

# Supplementary Agenda



*Rural Capital of Food*

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| <b>Meeting name</b>      | <b>Meeting of the Planning Committee</b>   |
| <b>Date</b>              | <b>Monday, 4 December 2017</b>   |
| <b>Start time</b>        | <b>6.30 pm</b>   |
| <b>Venue</b>             | <b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b> |
| <b>Other information</b> | <b>This meeting is open to the public</b>  |

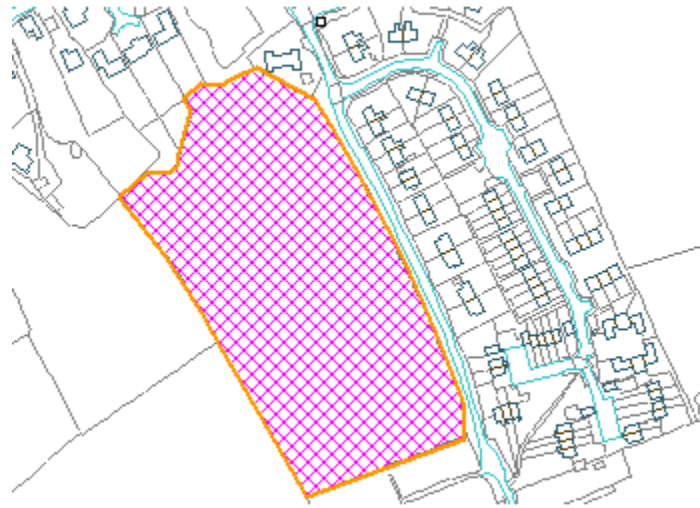
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| <b>Meeting enquiries</b> | Development Control  |
| <b>Direct Dial</b>       |  |
| <b>Email</b>             | <a href="mailto:externaldevelopmentcontrol@melton.gov.uk">externaldevelopmentcontrol@melton.gov.uk</a> |

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COMMITTEE DATE: 4<sup>th</sup> December 2017

**Reference:** 16/00032/OUT  
**Date submitted:** 14.01.16  
**Applicant:** Davidsons Developments Ltd and Mr K & Mrs R Eggleston  
**Location:** Land off Sand Pit Lane, Long Clawson  
**Proposal:** Residential development of up to 55 dwellings, together with new areas of public open space ,access, landscaping and drainage infrastructure.



**Proposal :-**

This application seeks outline planning permission for up to 55 dwellings with associated public open space, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application .

The land falls outside of the village envelope for Long Clawson and is considered to be an edge of village location. Access to the site is proposed directly from Sand Pit Lane.

**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**
- **Impact upon heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Impact upon residential amenities**
- **Sustainable development**
- **The role of the emerging Neighbourhood Plan and Local Plan**

The application is supported by a Design and Access Statement ,Transport Assessment and Travel Plan, Flood Risk and Drainage Assessment, Landscape and Visual Assessment ,Arboricultural Survey, Ecological

Assessment, Archaeology and Heritage, Agricultural Land Quality ,Ground Conditions ,Utilities Study and Consultation Statement . All of these are available for inspection.

The application is required to be presented to the Committee due to the level of public interest.

**History:-**

No relevant history

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy 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.**

**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 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 C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**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 Historic Environment**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**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:**

| <b>Consultation reply</b>  | <b>Assessment of Head of Regulatory Services</b>  |
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| <p><b>Highways Authority: No objection, subject to conditions and developer contributions</b></p> <p><b><u>Off-Site Implications</u></b></p> <p>Following discussions with the applicants, a solution to the concern about the turning traffic at the junction of Sand Pit Lane and Back Lane has been put forward in the form of a mini-roundabout with provision of traffic calming on the approaches. The LHA are happy with this, however any final scheme will need to be the subject of detailed design and a Road Safety Audit.</p> <p>Whilst there has been local concern about the volume of traffic that would be likely to be generated by the proposal, particularly as it travels through the village centre, in the peak hours the <b>volume of additional traffic that passes through the village would not be so high as to be able to demonstrate severe harm.</b> It is considered that the predicted traffic flows may be a little low, given the characteristics of the site when compared to the ones used in the TRICS</p> | <p>The application seeks outline consent for a development of up to 55 dwellings. The only matter for detailed consideration is the access into the site. Layout, scale of development, matters relating to appearance (design) and landscape would form a reserved matters application should approval be granted.</p> <p>It is proposed to take the access off Sand Pit Lane with a series of roads and private driveways serving a development with a mixture of housing types.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development. Off-site works are necessary to help safely manage turning traffic at the Sand Pit Lane and Back Lane junction.</p> <p><b>The Highway Authority has no objection to the access from Sand Pit Lane subject to off-site improvements and a contribution to encourage the new residents to use public transport.</b></p> |

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| <p>interrogation, however even with slightly higher flows the traffic generation is unlikely to be severe. <b>As such the LHA do not consider that it could justify a reason for refusal on the grounds of capacity.</b></p> <p>The proposals include some minor alterations to the carriageway and footway on Sand Pit Lane, to provide a minimum carriageway width of 5.5 metres and provide a suitable footway provision from the site towards the village. These works will need to be subject to a detailed design check and a road safety audit and will need to be completed prior to the first occupation of any dwelling.</p> <p><b><u>Transport Sustainability</u></b></p> <p>In terms of transport sustainability Long Clawson does have a number of local amenities including a school, shops, doctors surgery, public houses, village hall and employment opportunities. It also has a reasonable bus service. Therefore the site can be considered to be sustainable in transport terms, where future occupants would not be heavily reliant on the use of a private motor car for their journeys.</p> <p><b><u>Conditions</u></b></p> <p>Proposes standard conditions and notes, plus conditions to ensure the off -site provision of a mini-roundabout and traffic calming.</p> |  |
| <p><b>Severn Trent Water Authority:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p>  | <p>Noted – condition proposed</p>  |
| <p><b>Environment Agency</b></p> <p>No comment – consultation should be directed to the Lead Local Flood Authority (LLFA).</p>  | <p>Noted – see LLFA comments below.</p>  |
| <p><b>Lead Local Flood Authority (LLFA) - Acceptable subject to conditions</b></p> <p>The LLFA consider that the proposed development will be acceptable if the following planning conditions are attached to any planning permission:</p> <p><b><u>Surface Water</u></b></p> <p>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.</p> <p>The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing 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</p>   | <p>The applicant’s Flood Risk and Drainage Strategy confirms that the site is located in Flood Risk 1 and is not at risk from flooding.</p> <p>The proposed development includes areas of storm water balancing within the proposed open space on the northern part of the site. This will ensure that surface water run-off from the site can be satisfactorily accommodated.</p> |

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 scenarios 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.

**Watercourse**

No development approved by this planning permission shall take place until such time as a detailed assessment or hydraulic model of the watercourse has been submitted to, and approved in writing by, the local planning authority.

The currently proposed layout indicates that there are a number of structures including residential properties located in close proximity to the watercourse on the eastern boundary of the site. Whilst the site is located within Flood Zone 1 the watercourse is unlikely to have been modelled due to the size of the catchment and therefore represents an unknown risk.

The watercourse assessment should identify the capacity within watercourse channel, the inflows for the 1 in 1 year, 1 in 30 year and 1 in 100 year + climate change allowance (20% for watercourse assessments)

**Watercourse Maintenance**

No development approved by this planning permission shall take place until such time as a detailed assessment of the access requirements for watercourse maintenance has been submitted to, and approved in writing by, the local planning authority.

As land owner and riparian owner of the watercourse, there are certain responsibilities for watercourse maintenance; this responsibility will be passed on to the plot/ land owners adjacent to the watercourse, the introduction of permanent features adjacent to the watercourse has the potential to prevent access for the appropriate equipment to maintain the watercourse and



increase the flood risk to the site.

**Information for LPA and Applicant**

**FRA Details**

The LLFA note that flood risk to the site has been discounted from all sources due to the sites location in Flood Zone 1, this is incorrect, Flood zone only relate to flooding from rivers. In addition the storage methodology, is not an approved approach for calculating storage requirements, the LLFA would like to see the storage estimated through the Wallingford Procedure, Microdrainage software or other appropriate system.

**However the LLFA are not aware of any other sources of flood risk to the site and are willing to accept the drainage principles behind the proposal.**

**Additional Advice in response to Addendum**

In response, the LLFA considers that the development would be acceptable subject to conditions.

The suggested conditions are ( in summary ) :

1. Submission and approval of details of surface water drainage ,including SuDS to ensure no increase in discharge rates
2. Management of surface water during construction on site.
3. Maintenance of SuDS .
4. Need to assess capacity of water course along eastern boundary at detailed stage.
5. Detailed layout needs to include access for maintenance of watercourses/ditches.

**Response of LLFA to further representations:**

- The LLFA acknowledge that the storage calculations are high level and lack the detail to ensure an appropriate design for all storm durations .It is noted that the application is for outline permission and a number of elements would be subject to variation . Consequently ,a condition is recommended that a detailed drainage design is submitted at the appropriate stage of development .
- Note that the IH124 methodology is not the preferred calculation ,but it is an acceptable method for this type of catchment .
- The methodology will overestimate the peak flows due to the values used, but the lack of permeable areas being included is an overestimate. Because this is an outline application gardens have not been included in the storage volumes ,the discharge rate would be a greenfield rate. This would only occur within larger rainfall events and are unlikely to exceed the equivalent rainfall event

**Addendum to Flood Risk Assessment**

The applicant's have submitted an addendum seeking to address two main objections :

- The adverse impact on the historic manor farmhouse pond and the likelihood of it drying out or suffering pollution
- The likelihood of the proposed SuDS drainage scheme diverting water to an adjacent catchment and causing flooding problems elsewhere in the village.

This report uses a topographical survey to assess the existing natural contours to understand the flow of water across the site and where it currently drains to and from . A model was then applied to calculate the existing greenfield run off rate entering and leaving the pond and two watercourses which serve the site. These are the historic pond to the north of the site; the ditch adjacent to Sandpit Lane and the ditch to the north-west of the site.

In summary ,the addendum concludes that increase in runoff calculated from the site will need to be mitigated with on site attenuation ,as on site testing has confirmed that infiltration techniques would be unsuitable . (Note – On sites where soil drains well and the water table is low enough stormwater infiltration can be the easiest means of managing runoff .Water percolates naturally into the subsoil, rather than being held in and discharged from attenuation features) ) . The addendum recommends that :

- The existing ditch adjacent to Sandpit Lane and the ditch to the north-west of the site are cleared of overgrown vegetation and regularly maintained

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| <p>discharge. A check could be incorporated at the detailed stage to ensure that sufficient freeboard is included in the design to allow for this garden discharge.</p> <p>The conditions requested by the LLFA enable urban creep to be accounted for at the detailed stage .</p> <p>A 40% sensitivity would be expected on the detailed design to account for the new climate change guidance .</p> <p>Drain down times can be assessed as part of the detailed design, but the ponds would only be required to half drain within 24 hours.</p>  | <ul style="list-style-type: none"> <li>• Discussions be held at detailed design and adoption stages with the LLFA and the local water utility company to allow installation of flow controls for the three parts of the site which drain into the pond or two water courses.</li> <li>• All runoff will pass through SuDS features. Development runoff would be mitigated by the inclusion of filter drains or swales which collect water and transfer it to attenuation facility to discharge via a flow chamber to one of the adjacent water courses or the pond.</li> </ul>   |
| <p><b>Affordable Housing</b></p> <p>This application offers a 37% affordable housing contribution.</p> <p>The tenure mix would be 40% affordable rent (8 units) and 60% discount for sale (11 units) . The notional total mix of dwelling sizes which are proposed at this stage is eight 2 bed units; six 3 bed units and five 4 bed units. While the tenure mix is not the preferred proportion of rented and discount for sale ,which is usually 70% or 80% affordable rented, it would provide a total of fourteen 2 and 3 bedroom units, which the council’s recent Housing Needs Survey identifies as the size of affordable unit most needed in the Long Clawson area. This is a reasonable compromise in this instance.</p>  | <p>This is an outline application which allows the details of the housing mix to be considered later, but a condition is suggested to ensure that a mixed balance of dwellings is provided.</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision ‘on the basis of need’ and this is currently 37%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>Due to the overriding need to provide permanent additional accommodation at Long Clawson C of E Primary School (see below and Item 3 of this Agenda , ‘Common Issues’) the associated exceptional costs, the tenure mix of affordable housing which is proposed in this case is considered to be acceptable</p>   |
| <p><b>Historic England – The proposal will be harmful to the significance of designated assets commensurate with less than substantial harm as identified in the NPPF.</b></p> <p>The development is on land within the setting of a number of designated heritage assets. These are the scheduled moated site ,thought to be the site of a manor house north of the application site;the 14<sup>th</sup> century grade II* St Remigius church ;the grade II* Manor Farmhouse on West End;the grade II Vicarage and the Long Clawson Conservation Area all to the south of the site.</p> <p>The Manor Farmhouse was built between 1580 and 1620 for Richard ,the second son of Sir Henry Hastings, Sheriff of Leicester. It’s more than special historic and architectural interest in a national context is recognised through its grade II* listing and significance is clearly explained within the detailed list description. The application site</p> | <p>Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. This authority must undertake this balancing exercise in the determination of this application.</p> <p>Following receipt of Historic England’s comments the applicants produced a supplementary report in addition to their Heritage Assessment &amp; Archaeological Assessment and Geophysical Survey Report.</p> <p>This also seeks to respond to the very detailed objections of the owner of the grade II* Manor Farmhouse. This objection also refers to an historic boundary feature which could be affected by the development .</p> <p>The original report considered that the development would not harm the setting or overall significance of the Old Vicarage ,the neighbouring scheduled monument or the</p> |

forms part of the open countryside surrounding and on approaching the historic medieval and post medieval core of the settlement.

Historic England concludes that the proposals will diminish the appreciation and understanding of the rural context of the highly graded assets, in particular the grade II\* listed Church, Manor Farmhouse and the conservation area. HE state that the proposal will be harmful to the significance of designated heritage assets commensurate with less than substantial harm as identified by the NPPF.

**With regards to a prospect of a mini roundabout at the junction it is advised:**

The amendments relate to the addition of a mini-roundabout at the bottom of Sandpit lane. The site lies within the conservation area and within the setting of the Grade II\* listed Manor Farmhouse, Grade II\* listed Church of St Remigius and SM moated site NE of the church. We refer to our previous advice dated 5 February 2016 where we stated the proposed development will be harmful to this collection of designated heritage assets. The addition of the mini roundabout does not change this view. Though a mini roundabout will not necessarily have any greater impact than another form of junction, this will depend on how it is designed and to ensure it does not stray beyond the existing highway. If the outline planning application is approved, **we strongly recommend the highways layout is conditioned. In this sensitive area, it will be important that the design is not overtly urban and respects the rural nature of the townscape.**

character or appearance of the conservation area. This report accepted that the development would have some impact upon the setting of the Manor Farmhouse and St Remigius Church, but with limited harm falling short of the substantial harm threshold referred to in the NPPF.

