

Representations to Main Modifications to the Melton Local Plan

July 2018

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For and on behalf of GVA Grimley Limited

1. Introduction

- 1.1 GVA is instructed by Jelson Ltd to make representations on its behalf in response to Melton Borough Council's Proposed Main Modifications to the Melton Local Plan (MLP). As the Council and the Inspector will be aware, our Client has engaged in the preparation of the MLP throughout the plan-making process.
- 1.2 Having reviewed the *Schedule of Main Modifications*, the *Schedule of Additional Modifications* and the *Schedule of Policies Maps Changes*, we consider it necessary to comment on MM1, MM3 and MM4. Our submissions on these matters are set out below.

2. Main Modifications

MM1: The Housing Requirement and its Planning Delivery

- 2.1 Main Modification 1 covers housing numbers, a revised approach to annual delivery targets, and modifies the housing requirements for Service Centre and Rural Hubs. We deal with these matters in turn.

Housing Numbers / Requirement

- 2.2 The Council proposes to insert paragraph 4.2.2 to clarify the derivation of the housing requirement and also the source of additional housing needs that will be accommodated within the Borough.
- 2.3 We remain of the view that the overall housing requirement of 6,125 new homes (245 dwellings per annum) over the Plan period is not soundly based.
- 2.4 We heard during the Examination Hearing Sessions the Council's reasons for setting its housing requirement at 245dpa (75 dpa higher than the OAN specified in HEDNA). These linked to its need to: align its housing and employment strategies; support local services; fund its transport strategy; boost housing supply generally; and deliver significant amounts of affordable housing. The evidence supporting an upward adjustment (over the HEDNA OAN) is compelling and Jelson agrees with the Council that a significant uplift is required in this instance. However:
- a) in accordance with the provisions of the NPPF, the Council is required to satisfy its full Objectively Assessed Need for market and affordable housing;
 - b) the Council's own evidence on market housing indicates that its requirement should be set at between 245dpa and 280dpa;
 - c) the Council's evidence on affordable housing (see "*Towards a Housing Requirement for Melton Borough*" by GL Hearn) indicates that its housing requirement would need to be set at 330dpa in order to ensure that its affordable housing need is met in full; and

- d) we have seen no evidence, either before or during the Examination, to suggest that 330dpa cannot be achieved in the Borough over the Plan period. Indeed, the Council's own evidence indicates that 330dpa can be achieved.

Stepped Approach to Housing Delivery

- 2.5 The Council is proposing to modify **Policy SS2** (Development Strategy) and, in so doing, specify a stepped housing requirement which, over the Plan period, rises from 170dpa to 320dpa.
- 2.6 As indicated in previous submissions, and during the Examination Hearing Sessions, Jelson is completely opposed to the stepping of the trajectory and any associated use of the Liverpool methodology for dealing with the shortfall that the Council has amassed since 2011. Our Client's concerns are fourfold:
- 2.7 **First**, Melton is an authority that has massively under-performed in terms of housing delivery in recent years and stepping the housing requirement will simply enable this to continue. In the context of the housing crisis, the scale of need that the Borough faces and the NPPF requirement to boost significantly the supply of housing, this cannot be the most appropriate strategy.
- 2.8 **Secondly**, the Council's housing requirement is, at least in part, intended to drive investment in local services and infrastructure. Delaying housing delivery will delay that investment. Again, this cannot be correct.
- 2.9 **Thirdly**, there is no support for either a stepped housing requirement or taking the Liverpool approach to delivery with shortfalls, in either the NPPF or the PPG. Indeed, taking such an approach runs completely counter to its fundamental objectives for housing.
- 2.10 **Fourthly**, we have seen no evidence to suggest that the Council's modified strategy will enable it to maintain a rolling 5 year supply of deliverable housing sites through the Plan period. This, as the Inspector will have noted, is a consequence of the Council being over-reliant on the SUEs in the latter part of the Plan period. This requires rectification in order for the Plan to be sound.
- 2.11 As indicated in our previous representations, and during the Examination Hearing Sessions, the appropriate way to address the Borough's housing issues is to identify and allocate more land for housing of the right type and in the right location.

