From: Cara Chambers <Cara.Chambers@marrons-planning.co.uk>
Sent: 16 August 2021 11:07
To: localplans@charnwood.gov.uk
Cc: Andrew Gore; planning@jelson.co.uk
Subject: Representation to the Charnwood Local Plan 2021-37 (Pre-Submission draft) Consultation
Attachments: Representation to PreSubmission Charnwood Local Plan - Jelson DS3 HA44.pdf

Good morning,

Please see the attached representation to the Charnwood Local Plan 2021-37 (Pre-Submission draft) Consultation on behalf of our client Jelson Homes for Land at Fairhaven Farm, Anstey.

Please could you confirm receipt of this representation.

Kind regards,

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REPRESENTATION ON THE CHARNWOOD BOROUGH COUNCIL LOCAL PLAN 2021-2036 (JULY 2021)

LAND AT FAIRHAVEN FARM, ANSTEY

On Behalf of Jelson Homes

Waterfront House, Waterfront Plaza, 35 Station Street, Nottingham
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1. INTRODUCTION

1.1 This representation is made on behalf of our client, Jelson Homes, in respect of their interests at Land at Fairhaven Farm, Anstey. It responds specifically to the Charnwood Local Plan 2021-2037 (Pre-Submission Draft).

1.2 The Pre-Submission Draft Plan is currently the subject of consultation and representations are invited until the 23 August 2021.

1.3 This representation provides our views specifically on the evidence and wording around Policy DS3 Housing. The representation confirms support for allocation HA44: Fairhaven Farm, Anstey for the provision of around 47 homes.

2. REPRESENTATIONS IN RESPECT OF FAIRHAVEN FARM, ANSTEY – POLICY DS3 (HA44)

2.1 Jelson Homes is supportive of Anstey's identification as a Service Centre capable of meeting the day-to-day needs of its residents. Jelson Homes agrees that the allocation at Policy DS3 (HA44) Fairhaven Farm is appropriate and justified.

2.2 It is noted that Policy DS3 states that '*development will be supported that [is] in accordance with the other policies in this plan and the site specific requirements set out in this policy below'*. We note in this respect that the table in DS3 lists a 'Number of Homes' and in the case of HA44 identifies the allocation for 47 homes. Neither Policy DS3 nor Policy DS3 (HA44) provide any other comment on the quantum of development and it is not clear from the policy a) how this quantum figure has been arrived at and b) whether that figure is intended to be absolute, a minimum, maximum or approximate yield or otherwise.

2.3 The context established by the National Planning Policy Framework (NPPF) is particularly relevant to how capacity figures/yields might be treated by development plan policy wording:

a) Be aspirational [paragraph 16]

b) Be positive [paragraph 35]

c) Significantly boost the supply of homes [paragraph 60]

d) Be flexible [paragraph 82]

e) Promote an effective use of land [paragraph 119]

2.4 Firstly, in relation to the methodology used to determine the 'Number of Homes' figures, it would appear that the LPA has utilised a standard metric across all sites within the borough, albeit the metric does allow for some variation according to site size on the basis that larger sites will need to accommodate larger areas of infrastructure and non-development uses. Details of this metric are set out within the 2020 SHELAA document. Within this document, paragraph 7.4 states that *'it is important to note that a standard density across Charnwood of 30 dwellings per hectare is used and no allowance is made for being adjacent to the PUA or within Loughborough. This is a broad assumption for the purposes of this assessment only; the density achieved on individual sites will need to take account of matters set out in the NPPF at paragraph 122* [now paragraph 124 in NPPF (July 21)]*.'*

2.5 On this basis, it is our strong view that any quantum figures referred to within Policy DS3 should be regarded as indicative only, as the most appropriate place for determining a site's overall capacity is through the development management process via submission of a planning application where the provisions of paragraph 124 of the NPPF can be properly considered. This view was endorsed by Inspector Mary Travers appointed to examine the Melton Local Plan who, at paragraph 93 of her report, stated the following:

> *'the capacity figures listed in Policy C1(A and B) and Appendix A for each site allocation are not intended as targets to be achieved or caps that should not be exceeded. Rather, they are indicative figures only, based on the best available evidence…and where*

relevant, they will be tested through detailed planning applications in due course.'

2.6 It should also be noted that paragraph 125 of the NPPF (formerly paragraph 123) stresses that *'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential for each site'.* Charnwood has an existing and acknowledged housing land supply shortfall of 3.3 years. As such, it is considered important that the housing quantum figures set out in Policy DS3 are further tested through the development plan process and not 'taken as red'.

2.7 Further, it is also noted that paragraph 124 of the NPPF, in the context of achieving suitable site densities and an efficient use of land, requires plan-makers to have regard to *'the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use'.* Given that Policy DS3 supports development that is '*cohesive and integrated with other allocations set out in* [the] *plan, including in relation to the provision of new schools and other infrastructure, and in accordance with the other policies in* [the] *plan and the site-specific requirements set out in the policy',* it is again considered crucial that the housing quantum figure expressed within Policy DS3 is sufficiently flexibly to allow for the possibility that additional homes may be suitable on the site in order to fund or accommodate infrastructure (which Policy DS3 (HA44) specifically refers to).

