

Frisby on the Wreake
Neighbourhood Development Plan

Outline Written Statement

By

Frisby Parish Council (FPC)

For the attention of John Slater, Independent Examiner

Hearing Date:

Tuesday 12th December 2017 (Q1 to 10)

Question 1

Should Policy H1 be setting the figure of 78 as a "target" or should it be set as a "minimum" figure, particularly having regard to the fact that Policy SS2 in the emerging Melton Local Plan is referring to a "minimum" figure of 6,125 new units to be built? Would the setting of the figure as a "target" artificially limit the supply of new homes that could be built in the village, perhaps even within the allocation sites themselves. Does having a target figure mean that the allocation sites would not be making the most efficient use of land, particularly having regard to the Government's desire that the planning system should be looking to "boost significantly the supply of housing"?

Answer 1

Frisby's minimum residual housing requirement is 68, whereas the figure of 78 is above this minimum and it is therefore appropriate to refer to it as a target in Policy H1.

In their comment (dated 5th July 2017) to our Regulation 16 consultation, MBC raised issue with our site choice but were content regarding the proposed housing provision, stating:

"Moreover we have not commented wherein we are content that the plan is sound and meets the criteria above, nor have we commented on minor issues such as typos."

The residual housing requirement for Frisby as identified in the focused changes for the draft Melton Local Plan (DMLP) ¹is 68. The capacity numbers from site allocations also feature within the DMLP. These capacity numbers are not relevant, as Frisby will meet its residual housing requirement by identifying the minimum delivery of 68 dwellings and this is the figure on which our NP should be judged against the DMLP. This proportional figure of 68, which is based on the parish population, helps deliver the DMLP figure of 6,125 houses in the borough. Whilst this DMLP figure has not yet passed inspection, it is significantly higher than the most recent authoritative HEDNA report² and considered to be excessive in a representation by a neighbouring LA (Charnwood). The DMLP has carefully balanced the ratio of new housing apportioned to town and villages such that urban growth allows for the provision of the new Melton Mowbray distributor road. One MBC Councillor is particularly concerned that should this balance be upset, the much needed road will not be funded adequately to go ahead.

Frisby's NP identified target figure of 78 actually over-delivers its residual housing requirement by 15%, which pro rata represents 7,025 homes in the borough. Frisby's target therefore embraces the MBC spirit of over delivering both the DMLP and the HEDNA figures. This target contributes positively to the total number of housing required to be placed within the Borough Rural Hubs and represents a significant increase of over 31% in the number of houses currently within the village. At the same time, this target satisfies the desire expressed by the vast majority of parish residents throughout the consultation process, to remain a small village community.

¹ DMLP Focused changes Appendix 4 FC4.1, Table 4: Residual housing requirements for Service Centres and Rural Hubs

² HEDNA report for Leicestershire and Leicester, Jan 2017

This target does not limit artificially the supply of new homes, as besides over-delivering the DMLP housing allocation needs, it allows for considerable expansion of the village into green fields. In addition, other homes may be built within the new limits to development over the period of the NP.

In terms of making the most efficient use of the land, the numbers used are taken directly from housing layouts and densities suggested by the developers' planning applications, which have already optimised land use. As such, the allocation sites accommodate and exceed the housing allocation number for Frisby, and are of a density that is in line with existing developments in the village. The proposed density, an issue debated at the outline planning committee hearing for the main Great Lane site, allows for public amenities to be included, such as a children's play area and open green spaces. The community welcomes this approach.

Question 2

Planning permission has been granted for the phase 1 of the Great Lane site and a resolution to approve planning application 16/00704/OUT has been passed in respect of the Cook land. I would wish to hear views as to how much weight I should be giving that resolution, bearing in mind the request made to the Secretary of State to use his "call in powers". Should the Secretary of State not intervene and the planning permission is issued, would it still be appropriate for the extension to the Great Lane site (FRIS1A) to be allocated in Policy H2, as there would be planning consent under that scenario to 96 new homes in the village.?

Answer 2

If the inspector accepts the points we make in our response to Question 4, then our view is that little weight should be given to the resolution to approve the planning application on the Cook's site, the latter site not being favoured by the community.

However, in the event that planning permission on the Cook land is approved, we would accept a recommendation to change the NP site choices by removing FRIS1A from the NP and altering the LTDs to incorporate the housing layout proposed for the Cook land instead.