The applicants Heritage Statement provides a detailed description of the setting of these assets. It notes that while the development would be seen in the context of views towards and from the rear of the Manorhouse it is not part of any designed landscape setting. The proposal includes the retention of a public open space at the northern end of the site. The applicant's contention that this would ameliorate the impact of the development upon some views is accepted.

The development is also proposed to be laid out with viewing corridors within the site. While this is only an outline application the reserved matters could be designed to preserve key views.

The application site has had some historic association with the Manorhouse and may have been in shared ownership. But it was probably outside the curtilage of the Manorhouse and the applicant's statement that the development of the land would not detract from the significance of this property as a recognisable high status house seems to be logical.

It should be noted that the connectivity of the Manor Farmhouse to its rural setting has been compromised by the recent development of the Keystones and housing development within Old Manor Farm cul-de-sac with Ashfield House very close to the grade II\* listed building.

The development would have an impact upon wider views of St Remigius Church and its relationship with this group of historic buildings. Although the church is some distance from the application site.

Once again, the proposed undeveloped corridor through the site is designed to maintain views and limit the impact of the new housing.

The northern boundary of the site abuts the Long Clawson Conservation Area. The proposed open space would separate the main development from the conservation area and would reduce its impact.

On balance it is considered that the development would not cause significant harm the character or appearance of the Conservation Area.

With regard to the neighbour's historic boundary

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|  | <p>feature it is difficult to precisely establish its origins or alignment . However, it is clear that this feature lies outside the main development area and is unlikely to be affected by the development.</p> <p>The neighbour's final objection is that development could cut the supply of water to their historic fishpond. The applicant's Flood Risk Assessment ,which included a visual assessment and digging trial pits, provided no evidence of springs or groundwater which could be affected by the development. There is no evidence to the contrary .</p> <p><b>With regard to the roundabout,</b> it would be contained within exiting Highways boundaries and comprise only of road markings. <b>Conditions requiring a detailed design could be applied in accordance with HE advice.</b></p> |
| <p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p> <p>The ecology surveys submitted with the application (Middlemarch Environmental, December 2015 – January 2016) recorded the application site to comprise species-poor semi-improved grassland, surrounded by hedgerows. No evidence of protected species were recorded on site, but a small population of great crested newts (GCN) were recorded in the pond to the north of the site.</p> <p>The proposed development will retain the GCN pond and the current proposed layout (Drawing No LC/SK01/OPT1) includes an area of open space and proposed balancing ponds to the northern end of the site. We welcome the layout of the northern end of the site as it provides a buffer between the development and the GCN pond and, provided it is adequately planted and managed, will help to mitigate for the loss of terrestrial GCN habitat on site. The proposed GCN mitigation strategy (Middlemarch, January 2016) is satisfactory in principle, but I am concerned that the development has the potential to 'trap' GCN in the area surrounding the pond. The proposed layout shows some open space to the eastern (Sand Pit Lane) boundary of the site for about 2/3 of the length of the site. However, there does not appear to be a suitable buffer in the lower 1/3.</p> <p><b>Requests that :</b></p> <p>Clarification of the buffer running north to south to allow connectivity between the existing pond to the north and the wider countryside. This will</p> | <p>Noted.</p> <p>The application was accompanied by a habitats survey that discovered the presence of no protected species or suitable habitats except for a small population of GCN in the pond in the northern part of the site. This can be addressed by mitigation .</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear that buffer zones could be provided to enhance biodiversity.</p> <p>This has not been pursued as this is an application for outline planning permission . There is scope to address these points at the reserved matters stage when a detailed layout would be produced.</p>   |

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| <p>enable GCN to migrate.</p> <p>The layout is amended to reflect a buffer (above) for GCN and a buffer of the existing hedgerows.</p> <p><b>Conditions</b></p> <p>Should the LPA grant permission, we would recommend that the following are incorporated into a condition(s) of the development:</p> <ol style="list-style-type: none"> <li>1.Works to be in accordance with the recommendations detailed in section 6 of the Preliminary Ecological Assessment (Middlemarch Environmental, January 2016).</li> <li>2.GCN mitigation (subject to slight amendments discussed above) to be followed (Middlemarch Environmental, January 2016).</li> <li>3.All landscaping should be agreed with the LPA. The landscaping and design of the area to the north should be designed in accordance with the recommendations in the GCN Mitigation Strategy.</li> <li>4.A Biodiversity Management Plan should be submitted prior to the commencement of the works.</li> </ol> <p>Note - Protected species surveys are only considered to be valid for 2 years. Updated GCN and badger surveys will therefore be required, prior to any works (including clearance) on site if the works have not commenced before March 2017.</p> | <p>Mitigation measures have been proposed and a condition can be imposed to safeguard the on-site presence of Great Crested Newts.</p> <p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</b></p> |
| <p><b>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</b></p> <p>The Leicestershire and Rutland Historic Environment Record (HER) together with appraisal of the submitted desk-based assessment and geophysical survey (Trigpoint Conservation &amp; Planning Dec 2015), indicates that the development site lies in an area on uncertain archaeological potential. It is therefore advised that the applicant should be required to make provision for an appropriate programme of staged archaeological mitigation secured by condition on any planning approval.</p> <p>Whilst no known archaeological remains have been recorded as yet within the development area, it is situated immediately adjacent to the historic settlement core of Long Clawson, to south of the Grade II* listed Manor Farmhouse and fish pond .</p> <p>Three conditions are proposed, relating to :</p>  | <p><b>There is no objection on archaeological grounds.</b></p> <p>There is a need for additional work which can be controlled by conditions.</p>  |

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| <p>1) No demolition/development shall take place/commence until a programme of archaeological work, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)</li> <li>• The programme for post-investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</p> <p>3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> |   |
| <p><b>Developer Contributions : Police</b></p> <p>A primary issue for Leicestershire Police is to ensure that the development makes adequate provision for the future Policing needs that it will generate. Leicestershire Police have adopted a policy to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place. They have taken account of the CIL tests and recent case law.</p> <p><b>Summary of contribution requested</b></p> <p>The police contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and neighbourhood policing area in which it will be situated. The</p>  | <p>It is noted that the addition of up to 55 dwellings would have some impact on policing within the Borough.</p> <p><b>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</b></p> |

|   |   |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
|---|---|-------|----------|-------|--------------------------------|------|---------------|-----|--------------------------|------|------|-------|-------------|------|---------------------|--------|---------------|------|--------------|----------------|--|
| <p>existing deployment of Police assets to police the locality are identified to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to identify a series of infrastructure projects necessitated by this development. CIL tests of compliance are applied to these.</p> <table border="0"> <tr> <td>Start up equipment</td> <td>£2116</td> </tr> <tr> <td>Vehicles</td> <td>£1307</td> </tr> <tr> <td>Additional radio call capacity</td> <td>£102</td> </tr> <tr> <td>PND additions</td> <td>£66</td> </tr> <tr> <td>Additional call handling</td> <td>£234</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>£14082</td> </tr> <tr> <td>Hub equipment</td> <td>£110</td> </tr> <tr> <td><b>Total</b></td> <td><b>£20,447</b></td> </tr> </table> <p>A full copy of the Polices request for developer contributions can be viewed at the Council Offices.</p> | Start up equipment  | £2116 | Vehicles | £1307 | Additional radio call capacity | £102 | PND additions | £66 | Additional call handling | £234 | ANPR | £2055 | Mobile CCTV | £375 | Additional premises | £14082 | Hub equipment | £110 | <b>Total</b> | <b>£20,447</b> |  |
| Start up equipment  | £2116   |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| Vehicles  | £1307   |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| Additional radio call capacity  | £102  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| PND additions   | £66   |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| Additional call handling  | £234  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| ANPR  | £2055   |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| Mobile CCTV   | £375  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| Additional premises   | £14082  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| Hub equipment   | £110  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| <b>Total</b>  | <b>£20,447</b>  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| <p><b>Provision and maintenance of open spaces, including play areas</b></p>  | <p>Details to be agreed and may need to be subject to a Section 106.</p>  |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |
| <p><b>Developer Contributions: LCC</b></p> <p><b>Waste</b> - The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of <b>£4546</b> (to the nearest pound).</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development. The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site.</p> <p>The existing Civic Amenity Site serves a large number of households, the level of the amount</p>  | <p>The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p><b>It is considered that the waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</b></p> |       |          |       |                                |      |               |     |                          |      |      |       |             |      |                     |        |               |      |              |                |  |

reflects the proportional impact of the contribution and is therefore likely to be pooled but for the particular (Melton Mowbray) Civic Amenity Site which would serve the proposed development.

The developer contribution would be used on project reference MEL004 at the Melton Civic Amenity Site. Project MEL004 will increase the capacity of the Civic Amenity Site at Melton by:-

- New open topped containers.

There are no other known obligations from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project MEL004.

**Libraries** –The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.

The proposed development on Melton Road, Long Clawson is within 8km Melton Mowbray Library on Wilton Road, being the nearest local library facility which would serve the development site. The library facilities contribution would be **£1,660** (rounded up to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for additional use from the proposed development.

### **Education**

The site falls within the catchment area of Long Clawson C of E Primary School. The School has a net capacity of 105 and 119 pupils are projected on the roll should this development proceed; a deficit of 14 places of which 3 are existing and 14 are created by this development.

There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.

The Authority has recently commissioned a feasibility study into the options to extend the school and a scheme has been designed and agreed with the school that will replace the mobile and extend the foundation stage room to provide the 30 additional places required to accommodate pupils from the proposed housing developments. This scheme will provide a maximum of 30 places and due to the constrained nature of the school site, it will

It is not clear how the requests relate to improvements at the library. As no explanation has been provided. It is therefore found that the request is not compliant with CIL Reg. 122 in this instance as the improvements would not be relevant to this specific development or necessary.

**The contributions requested for mitigation against waste and libraries are a tariffed style requests that will be ‘pooled’. Under CIL Reg. 123(3) no more than five contributions can be pooled for any singular infrastructure project. The request for improvements to the civic amenity site has been allocated to a specific project and will provide new open top containers that will increase the capacity at the site. It is therefore considered appropriate for inclusion in a S106 agreement.**

Long Clawson village school is already over capacity and this development would increase the deficit by a further 14 places.

As explained, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. **Please see additional detail in the ‘Common Issues’ report forming Item 3 of this agenda.**

**It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase population the proposal would bring and is therefore considered compliant with CIL Regulation 122.**



mean that when complete further expansion of the school will not be possible.

The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)

**The contribution for a development of 55 dwellings will be £333,921. This is based on sharing the costs between 127 dwellings.**

#### **Secondary Education**

The site falls within the catchment area of Bottesford Belvoir High School. The School has a net capacity of 650 and 602 pupils are projected on the roll should this development proceed; a surplus of a 48 pupil places after taking into account the 10 pupils generated by this development.

**An education contribution will therefore not be requested for this sector.**

#### **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.

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**).

6 month bus passes (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 (can be supplied through LCC at (average) **£350 per pass** (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with

**The s106 requests for sustainable transport are considered to comply with CIL Regs. 122 and 123 in that they are necessary and related directly to the application and can be included in an Agreement if permission is granted.**

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| <p>low floor capabilities. At <b>£3263 per stop</b>. Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120 per display. Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At <b>£4908 per shelter</b>.</p> <p><b>Long Clawson Village Hall and Recreation Ground Ltd</b><br/>Requests are submitted for a series of projects as follows;</p> <ul style="list-style-type: none"> <li>• New Car Park Drainage and Surface</li> <li>• Pre School Extension to existing Village Hall</li> <li>• Pavilion and Changing Room Facilities</li> <li>• 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways</li> <li>• Outside Toilet</li> <li>• Cycle Rack</li> </ul> <p>The sums have been calculated on the basis of the proportionate increase that the development would add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. £34,000 for this proposal, based on its scale (no. of houses).</p> | <p>The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.</p> <p>The requests have been presented to the developers and their response will be reported verbally to the Committee.</p> |
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result **211 letters of objection have been received** . The majority of the objections are a 'pro forma' letter which has been signed by local residents .The remainder include a number of very detailed representations from close neighbours.

