

Sileby Neighbourhood Plan
Review 2022-2037
Submission Version
Land off Cossington
Road, Sileby

Prepared by Fisher German LLP on behalf of
David Wilson Homes East Midlands



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Cossington Road, Sileby

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01 Introduction

1.1 These representations have been prepared on behalf of David Wilson Homes East Midlands in respect of their land interests at Land off Cossington Road, Sileby, as illustrated on Figure 1 below, which was approved for the residential Development of up to 170 dwellings through an allowed appeal (June 2022) (APP/X2410/W/21/3287864) following the Council's refusal of planning application P/21/0491/2 (September 2021). A reserved matters application is to be submitted in the short term.

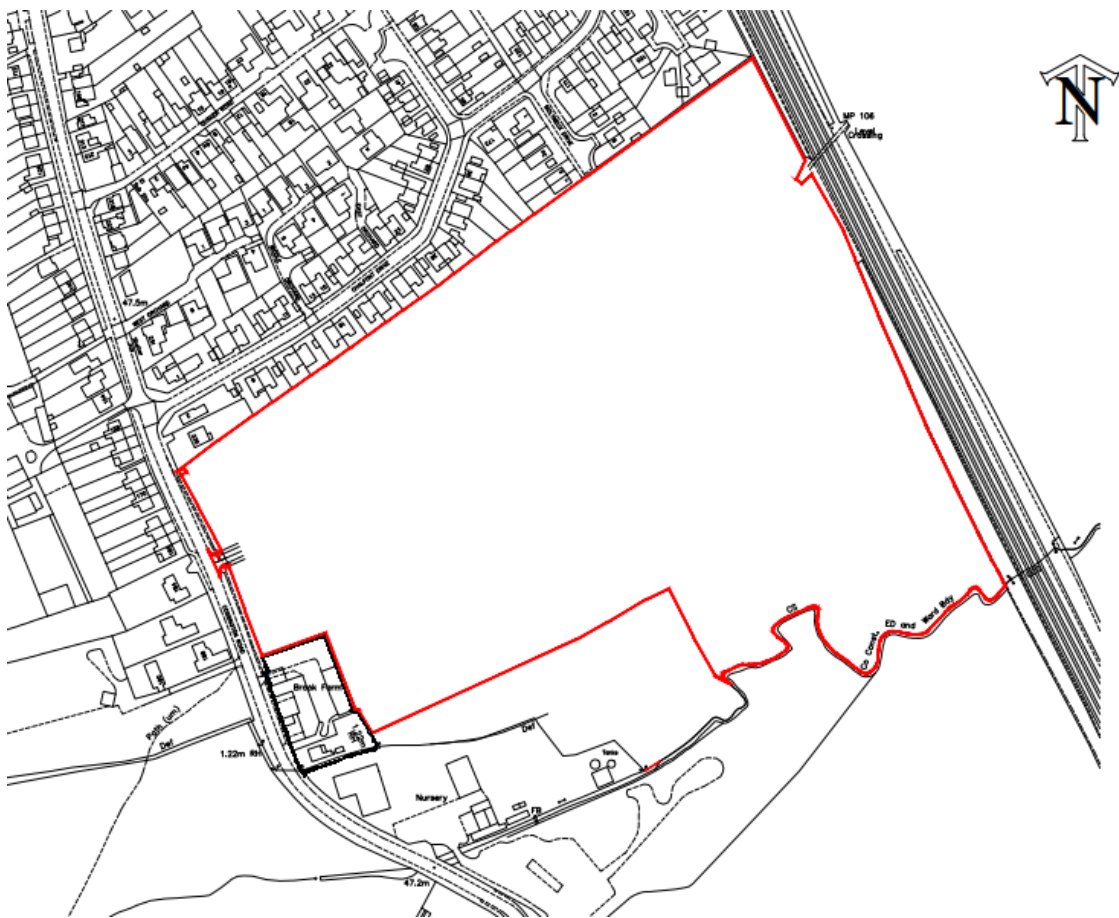


Figure 1: Site Location Plan

1.2 David Wilson Homes are a respected national housebuilder who deliver high quality new residential development and who have a strong track record of delivery in the local area. The Company is proud to have been awarded the Home Builders Federation (HBF) 5 Star Home Builder status for twelve consecutive years. This accolade demonstrates the quality of both our client's product and service; awarded only to housebuilders who receive a higher than 90% recommendation by their customers.

