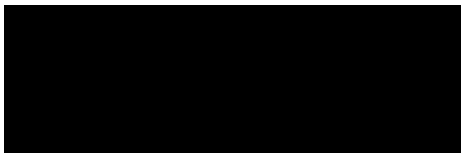
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**Signature**



**Date** 19th May 2022

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Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

LB/H/6 – Housing Site Allocation

Please use the space below to make comments on this part of the Neighbourhood Plan.

Pegasus made representation on behalf of our clients with regard to the proposed allocation of site CFS0009 to the Reg 14 LBNP (Policy LB/H/5) stating that there were fundamental flaws in the approach to the allocation of the site in the emerging Neighbourhood Plan.

Policy LB/H/6 allocates site CFS0009, Land off the A4103, Leigh Sinton for 3.3Ha for residential use for approximately 52 dwellings and approximately 5.5Ha potentially for sports and recreation use.

The site selection has been based on the South Worcestershire Councils (SWC) preferred site in the draft SWDP (Reg 18 consultation), there is yet to be a Regulation 19 consultation on the SWDP Review and the evidence supporting the draft allocation is yet to be subject to public scrutiny through an Examination in Public

First, reliance on the SWDP site selection is unjustified for reasons set out below, and secondly, the additional Parish Council criteria appear only to have been assessed for site CFS0009 (Appendix J of the Reg 16 Site Selection Evidence Document), and not for any other reasonable alternatives.

The Strategic Housing and Employment Land Availability Assessment (SHELAA) (Dec 2019) prepared to support the SWDP Review lists our clients' site as CFS1084 (Land adjoining Malvern Road), however no entries are provided in the SHELAA table against our clients' site. This Table is reproduced at Appendix A in the Reg 16 Site Selection Evidence Paper. The omission of entries in the Table relating to site CFS1084 results in a lack of transparency in the selection of the allocated site within the current Regulation 16 consultation.

It is considered therefore that our client's site, which is well located within the existing form of the village, has been prejudiced with regard to its potential allocation owing to not being thoroughly considered through the SHLEAA process.

However, the Sustainability Appraisal (Lepus Consulting - Sept 2019) produced alongside preferred options draft SWDP does consider site CFS1084.

Our clients made the following representations with regard to the consideration of site CFS1084 in the Sustainability Appraisal as part of the SWDP Regulation 18 Consultation in December 2019. Those comments were supported by additional evidence commissioned by our clients, including;

- Pegasus Landscape and Visual Appraisal (LVIA) (Appendix 2)
- Calibro Surface Water Flood Risk Assessment Technical Note (Appendix 4)
- Pegasus Heritage Note (Appendix 5)

#### SA Objective 2 – Climate Change Adaptation

The SWDP SA scores site CFS1084 as 'minor positive' with regard to fluvial flooding as the site is situated within Flood zone 1, however it scores the site 'major negative' with regard to pluvial flood risk. Overall the site scores a major negative.

The Calibro Surface Water Flood Risk Assessment (Dec 2019) (FRA) (Appendix 4) submitted to the SWDP Reg 18 consultation and the LBNP Reg 14 consultation challenges the findings of the SA with regard to flood risk as the EA modelling on which it is based does not adequately plot or account for the existing on-site drainage feature, namely a large drainage ditch which runs across the centre of the site.

The evidence presented by Pegasus provides analysis which draws on topographical survey, site observations, anecdotal information and hydrological and hydraulic analysis. Appendix 4 demonstrates that development at the site can provide adequate surface water mitigation such that residents would not be subject to surface water flood risk and, importantly, off site surface water flood risk can also be mitigated such that surface water flooding that currently occurs along Malvern Road can also be addressed by changing levels at the access to the site and installing drainage within the highway which would discharge to the on-site ditch.

To summarise development at the site could take place in accordance with planning policy which would not place end users at high risk of pluvial flooding, or increase flooding elsewhere, it could provide mitigation and improve the surface water flood risk which currently affects local residents. Development of the site provides the opportunity to significantly reduce flood risk on the junctions of Leigh Sinton Road/Chapel Close.