MM3 Housing Allocations

- 2.12 Main Modification 3 allocates Jelson's site off Hoby Road, Asfordby for residential development within **Policy C1(A)**. The site has been given reference 'ASF3'. Jelson welcomes MM3. For the reasons given in previous representations and during the Examination Hearing Sessions, this modification is necessary in order to make the MLP sound.

MM4 Appendix 1: Housing Site Allocation Policies

- 2.13 Appendix 1 of the MLP covers site allocations and policies. Jelson's site at Hoby Road, Asfordby (ASF3) is included within Main Modification 4. On page 10 of Appendix I, the Council goes into some detail setting out the requirements that development at this site must meet in order to be considered acceptable.

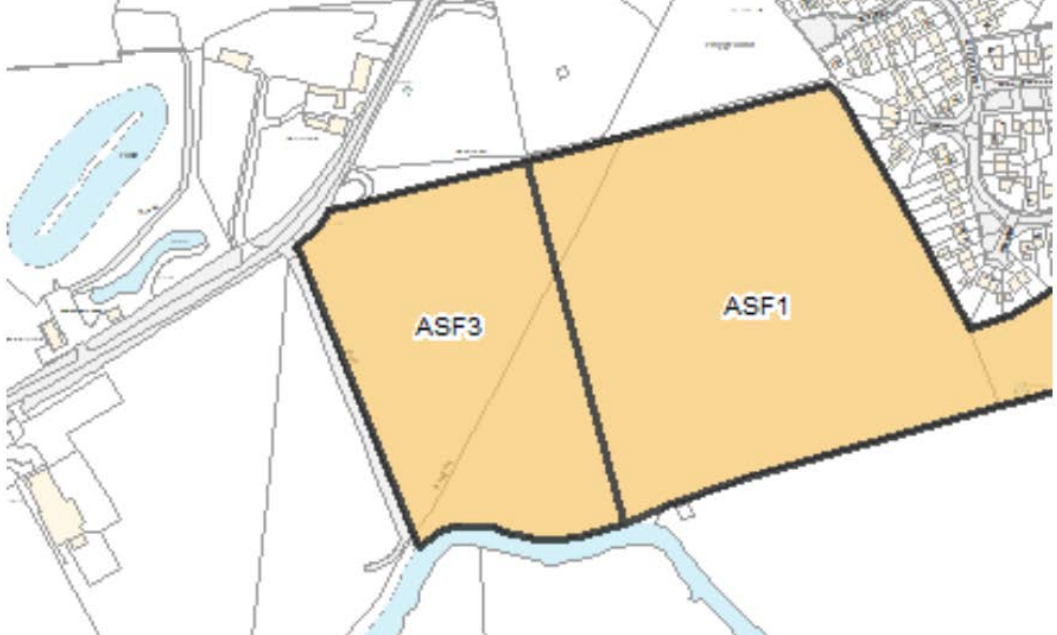
- 2.14 Jelson submitted an outline planning application for up to 70 dwellings at this site in August 2016. This application was refused by the local planning authority in December 2016. This decision was the subject of an appeal that was submitted in January 2017. On 14 May 2018, the Planning Inspectorate allowed the appeal and granted outline planning permission.
- 2.15 Accordingly, we are of the view that it is no longer necessary to set out detailed requirements as the outline planning permission granted in connection with the site provides a full set of planning conditions and a S106 Agreement. Site ASF1 (adjacent to the Hoby Road site) also benefits from planning permission. For this site, the MLP states that no site specific policies are necessary as planning conditions and obligations have been agreed.
- 2.16 Accordingly, we recommend that all of the listed requirements for ASF3 are deleted.

