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Hearing Statement on behalf of Jelson Ltd

Melton Borough Local Plan Examination

Matter 2: Overall Spatial Strategy

January 2018

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2.1 Does the plan provide a sound framework for the roles that will be played by various parts of the borough in meeting development needs over the plan period? In particular:

i) are the development strategy, settlement hierarchy and broad apportionment of growth (Policies SS2 and SS3) consistent with the Plan's Vision and Strategic Objectives?

The Plan's vision makes reference to the delivery of "much" new housing, including a "significant proportion of new homes suitable for first time buyers, young families and those on lower incomes" which, amongst other things, is expected to help sustain local shops, schools and services.

To deliver the Vision, the plan states that it will be necessary to facilitate a sustainable pattern of high quality development which meets the current and future housing needs of the whole community, ensures that people benefit from having better access to key services and facilities and addresses the causes and effects of climate change.

The Plan's Strategic Objectives include the following:

1. Help provide a stock of housing accommodation that meets the needs of the community, including the need for affordable housing.
12. Improve access to services and facilities, including health, schools, social care, jobs, recreation, sport and education, broadband [SIC].
13. Promote sustainable communities.
14. Improve facilities for the community.
20. Protect and enhance the natural environment and bio diversity.
21. Reduce pollution.

The Plan's development strategy is designed to deliver at least 6,125 new homes in the period 2011-2036, with approximately 65% of these accommodated within and adjacent to Melton Mowbray and about 35% within and adjacent to the Borough's Service Centres and Rural Hubs. The vast majority of this housing is expected to be accommodated on sites that the Plan allocates for development. However, the strategy allows for some 522 dwellings to be delivered through windfall schemes and the Plan makes specific reference to some windfall developments being allowed in the Rural Settlements which, it states, will accommodate a proportion of the Borough's housing need.

Finally, the strategy indicates that, beyond defined settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.

As alluded to above, the plan defines a settlement hierarchy which has four tiers. These are:

- Main Urban Area
- Service Centres
- Rural Hubs
- Rural Settlements

Each of the Borough's settlements has been placed into one of the above categories, having regard to the services and facilities that the settlement possesses.

Beyond Melton Mowbray, the Council has apportioned development requirements to the Boroughs Services Centres and Rural Hubs on the basis of settlement size. The Council has estimated the population of each of its Service Centres and Rural Hubs, has calculated the percentage share that each of these settlements has of the total Service Centre/Rural Hub population and has then allocated each settlement a housing requirement (from the 1,822 dwelling total referred to in Policy SS3) that matches its population. For example, Bottesford is estimated to house 23% of the Service Centre/Rural Hub population and so has been set a requirement of 23% of 1,822 (i.e. 419 dwellings). Thorpe Arnold, on the other hand, houses just 1% of the Service Centre/Rural Hub population and so has been allocated a requirement of 1% of 1,822 (i.e. 18 dwellings).

The Plan's development strategy, settlement hierarchy and apportionment of growth are not consistent with its Vision and Strategic Objectives. The reasons for this are twofold.

First, in spite of what the Plan says about the need for affordable housing (see paragraphs 2.2.2, 2.2.4, 5.3.1, 5.8.5, 5.8.8, 5.8.9 of the Plan in particular) and in spite of the fact that the NPPF requires local planning authorities to ensure that their Local Plans meet the full objectively assessed need for affordable housing as well as market housing (NPPF paragraph 47), the Plan's strategy will not deliver sufficient affordable housing to meet the needs of the Borough's residents. This is a fundamental failing of the Plan and one that, if not addressed, will have far-reaching social and economic consequences. We make more detailed submissions in respect of affordable housing under Matter 3. Suffice it to say, for present purposes, that the Council's failure to deal with affordable housing in an acceptable, policy compliant manner not only puts the Plan's development strategy at odds with its Vision and Objectives but, more importantly, renders it unsound.

Secondly, notwithstanding the Plan's references to sustainable patterns of growth and addressing the effects of climate change, beyond Melton Mowbray the Plan's development strategy promotes a disbursed pattern of development through which a significant amount of new housing will be delivered in small settlements that have relatively few services and facilities and which are poorly connected to higher order centres. Indeed, of the 1,954 dwellings that the Plan provides for within and adjacent to the Service Centres and Rural Hubs (excluding windfalls), 1,383 dwellings are proposed within /adjacent to small settlements with relatively limited services and facilities – that is 71% of the development planned for the Service Centres and Rural Hubs). Placing significant amounts of development in the smaller settlements is most unlikely to result in services and facilities being enhanced and neither will it help protect the natural environment and reduce pollution. It will also not improve access to services and facilities as a significant number of new residents will be

forced to travel (by car) to avail themselves of employment opportunities and the essential services and facilities that they require on a day to day basis.

