

07 December 2016



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Dear Sirs

**ASFORDBY PARISH NEIGHBOURHOOD PLAN SUBMISSION VERSION (AUGUST 2016)
REPRESENTATIONS ON BEHALF OF JELSON LTD**

Bilfinger GVA is planning advisor to Jelson Ltd and is instructed to make representations to the *Asfordby Parish Neighbourhood Plan 2016 - 2036*.

We understand that Asfordby Parish Council has submitted to Melton Borough Council its proposals for a Neighbourhood Development Plan (NPD) and, under the Neighbourhood Planning (General) Regulations 2012 (Regulation 16), we welcome the opportunity to contribute to the process.

In this letter we confirm Jelson's support for various elements of the Plan and we explain where we have concerns and where we consider that the Plan should be amended in order to meet the basic conditions of the Localism Act.

Statutory Context

In advance of examining the Plan in detail, we must give consideration to the statutory context within which the Plan is made. In accordance with the Localism Act 2011, a Neighbourhood Plan must meet each of a set of basic conditions before it can be put to a referendum and be made. The basic conditions advise that a Neighbourhood Plan must:

- a) be in general conformity with the strategic policies in the development plan (i.e. in this case the 1999 Melton Local Plan until it is replaced by the emerging Local Plan);
- b) contribute to the achievement of sustainable development;
- c) have regard to national policies and advice such as the National Planning Policy Framework (NPPF); and
- d) be compatible with European obligations and human rights requirements.

In subsequent sections of this letter, we consider the extent to which these basic conditions have been met by the Asfordby Neighbourhood Development Plan.

General Context

The Plan provides a development strategy for the three individual settlements of Asfordby, Asfordby Hill and Asfordby Valley for the period until 2036. Asfordby is one of the most sustainable settlements within the Borough of Melton. It has an excellent range of facilities / services including a primary school, GPs, public houses and a frequent bus service. Asfordby Hill has some services and facilities, but is not a

sustainable location for large-scale development. Asfordby Valley has no facilities other than a children's play area and it is generally an unsustainable location for new housing.

Housing Policies

The Plan recognises that the housing need identified for the villages must be in conformity with the need identified by the strategic policies in the development plan. As the housing policies in the 1999 Melton Plan are out-of-date, the Plan considers the housing need figures that are presented in the Emerging Option Melton Local Plan instead.

Policy A10 (Housing Provision) seeks the delivery of at least 148 dwellings over the period until 2036 to be allocated on the sites identified in the Plan. The figure of 148 has been derived by deducting those sites already committed since 2011 from the 350 minimum target, i.e. 350 minus:

- 80 at Jelson's Hawthorns scheme;
- 100 at Jelson's Station Lane scheme;
- 15 at Glebe Road, Asfordby Hill; and
- 7 other dwellings.

We generally support the figure used, although we have concerns about the delivery of all 148 dwellings having regard to the proposed allocations (see detailed comments below). We support the policy wording which confirms that the figure is a minimum target ("*at least*") as this is what is required by the strategic policies in the development plan.

Policy A12 (Land between Regency Road, Asfordby and the Bypass) proposes to allocate land (identified on the Policies Map) for around 55 dwellings. We acknowledge that the site is well related to the primary school and that the development of this land has received some support from local people.

We have noted that an outline planning application for 55 dwellings was submitted to and registered by the local planning authority on 8 August 2016, and is currently under the consideration of planning officers. We understand, from discussions with officers, that there are issues in terms of the viability of the site, and this has led to a delay in determining the application.

The viability report that has now been submitted with the application (Turner Moran - September 2016) confirms that the scheme is not viable if all s106 contributions were to be met. It, however, states that the 'applicant' is willing to proceed if the on-site affordable housing provision is zero. This would still, however, result in the landowner receiving less than half of the market value of the land. The NPPF requires values to be competitive for viability to be established. The returns projected in the viability report are clearly not competitive. The site is owned by 5 different landowners and there is no evidence of any legally binding landowner agreement between them, let alone one which commits all of them to selling the land at less than half its market value.

Even in the unlikely event that the 5 landowners all agreed to sell their land for a non-competitive return, this would still result in a scheme this would not deliver the aspirations of the Neighbourhood Plan in terms of affordable housing. It would also deliver only 2 bungalows (3.6%) somewhat short of the 12% the Neighbourhood Plan seeks. These concerns over the viability and deliverability reflect our previous representations to the Parish Council, which were submitted in April 2016.

We also have reservations about whether the site can deliver the amount of development suggested due to the various constraints. The site is physically constrained by the bypass which will have impacts in respect of noise / disturbance that need to be mitigated, i.e. by including an appropriate separation distance and bunding. There is no design detailing of this bund which confirms the land take it would require. Appropriate distances will also need to be left between existing dwellings to ensure that the amenity of existing and new residents is not compromised. It is also not clear whether

access can be achieved. Given the above there is very considerable doubt about whether this site is deliverable and if it is, whether it can deliver the number of units specified or the Neighbourhood Plan requirements for affordable housing and bungalows.