1.3 With regards to the requirements of Neighbourhood Plans, Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004 sets out that only a Neighbourhood Plan that meets each of a set of basic conditions can be put forward to referendum and be made. These basic conditions form the crux of any examination, as it will be for the Examiner to decide whether the Plan meets the basic conditions. The basic conditions are applicable to neighbourhood plans are:

- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- D. The making of the neighbourhood plan contributes to the achievement of sustainable development.
- E. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- F. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- G. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

1.4 For ease of reference these representations follow the order of the questions in the Regulation 16 Consultation Document. Where we have not commented we have no specific comments at this stage.

02 Representations

Policy G1: Limits to Development

- 2.1 David Wilson Homes wish to raise concern with the current drawing and proposed wording of Policy G1 as so far as it relates to David Wilson Homes interests east of Cossington Road, Sileby. As set out previously and as acknowledged by the Neighbourhood Plan, the land east of Cossington Road, Sileby now benefits from outline planning permission for 170 dwellings, approved via appeal. It is of relevance that the permission is conditional, subject to the compliance with or discharging off 19 conditions appended to the Inspector's decision. Of particular note is Condition 18, which sets out that the approved development must be carried out in general accordance with the following plans submitted in support of the application:
- SIL/LOC/01 - Location Plan
 - B024412-35-18-003 Rev A - Proposed Site Access Junction
 - GL1400-18 - Parameters Plan
- 2.2 The location plan shows the entire area of which the planning permission applies, the site access junction shows the physical works to the public highway to facilitate access and the parameters plan shows the extent of physical built form associated with the residential properties approved through the permission. Whilst the terminology broad applies some flexibility, significant deviance from the approved parameters plan would likely not be acceptable given the sensitivities of the site and requirement to maintain an area of open separation.