**There is an objection from Clawson, Hose and Harby Parish Council which refers to all of the reasons which are summarised below. The Parish Council notes that in addition to the above it has received 33 letters of objection.**

The PC highlight the need for a survey of drainage in the village and request that housing should be planned strategically across the three villages and not piecemeal, as services and infrastructure are shared.

| Representations  | Assessment of Head of Regulatory Services   |
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| <p><b>The 'pro forma' type letters in which residents have identified objections from a list of 10 reasons for opposing the application. These points also summarise the objections raised in many of the individual letters of representation and are listed below.</b></p> | <p>There is no prescription on how representations may be submitted and all need to be taken into account.</p>  |
| <p><b>1.Large urban development</b> out of character with the village, too large and in the wrong place.</p>   | <p>This is a development of housing and associated infrastructure which will change the appearance and character of this field. It has been designed to respect this setting and should integrate successfully into this part of the village. It is an acceptable scale and density of development of this site.</p> <p>This is the only application for consideration and the merits of possible other sites is not relevant .</p> |

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|   | <p>A more detailed assessment of the impact of the development upon heritage assets and the character of the landscape are addressed elsewhere in this report.</p>   |
| <p><b>2.Adverse impact upon conservation area, historic core of the village,</b> open views and heritage and rural aspect of the Church ,Manor Farmhouse, Manor Farmhouse Pond ,Castle Field and the cemetery .</p> | <p>There will be some impact upon heritage assets. This is assessed in detail in the commentary on Historic England’s representations earlier in this report. Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.</p> <p>These impacts are required to be balanced against public benefits as required by NPPF para 134. These include the provision of housing, including affordable housing, employment in construction and various developer contributions.</p> |
| <p><b>3.Not sustainable, village infrastructure unable to cope with a large influx of extra people</b></p>  | <p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations.. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> <p>The developer has agreed to pay all of the contributions which have been requested to mitigate the impact of the proposal upon local infrastructure.</p>  |
| <p><b>4. School is at capacity and cannot cope with more pupils and has no room to expand.</b></p>  | <p>See Education Authority comments above and item 3 of this agenda ‘Common Issues’. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF para 72</p>  |
| <p><b>5.Doctor’s surgery is almost full and unable to cope with population increase.</b></p>  | <p>This point is being examined in more detail, but it is understood that there is capacity to accommodate this development. The surgery is currently displaying that it can accept new patients.</p>  |
| <p><b>6.Road through the village is inadequate</b> ,narrow winding lane with 14 right-angled bends.</p>   | <p>Concerns about the adequacy of the local road network are understood. However ,there is no technical evidence to support these concerns and subject to mitigation the Highway Authority has no objection to the development.</p> <p>There is no evidence of serious accident ‘blackspots’ in the village associated with the road configuration.</p>  |
| <p><b>7.Traffic and parking</b> at the Sands and East End is often at standstill . More traffic will exacerbate this –it is unsustainable.</p>  | <p>Like many rural centres, with older housing having little or no off-street parking, there is limited capacity for parking on the street, particularly in the village centre.</p> <p>This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation.</p>  |

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|   | <p>There is no evidence that the volume of traffic generated by this site would have a significant impact upon the overall movement of traffic through and within the village. The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc</p>  |
| <p><b>8.Limited bus service.</b> Will continue to be mostly dependent upon car. Increased commuters on lanes contrary to Government policy for sustainability and low carbon environment.</p>   | <p>There is a bus service which is relatively limited. This development would promote and subsidise the use of public transport and would help to sustain existing provision.</p>   |
| <p><b>9.Threatens water supply</b> to village pond and water run off will lead to flooding.</p>   | <p>The LLFA do not object to the proposal. They have assessed the applicant's Flood Risk Assessment .They also respond to complaints about flooding ,such as occurred earlier this year ,and have not expressed any concerns about drainage or flooding.</p> <p>The possible impact upon the pond has been addressed above ,in the assessment of the impact of the development on heritage assets.</p>  |
| <p><b>10. Contrary to the wishes of local people</b> ,developer led and not part of a reasoned and consulted plan.</p>  | <p>The volume of representations which have been received is an indication of local opposition. The frustration with development proposals coming forwards in advance of Local or Neighbourhood Plans is shared and understood by the Planning Authority.</p> <p>The NP is a significant consideration in this application. This addressed in greater detail below and the weight it carries in Item 3 of this agenda 'Common Issues'.</p>  |
| <p><b>Adverse impact upon landscape</b></p> <p>This is tranquil landscape of high to medium sensitivity to residential development . The proposed houses on the rising scarp slope would be prominent and at odds with the linear character of the village.</p> <p>Development should small scale and respect the setting of the historic landscape ,including heritage assets.</p> | <p>The applicants have produced a detailed Landscape and Visual Assessment study. This follows accepted professional methodologies and takes account of relevant policies and this Council's <i>Areas of Separation ,Settlement Fringe and Local Green Space Study</i> which has been produced to support the emerging local plan.</p> <p>This is a relatively sensitive site for residential development as identified in the Council's study.</p> <p>It is not subject to any landscape or heritage designation which would prohibit its development (such as AONB, Green Belt, Local Green Space etc) .</p> <p>While the appearance of the site would be altered, it is considered this would not have a significant impact upon the wider landscape and the setting of the village.</p> <p>Layout and landscaping could help assimilate</p> |

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|   | <p>the scheme into the landscape. Housing on this site would not appear to be alien or unusual in this location.</p> <p>Impact upon heritage assets is addressed above.</p>   |
| <b>Loss of agricultural land</b>  | <p>The land is not good grade agricultural land (grade 3b) and is undeveloped pasture land. Planning policies seek to develop brown field sites over greenfield but does not prohibit development on greenfield land.</p>   |
| <p><b>Impact upon Ecology/Conservation</b><br/> The site is a haven for wildlife, particularly the Manorhouse pond.<br/> Adverse impact upon flora and fauna.</p>   | <p>It is acknowledged that the site is of ecological interest .<br/> The information submitted by the applicant has been independently assessed and considered to be satisfactory subject to conditions and mitigation.</p>   |
| <b>Impact upon Policing and Community Safety</b>  | <p>There will be some impact and this is addressed by the contribution which the developer has agreed to pay to the Police.</p>   |
| <p><b>Neighbourhood and Local plans</b></p> <ul style="list-style-type: none"> <li>- There is a need for a holistic plan for the development in the village before any schemes go forward, taking into account facilities, drainage and the needs of businesses</li> <li>- The application should not be determined until there is a Neighbourhood Plan</li> </ul>  | <p><b>The NP is a significant consideration in this application.</b> This addressed in greater detail below and the weight it carries in Item 3 of this agenda 'Common Issues'.</p>   |
| <p><b>Housing need and mix</b><br/> There is demand for bungalows and downsizing properties.</p>  | <p>The development will provide a mix of housing capable of helping to meet local needs.</p>  |
| <p><b>Drainage and Flooding</b><br/> Many concerns have been raised about the adequacy of the drainage system, and that it will exacerbate problems already experienced in the village because of the age and quality of the drainage system.</p> <p>With specific reference to the scheme submitted. Local residents submitted a report which outlined shortcomings in the applicant's addendum to their FRA.</p> <p>The report considers that :</p> <ul style="list-style-type: none"> <li>• Inadequate detail, especially of storage volumes and maintenance ,pollution control,filtration and down-stream flood risk and the impact on the Old manor House pond;</li> <li>• Basic errors in calculations due to different calculation methods used;</li> <li>• The use of outdated and inappropriate methods for assessing greenfield runoff and climate change resulting in misleading calculations</li> </ul> | <p>The design proposes to intercept water on the site in attenuation ponds and released only when the receiving water course has capacity. This would ensure it is released at a rate no greater than it current undeveloped condition. However such systems are required to be constructed as capable of accommodating a 1:100 rainfall event plus 'headroom' capacity for climate change and as such will be able to reduce the quantity of water entering the watercourse than occurs naturally.</p> <p><b>The response of the LLFA to the residents report is reported on page 7 above.</b></p> |

**Other Material Considerations, not raised through representations:**

| <b>Consideration</b>   | <b>Assessment of Head of Regulatory Services</b>  |
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| <p><b>Planning Policies and compliance with the NPPF</b></p> <p>The application is required to be considered against the Local Plan and other material considerations.</p> | <p>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.</p> <p>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 and as such housing policies are deemed out of date.</p> <p><b>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 precedence.</b></p> <p>However this <u>on its own</u> 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>The provision of up to 55 dwellings, including 37% affordable units with the house types that meet the identified housing needs is considered to offer public benefit that weighs in favour of allow development in this location. The proposal due to its site characteristics is not considered to unduly adversely affect the countryside due to its siting adjacent the built up area of the village. The proposal because of the density proposed and landscaping proposals, offering net biodiversity benefits, would seek to assimilate the development and respect nearby heritage assets.</p> <p><b>It is considered that development in this location would assist in boosting housing supply in a sustainable location.</b></p> <p>The land is not good grade agricultural land and is undeveloped pasture land. Planning policies seek to develop brown field sites over greenfield but does not prohibit development on greenfield.</p> |
| <p><b>The (new) Melton Local Plan – Pre submission version.</b></p>  |   |

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| <p>The Pre Submission version (as amended by 'Focussed Changes') was submitted for Examination on 4<sup>th</sup> October 2017.</p> <p><b>Please see associated Item 3 of this agenda 'Common Issues' regarding the weight it should assign.</b></p> <p>The site is allocated in the Local Plan subject to the following criteria:</p> <ul style="list-style-type: none"> <li>• <i>local educational capacity is available, or can be created through developer contributions, to meet the needs of the site.</i></li> <li>• <i>drainage infrastructure is available to accommodate the surface water from these sites without causing or exacerbating flooding elsewhere</i></li> <li>• <i>that substantial boundary landscaping and screening is provided and that all existing boundary hedges and trees are retained ;</i></li> <li>• <i>An area of open space is included in the development to provide a buffer from the adjacent listed building to the north, to protect its setting;</i></li> <li>• <i>A heritage assessment is provided with impacts assessed and suitable mitigation measures identified. This should pay particular attention to the effect of the development proposal on the Conservation Area, the setting of adjacent listed buildings and potential archaeological interests;</i></li> </ul> <p><b>Neighbourhood Plan</b><br/>The CHH Neighbourhood Plan has completed Examination and is proceeding to Referendum.</p> <p><b>Please see associated Item 3 of this agenda 'Common Issues' regarding the weight it should assign.</b><br/>The site is not allocated in the CHH NP for housing.</p> <p>The site is addressed by Policy ENV8; Protection Of Important Views - <i>Development proposals should respect the open views and vistas as shown in Figure 10 and Appendix 2 - Important Views in the Parish. Proposals which would have an unacceptably detrimental impact on these views and vistas will not be supported.</i></p> | <p><b>The proposal is in compliance with the emerging local plan which it is considered is a factor that weighs in favour of granting permission.</b></p> <p><b>The proposal is in conflict with the CHH Neighbourhood Plan. It is considered this non-compliance adds substantial weight against the proposal.</b></p> |
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**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 delivery and this would be partly addressed by the application. In terms of delivering houses it must be noted that the applicants are builders, who would be able to start to deliver new dwellings within the next five years, which is a significant material consideration.

Affordable housing provision remains one of the Council's key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Long Clawson is considered to be a sustainable location having access to employment, health care facilities, primary education, local shops, and a regular bus services. It is considered that there are material considerations that weigh in favour of the application.

There are a number of other positive benefits of the scheme which include developer contributions to mitigate impacts upon local services. There are also benefits arising from the proposed highways improvements.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the development of the site from its green field state and impact on the character of the village, and concerns regarding traffic, impact upon heritage assets and impact upon drainage .

The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years. Despite Long Clawson being considered a sustainable location for housing having access to various facilities, primary education, local shops, and a regular bus services and limited distances to employment opportunities which has reflected in its identification as a 'service centre' and is allocated for housing in the Emerging Local Plan as site 'LONG 4', **this is considered not to outweigh the policies within its Neighbourhood Plan which has 'passed' its Examination and commands significant weight (see Item 3 'Common Issues' of this agenda for greater detail).**

In conclusion it is considered that, on the balance of the issues, there benefits accruing from this proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular and the weight assigned to the Neighbourhood Plan do not significantly and demonstrably outweigh the benefits.

**Recommendation: REFUSE, for the following reason:-**

- 1. The application proposes a development of dwellings that is contrary to the Long Clawson Neighbourhood Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough shift or other allocated sites not come forward for development. The application is therefore contrary to Policies H1, H2 and H3 of the Clawson, Hose and Harby Neighbourhood Plan 2017 to 2036.**

**Officer to contact: Mr J Worley**

**Date: 27<sup>th</sup> November 2017**



COMMITTEE DATE: 4<sup>th</sup> December 2017

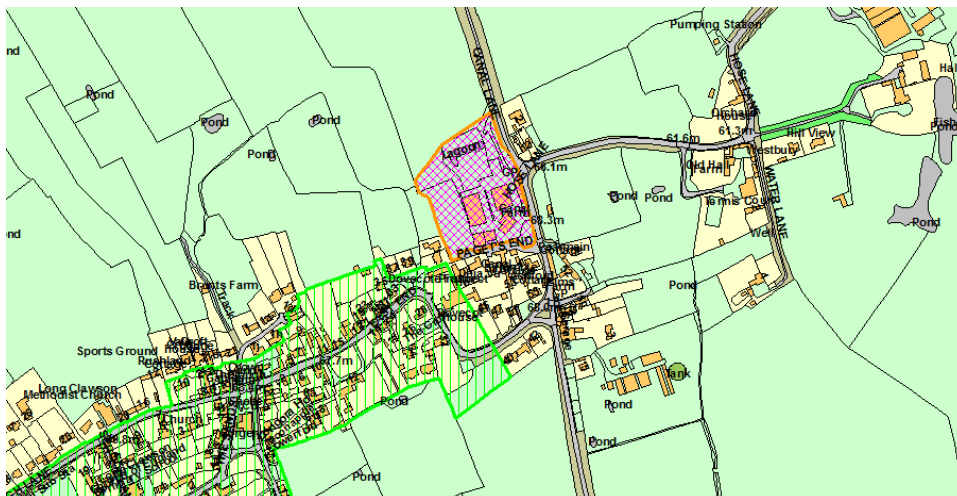
**Reference:** 16/00303/OUT

**Date submitted:** 03.05.16

**Applicant:** RD and JK Chandler

**Location:** Land and Buildings North Canal Farm Paget's end Long Clawson

**Proposal:** Demolition of agricultural buildings, construction of up to 40 dwellings, improvements to existing access, formation of surface water attenuation pool and associated infrastructure, provision of public open space and landscaping.



**Proposal :-**

This application seeks outline planning permission for up to 40 dwellings with associated public open space, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application. The majority of the land falls outside of the village envelope for Long Clawson and is considered to be an edge of village location. Access to the site is proposed directly from Paget's End.

**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**
- **Impact upon heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Impact upon residential amenities**
- **Sustainable development**
- **The role of the emerging Local and Neighbourhood Plans**

The application is supported by a Biodiversity Survey and Report, Design and Access Statement, Flood Risk Assessment, Heritage Statement, Land Contamination Statement, Transport Assessment, Landscape and visual Impact Appraisal. All of these are available for inspection.

The application is required to be presented to the Committee due to the level of public interest.

## History:-

No relevant history

## Planning Policies:-

### Melton Local Plan (saved policies):

**Policy OS1** – States planning permission will be granted for development within the village boundary where the form and character would not be affected, the proposal would be in keeping with the surroundings, the proposal would be in keeping with the surroundings, the proposal would not lead to the loss of amenity, the proposal would not adversely impact on open space, suitable infrastructure and access and parking can be provided and the proposal is designed to minimise the potential for crime.

