

**EXAMINATION OF THE MELTON LOCAL PLAN**

**HEARING STATEMENT**

**MATTER 6 – HOUSING LAND SUPPLY**

**SUBMISSIONS ON BEHALF OF  
GLADMAN DEVELOPMENTS**

**REPRESENTOR REFERENCE NUMBER: 443**

**4 JANUARY 2018**

---

## CONTENTS

---

### PAGE NUMBER

1.	INTRODUCTION .....	1
2.	MATTER 6.2 (I).....	2
3.	MATTER 6.2 (II).....	4
4.	MATTER 6.2 (III).....	6
5.	MATTER 6.2 (IV) .....	12
6.	MATTER 6.3 .....	13

### APPENDICIES (BOUND SEPERATELY)

Appendix A     Housing Trajectory Analysis.

Appendix B     Individual Site Assessments.

Hourigan Connolly  
7 Swan Square  
15 Swan Street  
Manchester  
M4 5JJ

t/ 0161 300 3476  
e/ [info@houriganconnolly.com](mailto:info@houriganconnolly.com)  
w/ [www.houriganconnolly.com](http://www.houriganconnolly.com)

---

## **1. INTRODUCTION**

---

- 1.1 This Hearing Statement is submitted on behalf of Gladman Developments and responds to questions raised by the Inspector in relation to Matter 6 – Housing Land Supply.
- 1.2 This document was originally prepared having regard to Melton Borough Council (MBC) Document: MBC/HS1 – Five Year Supply And Housing Trajectory Position (30 May 2017). However, on the evening of 20 December 2017 the Council’s Five Year Housing Land Supply And Housing Trajectory Position Update (20 December 2017) was published (MBC/HS1A)<sup>1</sup>. On 20 December 2017 the Council also issued a response to the Inspector’s Initial Question 4 – Housing Land Supply (ID1) in the form of Examination Document: ID1D. This Hearing Statement therefore responds to the Council’s latest documents on the subject of housing land supply; it also cross refers to Gladman Developments’ position on housing requirement which is dealt with under Matter 3.

---

<sup>1</sup> It is noted that MBC/HS1A does not have a revised whole Plan housing trajectory for allocated sites contained within it in the same way that MBC/HS1 does. The Council was asked to explain this in an email dated 2 January 2018 but at the time of writing only a holding response had been received.

---

## 2. MATTER 6.2 (I)

---

**IS THERE ROBUST EVIDENCE UNDERPINNING THE CALCULATION OF THE LAND SUPPLY FOR THE PLAN PERIOD? IN PARTICULAR:**

**I) ARE THE ALLOWANCES FOR EXISTING COMMITMENTS AND FOR WINDFALLS ADEQUATELY JUSTIFIED? HAS APPROPRIATE CONSIDERATION BEEN GIVEN TO LAPSE RATES FOR PLANNING PERMISSIONS?**

### RESPONSE

2.1 MBC made no provision for lapse rates in MBC/HS1. In MBC/HS1A a lapse rate<sup>2</sup> of 9% is applied to small and large sites with planning permission only<sup>3</sup>.

2.2 In respect of allocated sites the Council states at Paragraph 4.20 of MBC/HS1A:

*“It is also a standard approach not to apply a lapse or discount rate to allocated sites, because they are identified as housing sites within a development plan document”.*

2.3 However, the Council’s approach fails to recognise that some of the allocated sites now have planning permission. Clearly there are occasions when allocated sites with planning permission do lapse. By way of example applying a 9% lapse rate (for the 5 year period) to all allocations set out in Table 4.4 of MBC/HS1A would have the following outcome for the 5 year supply of deliverable dwellings:

- MBC Total identified supply 1 April 2017<sup>4</sup> – 31 March 2022 = 2,091 dwellings, apply lapse rate of 9% to small/large sites with planning permission (632 in total x 9% = 57 to discount) = 2,034 identified supply. Total allocations for period = 1,315 dwellings, 9% lapse rate = 118 dwellings. Sub total = 1,916 dwellings (2,034 – 118). Add in 29 dwellings for Year 4 windfall. **Deliverable supply = 1,945 dwellings** (1,916 + 29).

---

<sup>2</sup> The Council’s definition of a lapse rate is given in Paragraphs 4.20 – 4.22 of MBC/HLS1A. Our understanding is that the rate reflects the likelihood of a portion of planning permissions lapsing and therefore not contributing to the supply of new homes. This is distinguishable from slippage which in our views refers to developments delivering housing later than the point envisaged by the Council.

<sup>3</sup> See MBC/HS1A – Paragraphs 2.7, 2.8, 3.3 and 4.20 – 4.22 where a lapse rate of 9% is applied to 632 dwellings resulting in a reduction of 57 dwellings to 575 dwellings. For reference Table 4.4 of MBC/HLS1A comprises unadjusted figures i.e. before the application of a 9% lapse rate on small and large sites with planning permission only. MBC’s adjusted figure for 2018 – 2023 appears at Row Q of Table 3.1 (2,506 dwellings) of MBC/HLS1A.

<sup>4</sup> 1 April 2017 is Gladman Developments’ preferred base date – see below.

- MBC Total identified supply 1 April 2018 – 31 March 2023 = 2,506 dwellings (including 9% lapse rate applied to small/large sites with planning permission). Total allocations for period = 1,873 dwellings, 9% lapse rate = 169 dwellings.  
**Deliverable supply = 2,337 dwellings** (2,506 – 169).

2.4 However, as this Hearing Statement demonstrates (see Appendix A and B) the position with regards to allocations for the 5 year period is far worse than a 9% discount. Indeed, reference to **Appendix A** demonstrates that the Council acknowledges that allocated sites are slipping; that much is evident from a comparison of MBC/HS1 (projected completions from allocations for 2017/2022 = 2,071 dwellings) and MBC/HS1A where the figure has dropped to 1,315 for the same period.

