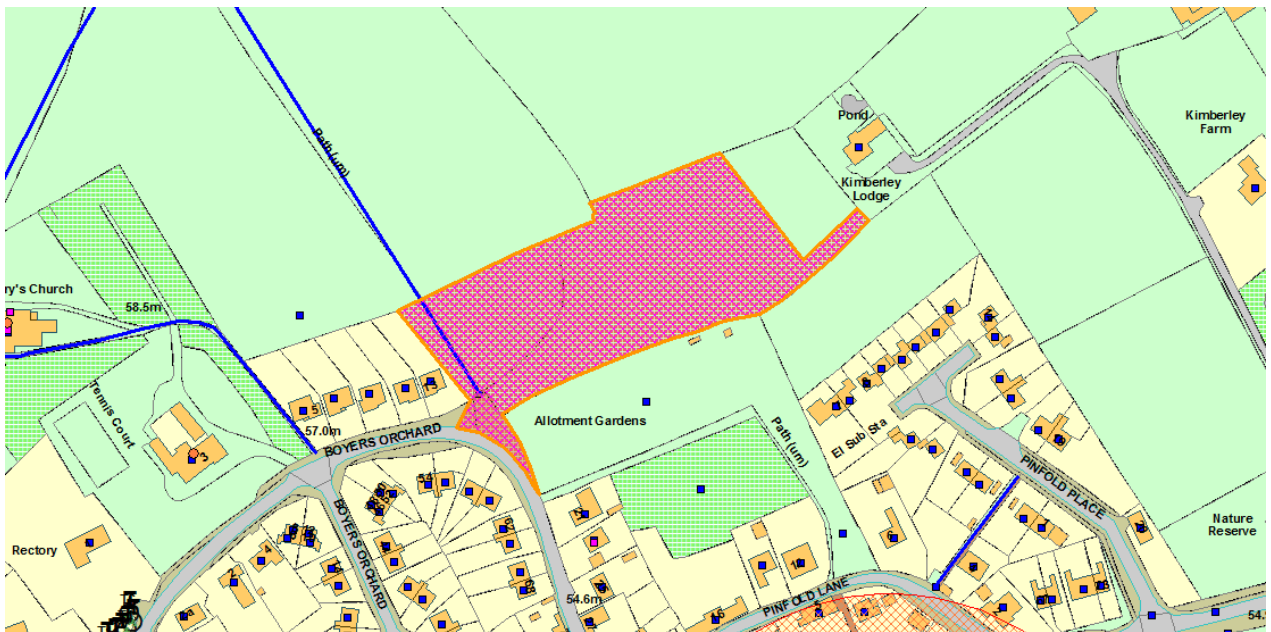


Reference: 15/00942/OUT
Date submitted: 25th November 2015
Applicant: Kimberley Farms Ltd: Mr Howard Coy
Location: Allotment Gardens, Boyers Orchard, Harby
Proposal: Outline application for up to 15 dwellings, and associated access



Introduction:-

The application is for outline planning permission for the erection of 15 residential dwellings, with the housing mix to include 1 bed bungalows to 4 bedroom houses. This application relates only to the approval of the access, with all other matters being reserved. The application site is located to the north west of the village of Harby, adjacent to existing residential and allotment areas. To the north, the site is bounded by farmland, predominantly grass pasture with public footpaths connecting the site to the Grantham Canal beyond. The application site is a 1.02 hectare (2.5 acre) area of existing grass pasture, and is currently used by the applicant for livestock grazing. The site is outside of the village envelope; there is no designated conservation area.

It is considered that the main issues relating to the application are:

- **Impact upon the character and appearance of the area**
- **Impact upon residential privacy and amenity**
- **Impact upon highway safety**

The application is required to be considered by the Committee due to the level of representations received.

Relevant History:

There is no relevant history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

OS2

This policy restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, **Policy OS2 should be considered out of date when considering the supply of new housing.** OS3 The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an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.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

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).

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 was published 27th March 2012 and replaced the previous collection of PPS. It 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 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. Every effort should be made to respond positively to wide opportunities for growth.
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 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 relevant to this application it advises:

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. At paragraph 50 it states that local planning authorities should deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. In addition they should identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.

Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, and to avoid the development of new isolated homes in the countryside unless there are special circumstances.

Requiring good design

The Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 the NPPF goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The 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 paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No Objections</p> <p>The proposed access is likely to affect some existing informal parking that currently takes place within the highway verge which is undesirable, however given that people do not have right to park there it would be difficult to seek to resist the proposal on the grounds of the loss of parking. In any case there is already an access there which should be kept clear of parking anyway. Whilst the proposal is likely to lead to some displaced car parking, it will be up to the owners of the displaced cars to find a safe place to park.</p> <p>Although the local road network from which the site is accessed is not ideal, it would not be possible to demonstrate that the proposal would lead to severe harm from a highway safety point of view, and therefore the Local Highway Authority would not be able to seek to resist the proposal on the grounds of highway safety.</p> <p>The applicants should enter into a Section 106 agreement to include a construction routeing agreement, to ensure that construction vehicles use an approved route to access the site, and do not pass the village school.</p> <p>Conditions relating to gates / barriers / bollards, design standards, drainage, traffic management plan and provision of the access are requested by the Local</p>	<p>Noted.</p> <p>The application proposes 15 dwellings to be accessed from Boyers Orchard in the south east corner of the application site, with the access road leading to the dwellings and a turning head. An alternative access is provided to Kimberley Lodge which also formalises the private pedestrian access currently across the site. Provision has been made within the plans for a future access to the adjacent paddock to the west of the site should the owner of the paddock require it.</p> <p>In lieu of the loss of informal parking spaces on Boyers Orchard where the new access is proposed, the drawings show the provision of four more formally laid out spaces at the site entrance, and an additional 5 spaces within the site. The parking is expected to cater for local residents, allotment owners, footpath users and general visitors.</p> <p>It is considered that the visibility from the proposed access onto Boyers Orchard is good, and the proposed parking spaces will rationalise the informal parking which currently takes place on the highways verge. Parking for individual dwellings and the design and layout of this will form part of a further planning application for the reserved matters.</p>

<p>Highways Authority should the application be granted planning permission.</p>	<p>A S106 agreement can be entered into to include a construction routeing agreement to ensure that construction traffic does not pass the village school to the detriment of highways safety. The conditions are requested by the Local Highways Authority are considered to be reasonable and necessary. The proposal is considered to meet the objectives of policy BE1 in terms of highways safety.</p>
<p>Parish Council: Object</p> <p>Boyers Orchard is already a busy road and a route for public transport and school buses. The traffic monitoring took place during school holidays when there were less cars and buses</p> <p>The access is on a bend with a lot of street parking either side</p> <p>Such a large increase in the number of dwellings would not be sustainable in terms of traffic / pedestrian safety and public services (i.e. the school and the doctors surgery). The Parish Council also request a financial contribution from the developer towards repairs of the Leys car park or land for an extension to the Churchyard.</p>	<p>Noted.</p> <p>The Highway Authority has no objection to the application.. It is not considered that the addition of 15 dwellings would cause a significantly detrimental impact to the highways safety of Boyers Orchard or surrounding roads.</p> <p>The proposed access meets the requirements of the Highways Authority in terms of visibility, and the applicant has provided more formal parking spaces in lieu of those which would be lost by the creation of the access. Furthermore, the cars that park there at the moment have no particular right to park there as the land is highways verge.</p> <p>Please see the section below with regards to developer contributions relating to the site.</p> <p>Requests for contributions towards the car park and the Churchyard do not relate to the site and the development proposed, and therefore do not meet the tests for developer contributions as set out in the CIL Regulations.</p>
<p>LCC Footpaths: No Objections</p> <p>The suggested footpath in the illustrative master plan is welcome. The layout not only protects the existing line of the public footpath, but is also mindful of protecting the footpath's rural aspect. Consequently, there is no objection to the proposal as it should not affect the public's use and enjoyment of the Right of Way.</p> <p>Conditions relating to the surface and width of the footpath, and the provision of a new hand gate / kissing gate are requested by the Rights of Way Officer.</p>	<p>Noted.</p> <p>The illustrative masterplan shows that the footpath would be provided for within the site.</p> <p>The applicant disagrees that the footpath within the site should be 2 metres wide tarmacadam with a minimum of 1 metre verges either side as they argue that this would detract from the rural aspect of the footpath. Further information was sought from the Rights of Way Officer, and they have advised that a newly surfaced path would soon mellow. The development itself will over-ride the first part of the footpath's rural character and that is something that can't be disguised. It is anticipated that the use of the path will intensify due to new residents and its more 'park like' location in the future, and therefore tarmac is considered appropriate.</p> <p>Future maintenance of the path will fall to the County Council and given the reasons outlined a tarmac surface will last and serve its purpose far longer than any other loose material.</p>