**Policy 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.**

**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 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 C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

#### **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.
- 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 Historic Environment**

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

##### **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   |
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| <p><b>Highways Authority: No objection, subject to conditions and developer contributions</b></p> <p>Following the County Highway Authority’s (CHA) initial observations in which the CHA advised refusal due to intensification of use of a substandard junction and lack of footway facilities the Applicant has submitted some further information to the CHA.</p> <p>The Applicant has confirmed following an inspection of the existing footway by a Building Surveyor, that it is surfaced with a hard bound material. The section referred to in the CHA original observations has vegetation growing over it which the Applicant has indicated he will remove should the LPA grant planning permission. This would enable all pedestrians including people with mobility issues to use the footway at all times even during inclement weather.</p> <p>The Applicant has outlined the forward visibility at the Hose Lane / Canal Lane and indicated that it is in line with guidance contained in Manual for Streets 2. Following a site visit by the CHA it is satisfied that the initial concerns regarding the visibility at the junction of Canal Lane and Hose Lane can be overcome and it is not considered that the CHA could support the continued reason for refusal.</p> <p>Given that this is an outline planning application, the layout which has been provided is for indicative purposes only and has not been subject to a design check. That said, we would advise that any future road layout and associated parking provision should be designed to standards set out in the 6Cs Design Guide and that the Applicant should seek to achieve a layout which can be put forward for adoption by the CHA.</p> <p><b>Conditions</b></p> <p>1) Notwithstanding the submitted plans to date before first use of the development hereby permitted the improved access on to Canal Lane, shall have a 5.5 metres wide carriageway, 6 metres kerbed radii at its junction with the adopted highway and visibility splays of 2.4 metres by 54 metres which shall be maintained in perpetuity.</p> <p>NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.</p> <p>Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, not cause problems or dangers within the highway.</p> | <p>The application seeks outline consent for a development of up to 40 dwellings. The only matter for detailed consideration is the access into the site. Layout, scale of development, matters relating to appearance (design) and landscape would form a reserved matters application should approval be granted.</p> <p>It is proposed to take the access off Canal Lane with a series of roads and private driveways serving a development with a mixture of housing types.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development. Off-site works are necessary to ensure pedestrian safety.</p> <p><b>The Highway Authority has no objection to the access from Canal Lane subject to off-site improvements and a contribution to encourage the new residents to use public transport.</b></p> |

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| <p>2) The existing vehicular access onto Hose Lane that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority before occupation of any dwelling.</p> <p>Reason: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.</p> <p>3) 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.</p> <p>Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.</p> <p>4) 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.</p> <p>Reason: 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.</p> <p>5) No part of the development shall be occupied until a scheme for the provision of improvements to Public Footpath G42 or G43 has been submitted to and implemented to the satisfaction of the LPA.</p> |                                   |
| <p><b>Trent Valley Internal Drainage Board:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p> <p>The site is outside of the Board’s district but within the Board’s catchment.</p> <p>There are no Board maintained watercourses in close proximity to the site.</p> <p>Surface water run-off rates to receiving watercourses must not be increased as a result of the development.</p> <p>The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.</p>  | <p>Noted – condition proposed</p> |
| <p><b>Severn Trent Water Ltd:</b></p>   | <p>Noted – condition proposed</p> |

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| <p>No objection subject to conditions requiring details of foul and surface water disposal.</p>  |   |
| <p><b>Environment Agency</b></p> <p>No comment – consultation should be directed to the Lead Local Flood Authority (LLFA).</p>   | <p>Noted – see LLFA comments below.</p>   |
| <p><b>Lead Local Flood Authority (LLFA) - Acceptable subject to condition</b></p> <p>The LLFA consider that the proposed development will be acceptable if the following planning conditions are attached to any planning permission.</p> <p><b><u>1.Surface Water</u></b><br/> 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.</p> <p>The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing 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.</p> <p>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.</p> <p>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, 1in 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.</p> <p><b>Reason</b><br/> To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.</p> <p><b><u>Information for LPA and Applicant</u></b></p> <p><b><u>Blue-Green Corridors</u></b><br/> The LLFA note that the drainage system is piped underneath an area of open space to the proposed attenuation pond, the LLFA would encourage the</p> | <p>The application site is not within a known Flood Risk area and is not at risk from flooding.</p> <p>The proposed development includes formation of surface water attenuation pond and SuDS drainage methods which will ensure that surface water run-off from the site can be satisfactorily accommodated.</p> |

developer to consider the introduction of conveyance SuDS through this section to improve the biodiversity and amenity of the drainage system in line with the SuDS principles. The use of such systems could enhance the development by incorporating a blue green corridor through the site for biodiversity aspects.

#### **Saturated Ground**

The LLFA are aware of a number of flooding incidents that have occurred across Leicestershire due to the low permeability, the outline application identified that infiltration is unlikely due to the low permeability of the underlying strata. In accordance with the Wallingford procedure, a 10% increase to the site area should be utilised within the model as an urban creep factor over the life of the development, the LLFA would also like to see a sensitivity test undertaken at 20% increase to the site area, to assess the impact of saturated ground conditions. Detailed overland flow routes should be provided to demonstrate that exceedance flows can be conveyed under these conditions. It should be noted that the additional water in the sensitivity test would not need to be retained within the storage features providing it does not enter any buildings on or off site.

#### **SuDS**

It is noted that the indicative layout shows hedges surrounding the attenuation basin and that no access route has been indicated from the road network. The detailed drainage assessment or maintenance schedule should incorporate access requirements for the SuDS features as part of the maintenance details.

#### **Land Drainage Consent**

If there are any works proposed as part of any application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process.

No development should take place within 5 metres of any watercourse or ditch without first contacting the County for advice

#### **SuDS design and Treatment**

The LLFA note that the Industry Best practice at the time of developing the FRA may have been CIRIA C697 in relation to the SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDS design refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.

#### **Maintenance**

Please note, it is the responsibility of the LPA under the DEFRA/DCLG legislation (April 2015) that the

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| <p>adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.</p>  |  |
| <p><b>Affordable Housing</b></p> <p><i>Affordable Housing contribution at current Local Plan level – 16 (40% of total)</i></p> <p><i>Affordable/intermediate/social rented – 12 (c. 80%)</i><br/> <i>Intermediate housing – 4 (c. 20%)</i></p> <p>Evidence from the Melton Borough Housing Needs Study, 2016 shows a need for a split of 80% rented and 20% intermediate housing. The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing.</p> <p>The Housing Needs Survey of Long Clawson carried out by Midlands Rural Housing in November and December 2014, identified a need over the next 5 years for both affordable housing and market housing.</p> <p>Affordable/intermediate/social rented:<br/> 2 x 1b2p bed bungalow<br/> 2 x 2b4p bed bungalows<br/> 3 x 2b4p bed houses<br/> 4 x 3b5p bed houses<br/> 1 x 4b6p bed houses<br/> Total: 12</p> <p>Intermediate housing:<br/> 1 x 1b2p bungalow (shared ownership)<br/> 1 x 2b4p bed bungalow (shared ownership)<br/> 2 x 2b4p bed houses (Starter Homes)<br/> Total: 4</p> <p><u>Market housing mix:</u><br/> 2 x 1 bed houses<br/> 2 x 2 bed bungalows<br/> 6 x 2 bed houses<br/> 4 x 3 bed bungalows<br/> 6 x 3 bed houses<br/> 4 x 4 bed houses<br/> Total: 24</p> <p>A local connection cascade would need to be applied on this application, as per the separate attachment. The affordable housing would need to be built out to at least HQI space standard.</p> | <p>This is an outline application which allows the details of the housing mix to be considered later, but a condition would ensure that a mixed balance of dwellings is provided. The proposed quantity of affordable housing is in accordance with identified needs identified by the evidence, and Development Plan Policy. (Policy H7 of the adopted Local Plan).</p> |
| <p><b>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</b></p> <p>Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the application</p>   | <p><b>There is no objection on archaeological grounds.</b></p> <p>There is a need for additional work which can be required by conditions.</p>   |



area has a potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2).

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within the medieval and post-medieval historic settlement core of Long Clawson (HER ref.: MLE8746), close to medieval village earthworks, which are registered on the SHINE database (Selected Heritage Inventory for Natural England; MLE3539). There is good potential for the presence of below-ground archaeological remains of a similar period within the assessment area. The site is presently occupied by agricultural buildings, structures and hardstanding, within an area of former pasture. It is therefore highly likely that any surviving buried archaeological deposits will have been truncated to some extent—therefore whilst there exists an outstanding archaeological potential warranting appropriate investigation and recording, it is exceptionally unlikely that this will represent any constraint to development.

In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic and Natural Environment Team (HNET) will provide a formal brief for the latter work at the applicant's request.

It is therefore recommended that an initial phase of exploratory trial trenching be undertaken, specifically targeting those areas to be impacted by the development proposals, with a further phase of mitigation to be informed by the results of the trenching.

If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for each phase of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's Guidelines and Procedures for Archaeological Work

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| <p>in Leicestershire and Rutland and with relevant Institute for Archaeologists Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.</p> <p>We therefore recommend that any planning permission be granted subject to planning conditions (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present:</p>   |   |
| <p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p> <p>The ecology survey submitted in support the application (Turnstone Ecology, November 2015) recorded evidence of a bat roost on the application site and a medium population of great crested newts (GCN) were recorded in the immediate vicinity. The application site was found to comprise of a mixture of buildings, hardstanding, ruderal vegetation and improved grassland. The application site does currently appear to be slightly larger than the area surveyed by the ecologist, but given that it only involves the same land parcels (i.e. within the same fields) no further surveys will be required. It is assumed that the habitats will continue in the immediate vicinity, within the same fields as the area surveyed.</p> <p>The bat survey completed in 2013 recorded a likely small common pipistrelle roost behind the electoral box in stable 1. No bats were recorded emerging from this location in the 2013 survey and no additional evidence was recorded during the 2015 survey. However, it is suggested that there may be bat roosting potential in the area above the false ceiling in the tack room and whilst this was surveyed during the emergence survey in 2013 it is unclear if this area was assessed in 2015. Given that bat activity has been recorded on site, it is important that a recent (within the last 2 years, see attached Bat Survey Protocol) survey covers all of the potential roosting sites.</p> <p>A medium population of GCN were recorded in the vicinity of the application site, but no ponds were present on the application site. The outlined mitigation contained in section 6.2 of the report is satisfactory, although we would recommend that the receptor site for any GCN found during the trapping of the site is identified at this stage. If this receptor site is to be outside of the red-line boundary it may be that the planning authority will require a separate planning obligation for this to take place, especially if the land is owned by a third party (or will be owned by a third party if the development site is sold).</p> | <p>Noted.</p> <p>The application was accompanied by a habitats survey that discovered the presence of a bat roost on the application site and a medium population GCN was recorded in the immediate vicinity. This can be addressed by mitigation.</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear that buffer zones could be provided to enhance biodiversity.</p> <p>Mitigation measures have been proposed and a condition can be imposed to safeguard the on-site presence of Great Crested Newts.</p> <p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</b></p> |

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| <p>There is potential to incorporate biodiversity enhancements to the site layout. These should include the creation of they new pond in a manner that holds some water at all times of year and the creation of species rich-grassland in the areas of open space, the area of land surrounding the pond would be ideal.</p> <p><b>Requests that :</b><br/>the following points are addressed prior to the determination of the application:</p> <p>Confirmation of the bat survey completed in 2015 should be forwarded, particularly in relation to the inaccessible roof space in the tack room.</p> <p>Confirmation of the proposed receptor area for any translocated GCN.</p> <p><b>Conditions</b><br/>Should the LPA grant permission, we would recommend that the following are incorporated into a condition(s) of the development:</p> <p>An updated ecological survey to be submitted either in support of the reserved matters application, or prior to the commencement of the development (whichever is soonest after Spring 2017). This would require updated bat and GCN surveys to allow an accurate assessment of the site and to allow for any amendments to mitigation as required.</p> <p>A detailed GCN and Bat mitigation plan to be submitted with the reserved matters application, supported by updated surveys if required.</p> <p>Landscaping of the pond and surrounding area to include habitat creation such as species-rich grassland and the use of native species.</p> <p>A management plan, focussing on the suitable management for the areas above.</p> <p>Works to be in accordance with the recommendations in section 6 of the ecology survey (Turnstone Ecology, November 2015).</p> |   |
| <p><b>Parish Council – Object to the proposal on the following grounds:</b></p> <ul style="list-style-type: none"> <li>• Too intensive a development for the site – out of keeping with the surroundings and village;</li> <li>• Up to 40 dwellings is far too many for this part of the village, which has open space between dwellings, large gardens and a rural aspect;</li> <li>• Not in accordance with NPPF as such a large development is not sustainable re local services i.e. school and surgery;</li> <li>• There is no safe walking route from the site into the village. There is no public footpath, only a</li> </ul>  | <p><b>The Parish Council’s own Neighbourhood Plan promotes the site for 40 dwellings as a ‘reserve site’.</b></p> <p>These comments are noted and points responded to at the relevant parts later in the report as they replicate concerns of others.</p> <p>Should permission be granted a Section 106 agreement would be secured for such items as Education and Civic Amenity based on the details and reasonableness of</p> |

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| <p>private one;</p> <ul style="list-style-type: none"> <li>• Unsustainable and unsafe increase in vehicles using the narrow, winding roads in this part of Long Clawson</li> </ul> <p>If the application is approved the Parish Council requests a developer contribution to village facilities for the following:</p> <ul style="list-style-type: none"> <li>- pull in outside the surgery</li> <li>- village review of rural traffic improvements</li> <li>- proposed rural traffic improvements as recommended in the NP</li> <li>- verge gates at all road entrances to the village</li> <li>- pavement, footpath and cycleways improvements in and around the village</li> </ul>   | <p>such a request.</p> <p>No financial sums were specified nor was justification provided relating the requests to the development concerned. As such, whilst the aspiration is understood, the requests are not compliant with CIL Regulations</p>  |
| <p><b>Developer Contributions: LCC</b></p> <p><b>Waste</b></p> <p>The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.</p> <p>The County Council has reviewed the proposed development and consider there would be an impact of the deliver of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of <b>£3,306</b> (to the nearest pound).</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development likely to use this site. The calculation was determined by a contribution calculated on 40 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to indexation and reviewed on at least an annual basis) per dwelling/unit = £3,306 (to the nearest pound).</p> <p>This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (in 2012/2013 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic</p> | <p>The County Council consider the Civic Amenity and libraries contribution to be justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site and library (Melton Mowbray) to the proposed development.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p><b>It is considered that the library and waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</b></p> |

into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.

The developer contribution would be used on project reference MEL003 at the Melton Civic Amenity Site. Project MEL003 will increase the capacity of the Civic Amenity Site at Melton by:-

- Canopying of recycling area to increase refuse storage capacity.

There are four other known or potential objections from other approved developments, since April 2010. That affects the Melton Civic Amenity Site which may also be used to fund project MEL003.

### **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 Melton Mowbray.

### **Highways**

The County Highway Authority would recommend that a requirement for details of the routing of construction traffic to be approved by the Local Planning Authority should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. To ensure that construction traffic associated with the development does not use unsatisfactory road to and from the site.

Travel packs; to inform new residents from the occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge. To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

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 (can be supplied through LCC at (average) £480.00 per pass (cost to be confirmed at implementation) to encourage residents to use bus services as an alternative to the private car.