2.5 Acknowledgement by MBC that planning permissions do lapse is welcome but it raises a wider issue as to how housing requirements will be met over the Plan period having regard to lapsing planning permissions and slippage (i.e. where planning permissions do not lapse but sites do not perform as expected). In that respect the Local Plans Expert Group (LPEG) Report to the Communities Secretary and Minister of Housing and Planning of March 2016 is relevant. Their recommendations in relation to boosting housing supply were as follows (Page 53):

*“Local Plans should identify a housing requirement with sufficient deliverable or developable sites or broad locations to meet full objectively assessed housing need (FOAHN) over the full plan period for their local area, including any unmet need from within or beyond the Housing Market Area, plus an additional allowance for flexibility appropriate to local circumstances, as far as is consistent with the policies set out in this Framework.*

*Local Plans should make a further allowance; equivalent to 20% of their housing requirement, in developable reserve sites as far as is consistent with the policies set out in this Framework, for a minimum fifteen-year period from the date of plan adoption, including the first five years (this recommendation does not apply where it has been demonstrated that a local authority does not have sufficient environmental capacity to exceed its local plan requirement). The purpose of reserve sites is to provide extra flexibility to respond to change (for example, to address unmet needs) and/or to help address any actions required as a result of the Government’s proposed housing delivery test.*

2.6 Adopting the LPEG recommendation would mean that the Council would need to identify land for **7,350 dwellings in total** (6,125 x 120%). If Gladman Developments’ position on housing requirement is accepted (7,000 dwellings over the period 1 April 2011 – 31 March 2036) then the Plan would need to find a further 1,400 dwellings giving **8,400 dwellings in total**.

---

### 3. MATTER 6.2 (II)

---

#### II) IS THERE ANY DISPUTE THAT A 20% BUFFER SHOULD BE ADDED TO THE SUPPLY TO ADDRESS PERSISTENT UNDER-DELIVERY?

#### RESPONSE

- 3.1 Paragraph 2.5 of MBC/HS1A confirms the Council accepts that a 20% buffer is appropriate.
- 3.2 Table 1 sets out actual completions against the Local Plan annual housing target and accumulated shortfall.

**Table 1**

Year	Net Completions	Local Plan Housing Requirement (245 dpa)	Shortfall Against Local Plan Housing Requirement (245 dpa)
2011/2012	157	245	88
2012/2013	64	245	181
2013/2014	52	245	193
2014/2015	78	245	167
2015/2016	141	245	104
2016/2017	147	245	98
<b>TOTAL</b>	<b>639</b>	<b>1,470</b>	<b>831</b>

- 3.3 The backlog over the previous six years is of 831 units, which is in excess of 3.3 year's supply.

**Table 2**

<b>Year</b>	<b>Net Completions</b>	<b>Gladman Housing Requirement (280 dpa)</b>	<b>Shortfall Against Gladman Housing Requirement (280 dpa)</b>
2011/2012	157	280	123
2012/2013	64	280	216
2013/2014	52	280	228
2014/2015	78	280	202
2015/2016	141	280	139
2016/2017	147	280	133
<b>TOTAL</b>	<b>639</b>	<b>1,680</b>	<b>1,041</b>

- 3.4 The backlog increases to 1,041 units, equivalent to 3.7 years supply using Gladman Developments' preferred housing requirement.
- 3.5 The backlog position will continue to grow if only 129 dwellings materialise in 2017/2018 as suggested in Table 2.2 of MBC/HS1A.
- 3.6 A 20% buffer is appropriate.

---

## 4. MATTER 6.2 (III)

---

### III) IS IT JUSTIFIED TO MAKE GOOD THE SHORTFALL IN DELIVERY SINCE 2011 OVER THE REMAINDER OF THE PLAN PERIOD (THE 'LIVERPOOL APPROACH')?

#### RESPONSE

#### **BASE DATE**

- 4.1 Gladman Developments object to the use of an estimate for completions for the year 2017/18, and the use of 1 April 2018 as the base date for the assessment of five year deliverable housing land supply. The Planning Practice Guidance (Paragraph: 033 Reference ID: 3-033-20150327) provides advice on the point of updating evidence and states:

*“Local planning authorities should ensure that they carry out their annual assessment in a robust and timely fashion, based on up-to-date and sound evidence, taking into account the anticipated trajectory of housing delivery, and consideration of associated risks, and an assessment of the local delivery record. Such assessment, including the evidence used, should be realistic and made publicly available in an accessible format.”*

- 4.2 Having a consistent base date (between requirement and supply) has been recognised as a key principle in appeal decisions, one example of which is outlined below.
- 4.3 In April 2014, an Inspector considered an appeal for 60 dwellings on land west of Cody Road, Waterbeach, South Cambridgeshire District<sup>5</sup>. The Inquiry opened on 8 April 2014, however, evidence had been exchanged prior to the end of the 2013/14 monitoring year. The Council had, therefore, been reliant on projected completions data for 2013/14 to adopt a future base date of 1 April 2014 for its five year assessment.
- 4.4 On the matter of the base date, the Inspector stated:

*“20. The issue between the parties is whether the 5-year supply requirement should use a base date of 1 April 2013 or 1 April 2014. As a general rule I accept the Council’s submission that a more recent base date is to be preferred but only where I can be confident that it captures information on actual progress over the previous*

---

<sup>5</sup> PINS Ref: APP/W0530/A/13/2207961 Land to the west of Cody Road, Waterbeach, Cambridge, CB25 9LS.



*year. In this case I am concerned that I only have a partial data set rather than a full set of the figures for the full year, April 2013-March 2014. Amongst other things the “March AMR update” says the figure for housing completions records “...predicted completions to 31/3/2014. These predicted completions are based on the housing trajectory in the plan where there is no better information and otherwise on what developers have told us are their actual completions and planned completions to 31/3/2014. This information was gathered between October 2013 and January 2014 for major sites and others down to sites of 9 homes” [my emphasis]. In other words it is only for part of the accounting year and otherwise based on a prediction.*

*21. In cross-examination Mr Hyde referred to other ways in which the data set was incomplete by reference to Figure 4.7 of the February 2014 AMR. In particular the table records planning permissions granted for windfall sites between 1 April and 31 December 2013 rather than for the full year. These commitments have the effect of increasing the supply side but the flip side is that no account has been taken of any planning permissions that lapsed after 31 March 2013.*

*22. The base date of 1 April 2013 ensures the housing land supply requirement figure is based on known completions because the actual level of historic completions is published in the 2012-13 AMR. This is the most up-to-date figure of known completions and anything else is conjecture. The Council’s approach is therefore less robust since it projects further into the future. For these reasons I find the Appellant’s approach is the most robust and reliable”.*

4.5 In light of the foregoing appeal decision, it is evident that there are significant risks on either relying on a future base date or projected completions, or adding sites to the supply pursuant to a past base date without also accounting for completions over the same period. Clearly consistency between both elements of the calculation is essential for a fair and robust supply calculation to be undertaken and for that reason a 1 April 2017 base date is preferred.

