

Plans Committee – 28th January 2021

Additional items received since the report was drafted.

Pages

Site Address: 7 King Street, Sileby,
Leicestershire

Item No. 1

P.A. No. P/19/0218/2

Late Correspondence

Applicants Agent;

Following the publication of the Agenda, the Applicant has submitted further comments with regard to the Local Planning Authority's assessment of the proposed development. These are summarised below and can be read in full at

<https://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/Home.aspx>

- It is suggested that Policies H1 and H2 of the Sileby Neighbourhood Plan are in tension with one another in so far as one policy permits windfall development on infill and redevelopment sites (Policy H2) whilst the other policy seeks to delay reserve housing sites coming forward until there is a shortfall in housing land supply for the village and it becomes necessary to provide additional homes within the Parish of Sileby as part of a new Local Plan Policy (Policy H1). In this case, it is suggested that it would be unreasonable for Policy H1 to hold back this site from coming forward for development when other sites within the Development Limits for the village of Sileby could come forward for development under Policy H2, which would be supported by this Policy. Reference to Court of Appeal Decision [2019] EWHC Civ 508 (Corbett, R v Cornwall Council) has been provided. It is suggested that this Decision deals with the conflict within the Development Plan and offers a warning about using one Policy to the exclusion of another Policy where there is no qualification for doing so.
- It is questioned whether or not the site is prevented from being considered as a windfall site under Policy H2 of the Sileby Neighbourhood Plan in its own right. In addition, it is suggested that there is no evidence to suggest that a reserve housing site (allocated under Policy H1 of the Neighbourhood Plan) must be exclusively considered to fall under Policy H1, and given that part of the application site is located outside this allocation, it is suggested that Policy H2 is capable of lending Neighbourhood Plan support to the proposed development.
- It is suggested that the proposed development will meet two of the principal objectives of the Sileby Neighbourhood Plan, including the objectives that seek to ensure that all listed buildings and any identified community or environmental heritage 'assets' are protected and improved; and seek to ensure development is compliant within the National Planning Policy

Framework and the local plan and target growth identified by Charnwood Borough Council.

- Reference has been provided to the status of the site in context of the Draft Charnwood Local Plan 2019-36, specifically in respect of the housing requirement outlined under Policy LP1 and potential housing allocation sites, including Site HS62 (the application site and adjoining land), under Policy LP3, which is considered to represent a material planning consideration albeit it is acknowledged that this emerging policy document does not carry full weight. It is suggested that there is a need for this site to come forward to meet the housing needs of the Borough, especially in the absence of the Council being unable to demonstrate a 5-year supply of deliverable housing sites.
- With regards to the sterilisation of adjoining land and prejudicial delivery of a wider development site; it is suggested that even if adjoining land formed part of a wider allocation and was available, the proposed development would not prejudice the development of any remaining allocated land coming forward. These sites could come forward independently of the application site and the proposed development has been designed with the adjacent land in mind, and includes opportunities for access to these adjoining sites via the application site.

Officer's Comments

The conflict between Policies H1 and H2 of the Sileby Neighbourhood Plan is addressed within the 'Principle of the proposed development' section of the Officer's Committee Report (Pages 23-25), as is the Officer's assessment of the proposed development in light of these and other Development Plan policies. Accordingly, it is considered that no further comment is required in respect of this particular issue.

In respect of the reference to the Draft Charnwood Local Plan 2019-36, this is acknowledged within the 'Other Material Considerations' section of the Officer's Committee Report (Page 18). Accordingly, it is considered that no further comment is required in respect of this particular issue.

With regard to the points raised in respect of the 'Sterilisation of adjoining land and prejudicial delivery of a wider development site' section of the Officer's Committee Report (Pages 37-38), this is considered to reinforce Officer's assessment of this matter.

