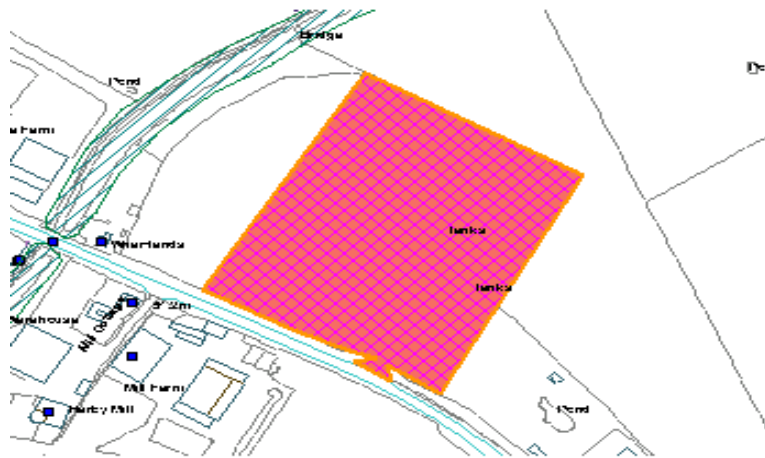


Reference: 15/00673/OUT
Date submitted: 26.08.2015
Applicant: First Provincial Properties Ltd – Mr N Griffith
Location: Millway Foods Ltd, Colston Lane, Harby
Proposal: Residential development of up to 53 dwellings.



Proposal :-

This application seeks outline planning permission for residential development at Millway Foods, Colston Lane, Harby. The application is in outline with the access for approval only, the layout, scale, appearance and landscaping are reserved for future consideration. The application indicates that the proposal will be for up to 53 dwellings with 19 proposed for affordable housing (36%). A single point of access to the site is proposed from Colston Lane utilising the existing entrance to the south east of the site. The site is located within the designated open countryside outside the village of Harby and is currently occupied by a redundant cheese factory.

An indicative layout plan has been provided to show how the site could be developed should approval be granted.

The application has been supported by a Design and Access Statement, Noise Report, Contamination Report, Transport Assessment, Flood Risk Assessment, Archaeology Report, Arboriculture Report, Affordable Housing Statement and Ecology Survey. All of these documents are available to view at the Council.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area and open countryside**
- **Impact upon highway safety**
- **Impact upon Ecology**

The application is required to be presented to the Committee as a departure from the development plan and due to the number of representations received.

History:-

Application 08/00907/OUT for a low environmental impact redevelopment of site to provide business centre, 6 live work units and 36 dwellings with associated infrastructure and landscaping was refused on the 8th April 2009 and was subject to an appeal which was dismissed in March 2010. The Inspector dismissed the appeal on the grounds of the location of housing within the countryside outside of the existing village boundary (OS2), the shortcomings identified in respect of affordable housing provision, density and the lack of information on the effects on biodiversity and protected species.

Application 07/00076/OUT for the erection of 36 dwellings (including 12 affordable dwellings), small scale workshops, community information and business centre was withdrawn on 14th August 2007.

There are a number of previous applications relating to the cheese factory.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

Policy OS3: The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy H8 – Sets out the requirements for assessing rural exception sites. In exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope. It states that the need is required to be established by the Council, it must be in keeping with the scale, character and setting of the village and would not have an adverse impact upon the community or local environment. The layout, density, siting, design and external appearance, landscaping, access and parking details are in accordance with other policies contained within the plan.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