### **Education**

The site falls within the catchment area of Long

Clawson C of E Primary School. The School has a net capacity of 105 and 118 pupils are projected on roll should this development proceed; a deficit of 13 pupil places (of which 3 are existing and 10 are created by this development).

There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.

The Authority has recently commissioned a feasibility study into the options to extend the school and a scheme has been designed and agreed with the school that will replace the mobile and extend the foundation stage room to provide the 30 additional places required to accommodate pupils from the proposed housing developments. This scheme will provide a maximum of 30 places and due to the constrained nature of the school site, it will mean that when complete further expansion of the school will not be possible.

The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)

**The contribution will be £242,852 This is based on sharing the costs between 127 dwellings.**

#### **Secondary Education**

The site falls within the catchment area of Belvoir High School. The school has a net capacity of 650 and 599 pupils are projected on roll should this development proceed; a surplus of 51 pupil places after taking into account the 7 pupils generated by this development.

There are currently 5 pupil places in this sector being funded from S106 agreements for other developments in the area which have been discounted. After taking these places into account the school has a forecast surplus of 55 pupil places.

**An education contribution will therefore not be requested for this sector.**

#### **Long Clawson Village Hall and Recreation Ground Ltd**

Requests are submitted for a series of projects as follows;

- New Car Park Drainage and Surface
- Pre School Extension to existing Village

Long Clawson village school is already over capacity and this development would increase the deficit by a further 11 places.

As explained opposite, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. **Please see additional detail in the 'Common Issues' report forming Item 3 of this agenda.**

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 Long Clawson School and therefore compliant with CIL Regulation 123(3)

The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.

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| <p>Hall</p> <ul style="list-style-type: none"> <li>• Pavilion and Changing Room Facilities</li> <li>• 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways</li> <li>• Outside Toilet</li> <li>• Cycle Rack</li> </ul> <p>The sums have been calculated on the basis of the proportionate increase that the development would add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. £26,000 for this proposal, based on its scale (no. of houses).</p> | <p>The requests have been presented to the developers and their response will be reported verbally to the Committee..</p> |
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result **98 letters of objection have been received**. The majority of the objections are a pro forma letter which has been signed by local resident's .The remainder includes a number of very detailed representations from close neighbours.

| <b>Representations</b>   | <b>Assessment of Head of Regulatory Services</b>   |
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| <p><b>The pro forma letters provides a list of reasons for opposing the application from which residents have identified objections from a list of 10 reasons. These points also summarise the objections raised in many of the individual letters of representation and are listed below. Other points are addressed separately at the end of this section.</b></p> | <p>There is no prescription on how representations may be submitted and all need to be taken into account.</p>   |
| <p>The proposal for a large urban-style development is too large and out of character with the village</p>   | <p>This is a development of housing and associated infrastructure which will change the appearance and character of this farm.</p> <p>The application is at outline stage with only accessed considered at this stage, however an indicative plan demonstrates that the proposal could be designed to respect the character of the village and integrate successfully. It is an acceptable scale and density of development of this site.</p>  |
| <p>The proposed development is on a prominent location and will dominate the approach to the village and will overshadow neighbouring houses set lower in the landscape.</p>   | <p>The proposed development is submitted in outline form, therefore details of appearance and scale are not considered at this stage, it is considered that a development in this location could be designed to respect the existing dwellings and landscape.</p>  |
| <p>The village infrastructure will not cope with such a sudden large influx of extra people, the proposal is not sustainable,</p>  | <p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> <p>Recent decisions and narratives in appeals have concluded that it is a suitable location for residential development.</p> <p>The developer has agreed to pay all of the contributions which have been requested to mitigate the impact of the proposal upon local infrastructure. This would be sustainable development.</p> |
| <p>The school is at capacity and cannot cope with more pupils – the development would provide a</p>  | <p>See Education Authority comments above and item 3 of this agenda ‘Common Issues’. The LEA has devised a</p>   |

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| <p>further 9 pupils. Projected inflow of children for the school will increase without further development – it is not sustainable</p>   | <p>means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.</p>  |
| <p>The doctor’s surgery is at capacity and cannot keep pace with increasing development in the 23 villages in the Vale that it serves. It cannot cope with even more patients – the proposal is unsustainable</p>  | <p>The surgery is currently displaying that it can accept new patients. This point is being examined in more detail, but it is understood that there is capacity to accommodate this development.</p>   |
| <p>The unclassified village road system with 13 x 90 degree bends are a traffic flow equivalent to a Rural A road is inadequate – the proposal is unsustainable.</p>   | <p>Concerns about the adequacy of the local road network are understood. However, there is no technical evidence to support these concerns and subject to mitigation the Highway Authority has no objection to the development. The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p>  |
| <p>There are already parking problems in the village, especially along East End which with parked cars resulting in an almost permanent single track road- the proposal is unsustainable.</p>  | <p>Like many rural centres, with older housing having little or no off-street parking, there is limited capacity for parking on the street, particularly in the village centre. This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation. There is no evidence that the volume of traffic generated by this site would have a significant impact upon the overall movement of traffic through and within the village.</p>  |
| <p>The road from the proposed site has no footpath and there is a serious concern about pedestrian safety. From a recent Community Speed watch initiative, traffic along Hose/Waltham Lane is known to travel at speed in this area. The proposal to have an access from the site to East End is currently an unmade public footpath. Can the developer secure access rights to this and ensure it is wide enough and made up for pedestrians, bikes, buggies and disabled access?</p> | <p>The application identifies that a private access from the site along Paget’s End leading to the footway on East End provides a safe route for pedestrians and wheelchair users wishing to walk into the centre of the village;</p>   |
| <p>The proposal refers to a regular bus service but this only runs for a limited daily time and apart from getting to Melton the only way to get to work anywhere else is by car – proposal will cause an influx of extra vehicles, more commuting on country lanes and goes against Government policy for sustainability and a low carbon environment.</p>  | <p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> <p>Commuting to and from larger centres for employment and other activities is inevitable however the need for day to day travelling is reduced by the range of facilities in the village, for example primary school and surgery.</p> <p>There is a bus service which is relatively limited. This development would promote and subsidise the use of public transport and would help to sustain existing provision.</p> |
| <p>The proposal is contrary to the wishes of the local people, developer led and not part of a reasoned and consulted part of the village’s emerging Neighbourhood Plan.</p>   | <p>Long Clawson has been identified as a ‘service centre’ in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below.</p> <p>The NP is a significant consideration in this application</p>   |



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|   | and has allocated the site for development. This addressed in greater detail below and the weight it carries in Item 3 of this agenda 'Common Issues'. |
| <b>Further representations received</b>   |  |
| <p><b>Alternative proposal</b></p> <p>A more suitable plan would be to utilise the existing brick built structures of the barns and stables to provide new one/one and a half storey dwellings which would match existing dwellings in the vicinity.</p> <p>The brick work in particular matches that of the barn/stable conversion at 1 Paget's End and other properties in Hose Lane.</p> <p>A more appropriate application could be submitted which would confine new development at Canal Farm, Long Clawson, to the area of land currently covered by farm buildings and hard standings.</p> <p>Most of the structures could demolished with the exception of the brick walled buildings.</p> <p>That latter might be converted to one (or one and a half) storey dwellings or demolished and reconstructed using the same or similar bricks, without conflicting seriously with the Melton Local Plans.</p> <p>Failing that, the area covered by the demolished buildings could be developed for a limited number of new dwellings individually designed and of mix of heights so that the housing density and overall design were sympathetic to the adjacent residential area and to the characteristic of the village as a whole.</p> <p>This would not of course, keep entirely to the spirits of the policies of Melton Local Plans (ref polices OS2, C8 and BE1 of the Melton Local Plan 1999 and Chapter 9 of the Emerging Melton Local Plan January 2016) but might be more acceptable than the plan already submitted.</p> <p>It would still have issues connected to Highways and Traffic Safety but it would preserve green countryside/village pasture, place less pressure on public services and respect the rural nature of the village.</p> <p>The scale of this proposed development that is of great concern, a small scale development would suit the village and this site – not one of this scale.</p> <p>Small developments are acceptable in the right</p> | <p>The application is required to be determined up on the proposal as submitted.</p>   |

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| <p>place.</p> <p>A smaller development, utilising some of the existing agricultural buildings as barn conversions and providing a discreet development of about 10 houses would be far more in-keeping and acceptable</p> <p>The site has some merit for development in a rural way with the existing farm building converted plus a mixture of bungalows and low level homes a maximum of 10 dwellings built over a 2 to 3 year period.</p>   |  |
| <p><b>Character of the area</b></p> <p>The proposed general demolition on the submitted plan appears far too drastic.</p> <p>A development of forty houses in one block at the end of a long and linear village will completely change the nature and character of the village.</p> <p>It will be a carbuncle on the end.</p> <p>The site is on an elevated plot within the village. Two storey houses built here will dominate the approach to the village and oppress neighbouring properties which are set lower in the landscape, which is illustrated in their own Topographical Survey.</p> <p>The proposed development does not respect the local context and village plan, in particular, the scale and proportions of surrounding buildings and would be entirely out of the character of the area, to the detriment of the local environment.</p> <p>The adjacent properties to the north are typically characterised by large plots with large spacing between – with 10 properties in a similar size area as opposed to 40 in the proposed development area.</p> <p>Villages need to grow substantially at a rate fit for the village and its services, 40 new houses here (or anywhere in the village) in one spot is too many. Clawson has developed over the past decades through small scale development. The density proposed is completely out of character within the village.</p> <p>Therefore significantly altering the fabric of the area and amount to serious cramming.</p> <p>The density of the housing is too high and not in keeping with the linear spread of the village.</p> | <p>The applicants have produced a detailed Landscape and Visual Assessment study. This follows accepted professional methodologies.</p> <p>The application site is not subject to any landscape or heritage designation which would prohibit its development.</p> <p>While the appearance of the site would be altered this would not have a significant impact upon the wider landscape and the setting of the village.</p> <p>Layout and landscaping could help assimilate the scheme into the landscape. Housing on this site would not appear to be alien or unusual in this location.</p> <p>The village Plan (the Neighbourhood Plan) allocates the site for up to 40 dwellings.</p> <p>The density of the site equates to 26 dwellings / hectare, which is lower than the standard 30 dwellings / hectare which does reflect more closely to that of a village settlement.</p> <p>It is not considered that the development would alter the intrinsic character of Long Clawson. It is small in comparison with the length of the village and would have significant bearing on the west – east route running through the village which defines its character.</p> <p>The density of the site equates to 26 dwellings / hectare, which is lower than the standard 30 dwellings / hectare which does reflect more closely to that of a village settlement.</p> |

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| <p>The proposed dwellings are two storey houses with proportions a great deal smaller than the neighbourhood properties.</p> <p>The scale and design of the development will be entirely out of keeping.</p> <p>A development of this size will kill the idyllic setting we have in the village.</p>  | <p>The application is outline with no huise designs provided,</p> <p>As above</p> <p>Noted.</p>  |
| <p><b>Residential Amenity</b></p> <p>The site is already on high ground and two storey houses as proposed will be a very dominant, visually intrusive and oppressive development at this end of the village overlooking all the present houses causing a loss of privacy.</p> <p>There will be a significant loss of privacy inside and outside of homes. At least 4, possibly more of the proposed dwellings will have a direct view into kitchens, bathrooms and bedrooms along with gardens.</p> <p>As no details of ridge height or window orientation is provided, there is a strong chance that other dwellings will also have a direct view into the garden.</p> <p>The access point will also give a clear view directly into the garden. The view of 2 patio areas will be completely clear from this turning.</p> <p>There will be significant drop in air and noise quality in the vicinity.</p> | <p>Detailed plans would be submitted as part of the Reserved Matters application which would set out the design, scale and layout of the proposed development.</p> <p>It is considered that careful design and layout could overcome potential negative impact upon the occupants of existing dwellings. The site is capable of accommodating the dwellings proposed without unacceptable impact on the adjacent houses.</p> <p>Noted</p> <p>Noted</p> <p>There is no evidence provided to demonstrate it will exceed acceptable levels.</p> |
| <p><b>Highway Safety</b></p> <p>All of the vehicular traffic will be forced to exit onto Canal Lane and to go south to Melton or the village will have to negotiate an uphill access to Hose Lane on an already accident prone bend. In additional such traffic will add to the already bad traffic problems along East End The Sands, Back Lane and West End.</p>  | <p>As per comments above, the County Highway Authority have assessed the proposal and do not consider that there would be a significant impact upon highway capacity or safety.</p>  |
| <p><b>Existing Farm</b></p> <p>This site forms a part of three farms. Canal Farm on Canal Lane, Highfield Farm on the main road to Hose and land etc. further down Canal Lane, where the majority of the pasture and arable land lies to this farm.</p> <p>With this in mind, if the farmer claims that it will decrease traffic through Long Clawson this is a misnomer, if the dairy herd is moved to Highfield</p>   | <p>The application as submitted is for the erection of dwellings in this location, subsequent applications relating to the farm business would be considered on their own merits.</p>  |

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| <p>Farm, with most of his pasture/grazing land on the opposite side of the Hose Lane, this will mean that the dairy herd will have to cross this busy, fast road four times a day for milking The hazards associated with this are obvious.</p> <p>If a new farm is built down Canal Lane then this will still have the same volume of traffic from farm to farm with feed stuff etc. to the same point on Canal Lane.</p> <p>The farm traffic will now have to travel further down Canal Lane increasing distance travelled – a single track road which is frequently used as a short-cut and gets busier year on year.</p> |   |
| <p><b>Heritage Assets</b></p> <p>Effect on listed buildings and conservation area of an inappropriate development proximal</p>   | <p>The Committee is reminded that S72 of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.</p> <p>The proposal is considered to maintain separation from the Conservation Area and not impact negatively upon it, therefore satisfying the requirement to give special attention to the desirability to preserve its character and appearance.</p>  |
| <p><b>Impact upon Ecology/Conservation</b></p> <p>Wildlife habitations to the west and north of these brick built structures could be improved by aesthetic planting.</p> <p>The bats will and newts will be exterminated as a result of the development.</p>  | <p>The information submitted by the applicant has been independently assessed and considered to be satisfactory subject to conditions and mitigation.</p>   |
| <p><b>Cumulative effect</b></p> <p>Yet again another large building project which the village cannot cope with</p> <p>If all similar sized applications that have been put forward recently were passed it would totally ruin the village forever.</p>   | <p>Each application should be determined upon its own merit, however in this instance it is recognised that a number of applications in Long Clawson are due to be determined together, therefore the cumulative impact of each application will be assessed accordingly.</p>   |
| <p><b>Flooding</b></p> <p>A day's rain now brings water up through the surface water drains as they now have insufficient capacity to cope with run-off.</p> <p>Long Clawson is located at the bottom of Belvoir escarpment and suffers from flooding in the lower areas of the village ensuring significant events.</p> <p>New development at this location will be at risk of flooding and this is exacerbated as the underlying geology is heavy clay and any so called sustainable drainage system will be beaten during significant events (as we have seen in</p>  | <p>Please see comments above from the relevant drainage authorities, none of which are objecting to the proposal subject to certain conditions.</p> <p>The application is in outline and full details, along with calculations for capacity etc and future management re recommended by the LLFA.</p> <p>The design proposes to intercept water on the site in attenuation ponds and released only when the receiving water course has capacity. This would ensure it is released at a rate no greater than it current undeveloped condition. However such systems are required to be</p> |