Silbey Parish Council;

Sileby Parish Council have submitted further comments with regard to the Local Planning Authority's assessment of the proposed development, notably in respect of the weight to be applied to the Sileby Neighbourhood Plan in the absence of Charnwood Borough Council being able to demonstrate a 5-year supply of deliverable housing land. These are summarised below and can be read in full at: <https://portal.charnwood.gov.uk/Northgate/PlanningExplorerAA/Home.aspx>

- It is suggested that the Local Planning Authority have misinterpreted Paragraphs 11 and 14 of the National Planning Policy Framework, and in doing so, have attributed incorrect weight to the Sileby Neighbourhood Plan in respect of its housing policies, notably in respect of Policy H1.
- The Parish Council outline the approach taken by the Neighbourhood Plan in respect of its assessment of the issue of housing targets, notably in respect of its reliance on windfall development to meet any remaining housing need for the Parish (Policy H2) and its allocation of reserved housing sites should there be an increased housing need in future (Policy H1).
- It is suggested that the Neighbourhood Plan contains allocated housing sites, as the Neighbourhood Plan includes reserved housing sites under Policy H1, whilst to reinforce their position they have provided commentary on the National Planning Practice Guidance and have made reference to Examination Reports prepared in respect of other Neighbourhood Plans.
- It is suggested that criterion a) to d) of Paragraph 14 of the National Planning Policy Framework are met and Paragraph 14 is engaged, and to disregard Paragraph 14 would not be sound.
- It is suggested that full weight should be afforded to the Neighbourhood Plan, including to its housing policies.

Officer's Comments:

The views of Sileby Parish Council have been carefully considered, however, the position of Officers' as set out in the Officers report remains unchanged.

As set out in the report, as the Core strategy is now five years old, the Authority must now use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (4.1 years), and as a result, the most important development plan policies (including the Neighbourhood Plan policies) for the supply of housing are out of date.

This means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

In situations where para 11d of the presumption applies, consideration should be given to paragraph 14 in relation to Neighbourhood Plans, in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for Sileby was adopted in January 2020 and its policies continue to be considered up to date unless they relate to housing supply. As there are no unreserved housing allocations within the neighbourhood plan to meet the current identified housing needs, any conflict with its policies relating to the provision of housing is unlikely to be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict remains a harm to be accounted for in the planning balance.

Recommendation

That no change is made to the recommendations or planning conditions and informative notes.

Additional Information

With regard to the developer contribution sought in respect of off-site biodiversity mitigation (as outlined within Page 34 of the Officer's Committee Report), a pond creation project at Cossington Meadows Nature Reserve has been identified which could mitigate the loss of biodiversity on the site. It is considered this request and the identified project are CIL compliant.

Recommendation

It is recommended that recommendation A on page 39 of the officer report is amended to read:

Enter into a S106 Legal Agreement or Unilateral Undertaking to secure off-site developer contributions of £5390.00 towards improving and enhancing biodiversity off-site at Cossington Meadow Nature Reserve or in the locality.

Item No. 3

P.A. No. P/19/0041/2

Leicestershire County Council (Developer Contributions) have asked that a contribution towards libraries is considered. This request was not received when the planning application was reconsulted upon in September 2020 and has not been included in the report for that reason. A contribution of £2110 is sought towards improving facilities at Barrow Library.

Additionally, it is pointed out that the table of consultee responses, (page 71) excludes the 16+ contribution sought towards improving capacity at Rawlins Academy despite this being included within the overall infrastructure totals and assessment at page 85.

Officer Comment

The libraries request is considered to be CIL compliant and it is unclear why it was not received.

The LCC Education request reported at page 71 should include the additional sum of £44,645.37 towards post 16 education, also at Rawlins Academy. The total in the main body of the report remains correct at £560,047.81.

Recommendation

1. That the libraries request be recognised as a CIL compliant request towards infrastructure and that the reason the application would have been refused is amended to read:

“The development creates demand for open space, education provision, **library facilities** and healthcare services

2. That the error in the table on page 71 be noted.