

Application Reference Numbers: P/21/0738/2 and P/21/2131/2

Application Types: Outline

Dates Valid: 04/05/2021 and 30/09/2021

Applicants: Application A : Gladman Developments Ltd

Application B: Barwood Development Securities Ltd

Proposal: Application A : Outline planning application for the erection of up to 228 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Application B: Outline planning application with all matters reserved (except for access) for the development of up to 175 dwellings with associated infrastructure, accesses, landscaping and open space

Location: Application A: Land off Barnards Drive, Sileby

Application B: Peashill Farm, Ratcliffe Road, Sileby, LE12 7QB

Parish: Sileby

Ward: Sileby

Case Officer: J Worley

Tel No: 07513702966

This further report is presented to the Plans Committee following the resolution to grant permission, subject to the completion of s106 agreements, for planning applications and P/21/0738/2 and P/21/2131/2 that was made at the meetings of Plans Committee on 1 December 2021 and 20 October 2022 respectively. They are currently undetermined but their respective s106 agreements are drafted and close to completion.

The report is considered necessary to ensure that the final determination of the applications (i.e. following the conclusion of the s106 agreements) takes account of the Sileby Neighbourhood Plan. This has arisen because the status of the Neighbourhood Plan has evolved since both of these resolutions were made.

The Sileby Neighbourhood Plan Review

The review of the Sileby Neighbourhood Plan took place during 2022. As a review, the exercise did not comprise a wholesale re-writing of the plan, but provided adjustment and update on several focussed areas:

- Policy H1: Reserve Sites -- this policy is now Policy H2 and has a reduced number of sites.
- Policy H2: Windfall – this policy has been changed to better define the scale of development acceptable as windfall (now Policy H3).
- Policy H4: Affordable Housing – this policy has changed to reflect the deliverability problems associated with requiring the dwellings to be provided as individual plots. ‘Individual’ has been replaced with ‘clusters of four’ to make

management easier for Residential Social Landlords. The policy has also been updated to reference 'First Homes' in place of Starter Homes (now Policy H5).

- Policy T2: Road network – a policy deleted by the Examiner of the Made Neighbourhood Plan has been reintroduced with an updated evidence base and more specific application to Sileby.
- Policy INF1: Infrastructure Requirements has been introduced into the Neighbourhood Plan to prioritise the infrastructure needed to meet the needs generated by the new development in the Parish being raised.

There were also some minor amendments of limited significance to these applications. The modified Neighbourhood Plan was subject of Examination in 2022 with the Examination report received on 9th November 2022. The Council agreed to progress the Plan on 15th November 2022 without the need for a further referendum because the scope and the amendments were limited (“material modifications which do not change the nature of the Plan”), and the Neighbourhood Plan was ‘made’ on 15th December 2022 via resolution of Cabinet.

As a consequence, the revised Neighbourhood Plan is now part of the adopted Development Plan for the purposes of decision making on planning applications.

Position of the applications in respect Sileby Neighbourhood Plan Review

The Sileby Neighbourhood Plan allocates a single site for 18 dwellings and provides a revised Limits to Development, which is given purpose by Policy G1 which restricts development outside the Limits to “that carefully controlled in line with local and national strategic planning policies”. Clearly, therefore, the applications are contrary to this provision of the Neighbourhood Plan.

However, 18 dwellings do not represent the housing requirement for the designated neighbourhood area. The indicative housing requirement was 345 dwellings, which reflected the total sum/capacity of the Council’s emerging Local Plan allocations. The 18 dwellings, represents a 5% buffer additional to the 345 dwellings already being planned for through the Local Plan’s preparation, i.e. the allocation of 18 dwellings is predicated on other sites in the village delivering the 345 dwellings. For the purposes of considering the revised Sileby Neighbourhood Plan in the context of paragraph 14 of the NPPF, it is considered that the Neighbourhood Plan contains policies and allocations to meet its identified housing requirement (see below).

The Charnwood Local Plan 2021-37

The Draft Local Plan was submitted for Examination in December 2021. It sets out the Council’s strategic and detailed policies for the plan period 2021-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan 2004. A number of hearing sessions have been held on some matters in June 2022 and October 2022. Further hearing sessions are planned to be held in February 2023.

The emerging local plan allocates the site of P/21/0738/2, Barnards Drive for housing under Policy DS3(HA53) for 228 dwellings which accords with the content of the application. The site of P/21/2131/2, Peashill Farm, Ratcliffe Road is not similarly

allocated but is addressed by emerging Policy DS1: 'Development Strategy' as follows:

"In circumstances where a five-year supply of deliverable housing land cannot be demonstrated, proposals for development should only be refused where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In these circumstances, proposals are only likely to be permitted where they:

- *accord with the pattern of development set out in table above;*
- *adjoin the Limits to Development;*
- *do not prejudice the delivery of infrastructure set out at Appendix 3; and*
- *accord with other development plan policies."*

Consideration of the planning issues: Impact on the current planning applications 'resolution to grant'

The planning applications are unchanged since their consideration in December 2021 and October 2022. The only changes to the applicable considerations identified are the Review of the Sileby Neighbourhood Plan as discussed above, and (with reference to P/21/0738/2 Barnards Drive) the updated position on housing land supply. The progression of the emerging Local Plan is also addressed.