<p>Lead Local Flood Authority: No objections</p> <p>When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment and will not put the users of the development at risk.</p> <p>The proposed development will be acceptable if planning conditions are attached to any permission granted relating to the approval of a surface water drainage scheme.</p>	<p>Noted.</p> <p>A flood risk assessment was submitted with the planning application.</p> <p>There are no main rivers located within close proximity to the proposed site. The nearest ordinary water course is the Stroom Dyke located to the west of the site.</p> <p>The application site is in flood zone 1, an area least likely to experience flooding with the probability of fluvial and tidal flooding of less than 1 in 1000.</p> <p>Surface water arising from the development should as far as practical, be managed in a sustainable manner to mimic the surface water flows arising from the undeveloped site. Due to a lack of suitable ground conditions for infiltration, and a lack of suitable ditches / watercourse, the surface water strategy proposes disposal of flows to the existing Severn Trent Water (STW) public surface water sewer located beneath Boyers Orchard to the south the of the site. STW have confirmed that this can be accommodated.</p> <p>An attenuation basin is proposed to the south west of the developable area sized to accommodate flows up to a 1 in 100 year + 30% climate change event.</p> <p>The proposed Sustainable Urban Drainage Features would not be adopted by Leicestershire County Council. The applicants have indicated that either a maintenance company could be set up, or a commuted sum could be agreed with Melton Borough Council for the on-going maintenance of the proposed SuDS features. If a commuted sum is agreed this could be secured via a Section 106 agreement. Negotiations as to the sum involved are on-going.</p>
<p>Archaeology: No Objections</p> <p>A desktop archaeological assessment was submitted with the application. LCC Archaeology advised that this left a fair degree of uncertainty as to the character of the remains, and showed a fair degree of magnetic disturbance. Trial trenching was therefore requested.</p> <p>Trial trenching was undertaken on the site by University of Leicester Archaeological Services and the investigation was negative. No further archaeological involvement is required in the application based on the findings of the trial trenching.</p>	<p>Noted.</p> <p>No further investigations are required.</p>
<p>Severn Trent Water: No Objections</p>	<p>Noted.</p>

<p>STW have no objections to the proposal subject to the inclusion of a planning condition on any permission granted. The condition should require that the development does not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the local planning authority.</p>	
<p>Environment Agency: No Objections</p> <p>The development is not considered to be a high risk to the environment, nor does it offer significant environmental benefit. Therefore, as the development is in Flood Zone 1 the Environment Agency do not wish to comment any further on the proposals.</p>	<p>Noted.</p>
<p>Ecology: No Objections</p> <p>The Ecological Appraisal identified the majority of the site as being improved grassland with boundary hedgerows providing a good ecological corridor. No evidence of protected species were recorded on site, although a number of ponds nearby were assessed as having potential to support Great Crested Newts (GCN). No detailed surveys have been completed at this stage, and the presence or absence of newts within the immediate vicinity of the site has not been established, although recent records exist from the area to the south of the village.</p> <p>A GNC Mitigation Strategy has been submitted with the application, which is reasonable, however the presence or absence of GCN has not yet been established. In normal circumstances surveys cannot be left to condition. The amended layout is welcomed, however the final layout may need to be amended if a significant GCN population is recorded.</p> <p>It is therefore recommended that a GCN survey is undertaken prior to the determination of the planning application. On this occasion however the requirement for a GCN survey could form part of a planning condition which MUST be added to any permission granted, requiring the surveys to be submitted upfront with the reserved matters application.</p> <p>GCN could be mitigated for within the development, subject to some amendments to the mitigation strategy.</p>	<p>Noted.</p> <p>It is considered appropriate if the planning application is granted permission that a detailed GCN survey could be conditioned to be submitted with the reserved matters application. This meets the requirements of policy C16.</p>
<p>Housing Policy: No Objections</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Bline Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for</p>	<p>Noted.</p> <p>Although in outline, the proposed dwellings are a mix of sizes and types, ranging from 1 bed bungalows, to 4 bedroom detached houses and as such are considered to meet the objectives of both the SHMA and the NPPF in terms of providing a housing mix to meet the needs of local people.</p>