Policy C13: states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development
Policy C16.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA’s should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority:</p> <p>Transport Sustainability The site is a little remote from the village centre, however it is a brownfield site and most of the site would fall within an 800 metres walk of the key facilities within the village, namely shop/post office, school, bus stops, public house and village hall. There is an hourly bus service passing through the village. As such the site can be considered reasonably sustainable in transport terms, however the footway from the site back into the village is substandard and in order to make it a more attractive and convenient option for residents, the applicants should carry out improvements to the footway.</p> <p>Off-Site Implications Improvements will be required to the footway leading from the site back into the village.</p> <p>Internal Layout The internal layout shown does not comply with current LHA standards, and as part of any future application on the site, the layout will need to be amended to accord to those standards, particularly should the applicants want the internal roads to be adopted as public highway by the LHA.</p> <p>Recommends condition on any approval with regards to ; footway, construction traffic and routing, design standards, access improvements and gates.</p>	<p>The application is outline with the access for consideration with all other matters reserved. An indicative layout plan has been provided which shows how the proposal could be laid out on the site. It proposes a single point of access from Colston Road with two cul-de-sacs to serve upto 53 dwellings, including 19 affordable housing, sited along the estate road.</p> <p>The Highways Authority does not object to the access or road layout and have commented on the sustainability of the site.</p> <p>The proposal lies outside of the village of Harby and was occupied by a dairy. The village of Harby has an hourly bus service and is considered to be relatively sustainable in transport terms.</p> <p>It is considered that the site location performs reasonably well (albeit far from ideal) in transport sustainability terms – resulting from the services and transport links in the immediate vicinity and the advantage of proximity to facilities in nearby Harby. It would not have severe harm in transport terms and would not have a detrimental impact upon Highway Safety subject to the conditions as requested by the Highways Authority.</p>
<p>MBC Environment Health</p> <p>Noise</p> <p>Have reviewed the noise report 14/0139/R1 and supplementary information received by email 21 October 2015 they broadly agree with assessment in the noise report/supplementary information. Subject to an appropriate acoustic mitigation scheme, noise levels across the development can comply with recommended standards. However, Environmental Health does have a number of concerns that that will need to be addressed at the later design stage.</p> <p>MP1 – Colston Lane</p>	<p>The application has since been supported with both a contamination land report and noise report. Environment Health is satisfied with the findings of the reports subject to conditions with regards to contamination and adaptations to properties for acoustic mitigation at the design stage.</p>

With windows closed, suitable noise levels can be achieved. However, with windows open for ventilation, noise levels on facing facades of the closest dwellings will exceed recommended standards. They agree that the inclusion of trickle vents will reduce the requirement to open windows to ventilate. Where an acoustic scheme assumes windows are closed, the provision of ventilation also needs to be considered and in this regard refer to building control Approved Document F (ADF). The ADF assumes that windows will be opened for purge ventilation for the purpose of regulating thermal comfort during summer months. It is unavoidable therefore that when windows are opened for purge ventilation, noise exposure will significantly increase.

With that in mind, would advise the following:

1. For facing ground floor living rooms and external spaces, gardens are fenced along the boundary line with Colston Lane.
2. As per section 5.2.8, as a preference bedrooms are located on the rear elevation where they are screened from Colston Lane. The stated L_{Amax} noise level at MP1 is 70dB. However it can be seen from 14/0139/TH01 that a number of night time noise events exceed 70dB with the highest over 90dB. It should be noted that MP1 was 25m from the highway whereas the façade of the closest proposed dwellings will be located 12m from the highway. Notwithstanding standard double glazing, where bedrooms are located on the facing elevation, some events will exceed 45dB and may cause sleep disturbance. In the interests of maximising residential amenity it is advised that for the most exposed dwellings, where bedrooms are located on the facing elevation, enhanced glazing and acoustic trickle vents are considered. Furthermore, continuous 'whole dwelling ventilation' rates will need to be achieved on the presumption of windows being closed. This must include any non-habitable rooms on any façade where windows/door are required to be closed to achieve internal noise levels due to internal noise transmission.

MP2 – Langar Airfield

Overall day/night noise levels at monitoring location MP2 are lower than those at MP1. However, in addition to road traffic noise, this site is atypical in that the proposed residential development would be located in the flight path of the N/S runway of Langar aerodrome. Research has shown that aircraft noise can have significant impacts on the health and well-being of individuals and communities. Where it is proposed to locate residential developments adjacent to aerodromes it necessary to adequately assess the

<p>impact of aircraft noise, using appropriate metrics, on those individuals. Although the supplementary information achieves this to some extent, I understand the prevailing methodology is to measure individual aircraft movements in relation to the 57dB LAeq and N70 contours. However references to BS8233:2014 and PPG24 are acceptable. It would also have been advantageous to put the noise in context by undertaking a qualitative assessment of the operational parameters: operational hours, the number of aircraft movements, active runways, flying patterns/circuits etc.</p> <p>With this in mind, Environmental Health has approached the aerodrome for operational details. The aerodrome operates 364 days of the year with a daily average of 40 aircraft movements. Operational hours are restricted to 8am to sunset; no flying occurs during night time hours. The N/S runway is least preferred due to runway condition. Although the aerodrome doesn't have any formal strategic noise mapping/action plans, noise abatement procedures (NAPs), it is understood there is a policy of avoiding villages whilst flying circuits. These findings are broadly in line with the consultant's observations wherein only one fly over was noted. When considering the typical LAeq,1-min noise levels quoted in the supplementary information, aircraft noise is unlikely to exceed the 57dB LAeq / N70 contours or BS8233:2014 / PPG24. However it should be noted that this state of affairs will only remain current as long as operational practices do not change. Should activity at the aerodrome intensify, if circuits are routinely flown over the site, if use of the N/S runway were to increase or if aircraft movements were to occur at night, then a land use conflict may occur.</p> <p>Should planning permission be granted recommends the use of conditions in respect of noise.</p> <p>Contamination</p> <p>Having reviewed the contaminated land report, report addendum 26127/CJP and supplementary information received by email 27 October 2015 they are in agreement with the report findings, conclusions and recommendations. Should planning permission be granted conditions are recommended with regards to contamination.</p>	
<p>LCC Ecology – No objection</p> <p>The ecology report and the Bat Survey (EMEC Ecology, September 2014) found evidence of bats within 2 areas of the building to be demolished.</p>	<p>Since the comments were received the applicants have surveyed the ponds and watercourse for Great Crested Newts and LCC are satisfied that no protected species would be affected subject to adhering to the</p>

