

Charnwood Local Plan Examination

Hearing Statement on behalf of Jelson Homes

Matter 6: Urban Area Policies, Site Selection, Sustainable Urban Extensions and Housing Site Allocations

June 2022

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For and on behalf of Avison Young (UK) Limited

Matter 6 – Urban Area Policies, Site Selection, Sustainable Urban Extensions and Housing Site Allocations

Issue 1 – The Site Selection Process

1. **Q. 6.7: Is the site selection process for the proposed housing allocations soundly based, including the testing of reasonable alternatives? How have the findings of the Sustainability Appraisal informed the site selection 21 process? Are the reasons for selecting allocated sites and rejecting others clear and justified and where are they documented?**
- 1.1 The approach that the Council has taken to selecting sites for allocation is not easy to understand but the Council has attempted to explain it in its Development Strategy and Site Selection Topic Paper. This suggests that:
 - a) it began by identifying sites that are available for development, having regard to the results of the SHELAA;
 - b) all available sites, less those with planning permission, were then subject to an assessment under the SA Framework. A proforma was completed for each site. Although these were compiled some time ago, they were not made available until the Reg 19 stage;
 - c) sites without a willing landowner were then discounted and not considered further;
 - d) it then developed a series of 'rules' that it used to turn the assessment results into an indication as to whether sites were suitable for development. The Council states that these rules were devised having regard to "*the NPPF approach of first seeking to avoid significant adverse effects*" before turning to sites where it would be possible to mitigate such impacts. Each assessment result was converted into either an A, B or C rating, with 'A' equating to no significant adverse effects, and 'B' and 'C' being adverse effects that would be mitigated. If an adverse effect could not be mitigated, the criterion was categorised 'X';
 - e) sites were then rated based on their worst ranking criterion. For example, a site with 12 category A indicators, 1 B and 1 C was rated 'Category C'. Sites were categorised as follows:
 - Scenario A: sites which avoid significant adverse impacts altogether (i.e. sites with 12 'A' ratings);
 - Scenario B: sites where it was considered possible to mitigate impacts (i.e. sites with a combination of 'A' and 'B' ratings);
 - Scenario C: sites where it was considered possible to mitigate impacts if a lower accessibility threshold were used, accepting that some negative effect on accessibility is unavoidable; and
 - Discounted: sites where significant adverse impacts cannot be mitigated (i.e. sites with at least 1 'X' rating);
 - f) either before or after (e) above (it is not clear from the Topic Paper), the Council discounted from its assessment sites that would: result in a loss of open space that could not be mitigated; result in the loss of protected employment land; failed the sequential test for flood risk; or would result in impacts on biodiversity that could not be mitigated;

- g) it also then discounted sites that fell outside of the Hybrid model, that is to say it discounted the new settlement options and sites within small villages and hamlets;
- h) it then appears that the Council took the assumed distribution of development from the Hybrid model (i.e. 2,000 homes to the edge of Leicester; 2,000 homes to Loughborough; 2,000 homes to Shepshed etc), together with the extra work it did on settlement capacity and looked to see whether there were sufficient 'A' graded sites within the various tiers of the settlement hierarchy to match the levels of growth that had been assumed. Where this was not the case, it looked to the Category B sites within that tier / area and then Category C sites, until it had enough sites to align overall site capacity with the level of growth assumed for Hybrid model purposes;
- i) in circumstances where, in any particular tier or settlement, there were more sites than were needed, a planning judgement was made on which of the candidate sites should be allocated;
- j) in the Service Centres, other factors were introduced to the site selection process which were not dictated by the Hybrid model. For example, at Anstey and Barrow, it was decided that the Council should target growing the villages by 700 homes each in order to support the delivery of new primary schools; and
- k) within the 'Other Settlements' the Council began by discounting sites that failed to meet the criteria for good bus access and then focussed its assessment on potentially suitable sites within the most appropriate villages. These were subject to further assessment and some ruled in and others out.

1.2 Overall, the process has resulted in a total of 69 sites being proposed for allocation, in addition to the three SUEs which are already committed.

