



21st November 2023

Chris Collison
Independent Examiner
Planning and Management Ltd

By e-mail

Dear Mr Collison,

**Welland Neighbourhood Planning Working Group (NPWG) and Malvern Hills District Council Response to:
Welland Neighbourhood Development Plan Independent Examination – Examiner letter seeking clarification of further matters - 12 November 2023**

The NPWG is providing the responses to the clarification questions on behalf of Little Malvern and Welland Parish Council, the Qualifying Body. The content of these responses has been agreed with Malvern Hills District Council who are co-signatories to this letter, who will transmit the letter to you and who will post the responses on the District Council website alongside the Examiner's Letter.

Policy H2

In response to:

"Please confirm Part F of Policy H2 is intended to apply in respect of all proposals for new residential development including on the proposed allocation for residential development made in Policy H4".

We can confirm that Part F of Policy H2 is intended to apply in respect of all proposals for new residential development including on the proposed allocation for residential development made in Policy H4.

In order to make the intention of Part F clearer we would suggest a minor amendment to the wording of the first sentence as follows (additional/amended text shown in red):

F. **For all new residential development**, where proposals are made on viability grounds for a lower provision and/or different mix of affordable housing **from Parts A-E above**, a viability assessment must be submitted to demonstrate that cross-subsidisation is necessary. Such financial viability assessments must conform to an agreed methodology and, where necessary, the LPA will arrange for them to be independently appraised at the expense of the applicant. Where proposals for a different mix to the above are being made on the basis of meeting an evidenced local need for a different mix and/or tenure they will need to be justified through the applicant's own affordable housing needs assessment and/or local housing needs survey.

Policy H4 (i) refers to allocation for 13 affordable housing complying with policy H2 'Affordable Housing Provision'. This would therefore include consideration of Part F of Policy H2.

As such, we believe policy H2 and policy H4 have regard to national policy and guidance and are in general conformity with the strategic policies contained in the adopted development plan for the area. In addition, policy H2 has also taken into consideration the evidence and reasoning informing the SWDP Review process relevant to the consideration of the basic

conditions particularly in relation to national policy and sustainable development within an AONB. This is in line with NPPG paragraph: 009 Reference ID: 41-009-20190509. Part B was included in policy H2 to reflect that evidence and reasoning but still subject to viability considerations.

Policy H4

In response to:

“Please direct me to any existing evidence that demonstrates the residential development allocation in Policy H4 is deliverable and viable. “

The Neighbourhood Plan Working Group (NPWG) has relied upon the affirmation by the landowner’s promoter that the allocation is deliverable. Landowner communications are set out on Page 4 of the submitted Housing Site Assessment & Selection Report – Refreshed March 2023. Copies of the correspondence are appended on Pages 17-24 of that report including a letter dated 05 January 2023 that acknowledges that the allocation is to be 100% affordable and reconfirms its availability and deliverability.

In the Late Representations #18 and #19, the promoter first casts doubt on the viability of the site but then retracts that uncertainty with a stated commitment to deliver the affordable housing in the allocation while requesting that the site be re-instated as the allocation in the Plan.

Relevant pages abstracted from submitted and published documents are appended here.

In a wider context there is evidence of the viability and deliverability of 100% affordable developments in the Malvern Hills and Wychavon Districts and of landowners and developers continuing to promote 100% affordable housing developments through the planning application process. The information below provides evidence to support this.

The following 100% affordable housing developments were being developed within the districts as at 31 March 2022 (source: [South Worcestershire Councils Five Year Housing Land Supply Report December 2022](#)):

- [20/00585/FUL](#): Erection of 34 affordable homes – granted 24/06/2021.
- [20/00518/FUL](#): Demolition of dwelling (Walworth) and erection of 24 affordable dwellings and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works – granted 15/06/2021.
- [19/01298/FUL](#): Proposed development of 33 affordable dwellings - granted 28/04/2021.
- [19/02713/FUL](#): Demolition of existing building and erection of 27 affordable dwellings – granted 10/09/2020.