## **5 YEAR SUPPLY METHODOLOGY**

- 4.6 Section 3 (Page 10) and Tables 7 and 8 (Page 15) of MBC/HS1 set out MBC's previously preferred position using the Liverpool method.
- 4.7 In Paragraph 2.8 of MBC/HS1A MBC briefly explore what the 5 year housing requirement might be if the Sedgefield method were used<sup>6</sup>. The approach adopted by MBC applies the buffer to the housing requirement only. We are firmly of the view that the buffer should apply to both requirement and previous underperformance in line with numerous appeal decisions<sup>7</sup> and it is noted that the Council applies the buffer to under-performance in the Liverpool variant method it now adopts in MBC/HS1A.
- 4.8 The Planning Practice Guidance (Paragraph: 035 Reference ID: 3-035-20140306) addresses the issue of how Local Planning Authorities should deal with past under-supply, and states:
- “Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the duty to cooperate.”*
- 4.9 The PPG is clear that local planning authorities should aim to deal with any undersupply within the first five years of the Plan period where possible (known as the Sedgefield approach). The PPG explicitly states that where this cannot be met in the first five years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'; it makes no reference to the shortfall being addressed over the remainder of the Plan period. A literal reading of the PPG would appear to exclude the Liverpool method in its entirety; either the shortfall is met in the first five years or it is met in another authority under the duty to co-operate.

---

<sup>6</sup> Assuming a base date of 1 April 2018 – which is not agreed for the reasons already stated.

<sup>7</sup> See:

PINS Ref: APP/H1840/A/13/2199085 (Appeal A) & APP/H1840/A/13/2199426 (Appeal B) Land at Pulley Lane, Droitwich, Wychavon – 2 July 2014 (Paragraph 8.46 of the Inspector's Report and Paragraph 14 of the Secretary of State's Decision Letter).

PINS Ref: APP/P0240/A/14/2228154 - Land to the East of Station Road, Langford, Bedfordshire – 29 June 2015 (Paragraph 16).

PINS Ref: APP/W1715/W/15/3063753 - Land off Bubb Lane, Hedge End, Eastleigh, Hampshire, SO30 2UN - 24 May 2016 (Paragraph 43).

PINS Ref: APP/W1715/W/15/ 3139371 - Land off Botley Road, West End, Eastleigh, Hampshire – 7 October 2016 (Paragraph 9).

PINS Ref: APP/W1715/W/15/ 3130073 - Land To The North West Of Boorley Green, Winchester Road, Boorley Green, Eastleigh – 30 November 2016 (Paragraph 12.14 of the Inspector's Report and Paragraph 17 of the Secretary of State's Decision Letter).

- 4.10 In Section 3.2 (Page 8) of MBC/HS1A MBC abandon the previously adopted Liverpool method in favour of a Liverpool variant method which results in a 5 year requirement of 1,788 dwellings or 358 dwellings per annum<sup>8</sup>. MBC's justification for the new approach appears at Sections 3.5 to 3.7 of MBC/HS1A and in summary terms it advances a case that the annual housing requirement derived from the Sedgefield approach cannot be achieved in this Borough. However, that is in stark contrast to the housing trajectory in Table 4.4 of MBC/HS1A which illustrates an annual average of 513 dwellings. Indeed, delivery is expected to reach 632 dwellings in 2021/2022' this being the high point of the whole Plan period according to Graph C (Trajectory) on Page 25 of MBC/HS1A.
- 4.11 There does not appear to be any credible evidence available as to why the Borough could not exceed previous deliver rates. MBC Document: ID1D demonstrates that the Borough could significantly increase new house production with many house builders already being active locally and they have an appetite for more land to deliver new homes. Furthermore, there isn't any credible evidence available that suggests other volume house builders (in addition to those listed in Appendix 2 of ID1D) would not enter the market if opportunities were available. Clearly in that respect our client's site at Six Hills could assist in that regard (see Hearing Statement relating to Matter 5).
- 4.12 Tables 3 and 4 below provide a summary of the five year requirement position, using MBC's Liverpool variant method and the Sedgefield method.

---

<sup>8</sup> Assuming a base date of 1 April 2018.

**Table 3**

<b>Five Year Housing Requirement - <u>Base Date 1 April 2017 (Sedgefield - 20% Buffer Applied To Strategic Requirement &amp; Previous Under-Performance)</u></b>		
<b>Component of Requirement</b>	<b>Local Plan Housing Requirement (245 dpa)</b>	<b>Gladman Housing Requirement (280 dpa)</b>
5 Year Requirement	1,225	1,400
Previous Under Performance (1 April 2011 - 31 March 2017) To Be Addressed Over The Next 5 Years	831	1,041
Sub Total	2,056	2,441
Buffer 20% of Sub Total	411	488
5 Year Housing Requirement For MBC	2,467	2,929
<b>Annual Requirement For Melton</b>	<b>493</b>	<b>586</b>

**Table 4**

<b>Five Year Housing Requirement - <u>Base Date 1 April 2017 (Liverpool Variant As Per MBC/HS1A - Table 3.1 Methodology)</u></b>		
<b>Component of Requirement</b>	<b>Local Plan Housing Requirement (245 dpa)</b>	<b>Gladman Housing Requirement (280 dpa)</b>
5 Year Requirement	1,225	1,400
Previous Under Performance (1 April 2011 - 31 March 2017 Based On 245 Per Annum = 831 Dwellings) To Be Addressed Over Remaining Plan Period (19 Years) (831 / 19 x 5 = 219 dwellings). Previous Under Performance (1 April 2011 - 31 March 2017 Based On 280 Per Annum = 1,041 Dwellings) To Be Addressed Over Remaining Plan Period (19 Years) (1,041 / 19 x 5 = 274 Dwellings).	219	274
Sub Total	1,444	1,674
Buffer 20% of Sub Total	289	335
5 Year Housing Requirement For MBC	1,733	2,009
<b>Annual Requirement For Melton</b>	<b>347</b>	<b>402</b>

---

## 5. MATTER 6.2 (IV)

---

**IV) DOES THE EVIDENCE INDICATE THAT REASONABLE CONCLUSIONS HAVE BEEN DRAWN ABOUT SITE CAPACITIES, HAVING REGARD TO ANY SPECIFIC VIABILITY, INFRASTRUCTURE OR OTHER BARRIERS TO DELIVERY? [NOTE: THE DETAILS OF INDIVIDUAL SITES WILL BE CONSIDERED UNDER MATTERS 4 AND 5]**

### **RESPONSE**

- 5.1 We have concerns about the identified supply for both the five year period and the Plan period as evidenced in **Appendix A and B**.