For information, a detailed planning matters application for the main Great Lane site (FRIS1) is now being considered for approval by MBC. As submitted, it provides for 53 units, rather than the anticipated 48, bringing 101 new homes to the village if the Cook land approval is finalised.

Question 3

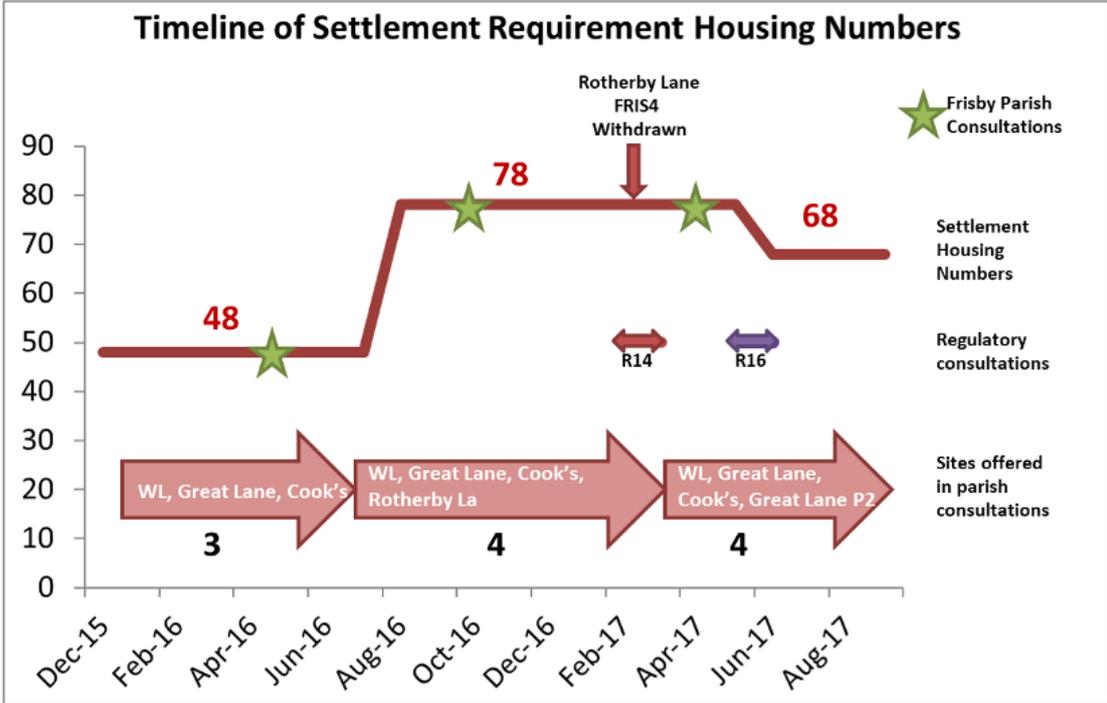
I would wish to hear the reasons behind the Neighbourhood Plan changing its preferred location for new residential development as the plan has progressed and I will invite representations as to the "objectivity" of the site selection exercise.

Answer 3

Since December 2015 when our community was first advised of our housing allocation of 48 homes, the PC has been consulting with residents in order to manage a constantly changing (and at times extremely confusing) situation. The first village consultation on site choice was conducted for 48 homes at this time but no details were available then for each site, except for the location and

potential access. The GL site included the extension even at this time. Mr Ayres, the then NPAC chairman, concluded the public domain report³ on that consultation by saying:

“As a result of the time constraints set by the Borough, which have meant that the Village Survey had to proceed without essential data from properly completed site assessments, the community has not yet been able to come to a firm conclusion on a suitable site. Although the Borough has said that it will make the final decision on site allocation, the level of engagement with the NP process by residents should be noted and we request that we be fully involved in the final decision.”



Each time the housing requirement numbers changed, our site choices needed not just to meet the DMLP minimum housing allocation but also to reflect the wishes of the community through consultation. Only those site option groupings that met or exceeded the prevailing MBC minimum housing allocation were included. Please see above chart.

As time progressed, the community became increasingly aware of the housing potential of each site (from published SHLAAs and communications) and began to understand the likely impacts of new developments on existing properties (such as surface water flooding), as well as posing questions about traffic and site access. The community needed time and support to come to terms with the changes in their parish. Following the Great Lane site’s first MBC Planning Committee hearing in late 2016, many members of the community started to accept that the site, being the first development to seek approval, was likely to succeed. Given this dynamically moving situation, it is perfectly reasonable

³ Frisby on the Wreake Community Consultation Report to MBC by Frisby NPAC, May 2016

for people to change their minds individually or as a body, in the face of changing circumstances and to express their concerns.