The selected site allocation CFS0009 scores minor negative in the SDP Reg 18 SA, yet the 'Additional Evidence and Justification' for Policy LB/H/6 at Appendix J of the LBNP states with regard to local drainage;

*"Parts of the site remain waterlogged after heavy rain. In times of sustained rain, or intense rain, the adjacent section of the A4103 has been flooded to the extent it was only passable with care. Possible access issues if not resolved."*

It is clear that despite scoring minor negative there are surface water issues affecting the draft allocation. No flood risk or drainage information has been published by the LBNP as part of the Reg 16 consultation to support the allocation of CFS0009 to demonstrate that these surface water matters can be resolved, this would seem all the more pressing given the fact that the surface water affects access to the site and the adjacent highway which is the main route through the village.

The LBNP is being prepared using evidence published to support the SWDP Reg 18 consultation, including the Reg 18 Sustainability Appraisal which was not prepared using site specific flood risk information such as that submitted by Pegasus at Appendix 4.

Pegasus consider that the flood risk evidence used as the basis for site selection for the LBNP lacks rigour with no site specific flood risk analysis commissioned by the LBNP of comparator sites in the village of Leigh Sinton, nor any comparison of comparator sites of the benefits that could accrue to existing and future residents with regard to attenuation to existing surface water flooding by bringing comparator sites forward. This point is especially important given the local flooding of roads is highlighted as an issue in the LBNP.

#### SA Objective 4 – Landscape and Townscape

The SWDP SA states that development of CFS1084, *'could potentially be discordant with the guidelines and characteristics of 'Principal Timbered Farmlands' LCT .....and therefore, a minor negative impact on the local landscape character.'*

The Pegasus Landscape and Visual Appraisal (LVIA) attached at Appendix 2 challenges the findings of the SA stating at paragraph 1.32 that; *"The site provides an opportunity for development which fits within the existing small-scale village setting. Development of the larger CFS0009 allocation would provide a large-scale development which would be at odds with the more organic evolution of the village settlement."*

The SA also states that several Public Rights of Ways (PROWS) are located in close proximity to the Leigh Sinton cluster and that development at CFS1084 *'could potentially alter the views experienced by users of these footpaths'*. Appendix 2 confirms at paragraph 1.34 that CFS1084 has no PROW in close proximity and that the short extent of the site is limited and benefits from mature hedgerow planting along its western boundary with the settlement edge.

The LVIA states at paragraph 1.41 that; *"The site benefits from good physical and visual containment to the north and west due to the existing residential area at Leigh Sinton. Leigh Sinton Road and Lower Howsell Road provide strong physical boundaries to the west and south respectively. The boundary hedgerows along the edges of Leigh Sinton Road and Lower Howsell Road would benefit from enhancement to bolster screening of built form when viewed from the settlement edge Leigh Sinton."* Moreover, *"strong landscape framework wrapping around the south, western and eastern sides of the site to provide substantial physical and visual containment in the medium and longer term. Enhanced boundary planting and landscaping would have the effect of rounding off the Leigh Sinton development to the west."*

The report concludes

*“Overall, in landscape and visual terms, the site is considered suitable for residential development”.*

The Pegasus LVIA (Appendix 2) compares the development potential of site CFS1084 with the allocated site CFS0009 which would provide for 52 dwellings to the northeast of the village. Appendix 2 states of the allocation;

*“Development of the larger CFS0009 allocation would provide a large-scale development which would be at odds with the more organic evolution of the village settlement.”*

*“The two fields comprising site CFS0009 are large and flat, its boundary hedgerow low and very open along its roadside boundary and with clear views across CFS0009 (Context View 12). Views are also available within CFS0009 from PRoW footpath 582.”*

*“Development of CFS0009 would be viewed from the A4103 as a vast extension of Leigh Sinton experienced upon arrival and when departing the village.”*

Crucially, and notwithstanding the broad-brush findings of the SA, Appendix 2 describes at paragraphs 1.30 and 1.31 the landscape evidence base that sits behind the development of the SWDPR, the ‘Malvern Hills AONB Study’ (May 2019), and the fact that site CFS1084 falls within LCP M13 and is assessed as having medium visual sensitivity and capacity for 1ha-5ha of housing, the site being 1.62ha.