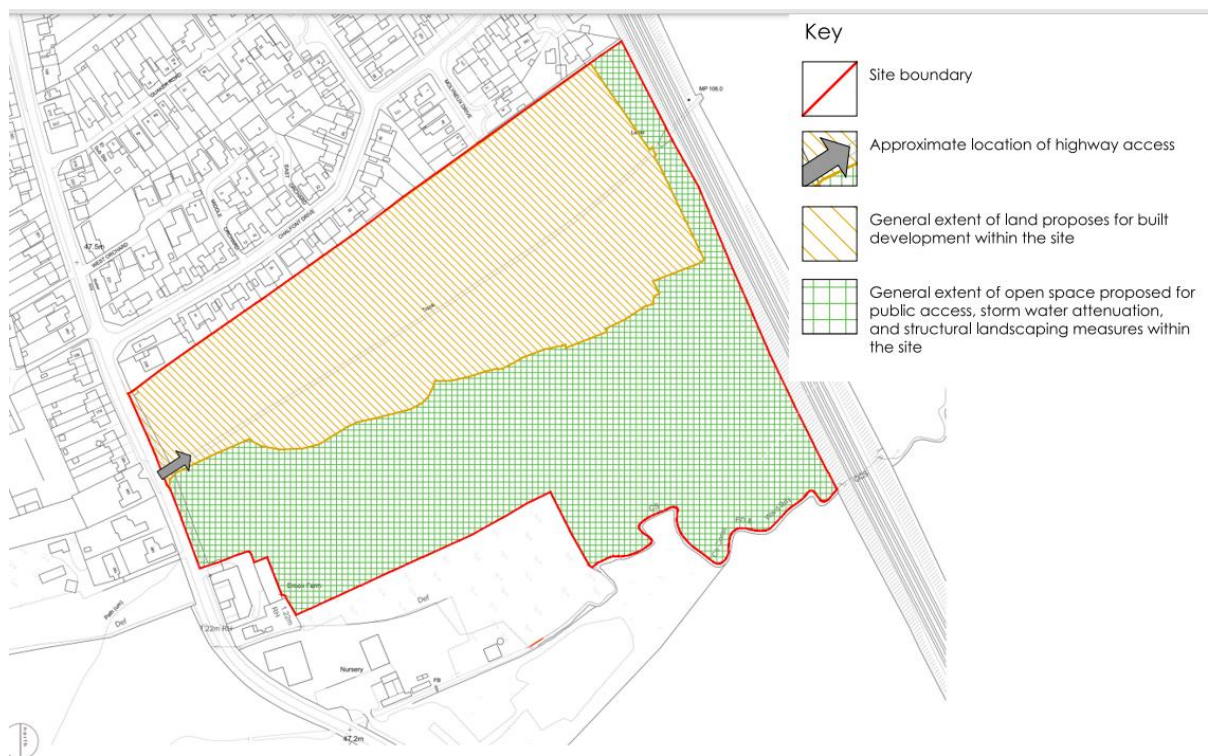


Figure 2: Parameters Plan (Cossington Road, Sileby Inquiry ID9)

- 2.3 The Neighbourhood Plan sets out its methodology in defining its Limits-to-Development at page 22. This includes 10 criteria which informed the drawing of the boundary. Criterion A sets out that “*development sites with an extant planning permission for residential or employment land development on the fringes of the settlement as at 1st March 2022 have been incorporated within the boundary of the Limits to Development*”. However, this approach was not adopted in respect of the Cossington Road site, as confirmed at Criterion J which states “*the site ‘Land East of Cossington Road, Sileby’ received a planning consent at Appeal on 13 June 2022 and the built-up area from the Masterplan has been included in the Limits to development*”. No justification has been provided which explains why a differing approach has been adopted in respect of the Cossington Road site, which would equally qualify under Criterion A with an amended date.
- 2.4 It is assumed that the Plan reflects the sensitivities associated with the southern part of the site relating to the need to keep an area of open space between Sileby and Cossington. However, such an approach is not necessary given that general compliance with the Parameters Plan, which is a condition of the application’s approval does, in essence, the same job.
- 2.5 The Locality Neighbourhood Planning guidance document ‘*After the Neighbourhood Plan is Made: Implementation, Monitoring and Review*’ sets out at page 30 that updating the Neighbourhood Plan should

involve an overall edit of the plan to “ensure it reflects current circumstances”. In this regard, we do not see the benefit of the dual approach adopted in respect of all the committed sites in Sileby, when compared to the specific approach adopted in respect of Cossington Road. It simply isn’t the appropriate tool to achieve the assumed goal. There are other mechanisms in play, or that could be used, which could more logically achieve the same outcome.

- 2.6 The issue with the Neighbourhood Plan’s proposed approach is that that parts of the development ancillary to the planning permission, particularly the SUDS for example, are not allowed for through the policy. This is clearly not appropriate wherein there is a legal permission which expressly allows for SUDS and other works which may be classed as “development” under the approved planning permission. For clarity, development is described in the Town and Country Planning Act 1990 (Section 55) as “*the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. For the purposes of this Act “ building operations ” includes*
- a) *demolition of building*
 - b) *rebuilding;*
 - c) *structural alterations of or additions to buildings; and*
 - d) *other operations normally undertaken by a person carrying on business as a builder.”*

- 2.7 As such, for clarity the Limits to Development should be extended to the site boundary to enable the full development of the planning permission, in accordance with the conditions of that permission. If not, the Plan must fully justify the duality of approach adopted and explain clearly why this approach is required. If the settlement boundary is not to be redrawn, additional clarity is required within the policy wording itself to ensure that uses ancillary to committed development can be delivered outside of the defined Limits to Development, albeit this would not resolve the issues of clarity for residents who would likely expect no development beyond the Limits to Development.

POLICY H1: RESIDENTIAL ALLOCATION

- 2.8 Notwithstanding previous comments in relation to the appropriateness of Sileby’s Neighbourhood Plan requirement, concern is raised as the Plan has not sought to allocate sites which benefit from planning permission. The Neighbourhood Plan Group will be aware through the determination of applications in Charnwood that the provision of reserve sites and policies is not sufficient to engage Paragraph 14 of the NPPF, leaving the Neighbourhood Plan vulnerable, particularly considering the recent history in Charnwood in respect of its five-year housing land supply. Your attention is drawn to the Officer’s report in respect of two applications including land off Melton Road. Burton On The Wolds (P/20/2322/2) and Cossington Road, Sileby (P/21/2532/2), both of which confirm that reserve allocations and policies are

not sufficient to engage the protections of Paragraph 14.