<p>However, bat activity surveys did not record evidence of these buildings being used by bats as a roost. The mitigation provided within the report is therefore satisfactory.</p> <p>The ecology report and the Reptile Survey (EMEC Ecology, July 2015) states that no access was obtained to the ponds close to the site to assess them for the potential to support great crested newts. Section 6 of the report provides a number of reasonable avoidance measures to reduce the impact on GCN, should they be present. However, they are concerned that these may not be sufficient if a population of GCN is present within the area. A development of this size will inevitably take a number of months to build and it is important that this is factored into any mitigation. We would therefore request that the ecologist gives further consideration to this.</p> <p>The surveys indicate that a small population of grass snake was recorded on site. They are satisfied with the proposed mitigation measures for this species.</p> <p>There is some concerns with the proposed layout of this development. The hedgerows surrounding the site, particularly that to the north, appears to be a mature hedgerow that would provide a good wildlife corridor. It links directly to the canal which would increase its value as part of the ecological network. The present submitted layout indicates that plot boundaries will be immediately adjacent to this hedgerow, suggesting that it will not be protected or managed as one feature long-term. We would therefore recommend that the layout is redesigned to buffer this hedgerow from the development.</p> <p>The proposed site layout also proposes a number of wet areas and a wildlife area to the west of the development. This area should be seen as an ecological enhancement and should be planted and managed as a wildflower meadow. Some of the SuDs features on site should also be designed to hold water at all times.</p> <p>They therefore have the following recommendations on this application:</p> <ul style="list-style-type: none"> • Prior to determination further consideration should be given on the impact of the construction phase to GCN by the ecologist. • Measures should be in place to protect the northern boundary (amended layout). • A condition should be forwarded with any permission granted requiring updated ecological surveys to be completed and submitted either in support of the reserved matters application, or prior to 	<p>‘precautionary working method’ contained within the report. This can be dealt with by means of a condition.</p> <p>With regards to layout and concern over the hedgerow, the layout is indicative and a buffer zone can be added at the detailed design stage.</p> <p>It is considered that the proposal complies with the NPPF and subject to the conditions would be acceptable in terms of its impact on ecology.</p>
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<p>commencement (whichever is the soonest) if two years have elapsed since the initial survey (ie after August 2016). Evidence of protected species has been recorded on site and it is important to establish the current use of the site to allow necessary mitigation to be incorporated into the development.</p> <p>A biodiversity management plan should be submitted prior to the commencement of the development detailing the management of the proposed wildlife area.</p> <p>Following the submission of a GCN survey;</p> <p>They have further considered the potential impact on GCN, should they be within the area (EMEC, October 2015). We are satisfied with the information provided and would request that compliance with the 'precautionary working method' contained within the report is forwarded to the applicant as a condition of the development, should permission be granted.</p>	
<p>Severn Trent Water Authority: No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted.</p>
<p>Lead Local Flood Authority: No objection The proposed development will be acceptable if the following planning conditions are attached to any permission granted in relation to surface water drainage techniques.</p>	<p>Noted.</p>
<p>Parish Council: Objects</p> <ul style="list-style-type: none"> • This development would not be in keeping with the nearby village properties and would destroy the open rural aspect this side of the village; • There is very little open space identified in the outline plans. which would not be in keeping with the rural site; • The number of homes far exceeds the identified need for 13 houses (7 Affordable & 6 Open Market) identified in the recent Housing Needs Survey. There are currently 5 new dwellings under construction and 10 more approved for Harby; 	<p>Noted, see commentary below on page 12 of the report</p> <p>The application is in outline only with layout and landscaping as a reserved matter. The proposal would need to provide adequate open space within the development which can be dealt with at the detailed stage.</p> <p>There is a housing shortage nationally and the Borough of Melton is no different. Historically the Borough has failed to provide housing and is not in a position to demonstrate a 5 year land supply. Between 2011-2015 351 new homes were built, based upon the requirements of the Strategic Housing Market Assessments 908 were needed. From sites currently under construction or with valid planning permission the Council can demonstrate a deliverable supply of 800 new homes which equates to approximately 2.5 year land supply. Therefore, there is a requirement to provide housing in all sustainable locations. It is considered that development in this location would assist in</p>