In June 2016, the community and the PC rejected the survey conducted by Your Locale's Derek Doran, as there were perceived errors and inconsistencies in the scoring. However, the assessment process itself (that followed NPPF principles) was considered sound and hence was utilised in a later data review by NPAC. This latter review examined the scoring consistency between the GL Phase 1, Cook's and WL sites, with methodology as follows:

- *Utilised the established NPPF assessment model;*
- *Referenced MBC documentation, retained MLP policies and SHLAA data;*
- *Incorporated other data from statutory bodies such as the Environment Agency, LCC Highways, Network Rail, energy utilities, etc.;*
- *Used information provided in planning applications for GL, WL and Cook's sites, by experts representing the applicants;*
- *Adopted Parish On-Line distance measurements;*
- *Took guidance from our professional advisers, Your Locale;*
- *Received continuing advice from MBC planning department;*
- *Benefitted from liaison with other NP groups in the borough;*
- *Had the additional benefit of local community knowledge gathered through the NP development.*

Therefore, site assessments were considered to be consistent, appropriate, fair and transparent and based upon a strong evidence base.

Shortly before our Regulation 14 consultation ended, we had one highly favoured site withdrawn for reasons not in our control. FRIS 4 (Rotherby Lane) had been included within the second consultation but was removed by the landowner due to an irreconcilable difference with MBC on site viability and subsequent deliverability. The community was very disappointed that it had to be removed, as it was highly favoured and would have facilitated the much-needed renovation of a Grade II listed house. This unexpected and forced change in our site options prompted a further community consultation and the assessment of the GL extension site, using the above process.

Question 4

The emerging Local Plan is currently allocating 3 sites for residential development in the village, Great Lane (Phase 1), land south of the village (the Cook land) and land at Water Lane. A) What are the relative merits of these sites in terms of how they would deliver sustainable development. How do they compare to Great Lane Phase 2 proposal? B) The text in the plan seems to acknowledge that there are issues with the Phase 2 site, in terms of distance the new residents will be from village amenities, public transport and the school. I need to understand why this development, which seems to extend the village into the countryside to the south east, is preferable to the Cook land which has apparent community benefits, not only in terms of walking distance to the village shop, pub, school, church and other village facilities but also offers the opportunity to address some of the problems set out in the plan currently experienced at the village school, by providing additional parking and dropping off facilities for parents. C) In this

context to what extent is the Water Lane site affected by flooding and are the other sites preferable in terms of the sequential test as set out in the NPPF?

Since these 3 sub questions were issued, a revised planning application has been submitted for the Water Lane site. Our approach is to answer what we interpret to be the intent of the question in terms of our NP and also to provide relevant information relating to the changed application.

Answer 4

4A) Sustainable Development: *Some principles apply equally to each available site e.g. supporting a prosperous rural economy, high quality communications infrastructure and good design, protection of Green Belt land. However, other principles differentiate the sites on the ‘scale of sustainability’ that we consider elevate the Great Lane sites above the Cook land and Water Lane.*

- *The GL extension is nearer than the Cook site to the most regular bus service (5 and 5A) on the A607, and is closer to the 2-hourly bus route (128), so promoting sustainable modes of travel. WL is further than the other two sites from the half hourly A607 service but it is less likely that prospective residents of WL will use cars to travel to the village centre that those in GL or Cooks.*
- *The Agricultural Land Classification of all three sites is said variously in SHLAAs and planning application documentation to be Grade 3. However, according to the DMLP evidence base⁴, Cook’s land appears to be identified as Grade 2, implying that it should be retained for food production and agricultural use.*
- *The GL combined sites are the only ones which are not affected by Natural England’s Impact Risk Zones (IRZ) for housing and water supply/discharge relating to the important Frisby Marsh Site of Special Scientific Interest (SSSI). Our NP emphasises the importance placed by the community on protecting our local SSSI and other wildlife habitats.*