Finally it is noted that the planning application for the site generated 52 letters of objection and so it is clear that it does not have the support of the local community.

Policy A15 (Asfordby Storage and Haulage Depot, Main Street, Asfordby) proposes to allocate this depot site for 67 dwellings. We note that the Parish has prepared a development brief for the site, but that the owner has not been willing to participate in the process. In the absence of confirmation from the owner that the site is available for development, the Plan cannot rely on the development of this site in order to meet housing needs. Many of the same concerns apply to this site as Policy A12.

Policy A16 (Land West of Station Lane, Asfordby) defines the site as a housing commitment for up to 100 dwellings. The site is owned by Jelson. Outline planning permission was granted on 3 May 2016. Jelson submitted an application seeking the approval of reserved matters on 27 May 2016 and this application is currently under the consideration of the local planning authority.

Policy A16 is generally supported, with the exception of three points.

- **Bullet A** Through discussions with the Borough and Parish Councils on the Reserved Matters application, Jelson has now agreed to provide affordable housing and bungalows on this site in accordance with the Neighbourhood Plan requirement. This follows a clear indication from the Borough Council that it was prepared to agree the reduction in affordable housing from 40% to 30% to allow the number of bungalows to be increased.

We note, however, that the requirement to include bungalows does not appear explicitly in policies for other allocated sites. No explanation is given for this and it would clearly be unfair and inequitable for this policy to apply to the Jelson site alone. It is assumed therefore that this is an oversight and that the requirement will be applied to other proposed allocations.

- **Bullet E** advises that the land to the south of the development should be laid out and made available for informal recreation. This land is within Jelson's ownership, but outside of the application site boundary. It is unlikely to be developed given its location in a flood zone, a location that also makes the land generally unsuitable for laying out for formal recreational use. There may be an opportunity to facilitate access via informal paths; however, no detailed discussions have yet been had with the Parish Council in this regard. Bullet E should therefore be amended to read *"The potential to provide informal access to the land south of the development, bounded by Station Land and the River Wreake, shall be investigated between the developer and the Parish Council."*
- Finally we note at paragraph 7.21 of the Plan that the preference is for new development to contribute to the enhancement and improvement of existing play areas, rather than providing new ones. We agree with this strategy as it improves overall quality but minimises on-going maintenance costs for public authorities. The Station Lane site is located immediately adjacent to the established Glendon Close play area and it is considered that improvements to that facility are preferable to the provision of a new LAP on site. Policy A16 should make reference to this approach.

Policy A26 (Holwell Business Park) seeks the redevelopment of land to the south of Holwell Works for mixed use development comprising B1, B2 and B8 uses along with no more than 100 dwellings. The residential element is considered to be enabling development i.e. necessary to make a scheme viable. We note that the site is contaminated and that previous proposals for the site have failed to happen.

We do have significant concerns about both the principle of residential development in this location and the way that the Neighbourhood Plan seeks to control its delivery. In general terms Asfordby Hill is not considered to be a sustainable location for significant residential development. The settlement has very limited services and facilities. The Neighbourhood Plan acknowledges this and the policy seeks to improve the sustainability of the settlement by requiring provision of a general store, community meeting place and play space.

Whilst that might be a laudable aim, we are concerned that the requirement for such elements of additional facilities might render any residential scheme (and indeed any overall mixed use scheme) unviable. It is also unclear whether there is market interest in the provision of a general store in Asfordby Hill. As the provision of such a store would be critical to sustainability it is essential that the delivery of a store can be demonstrated before any permission is granted for residential dwellings.

It is also essential that any residential development is brought forward only as a necessary part of a comprehensive scheme including employment related development.

We note that Holwell Business Park is identified in the Draft Melton Local Plan Emerging Options as an existing employment site. Draft Local Plan Policy EC4 deals specifically with the site. It advises that proposals to change the use of the site to non-employment uses will not be permitted except where:

- it can be demonstrated that the site is no longer economically viable for employment purposes in the long term;
- it would support the main use of the site for employment purposes;
- the proposal is for wholesale redevelopment of the site for other uses where there are alternative employment facilities available in strategically advantageous locations.

The Draft Local Plan therefore only allows re-use of employment land for residential use if specific tests can be met. The Neighbourhood Plan does not include these tests and accordingly Policy A26, as currently drafted, is not in conformity with the strategic policies of the Draft Local Plan and the basic conditions of the Localism Act have not been met in this regard.