---

## 6. MATTER 6.3

---

**IS THE HOUSING TRAJECTORY AS SET OUT IN MBC/HS1 (DATED 30 MAY 2017) BASED ON ROBUST EVIDENCE ABOUT DELIVERABILITY AND ACHIEVABILITY OF DEVELOPMENT OF THE SITES OVER THE PLAN PERIOD? IN PARTICULAR, HAS IT BEEN SHOWN THAT IT IS REALISTIC TO PLAN FOR DELIVERY OF AN AVERAGE OF 347 DPA OVER THE FIVE YEAR PERIOD STARTING 2017/18 OR AN AVERAGE OF 359 DPA OVER THE 5 YEAR PERIOD STARTING 2018/19? IS THERE ROBUST, CREDIBLE EVIDENCE DEMONSTRATING THE CAPACITY OF THE DEVELOPMENT SECTOR TO COMPLETE AND SELL THIS QUANTITY OF HOUSING IN THE BOROUGH IN THE NEXT 5/6 YEARS? IF NOT, HOW SHOULD THE PLAN BE CHANGED TO ENSURE THAT IT IS DELIVERABLE AND THEREFORE EFFECTIVE?**

### RESPONSE

6.1 Paragraph 47 of the NPPF requires local planning authorities to perform several tasks, two of which are:

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.
- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period.

6.2 Footnote 11 NPPF of the Framework sets out the government's definition:

*"To be considered deliverable, sites 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 five years and in particular that development of the site is viable."*

6.3 A recent judgment of the Court of Appeal<sup>9</sup> provides further assistance in interpreting the meaning of the Framework. The Judgment goes to the heart of defining 'deliverable' and 'delivery'.

6.4 Paragraph 38 confirmed the view of Lord Justice Lindblom (LJL) in relation to the term 'deliverable':

---

<sup>9</sup> St Modwen v SSCLG & ERYC [2017] EWCA Civ 1643

*“...Sites may be included in the five-year supply if the likelihood of housing being delivered on them within the five-year period is no greater than a "realistic prospect" – the third element of the definition in footnote 11 (my emphasis). This does not mean that for a site properly to be regarded as "deliverable" it must necessarily be certain or probable that housing will in fact be delivered upon it, or delivered to the fullest extent possible, within five years.....”*

6.5 Whilst ‘realistic prospect’ remains central to the test of whether a site is deliverable, the Judgment is clear to differentiate between delivery and an expected rate of delivery. In responding to the claimant’s case LJL states (at Paragraph 35):

*“...Its fatal defect lies in its misreading of the policy in paragraph 47 of the NPPF. It misses the essential distinction between the concept of deliverability, in the sense in which it is used in the policy, and the concept of an "expected rate of delivery". These two concepts are not synonymous, or incompatible. Deliverability is not the same thing as delivery. The fact that a particular site is capable of being delivered within five years does not mean that it necessarily will be.”*

6.6 Whilst a site has to have a realistic prospect of delivery to be included within the 5 year supply insofar as a Local Plan Examination is concerned in looking at a much longer time period there needs to be a genuine and strong measure of assurance that allocated sites will deliver as expected otherwise the Plan is likely to fail.

6.7 Hourigan Connolly has looked at the allocated sites included within the emerging Melton Local Plan. We have assessed each of the allocated sites and the results are in **Appendix A and B**. Taking these results into account the overall five year supply position is set out in Tables 5 and 6.



**Table 5**

<b>Summary Five Year Housing Land Supply Position - Base Date <u>1 April 2017</u> (Sedgefield - 20% Buffer Applied To Shortfall &amp; Requirement)</b>		
<b>Component of Requirement</b>	<b>Local Plan Housing Requirement (245 dpa)</b>	<b>Gladman Housing Requirement (280 dpa)</b>
5 Year Requirement	2,467	2,929
Annual Requirement	493	586
Supply Identified By MBC See Table 4.4 of MBC/HS1A For Base Information (9% Lapse Rate Applied to Large and Small Sites with Planning Permission (- 57 Units))	2,034	2,034
<b>Melton Supply (Years)</b>	<b>4.12</b>	<b>3.47</b>
Difference (Units)	-433	-895
HC Analysis of Supply With No 9% Lapse Rate Applied To Allocations But Critical Assessment of Allocations As Per Appendix A and B.	1,763	1,763
<b>HC Supply Years</b>	<b>3.57</b>	<b>3.01</b>
<b>Difference (Units)</b>	<b>-704</b>	<b>-1,166</b>

**Table 6**

<b>Five Year Housing Requirement - <u>Base Date 1 April 2017 (Liverpool Variant As Per MBC/HS1A - Table 3.1 Methodology)</u></b>		
<b>Component of Requirement</b>	<b>Local Plan Housing Requirement (245 dpa)</b>	<b>Gladman Housing Requirement (280 dpa)</b>
5 Year Requirement	1,225	1,400
Previous Under Performance (1 April 2011 - 31 March 2017 Based On 245 Per Annum = 831 Dwellings) To Be Addressed Over Remaining Plan Period (19 Years) (831 / 19 x 5 = 219 dwellings). Previous Under Performance (1 April 2011 - 31 March 2017 Based On 280 Per Annum = 1,041 Dwellings) To Be Addressed Over Remaining Plan Period (19 Years) (1,041 / 19 x 5 = 274 Dwellings).	219	274
Sub Total	1,444	1,674
Buffer 20% of Sub Total	289	335
5 Year Housing Requirement For MBC	1,733	2,009
<b>Annual Requirement For Melton</b>	<b>347</b>	<b>402</b>
Supply Identified By MBC See Table 4.4 of MBC/HS1A For Base Information (9% Lapse Rate Applied to Large and Small Sites with Planning Permission (-57 Units))	2,034	2,034
<b>Melton Supply (Years)</b>	<b>5.87</b>	<b>5.06</b>
Difference (Units)	301	25
HC Analysis of Supply With No 9% Lapse Rate Applied To Allocations But Critical Assessment of Allocations As Per Appendix A and B.	1,763	1,763
<b>HC Supply Years</b>	<b>5.09</b>	<b>4.39</b>
Difference (Units)	30	-246