3. Schedule of Proposed Changes to Policies Maps

- 3.1 We note that the Council has also published a '*Schedule of Additional Modifications*' and '*Proposed Changes to Policies Maps*' and that the changes to the Policies Maps include **PMC3**, which reflects the allocation of the Hoby Road site under MM4. Jelson welcomes this change which is necessary in order to make the Plan sound.

4. Site Assessment for ASF3 (Hoby Road, Asfordby)

- 4.1 Having reviewed the updated *Site Assessment for ASF3*, we are concerned that it does not adequately or appropriately reflect the planning merits of the site.
- 4.2 Accordingly, we suggest that the document is amended in accordance with the proposed changes shown on the following pages. The suggested changes reflect the Inspector's assessment of the site in appeal reference APP/Y2430/W/17/3167407.

Site Assessments					
Site Reference	ASF3 (MBC/040/16)				
Site Address	Land off Hoby Road				
Settlement	Asfordby				
Settlement Category	Service Centre				
Gross Site Area	3.06ha				
Net Site Area & Reason	1.91ha (62.5% of 3.06ha)				
Capacity & Calculation Formula	57 dwellings (1.91ha x 30dph). Planning application for 70 dwellings				
Planning History	<p><u>Planning application ref. 16/00570/OUT</u> was refused by the LPA and currently allowed on appeal.</p> <p><u>Resubmitted application ref. 17/00442/OUT</u> was also refused.</p>				
Land Owner / Agent providing update	Jelson	Last update received	N/A	Assessment last updated	12-04-18
Overall Summary					
<p>Planning application Outline planning permission for 70 dwellings (ref. 16/00570/OUT) currently subject to was granted on appeal on 14 May 2018 (PINS ref. 3167407). The site is adjacent to ASF1 extending into the countryside to the west. The site is not well related to the built form and has poor connectivity to services, the centre of Asfordby and to public transport. The Inspector concluded that the proposed links would provide easy access and walking distances would be only a little greater than for some of the houses about to be built on the adjoining development. Measures could be proposed to mitigate this. Unless appropriately mitigated, development would have an adverse impact on the character of the settlement and appearance of the countryside. In respect of the harm to the character and appearance of the countryside and the setting of Asfordby, the Inspector concluded that the weight to that harm should be no more than moderate.</p>					
Issues / constraints to be mitigated					
<p>Improvement of footpath H36 to footway/cycleway will improve the connectivity to the settlement. Protection of the hedgerow to the west of development. Measures to protect from any potential harm to the GCN located 250m away from the proposal. Appropriate integration of the existing and future built form. Mitigation measures related to the overhead electricity line that crosses the site. Flooding mitigation measures if development takes place near the river. No harm to Red Lodge (grade II listed building) opposite to proposed access. The site is within a medium-high landscape character area and therefore appropriate design should be provided.</p>					

Headline Information			
Availability	Suitability	Deliverability	Viability
Land available now	Suitable for development as constraints can be mitigated including the connectivity of the site.	The site will be developed after the construction of ASF1. According to the trajectory part of the site will be deliverable (within 5 years) and a smaller proportion will be developed after the initial 5 years.	No issues raised
Availability			
Is the land available for development now?		Yes	
If the site is not available now, when will it become available?		-	
How many landowners are involved in the site?		One	
Has written confirmation been received from all landowners to confirm the land is available?		Yes	
Suitability			
Consideration	Comments	Potential Impact ++ (strong positive); +(positive); 0 (Neutral); - (negative); -- (Strong negative).	
Meeting identified need;	More than 20 houses. <u>Up to 70 houses.</u> Potential for market and affordable	++	
Relationship / connectivity with host settlement;	Slightly detached but accessible using footpath <u>Connectivity through ASF1.</u>	0+	
Access to services and facilities (by foot (ideally 800m ¹) / bicycle (2km) or public transport.	Within 2km of services (bus stop within 800m of the edge of the site)	+	
Proximity to employment;	Over 2km from Asfordby Business Park and Melton Mowbray but connectivity with public transport	0+	
Availability of public transport;	The bus stop is more than 400m away from the site, but the bus service (5 and 5A) is frequent (3 hourly on peak hours)	0++	
Brownfield land.	Greenfield	--	
Loss of employment or other beneficial use	Agricultural use no longer required	0	
Access / including public footpath access;	Access improvement required but deliverable. <u>Access via Hoby Road would require a T junction which is considered acceptable by the Highways Authority approved under planning consent ref. 16/00570/OUT</u>	++	
Major infrastructure requirements (transport schemes etc)	None	++	
Infrastructure capacity (schools / GPs / etc);	Check ASF2/3 still valid <u>Confirmed under planning consent ref. 16/00570/OUT</u>	+	