<p>downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p>	<p>Affordable Housing</p> <p>As the application relates to more than 6 dwellings an affordable housing contribution has been requested of 37% which is the level of provision that the evidence base for the New Melton Local Plan has suggested (SHMA 2014). This would equate to 5.55 dwellings, therefore the requirement for affordable housing would be 6 (as the total is always rounded up). The provision of affordable housing would be secured by a condition, ensuring that the correct size and mix of dwellings are included as affordable.</p>
<p>Developer Contributions:</p> <p><u>Leicestershire County Council</u></p> <p>Primary Schools: £0 Secondary School: £0 Post 16 Sector: £0 Special Schools: £0</p> <p>There is no requirement for a contribution towards landscaping / environmental improvements.</p> <p>There is no claim from Library Services. Residents of this development would be more likely to use Bingham Library.</p> <p>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><u>NHS</u></p> <p>No response was received from the NHS consultation.</p>	<p>Noted.</p> <p>The proposed development has not been required to enter into legal agreements to provide funding for schools, landscaping, libraries or the civic amenity site.</p> <p>The NHS has not responded to the consultation, and therefore it is considered that they do not request any developer funding for this application.</p>

Representations:

7 neighbouring dwellings were notified of the application, a site notice was posted at the entrance to the site, and an advert was placed in the local press. To date, 14 objections have been received from 12 separate households. The objections are as follows:

Consideration	Assessment of Head of Regulatory Services
<p>Highway Safety</p> <p>Access to the site from the corner of Boyers Orchard will be hazardous</p> <p>There is a shortage of parking spaces for council tenants on Boyers Orchard and there are regularly more than 6 parked on the corner. Where will they park?</p>	<p>Noted.</p> <p>Please see the assessment above from the Highway Authority.</p> <p>The informal parking on the highways verge at present is undesirable, and there is no right to park on the highways verge. It is therefore difficult to</p>

<p>The application reduces the amount of off road parking making the situation worse.</p> <p>There is a bus route and the bus has problems getting around the cars parked in the road at present, mounting the kerbs or even reversing.</p> <p>More cars parked in the road would be very dangerous for pedestrians and school children using the school bus.</p> <p>Cars drive around the corner at speeds exceeding the limit and this new access will cause many accidents.</p> <p>The survey was carried out in the school holidays, underestimating the volume of traffic in Boyers Orchard.</p> <p>There would be an increase in those using the road at peak times.</p> <p>There is no footpath on Boyers Orchard surrounding the proposed new road. Pedestrians crossing to the new housing would only be able to do so at the apex of the bend which has inadequate visibility at this point. The lack of pavement will encourage pedestrians to walk in the road.</p> <p>Safer access would be from Stathern Lane.</p> <p>The potential future access to the paddock is paving the way for future development.</p>	<p>seek to refuse the application on the grounds of the loss of parking. Furthermore, the existing access which should already be kept clear of parked vehicles. The proposal will lead to some displaced car parking, however it is the responsibility of the owners of these cars to find safe places to park.</p> <p>It is recognised that the access is not ideal, however it cannot be demonstrated that the proposal would lead to severe harm from a highways safety point of view.</p> <p>It is requested that the applicants enter into a legal agreement (S106) to ensure that construction vehicles are not routed past the school.</p> <p>The visibility is considered to be satisfactory to ensure the safety of pedestrians crossing the road.</p> <p>It cannot be demonstrated that the proposed access from Boyers Orchard would lead to severe harm to the highways safety, therefore it is not requested that a different access is used.</p> <p>Allowing access to the paddock through the proposed development does not in any way pave the way for future development, which would be determined on its individual merits.</p>
<p>Housing Need</p> <p>There is no housing need in Harby, houses already take 1-2 years to sell.</p>	<p>Noted.</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 (245 per year). 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. The most recent evidence indicates that there is need for 37% of new homes to be 'affordable' (90 per year).</p>
<p>Character and Appearance of the Settlement</p> <p>The site is not well related to the built framework of the village and extends into the open countryside.</p> <p>It will be visually intrusive and detrimental to the</p>	<p>Noted.</p> <p>Harby is located within Landscape Character Assessment 1 (LCA1) Vale of Belvoir in the northwest of the Borough. It is widely visible from the escarpment and the higher land to the south and</p>