6.8 The position with regard to the whole Plan period is set out in Table 7.

**Table 7**

<b>Melton Local Plan Period 2011 - 2036</b>	
Completions 2011 - 2017	639
MBC Total Identified Supply (2017 - 2036) - See Table 4.5 MBC/HS1A (7,091 - 639)	6,452
Dwellings On Allocations To Be Discounted For Remainder Of Plan Period (2017 - 2036) - See Hearing Statement Appendix A & B	409
HC Total Identified Supply 2017 - 2036	6,043
Plus Completions 2011 - 2017	639
HC Total 2011 - 2036	6,682
Melton Local Plan Requirement	6,125
Plus 20% LPEG	1,225
Total	7,350
<b>Shortfall</b>	<b>-668</b>
Gladman Local Plan Requirement	7,000
Plus 20% LPEG	1,400
Total	8,400
<b>Shortfall</b>	<b>-1,718</b>

**EXAMINATION OF THE MELTON LOCAL PLAN**

**APPENDICES**  
**TO THE**  
**HEARING STATEMENT**

**MATTER 6 – HOUSING LAND SUPPLY**

**SUBMISSIONS ON BEHALF OF  
GLADMAN DEVELOPMENTS**

**REPRESENTOR REFERENCE NUMBER: 443**

**4 JANUARY 2018**

**Melton Local Plan Examination**  
**Matter 6 – Housing Land Supply**  
**Appendices To The Hearing Statement On Behalf of Gladman Developments**  
**Representor Reference Number: 443**

**APPENDICIES**

Appendix A     Housing Trajectory Analysis.

Appendix B     Individual Site Assessments.

Hourigan Connolly  
7 Swan Square  
15 Swan Street  
Manchester  
M4 5JJ

t/ 0161 300 3476  
e/ [info@houriganconnolly.com](mailto:info@houriganconnolly.com)  
w/ [www.houriganconnolly.com](http://www.houriganconnolly.com)

# APPENDIX A







MBC: Appendix A - Specific Sites included in the Five Year Land Supply and Trajectory at 30th May 2017 Table (Reference: MBC/HS1) (A.1 - Allocated Sites in Draft Melton Local Plan)																											Hourigan Connolly Position												MBC: Appendix A - Specific Sites included in the Five Year Land Supply and Trajectory at 20th December 2017 Table (Reference: MBC/HS1A) (A.1 - Allocated Sites in Draft Melton Local Plan)																											
Updated Site Reference June 2017	Pre-Sub Draft Plan Site Reference	Address	Capacity Updated	Planning Refs	Discussion with Agent?	Expected Start date	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Total	HC Comments	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	Total	MBC Notes on any amendment to lead in time as a result of information provided by Site Promoter (5 Year Land Supply Housing Trajectory Update 20.12.17)	Capacity Updated	First delivery of dwellings in accordance with Site Promoter, more ambitious or more cautious?	Expected start on site	2017/18	2018/19	2020/21	2021/22	2022/23	2023/24	2024/25	Total							
CROX3	CROX3	Land south of Main Street (A607) and west of the Nook	10	None	Yes	2024/25								10													10	See Appendix B5																				10	Information provided by site promoter to confirm they will look to apply for planning permission during 2019. Site promoter has identified a delivery start date of one year after the assumed delivery rate so this has been pushed back by one monitoring year to align with site promoters information	10	In accordance with the site promoter	2021/22								10	10					
HAR1	HAR1	Allotment Gardens, Boyers Orchard	15	15/00942/OUT granted for 15 dwellings subject to s106	Yes	2019/20			15																		15	No Comment (updated to align with reference: MBC/HS1A)			5	5	5																	15	Information provided by site promoter confirming that they are looking to discuss with purchasers for the land in the next 18 months. They have confirmed that they are fairly certain that development within five years. Slower delivery rate identified by site promoter so trajectory updated to align with site promoter	15	In accordance with the site promoter	2019/20				5	5	5			15	15		
HAR2	HAR2	Former Cheese Producing Dairy, Langar Lane	10	15/00933/FUL granted	Yes	2017/18	4	6																			10	No Comment (updated to align with reference: MBC/HS1A)	7	3																				10	Information provided by site promoter. 7 dwellings will be completed during 2017/18 and the remaining will follow. There is a current application in under 17/01047/FUL which re-plans the remaining three plots and adds a further two dwellings to the layout. Currently the additional 2 are left out of the trajectory until the application is determined.	10	In accordance with the site promoter	2017/18	7	3						10	10			
HAR3	HAR6 Reserve	Former Millway Foods, Colston Lane	53	16/00664/OUT for 31 dwellings and 10,000sqm of employment space currently pending; 15/00673/OUT - 53 dwellings. Appeal Allowed	Yes	2019/20			17	36																	53	No Comment (updated to align with reference: MBC/HS1A)			17	36																		53	Site promoter has confirmed that the reserved matters will be submitted during 2018/19 and that delivery will start 2019/20. Until an application is submitted cautious approach taken. To stagger delivery in the village this site is delayed by one monitoring year from 2020/21 to 2021/22 to ensure that gradual delivery within Harby can be achieved.	53	More cautious by two monitoring years	2021/22								17	36	53		
HAR4	HAR4 & HAR5	Land at Colston Lane	61	16/00318/OUT for 50 dwellings which includes HAR4 and HAR5 sites pending	Yes	2019/20			21	31	9																61	No Comment (updated to align with reference: MBC/HS1A)			21	29																		50	Site promoter has identified that reserved matters will be submitted in the first quarter of 2018, construction will start in 4th quarter of 2018 and that the site will be completed by 4th quarter of 2020. On this basis the trajectory has been adjusted to bring forward development by 1 monitoring year to 2019/20. This is still a more cautious approach than identified by the site promoter by one year. To allow for a more gradual delivery of dwellings in the village this site has been staggered with a lower delivery rate so that the village isn't identified as having a significant number of dwellings being completed in one monitoring year and allows time for the market to adjust.	50	More cautious by one monitoring years	2019/20			14	20	16			50	50			
HOS1	HOS1 + MBC/Z7/17	Land off Canal Lane	42	15/00944/OUT granted for 25 dwellings subject to s106 agreement; 17/00401/OUT pending consideration for 16 dwellings	Yes	2018/19	9	16	17																		42	No Comment (updated to align with reference: MBC/HS1A)			15	20	6																	41	Site promoter has confirmed that site is currently being marketed and reserved matters application is expected in the next six months with delivery starting in December 2018. Delivery start date adjusted to bring delivery forward by 1 monitoring year. This remains a more cautious approach than identified by the site promoter by 2 years.	41	More cautious by two monitoring years	2019/20			15	20	6			41	41			
HOS2	Not allocated MBC/010/17	Land west of Harby Lane	35	None	Yes	2021/22					15	20															35	See Appendix B6					15	20															35	Site promoter has confirmed that all background reports have been prepared in order to submit a planning application in early 2018. They have identified delivery commencing in 2019, however as the application is yet to be submitted assumed delivery estimate is maintained until the site is progressed further.	35	More cautious by two monitoring years	2021/22								15	20	35			
LONG1	LONG1	Land at Melton Road	10	15/00547/OUT granted for 10 dwellings 03/03/2017	Yes	2018/19		10																			10	No Comment (updated to align with reference: MBC/HS1A)			10																			10	Site promoter has confirmed that the site is currently being sold to a developer who intend to progress an application for 30 dwellings. However as no application is submitted at this stage, a more cautious approach is taken to allow for more time for a detailed scheme to be prepared and considered. Assumed delivery start date is therefore pushed back by 1 monitoring year compared with the estimated assumption to allow for this.	10	More cautious by two monitoring years	2023/24			10					10	10			
LONG2	Not allocated MBC/144/13	Corner of Broughton Lane & Hickling Lane	35	16/00810/OUT for 31 dwellings pending	Yes	2019/20			10	25																	35	No Comment (updated to align with reference: MBC/HS1A)					30	1																	31	Site promoter has identified that reserved matters will be submitted within 6 months of gaining outline planning permission. And first housing expected to be delivered by December 2018. Current application has yet to be determined. Site is delayed in trajectory to allow for more gradual housing delivery in the village and to stagger the sites coming forward. Site is therefore delayed from 2021/22 to 2022/23.	35	More cautious by three monitoring years	2023/24								30	1	31	31







