

Charnwood Local Plan Examination

Matter 7: URBAN AREA POLICIES, SITE SELECTION, SUSTAINABLE URBAN EXTENSIONS AND HOUSING SITE ALLOCATIONS

Barkby Road, Queniborough and Cossington Road, Sileby

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

Project Title

Land at Barkby Road, Queniborough and Cossington Road, Sileby

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1. Introduction

1.1 This Hearing Statement has been prepared on behalf of David Wilson Homes East Midlands in respect of their land interests at Barkby Road, Queniborough (SHELAA Reference PSH316) and Cossington Road, Sileby (SHELAA Reference PSH474) as illustrated on Figure 1 and 2 below. These sites are omission sites in the emerging Charnwood Local Plan. Both sites are suitable for allocation should the Inspector find that further housing sites are required to enable the Local Plan to be found sound (as David Wilson Homes consider to be the case as demonstrated through their Statements to Matters 1 and 4).



Figure 1: Barkby Road, Queniborough, Site Location Plan



Figure 2: Cossington Road, Sileby, Site Location Plan

The Barkby Road site (Figure 1 above) is located to the southern edge of Queniborough. The adopted Core Strategy, and emerging Local Plan, identifies Queniborough as one of Charnwood's 12 'Other Settlements' which are acknowledged to be sustainable settlements, located approximately 9km to the northeast of the centre of Leicester, just south of the A607. The existing facilities and services in Queniborough, and nearby Syston, are within walking distance of the application site. The site, at the time of writing, is subject to a live outline planning application for up to 150 dwellings (reference P/20/2380/2). There are no technical objections from statutory consultees to the application, however additional material has been submitted against an objection to ALS and impact on TPO trees at the Queniborough Crossroads Revised junction drawings have been submitted to LCC Highways for revised comments, .

- 1.2 The Cossington Road site (Figure 2) is located to the south of Sileby. The adopted Core Strategy, and emerging Local Plan, identifies Sileby as one of Charnwood's six 'Service Centres' which are acknowledged to be some of Charnwood's most sustainable settlements, located approximately 9km to the north of the centre of Leicester, east of the A60. The existing services of Sileby and Cossington are in walking distance of the site, including Sileby train station. The site was subject of a planning application for up to 170 dwellings (reference P/21/0491/2). This was refused in September 2021 and has since been subject to a planning appeal, including a 7-day public inquiry (reference APP/X2410/W/21/3287864). At the time of writing, the outcome of the public inquiry is awaited. We will update the Inspector if a decision is received during the Examination of the Plan.
- 1.3 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 thirteen 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.
- 1.4 The land promoted within these representations are 'shovel ready' and promoted by a national housebuilder who is able and willing to deliver in the short term. The sites are optimally positioned to meet any requirement to meet a shortfall in housing land supply, an increase in housing requirement and/or a requirement to find further sites to meet the overall residential development requirement.

- 1.5 In responding to the Inspector's Matter 7, it is noted that the Council has been requested to prepare an updated housing trajectory. The Council confirmed in their letter of the 7th March that it anticipated having such information available to the Inspectors on the 29th April. It is unclear whether this has been received by the Inspectors; there has been no update published on the Examination website.
- 1.6 David Wilson Homes is however aware that the Council has updated the Five-Year Housing Land Supply position as this was provided to the Public Inquiry in relation to the Cossington Road, Sileby scheme/appeal on the 27th April. It would therefore seem that despite an updated housing land supply position being completed by the Council and available, the detail behind it, including the trajectory, will not be released until the publication of Statements. As a result, this Statement is written using the information that is available in the public domain at the time of writing, comprising the trajectory in the submitted Local Plan and the updated five-year housing land trajectory on published on the Council's website. The level of variation between the updated position and the current published position will, of course, impact the ongoing relevance of these representations and thus David Wilson Homes reserve their position to update this Statement should the updated position published by the Council necessitate it.