We would recommend that Policy A26 is reworded to incorporate the following pre-requisites to support residential development:

- demonstration that the same tests included in draft Local Plan Policy EC4 can be passed in respect of any non-employment development;
- clarification that residential development will only be supported where it forms part of a comprehensive development including 3.23 ha of Business, General Industrial and Storage and Distribution Uses;
- evidence that a general store on the site is viable (including evidence of market demand); and
- a phasing strategy that ensures that the general store and an element of employment uses will be delivered prior to the first housing occupations.
- The requirement for 30% affordable housing and 12% bungalow as per other allocations.

In the light of the above, we have significant doubts about the suitability and deliverability of the Holwell site for residential development. Even if delivery could be achieved the Plan would need to incorporate significantly more safeguards to prevent the delivery solely of an isolated and unsustainable housing estate. Accordingly, the strategy in the Neighbourhood Plan should not rely on this site in order to meet the housing needs for Asfordby.

Housing Land Supply

Having regard to the policies in the Neighbourhood Plan and to our analysis above we conclude that there is significant doubt as to whether the sites identified in Neighbourhood Plan will deliver the minimum residual requirement for 148 dwellings.

We acknowledge that some additional dwellings may come forward as 'windfalls'. However, the number generated by this means is likely to be negligible. Moreover, small windfall sites are unlikely to make any significant contribution to the infrastructure requirements in the village.

Accordingly the Plan does not demonstrate that the housing needs of the village can be met and it fails to meet the basic conditions of the Localism Act in this regard.

Other Jelson Land between Station Lane and Hoby Road

Jelson owns a parcel of land between Station Lane and Hoby Road, directly to the west of the land that is already committed for 100 dwellings (see enclosed Site Plan). This land is not currently identified in the Neighbourhood Plan. However, it is available and suitable for development. The site extends to approximately 3 hectares and comprises open land used for arable farming. Development of the site would provide a logical extension to the approved scheme and the village.

This land was recently the subject of an application seeking outline planning permission for up to 70 dwellings, submitted to the local planning authority in August 2016. The proposals were refused by Members of Planning Committee (on 1 December 2016) and the decision was issued on 5 December 2016. At the Meeting of Planning Committee, officers claimed that the Council is now able to demonstrate that it has a five year supply of deliverable sites based on a 5 year supply statement that it has produced principally to support the emerging Local Plan strategy. We do not believe that this represents an accurate reflection of the Council's supply position at the current point in time and based on current national policy. To be robust, it ought to assess housing land supply on the basis of a methodology that is not reliant on its emerging plan and which accords with national policy.

We were very concerned that the application was refused on the basis of a strategy and policy of a Plan that has yet to be submitted to the Planning Inspectorate for examination. Guidance contained within the NPPF on this is clear and for this reason, pre-examination plans are generally afforded little weight in the decision making process.

Notwithstanding this, our assertion is that the site is well connected to the village in a sustainable location and would represent a logical expansion of Asfordby. The proposals had little opposition from the public (only 2 letters of objection) and there were no technical or environmental constraints to the site (except the provision of additional archaeological information which can be undoubtedly resolved). The site is not in an area of separation and its development would not result in coalescence of the settlements; one of the overriding ambitions of the Neighbourhood Plan. We consider that, given the constraints of the settlement (the bypass and areas of flood risk) the site offers the only realistic prospect for an additional allocation.

Furthermore, unlike proposals for other proposed site allocations in the village this site is owned by a housebuilder and viability is not an issue. Development of this site would make significant policy compliant contributions to affordable housing and the other infrastructure requirements set out at Policy A23 and could include the further provision of bungalows as agreed on the adjacent scheme. It is the only site available in Asfordby where there are no question marks over its deliverability.

We conclude that the site would provide a very valuable contribution to the housing need for Asfordby, particularly in the light of the constraints posed by the alternative sites in the village and the significant doubts as to how and when these might be delivered.

Summary

In the absence of an additional residential allocation the Plan does not allow for sufficient viable and deliverable land to accommodate the identified housing need. It is unlikely to satisfy the basic conditions of the Localism Act in this regard. We would therefore encourage the Parish Council to additionally allocate the land shown on the attached plan for residential development. This will add much needed flexibility to the Plan should the other sites identified prove undeliverable. An illustrative masterplan is also attached and provides a more accurate capacity figure for the site.

We would be grateful to receive confirmation of receipt of this letter and thereafter be kept fully informed of the progress of the Neighbourhood Plan. We would be happy to discuss this matter further and can be contacted using the details provided above.

Thank you.