<ul style="list-style-type: none"> • The village school does not have any spare capacity for a large number of children; • The approval of this development would set a precedent for development along Colston Lane and on the rural fringes of the 3 villages of Harby, Long Clawson and Hose; • A development of up to 53 dwellings is far too large a development in relation to the size of Harby and would increase the number of properties by nearly 15%; • The development is not sustainable. Transport service in the area does not allow commuting. The Parish Council believes that purchasers for these properties would be from outside the area of the Borough and could be commuting outside the area for employment and therefore not contribute to the local economy; • The current local health provision at The Sands in Long Clawson could not cope with such a large increase both in numbers and accessibility; • The current infrastructure of drainage and sewage would not be able to cope with 53 additional houses. The Parish Council has concerns that the proposed sustainable drainage system would not be adequate for this number of houses and would be vulnerable to spillage leaking into the canal which is at a lower level than the site. Any pollution would create serious environmental problems; • The Parish Council believes it would create a separate community. The village of Harby has an excellent rural community spirit and it is felt that this development would be far enough away from the main village centre to become isolated and not be part of the village; 	<p>boosting housing supply in a sustainable location.</p> <p>See below commentary on developer contributions and requirement for the school, page 10 of the report</p> <p>Every application should be determined on its own merits.</p> <p>Noted, see commentary below.</p> <p>Noted, Harby is considered to be a sustainable village and capable of supporting growth.</p> <p>Noted, there have been no comments received from the health authority.</p> <p>The application seeks outline consent for the access only. Conditions can be imposed to ensure that a suitable and adequate drainage system is provided on site should development be approved.</p> <p>Harby has been identified as a sustainable village, capable of being a rural supporter through the recent village audit assessment 2015 and development within the village would be appropriate. However the application site is not within or on the edge of the village of Harby and lies some 300 metres to the east away from the village. The Highways Authority has not objected to the proposal on highways safety grounds subject to conditions and the provision of a footpath to link to the village.</p> <p>NPPF paragraph 50 advises that in order to achieve housing growth extensions to existing villages or new settlements may be appropriate. Paragraph 54 relates to rural exception sites which encourages some market housing where</p>
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<ul style="list-style-type: none"> • The increase in the amount of vehicles that this development could generate ie 53 properties could mean 106 or more vehicles going through the village on a daily basis. There is already often gridlock on School Lane at school run times, with public transport often unable to get through <p>Without prejudice, the Parish Council requests the following requirements be included on a 106 agreement should the application be granted approval.</p> <ul style="list-style-type: none"> • Contribution from the developer to a new Harby village hall, upgrading the Village Hall parking provision and towards extending the capacity of the village school, to be lodged with the Parish Council. • New footpath from Sherbrooke Farm to the Canal Bridge. 	<p>significant affordable housing will be provided to meet local needs. Whilst at paragraph 55 it advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Giving an example.... where there are groups of smaller settlements, development in one village may support services in a village nearby.</p> <p>The NPPF in Chapter 7 refers to good design. In paragraph 58 of the NPPF it states that development should respond to local character and history and reflect the identity of local surroundings. Paragraph 61 refers to planning decisions addressing the connection between people and place and the integration of new development into the natural, built and historic environment. The NPPF also states in paragraph 64 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.</p> <p>The application site is not on the edge of the village and separated from the nearest settlement of Harby by farm buildings and fields. Whilst there are other dwellings in the vicinity of the proposal they are some distance from the site or agricultural related dwellings. The site is not being promoted as a rural exception site and would be market housing with the provision of some Affordable Housing to comply with policy. The construction of 53 dwellings would be detached from the village creating a detached community not socially cohesive and therefore representing an unsustainable form of development as promoted within the NPPF.</p> <p>Noted, there has been no objection from the highway authority subject to conditions.</p> <p>Noted.</p>
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<ul style="list-style-type: none"> • New lighting on Colston Lane. • Traffic calming measures on Colston Lane <p>The Parish Council requests that this application be looked at as a whole, with all the other current and prospective applications in Long Clawson. A large number of new dwellings in one village will impact on the others as so much of the infrastructure is shared</p>	<p>Each application must be determined on its own merits as they stand at the time of determination.</p>
<p>Developer Contributions: s106</p> <p>Waste - the nearest Civic Amenity Site to the proposed development is located at Bottesford and residents of the proposed development are likely to use this site. The Civic Amenity Site at Bottesford will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.</p> <p>Libraries - No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Bottesford.</p> <p>Education - The site falls within the catchment area of Harby C of E Primary School. The School has a net capacity of 105 and 108 pupils are projected on the roll should this development proceed; a deficit of 3 places (of which a surplus of 10 are existing and 13 are created by this development. There are currently no pupil places at these schools being funded from S106 agreements for other developments in the area. There are no other primary schools within a two mile walking distance of the development. The 13 pupil places generated by this development can therefore be partly accommodated at nearby schools but a claim for an education contribution of 3 pupil places in the primary sector is justified. In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £32,909.31. Based on the table above, this is calculated the number of deficit places created by the development (2.72) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £32,909.31. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Harby Primary School.</p>	<p>Noted</p> <p>Noted</p> <p>Harby village school has some capacity but this development would require a contribution for 3 pupil places.</p> <p>It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the proposal would bring and is therefore considered compliant with CIL Regulation 122. The contribution will be used to mitigate against the increase in pupils and whilst it will be pooled this is the first request of its kind for the Harby School and therefore compliant with CIL Regulation 123(3)</p>