2. Matter 7: Housing Land Supply

Issue 4: Whether the Plan will provide for a sufficient housing land supply to deliver the planned housing growth over the Plan period and whether a deliverable five year supply of housing will be available on adoption

Q7.1: What assumptions have been made to inform the trajectory for the delivery of housing sites in terms of:

a. Lead in times for planning permission being approved

b. Outline and reserved matters applications

c. Site preparation and ground works

d. Average build out rates and numbers of sales outlets

- 2.1 In respect of the trajectory that supports the Regulation 19 draft Plan (that being the only trajectory at time of writing with public access), the Council appear to use either a standardised approach to sites or a bespoke approach, presumably reflecting whether or not discussions with site promoters has taken place. It is understood that on publication of Statements, the Council's updated trajectory with supporting site-specific statements of common ground will become available.
- 2.2 In respect of assumptions on lead in times for the emerging allocations, the Council have assumed the vast majority of sites will commence delivery in the 2024/25 supply year. It is assumed this is based on the Local Plan being adopted within the 2022/23 (as per the Council's most recent published timetable). David Wilson Homes consider the Local Plan timetable to be optimistic and having regard to delays to date and issues surrounding unmet needs, SUE delivery and site delivery consider more likely that the Local Plan will be adopted during 2023/24.
- 2.3 Whilst there is site variation, the standard approach adopted by the Council is delivery of 25 dwellings in the first delivery year (2-years after adoption), ramping up to an annual delivery of 40 per annum on medium to large sites. Whilst not explicitly set out, we would assume that the annual delivery assumptions have been based on historic delivery rates.
- 2.4 David Wilson Homes would be in a position to deliver on site within two years of adoption of the Plan (assuming the sites were allocated), but challenge the ability of sites who are not under the control of housebuilders to do the same. Delivery for these sites is more likely to take place in earnest 2-years after the approval of a Reserved Matters application, not adoption of the Local

Plan/allocation. This timescale is evident in a number of the Council’s more recent approvals¹. Sites which are not under the control of housebuilders will be slower to deliver as many of the sites may need to be marketed, sold with full legal input, a Reserved Matters application worked up to the housebuilders house types and preferred design approaches, submitted and approved, discharge of any conditions, groundworks and any necessary preliminary infrastructure provision before any meaningful delivery can occur. Moreover, our recent experience across other Local Planning Authorities is that post adoption of a Local Plan, the increase in planning applications can overwhelm planning departments, who struggle to determine the applications in a timely manner, further impeding early levels of growth.

- 2.5 Having regard to the above, unless housebuilders are currently involved in the Local Plan proposed allocations, the delivery of units should be amended to occur in the 3rd year onwards post adoption.
- 2.6 Wherein delivery has commenced, we agree that circa 40-units per annum is a not unreasonable assumption and is supported by historic levels of delivery in Charnwood.
- 2.7 The sites at Barkby Road, Queniborough and Cossington Road, Sileby could deliver as per the below trajectories:

Site	Total dwellings	23/24	24/25	25/26	26/27	27/28	5-year delivery
Barkby Road, Queniborough	150	0	30	30	30	30	120
Cossington Road, Sileby	170	36	53	36	36	9	170

¹ P/19/1543/2, P/19/1363/2, P/16/1359/2, P/20/0153/2 and P/20/0181/2

Q7.2: Will the Plan identify a sufficient supply of specific, deliverable sites for years 1 – 5 of the Plan period and specific, developable sites or broad locations for growth for years 6 – 10 and where possible for years 11 – 15? What is the estimated total supply of deliverable and developable new housing from the following sources:

- a. Sites with detailed planning permission for 10 or more dwellings*
- b. Sites with outline or detailed planning permission for 9 or less dwellings*
- c. Windfall allowance*
- d. Sites with outline planning permission for 10 or more dwellings*
- e. Site allocations*
- f. Sites on the brownfield register*

2.8 This question clearly relies on having sight of the most up to date monitoring information which has not yet been published. In the absence of this, the response has been prepared on the basis of the Council's housing trajectory published in the Regulation 19 Plan.

2.9 Having regard for the Council's published housing trajectory in the Regulation 19 Plan (and utilising the most recent Local Housing Need, notwithstanding our concerns that this is not sufficient for the reasons set out in our responses to Matter 1 and Matter 4), the Council consider they can demonstrate sufficient supply as below (requirement not inclusive of a buffer);

- Years 1-5 – 6,271 dwellings supply against a requirement of 5,800 dwellings (108%)
- Years 6-10 – 7,997 dwellings supply against a requirement of 5,800 dwellings (138%)
- Years 10-15 – 4,719 dwellings supply against a requirement of 5,800 dwellings (81%)
- Year 1-15 – 18,987 dwellings supply against a requirement of 17,400 dwellings (109%)

2.10 To meet the above, there is a high reliance on delivery within the SUEs within the first 5 years of the Plan period. To date, these sites are yet to begin delivering the level of housing required to meet this target, which may have significant implications for early years delivery.