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| <p>Cumbria and York etc. and even in Long Clawson)</p> <p>Hose Lane is prone to flash flooding</p>   | <p>constructed as capable of accommodating a 1:100 rainfall event plus 40% 'headroom' capacity for climate change and as such will be able to reduce the quantity of water entering the watercourse than occurs naturally.</p>  |
| <p><b>Policy requirements</b></p> <p>Long Clawson is described in the Design and Access Statement as one of four rural centres, we have not been classified yet and this statement is misleading to the planning committee.</p> <p>The Melton DRAFT plan states that as a Primary Service Centre Long Clawson need to accommodate another 145 houses by 2035. There are apparently currently around 20 approved applications. This leaves 120 dwellings to be approved by 2035.</p> <p>Application 16/00032/OUT for 55 houses on Sandpit Lane is due for decision. It cannot be accepted that Clawson's designation as a Primary Service Centre is correct.</p> <p>It extends outside the village envelope into the open countryside which is against the 1999 plan policies OS1 and BE1 which are saved in the New Local Plan.</p> <p>The responsibilities of the council under the Human Rights Act should be considered particularly Protocol 1. Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land.</p> <p>The proposed development would have a dominating impact on the right to quiet enjoyment of properties. Article 8 of the Human Rights Act states that a person has a substantive right to respect for their private and family life.</p> <p>In the case of Britton Vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside fall with the inserts of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.</p> <p>Government Planning Policy Statement PPS1: The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning polices should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most</p> | <p>Please see comments below on the New Melton Local Plan.</p> <p>Long Clawson has been identified as a 'service centre' in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below.</p> <p>The application is recommended for refusal (see item 4.1 of this agenda).</p> <p>The proposal is contrary to the local plan policy OS2 (village envelopes) however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>Noted.</p> <p>It is not accepted that the proposal infringes this legislation.</p> <p>As above</p> <p>Planning Policy Statements have been replaced by the National Planning Policy Framework which was adopted in 2012.</p> <p>Details of natural and historic environment have been discussed earlier in the report along with housing design which will predominantly be addressed at reserved matters stage should permission be granted which would</p> |

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| <p>valued townscapes, wildlife habitats and natural resources.</p> <p>Government Planning Policy statement PPS3:<br/>Housing: Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. Local Planning Authorities' should encourage development that creates places, streets and spaces which meet the needs of people are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.</p> <p>The proposal contravenes this guidance as it is to the detriment of the quality, character and amenity value of the area.</p>   | <p>consider the design, scale and layout of the proposal.</p>  |
| <p><b>Development of the School</b></p> <p>One suggestion for the school was a two-storey port a cabin be installed, funding for this has not come forward and has not been allocated.</p> <p>The school sits on a prominent, elevated spot within the village scene, surrounded by bungalows; a two storey building would dominate the sky line, surrounding buildings and blot the landscape.</p> <p>It is also within a conservation area.</p> <p>In addition, increasing pupil numbers would inversely reduce the available space per child in the school yard.</p> <p>The sq. foot of the playground will not be increased but the number of students in the same space will be.</p> <p>As there is already limited outside space for the children this will increase the probability of accidents and be detrimental to the well-being of pupils.</p> <p>The outside play area consists of 944m<sup>2</sup> grass play area (unusable during winter months) and the hard standing play area is 687m<sup>2</sup>. During the winter months, at current student levels, this gives each child a 6.3m<sup>2</sup> play area. As the number of student's increases this area diminishes.</p> <p>In the NPPF 72 promoting healthy communities, the government attached great importance to ensuring that a sufficient choice of school places, is available to meet the needs of existing and new communities.</p> | <p>Details of education and measures to negate the impact on the school can be found in the common issues paper submitted in support of the Committee papers. The extension proposed is single storey and has been devised with the agreement of the LEA and the school. An approach to its funding is set out in Item 3 of this agenda and by the Education Authority earlier in this report.</p> |

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| <p>73. Access to high quality open spaces and opportunities for sport and recreation can make an importance contribution to the health and well-being of communities.</p> <p>The school has nowhere to expand, the LCC education department has advised that a porta cabin extension would cost £1m and only provide part of a solution and a new school would come in at around £4m.</p>   |  |
| <p><b>Other matters</b></p> <p>The proposed scale of this development offers little or no opportunity for local suppliers, builder or even architects to gain any work.</p> <p>Should the application be approved, the council should consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable.</p> <p>I feel I am wasting my time, if the case officer at MBC can read over 200 local objections to the planned development on Sand Pit Lane and still recommend that it is permitted then it seems to make a mockery of this whole process.</p> <p>There are some commercial activates in Long Clawson which are becoming too big for the village.</p> <p>The majority of employees travel into the village every day, not due to shortage of houses but because the people employed in these types of jobs prefer to live in big urban areas not rural villages.</p> <p>Any new homes will lead directly to more commuting to places like Melton Mowbray, Nottingham, Loughborough and Leicester.</p> <p>There are important national archaeological signatures in the site that will need to be fully investigated based on finds in gardens.</p> <p>Hazardous materials means that there is a risk of contamination during development.</p> | <p>Noted. It is considered that the build process is likely to present opportunities for employment and training.</p> <p>Should be permission be granted a condition could be imposed to agree working hours on the site. However such matters are governed by Environmental Pollution legislation that should not be duplicated.</p> <p>This application is recommended for refusal (see item 4.1 of this agenda). All representations have been considered for each of the applications.</p> <p>Noted, but not considered relevant to this application.</p> <p>Noted. The application presents an opportunity for accommodation suitable for locally employed people. Affordable housing on the site would include 'local connections' criteria.</p> <p>Some commuting ins inevitable but due to the range of facilities available in Long Clawson (e.g. Primary School, Surgery etc) travel for day to day needs is less than in many other locations.</p> <p>As per the comments of the Archaeology advisor earlier in this report, should permission be granted conditions could be applied to ensure that the site is investigated.</p> <p>Again conditions would be put in place to ensure that the site is investigated fully prior to commencement.</p> |
| <p><b>Neighbourhood and Local plans</b></p> <p>No large scale development should be permitted in Long Clawson until the new local and Neighbourhood Plans are approved.</p> <p>It is contrary to the village and Parish wish to have a Neighbourhood Plan, the proposal is</p>  | <p>The site is identified as a 'reserve site' in both the Local and Neighbourhood Plans. Both Plans are material considerations that need tom be taken into account, despite the fact that neither are adopted.</p> <p>Please see analysis below in regards to the New Melton</p>  |

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| <p>developer lead and goes against the wishes of residents working on a genuine plan-led Neighbourhood Plan Policy for the village.</p>   | <p>Local Plan, along with the supporting ‘common issues’ paper for a response to Neighbourhood Plan issues.</p>  |
| <p><b>Housing need and mix</b><br/> In a rural setting many of the homes would appeal to families with young children and not older families or single people.</p> <p>The estimates for extra children do not take a realistic view of the types of people who want to live in a village.</p> <p>There are sufficient houses in Long Clawson to meet current demands, many houses that have been on sale for between 6-12 months over the last few years. There is not a need for such a large scale development in the village.</p> <p>The MBC commissioned Long Clawson Housing Needs Investigation January 2015, concluded that there was “an identified need for 2 affordable homes and 9 open market homes in Long Clawson for those with a local connection”.</p> <p>In addition it is acknowledged that in Melton Borough and from the consultation with Long Clawson residents – a need for bungalows as older residents wish to downsize from larger to smaller properties. Bungalows certainly have greater benefits for access for people with less mobility.</p> <p>The location would retain the rural structure of the village but the size, density and mix is not appropriate or sustainable.</p> | <p>The development will provide a mix of housing to help meet local needs.</p> <p>The coefficient issued by the LEA is understood to derive from empirical data from surveys of completed developments</p> <p>There is a very strong need for housing in the Borough and supply has been inadequate in recent years. The need for new housing is well established and was reconfirmed by the Borough Council’s Housing Needs Study which was published in August 2016 and the latest evidence HEDNA (January 2017) and ‘Towards a Housing Requirement’ (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+.</p> <p>Notwithstanding the limitations of such surveys, the development has the capability of fully meeting these needs, which is considered to be a factor in favour of the application.</p> <p>The development offers the opportunity to provide housing of this nature of which there is an identified shortfall in supply.</p> <p>Please see comments above.</p> |

**Other Material Considerations,:**

| <b>Consideration</b>   | <b>Assessment of Head of Regulatory Services</b>   |
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| <p><b>Planning Policies and compliance with the NPPF</b></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.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires</b></p> |



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|  | <p><b>harm to be balanced against benefits and refusal only where “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”.</b></p> <p>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.</p> <p>The Council can 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 being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>The site is a brownfield site and lies outside of but in close proximity to the built form of the village. The site has not been allocated for development in either the Local or Neighbourhood Plan However the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with promoting housing growth.</p> <p><b>The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be some impact upon the appearance of the area and technical matters which require mitigation.</b></p> <p><b>The form of development is considered to be acceptable, however going forward to the new Local Plan and in regard to the Neighbourhood Plan, the non-allocation of the site along with an excess of 5 year housing land supply would mean that the benefits of the proposal do not outweigh the impacts in this instance</b></p> |
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| <p><b>The (new) Melton Local Plan – Submitted version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017.</p> <p><b>Please see associated Item 3 of this agenda ‘Common Issues’ regarding the weight it should assign.</b></p> <p>The site is allocated as a ‘Reserve Site’ in the draft Local Plan for 40 houses. Reserve site become allocations if the preferred, allocated, sites are proved not to be capable of implementation, and subject to the following criteria:</p> <ul style="list-style-type: none"> <li>• local educational capacity is available, or can be created through developer contributions, to meet the needs of the site;</li> <li>• drainage infrastructure is available to accommodate the surface water from these sites without causing or exacerbating flooding elsewhere</li> <li>• that substantial boundary landscaping and screening is provided and that all existing boundary hedges and trees are retained.</li> </ul> <p>The Pre Submission version of the Local Plan identifies Long Clawson as a ‘Service Centre’, in respect of which, under Policy SS1, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p><b>Long Clawson, Hose and Harby Neighbourhood Plan</b></p> <p>The Neighbourhood Plan has completed Examination and is proceeding to Referendum. <b>Please see the Item 3 ‘common issues’ report for details of weight to be given to the Neighbourhood Plan.</b></p> <p>This site is referenced as NPLONG5 within the Neighbourhood and stated as</p> <p>“NPLONG5 is included as a Reserve Site in this Plan as it ranked higher in the site evaluation and community consultation process for this Plan than LONG4”</p> <p>The site is identified within Policy H2: Housing Site Allocations for 2016 to 2036 which states</p> | <p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight, please see additional comments within item 3 ‘common issues’ as to the weight to be attributed to the Local Plan.</p> <p>The ‘Focussed Changes’ document recognises the site as LONG 5 capable of accommodating 40 units as a ‘reserve site’.</p> <p>The proposal is in not accordance with the emerging local plan because the site is allocated as a reserve site and therefore would only come forward if demand cannot be met elsewhere which it is considered detracts weight from the proposal.</p> <p>The proposal is in conflict with the CHH Neighbourhood Plan. It is considered this non compliance adds substantial weight against the proposal.</p> <p>The policies would apply to subsequent reserved matter applications that may be forthcoming.</p> |
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“Land is allocated for housing development at the locations as shown in Housing Table 3 as Development Sites and on the Limits to Development maps (Housing Figs. 1-3). Reserve sites are listed in Housing Table 4 and will only be allocated for use to take account of any shortfall in delivery by the proposed Development Sites in a subsequent Neighbourhood Plan review or if there is an increase in recognised housing demand across the Borough which requires further increases in the villages of Long Clawson, Hose and Harby.

NPLONG5 Canal Farm – Development of this Reserve Site will be supported only if it is required for development under the provision of this Policy and provided:

Local educational capacity is amiable or can be created;

Drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere

Up to 40 dwellings are developed

Landscaping is provided to soften the site boundaries.

A safe and convenient footpath link to the village is provided, suitable for disabled use and double width pushchairs

Site boundaries hedges to be maintained as hawthorn.

Dwellings are no more than two storeys high, with those on the southern third of the site limited adjacent to the Paget’s End to single storey dwellings including bungalows. Height in keeping with current farm buildings;

The layout and architectural design creates an informal, rural feel.

NPLONG5 is included as a Reserve Site in this Plan as it ranked higher in the site evaluation and community consultation process for this Plan than LONG4.”

The application site does fall within the limits of development identified within the Neighbourhood Plan, Policy H3 sets out the following

“Development proposals within the Plan area on sites within the Limits to Development in Housing Figs 1-3 will be supported where they comply with the policies of this Neighbourhood Plan, subject to design and amenity considerations.

### **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 considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years. Despite Long Clawson being considered a sustainable location for housing having access to various facilities, primary education, local shops and a regular bus services and limited distances to employment opportunities which has reflected in its identification as a 'Service Centre' in the Emerging Local Plan, the site is only allocated as a reserve site for housing in both the emerging Local Plan and Neighbourhood Plan which is due for a referendum in the coming weeks.

Affordable housing provision remains one of the Council's key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Long Clawson is considered to be a sustainable location having access to employment, health care facilities, primary education, local shops, and a regular bus services. It is considered that there are material considerations that weigh in favour of the application.

There are a number of other positive benefits of the scheme which include developer contributions to mitigate impacts upon local services.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the impact on the character of the village, and concerns regarding traffic, impact upon character of the area and impact upon existing services.