<p>Leicestershire Constabulary –</p> <p>In summary the requests amount to:-</p> <table border="0"> <tr> <td>Start up equipment</td> <td>£2058</td> </tr> <tr> <td>Vehicles</td> <td>£1259</td> </tr> <tr> <td>Additional radio call capacity</td> <td>£98</td> </tr> <tr> <td>PND additions</td> <td>£64</td> </tr> <tr> <td>Additional call handling</td> <td>£225</td> </tr> <tr> <td>ANPR</td> <td>£2055</td> </tr> <tr> <td>Mobile CCTV</td> <td>£375</td> </tr> <tr> <td>Additional premises</td> <td>£13691</td> </tr> <tr> <td>Hub equipment</td> <td>£106</td> </tr> <tr> <td>Total</td> <td>£19931</td> </tr> </table> <p>Highways; To comply with Government guidance in the NPPF, the CIL Regulations 2011, and the County Council’s Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.</p> <ul style="list-style-type: none"> • Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Can be supplied by LCC at £52.85 per pack <ul style="list-style-type: none"> o Recommended Trigger: 100% of contribution paid prior to commencement of development. • 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. <ul style="list-style-type: none"> o Can be supplied through LCC at (average) £350.00 per pass: Recommended Trigger: 25% of total obligated contribution paid Prior to 1st Occupation. Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings (Nth occupation), Except payment may be deferred by agreement with the County Council • New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop. <ul style="list-style-type: none"> o Recommended Trigger: 100% of contribution paid prior to commencement of development. • Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display. <ul style="list-style-type: none"> o Recommended Trigger: 100% of contribution 	Start up equipment	£2058	Vehicles	£1259	Additional radio call capacity	£98	PND additions	£64	Additional call handling	£225	ANPR	£2055	Mobile CCTV	£375	Additional premises	£13691	Hub equipment	£106	Total	£19931	<p>The Police have cited a number of appeal decisions which supports the capital requests as infrastructure projects and therefore compliant with CIL Reg. 122 as being necessary and relevant to the development. It is considered that the contributions are CIL compliant and that the issue of ‘pooling’ is not relevant given the contributions seek to mitigate the impacts of the development which would not exist if it were not for the building of housing in this location; they are site specific requests and would not be pooled. The contributions are ‘stand alone’ and do not need to be joined with others (nor are they dependant on others in order to provide the infrastructure needed to deliver policing to the development).</p> <p>The developer agrees to the contribution sought by the Highways Authority in order to mitigate the transport impacts, as a result of the development</p> <p>It is considered that the request is CIL Compliant and relevant to the development and necessary to ensure the impacts of the development upon sustainable transport objectives remain satisfactory.</p>
Start up equipment	£2058																				
Vehicles	£1259																				
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Mobile CCTV	£375																				
Additional premises	£13691																				
Hub equipment	£106																				
Total	£19931																				