Q7.3: What evidence is there to support the estimated supply from the above sources and is it robust?

2.11 The Council set out in their correspondence with Inspectors on the 7th March that they would prepare updated site proformas, an updated trajectory and site-specific Statements of Common Ground by the 29th April. Our understanding this work was completed at this point, as it fed into a five-year housing land supply update (appended) which was provided to the public inquiry in relation to David Wilson Homes scheme at Cossington Road, Sileby (3.24 years supply claimed at this point).

2.12 The Council have since updated their housing land position on their website, which reduces the supply further from the position put forward at the Inquiry (3.24 years to 3.04 years), albeit not significantly. Whilst clearly an updated position does exist, the full range of background information pertinent to this position has not been made available at the time of writing. The justification for this is also not in the public domain. It is understood from the Programme Officer that the information will be published with the publication of hearing statements for discussion at the Matter 7 hearing session. Whilst we do not consider this is the optimum way to assess a complex issue such as 5-year housing land supply, we respect that this is the preferred approach adopted by the Inspectors. As we have not been offered a seat at the table for this discussion we would request that David Wilson Homes have the opportunity to respond to any further evidence in writing by means of an update to this Statement.

Q7.4: How does the proposed annual requirement of 1111 dwellings in Policy DS1 compare with recent housing delivery?

2.13 The figure of 1,111 dwellings per annum Local Housing Need figure derived from the Standard Method is now out of date due to the publication of 2021 affordability ratio data (with the PPG being clear that the most recent data should be used). This is a matter accepted by the Council. The annual Local Housing Need for Charnwood is now 1,160, an increase of 48 dwellings per annum due to declining affordability. This results in an additional 833 dwellings over the 17-year Plan period. However, as discussed in response to Matters 1 and 4, base local housing need is not appropriate due to the acute need for affordable housing within Charnwood and that it does not make any provision towards assisting Leicester City in meeting its unmet need which are in existence now.

2.14 In relation to the question itself, the most recent Housing Delivery Test sets out that Charnwood has delivered an average of 1,075 dwellings over the period 2018-19 to 2020-21. This is a strong rate of delivery in the context of no up to date Local Plan providing for allocations beyond the SUEs and, during a period of time where delivery of the SUEs failed almost entirely. In this context with an up-to-date local plan providing for a range of sites, and the eventual start of delivery of the SUEs, which should occur during the Plan period, there is considered significant scope to deliver both the updated Local Housing Need in full, **and** any necessary uplifts to the housing requirement to cater for increased affordable housing or to meet Charnwood's apportionment of Leicester City's unmet need but only if sufficient additional allocations are made within the Plan.

Five Year Housing Land Supply

Q7.5: What is the relevant five-year period on adoption and what is the requirement?

- 2.15 Paragraph 004 of the Housing supply and Delivery section of the PPG sets out that the Inspector examining the Local Plan will need to test the submitted evidence to ensure that a 5-year housing land supply delivered through strategic policies is Sound. If there is not a robust five-year housing land supply, it is within the gift of the examiner to utilise main modifications to ensure that the Plan *"identifies a 5 year housing land supply from its date of adoption"*. At this stage it is reasonable to assume that the Plan will be adopted within the 2023/24 monitoring year at the earliest, and as such this forms the basis of our assessment.
- 2.16 Annex 2 of the NPPF confirms the definition of deliverable. To be deliverable, sites for housing should be *"available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. In particular:*
- A) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- B) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years."*
- 2.17 The PPG sets out that evidence to demonstrate deliverability may include:
- Current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
 - Firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
 - Firm progress with site assessment work; or
 - Clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or

other similar projects.