The 2023 annual housing completions survey has been undertaken but the results are not yet published. However, it is understood there is further completions and units under construction since April 2023.

In addition, the following provides some recent examples of planning permissions for 100% affordable housing development within the districts (source: Malvern Hills and Wychavon District’s planning registers).

- [20/00143/FUL](#): Proposed erection of 12 no affordable dwellings with associated site access and infrastructure - allowed on appeal 22/02/2022.
- [21/01414/FUL](#): Proposed demolition and site clearance of vacant factory and associated smaller buildings to the rear (as approved under extant Planning Approval Ref:

18/02519/CA) and proposed erection of 6 No residential apartments with associated site access and infrastructure – granted 14/02/2022.

- [21/01103/FUL](#): Demolition of existing 16 garages and erection of 4 x 1 bedroom apartments for social rent – granted 24/12/2021.
- [20/00776/OUT](#): Outline planning application for residential development of up to 24 no. entry-level affordable dwellings with associated access roads and car parking, public open space, landscaping, drainage and other associated infrastructure, following demolition of no.1 Bretforton Road – granted 26/04/2021.

The following provides a summary of recent applications for 100% affordable housing development in Malvern Hills district which are either pending a decision or have been refused. Despite the refusal of two of the applications, the submission of applications for 100% affordable housing demonstrate that developers and/or landowners consider this type of development deliverable and viable.

- [M/22/00471/FUL](#): Construction of 14 affordable dwellings comprising 4 x 1 bed 4 x 2 bed and 6 x 3 bed houses with associated access, parking and landscaping - decision pending.
- [M/22/01073/FUL](#): Construction of 25 dwellings (100% affordable). This includes a mix of one, two, three, and four bedroom properties and the construction of a new internal road, parking, SUDs infrastructure, and Green Infrastructure (including public open space) – refused 15/11/2023.
- [M/22/01897/FUL](#): Demolition of all existing buildings and erection of 28 dwellings (Use Class C3) for 100% affordable housing including access, parking, landscaping, new open space, retention of all TPO trees and all associated works – refused 15/09/2023.

100% affordable housing allocation in Malvern Hills District Council

In addition to the above applications, plan-making within the District has also involved the allocation of a 100% affordable housing allocation. The [Hanley Castle Neighbourhood Plan](#) (made 22 January 2019) includes such an allocation. The Hanley Castle Neighbourhood Area adjoins the Welland Neighbourhood Area. Policy MnGr 7 – Site Allocations and Map 6 – Site Allocations includes ‘Site C – Between Hillview Close and St Gabriel’s Church – approximately 9 units’. Paragraphs 14-16 provide further information on the allocation:

Site C - Land between Hillview Close and St. Gabriel’s Church (Part MHHS01) - approximately 9 Properties

14 The site is known by MHDC as ‘MHHS01, (Land adjacent to St. Gabriel’s Church.) It is sited between the St. Gabriel’s Church Car Park and Hillview Close. The area of the site is 0.32 hectares (0.84 acres approx.). The site is between the existing village settlement and the church. There are a further two dwellings and the Highball Centre (used by Birmingham Youth and Social Services) to the west of the church. It is almost level ground with no internal restrictions such as pylons or other obstructions. The boundary is part hedgerow, part stone wall, and part unfenced. There are no watercourses, ponds or other features of biodiversity value. There are no existing buildings on the site. This site is outside of but adjacent to the current development boundary of Hanley Swan which is revised by this Plan.

15 To the immediate west are the church car park and then the church; to the east a recently built development of four houses; to the south open fields and to the north

(across the road) a narrow stretch of woodland. Layout, design and visual presence will need to be sympathetic to the adjacent church.