## APPENDIX B

## APPENDIX B1 – MNSN: MELTON NORTH SUSTAINABLE NEIGHBOURHOOD

- 1.1 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 200 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.2 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 300 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.3 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 1500 dwellings can be delivered within the plan period.
- 1.4 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 100 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.5 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 200 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.6 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.7 MNSN is a large strategic allocation. An Outline Planning Application (14/00808/OUT) was submitted by Taylor Wimpey on part of the site in relation to the first 200 dwellings on 1 October 2014, with Savills as agent.
- 1.8 The Outline Planning Application is still pending over three years after it was submitted. The email from Celia Brown the Housing Policy Officer on 29 November 2017 identified that there remain unresolved issues in relation to viability by stating:

*"I have read through the viability assessment, dated 1st Nov 2017, for Melton Spinney Road, MM (14/00808/OUT) - 200 units and the initial conclusion is that affordable housing is not viable to be delivered on the site. However, the valuer then applied sensitivity testing and the conclusion (on page 10 of the report) is that 17% AH is viable and can be delivered in the following tenure and size mix:*

*Affordable Rent*

*15x2 bed houses*

*12x3 bed houses*

*Shared Ownership*

*4x 2 beds*

*3x3 beds*

*Total: 34 units”*

- 1.9 Elinor George, Senior Planner at Hourigan Connolly had a telephone conversation with Roger Smith, Director of Planning at Savills on 20 December 2017. Mr Smith, who is agent in respect of the Outline Planning Application, said he thought that an agreement may have been reached with the Council in respect of the viability. Mr Smith also said that currently they were anticipating the application being heard at Planning Committee early in 2018 with a resolution to grant planning permission subject to the signing of a Section 106 Agreement.
- 1.10 Though the information from Savills is positive there is no correspondence from the Council on the Application Portal which corroborates this and there is no committee date scheduled.
- 1.11 The Outline Planning Application is therefore not currently viable and cannot yet be considered suitable for development now and subsequently it should not be considered deliverable within five years.
- 1.12 The Council's trajectory for the wider site is overly optimistic and highly unrealistic. The length of time that the current Outline Planning Application has been under consideration demonstrates that large sites such as this are complex and there are often issues which can delay a start on site.

## APPENDIX B2 – SOUTH MELTON SUSTAINABLE NEIGHBOURHOOD

- 1.13 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 305 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.14 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 405 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.15 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 states that 1700 dwellings can be delivered within the plan period.
- 1.16 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 108 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.17 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 218 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.18 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.19 Gladman Developments secured outline planning permission (15/00910/OUT) for development of up to 520 dwellings and associated convenient shop, public open space and landscaping, with all matters reserved, except for access by Notice dated 13 October 2016. The outline planning permission expires in October 2019. On 29 June 2017 the Council validated an application by Gladman Developments to vary Condition Number(s): 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19, 20, 24, 25 in respect of the outline planning permission. In summary terms the variations to conditions are intended to allow a phased start on the southern part of the site whilst significant archaeological work is undertaken in respect of the northern part of the site. The County Council (in its capacity as highways authority) objected to the application in its response of 18 August 2017 on multiple grounds. On the basis of the County Council's response Gladman Developments are of the view that no more than 88 dwellings should be allocated to the 5 year period, although it should be noted that the variation of condition application will need to be approved quickly and subsequent applications to approve reserved matters will need to be made to prevent the outline planning permission from lapsing in circa 10 months time.



- 1.20 On 28 July 2016 the Council validated an outline planning application (16/00515) for the provision of up to 1,500 dwellings, a new local centre, primary school, areas of public open space including children's' play space and informal recreation, storm water balancing and a new link road between Burton Road and Dalby Road and Kirby Lane and Leicester Road. The applicants are Davidsons Developments Limited and Melton Mowbray Town Estate.
- 1.21 It is noted that in its response of 4 December 2017 Leicestershire County Council (in its capacity as Lead Local Flood Risk Authority) states that the application documents as submitted are insufficient for the LLFA to provide a detailed response at this stage.
- 1.22 In addition Sport England in its response of 8 December 2017 states that it is unable to support the application.
- 1.23 It is also noted that the County Ecologist is also unable to support the application at this time. The response dated 11 December 2017 notes that there are still a large number of outstanding matters as detailed in the ecologist's response of 20 September 2017 which have still not been resolved.
- 1.24 Just on the basis of the December 2017 responses alone it is clear that outline planning application 16/00515/OUT is far from being agreed. It cannot be reasonable to assume the delivery of any dwellings from this site in the 5 year period at this time.

