



Frisby on the Wreake Neighbourhood Development Plan – Public Hearings

Statements on behalf of Mr and Mrs Cook

INTRODUCTION

These Statements, prepared by Fisher German on behalf of Mr and Mrs Cook, relate to land to the south of Frisby on the Wreake, FRIS3.

To provide some background to the site, an outline planning application for the development of the site for up to 48 dwellings was submitted to the Borough Council on 29th September 2016, and given a validation date of 29th September 2016; Application Reference Number 16/00704/OUT.

The proposed development will deliver 48 dwellings, of which 37% will be affordable. Extensive open space, for new and existing residents is proposed of some 4.1 hectares, including a new equipped play area. The proposal also offered the opportunity to deliver a new school drop off facility and expansion land for the school.

Members voted to approve the outline planning application at Committee on 7th September 2017, subject to a S106 Agreement and the inclusion of an additional condition.

At the time of writing this Statement, the S106 has been signed by the landowners and Borough Council and is with the County Council for sealing. It is expected that the Agreement will be completed early w/c 4th December 2017.

The Inspector will be aware of the request made to the Secretary of State (SoS) to use his "*call in powers*". Upon completion of the S106 Agreement, and having regard to the SoS letter dated 22 November 2016, the Borough Council will seek authorisation from the SoS to determine the application.

The site is deliverable and whilst the site has not yet been marketed there is a good level of housebuilder interest in the site. The site can deliver and complete within five years.

Question 1:

To reflect the Government's object to "boost significantly the supply of housing" it is considered that the Neighbourhood Plan should be setting a "minimum" figure, rather than a "target". In setting a "minimum" figure, the Neighbourhood Plan should have regard to the emerging Local Plan which sets a housing requirement of **118** new dwellings at Frisby.

It is recognised that where the examination of a Neighbourhood Plan precedes the adoption of a Local Plan, there is no requirement to test the Plan against the policies in the emerging Plan. However, as set out in the National Planning Practice Guidance (NPPG) "the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested". The NPPG gives the example of up-to-date housing needs evidence being relevant to the question of whether a housing supply policy in a Neighbourhood Plan contributes to the achievement of sustainable development.

The NPPG goes on to state that where a Neighbourhood Plan is brought forward before an up-to-date Local Plan is in place "the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in: the emerging Neighbourhood Plan; the emerging Local Plan; and, the adopted Development Plan, with appropriate regard to national policy and guidance".

The guidance goes on to state:

"The local planning authority should work with the qualifying body to produce complementary Neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the Neighbourhood Plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood Plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the Neighbourhood Plan are not overridden by a new Local Plan".

In respect of setting a "minimum" figure, it is clear from the guidance set out in the NPPG that the Frisby on the Wreake Neighbourhood Plan should ensure that the emerging evidence of housing need, detailed within the emerging Local Plan, is addressed. This means that the Neighbourhood Plan needs to set a "minimum" figure of 118 new dwellings at Frisby, not 78 dwellings as currently proposed.

NPPG Ref: Paragraph: 009 Reference ID: 41-009-20160211

Question 2:

The planning application for the Cook land, was robustly assessed by Officers having regard to the detailed evidence submitted with the application and the responses received from statutory consultees.

Members fully considered the views of the community and Parish Council in voting in favour to approve the application. Indeed, the application had been deferred on two occasions prior to the Committee deciding the application on 7th September to enable Members to consider additional information which had been provided by the Parish Council and the applicant in response.

Having regard to this robust assessment and consideration of the application, it is considered that the Inspector examining the Neighbourhood Plan should give the Committee's resolution to grant planning permission, subject to conditions and completion of a S106 Agreement, **significant weight**.

It is worth noting that the request made to the SoS to use his "call in powers" is the **very same request was made, by the same party, in respect of the Phase 1, Great Lane site at the time it was being determined by the Borough Council**. On that occasion, the Secretary of State did not use his "call in powers".

Whilst it is for the SoS to decide whether to exercise his "call in powers", it is our position that the application does not meet any of the criteria for call in powers as set out below:

A. May conflict with national policies on important matters

This criterion is clearly not engaged as the Application does not conflict with national policies.

B. May have significant long-term impact on economic growth and meeting housing needs across a wider area than a single local authority

The application is for up to 48 Dwellings which includes affordable housing to help meet local needs. An application of this size will not have significant long-term impacts on economic growth and meeting housing needs across a wider area than Melton Borough.

C. Could have significant effects beyond their immediate locality

The concerns of local objectors relate to the emerging Neighbourhood Plan. As such, the objections are localised and the small-scale nature of the development proposed will have no effects outside the village of Frisby on the Wreake and surrounds. It is clear that the proposed development will not give rise to significant effects beyond its locality.

D. Give rise to substantial cross-boundary or national controversy

This criterion is clearly not engaged and will not give any rise to cross-boundary or national controversy.

E. Raise significant architectural and urban design issues

This criterion is clearly not engaged. The application is in outline with all matters reserved except for access. The proposal is considered to be a reasonable extension to residential development in this part of the village and does not raise significant architectural and urban design issues.

F. May involve the interests of national security or of foreign Governments

The proposals will not give rise to issues relating to national security or of foreign Governments and this criterion is clearly not engaged by the application.

Should the SoS not intervene and the planning permission for the Cook land is issued, the number of dwellings being delivered in Frisby would total 101 (48 dwellings on the Cook land and 53 dwellings for Great Lane, Phase 1. Note: the RM application is for 53 dwellings). This would still leave a "minimum" of 17 dwellings to be delivered in Frisby. Great Lane, Phase 2 or Water Lane, as proposed by the Borough Council could therefore be brought forward, delivering a total of 126 - 131 dwellings and 123 dwellings in Frisby respectively.

