

Planning Application Ref P/21/0491/2: Fisher German comments in respect of Sileby Parish Council response.

Please note our comments follow the order they appear in the Parish Council response.

3.1 – The Parish Council are correct in that the Sileby Neighbourhood Plan was made in January 2020, but it became part of the Development Plan in November 2019, following the referendum (as confirmed by section 38(6) of the Planning and Compulsory Purchase Act 2004). Whilst we do not agree Paragraph 14 is applicable for reasons set out in the planning statement, these protections only last until November, 2020.

3.3 - It is accepted that the site is outside of defined limits to development. The limits to development are however out of date in the Local Plan as they relate to an outdated housing requirement (820 dwellings per annum Core Strategy now out of date and replaced by 1105 dwelling per annum Local Housing Need derived from the Standard Method applicable in Charnwood). Limits to Development are one of the most important policies for the determination of the application and as such the presumption in favour is applicable. Whilst the boundaries were affirmed by the Neighbourhood Plan Examination, it is demonstrable that the level of housing planned for in the Neighbourhood Plan is inappropriate, based on a level of borough wide housing that has never been ratified by strategic policies and clearly conflicts with the Local Housing Need for Charnwood, as established through the Standard Method, discussed hereafter. As the limits to development in the Neighbourhood Plan have been defined to deliver a lower housing requirement than reasonably applicable, limited weight should be afforded to them in the determination of planning applications.

3.7- The arguments put forward are covered by submitted landscape evidence. The proposed scheme maintains a significant area of open space, does not reduce the distance between the settlements and will have a relatively limited impact only visible from a small area of Cossington Road. May be beneficial to have a landscape response to this but the arguments are already well made in the landscape evidence which can be referred to, particularly at 7.6 which states;

*"7.6. In terms of the AoLS, this assessment has identified the fragmented and compartmentalised nature of the landscape that extends between Sileby and Cossington. This landscape can be separated into three character zone that include the open arable setting of the site, the contained pastoral setting of the land to the west of Cossington Road, and the heavily treed/wooded setting of the local watercourse and Derry's Nurseries. The visual baseline has confirmed that views from Cossington towards the site are heavily screened by intervening vegetation cover, and views between the two settlements restricted to the land to the west of Cossington Road and a small section of the south-east settlement edge of Sileby where views exist across the site towards Cossington. The Local Authorities assessment of the AoLS concludes that it has a moderate function and identifies the watercourse as an alternative boundary. The character and quality of the pastoral setting to the west of Cossington Road is noted as a positive element of the AoLS. In contrast the arable setting of the site to the east of Cossington Road is noted for its neutral character and detracting setting of the open settlement boundary and railway."*

3.13-As discussed in the Planning Statement, using the Neighbourhood Plan Group's own methodology when applied to the Boroughs Local Housing Need, the housing requirement for Sileby (939) is significantly above that planned for in the Neighbourhood Plan (566). The inappropriateness of the Neighbourhood Plan's approach is demonstrated by the Draft Local Plan, which makes significant greenfield allocations in

Sileby, thus demonstrating the Council do consider greenfield sites are needed and this will be confirmed through strategic policies which will supersede the Neighbourhood Plan in due course. The Council cannot publish a Local Plan which seeks to allocate greenfield sites beyond the settlement boundary, and then argue that the settlement boundary is a robust reason for refusing development. The reserve housing sites all being within the settlement boundary could come forward for development regardless of their allocation as a reserve site.

- 3.15-The housing figures in the Core Strategy are out of date, due to being over five years old. Existing commitments do not deliver the uplift in housing needed to meet Charnwood's Local Housing Need. The Core Strategy confirms Sileby is one of the more sustainable locations in the Borough. Using the Neighbourhood Plan groups methodology for establishing a housing requirement against Local Housing Need figures which must form the Council's housing requirement in the absence of an in-date, adopted strategic figure results in a 939 dwellings, significantly above the 566 dwelling requirement adopted by the Neighbourhood Plan. This is before any uplifts to assist Leicester City's unmet need are taken into account, but spatially Sileby could reasonably assist meet needs from the City.
- 3.18-As discussed in the landscape evidence and Planning Statement, land west of Cossington Road is established as an important area of open space to maintain a clear separation between Sileby and Cossington. This proposal does not reduce the distance between the two settlements. Policy CS11 only requires a clear separation between the built up areas, which is clearly achieved by the proposed development.
- 3.24 Policy ST/2 restricts development to deliver a now out of date housing requirement and is clearly out of date. Existing development needs cannot be met without breaching the Limits to Development, a point clearly acknowledged by the Council which produced a draft plan allocating greenfield sites beyond the settlement limits.
- 3.25 Policy superseded by the Core Strategy policy, as per Section 38(5) of the Planning and Compulsory Purchase Act.
- 3.26 Policy CT/2 intrinsically linked to ST/2, given ST/2 is out of date, CT/2 must be out of date also.
- 3.28 The Plan is in an early state of preparation with a significant level of unresolved objection and as such can only be afforded limited weight. The emerging Plan does however confirm the need to allocate large scale residential sites in Sileby, further revision to this will occur through the further rounds of consultation and Examination in Public.
- 4.5 As discussed in depth in the Planning Statement, Paragraph 14 is not applicable due to failure to satisfy criteria B, that the Plan meets its identified housing requirement. The identified housing requirement must derive from the Standard Methodology of assessing Local Housing Need. The Neighbourhood Plan housing requirement derives from HEDNA. The OAN derived from HEDNA has never formed a strategic housing requirement in Charnwood. HEDNA has never been examined at a Local Plan EiP in Charnwood. It is an entirely unacceptable position that the Neighbourhood Plan establishes a strategic housing requirement for the Borough that is significantly below that set out in policy. The Council cannot conclude that the Neighbourhood Plan housing requirement remains appropriate given they are promoting three additional sites in the village. The two positions are logically unreconcilable. The Appeal referenced in the Planning Statement confirms that paragraph 14 is not applicable in situations such as this. Nothing has been said here that has not been covered off by the PS.

4.8 The proposal would not result in the loss of the Area of Separation. Current policy only requires a clear separation between the built-up area of two settlements, a point well covered in the landscape evidence. Whilst there would be some loss of the area of separation, it would be the loss of the least sensitive area, making the smallest contribution to the Area of Separation. The provision of a significant area of public open space will clearly show that there is a significant area of open space. The development does not even reduce the distance between the two settlements.

The proposal is not contrary to the Core Strategy pattern of development, it is only contrary to outdated housing figures which deliver an out of date housing requirement. Council have confirmed further housing is required in Sileby through the emerging Local Plan.

The proposed housing is not on an area at risk of flooding, FRA and Drainage Strategy have been submitted in support of the site.

It is considered unlikely the impacts of the development will result in a severe impact on the highways network, nor would there be any unacceptable impact on highway safety; this is covered in detail in the Transport Assessment submitted with the planning application.

The Landscape evidence submitted with the planning application demonstrates that any impacts of development will be local and limited in nature, any harm significantly outweighed by benefits of the development.