In contrast, site CFS0009 is situated within area M11. For 5ha-10ha the ‘Malvern Hills AONB Study’ (May 2019) study assessed this area as being high/medium sensitivity with no capacity for housing.

*“The study concludes that there are opportunities for development at “Leigh Sinton- ... the southern part of M11 (up to 5Ha) and the western part of M13 (1Ha).” The site falls at the western edge of the parcel and is therefore conducive with the findings of the report. Proposed draft allocation CFS0009 is larger than the recommended growth capacity and would be much more visible from the AONB (as illustrated at Photo View A within the report) and would be viewed as sprawl beyond the village limits. In contrast the site (CFS1084) would be viewed against the backdrop of Leigh Sinton.” (LVIA para. 1.31)*

#### SA Objective 5 – Pollution and Waste

It is considered that there would be negligible impact from the development of up to 30 dwellings at the site in terms of air pollution.

#### SA Objective 6 – Natural Resources

The site has been used for grazing for many years and is not used for arable or crop production purposes.

#### SA Objective 9 – Cultural Heritage

The SA scores CFS1084 as minor negative owing to impact on the setting of Listed Buildings. The Pegasus Heritage Note attached at Appendix 5 thoroughly assesses both the location of listed buildings in close proximity to our clients’ site and the potential for development at the site to impact on their setting.

Further to in depth analysis following a site visit, the conclusions of the summary note states:

*“47. In summary, the Site is considered to make a negligible contribution to the heritage significance of the Grade II Listed Meadow View, Ahisma Malvern House Cottage and the Grade II Listed Sinton House Farmhouse through setting.*

*48. The Site is considered to make no contribution to the heritage significance of the Grade II Listed Oast House through setting.*

*49. Overall, there are no overriding heritage constraints to the deliverability of the Site.”*

It is therefore considered that Site CFS1084 should not score ‘minor negative’ in the SWDP Reg 18 SA with regard to cultural heritage but should score ‘0’.

In comparison the selected site for allocation, CFS0009 also scores a minor negative in the SWDP Reg 18 SA and yet it is situated opposite four Grade II listed buildings;

*" Site CFS0009 is located approximately 20m from the Grade II Listed Buildings 'Iris Cottage Jasmine Cottage Peony Cottage' and 'Ahimsa Malvern House Cottage', and approximately 50m from 'The Oast House' and 'Sinton House Farmhouse'."*

The SWDP SHELAA (2019) queries;

*"Would development of the site have a detrimental impact on Listed Building (s)?"*

The entry provided for CFS0009 states;

*"YES - Site is opposite 4 grade II LBs, part of open agricultural setting. Moat nearby - potential for archaeology."*

It is therefore considered that the development of CFS0009 will have an impact on the setting of the listed buildings located within close proximity of the site and particularly those listed buildings which are situated immediately opposite the site and for which CFS0009 comprises part of their open agricultural setting.

Moreover entry 28. at Appendix J of the LBNP asks;

*" 28. Would development of the site, including the creation of an access, materially affect the character of the settlement?"*

The following response is provided;

*" POSSIBLE - development would naturally extend the built area of the settlement; Site is opposite 4 grade II LBs, part of open agricultural setting. Moat nearby - potential for archaeology."*

#### SA Objective 10 -Transport and Connectivity

The SA states that site CFS1084 currently has poor access to the surrounding footpath network, however development of the site would result in the provision of highway pavement connectivity linking in to exiting pavements in the village. This is especially critical as it would allow children from the site to walk to the primary school without having to cross the heavily trafficked A4103 as is the case with allocated site CFS0009.