paid prior to commencement of development.	
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 29 letters of objection have been received from 21 separate households and a petition containing 90 signature has been received. There have also been 4 letters of support from 4 separate households. The representations are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Impact on the character of the area</p> <p>The site is elevated and in a prominent part from Colston Bassett to Harby</p> <p>53 houses (an increase 150+? people) seems an excessive percentage increase to the current village population.</p> <p>The scheme is too dense.</p> <p>Concerned about the increasing urbanisation of the countryside - is there truly a need for a 2 m wide footpath to join to the village? (=less grass/drainage)</p> <p>High numbers and density would impact on the character of the village</p> <p>Harmful to the character and appearance of the area.</p> <p>Illustrative layout shows a random suburban layout</p> <p>The layout is not sympathetic to the countryside location.</p>	<p>The site lies outside of the built form of the village of Harby, to the west on Colston Lane. On leaving the village along Main Street/Colston Lane the village is characterised by dwelling in a linear form with properties predominately fronting the highway.</p> <p>The properties along this part of Main Street to the south and Colston Lane are detached and of low density. There has been a more recent development on Colston Lane on the site of the White Hart Inn which has a slightly higher density but properties on this site do front Main Street in a linear form with larger detached properties to the rear off Colston Lane. Further away from the village are farm buildings, workshops, open fields and detached farm houses.</p> <p>The site is approximately 2.2 hectares and whilst in outline proposes up to 53 dwellings. This is considered to be quite a dense development and is not considered to be in keeping with the density and form of development in approaching Harby along Colston Lane or character and form to the south of Harby which is predominantly linear and larger properties set in spacious gardens.</p> <p>An indicative layout has been provided with the application but the layout and scale has been reserved for the detailed application.</p> <p>However, in assessing this site in relation to the village and its setting it is considered that the proposal is out of character with a rural approach to the village as the majority of the dwellings would be set into the development site. The proposed density does not reflect the character and form of the part of Harby to which it would relate. The proposal would be relatively “urban” in character with dwellings set off cul-de-sac arrangements internally within the site.</p> <p>The development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to setting of the village and the density would not be in keeping with the form or character of the village to which is would relate.</p>

<p>Concern that the tree band remains to visually protect the residents of Langar Lane</p> <p>The area between the site and the canal has not been included which could have been used as a landscape area.</p> <p>The number of houses are too dense and out of character, with a layout resulting in a community of standard housing, isolated, not inclusive or sociable with the existing village.</p> <p>Harmful to the social cohesion of the village</p> <p>The site is detached from the existing built form of the village and development would not be inclusive or cohesive with the existing community.</p>	<p>Noted, landscaping is a reserved matter and can be considered at the detailed design stage.</p> <p>See commentary above on page 10 of the report. The construction of 53 dwellings would be detached from the village creating a detached community not socially cohesive and therefore representing an unsustainable form of development as promoted within the NPPF.</p>
<p>Highways Safety</p> <p>The number of cars travelling in & out of the village would increase significantly (as would the associated polluting gases). I suspect even more cars would be speeding past my house on Colston Lane above the 30 m.p.h. zone each day!</p> <p>Increase volume of traffic at two major junctions in the village.</p> <p>The volume and speed of traffic at the junctions of Main Street and Colston Lane and School Lane and Main Street are already dangerously high for such a small village and this would be significantly increased at peak times.</p>	<p>Please see commentary above under Highways Authority.</p>
<p>Sustainability</p> <p>The site is not sustainable and people will need to travel out of the village for employment</p> <p>The location means people would use their car for every movement, to the shop, school, pub etc</p>	<p>The village of Harby has been identified as a possible rural supporter as identified within the Settlement Roles and Relationship report, a study that forms part of the evidence for the New Local Plan. However the site is not within Harby nor is it considered to be on the edge of the village being separated by open fields. The proposal would be detached from the village.</p>
<p>Drainage and Flood Risk</p> <p>Can the Harby Sewage Works cope with the extra sewage; if that is the intended route for the sewage?) & where is the surface run off water flowing towards. Concerned it may percolate from the holding ponds through the soil into my garden & create a flooding issue in my garden.</p>	<p>The application is not within a known flood zone and falls below the threshold requiring comment from the Environment Agency. The application is in outline and will be subject to further investigations for suitable sustainable drainage techniques should approval be granted. Surface water runoff from the site would not be permitted to be any greater than the current greenfield run of rate.</p> <p>It is considered that flooding and managing flood risk can be secured by condition.</p>
<p>Other Matters</p> <p>Would the "affordable housing" be truly affordable to young buyers first time buyers?</p>	<p>The proposed affordable housing can be restricted through the means of a Section 106 Agreement</p>