## **APPENDIX B3 - ASF2: FIELDS SOUTH OF BYPASS AND NORTH OF REGENCY ROAD**

- 1.25 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 60 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.26 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 60 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.27 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 60 dwellings can be delivered within the plan period.
- 1.28 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 26 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.29 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 55 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.30 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.31 The Site Assessments (Evidence Base Reference: MBC/HA1b) identifies that this 3.19ha site is owned by 9 separate land owners.
- 1.32 An Outline Planning Application (16/00539/OUT) for 55 dwellings was submitted on 2 August 2016 and achieved a resolution to approve at Planning Committee on 27 July 2017 subject to the signing of a Section 106 Agreement.
- 1.33 The site has not yet achieved Outline Planning Permission and is not currently being marketed. The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 confirms that there is no developer attached to the site. The site is owned by 9 separate land owners, which may result in a protracted period of sale.
- 1.34 The site can therefore not be considered available now with a realistic prospect of delivery within 5 years as is required within Footnote 11 of the Framework.

## APPENDIX B4 – BOT3: RECTORY FARM

- 1.35 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 18 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.36 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 54 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.37 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 163 dwellings can be delivered within the plan period.
- 1.38 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 0 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.39 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 15 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.40 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### Hourigan Connolly's Response:

- 1.41 The Site Assessments (Evidence Base Reference: MBC/HA1b) identifies the following within the deliverability of the site:

*“The site has several constraints to be mitigated for including flood risk, access works, contaminated land and heritage. The agent has confirmed that a planning application will be submitted mid 2017 but that the site would not be delivered until 2021/22.”*

- 1.42 There have been no Planning Applications made on the site and the promoter states within the MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) that an application will be submitted in Spring 2018. The text within the trajectory table continues to state the following:

*“Complex site with various issues to resolve in the mean time and to allow for a more gradual delivery of dwellings in the villages this site is delayed in the trajectory to provide additional time for this site to come forward and for the market to absorb the increased supply of dwellings.”*

- 1.43 The site clearly has unresolved technical constraints comprising contaminated land, flood risk, access and heritage assets; it is not yet demonstrated that these can be overcome without impacting on the site's viability and therefore the site does not offer a suitable location for development now.
- 1.44 We assert that this site is not available in accordance with Footnote 11 of the Framework. There is no developer attached to the site and there have been no planning applications on the site. The site is therefore not available now with a realistic prospect of delivery on the site within five years as is required by Footnote 11 of the Framework. The 15 dwellings included within the first six years within the Council's Housing Trajectory for this site should be removed.

## **APPENDIX B5 – CROX3: LAND SOUTH OF MAIN STREET A607) AND WEST OF THE NOOK**

- 1.45 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 0 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.46 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 0 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.47 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 10 dwellings can be delivered within the plan period.
- 1.48 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 10 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.49 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 10 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.50 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.51 The site has not been subject to any Planning Applications to date and the site is not controlled by a developer. The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years as required by Footnote 11 of the Framework and the 10 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.
- 1.52 The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) indicates that the site is also required to make provision for the hospital carpark and has constraints relating to topography and drainage. It has not been demonstrated that these constraints have been overcome and subsequently the site can therefore not be deemed suitable now as required by Footnote 11 of the Framework.

## APPENDIX B6 - HOS2: LAND WEST OF HARBY LANE

- 1.53 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 15 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.54 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 35 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.55 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 35 dwellings can be delivered within the plan period.
- 1.56 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 15 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.57 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 35 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.58 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.59 The site has not been subject to any Planning Applications to date and the site is not controlled by a developer. The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) indicated that an application would be submitted in August 2017, which has not occurred and indicates that the agent was being overly optimistic. The site cannot be deemed available now with a realistic prospect of delivery within 5 years and the 15 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.
- 1.60 The site also has visual impact and archaeological constraints as well as a pressurised sewer running through the site. Although these may be constraints which can be overcome in time, it is not yet demonstrated that these can be overcome without impacting on the sites viability and therefore the site does not offer a suitable location for development now.

## APPENDIX B7 - SOM2: LAND OFF HIGH STREET

- 1.61 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 42 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.62 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 42 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.63 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 42 dwellings can be delivered within the plan period.
- 1.64 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 19 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.65 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 23 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.66 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.67 The site has not been subject to any Planning Applications to date, there is no developer attached and the site is currently being used for agricultural purposes. The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) indicated that an application would be submitted in August 2017, which has not occurred and indicates that the agent was being overly optimistic. The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years and the 42 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.
- 1.68 The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) states that the site has visual impact and heritage constraints as well as being Grade 3a agricultural land which is currently in use. Appendix A of the MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) identifies that an archaeological dig is currently ongoing on site. Although these may be constraints which could be over-come in time, it is not yet demonstrated that these can be overcome without impacting on the sites viability and therefore the site does not offer a suitable location for development now in accordance with Footnote 11 of the Framework.

## APPENDIX B8 - STAT1: POINT FARM, MAIN STREET

- 1.69 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 20 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.70 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 47 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.71 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 65 dwellings can be delivered within the plan period.
- 1.72 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1) states that 29 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.73 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1) states that 65 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.74 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.75 The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) identified that the landowner is seeking to submit a Planning Application in 'the near future' and that there would need to be a developer identified. A reduced developable area is considered within the Site Assessment to avoid development within Flood Zone 3b, this provides a potential dwelling yield of 47 dwellings. The assessment was updated in January 2017 and there has been no application submitted to date.
- 1.76 The 2017 SHLAA includes a SHLAA Proforma which extends STAT 1 (Site ID: MBC/029/17) and provides an increased capacity of 65 dwellings for the site. It is identified within the SHLAA Proforma that the extended site is within multiple ownership and there are legal constraints on the site.
- 1.77 There is no developer attached to the site, the site is within multiple ownership and has legal constraints. The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years as required by Footnote 11 of the Framework and the 29 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.



## APPENDIX B9 - STAT2: LAND ADJACENT LAVESLEY HOUSE 14 CITY ROAD, STATHERN

- 1.78 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 17 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.79 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 17 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.80 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 17 dwellings can be delivered within the plan period.
- 1.81 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 17 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.82 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 17 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.83 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.84 An Outline Planning Application (17/01212/OUT) for 10 dwellings by Redmile Stathern Limited on the entire allocated site was validated 26 October 2017.
- 1.85 Appendix A of the MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states:

*“Site promoter has confirmed that if granted, the scheme for 10 would be formed of self-build plots and that they would be sold on a plot by plot basis. They expect that all plots would be completed by the end of March 2019. Until application is further progressed the estimated assumed delivery start date is maintained.”*

- 1.86 The Council's Trajectory for the site still comprises 17 dwellings. This should be reduced to reflect the Outline Planning Application. The 7 additional dwellings should be removed from the supply completely and the trajectory has been amended to reflect this.