Heritage Assets (SMs, listed buildings, CAs, archaeology);	Listed Building opposite to proposed access (Red Lodge, grade II). Mitigation measures would be required. Archaeology matters were resolved on the submission of 17/00442/OUT	++
Flooding / Drainage	Part of the site within Flood Zone 2. The Environment Agency and the LLFA do not consider this as a stopper.	++
Biodiversity – SSSI / SAC / LWS / Protected habitats & Species	Great Crested Newt ponds within 250m. Unlikely to be affected by mitigation measures are required.	++
TPO / Ancient Woodland;	No	++
Historic Park;	No	++
Technical constraints (contamination /land stability);	None known	++
Landscape designation (<i>influence report – designation</i>).	Medium – High	-0
Visual Impact	Visual impacts acceptable within mitigation	++
Agricultural Land Classification	Large part of the site within grade 2 ALC	-
Noise or other pollutants	None	++
Constraints impacting on the site area and capacity		
High pressure gas pipelines	None	
Low pressure gas pipelines	None	
Water Mains	No issues raised by Severn Trent	
Sewers	No issues raised by Severn Trent	
Oil pipelines	None	
Power lines	Overhead electricity line – mitigation required	
Sustainability Appraisal Summary		
Potential significant positive effects have been identified in relation to SA objectives 2: education, 3: sustainable transport, 9: social cohesion, 10: social deprivation and 15: greenhouse gases and potential significant negative effects have been identified in relation to SA objectives 6: biodiversity and 8: efficient use of land and resources.		
Viability		
Are there any known factors that impact on the viability of bringing the site forward?	None	
Deliverability		
Is there any infrastructure required that would impact on delivery?	None	
If so, what are the requirements and associated timescales?	N/A	
What are the key constraints that need to be dealt with in order to bring the site	Connectivity with Asfordby –Resolving issues related to the overhead electricity line.	

Are these fixed constraints that need to be designed into a scheme in order for the site to come forward?	Yes			
Do any of these constraints need to be overcome or mitigated in order for the site to come forward?	Yes			
Is there agreement with the landowner/s that the site is available and deliverable?	Yes			
When is it expected that the land will come forward and the site be delivered?	After ASF1			
	<table border="1"> <tr> <td>2021/22 26 units</td> <td>2022/23 36 units</td> <td>2023/24 remainder</td> </tr> </table>	2021/22 26 units	2022/23 36 units	2023/24 remainder
2021/22 26 units	2022/23 36 units	2023/24 remainder		
Has the site got planning permission?	No <u>Yes. Outline planning permission (LPA ref. 16/00570/OUT)</u>			
If only outline planning permission is granted, when is it intended to submit	N/A <u>Summer 2018</u>			
If there is no planning permission currently granted, when is it intended that a planning application will be submitted?	A refusal of planning permission of 70 dwellings (16/00570/OUT) is currently the subject of an appeal, the decision on which is awaited. <u>N/A</u>			
How long has been allowed for site preparation works?	Same than finalizing ASF1			
When is it expected that the first dwelling on site will be completed?	2021/22			
What is the planned phasing of delivery?	To follow on from completion of ASF1 adjacent to the east.			
Are there any events that might change the delivery (such as other sites being	Not known.			
When is it envisaged that the affordable housing element will be delivered?	In step with market housing completions.			

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