<p>Strong views on the impact on local services particularly;</p> <p>-Pressure on village hall, the hall is used to maximum capacity and additional resident will add more pressure.</p> <p>-Harby Playground is in a poor state of disrepair and more residents will add further pressure. It is essential that developers make financial contributions towards community facilities.</p> <p>-The school is full and has no hall or large area. The additional pressures associated with a development of 53 no. dwellings will impact upon the ability of Harby C of E Primary School to function, particularly owing to the lack of a school hall. Dismayed that LCC are not asking for any developer contributions for the school and Hose School is not accessible on foot.</p> <p>-The pre-school has limited options to expand.</p> <p>-Impact on bus services These should be addressed through financial s106 contributions. The submitted heads of terms are no sufficient and do not make appropriate provisions to mitigate the impact of the development upon the local community.</p> <p>Concern that if the applicants are required to provide Public Open Space within the development, including provision of a LEAP. The installation of a play area / LEAP within this new housing development would inevitably lead to a divide between the existing and new communities. Instead of forging cohesion between the new housing and the existing village of Harby, the new residents would be encouraged to remain within their own development, rather than integrating into the community and sharing existing facilities, such as the playground.</p> <p>No consultation with the local community, the developer has done little by way of community engagement and involvement.</p> <p>The Melton Employment Land Review, June 2015 clearly highlights that RES Tractors would</p>	<p>and would be controlled through an RSL and the Local Authority. The agent has advised that Purnima Wilkinson of the EMH Group, an affordable housing provider, would be interested 'in principle' to delivering the affordable housing element of the proposed development.</p> <p>Noted, the developer has advised that they would be willing to contribute the following through a S106 Agreement;</p> <ul style="list-style-type: none"> • Onsite provision of Affordable Housing • Off site works providing footway within highway verge • Acceptance of Police request • Acceptance of Highway request • Acceptance of LCC Education request • Harby Village Hall – Village Hall £79,812.50 • Harby Village Hall – Playground £14,564.91 <p>The developer is willing to pay a developer contribution to the Village Hall, Playground and the requested education.</p> <p>It is considered that the above requests are proportionate with the proposed development and is considered to be necessary and specific to the impact proposal would have on the village facilities and is therefore considered compliant with CIL Regulation 122. The contribution will be used to mitigate against the increase in pupils, increase in use of the village hall and playground and whilst it will be pooled this is the first request of its kind for the Harby School and the second request for the village hall it is therefore compliant with CIL Regulation 123(3).</p> <p>Noted. A development of this size would require the provision of on site open space provision which would be a Local Equipped Area of Play (LEAP) within a 5 minute walk. The site is some distance from the current equipped play area on School Lane. Provision should be within the site, however, there is some sympathy to the concern that this will create separation as stated. The developer has stated that they are willing to provide a financial contribution to improve the existing facilities on School Lane and not within the site. However, there should be some open spaces provision within the site but as the application is in outline this can be dealt with at the detailed stage.</p> <p>Noted, but there are no such requirements for an application of this scale.</p> <p>Noted, the applicant in response to this has stated that they are not in negotiations with RES</p>
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<p>like to relocate to the site. The only factor preventing this is the high valuation of the land by the owner. The possibility to re-use this for a local business which supports the rural economy and provide local employment should be explored.</p> <p>There is active interest in the site for Employment land – RES Tractors. RES have approached the landowner with a view to purchasing however these approaches have been hindered by an unrealistic land value of £1million which is deemed too high a price to pay for land. RES are willing to relocate their business to this site. To grow and expand and provide local employment.</p>	<p>Tractors and no offer has been made for the purchase or any formal approaches made.</p> <p>There is no current policy that safeguards employment sites and the NPPF in paragraph 22 states that planning policies should avoid the long term protection of site allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for employment use, applications for alternative uses of land or buildings should be treated on their own merits having regard to market signals and the relative need for different land uses to support sustainable local communities.</p>
<p>Petition</p> <p>A petition containing 90 signatures has been submitted which states;</p> <p>The community feel strongly that:</p> <ul style="list-style-type: none"> • the on-going employment use of the site has not been fully investigated and that the site has the potential to provide much need local employment and a boost to the rural economy • the local community has not been adequately consulted or given the opportunity to be involved in the evaluation of the proposal • the proposed development is too dense and the growth is not proportionate to the size of Harby and does not represent sustainable development <p>The petition also encloses a S106 that outlines financial contributions towards village facilities that the developers should make if MBC be mindful to approve the application.</p>	<p>Noted. See commentary on these points raised within the report.</p>
<p>Letters of support;</p> <p>Think this is the very best use for a derelict site</p> <p>We need more housing in the area and as a single young professional it would be nice to buy in the village. So long as there is affordable housing.</p> <p>Use of brown field site is good. I have concerns over the adequacy of the parking facilities provided on the site. Also developer contribution should be sought for a new village hall. The village school uses this facility as well as many other village groups and organisations. 53 additional properties will add to the demands on the village hall both by the school and other organisations.</p>	<p>Noted</p> <p>The application would be development of a brownfield site.</p> <p>Noted.</p> <p>Noted.</p>