As Members are aware, the starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of these applications are listed in the original Plans Committee reports and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those "saved" policies within the Borough of Charnwood Local Plan 1991-2006 (2004) which have not been superseded by the Core Strategy (2011-2028), Minerals and Waste Local Plan (2019) and the content of the Sileby Neighbourhood Plan (Review, 2022) the revised policies of which are listed above.

Both decisions took full account the Core Strategy and Charnwood Local Plan and that the Local Planning Authority cannot currently demonstrate a 5-year supply of housing land and, as a result, the policies could not be afforded full weight. In accordance with the presumption in favour of sustainable development (at paragraph 11d), the resolutions were arrived at on the basis that adverse impacts caused by the proposal did not significantly and demonstrably outweigh its benefits for planning permission to be refused. In both cases, this included that the proposals were contrary to the (then) provisions of the Neighbourhood Plan, including recognition of its 'made' (and therefore Development Plan) status then, as it is now.

The existing resolutions to grant permission recognised that the application proposals were contrary to both the adopted Local Plan/Core Strategy and the original Sileby Neighbourhood Plan, but it was concluded that the material considerations applicable indicated that permission should be granted. Both applications have progressed from this stage with their s106 agreements well developed, drafted and close to being completed. It remains the case that the applications are contrary to the above policies

for the same reasons, so further consideration of whether material considerations continue to indicate that permission should be granted is necessary.

At the time of the previous resolution on P/21/0738/2, the Council's published land supply stood at 3.34 years. The situation has subsequently deteriorated, with the supply currently at 3.04 years at 31st March 2022, a shortfall of 2,389 dwellings against needs. It was in this context that the later application P/21/2131/2 was resolved to be approved. Recent estimates indicate that the position is not recovering, indeed there is evidence that it is deteriorating further.

With regard to the emerging Local Plan, in accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The emerging Charnwood Local Plan is significantly more advanced now than when the applications were initially considered.

While the emerging Local Plan is further advanced the policies concerned are contested. Both applications offer support from the emerging Local Plan, for the reasons provided above, but the weight of this is considered to be limited under the guidance of NPPF paragraph 48.

NPPF Paragraph 14

Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies and states that conflict is likely to 'significantly and demonstrably' outweigh the benefits only if all 4 criteria are met. In this case they are all met, i.e.:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

It is considered that the wording "is likely to" confirms that it does not lead to an automatic outcome but is guidance for decision makers on the weight that should be

assigned to this issue when undertaking the tilted balance. It remains necessary to balance any conclusion against the benefits of each application.

Conclusion

The existing resolutions to grant the applications were on the basis of the benefits they would accrue would not be 'significantly and demonstrably' outweighed by harm. The benefits were principally the addition to housing supply within the context of significant under-supply, and a particular reference to delivery of affordable housing. The applications have not changed and these remain the key benefits.

The harm that was considered to be outweighed was to the landscape and countryside, and conflict with policies of the Local Plan, Core Strategy and the original Sileby Neighbourhood Plan. This also remains the case, albeit the Sileby Neighbourhood Plan is now the version following Review.

Of increased significance is the 5 years housing land position, which has deteriorated since the decision was made on P/21/0738/2 in December 2021, and has not improved since the decision on P/21/2131/2 in October 2022 (indeed there are indications it may worsen still). Both applications are supported by the emerging Local Plan which adds positive weight, P/21/0738/2, Barnards Drive 'directly' by its allocation DS3(HA53) and P/21/2131/2, Peashill Farm, Ratcliffe Road because it is considered to satisfy all of the criteria of Policy DS1: 'Development Strategy' in that it adjoins the Limits to Development (including that of the Neighbourhood Plan Review), that Sileby is a 'service centre' suitable for residential development and it would contribute to infrastructure on a proportionate basis via its s106 agreement.

The Committee may find recent appeal decisions in the Borough instructive in their determination of weight within the 'planning balance'. A recent appeal decision at land east of Cossington Road, Sileby (P/21/0491/2) was upheld on the basis of housing supply despite its location within an Area of Separation (a stronger policy constraint than present in these applications) and appeals at Iveshead Rd, Shepshed, Maplewell Rd, Woodhouse and Main Street, Woodthorpe have all been upheld on the basis of housing supply benefits outweighing landscape harm and conflict with planning policies, including Neighbourhood Plan policies.

On the basis of the above it is considered that the contribution towards land supply remains a consideration of sufficient weight to outweigh the harm arising from the applications, just as they were at the time of their original resolutions. It is not considered that the Sileby Neighbourhood Plan Review is a factor that influences the balance such that an alternative conclusion should now be reached, and furthermore the foremost material consideration 'in favour', housing supply, should attract increased weight due to its worsening position.

Recommendation:

It is therefore recommended that the original resolutions on the applications should be confirmed without amendment, which are as follows:

Application A : P/21/0491/2 Land off Barnards Drive, Sileby - resolution of 1.12.2021 (minute number 38)

that, in respect of application P/21/0738/2 (Gladman Developments Ltd, Land off Barnards Drive, Sileby, Leicestershire), planning permission be granted subject to recommendation A and B set out in the report of the Head of Planning and Regeneration.

Application B: P/21/1446/2 Peashill Farm, Ratcliffe Road, Sileby, LE12 7QB – resolution of 20.10.2022 (minute number 8)

that, in respect of application P/21/2131/2 (Barwood Development Securities Ltd, Peashill Farm, Ratcliffe Road, Sileby LE12 7QB) planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Growth and the completion of a Section 106 Agreement, and the amendments to both the content of the Section 106 agreement and conditions set out in the Extras Report.