## APPENDIX B10 - WYM2: LAND OFF BUTT LANE

- 1.88 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 21 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.89 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 21 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.90 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 21 dwellings can be delivered within the plan period.
- 1.91 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 11 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.92 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 21 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.93 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.94 The site has not been subject to any Planning Applications to date and the site is within multiple ownership (as referenced within Evidence Base Reference: MBC/HA1b).
- 1.95 The update to the Site Assessments (indicated that an application would be submitted by July 2017, which has not occurred and indicates that the agent was being overly optimistic. Appendix A of the MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) identifies that the promoter's time scales are again overly optimistic as it is anticipated that Planning Permission will be achieved by March 2018.
- 1.96 The Site Assessment (Evidence Base Reference: MBC/HA1b) also identifies that there is no written agreement between both parties regarding the deliverability of the site. The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years and the 21 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.
- 1.97 The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) identifies the following:

*“Site almost entirely in Oil Pipeline buffer, which may require additional work to show no mitigation is needed.”*

- 1.98 The additional work has not been provided and therefore the site is not ‘suitable now’ in accordance with Footnote 11 of the Framework.

## APPENDIX B11 - ABK1: LAND OFF A606

- 1.99 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1A) states that 10 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.100 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 10 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.101 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 10 dwellings can be delivered within the plan period.
- 1.102 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 10 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.103 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 10 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.104 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.105 The site has not been subject to any Planning Applications to date and there is no developer attached. The update to the Site Assessments (Evidence Base Reference: MBC/HA1b) states the following in relation to the sites deliverability:

*"Site is deliverable once planning permission is obtained."*

- 1.106 The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years and the 10 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.

## APPENDIX B12 - FRIS3: LAND SOUTH OF THE VILLAGE, FRISBY ON THE WREAKE

- 1.107 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 48 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.108 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 67 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.109 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 67 dwellings can be delivered within the plan period.
- 1.110 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 48 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.111 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 48 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.112 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.113 An Outline Planning Application (16/00704/OUT) for 48 dwellings was validated on 29 September 2016 and is still pending. The Location Plan and Illustrative Masterplan submitted with the Outline Planning Application identifies a site larger than the land allocated as FRIS3.
- 1.114 A letter from the Planning Inspectorate dated 22 November 2017 states:
- "In exercise of his powers under Article 31(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Secretary of State hereby directs your Council not to grant permission on this application without specific authorisation. This Direction is issued to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination."*
- 1.115 The site cannot be considered suitable now with a realistic prospect of delivery within five years as required by Footnote 11 of the Framework.

## APPENDIX B13 - GADD2: LAND OFF PASTURE LANE, GADDESBURY

- 1.116 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 11 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.117 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 11 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.118 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 11 dwellings can be delivered within the plan period.
- 1.119 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 11 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.120 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 11 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.121 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.122 The site has not been subject to any Planning Applications to date. The update to the Site Assessments (Evidence Base Reference: MBC/HA1c) includes the following statement from the agent Robert Fiona from Fairyhill Ltd on 24 January 2017.

*"Small site which has no significant infrastructure requirements or constraints. Expect to submit planning application shortly and start delivering the development in 2019/20."*

- 1.123 The assessment proforma indicates that the landowner will also be the developer yet no application has been submitted.
- 1.124 The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years and the 14 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.

## APPENDIX B14 - THOR1: LAND TO THE SOUTH EAST OF THORPE ROAD

- 1.125 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 13 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.126 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 13 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.127 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 13 dwellings can be delivered within the plan period.
- 1.128 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 13 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.129 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 13 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.130 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.131 The site has not been subject to any Planning Applications to date and the update to the Site Assessments (Evidence Base Reference: MBC/HA1c) includes the following statement from the landowner/agent Andrew Russel-Wilks on 30 January 2017:

*“Planning application to be submitted 6 weeks after the adoption of the Local Plan. First dwelling to be delivered April 2019 and the scheme built out in 2 years.”*

- 1.132 The site is not controlled by a developer, no Planning Application has been submitted and the evidence provided by the land owner / agent indicates that the submission of a Planning Application is dependent on the adoption of the Local Plan. The site cannot therefore be deemed available now with a realistic prospect of delivery within 5 years and the 13 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.

## APPENDIX B15 - THOR2: LAND TO THE WEST OF THORPE ROAD

- 1.133 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 11 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.134 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 11 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.135 The MBC Five Year Land Supply and Housing Trajectory Position 30th May 2017 (reference: MBC/HS1) states that 11 dwellings can be delivered within the plan period.
- 1.136 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 11 dwellings can be delivered between 1 April 2017 and 31 March 2022.
- 1.137 The MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states that 11 dwellings can be delivered between 1 April 2018 and 31 March 2023.
- 1.138 No whole plan position provided within MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A).

### **Hourigan Connolly's Response:**

- 1.139 The site has not been subject to any Planning Applications to date and the update to the Site Assessments (Evidence Base Reference: MBC/HA1c) includes the following statement from the landowner/agent Andrew Russell-Wilks on 30/01/2017

*"The land owners professional team comprising Godfrey Payton (development surveying) JMP Engineering (Highways, Transport, Civils, Drainage, Flood risk, and utilities) and FPCR (urban design, landscape and visual effects, ecology) have all reviewed the site and see no reason why the site is not readily developable. The site is generally flat and the topography presents no impediments to development."*

- 1.140 Appendix A of the MBC Five Year Land Supply and Housing Trajectory Position 20th December 2017 (reference: MBC/HS1A) states the following:

*"Site promoter has confirmed that as this site is under the same ownership as THOR1 that it will follow as a second phase. Therefore*



*the assumed delivery start date is pushed back by one year to account for this phasing.”*

- 1.141 THOR1 does not yet have Planning Permission and therefore the site cannot be deemed available now in accordance with Footnote 11 of the Framework as there is no Planning Application, the land is not controlled by a developer and there is no indication that a Detailed Planning Application is forthcoming. The 11 dwellings included within the Five Year Land Supply and Housing Trajectory for this site should be removed.