16 This site is not included in the SWDP as it is indicated on the SHLAA list as 'availability unknown', however contact has been made with the owner's agent. The site's size, at a density of 30 dwellings to the hectare would allow a development of about 9 properties of mixed property sizes and types. The community's preference is for the site to be developed for affordable housing and therefore the site is allocated for affordable housing.

We trust that the information set out here provides sufficient clarification in response to your letter at this time, but we remain available to provide further detail as required.

Yours sincerely



Mick Davies

Chair, Little Malvern and Welland Parish Council
Chair, Neighbourhood Planning Working Group

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Appendices

Welland Neighbourhood Plan Housing Site Assessment and Selection Update Report
(March 2023) Page 4

Welland Neighbourhood Plan Housing Site Assessment and Selection Update Report
(March 2023) Pages 17-24

Copies to
The NPWG + Clerk to Little Malvern and Welland Parish Council

HOUSING SITE ASSESSMENT AND SELECTION

Refreshed March 2023

A review of the November 2022 report on the process of assessment and selection of sites for housing development to be presented as evidence supporting the allocation of a site or sites in the Housing Policies of the Welland Neighbourhood Plan.

Welland Neighbourhood Plan Group

March 2023

December 2022 Contextual Developments

Indicative Housing Requirement

In November 2022, a detailed site assessment and selection process was concluded by the Welland Neighbourhood Plan Group (the Group) based upon an indicative housing requirement (IHR), supplied by Malvern Hills District Council, of 14 dwellings for the plan period. The Group concluded that the evidenced local housing need could be met in full with an allocation of a single site for 14 dwellings; this would also have met the IHR of 14 dwellings provided at the time.

Annex E of the Regulation 19 SWDPR published in November 2022 contained an IHR for Welland of 25 dwellings for the period 2021-2041. This number, which may be subject to further change, is derived from a calculation of an apportioned share of the housing need that is being allocated to Category 1 villages across the South Worcestershire Council's area within the emerging SWDP Review (SWDPR).

The Group undertook to review the November 2022 report in the light of that change in the IHR.

Landowner Communications

Prior to concluding the Reg. 15 draft plan in November 2022 the Group sought to verify the suitability, availability and achievability of the site it was proposing to allocate for housing. The availability of the site had been confirmed by the promoter in March 2022 in writing with a plan showing the area available to be included in the NP (see Appendix 20 Landowners Enquiries) and the availability of the subsection of CFS0323A was further confirmed verbally in a meeting in July 2022. In November 2022 the draft housing policies and the Welland Design Guide and Code were provided to the promoter of the CFS0323A Land North of Cornfield Close site for comment.

The promoter responded with advice that the available land was reduced from that confirmed in July 2022 and provided comment and a plan to confirm the constraints on the site. The concluding correspondence is attached at Appendix R1.

Meanwhile, the owner of CFS 1085 The Lovells, Gloucester Road, Welland WR13 6NF Area 6A only – the western portion, was pursuing a planning application for a single dwelling on that land (M/22/01219/FUL still pending a decision). In a conversation with the landowner on 6th December he confirmed that the site was still available for development but, in his view, the scheme for 14 dwellings submitted to the Group in early 2022 was inappropriate and not deliverable.

The Group undertook to review the November 2022 report in the light of the new information provided by landowners.

District Council Informal Consultation


Consequent on the change in the Welland NA IHR published in the SWDPR Reg. 19 plan, the Group consulted with Malvern Hills District Council Planning Policy Officer for neighbourhood plan support on the implications for the emerging Welland Neighbourhood Plan.

In the course of those conversations the officer reminded the Group of the merits of the Neighbourhood Plan proposing site allocations to meet the IHR as set out in NPPF paragraph 14 and also advised that NPPG stated that "In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the 'policies and allocations' in the plan should meet the identified housing requirement in full, For example, a neighbourhood housing requirement of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient."

The Group undertook to review the November 2022 report and its Housing and Allocation Policies report in the context of these developments and LPA advice.