#### SA Objective 11 – Education

The SA states that CFS1084 would score a minor positive with regard to proximity to the primary school but minor negative with regard to proximity to a secondary school. This should not result in a minor negative score but a '0' score as the minor positive balances the minor negative with regard to this matter.

#### SA Objective 12 – Economy

The SA states with regard to Leigh Sinton;

*"B.14.12.1 Primary Employment Location: There are a number of key employment locations within the target distance of the Leigh Sinton cluster, including Guinness Park Farm located approximately 1.5km from the cluster. The proposed development at all seven sites would therefore be expected to locate site end users in areas with good access to employment opportunities and have a minor positive impact on the local economy."*

### Conclusions

- The SWDPR 'Malvern Hills AONB Study' (May 2019) identifies Site CFS1084 as being of an appropriate size and within an appropriate location for development at Leigh Sinton. (see Appendix 2).
- The allocated site (CFS009) at Leigh Sinton is not located in an appropriate location for development in accordance with the 'Malvern Hills AONB Study' (May 2019) (see Appendix 2).
- Development of the Site CFS1084 would be read against the existing built form of the village (see Appendix 2).
- Development of Site CFS1084 can bring forward mitigation to existing surface water flood issues and the site can be developed without putting residents at risk of surface water flooding, either on or off the site (see Appendix 4)
- The EA mapping used by the SA is high level and not based on a topographical survey of Site CFS1084 (see Appendix 4)
- The EA mapping used by the SA does not accurately plot the location or depth of the existing ditch at Site CFS1084 (see Appendix 4)
- Development of Site CFS1084 will not have an adverse impact on the setting of nearby heritage assets (see Appendix 5)
- Development of site CFS0009 will have an impact on the setting of Grade II listed buildings.

It is further considered that the evidence submitted with these representations provides sufficient justification for the allocation of our clients' site, CFS1084 to meet the identified housing need in the Neighbourhood Plan Area.

The 'Local Criteria' section of the Reg 16 Site Selection Evidence paper also states that the following for our client's site;

- Site is in the Significant Gap (see representation made to Policy LB/H/5)
- Malvern Road floods near to site, sometimes hazardous, occasionally making road impassable. Possible access issues if not resolved.
- Boundary hedges
- Minimum/ no space for recreation.

The Calibro Surface Water Flood Risk Assessment Technical Note clearly states that delivery of our client's site could assist in addressing the surface water flooding issues in the vicinity of the site to the benefit of both future and existing residents in Leigh Sinton. Despite submitting this evidence to the SWDP Review Reg 18 consultation and the LBNP Reg 14 consultation there has been no post Reg 14 engagement by those preparing the LBNP with either Pegasus or our client to consider the potential the development of our client's site has in resolving a local flooding matter further.

At no point has Pegasus or our client been approached by the LBNP to consider and explore further how site CFS1084 could come forward for the benefit of the local community to meet local housing needs or play/local recreation space for the village despite the full representations made at Reg 14 by our client and the online meeting held with those preparing the LBNP prior to the publication of the Reg 14 LBNP.

The LBNP relies on evidence prepared to support the Reg 18 SWDP Review public consultation. The SWDP Review has not yet reached a Reg 19 public consultation and is as yet untested by Examination in Public, its evidence base has therefore not been subject to public scrutiny and yet the LBNP rely on the Reg 18 evidence base to allocate site CFS0009 for 52 dwellings and 5.5ha for sport.

Pegasus consider that the LBNP fails to apply rigour in its analysis and exploration of the potential opportunities presented by other competitor sites for residential development in Leigh Sinton village, including our client's site CFS1084.

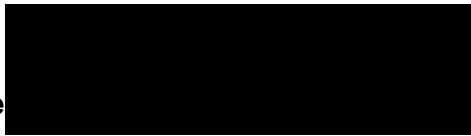
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Yes  No

**Signature**



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