**The application is not supported by the emerging Local Plan or Neighbourhood Plan owing to its conflict with their content. In the case of the former this is considered to be limited, but in the latter, significant (please see Item 3 of this agenda, 'Common Issues' for further detail)**

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular, however the weight attached to the site being a reserved site and not allocated for housing outweighs the benefits in this instance.**

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits; it is considered that permission can not be granted.

**Recommendation: Refuse for the following reason:**

1. The application proposes a development of dwelling that is contrary to the emerging Melton Local Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough increase or other allocated sites not come forward for development. The Borough is of the view that it has well in excess of five year supply of deliverable housing sites. The application is therefore contrary to Policies SS1 and SS2 of the emerging Melton Local Plan 2011-2036.
2. The application proposes a development of dwellings that is contrary to the Long Clawson Neighbourhood Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough shift or other allocated sites not come forward for development. The application is therefore contrary to Policies H1, H2 and H3 of the Clawson, Hose and Harby Neighbourhood Plan 2017 to 2036.

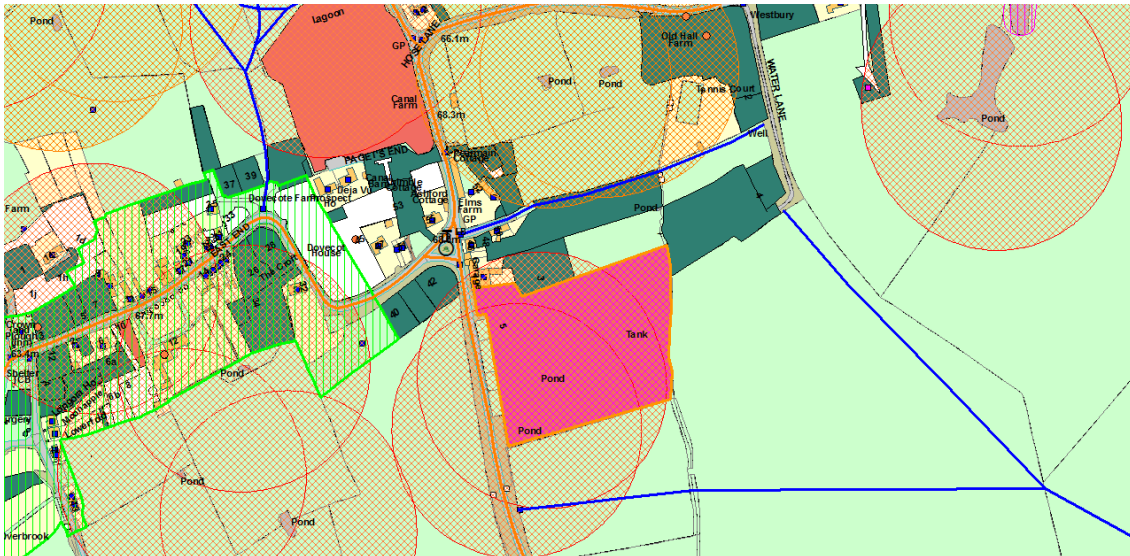
**Officer to contact: Ms Louise Parker**

**Date: 21 November 2017**

# Agenda Item 4.3

COMMITTEE DATE: 4<sup>th</sup> December 2017

**Reference:** 16/00560/OUT  
**Date submitted:** 09.11.16  
**Applicant:** Mr A.G. and J.M.L.Birley  
**Location:** Birleys Garage ,Waltham Lane ,Long Clawson  
**Proposal:** Residential development of up to 45 dwellings



## **Proposal :-**

This application seeks outline planning permission for up to 45 dwellings with associated public open space, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application . The application site comprises approximately 1.9Ha of land and includes the following:

- The existing access to the Garage and associated hardstandings
- No. 5 Waltham Lane known as “The Bungalow” and its curtilage, to
- the south of the access – currently vacant
- A wider area of agricultural land, including a collection of farm buildings, structures and hardstandings

The land falls is an edge of village location towards the eastern end of Long Clawson, fronting Waltham Lane. Access to the site is proposed directly from Waltham Lane

The application is accompanied by a series of technical reports covering transport/highways, ecological issues, drainage and flooding, ground conditions, trees and landscape impact

**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**
- **Impact upon heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Impact upon residential amenities**

- **Infrastructure and facilities**
- **The effect of the Neighbourhood and Local plans**

The application is required to be presented to the Committee due to the level of public interest.

**History:-**

No relevant history

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy 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.**

**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 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 C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**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 Historic Environment**

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

**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:**

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| Consultation reply | Assessment of Head of Regulatory Services |
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**Highways Authority: No objection, subject to conditions and developer contributions**

**Site Access**

The proposed geometry of the access junction onto Waltham Lane is considered acceptable in principle, but would of course be subject to detailed design checks if the application is permitted and the applicant would need to enter into a Section 278 agreement with the LHA. All associated costs would be borne by the applicant.

**Off site Implications**

The proposed uncontrolled pedestrian crossings and additional length of footway are welcomed as are the gateway treatments. These works should be implemented prior to the first occupation of the housing development.

**Transport Sustainability**

We would expect that each dwelling to be provided with a Travel Pack, and 2 free bus passes. With regards to bus stop infrastructure in the village, the applicant has proposed the introduction of bus stop infrastructure on East End; at present villagers flag the bus down and the introduction of infrastructure would formalise this arrangement. Having spoken to safe and sustainable travel colleagues, this is an acceptable approach with the exact details to be agreed as part of the S106 agreement.

**Other Observations**

**In the view of the Local Highway Authority cannot be considered “severe” in accordance with Paragraph 32 of the NPPF**, but which may impact on the amenity of the local community.

**Transport for Education**

For those housing developments which come forward that exceed the draft Local Plan allocation, pupils arising from those developments will not be able to be accommodated at the local school and pupils would need to be transported to the nearest available school. The County Council would expect that developers would meet the costs of that additional school transport unless and until such time an acceptable means of accommodating those additional pupils at the local school can be provided, and if deemed necessary the cost of expanding the school also through section 106 contributions.

**Conditions Recommended re:**

- Construction Traffic
- Specification of off site works

**S 106 requirements:**

- 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);

The Highways Authority have not raised concerns about access or road safety, subject to conditions. These can be attached to any permission granted.

The s106 requests for sustainable transport are considered to comply with CIL Regs. 122 and 123 in that they are necessary and related directly to the application and can be included in an Agreement if permission is granted.



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| <ul style="list-style-type: none"> <li>• 6 month bus passes (2 application forms to be included in the 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 (can be supplied through LCC at (average) £480 per pass.</li> <li>• 2 new bus stops (comprising flag, pole and information display case) on East End: to provide public transport facilities to encourage modal shift and to inform new residents of the nearest bus services in the area at £215 per bus stop.</li> </ul>  |   |
| <p><b>Severn Trent Water Authority:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p>  | <p>Noted – The suggested condition can be attached to any permission granted.</p>   |
| <p><b>Trent valley Internal Drainage Board:</b><br/> <b>No Objection</b> and comments as follows:</p> <ul style="list-style-type: none"> <li>• Water Run off must not be increase as a result of the development</li> <li>• The design and management of drainage systems must be agreed by the LLFA</li> <li>• An undeveloped strip of land should be retained adjacent to watercourses to allow access for their maintenance</li> <li>• Drainage routes through the site must be maintained at all time.</li> <li>• Drainage routes should consider all forms of drainage – overland flows and ridge and furrow as well as formal watercourses</li> <li>• Run off should be limited to green field rates. The Board consider this to be 1.4 litres/s/acre</li> </ul>  | <p>The application is accompanied by a FRA which includes a drainage strategy showing a scheme for attenuation and details explaining the methods employed to intercept run off and the scale of the attenuation pond, in order to accommodate surface water to a standard of 1:100 years. Consultation has taken place with the LLFA as requested (see below)</p>        |
| <p><b>Lead Local Flood Authority (LLFA) - Acceptable subject to conditions</b></p> <p>The LLFA consider that the proposed development will be acceptable if the following planning conditions are attached to any planning permission .</p> <p><b><u>Surface Water</u></b><br/> 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.</p> <p>The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing 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</p> | <p>The applicant’s Flood Risk Assessment confirms that the site is located in Flood Zone 1 and is at low risk from flooding.</p> <p>The proposed development includes areas of surface water balancing within the proposed open space on the northern part of the site. This will ensure that surface water run-off from the site can be satisfactorily accommodated.</p> |

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.

**Reason**

To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

**Watercourse**

No development approved by this planning permission shall take place until such time as a detailed assessment or hydraulic model of the watercourse has been submitted to, and approved in writing by, the local planning authority.

**Reason**

To assess the risk from the watercourse and ensure that no properties are placed at risk of flooding from the watercourse.

**Watercourse Maintenance**

No development approved by this planning permission shall take place until such time as a detailed assessment of the access requirements for watercourse maintenance has been submitted to, and approved in writing by, the local planning authority.

As land owner and riparian owner of the watercourse, there are certain responsibilities for watercourse maintenance; this responsibility will be passed on to the plot/ land owners adjacent to the watercourse, the introduction of permanent features adjacent to the watercourse has the potential to prevent access for the appropriate equipment to maintain the watercourse and increase the flood risk to the site.

**Reason**

To prevent an increase in flood risk to the proposed development or adjacent land through limited access for riparian maintenance.

**However the LLFA are not aware of any other sources of flood risk to the site and are willing to accept the drainage principles behind the proposal.**

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| <p><b>Clawson, Hose and Harby Parish Council</b></p> <p>The Parish Council has no objections to the outline application if and when the problem of primary school capacity is resolved. It asks that the following are taken into consideration when the full application is submitted:</p> <ul style="list-style-type: none"> <li>• Density of housing should be varied with some areas of high density ie terrace housing and other areas with low density, which is similar in style to how housing has been developed in the rest of the village;</li> <li>• Housing types and heights must be in keeping with rest of village and not over-dominate this edge of village site. Housing types that are varied and not above 2.5 storeys;</li> <li>• Drainage needs a scheme that will not make the current problems of flooding in the village any worse;</li> <li>• The site be developed slowly and gradually to allow problems, such as traffic calming and increased vehicles through the village, to be ameliorated;</li> <li>• The village does not require more 'affordable/social' housing but affordable market value housing ie terrace/2 bed dwelling for the age range 20-40;</li> <li>• All houses should have a minimum of 2 parking spaces. It is unrealistic to specify only one space per dwelling;</li> </ul> <p><b>S106 contributions are sought for:</b></p> <ul style="list-style-type: none"> <li>- pull in outside the surgery</li> <li>- village review of rural traffic improvements</li> <li>- proposed rural traffic improvements as recommended in the NP</li> <li>- verge gates at all road entrances to the village</li> <li>- pavement, footpath and cycleways improvements in and around the village</li> </ul> | <p>The LEA has devised an approach to the expansion of the Primary School sufficient to accommodate demand from this proposal (see below and Item 3 of this agenda 'Common Issues').</p> <p>The proposal is outline but the indicative layout show a mix of housing with a good proportion of 2 (20 no.)and 3 (22no) bedroomed units.</p> <p>There is a continued need for affordable housing and the evidence (HEDNA Jan 2017 and the Housing Needs Study Aug 2016) shows this will continue going forward. In order to contribute to this, development schemes are expects to provide a proportion of affordable houses.</p> <p>Details of house types are not provided but there is no reason to expect they cannot be accommodated on the site with a satisfactory design and layout as suggested by the Parish council.</p> <p>No financial sums were specified nor was justification provided relating the requests to the development concerned. As such, whilst the aspiration is understood, the requests are not complaint with CIL Regulations.</p> |
| <p><b>Affordable Housing</b></p> <p>The application does not include a specific commitment to affordable housing provision and proposes that discussions are held to find the optimum form of affordable housing equivalent to the 37% borough-wide target.</p> <p>Clarification has been sought and a firm position will be reported to the Committee.</p>   | <p>This is an outline application which allows the details of the housing mix to be considered at subsequent stages, but it is suggested the matter is included in a s106 agreement to specify the quantity, tenure and mix (house type)</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision 'on the basis of need' and this is currently 37%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution for affordable housing within the Melton Borough. <b>It is recommended that any permission granted includes a requirement (through s106) for the appropriate proportion and tenure mix, house type etc.</b></p>  |
| <p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p>  | <p>Noted.</p>  |

The ecology surveys submitted in support of the application (B J Collins, Phase 1 Survey, Bat Scoping & Emergence Surveys, Great Crested Newt Survey, Reptile Survey) indicate that the site supports a number of protected species; badgers, bats and great crested newts (GCN). We note that the existing habitats on site were not of significant value, except for their potential to support protected species.

**Bats**

A Brown Long-eared bat roost was recorded in the existing bungalow on site which will be demolished as part of this application. Section 5.1.2 of the Bat Scoping and Emergence Surveys states that a replacement roost will be created in a new dwelling as part of the development. The plan within the bat report suggests a property, but indicates that the final location will be determined when the final site layout is determined. This is acceptable as there is an opportunity to adequately mitigate for the loss of a bat roost within the development.

However, we recommend that the location of the proposed roost is identified at the reserved matters stage of the application. This should be required as a condition of the development, should planning permission be granted. We note that there was also evidence of bats within the cottage, but this appears to be outside of the application site boundary.

**Badgers**

The Phase 1 Survey identified a large amount of badger evidence on site, with a number of badger setts being recorded. Section 6 of the report indicates that additional badger survey is required and we would request that this is completed. However, based on the information we currently have, we do not consider that there is a sufficient buffer between the badger setts and the development. I am unable to scale from the Indicative Layout (drawing - BG-16-01) but it appears that there is no substantial buffer to the southern boundary of the site. An area of green has been retained, but it is not clear what this will be. Additionally, a number of plot boundaries are present in this area which is unacceptable for a buffer. We disagree with the comments in the recommendations of the report in that the new gardens will provide an opportunity for foraging badgers; as badgers in relatively small gardens often cause a conflict (digging lawns and veg patches, tunnelling under fences) and we would recommend that all mitigation and foraging area are retained outside of plot boundaries. We would therefore recommend that the detailed badger

The application was accompanied by a habitats survey that discovered the presence of protected species and suitable habitats.

The mitigation measures in relation to site layout, replacement bat roosts, buffer zones and the design of the attenuation pond will all be reserved matters and/or conditions if permission is granted and can be addressed at that stage. Conditions to that effect can be applied to any permission granted. It should be noted that this may impact on the overall capacity of the site but it is noted that it is for 'up to' 45 dwelling and such impacts can be accommodated in an application of this nature.

The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear that the buffer zones requested could be provided to enhance biodiversity.