1.3 There are a number of major issues with the approach that the Council has taken to selecting sites. These include:

- a) its assessment of Cotes against the SA Framework is flawed. If the assessment were to be corrected, Cotes would have 16 Category A ratings and 2 category B ratings;
- b) the Council has, it seems, attempted to apply a form of weighting to the SA assessment criteria, and the results of the SA assessment of sites, through the 'rules' that it has devised. But these have generated perverse outcomes. For example, a site can be: 1.2km from a GP surgery; 1.2km from a Primary School; 3.2km from a Secondary School; 1.2km from a convenience store; and 1.2km from more than 1 leisure facility (and so not very well located relative to services and facilities at all), as long as the site is within 200m of a bus stop (a bus stop which does not have to provide public transport links to any of the facilities listed above). However, a site that is much better located and is well served by public transport, but which would cause minor harm in terms of heritage, or would result in the loss of more than 20ha of BMV agricultural land, is discounted from possible selection unless the Council happens to need more land in a particular area (to meet its arbitrary Hybrid model capacity targets) than can be satisfied by those sites available within Category A. This cannot be right;
- c) there is no clear rationale for, or evidence underpinning, the criteria which sit within the Scenarios that the Council has devised. It is not clear for example why a site that might cause minor harm (i.e. less than substantial harm) in heritage terms is assumed to have a significant adverse effect. This, certainly, is not consistent with the provisions of the NPPF. It is also not clear how the Council has defined its distance thresholds for accessibility to services and facilities, or its criteria for soils and flood risk;
- d) the approach that the Council has taken assumes that a site that gives rise to a significant adverse effect in respect of one SA criterion, but would generate positive outcomes against all others, is less

suitable for development than a site that gives rise to no significant adverse effects but might cause moderate or minor harm across all areas of measurement. This also cannot be right;

- e) the sites that offer the ability to deliver 'new settlements' such, as Cotes, were ruled out of consideration before the Council got to the stage of comparing sites, simply because they didn't fit precisely with the Council's Hybrid model. This is completely inappropriate and has resulted in the Council allocating Scenario C sites when it could and should have conducted a wider comparison of sites and then allocated better performing and better located sites instead;
- f) so far as we can tell, there has been no cross comparison of sites between different levels of the settlement hierarchy. For example, there has been no view taken on whether an additional but Category C site in Loughborough or on the edge of Leicester should be allocated over a Category A or B site adjacent to a Service Centre or a lower order settlement. The Council has simply relied on the original settlement capacity assumed for testing of the Hybrid model, with some tweaks around local school provision, and has then looked to fit supply to those numbers, rather than using its site analysis as a means of checking whether its approach is generating genuinely sustainable outcomes. Instinctively, it feels wrong to be allocating sites within Areas of Separation and Green Wedges on the northern edge of Leicester, and sites on the edges of villages with relatively few facilities and relatively poor access to higher order centres, over sites such as Cotes which are largely unconstrained and highly sustainable;
- g) the distribution of sites that the Council has included in the Plan results in it departing in a material way from the Hybrid model that the Council (wrongly) concluded would deliver the most sustainable outcomes. For example, the Hybrid model was tested in the SA on the basis that it would deliver 1,000 homes in the Service Centres. The Local Plan proposes nearly double that because, it seems, a large number of new homes are required in certain settlements in order to support the delivery of new Primary Schools. But these new schools are only required if major new developments are proposed within and adjacent to these settlements. These are inherently less sustainable locations than Loughborough, the edge of Leicester and Shepshed, yet we see no evidence of the Council having tested the effect of allocating additional sites in these locations instead; and
- h) the approach that the Council has taken has failed at any point to include a balanced assessment of available sites as required by the NPPF. The balanced approach described in the NPPF makes it clear that a site that may give rise to negative effects in once sense is not automatically ruled out as unsuitable. All of its advantages and disadvantages must be considered in the round and a balanced judgement formed of whether it would deliver sustainable development. The Council, in trying to find a way to add structure and consistency to its assessment, has created an overly mechanistic approach that (i) has omitted the essential balancing exercise required by the NPPF; (ii) has resulted in sites being allocated that are unsustainable (or are less sustainable than others); and (iii) has resulted in sustainable sites being discounted.

1.4 The Council's site selection process has resulted in it proposing for allocation the following:

Leicester Urban Area and Potential Leicester Urban Area

- a) 4 Scenario B sites (517 homes) (there are no Scenario A sites in this area);
- b) 7 Scenario C sites (1,600 homes);
- c) 3 Scenario X sites (where significant adverse effects could not be mitigated) (504 homes)

Loughborough Urban Centre and Potential Loughborough Urban Centre (within which Cotes should rightly sit)

- d) 1 Scenario A site (33 homes);
- e) 5 Scenario B sites (626 homes);
- f) 9 Scenario C sites (1,583 homes)

The Council did not look any further at Loughborough because the above would deliver more growth than the Hybrid model assumes Loughborough needs to provide.