- 2.18 Whilst likely to be out of date on publication of the Hearing Statements, the Council's most recent published 5-year land supply position from April 2022 covers the period 2022/23 to 2026/27. As already set out, it is considered more likely that the Plan will be adopted in 2023/24 and thus the necessary period on adoption relates to 2023/24 to 2027/28. There is however a disconnect between Charnwood's most recent published housing land supply position and the supply position the Council will need to demonstrate to ensure the Local Plan is sound. The use of the Housing Land Supply position in terms of analysis is also unhelpful as whilst it covers four of the necessary tested years, it does not utilise the range of sites which are relied on as part of the Local Plan Examination which will include site allocations.
- 2.19 As such, the trajectory within the Regulation 19 Plan still forms the best overall published position, albeit caveated in that it is likely to be out of date on publication of the Council's updated figures. The correct period is likely to be 2023/24 to 2027/28, given it is considered unlikely the Plan can be fully and robustly examined and a main modifications consultation undertaken within a year at this point; particularly given issues in relation to key matter such as the housing requirement and the delivery of allocations, with significant delays beyond this not inconceivable.
- 2.20 The requirement during this period is as a minimum 6,090 dwellings (based on a Local Housing Need of 1,160 dwellings per annum and a 5% buffer, albeit the final requirement may well be higher.

Q7.6: Does past delivery and/or the Housing Delivery Test results have any implications for the appropriate buffer to be added to the five year land supply?

- 2.21 David Wilson Homes anticipated that the Council will seek to utilise a 5% buffer. Such an approach is supported by Paragraph 74 of the NPPF due to recent delivery as evidenced within the Housing Delivery Test. Notwithstanding this, it is considered that the Council should seek to deliver a buffer in excess of 5%, to ensure delivery and to demonstrate an annual position in excess of 10%. A 5% buffer leaves a Plan which already has a high reliance on a small number of sites highly vulnerable to non-delivery.

Q7.7: Is there clear evidence to support the delivery of sites in the relevant five-year period on adoption?

- 2.22 No, there is not clear evidence to support the delivery of sites within the relevant period. Again, it is understood that evidence is to be made available, but is not available for review at the time of

writing and parties will need to assess the information and have the opportunity to comment on it as and when it is made available.

- 2.23 What is clear is the evidence the Council will now seek to rely upon was not available in sufficient detail at Regulation 19. This approach is problematic. The NPPF sets out at paragraph 16 that Plan's should "*be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees*".
- 2.24 Paragraph 31 states "*the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned*".
- 2.25 Paragraph 35 states "*Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:*
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;*
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;*
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and*
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework*
- 2.26 When submitting a Local Plan, the PPG (Plan Making – Paragraph 034) states "*Local planning authorities must make available each of **the proposed submission documents** that they intend to submit to the Planning Inspectorate for examination to enable representations to come forward that can be considered at examination, under regulation 19 of the Local Plan Regulations*" [our emphasis].
- 2.27 The Town and Country Planning (Local Planning) (England) Regulations 2012 Part 6 Section 17 sets out that proposed submission documents encompasses the following documents. "*e) such*

supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan"

2.28 Regulation 19 (Publication of a Local Plan) of the aforementioned legislation states that "*before submitting a Local Plan to the Secretary of State under section 20 of the Act, the local planning authority must—*

a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and

b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1)"

2.29 Section 35 of the The Town and Country Planning (Local Planning) (England) Regulations 2012 states that a document is taken to be made available if it is made available for inspection in person or by being published on its website. The Procedure Guide for Local Plan Examinations at 1.9 states "**as a minimum**, the evidence base should include all documents referenced in the submitted plan" [our emphasis].

2.30 The Council has not provided robust evidence to support it can demonstrate a 5-year housing land supply at adoption of the Plan. Further, despite being complete at time of writing this Statement, it is understood that the information will not be provided until the publication of Hearing Statements, affording no opportunity to comment beyond those who have been invited to participate at the Hearing Sessions itself. Parties such as David Wilson Homes will have no opportunity to comment on new evidence supporting the Plan. Such an approach would seem prejudicial to interested parties. David Wilson Homes could understand such a position if information was merely being updated during the course of the Examination however, this is entirely new evidence which was not available at Regulation 19 for which the Council will now seek to rely on. Moreover, this evidence has been developed with the premeditated goal to support the Local Plan, rather than the Local Plan being developed on the basis of available evidence.

Q7.8: Based on a requirement of 1,111 dwellings per year, would the Plan help to ensure a five year supply of deliverable sites on adoption and over the Plan period?