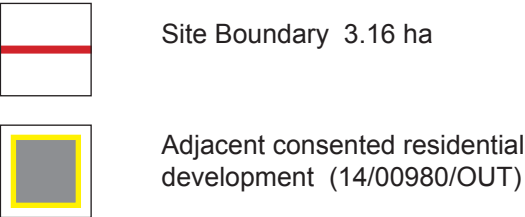
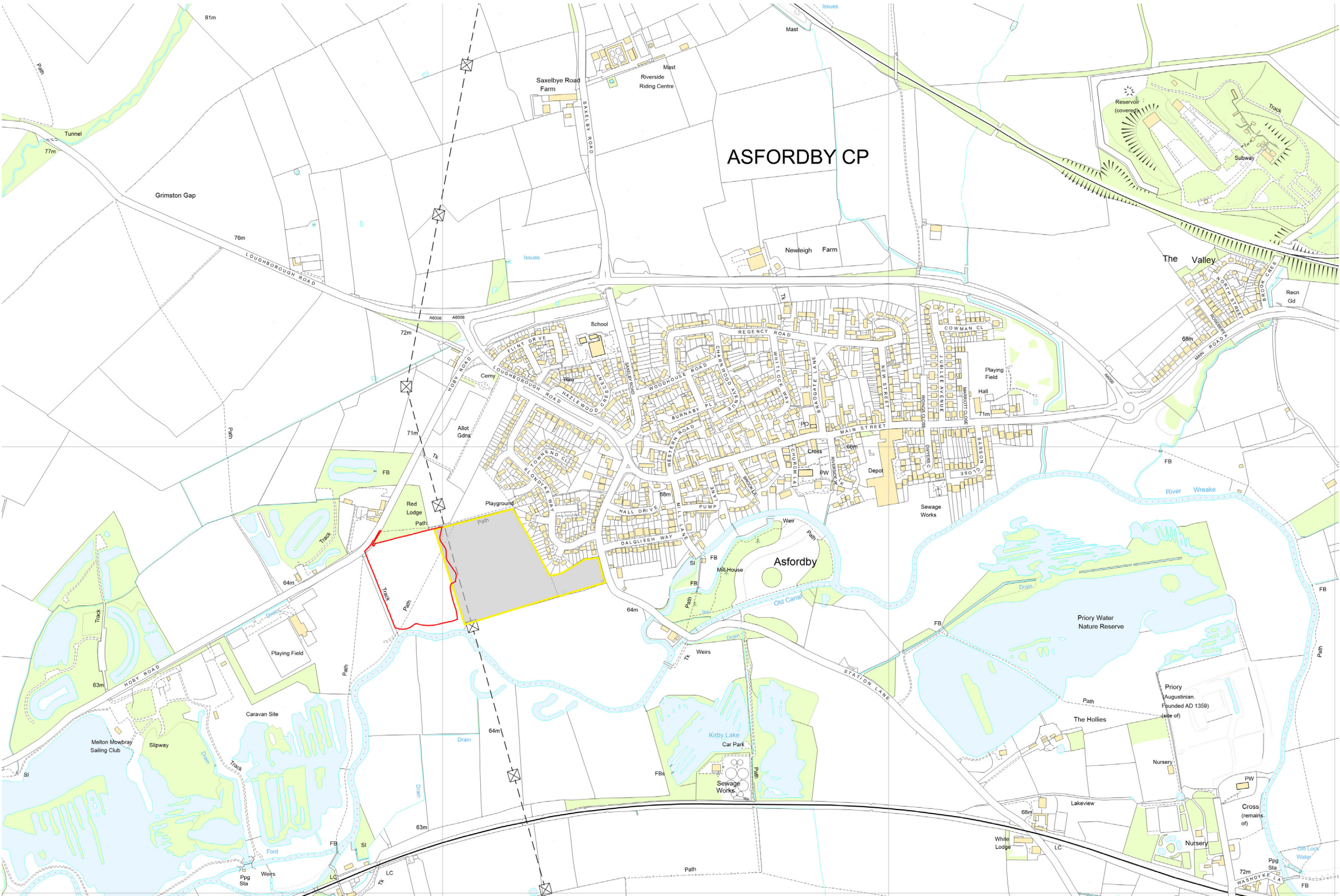
Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Williams', with a long horizontal line extending from the end of the signature.

Ben Williams BSc(Hons.) MSc MRTPI
Planner - Planning, Development and Regeneration
For and on behalf of GVA Grimley Limited

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client
Jelson Homes
project
**Land off Hoby Road
Asfordby Leicestershire**

drawing title
SITE LOCATION PLAN

scale
1:10,000 @ A3
drawing / figure number

7177-01

drawn
MO

issue date
12 August 2016

rev

A



- Application Boundary 3.16 ha
- Existing Settlement
- Adjacent Consented Scheme
- Proposed Residential Area 2.37 ha (up to 70 dwellings at 30 dph)
- Overhead Electric Cable
- Public Rights of Way
- Permissive Path
- Existing Bridleway
- Proposed Footpath

- 1 Proposed Vehicular Access
- 2 Proposed Pedestrian Link
- 3 Public Open Space
- 4 Indicative SUDs Basin
- 5 Existing Hedgerows and Trees
- 6 Footpath route to Frisby on the Wreake