4B) Distance from amenities: *We wish to clarify the context of the statement in the NP relating to the GL Phase 2 extension that it “is further from central village amenities, school and public transport” by adding “it is further from.....than Great Lane Phase 1”. All of the sites in question are on the extremities of the village and it is the detailed access points, footpaths, the ease of walking these and eventual housing layout that determine actual proximity and accessibility of amenities from each site. Using the Parish Online mapping tool, distances measured along proposed footpaths or roads from a central point of each site to each amenity lie within a similar range of 450-1000m for Great Lane and the Cook’s land (e.g. Gt Lane Phase 2 is about equidistant to the church).*

As the crow flies, the Cook’s site is acknowledged to be closer to the central village amenities than the Great Lane extension site but there are other practical considerations:

⁴ https://docs.wixstatic.com/uqd/a14863_4a3a9ce7ee484cedb9f886512f0cdf0b.pdf

- *In supporting the GL phase 1 and 2 sites in the latest survey⁵, residents had balanced the relative advantages and disadvantages of sites, including the traffic and parking problems in Hall Orchard.*
- *The Cook's site has no direct pedestrian or vehicular access to the lower village through the Hall Orchard estate at present or proposed in the outline planning application. To access the village centre from the site, pedestrians would have to use the proposed Rotherby Lane access, which is very steep and will pose challenges for anyone with limited mobility, wheelchair users or people pushing prams. The other entrance is via the new unadopted access road leading to Gaddesby Lane, which is considerably further than any of the other site routes, either by foot or car.*
- *There is no provision in the S106 section of the Cook site Planning Committee Report for a school drop-off area or car park (nor the community orchard, children's play space or land that has been reserved for school expansion, despite them all being promised as part of the planning application). Nor is there any known agreement for pedestrian access to the school from here. However, the traffic issues we face at the moment in Hall Orchard occur mostly because of children from outside of Frisby being dropped off and picked up. This situation will change over time as village children take up the spaces within the school.*

When appraising the GL extension site, for which the SHLAA had been conducted at the same time as the main site, other advantages of the extension over the other two sites in the DMLP became apparent:

- *Vehicular access to the Cook's site is more problematic than to the GL sites, as it entails entry and exit onto the narrowest country lane in the village leading to a junction with the A607 that does not satisfy LCC 6C guidelines in terms of visual splays.*
- *The drainage and flooding issues associated with the Cook's land have not had any viable solutions proposed and the third letter by the LLFA underpins the issues that are associated with the site. The application was approved with no viable solution identified, agreed or suggested by the applicant and this is a major unresolved concern for the community.*
- *Unlike the Cook's site, the GL site is not close to any historic monuments such as the Stump Cross.*
- *The GL extension is deliverable and has proven viability, as it is not a new site. The 2015 land submitted to the SHLAA appraisal was the entire site (Phase 1 and Phase 2). Plans are advanced, a builder is engaged and a detailed planning application has been submitted.*
- *There is doubt that the other 2 sites are as financially viable as the GL one due the high costs to mitigate the issues that have been identified (for Cooks and WL, safe access and surface*

⁵ *Frisby Residents Action Group parish consultation on community support of post R16 NP, August 2017*

water drainage and for WL, flooding and railway noise mitigation) and hence may not be able to offer the affordable housing that the DMLP and NP require.

- The Great Lane extension site is: less likely to cause flooding issues for the rest of the village according to EA Flood Maps. It is more closely related to the existing housing and has least impact on landscape character according to the DMLP site assessment document. The site has neither underlying mineral deposits nor agricultural land classification constraints.
- It is noted that the revised WL application does not provide for a Village Hall car park with consequently lost community amenities and benefits.

4C) Water Lane Flooding: We need to be clear as to whether we are referencing: a) the eastern area of the site as promoted in the DMLP of 0.89 ha; or b) the original planning application corresponding to the entire field of 3.33 ha; or c) the revised (10/11/2017) planning application for 22 homes that refers to the westernmost 1.47 ha.

The 0.89 ha site as promoted in the DMLP has four potential sources of flooding:

1. 100% of the site is at risk from groundwater flooding;
2. Approximately 33% of the site is Flood Zone 2 and 67% is Flood Zone 1;
3. Approximately 50% of the site is subject to surface water flooding, and
4. 60% of this site is affected by flooding if there were to be a reservoir breach, to depths 0-2m.

For the revised current planning application on the 1.47 ha, the relevant statistics are:

1. 100% of the site is at risk from groundwater flooding;
2. The site is essentially Flood Zone 1 (the access road may still be affected by fluvial flooding according to the detailed maps provided by the EA);
3. Approximately 40% of the site is subject to surface water flooding, and
4. Approximately 30% of the site is affected by reservoir breach.

