

Reference: Earl Shilton
DD: 07885628713
E: jim@roebuckland.co.uk
Date: 14 February 2025

Mr Matt Jedruch
Senior Planning Officer
Development Management
Hinkley and Bosworth Borough Council
Hinkley Hub
Rugby Road
Hinkley
LE10 0FR

Sent via email

Dear Mr Jedruch

**ERECTION OF 18 DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING
AND DRAINAGE AT LAND WEST OF WESTFIELD AVENUE, EARL SHILTON (REF 24/01066/FUL)**

I write with reference to the above planning application.

There are two outstanding issues where we have not yet responded- the perceived loss of employment land and Biodiversity Net Gain. The applicant's response to each of these points is set out below.

Biodiversity Net Gain

As noted in the response from Leicestershire County Council, the incorrect biodiversity metric has been used. I attach the correct metric which shows a 22.14% loss and a unit deficit of 0.85. It is the applicant's intention to purchase a unit and they are in discussion with Civity Net Gain Exchange regarding their site at Edstone Park. I assume this could be secured in a S106 Agreement.

Loss of Employment Land

I note you have a strong preference for the land to be bought back into employment use through the submission of a fresh planning application unless evidence proves otherwise. I think it is common ground that the employment permission has now fallen away.

The Local Plan Regulation 18 Draft states (at para 8.0) that, "*Evidence from the Employment Land and Premises Study 2024 indicates the borough has a sufficient supply of employment land to meet needs up to 2041.*" This statement is repeated at paragraph 6.19 of the Planning and Affordable Housing Statement submitted with the application. Table 4 of the Reg 18 Plan would appear to confirm that the evidenced general employment land needs are less than the available supply.

However, this is not the full picture and for some sectors the Reg 18 Plan identifies that there will be an additional requirement for general employment land of between 33-55ha. The proposed employment allocations in the Reg 18 Plan total 109.25ha (43.25 more than is required for the purposes of evidenced general employment requirements). Whilst the Reg 18 Plan has limited weight, it certainly provides a clear direction of travel and a statement of the Council's approach for the employment policies to identify an excess of employment land. In this context, the need to bring the application site back as an employment commitment is not apparent.

As part of the evidence base supporting the Local Plan Review, an Employment Land Review (Employment Land Availability Assessment and Employment Needs Assessment) was published in July 2024. Site EAR55 is a recommended addition to the list of employment areas and is the application site (albeit it is a slightly larger area at 0.62 ha gross). This is a very small component of the supply. The employment site falls within Outline Planning Permission ref 14/01279/OUT which granted permission for "residential development of up to 350 dwellings, 0.6 ha of employment starter units, expansion of existing community facilities, access, open space and indicative landscaping". Condition 1 of the aforementioned consent requires applications for the approval of reserved matters to be made by 6 July 2020. At the time of the Employment Land Review in July 2024, it seems unusual that a site with a lapsed planning permission would be included in a list of available sites. I would speculate that this was an error and those making the assessment were unaware of the lapsed planning permission. It cannot be relied upon as part of the deliverable employment land supply for plan-making.

Across the Local Plan area there is an over-supply of employment land on a scale that could be considered 'substantial'. There are other employment land opportunities in Earls Shilton advanced through the allocated SUE and this site is not relied upon by either the adopted Development Plan or necessary to be safeguarded as such through the emerging Local Plan. The alternative use for housing would not therefore be in conflict with either adopted or emerging employment policy.

We contend that the previous (and now lapsed) outline planning permission for employment uses should not be given more than limited weight in the decision-making process. We have had regard to a recent decision of the Planning Inspectorate (ref: S62A/2023/0031- North of Thaxted Road, Safron Walden) where the Inspector considered an allocated employment site where the owner had confirmed they would not release the site for employment related development. In this case, he concluded there was no reasonable prospect of an application coming forward for the use allocated in the plan and hence, gave the issue of loss of employment land limited weight. Whilst not allocated or having an extant permission for employment use, the same conclusion applies in relation to the application site. Avant Homes are the landowner and I can confirm they do not intend to bring the application site forward for employment development via a fresh planning application. The site is not allocated for employment in the adopted local plan and there is no reasonable prospect of the site being made available or developed for employment purposes. This is a material consideration. .

The Framework also reinforces the requirements for planning policies and decisions to reflect changes in demand for land (NPPF 127) and promote the most effective use of land (NPPF 11d). This includes enabling the release of employment land to meet housing where there is no reasonable prospect of the site coming forward for its intended use (NPPF 127) and take a positive approach to applications for alternative uses of land which is not specifically allocated for a specific purpose where this would help meet identified development needs, including using employment land for homes in areas of high demand (NPPF128).

Whilst there is no prospect of the site being brought forward for employment use, the benefit in bringing the site forward for residential use cannot be disputed. Whilst these points are fully expressed in the Planning, Design and Access Statement which accompanied the planning application the key points are:

- The latest published housing supply position is below the 5-year target at 4.89 years (source: Hinkley and Bosworth Housing Delivery Test Action Plan June 2024) and the adopted housing policies are out of date
- The 'tilted balance' in paragraph 11 d) of the Framework is engaged and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits
- Encouraging the development of small and medium-sized sites can boost housing delivery as they can be built out very quickly (particularly in a situation such as this where the site is owned by a housebuilder and adjacent to a current construction site)
- The benefits include the delivery of 4 affordable housing units to the local area
- The site is not an allocated employment site in the adopted Development Plan and there is no loss of designated employment land as a result of this proposal
- The 'loss of opportunity' to deliver an unallocated, unconsented small employment area attracts neutral - limited adverse weight in the planning balance and is clearly outweighed by the significant positive benefit of delivering additional market and affordable housing in a sustainable location to boost supply.
- The Core Strategy and the SADMP do not prohibit additional development
- The site has previously been accepted as suitable for development through the original outline planning permission
- The site is enveloped by built development, and residential development would not result in countryside impacts or unsustainable development. Indeed, the proposed scheme complements the surrounding buildings and land uses.

I sincerely hope you can revisit your position on the principle of housing on the application site and I would be grateful if you could reconsult in light of the revised biodiversity metric.

Kind Regards



Jim Rawlings MRTPI
Associate Director

Cc Mr Mark Marsh- Avant Homes