November 2022 HOUSING SITE ASSESSMENT AND SELECTION Report and Appendices

Report and Appendices appended with original page numbers.



Debbie Brookes
DB Land & Planning Consultancy Limited



21st December 2023

Dear Debbie,

Without prejudice

Draft Welland Neighbourhood Plan
Housing Site Assessment - CFS 0323: Land North of Cornfield Close

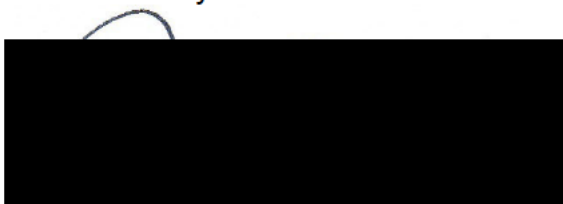
We are approaching submission of the Reg.15 draft Neighbourhood Plan and need to establish some certainty over the availability of potential housing sites that were submitted to the South Worcestershire Development Plan Review Call for Sites exercises.

Your recent correspondence dated 12 December 2022 would appear to indicate that not all the land at CFS 0323 as originally submitted, less the land containing the recent development at Barleycorn Fields, is available as a potential site. As such we are writing to you as promoter of the site seeking confirmation of the current situation with regards to the landowner's intentions and to any known site constraints. Therefore, please would you provide a plan, at a recognised scale, which shows the land that is available for potential development edged in red.

We would appreciate your response within 14 days from the date of this communication. If we do not hear from you within this time period, we will assume that all of the land previously submitted (less the land at Barleycorn Fields) remains available.

We look forward to hearing from you.

Your sincerely



Mick Davies

Chair – Welland Neighbourhood Plan Neighbourhood Plan Group

[REDACTED]

From: Debbie Brookes [REDACTED]
Sent: 05 January 2023 21:35
To: [REDACTED]
Subject: Welland
Attachments: For NDP Team.pdf

Mick,

First and foremost Happy New Year.

Please see attached the red line plan requested. To be helpful the areas have been marked on the plan.

The land assumed by the Architects appointed did not equate to 1.2ha due to the fact that Phase I and II had acquired or had rights to maintenance over part of the land assumed. You will note that Phase I Management Association own part of the road up to the red line into what could be Phase III, they also own land along the gable end of no 24 Cornfield Close.