2.31 It is not possible to fully answer this question with the available information. However, notwithstanding this and concerns relating to the overall inappropriateness of the housing

requirement as set out in response to Matter 1 and 4, David Wilson Homes have concerns relating to the deliverability of many of the Plan's current allocations and further concerns relating to the reliance on the SUEs. Whilst the SUE's are clearly coming forward, we are yet to see convincing evidence that they will deliver at the rates relied upon by the Council.

- 2.32 Having regard to the Trajectory which supports the Regulation 19 Plan, the Council consider over the period 2023/24-2027/28 (for the reasons set out above) will have a supply of 8,414 dwellings against a requirement of 6,090 dwellings, based on an annual requirement derived from the Standard Method of 5,800 dwellings and 290 dwellings to deliver a 5% buffer. This results in an annual requirement of 1,218 dwellings and a land supply during the 5-year period of 6.9 years. It is noted Charnwood have not utilised a lapse rate and justification for this will need to be provided given historic failure within Charnwood to deliver key sites.
- 2.33 The composition of the supply (8,414 dwellings) is 2,855 dwellings delivered within the SUEs, 4,714 from proposed allocations and 845 from existing commitments. The SUE delivery seems particularly optimistic, not least having regard for historic failures of these sites to deliver. Whilst it is anticipated that the Council will point to recent progress with permissions being implemented and preparatory works undertaken, we have yet to see comprehensive evidence to support the assumption that almost 3,000 dwellings will be delivered across the three sites over the 5-year period. Within the trajectory there are assumptions that North East of Leicester (LUA2) will deliver 275 units in 2025/26 and an average of over 220 per annum over the period. Similarly West of Loughborough (LUC2) assumes delivery reaching a high of 250 per annum towards the end of the period, ramping up significantly between 2023/24 and 2026/27, delivering an average of 190 per annum. Finally North of Birstall (LUA3) reaches a peak of 175 dwellings throughout 3 years of the period, overall averaging 161 dwellings per annum. If delivery stalls on any one or a combination of these sites, it will bring the land supply position down significantly.
- 2.34 This matter must therefore be properly examined when the Council's updated figures are published.
- 2.35 The above of course assumes that the Council's adopted housing requirement will be found sound, which is in doubt given the compelling justification for uplift in Charnwood. Should the housing requirement be uplifted, it is almost enviable that additional housing sites will need to be found.

2.36 It is noted that our client's sites in Sileby and Queniborough are under the control of a national housebuilder who can and wants to expedite early years delivery to provide significant support should additional housing sites be required for the Plan to be found sound.

Charnwood Borough Council

Statement on Housing Land Supply Monitoring

27 April 2022

The following statement has been prepared by Charnwood Borough Council to inform the planning appeal relating to an outline planning application proposing up to 170 dwellings, on land off Cossington Road in Sileby. The Borough Council has prepared this brief statement in advance of formally publishing the annual five-year housing land supply statement, which is scheduled to be made publicly available at the end of April 2022. Work on the Borough-wide five-year housing land supply statement is, at the time of preparing this statement, still being finalised. This includes “fine tuning” of the final figure as calculated for 31 March 2022. For that reason, this statement refers to an approximate position on five-year housing supply, rather than definitive. The Borough Council believes that this does not detract from the value that this statement provides the appeal process.

For calculating the five-year housing land supply position, the monitoring year starts on 1st April. The statement that the Council publishes at this point represents the definitive position on housing supply, as it allows completions and all forms of housing supply to be accurately and consistently accounted. The Borough Council has committed to providing the Local Plan Inspectors an updated trajectory and site-specific Statements of Common Ground by 29th April 2022.

For the purposes of calculating five-year land supply national planning policy requires that specific deliverable sites should be included. That is all sites with detailed planning permission and for sites which outline planning permission for major development where there is clear evidence that housing completions will begin on site within five years.

The supply position is based upon a Local Housing Need (LHN) which is published by the Government each year. The calculation of LHN is based upon two data sources: household growth projections and adjustments made for affordability using median workplace affordability ratios. The LHN for Charnwood has increased from 1,111 to 1,160 homes per annum due to declining affordability data.

For this statement the approximate **housing supply position as of 31st March 2022 is at about 3.23 years**. This is a similar position to that identified in 2021. The final definitive five-year housing land position will be published in the normal way on the Council’s website at the end of April 2022.