Question 3:

The objectivity of the site selections process which has informed the allocations within the Neighbourhood Plan is seriously questioned. The below chronology of events seeks to demonstrate the inconsistent and misleading approach which has been taken in the site selection.

APRIL/MAY 2016 - Cook land preferred site. The Parish Council undertook a consultation exercise with the community, this was the first opportunity residents had to comment on development options in the settlement. The Cooks land was favoured by 48% of the respondents if development were to occur on one site only and 33% of respondents if a combination of site were brought forward. Water Lane, Great Lane scored 24% and 31% respectively and Water Lane 15% and 21% respectively.

MAY 2016 - Cook land and Water Lane most sustainable. Your Locale undertook an "independent sustainability analysis" of sites. The report identified Water Lane and the Cook land as sustainable sites for development. Great Lane was identified as the least sustainable of the three options.

JUNE 2016 - Your Locale assessment of sites rejected at the 7th June Parish Council meeting.

NO DATE - Great Lane most sustainable. Re-assessment of sites. Cooks land has an increase of four negative scores, Water Lane an increase of 6 negative scores and Great Lane an increase of 12 positive scores (as detailed in our representations dated 20th March).

SEPTEMBER 2016 - Objections to Great Lane. Parish Council object to Great Lane Planning application. The reasons given include isolation from the main village, would not encourage integration of new residents, visual amenity, school at capacity and access very limited, history of flooding on the site.

OCTOBER 2016 - Deliberately misleading data presented to residents to vote on favouring Rotherby Lane and Great Lane. Residents asked to pick one preferred option for development in Frisby. This includes a new site at Rotherby Lane. Rotherby Lane features in all development options (100% representation), Great Lane 80% representation in the options, Water Lane 60% representation and the Cook land 40% representation.

JANUARY 2017- Great Lane proposed allocation in NP. Following its objection to the Great Lane application, the Parish Council write to the Borough Council, ahead of the determination of the application, advising that the site will be included as an allocation in the Neighbourhood Plan.

MARCH 2017 – Neighbourhood Plan (Reg 14), **Great Lane, Phase 1 and Rotherby Lane identified as proposed allocations.**

MAY 2017 – Neighbourhood Plan (Reg 16), Rotherby Lane removed from Plan as not available, **Great Lane, Phase 1 and Great Lane, Phase 2** identified as proposed allocations. The Neighbourhood Plan states that Great Lane Phase 2 was identified during the Regulation 14 consultation.

None of the above decisions are supported by proportionate, robust and credible evidence that justifies the choices made and the approach taken. The site selection process has failed to have proper regard to appropriate and robust evidence, including that used to inform the proposed allocations in the emerging Local Plan. As the NPPG states "*proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain simply the intentions and rational of the policies in the draft NP or the proposals in order*".

NPPG Ref: Paragraph: 040 Reference ID: 41-040-20160211

Question 4:

The Cooks land, Land to the south of Frisby (FRIS3), has been confirmed as a site which can deliver sustainable development through the emerging Local Plan, and its associated evidence base, the assessment of the planning application undertaken by Officers, and Members approval of the application at planning committee.

In addition, the site was also identified as more sustainable than the Great Lane, Phase 1 site in the Your Locale “independent sustainability analysis” undertaken in May 2016 (as referred to in response to Question 3).

The Cooks land is clearly considered, by the Borough Council, and also by an independent party (Your Locale, albeit the assessment was subsequently amended) as a sustainable location for residential development in Frisby.

As the Neighbourhood Plan acknowledges, the Great Lane sites are on “extremities” of the village, which “may prove to be challenging for integration within the community”. The Plan also acknowledges that residents of Great Lane already drive to the village amenities and “this behaviour is likely to continue in this general location”. These statements reflect the original objections the Parish Council made to the Great Lane, Phase 1 planning application (refer to Q3). The table below illustrates this matter, setting out the walking distances to the local services and facilities from the centre of the Cooks land, and the centre of the Great Lane, Phase 2 site. It is clear from the table that key services in the village are more accessible, by foot from the Cooks land, than Great Lane, Phase 2.

	Cooks land, Land South of Frisby (Approx. distances)	Great Lane, Phase 2 (Approx. distances)
Primary School	100m	900m
Frisby Pre- School	600m	680m
Frisby Stores, Post Office and Tea Room	500m	700m
Bell Inn Public House	450m	750m
St Thomas of Canterbury Church	600m	720m
Bus Stops	450m Main Street 500m Great Lane	350m Great Lane

The Cooks land offers the opportunity to deliver tangible benefits to the community. The table below compares the benefits each site can deliver. Even if some of the opportunities the Cooks land can facilitate are not taken up, the site still offers a tangible benefit to all residents in Frisby through the delivery of 4.1 hectares of open space, accessible to all, and assisting the integration of community.

	Cooks land, Land South of Frisby	Great Lane, Phase 2
Affordable housing	37% (as per Policy requirement at the time of determination of the application).	Policy requirement at the time of determination of the application.
Open Space	Extensive new (4.1 ha), including new play area, accessible to all, including a Community Orchard.	Public open space for needs of new residents only.
School	Contributions to School Places and opportunity for new School Drop Off facility (the proposed development also offered the opportunity for expansion land to the school however, contributions to school places have been requested).	Contributions to School Places