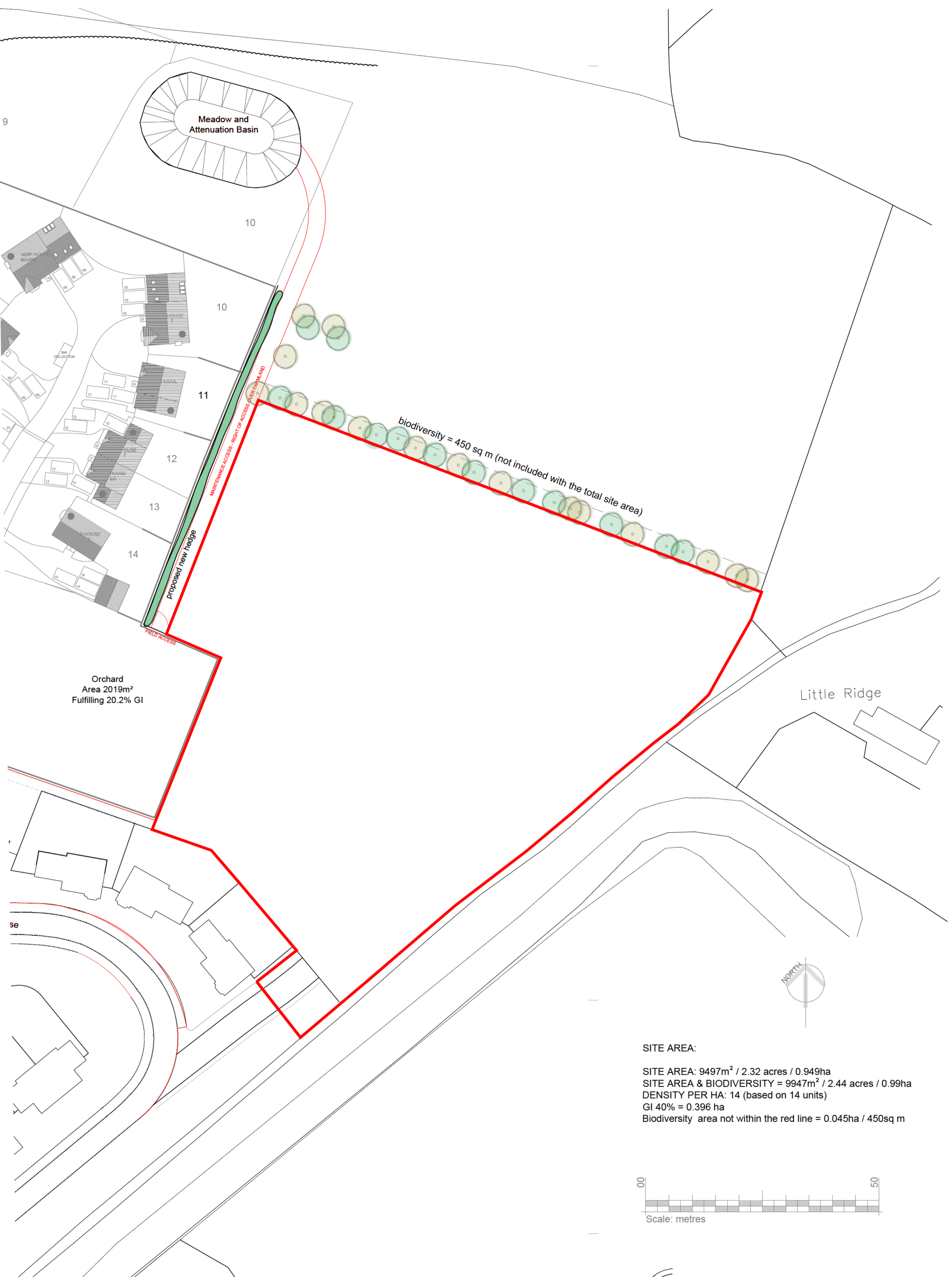
Phase II Management Association have a right of access to maintain the SUDS pond as shown to the West of the site, these areas cannot be developed as either not in my clients ownership or access rights have been granted as part of a planning permission.

I have tried to take on board the wishes of the NDP group in terms of biodiversity in particular and the GI area. I have included to the West of the site along the rear gardens and inside the access strip an area where a hedge can be planted, I have also included outside of the red line to the North a 4m strip which will be planted with trees and native hedging again supporting the biodiversity ethos.

The land is just under 1ha and the SWDP I believe then apportions a GI of 20% to a site of this size. In line with enhancements, it is suggested that that percentage be increased, the biodiversity is clearly enhanced and the site is an all affordable site so should satisfy development in the ANOB perhaps. I hope that I have understood the wishes of the NDP team and that the plan attached satisfies those.

Kind Regards

Debbie



Orchard
Area 2019m²
Fulfilling 20.2% GI

biodiversity = 450 sq m (not included with the total site area)

proposed new hedge

MAINTENANCE ACCESS - RIGHT OF ACCESS PER PAVILION LAND

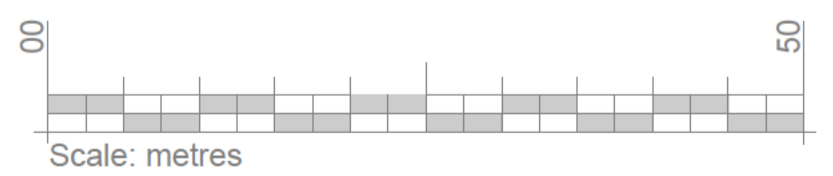
FIELD ACCESS

Little Ridge



SITE AREA:

SITE AREA: 9497m² / 2.32 acres / 0.949ha
 SITE AREA & BIODIVERSITY = 9947m² / 2.44 acres / 0.99ha
 DENSITY PER HA: 14 (based on 14 units)
 GI 40% = 0.396 ha
 Biodiversity area not within the red line = 0.045ha / 450sq m



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|---|----------|------|----|------|--|--------------------------|-------------------|--|---------------------|--|
| Notes - Copyright in this drawing remains the property of BM3 Architecture Limited. - Do not scale this drawing. Work to figured dimensions only. - Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies. | Revision | Date | By | Chkd | Project Phase 3 Land North of Cornfield Close Welland | Drawing Location Plan | | Client db Land & Planning Consultancy | | |
| | | | | | | Scale 1:500@A2 | Dated 21-12-22 | Job No. 71576 | Drawing No. D100 | |

[Redacted]

From: [Redacted]
Sent: 11 January 2023 10:59
To: [Redacted]
Subject: Land north of Cornfield Close

Dear Debbie,

Thank you for your email of 5th January and the attached drawing.

We have two questions to assist in confirming the deliverability of the site and a further question to confirm the reduction of the developable area from that which was included in the original response to the SWDPR SHELAA call for sites and identified as CFS 0323.

Concerning the deliverability of the site, we note that the land between your indicative 'red line' and the highway at Cornfield Close in the area marked 'A' on the sketch below is in the ownership of a third party.



Can you please confirm that the landowner of the site within the red line has:

An unconstrained right of vehicular access from Marlbank Road via Cornfield Close and across the area 'A' to the red line site, for the purpose of construction of a residential development and for the purpose of continuing access for future residents of that development.

An unconstrained right to construct and maintain a roadway and footway to highway standards across area 'A', connecting Cornfield Close to the red line site.

Can you also confirm that the land available for development is now only that area identified by your red line and that the land to the north which extends as far as the Marlbank Brook and was also a part of CFS 0323 is not now available for development?

Your early response, as always, would be appreciated.

Yours sincerely

Mick Davies

Chair – Welland Neighbourhood Plan Group

Mick Davies



[Redacted]

From: Debbie Brookes [Redacted]
Sent: 11 January 2023 18:04
To: [Redacted]
Subject: RE: Land north of Cornfield Close

Hi Mick,

Thank you for your response.

Firstly just to confirm, the road in Cornfield Close was constructed as a private road and while constructed to Highway Standards was not adopted, it was easier this way in terms of section agreements, I did not ask for it to be adopted. Phase I management Association collect a service charge which a portion of is for the road, I have ensured that Phase II contribute through their Management Charge to Cornfield Close and this will also form part of Phase III's management charge. These road payments are paid direct to Phase I management association via an invoice.

The question would be whether the road from this point ie A was constructed in the same manner as Cornfield Close ie private or adopted, this would be something that would have to be discussed with Highways at the time. Nevertheless I can confirm in any event, a private road (same as Cornfield Close), could be constructed in the same manner into and around Phase III ie a private road, so this is deliverable. I should also say that the Phase II road is also a private road.

Full access over Cornfield Close is agreed into Phase III from Marbank Road and this has been taken care of legally in the same way that it was into Phase II. Both I myself and The Berrington Trust both old access rights which would be transferred to phase III management association. The rights and approach to the construction of the road would follow that of Phase II connecting to the Phase I road.

I can confirm the land within my red line is the land available and deliverable. Outside of this red line, biodiversity enhancements will take place, this will be conditioned as part of the planning application to ensure that it takes place and will form the landscape plan and planning application documents.

Regards Debbie



Debbie Brookes
DB Land and Planning Consultancy Limited