<p>character and appearance of the village</p> <p>The site protrudes into exposed open countryside and is located outside of the village envelope, clearly separated from the existing built form of the village by an orchard / woodland, allotment gardens and paddock. The development would not ‘round off the built up limits of the village’.</p> <p>There is no physical boundary to the development therefore encouraging more residential sprawl beyond this site in the future.</p> <p>This would be the thin end of the wedge for village sprawl</p> <p>If this application is approved it is feared that further applications would be made to fill in the housing in the surrounding un-built areas which would change the nature of the village and put further demands on infrastructure.</p>	<p>contains the Grantham Canal. There is a string of small-nucleated villages within a strong rectangular pattern of arable and pastoral fields bound by hedges. The landscape is gentle and subtle.</p> <p>The application site occupies land which is next to an established housing estate and allotments in the north eastern corner of the village. The adjacent housing developments are relatively modern along Boyers Orchard and Pinfold Place. The site occupies a piece of land between Boyers Orchard and Kimberly Farm for which there is a single detached dwelling.</p> <p>The site is not considered to be isolated or disjointed from the village, and would create a relatively natural extension to the village from the Boyers Orchard development, and to the north of the Pinfold Place houses.</p> <p>It is considered due to the land form (being predominantly flat), the existing housing developments to the west and south, the farm to the east and the existing hedgerows that the impact upon the character and the appearance of the village and the adjacent countryside due to the development would be very minimal.</p> <p>Any future applications on adjacent sites would be determined on their individual merit, and any permission granted on this site does not set precedence for any future development.</p> <p>Any future developments would go through a similar process and contributions to infrastructure provision would be sought where necessary.</p>
<p>Impact on Residential Privacy & Amenity</p> <p>The plans show no consideration for surrounding residents who would be affected by the proposed development.</p>	<p>Noted.</p> <p>The closest dwelling to the proposed housing is approximately 50 metres away. This is far in excess of the generally accepted 23 metres to ensure satisfactory residential privacy and amenity.</p> <p>At this stage no formal plans have been submitted to show the designs of the individual proposed dwellings, therefore it is not possible to comment upon the relationships between the proposed dwellings, however this would form part of the</p>