2.8 As noted above, the plan includes allocation Policy DS3 (HA44) which supports proposals at Fairhaven Farm, Anstey that:

- *"include an appropriate buffer between the built form of the development and both the stream to the north of the site and the*

woodland to the west of the site; and

- *contribute to the reasonable costs of the provision of a new 1 form entry primary school located at site HA43."*

2.9 The Fairhaven Farm, Anstey draft allocation is assessed within Appendix H of the Sustainability Appraisal Report as PSH482. In respect of the first bullet point above, and based on the LPA's assessment of PSH482, it is evident that the 'appropriate buffer' reference contained in Policy DS3 (HA44) relates to biodiversity matters. Furthermore, Condition 12 of planning application P/14/0428/2 (this being the Bloor Homes scheme to the immediate south of HA44 consented in 2015) is also referenced within the Biodiversity and Nature Conservation section of site assessment PSH482. Condition 12 required Bloor Homes to prepare and implement a scheme for the management of a 50m wide buffer zone alongside the watercourse to the north of the site (the same watercourse to the north of Fairhaven Farm draft allocation). This condition was requested by the Environment Agency back in 2014, which is some time ago and was based on ecological survey work carried out in the same year. However, within the evidence base that accompanies the Pre-Submission Local Plan, there appears to be no similar justification for the inclusion of a further buffer alongside the woodland to the west.

2.10 Whilst Jelson seek to secure opportunities to provide biodiversity enhancements on all of their sites, and fully support the biodiversity requirements placed on the development industry through national policy, the plan-making process must be evidenced led. As such, it is felt that the wording of Policy DS3 (HA44) should be amended to be less prescriptive and should read as follows:

> *"where shown to be necessary, include an appropriate buffer between the built form of the development and both the stream to the north of the site and the woodland to the west of the site'*

2.11 The second bullet point at Policy DS3 (HA44) requires development at Fairhaven Farm to contribute to the reasonable costs of the provision of a

new 1 form entry primary school located at site HA43.

2.12 The Pre-Submission Stage Sustainability Assessment SA Report (May 2021) notes that the Council used the outcome of the different stages in the sustainability appraisal process alongside other factors to identify the strategy for new homes in the Pre-Submission Local Plan. This included consultation with the Local Education Authority and the Clinical Commissioning Groups to understand the capacity of local schools and doctors' surgeries.

2.13 In respect of education, it is noted that the SA Report states:

> *"4.7.6 … The primary schools at Barrow, Quorn, Mountsorrel and Rothley have very limited capacity to provide school places arising from new development, and very limited opportunity to expand, whereas there was some opportunity to expand existing schools in Sileby and Anstey.'*

2.14 Whilst Jelson is fully supportive of the requirement to contribute towards the reasonable costs of the provision of a new primary school on site HA43, it encourages the LPA to adopt a sensible and commercial view when drafting appropriate policy wording in respect of Policy DS3 (HA44). For example, it is considered that Jelson and the LPA would be keen to avoid a scenario whereby site HA44 cannot deliver homes because it is inextricably linked to a requirement to contribute towards the reasonable costs of the provision of a new primary school on site HA43, which, for many reasons, could become stalled or unviable. Any planning obligation, in order for it to be CIL compliant, must clearly reference the specific infrastructure scheme (in this case a new primary school on site HA43) upon which the financial contribution is to be spent. As such, a financial contribution within a S.106 agreement that was linked to the funding of a new primary school on site HA43 that had become seriously stalled or unviable (i.e. unlikely to meet the educational needs of children from a development on Fairhaven Farm), would not be CIL compliant or, worse, may end up being returned to the development after circa 10 years if unspent.

2.15 It is therefore argued that the wording of Policy DS3 (HA44) should be amended to - '*contribute to the reasonable costs of the provision of a new 1 form entry primary school located at site HA43. If this is shown not to be feasible or appropriate at the time, proposals should contribute towards the reasonable costs of expansion of existing schools'* - or words to that affect.

2.16 As noted above, the Fairhaven Farm allocation is assessed within Appendix H of the Sustainability Appraisal Report as PSH482. We note that the site receives 4 positive scores, 10 neutral scores and 6 minor negative scores.

2.17 The minor negative scores relate to the site being 'within 250m of an area suitable for wind energy generation' and general distance to facilities (bus stop, GP Surgery, primary school, secondary school and convenience store).

2.18 Local Plan Policies Map 2 does not indicate any land near to Anstey as suitable wind energy locations, with only sporadic small areas of land identified as suitable solar energy locations. It is therefore considered that in relation to the Climate Change Mitigation section of the SA assessment, the site should score 'neutral'.

2.19 With regards to proximity to facilities, the identified distances relate to the site's location on the edge of Anstey, a Service Centre, and it should be noted that there is good pedestrian connectivity to the centre of the village. In addition, the nearest bus stops are located approximately 550m from the site entrance and offer an hourly bus service to Loughborough and Leicester (Route 154) and also add increased connectivity to the facilities contained within Anstey.

2.20 The resolution of the above errors in the SA framework assessment further improve the case for allocation of HA44 Fairhaven Farm. Suffice to say, the allocation of HA44 under Policy DS3 is considered to be justified and appropriate and is supported by Jelson Homes.

2.21 The allocation is being promoted by Jelson Homes and will be delivered in the short-term, thereby assisting the Council in maintaining a 5 year housing land supply and meeting the aspirations within the Charnwood Local Plan. Jelson Homes is a Leicestershire-based family firm with over 130 years' experience in building and selling homes across the East Midlands. Land at Fairhaven Farm, Anstey (HA44) should therefore be considered wholly deliverable.