The Plan's failings in this latter respect are a consequence of:

- a) the Council adopting an inappropriate settlement hierarchy or placing settlements in inappropriate categories, resulting in settlements with very different characteristics and sustainability credentials being afforded the same status in policy terms. It is clear from the Council's own evidence, for example, that Bottesford and Asfordby are by far and away the most sustainable settlements outside of Melton Mowbray, yet both have been placed in the same position in the hierarchy as the likes of Old Dalby, Hose, Harby, Scalford, Croxton Kerrial, Stathern, Somerby, Wymondham, and Waltham, all of which are much smaller and have considerably fewer services and facilities and are settlements where it is questionable whether public transport offers a realistic alternative to the private car for the majority of journeys;
- b) the Council not utilising the settlement hierarchy to shape, in the most sustainable way, the manner in which development is distributed. Indeed, it has largely ignored the settlement hierarchy when apportioning growth beyond Melton Mowbray and, instead, has determined housing requirements on the basis of settlement size.

The combined effect of the above is an unsustainable and unsound pattern of growth where development is not sufficiently focussed on the settlements that are best placed to accommodate it, including at Asfordby where Jelson has a particular interest.

These shortcomings are compounded by the Council having concluded, wrongly, that Asfordby cannot accommodate the entirety of the requirement that it believes it should be allocated (based on its population). We return to this below, and under Matter 5, but are satisfied that Asfordby can accommodate more development than the Council believes is possible and that it can do so without giving rise to unacceptable adverse impacts.

The issues highlighted above are capable of being rectified but only through the use of Main Modifications which:

- a) amend the Borough's settlement hierarchy; and/or
- b) modify the apportionment of the housing requirement with a far greater focus being placed on the most sustainable settlements, including Asfordby.

ii) are they founded on robust evidence, consistent with national planning policy and deliverable?

It is not clear from the Council's evidence base how or why it has concluded that approximately 65% of the Borough's housing development should be located within/adjacent to Melton Mowbray and approximately 35% should be accommodated within/adjacent to the Borough's Service Centres and Rural Hubs.

The Council produced calculations applying 4 different percentage splits at the Issues and Options stage (70/30, 60/40, 55/45 and 50/50) but then only invited comments on strategic themes (Melton

Mowbray Focus, Reduced Melton Focus etc). The 'themes' were subjected to SA in the build up to the publication of the Emerging Options Local Plan but then, at the Emerging Options Stage, the Council consulted on a wholly different strategy that had not been considered previously and proposed that growth be apportioned as follows: 65% to Melton Mowbray, 15% to the Primary Rural Service Centres; 5% to the Secondary Rural Service Centres and 10% to the Rural Supporter settlements. So far as we can tell, there is no analysis or conclusion in the SA which compares this apportionment with the other options that had or were being considered or demonstrated that the Emerging Options strategy represented the most appropriate strategy available (and, therefore, was a sound strategy). The same then happened between the Emerging Options and Pre-Submission stages when the Council opted for the 65% / 35% strategy articulated in the submitted Plan.

In short, the justification for the strategy promoted by the Council is unclear and because it is unclear it cannot be concluded with any certainty that it is the most appropriate available. On this basis, the Inspector cannot conclude that the 65% / 35% apportionment is sound.

For the avoidance of doubt, Jelson is satisfied that the most appropriate strategy available, based on the evidence, is one that focuses the majority of the growth that is required in / adjacent to Melton Mowbray. However, for the reasons given below and elsewhere in our submissions, it is not satisfied that the way in which the Council is focussing development in Melton Mowbray is sound and nor is it satisfied that it is sound to apportion the 'beyond' Melton Mowbray growth to the Service Centres and Rural hubs based solely on settlement size.