Shepshed

- g) 1 Scenario A site (394 homes);
- h) 1 Scenario B site (15 homes);
- i) 8 Scenario C sites (1,347 homes);
- j) 3 Scenario X sites (122 homes);

Service Centres

- k) 1 Scenario A site (18 homes);
- l) 1 Scenario B site (350 homes);
- m) 13 Scenario C sites (1,114 homes);
- n) 3 Scenario X sites (337 homes)

Other Settlements

- o) 8 Scenario sites (634 homes)

- 1.5 As we have noted in our Reg 19 Representations, when correctly assessed, our Client's land at Cotes is a Category B site. This means it performs better, and probably substantially better, than at least **54** of the sites that the Council is proposing to allocate. But because Cotes was not assessed when it came to the final stage of identifying sites for allocation, and because the Council has failed to compare sites across settlements or conduct any form of over-arching sense check, it has simply not featured in the latter, critical stages of the Council's thinking. This is a fundamental flaw in the plan-making process.
- 1.6 When, in addition to looking at the Scenario based assessment above, one also then takes a step back and considers where Cotes is located relative to the Borough's principal town and all of the services, facilities, shops and employers that it has, it is simply perverse that the site has not been allocated.
- 1.7 Without Cotes, the Plan is proposing a pattern of development that will cause significantly more environmental and social harm than it is necessary to accommodate the level of growth required. As a consequence, the pattern of development that the site selection methodology as generated is not sustainable, is not consistent with the provisions of the NPPF and its not sound.
- 2. **Q.8 Is the site selection methodology based on an appropriate set of criteria? Have the criteria changed during the course of the selection process and if so, why?**
- 2.1 See our answer to Q6.7.

Issue 4 – Housing Allocations

3. Q. 16.6: HA2 – Land at Barkby Road, Syston

- 3.1 Jelson can confirm that it made an application to Charnwood Borough Council, in February 2022, which seeks detailed (full) planning permission for the residential redevelopment of the site. The scheme submitted comprises the following key components: 251 residential units (including a policy compliant amount of affordable homes); a new vehicular access from Barkby Road via a new T-junction (including the formation of a ghost island on Barkby Road); areas of formal and informal landscaping; public open space (including a local area of play), site access works and other associated infrastructure.
- 3.2 The technical and design work undertaken by our Client in support of its proposal, demonstrates that the site is technical deliverable and its development would not give rise to any material harm or adverse environmental effects. A copy of the site layout plan is included at **appendix 1**.
- 3.3 As things stand, our Client's application is currently awaiting validation by the LPA.

4. Q. 16.6: HA14 Land off Cliff Road / Henson Close – Can a safe and suitable access be provided for this site and if so, where from? Is the requirement to restrict development to the southeast corner of the site justified and if so, why?

- 4.1 Jelson's Transport advisors Tetra Tech have assessed the access options for the site and consider that a safe and suitable access can be provided via a single point of access from Henson Close as indicated on the attached drawing (**appendix 2**). Henson Close is an adopted road and at 5.3m wide is suitable to serve a development of up to 150 units. Additional pedestrian and cycle access can be provided via Cliffe Road, Greengate Road and via an existing public footpath across the railway to Fielding Road to the East.
- 4.2 Insofar site capacity and layout are concerned, Jelson has yet to see any evidence from the local authority that underpins the conclusions it has reached about the need to restrict development to the south east corner of the site. In this respect the Plan is not justified, and we would propose modifications to Housing Allocation HA14 so that it meets the tests of soundness. In other words, it should be amended so that it enables the final capacity of the site to be informed by an LVIA submitted with any planning application rather than being predetermined in the allocation based on no robust evidence.
- 4.3 Notwithstanding the above, as we explained in our representations to the Regulation 19 consultation Jelson remains of the view that even if it were to develop the entire site this in itself would not compromise the identity of any existing settlements in this part of Leicestershire or the adjacent SUE, given the proposals are capable of making provision for a considerable amount of green infrastructure within the site. In our view the extent of the developable area of the site should therefore be informed by the green infrastructure strategy, not the other way around, and nor should it be set on the basis of the arbitrary view of Officers.

5. Q. 16.6: HA44 Fairhaven Farm Anstey – Are the site boundaries correct? Is there evidence to indicate that the site can be developed without increasing the flood risk to people or property as required by the NPPF?

- 5.1 Jelson is currently in the process of preparing an application which will seek detailed planning permission for the redevelopment of this site for 47 dwellings. It expects to submit the application to the Council, for its determination within the next few weeks.

- 5.2 Insofar as the questions about the site boundaries is concerned, we have included at **appendix 3** a plan showing the extent of the land controlled by Jelson.
- 5.3 In terms of the question posed about whether the site can be developed without increasing the risk of flooding for people or property, we can confirm that Jelson has appointed Phil Jones Associates to undertake a NPPF compliant flood risks assessment in support of its proposal. The analysis undertaken PJA confirms that the site itself is at very low to low risk of flooding and that it's redevelopment for housing can be developed without increasing the risk of flooding of the site and / or adjacent land and property. A copy of the FRA is attached at **appendix 4**.

Appendix 1: HA2 Barkby Road, Syston - Site Layout Plan

Appendix 2: HA14 Cliffe Road, Henson Close - Site Access Arrangements

Appendix 3: HA44 Fairhaven Farm, Anstey – Site Location Plan

Appendix 4: HA44 Fairhaven Farm, Anstey - FRA

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