	<p>assessment of a reserved matters application should this application be successful.</p> <p>It is therefore not considered that the proposed dwellings would cause any significant harm to the residential privacy and amenity of existing dwellings adjacent to the site, and the proposal would meet the objectives of policy BE1.</p>
<p>Developer Contributions</p> <p>There is no mention of possible S106 contributions – the proposal may well put the school over capacity. Where would the pupils be accommodated?</p> <p>If approved, the development should also contribute to the village hall and playground to ensure their continued sustainability.</p>	<p>Noted.</p> <p>Leicestershire County Council were consulted on the application and have stated that no contributions are necessary to mitigate the impact of the development (please see above).</p> <p>No contributions from the development can be requested to provide for funds for the village hall or playground as they do not relate directly to the development, and therefore would not meet the tests as set out in the CIL123 regulations.</p>
<p>Policy</p> <p>Paragraph 14 of the NPPF does not apply in this case as there is nothing sustainable about the proposed development. The application does not mention sustainable design principles etc.</p>	<p>Noted.</p> <p>As part of the evidence base for the New Melton Local Plan, the Settlement Roles and Relationships Report April 2015 was produced to gain an understanding of the different roles and relationships between settlements within and outside of the Borough.</p> <p>The report identified Harby as a ‘Rural Supporter’, which provides some services to meet every day needs locally. Residents generally travel to attractions to meet their basic needs, but enjoy a tranquil environment. These settlements are not considered suitable to accommodate significant growth, however 15 dwellings (as proposed here) cannot be considered significant in a village the size of Harby.</p> <p>Therefore, Harby is considered to be a relatively sustainable location for some housing. The proposal is however contrary to policy OS2 of the Melton Local Plan, however the NPPF is a consideration of significant weight because of its commitment to boost housing growth. The NPPF advises that local plan housing policies will be considered out of date where the Council cannot demonstrate a 5 year housing land supply and where proposals promote sustainable development objectives.</p> <p>Policy OS2 is considered to be a restrictive housing policy and the Council cannot demonstrate a 5 year housing land supply, therefore paragraph 14 of the NPPF applies in this case.</p> <p>Several appeal decisions have confirmed that the Local Plan’s Village Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take</p>

<p>The development does not accord with the Draft Melton Borough Council Local Plan (January 2016) Policy SS2. This suggests that as a ‘rural supporter’ development of up to 5 dwellings would be supported.</p>	<p>precedence.</p> <p>However this on its own is not considered to weigh in favour of approving development where harm is identified, such as being located in an unsustainable location.</p> <p>The site is a greenfield site where there is no presumption in favour of development however the harm attributed by the development are required to be considered against the benefits of allowing the development in this location.</p> <p>Policy SS2 of the Draft Melton Local Plan has no weight in the determination of planning applications at present, and therefore cannot be afforded any weight in the determination of this planning application.</p>
<p>Other Matters</p> <p>There are more suitable sites for this type of development such as the Millway Dairy derelict site.</p> <p>There are already two applications for housing in Harby; one for 53 houses on Colston Lane, and one for 10 houses on Langar Lane. It would be better for these to proceed on brownfield sites rather than give up green field.</p> <p>If all of the existing applications are approved that would equate to 70 houses in Harby, an 18% growth in excess of any “quota” – there is no need for another 15.</p> <p>This would give precedent for other spreading development which would be inappropriate for a village this size.</p>	<p>The Millway Dairy site was refused in January 2016 for two reasons. The site was considered to represent unsustainable development due to its detachment from the village of Harby, and to have an adverse impact upon the character and appearance of the countryside. The development was also considered to be too dense.</p> <p>The application for 53 houses was at the Millway Dairy site – this application has been refused. The application for 10 houses on Langar Lane will be determined separately.</p> <p>Any further applications will be determined on their individual merit.</p>
<p>Neighbourhood Plan</p> <p>The Neighbourhood Plan is in the process of being put together. It makes sense to wait until this has been put in place before agreeing any further development in the village.</p>	<p>National Planning Policy Guidance states that:-</p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”</i></p> <p>It goes on to advise that “ Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be</p>

	<p><i>submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period”</i></p> <p>Where refusal of planning applications are made on the grounds of prematurity the authority needs to indicate clearly how planning permission would prejudice the outcome of the plan-making process.</p> <p>The Clawson, Hose and Harby Parish Council Neighbourhood Plan is in the early stages of development and has not made any proposals or consulted upon them.</p> <p>It is considered that the NP is not in the position to which the National Guidance advises ‘prematurity’ concerns can be applied, and therefore not considered that a refusal could be reasoned on the grounds of prematurity in light of the above factors.</p>
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Sustainability	<p>Harby has been identified as a ‘Rural Supporter’ and offers some services and facilities to residents. It is therefore considered that it would not be reasonable to refuse the application on the basis of sustainability.</p> <p>However, sustainability also takes into account economic and environmental factors and it is recognised that the site is ‘greenfield’ without a presumption for development. This is considered to weigh against the proposal. However, the land is not identified by any study or policy as important to the setting of Harby nor is it designated as important countryside, for example through National Park, AONB or any other landscape designation giving it ‘special’ status. Accordingly it does not meet the types of location that the NPPF requires to be protected and accordingly only limited weight can be afforded to this aspect.</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 would provide some affordable housing to help to meet identified local needs. Harby is considered to be a relatively sustainable location for limited housing, as there is access to some facilities and services for day-to-day needs. It is considered that balanced against the positive elements of the proposal are the site specific concerns raised in representations particularly in terms of highways safety, the green field nature of the site and the impact upon the character and appearance of the