- 2.9 The Council's admission during the first week of the Charnwood Local Plan Hearing Sessions that it would increase its housing requirement to have due regard for the Statement of Common Ground relating to Housing and Employment Land Needs and meet a proportion of Leicester City's unmet needs as part of the emerging Local Plan has further increased the pressure on housing land supply in the District. In the context that there are numerous sites within the village that benefit from planning permission, the Group could secure its position under Paragraph 14 by simply seeking to positively allocate these sites as part of the Neighbourhood Plan - many will be allocated by the Local Plan anyway. Whilst this approach would not change the amount of development to be delivered in the short term, it would provide a higher level of protection in the future for the village.
- 2.10 In that regard the Neighbourhood Plan should seek to positively allocate the land east of Cossington Road, Sileby and include the land set out at Figure 1 as an allocation to ensure that there can be no doubt that the land is allocated and forms part of the Neighbourhood Plan's provision to meet its robustly established housing requirement. This provision will provide the Group with a significant buffer should the housing requirement directed to the settlement increase through the Local Plan Examination. Some increases should already be expected having regard for the recent admissions of Charnwood Borough Council in relation to Leicester City's unmet needs. We would be prepared to work with the Group to secure suitable site specific policy wording to ensure the site could be delivered effectively and with clear guidance as to what is or is not acceptable on the site, which to us seems to be more clear and provides greater protection to the Neighbourhood Plan, when compared to the approach adopted by the Neighbourhood Plan in respect of Policy G1.

POLICY H5: AFFORDABLE HOUSING

- 2.11 Whilst David Wilson Homes have no objection to the requirement for 30% affordable home delivery, which is the quantum required in adopted and emerging policy, and that achieved in respect of the permission at Cossington Road, concern is raised as to the proposed clustering of affordable units. The Neighbourhood Plan Review proposes to change the wording of the Neighbourhood Plan for individual units, to clusters of four dwellings. Whilst this is clearly an improvement on the previous policy which requires 'individual units' rather than clusters, and may be appropriate to secure suitable 'pepper potting' on smaller schemes, on larger strategic scale schemes it will result in issues securing a suitable Register Provider (RP). Whilst there is social utility in pepper potting, this needs to be weighed against the responsibilities of the RP who will manage the units. Generally, they prefer larger clusters to assist in the maintenance and management of units. If the Neighbourhood Plan policy across the Cossington Road

site, is delivered it will result in 12 clusters within the site. This is considered unreasonable and overly difficult for RPs. The social benefits of pepper potting can be achieved with larger clusters on proportionally larger sites. For sites over 100 units for example, the Policy should enable the delivery of larger clusters. It is noted that the Council's own Housing SPD recommends clusters of up to 10 dwellings (HSPD 8: Design and Layout of Affordable Housing). The group have not provided any localised evidence or suitability robust rationale for the deviation from this requirement. As such we consider that the policy is not sufficiently justified as proposed in generality and also in respect of the conflict with the Council's policies. As such we recommend the Policy be amended to better reflect Charnwood's position as follows:

POLICY H5: AFFORDABLE HOUSING

To meet identified needs within the community at least 30% of all new housing developments of 10 units or more will be affordable housing. In any new development at least two thirds of the affordable housing will be social or affordable housing for rent, and the remainder First Homes and shared ownership housing. The affordable housing stock should be made available as an integral part of the development, should be visually indistinguishable from the equivalent market housing on the site and should be provided as clusters of up to 10 dwellings dispersed throughout the development, subject to a registered provider being prepared to deliver the units if applicable. On sites over 100 dwellings affordable housing should be pepper potted in larger clusters commensurate to the site's size and in accordance with discussions with Registered Providers and the Council. The achievement of Lifetime Homes Standards for affordable housing will be supported.