Melton Mowbray Issues

Jelson's concerns about the approach that the Council is taking to Melton Mowbray can be stated briefly. The development strategy is overly reliant on two major developments (the MMSNs) which are required to deliver more than 50% of the homes that the Council believes the Borough needs. As indicated elsewhere in our submissions, developments on this scale are notoriously difficult to deliver. Indeed, there have been no recent examples of development on this scale being delivered in the HMA (others are being promoted but all have or are taking years to get to implementation stage and only one (in Blaby) has now begun to deliver). A strategy so heavily reliant on such a small number of schemes is not robust, resilient or flexible. Moreover, it drives perverse outcomes in housing delivery which run counter to the Government's objective to boost significantly the supply of new homes (by constraining the delivery of affordable housing (see Matter 3), and by backloading delivery generally – forcing the Council to justify its approach by reference to the Liverpool methodology for calculating its supply). To understand the fragility of the Council's strategy, the Inspector need only consider the impact that a 3 year delay might have on the commencement of development in the SNs (quite possible given the scale and complexity of the proposals and evidence of lead in times derived from similar schemes elsewhere). Such a delay would reduce the forecast out turn at the end of the Plan period by just under 640 dwellings.

Whilst Jelson is satisfied that the SNs are a necessary and sustainable component of the Local Plan, the strategy must plan for greater levels of development in the most sustainable settlements immediately below Melton Mowbray in the hierarchy in order to build in necessary flexibility and resilience.

Rest of the Borough Issues

As we understand it, the Council's development strategy, and its apportionment of growth, were intended to be inextricably interlinked (as they should be) and underpinned by evidence that the Council has compiled on the roles and relationships of the Borough's various settlements. Indeed, the Council's report on Settlement Roles, Relationships and Opportunities (MBC/SS2) made it clear that its intention was to inform the Borough's spatial strategy and the most effective pattern of development distribution. Whilst Jelson could query certain elements of that Report, it may be commended for its thoroughness, its logic, most aspects of its scoring methodology and its identification of 5 tiers of settlement which, importantly, reflects the quite marked differences between the way in which certain settlements (or types of settlements) function. However, between the preparation of that Report and the submission of the Local Plan, the Council has:

- a) abandoned a 5 tier settlement hierarchy in favour of a 4 tier hierarchy;
- b) abandoned the notion of linking its apportionment of growth to the settlement hierarchy (save in respect of its Rural Settlements which are not being allocated settlement specific requirements) and, therefore, the notion of linking the distribution of development to its assessment of settlement sustainability; and
- c) opted to calculate settlement by settlement housing requirements based on settlement size.

The evidence base contains documents that, we assume, are intended to explain how and why the Council has redefined its development strategy (MBC/SS3a, MBC/SS3b and MBC/SS3c). However, these are light on detail and justification. In our view, the Council should have:

- a) persisted with the more sophisticated assessment of settlement roles/sustainability that it began in its 2015 Report;
- b) persisted with a more considered/sophisticated settlement hierarchy containing at least 5 tiers and;
- c) apportioned growth in a manner that relates directly to the settlement hierarchy and the sustainability credentials of settlements, with the greater requirements being apportioned to those settlements occupying the upper tiers (or, to use the spatial analysis contained within Section 13 of the Council's 2015 report, the plan should provide for 'above trend' growth within the Main Urban Area and Primary Rural Service Centres and 'continued trend' levels of growth within the Secondary Rural Service Centres, the Rural Supporter Settlements and the Other Rural Settlements).

That, in our view, would deliver a sustainable pattern of growth that is consistent with the Plan's Vision and Strategic Objectives and is also consistent with the NPPF, including its provisions on soundness.

Insofar as Asfordby is concerned, the Inspector will have noted that:

- a) this is the Borough's third largest settlement (after Melton Mowbray and Bottesford) and is more than twice the size of the Borough's fourth largest settlement (Long Clawson);
- b) it contains an excellent range of services and facilities and is well served by public transport with very good links to Melton Mowbray, Leicester and other settlements. Other than Melton Mowbray, only Bottesford ranks better in terms of services and facilities but Bottesford looks more towards Nottingham and Grantham than it does Melton Mowbray and Leicester;
- c) it was identified as a Primary Rural Service Centre in the Council's first Settlement Roles Report in 2015;
- d) the settlement is plainly a sustainable location for growth (amongst the 3 most sustainable in the Borough);
- e) on the basis of its estimated population, the Council concludes that it should accommodate an additional 290 dwellings in the plan period which, after taking account of completions achieved since 2011, leaves a residential requirement of 214 dwellings;
- f) in spite of Jelson having repeatedly identified land within Asfordby which is available, suitable and achievable for housing development, and has the capacity to accommodate 70 dwellings, the Council rejected the site on very weak grounds between the Emerging Options and Pre-Submission staged (see MBC/WP2e) and has concluded, ultimately, that the settlement can only accommodate an additional 160 dwellings (54 less than its population based requirement) (see our Statement on Matter 5 for more detail on site selection issues);
- g) to ensure that its housing requirement is satisfied overall, the Council has proposed increases in the amounts of development that are to be accommodated at far less sustainable settlements such as: Harby, Hose, Long Clawson, Old Dolby, Somerby, Stathern, Waltham on the Wolds, Frisby on the Wreake and Asfordby Hill. Overall, the Council is proposing to deliver 1,383 dwellings in /adjacent to settlements that are far smaller and far less sustainable than Bottesford and Asfordby – as indicated above, this equates to 71% of the total amount of development planned for the Service Centres and Rural Hubs. This, in our view, strikes completely the wrong balance.

Neither the headline housing requirement nor the capacity of Asfordby, as defined in the Council's Table 4, is founded on robust evidence. Indeed, the evidence indicates that Asfordby is a settlement that could and should accommodate significantly more development than is provided for in the Plan currently. Moreover, the Council should be doing all that it can to grow Asfordby because to deliver development elsewhere instead is not 'justified' in NPPF terms and so is not sound.

To remedy these obvious weaknesses in the plan, Asfordby's housing requirement should be increased to reflect its sustainability credentials and additional land should be allocated for development within the settlement including Jelson's land at Hoby Road. Doing anything less would be unsustainable, unsound and at odds with the Plan's Vision and Strategic Objectives.

- iii) **is the role of Table 4 in informing the detailed housing allocations policies sufficiently clear? Is its evidential base sufficient for its purpose?**

Table 4 is not as clear as it should be. What it does not contain is a column detailing how many dwellings are planned to be delivered, overall, in the plan period. For example, on the Council's figures, the total number of dwellings that are planned to be provided in Asfordby in the plan period (ignoring windfalls) is 236 and the total number of dwellings that are planned to be provided across the Service Centres and Rural Hubs is 1,954. This data needs to be added in and then reflected elsewhere in the Plan so that the document provides an up-to-date and overall position on the number of dwellings that had been completed by 31 March 2017, the number that were under construction at that point, the number that were permitted on that date and those that have been provided for by way of allocation, thereby enabling readers to understand exactly what remains to be delivered on unallocated land.

2.2 Does Policy SS3 provide effective guidance for development proposals on unallocated sites in / on the edge of existing rural settlements? How will the risk of inconsistency with the development strategy from repeated application of the policy be assessed?

Policy SS3 does not provide effective guidance for development proposals on unallocated sites in or on the edge of existing rural settlements. The reasons for this are as follows:

- a) the Policy requires the promoters of such developments to demonstrate that their proposals would enhance the sustainability of the settlement to which their proposals relate but it says nothing about how this will be measured/tested;
- b) the Policy requires applicants to demonstrate that their proposals will not result in a level or distribution of development that is inconsistent with the development strategy, yet the term inconsistent is not defined and, as the Inspector will have noted, the development strategy uses imprecise terms such as 'approximately' when defining the amount of development that will be directed to the Main Urban Area, the Service Centres and the Rural Hubs. This imprecision will inevitably lead to battles over interpretation which will consume resources and delay development unnecessarily. The Policy should set parameters which provide an appropriate degree of flexibility whilst acknowledging that the overall housing requirement is a minimum not a maximum and the fact that all local planning authorities are charged with boosting significantly the supply of land for housing;
- c) the Policy indicates that the Council will expect proposals to meet certain criteria. The first of these is that the development provides housing or economic development which meets a local need as identified in a Neighbourhood Plan or appropriate community-led strategy, housing or economic needs assessment. However, the Borough does not have a robust evidence base that identifies housing and economic development needs at the local (i.e. settlement) level. The third of the Council's criteria indicates that the proposed development will need to be served by sustainable infrastructure and/or provide new infrastructure or services to the wider benefit of the settlement. However, the Policy does not define the term sustainable infrastructure and, in a rural Borough such as Melton, this will mean different things to different people. In addition, requiring a developer to provide infrastructure that has wider benefits is unlikely to satisfy the statutory tests for planning obligations, through which the majority of such infrastructure is likely to be provided.

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