<p>There is a desperate need for affordable housing in villages.</p> <p>The school will not survive indefinitely unless younger families move into the village. Good for the shop, pub and hopefully village hall</p> <p>The area is an eyesore, and needs regenerating.</p> <p>Too many people have their head in the sand and think village life will survive in its present situation. Villages need to reach out to the 21st century and see the need for small expansion.</p> <p>This application is ideal for the village in so many ways.</p>	<p>Noted, the development would provide 19 affordable dwellings.</p> <p>Noted</p> <p>Noted</p>
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Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported. The Council cannot demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as impact on the character of the area.</p> <p>The site is classified as a brownfield site it also lies within open countryside designation being located outside of the village of Harby. However the harm attributed by the development are required to be considered against the benefits of allowing the development in this location outside of any sustainable settlement. The provision of up to 19 affordable units with the provision of house types that can be condition to meet the identified housing needs is considered to offer some benefit, along with promoting housing growth.</p> <p>However the site is detached from the village of Harby, being separated by farm buildings and open fields which is considered to weigh in favour of a refusal which is considered to amount to unsustainable development. The density of the proposal would have a negative impact on the</p>

	<p>rural character and setting on the approach to the village creating an urban environment physically separate from the main village.</p> <p>Whilst the proposal would provide some housing in the Borough and would contribute to the 5 year land supply, the form development is out of character with its rural setting and limited in sustainability terms and therefore the limited benefits of the proposal are not considered to outweigh these concerns. It is therefore considered to be contrary to the core planning principles of the NPPF.</p>
<p>Impact upon Residents</p>	<p>The application is for outline consent with all matters reserved at a later stage. The layout plan provided is indicative only and shows how development of up to 53 dwellings could be arranged on the site but is not fixed.</p> <p>There are no residential properties that adjoin the boundaries of the site and it is not considered that the proposal would have residential amenities of existing properties on Colston Lane.</p> <p>Subject to design, layout and scale of the dwellings residential amenities could be safeguarded.</p>

Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application,

Affordable housing provision remains one of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing, 36%, and of a type which can be conditioned to support the local market housing needs. The village of Harby is considered to be a reasonably sustainable location where primary education and other services can be accessed.

Though by no means 'optimum', the site is considered to perform reasonably well in terms of access to facilities and transport links; those in the immediate vicinity and the added benefit of a modest range of additional services in Harby nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, health care and leisure/recreation.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the detachment from the built form of the village of Harby and the impact on the rural character and appearance of the setting of the village.

The application seeks outline consent with all matters relating to design, scale, layout and appearance for further approval. The location, detached from Harby, is not considered to support the social sustainability of the village by creating an detached community make the scheme unacceptable and contrary to national and local policies. The provision of up to 53 market dwellings and 19 affordable housing units are not considered to offer significant public benefits that outweigh the unsustainable aspects of the development and accordingly the application is recommended for refusal.

Recommendation: Refuse on the following ground;

1. The development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to the setting of the village. The density of the development would not be in keeping with the form or character of the village to which it would relate. The harm would significantly and demonstrably outweigh the benefits of the development. The proposal would therefore be contrary to Policy OS2 and the NPPF particularly paragraphs 56, 58, 61 and 64.
2. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location creating an isolated community. The development is in an unsustainable location not connected to the main community and socially detached, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there are insufficient benefits arising from the proposal to outweigh the guidance given in the NPPF on design and sustainable development in this location, and would therefore be contrary to the "core planning principles" contained within Para 7 and 17 of the NPPF.

Officer to contact: **Mrs J Wallis**

Date: 15th January 2016