village. The application has been fully assessed by statutory consultees, none of which have recommended refusal of the application.

In conclusion it is considered that, on the balance of issues, there are significant benefits from the proposal when assessed under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issue is considered to be the development of a green field site. The harm in this respect is considered to be limited, bearing in mind the location of the proposal and the absence of any identification that is of particular landscape value.

RECOMMENDATION: Permit, subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.
4. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
5. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
6. Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

7. A schedule of Maintenance for landscape areas shall be submitted to and approved by the Local Planning Authority and shall be accompanied by a written undertaking including the arrangements for its implementation.

8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of treatment trains in line with CIRIA C697 or C753 'The SuDS Manual' Guidance to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

9. Footpath G51 should be provided with a 2m wide tarmaced surface with a minimum of 1m wide verges on either side, in accordance with the County Council's Guidance Notes for Developers, which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide.
10. The Footpath should be provided with a new handgate/kissing gate where it crosses the proposed new hedge boundary, in accordance with the County Council's standard drawing SDFP11_REV_A Marlow Gate or SDFP12_REV_A Woodstock kissing Gate.
11. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the proposed site access road, they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as not to open outwards.
12. Notwithstanding the details submitted, all details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

13. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
14. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
15. Before any dwelling is first occupied, the proposed access road shown generally on drawing number 21614_08_010_01 shall have been provided along with the amendments to the car parking spaces off Boyers Orchard. These works shall be constructed to LHA standards and the access road shall have been surfaced in a hard bound material for at least 15 metres behind the highway boundary and once provided shall thereafter be permanently so maintained.
16. A survey to establish the presence or absence of Great Crested Newts (GCN) must be submitted with the reserved matters application. If GCN are present on site, a mitigation strategy must be submitted to and agreed with the local planning authority prior to the commencement of development.

17. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
18. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the Framework or any future guidance that replaces it. The scheme shall include:
 - i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
19. No development shall commence on the site before a construction traffic routeing plan has been submitted to and approved in writing by the Local Planning Authority. All construction traffic shall follow the approved routeing.
20. No development shall take place until a scheme for the provision of a sustainable urban drainage scheme (SuDs) has been submitted to and agreed in writing by the Local Planning Authority . The scheme shall include details of the laying out and construction of the suds and provision and arrangements for its future maintenance.
21. The SuDs shall be provided and maintained in accordance with the approved scheme referred to in condition 20 unless otherwise agreed in writing with the Local Planning Authority.
22. No dwelling shall be occupied before the SuDs has been provided in accordance with the details approved by condition 20.

The reasons for the conditions are:-

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To ensure that the housing needs of the borough are met.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
5. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
6. To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features.

7. To ensure satisfactory landscaping is provided within a reasonable period.
8. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
9. In the interests of amenity, desirability, safety and security of users of the right of way.
10. In the interests of amenity, desirability, safety and security of users of the right of way.
11. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
12. To ensure a satisfactory form of development and in the interests of highway safety.
13. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
14. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
15. In the interests of highway safety.
16. To ensure the protection of protected species that may be on site.
17. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
18. To ensure that affordable housing is provided to meet local needs.
19. In the interests of the amenities of the area and highway safety
20. To prevent flooding and to ensure that a satisfactory means of drainage is provided.
21. To ensure that the SuDs is adequately maintained.
22. To ensure that adequate drainage is provided.

Officer to contact: **Mrs Sarah Legge**

Date: 12th May 2016