The EA has said that the Sequential Test should be done for the Water Lane site. Similarly, our approach in the neighbourhood planning process has been to follow NPPF and PPG advice to direct development away from areas at risk of flooding from any source, and so away from the Water Lane site entirely. We also note that the developer has stated a need to build the houses on 150mm platforms to avoid flooding on the Water Lane site. The GL extension site is not liable to flooding and is therefore the more suitable alternative, as the Cook's land also has surface water flooding affecting the lower village.

Question 5

In view of the suggested changes in the affordable housing policy as now set out in Policy C4 of the emerging local plan, should the percentage of affordable housing proposed Policy H8 be changed to 40%?

Answer 5

We thank Mr Slater for this proposal, which we accept. In view of the Local Plan not yet being adopted

and the final affordable housing percentage being subject to further change, it may be appropriate to amend the policy to:

'Development proposals for new housing where there is a net gain of more than ten dwellings should provide affordable housing that is suitable to meet the current and future housing needs of Frisby on the Wreake in accordance with borough wide planning policies'.

We propose that the NP complies with the local plan in this matter when it is made.

Question 6

Should the definition of affordable homes include retirement homes and starter homes?

Answer 6

Our community preference, as identified early in the NP process and in 2016 in the first survey, is a need for bungalows and smaller homes. The parish has a higher than average number of dwellings occupied by single, elderly residents. The PC has no strong views on how the actual affordable housing mix is comprised. We propose to conform to the made MLP.

Question 7

Why should the allocation of affordable homes in the Plan area be limited to people with a local connection, where is the evidence to support this and in any event, is this an appropriate planning policy or is it a housing allocation policy which is the responsibility of the Housing Authority?

Answer 7

The policy is intended to prioritise but not to limit, allocation of affordable housing to people with a local connection. The average price of housing in the Parish is 82% more than that in Melton, for example. It is too high for most young people to live in the Parish without support. We received communication through the inception of the plan from various members of the community requesting that our NP considered giving priority to those with a local connection. We have endeavoured to mirror this requirement for local needs which were most recently identified⁶ as six market homes and two affordable homes in our Parish.

In terms of whether the local connection policy is a planning policy or a housing allocation policy, paragraph 3.69 (b) on page 29 of the adopted Local Plan identifies affordable housing meeting a local need and says that MBC may grant planning permission where 'a legal agreement is entered into between the council and developer to secure ownership and benefits to successive occupiers and ensure availability of affordable housing for local people in need'.

Similarly, the submission MLP talks about delivering affordable housing to meet the needs of local people or those with a local connection (para 5.9.1 on page 63). They both relate to exception sites but the principle is established. This appears to confirm that it is a planning matter and therefore one that may be allowed on the evidence of the housing needs survey, which is valid until 2019.

⁶ November 2014 "Midland Rural Housing Needs Survey"

Question 8

In view of the proposed changes in the latest version of the emerging local plan should the neighbourhood plan seek to limit the capacity of windfall sites to 5 units or should their capacity be dependent upon the size of the site and the type of housing being promoted.?

Answer 8

The Focused Changes to the draft Melton Local Plan Policy SS2 and SS3 states that on unallocated sites 'schemes of up to about 5 dwellings (may be permitted) for Rural Hubs. As this reflects the latest evidence supplied as part of the Local Plan process, we suggest this figure is retained.

Question 9

Should the allocation sites be included within the proposed Limits of Development?

Answer 9

Yes please – the final sites specified in the ratified NP for allocation within the parish should be included in the revised LTDs.

Question 10

Would the Qualifying Body please clarify the sites that are identified in Policy ENV2 will also be covered by Policy ENV4 and is the level of protection offered by Policy ENV2 consistent with Paragraph 113 and 118 of the NPPF?

Answer 10

The rationale here is that ENV2 is intended to protect, at appropriate levels, identified sites of environmental significance as mapped – in the case of Frisby, these are national- and county-level 'existing designations and potential new sites based on the newest Phase 1 survey conducted by Leicestershire County Council in 2016.

ENV4 is intended to apply the objectives of English and European wildlife legislation / directives to all Planning matters in the parish – it only comes into effect, and becomes site-specific, when a site anywhere in the parish is proposed for development that would damage biodiversity or a protected habitat or species.