**The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.**

survey is completed, allowing the badger setts to be accurately plotted on the layout plan. This will enable us to look in more detail at the buffers between the development and the badger setts and suggest amendments to the site layout as required.

At the present time, on the information provided, we would consider that there has not been sufficient information submitted in order to determine that there will not be a significant impact from the development on badgers.

### **Great Crested Newts**

We note that a small population of GCN was recorded on site, which will be linked to the larger meta-population in the area. We note from the GCN survey that it is proposed to trap GCN from the majority of the site during the development and place individuals caught within the receptor site along the south and eastern boundaries of the application site. It is essential that this receptor area is outside of the proposed plot boundaries. We would therefore recommend that the layout is revised to show this and confirmation on the width of the buffer provided. Based on this clarification we may have additional comments to make.

Concern that there is very little connectivity between the existing GCN pond on site and the remaining GCN population in the wider area (there will be an increase of approx. 100m as the newt walks).

We note that the report indicates that the SUDs pond will be designed to support GCN. Have plans for this been established? SUDs ponds are often not designed to have the greatest possible biodiversity value as their primary concern is for drainage/flood relief.

We are pleased to see that the existing pond in the southwest corner of the site is being retained. As this pond is recorded to support GCN, we would recommend that it is surrounded by a 10m buffer.

### **Site Management Plans**

Once the above points are resolved it is important that the buffer areas of habitat are managed appropriately for wildlife. This will require a biodiversity management plan which we would request is submitted prior to the commencement of the development.

It should be noted that we appreciate that the proposed layout is currently only indicative. However, it is important that we establish that all protected species can adequately be mitigated for at this outline stage. It is possible that required

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| <p>layout amendments will reduce the potential number of houses on site.</p> <p>Therefore, in summary our recommendations are:</p> <ul style="list-style-type: none"> <li>• The exact location of badger setts should be plotted on the layout plan. Amendments to the layout will then be required to provide adequate buffers.</li> <li>• If the green area shown on the plan is to be used as part of the wildlife corridor on site, clarification on its width must be provided. Additionally, it must be separate from plot boundaries.</li> <li>• Connectivity between the existing pond and the wider GCN population must be considered.</li> </ul>  |  |
| <p><b>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</b></p> <p>Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the application area has a potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2).</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes that the site on the boundary of the shrunken medieval and post-medieval historic settlement core of Long Clawson (HER ref.: MLE8746), close to medieval village earthworks comprising holloways, closes and building platforms, which are registered on the SHINE database (Selected Heritage Inventory for Natural England). There is good potential for the presence of below-ground archaeological remains of a similar period within the assessment area. The site is presently occupied by agricultural buildings, structures and hardstanding, within an area of former pasture. It is therefore highly likely that any surviving buried archaeological deposits will have been truncated to some extent- therefore whilst there exists an outstanding archaeological potential warranting appropriate investigation and recording, <b>it is exceptionally unlikely that this will represent any constraint to development.</b></p> <p>In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development.</p> | <p><b>There is no objection on archaeological grounds.</b></p> <p>There is a need for additional work which can be controlled by conditions.</p> |

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| <p>In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary trial trenching.</p> <p><b>Three conditions are proposed</b>, relating to :</p> <p>1) No demolition/development shall take place/commence until a programme of archaeological work, informed by an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)</li> <li>• The programme for post-investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</p> <p>3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> |  |
| <p><b>Developer Contributions: LCC</b></p> <p><b>Waste</b> - The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of <b>£3720</b> (to the nearest pound).</p> <p>The contribution is required in light of the</p>  | <p>The County Council consider the Civic Amenity and libraries contributions to be justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest facilities</p> |

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| <p>proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development. The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site.</p> <p>The existing Civic Amenity Site serves a large number of households, the level of the amount reflects the proportional impact of the contribution and is therefore likely to be pooled but for the particular (Melton Mowbray) Civic Amenity Site which would serve the proposed development.</p> <p>The contributions would go towards project MEL009 at the Melton Civic Amenity Site. Project MEL009 will increase the capacity of the Civic Amenity Site at Melton by:-</p> <ul style="list-style-type: none"> <li>• Purchasing a dedicated site vehicle to increase the site's immediate operational capacity</li> </ul> <p>There are one other known obligation from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project MEL009</p> <p><b>Libraries</b> –The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.</p> <p>The proposed development in Long Clawson is within 8km Melton Mowbray Library on Wilton Road, being the nearest local library facility which would serve the development site. The library facilities contribution would be <b>£1,360</b> (rounded up to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for additional use from the proposed development.</p> <p>The contribution is sought for research and study material e.g. books, newspapers, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no. MEL002. There are currently four other obligations under MEL002 (subject to change due to future priorities of the library service).</p> <p><b>Education</b></p> <p>The site falls within the catchment area of Long Clawson C of E Primary School. The School</p> | <p>(Melton Mowbray) to the proposed development.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p><b>It is considered that the waste and libraries contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</b></p> <p>Long Clawson Primary School is already over capacity and this development would increase</p> |
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has a net capacity of 105 and 119 pupils are projected on the roll should this development proceed; a deficit of 14 places (of which 3 are existing and 11 are created by this development.

There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.

The Authority has recently commissioned a feasibility study into the options to extend the school and a scheme has been designed and agreed with the school that will replace the mobile and extend the foundation stage room to provide the 30 additional places required to accommodate pupils from the proposed housing developments. This scheme will provide a maximum of 30 places and due to the constrained nature of the school site, it will mean that when complete further expansion of the school will not be possible.

The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)

The contribution for a development of 45 dwellings will be £273,208.50. This is based on sharing the costs between 127 dwellings.

### **Secondary Education**

The site falls within the catchment area of Bottesford Belvoir High School. The School has a net capacity of 650 and 600 pupils are projected on the roll should this development proceed; a surplus of 50 pupil places, after taking into account the 8 pupils generated by this development.

There are currently 5 pupil places in this sector being funded from S106 agreements for other developments in the area which have been discounted. After taking these places into account the school has a forecast surplus of 55 pupil places.

**An education contribution will therefore not be requested for this sector.**

### **Highways**

- Travel Packs: to inform new residents

the deficit by a further 11 places.

As explained, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. **Please see additional detail in the 'Common Issues' report forming Item 3 of this agenda.**

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 Long Clawson School and therefore compliant with CIL Regulation 123(3)

**It is considered that these requests are**

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| <p>from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack);</p> <ul style="list-style-type: none"> <li>• 6 month bus passes (2 application forms to be included in the 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 (can be supplied through LCC at (average) £480 per pass.</li> <li>• 2 new bus stops (comprising flag, pole and information display case) on East End: to provide public transport facilities to encourage modal shift and to inform new residents of the nearest bus services in the area at £215 per bus stop.</li> </ul> <p><b>Long Clawson Village Hall and Recreation Ground Ltd</b></p> <p>Requests are submitted for a series of projects as follows;</p> <ul style="list-style-type: none"> <li>• New Car Park Drainage and Surface</li> <li>• Pre School Extension to existing Village Hall</li> <li>• Pavilion and Changing Room Facilities</li> <li>• 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways</li> <li>• Outside Toilet</li> <li>• Cycle Rack</li> </ul> <p>The sums have been calculated on the basis of the proportionate increase that the development would add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. £28,000 for this proposal, based on its scale (no. of houses).</p> | <p><b>proportionate with the proposed development and is considered to be necessary and specific to the increase population the proposal would bring and is therefore considered compliant with CIL Regulation 122.</b></p> <p>The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.</p> <p>The requests have been presented to the developers and their response will be reported verbally to the Committee.</p> |
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result **67 letters of objection from 64 residents, and 5 letters in support** have been received.

| <b>Representations</b>   | <b>Assessment of Head of Regulatory Services</b>   |
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| <p><b>The representations include 33 ‘pro forma’ type letters in which residents have identified objections from a list of 10 reasons for opposing the application. These points also summarise the objections raised in many of the individual letters of representation and are listed below.</b></p>                          | <p>There is no prescription on how representations may be submitted and all need to be taken into account.</p>   |
| <p><b>Sustainability</b></p> <p>As there are limited employment options locally, most will have to commute out of the village.</p> <p>The National Planning Policy Framework, as referred to in section 2.2.1 of the Applicant’s Transport Statement, indicates that developments should “have access to high quality public</p> | <p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations.. In the evidence compiled towards producing the Local Plan it had the 3<sup>rd</sup> best range of facilities of all of the villages in Melton Borough.</p> <p>Commuting to and from larger centres for employment and other activities is inevitable</p> |

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| <p>transport facilities”.</p> <p>Public transport is unsuitable for commuting to/from work even in Melton. The hourly bus service to Melton and Bingham does not give adequate service to maintain attendance for employment in either centre.</p> <p>The NPPF Paragraph 34 states: <i>‘Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’</i>. Long Clawson has no railway, and only a limited bus service. Almost all employment for the residents in the proposed development will be outside the village.</p> <p>Car ownership statistics, which are quoted in the Applicant’s Transport Statement, are unrealistic for Long Clawson. 13% of commutes to work from Long Clawson would be a walk is simply ridiculous.</p> <p>Long Clawson is not a town on a main road but a rural village reached only by country lanes</p> <p>Clawson Dairy busses in from elsewhere most of the labour it employs. KS Composite uses specialist staff from elsewhere and largely agency staff who travel apart from one known to live in the village so no employment either.</p> | <p>however the need for day to day travelling is reduced by the range of facilities in the village, for example primary school and surgery.</p> <p>Recent decisions and narratives in appeals have concluded that it is a suitable location for residential development.</p>  |
| <p><b>Housing type and mix</b></p> <p>There are no bungalows mentioned in the development. Recent research has identified a demand for this type of housing.</p> <p>The MBC commissioned Long Clawson Housing Needs investigation January 2015, concluded that there was <i>“an identified need for 2 affordable homes and 9 open market homes in Long Clawson for those with a local connection”</i> in the next 6 years</p>   | <p>The application is in outline and whilst it shows a mix of houses, these are indicative only. The full details would be the subject of reserved matters, and conditions can be applied to require that these incorporate locally identified needs.</p> <p>Notwithstanding the limitations of such surveys, the development has the capability of fully meeting these needs, which is considered to be a factor in favour of the application.</p> |
| <p><b>Flooding</b></p> <p>There are flooding issues in this area and this will make it worse.</p> <p>We also have concerns about the plans for handling flooding and sewerage, and have not been able to identify any comments from Severn Trent Water.</p> <p>The proposed surface water attenuation pond to control surface water flow into the brook on the east side of the site is currently indicated as overlapping directly on the ditch along the</p>  | <p>The proposal includes a drainage strategy which has been reviewed by the relevant agency and found to be acceptable in principle.</p> <p>The application is in outline and full details, along with calculations for capacity etc and future management re recommended by the LLFA.</p> <p>The design proposes to intercept water on the site in attenuation ponds and released only when the receiving water course has capacity. This</p>      |

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| <p>northern edge of the site, which as indicated in 1) above, is not part of the development site, but part of the adjoining property.</p> <p>There is no indication in either the main planning application or the flood risk assessment of what contingency plans will operate in the event of equipment failure (especially over, say, a bank holiday weekend) or an electricity outage lasting several hours, in order to avoid the risk of sewage from 45 houses overflowing into and seriously contaminating the brook.</p> <p>As indicated in the Flood Risk Assessment document, the proposed development will more than double the hardstanding area of the site as it currently exists. At present, run-off from the site, plus run-off from the road which is directed into the brook via the ditch on the south side of the site, contribute to serious flooding events downstream (north of the site) on average about twice per decade. This is manifested by flow in the brook being greater than the capacity of the culvert, during which events water rises above the arch and runs over the top of the bridge. The high level of flow has contributed to a serious undermining of the culvert's footings and the consequent collapse of a substantial portion of it:</p> <p>Given the history of flooding in which surface run-off from hardstanding areas of the farmyard has been a significant contributory factor over many years, concern that proposed flow of 7.9 litres per second into the brook will continue or exacerbate the present problems.</p> <p>It is unclear whether the attenuation pond could accommodate such a deluge which occurs after a sustained period of unusually wet weather.</p> <p>Development here requires a robust SuDS scheme to mitigate flooding downstream. It would benefit wildlife if a split rainwater harvesting/SuDS scheme was used with roof water feeding a permanent pond that overflowed into a SuDS temporary pond taking the road water. A permanent pond would help the local great crested newt population present in breeding ponds just north of the site and formerly present in a pond on this site.</p> | <p>would ensure it is released at a rate no greater than it current undeveloped condition. However such systems are required to be constructed as capable of accommodating a 1:100 rainfall event plus 40% 'headroom' capacity for climate change and as such will be able to reduce the quantity of water entering the watercourse than occurs naturally.</p>   |
| <p><b>Landscape</b></p> <p>The Landscape and Visual Appraisal indicates that the key landscape objective is to "conserve and enhance the rural agricultural character of the Vale". We cannot see how building 45 houses could possibly be said to enhance the rural character of the Vale.</p> <p>It is disingenuous to say that "The currently attractive approach into the village from the south</p>  | <p>The site is currently occupied by farm buildings and a dwelling which would be demolished. Its frontage to Waltham Lane comprises a roadside hedge behind which are a row of mature trees. These are not part of the application site and would be retained, providing screening for the development. These features extend southwards along Waltham Lane beyond the application site and similarly provide a degree of screening</p> |

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| <p>along Waltham Lane could be improved.</p> <p>The Landscape and Visual Appraisal indicates that the 2015 study requires that “Development should seek to achieve a gradation of development density to the outer edges” and “Any development should be small scale and well integrated, and should achieve a gradation of density to the outer edges”. Clearly, increasing the village population by at least 10% in a single estate, at the edge of the village, in an area that otherwise includes individual spaced-apart properties does not satisfy this guidance.</p>  | <p>upon an approach. The south boundary of the site comprises a mature, somewhat overgrown, hedge which also assists in screening the site, and there is scope to require the retention of this to ‘soften’ the edge of the settlement.</p> <p>The Landscape Character Appraisal for the area addresses substantial areas of land and, whilst it identifies the land south of Long Clawson as sensitive overall, it is considered this site makes no or little contribution to that quality owing to its current contents and limited visibility.</p>  |
| <p><b>Style of development</b></p> <p>This site may be suitable for a few houses but the scale of this is grossly unsuitable for the village to adapt to.</p> <p>This is an over development of a site outside the village boundary and if a type of property where no social need in the village has been identified at this scale. A development of a smaller number of affordable housing and a property in keeping with the surrounding property size would be more appropriate and could be accommodated on the area within the village boundary</p> <p>Development of this size in one block at the end of a long linear village would completely change the nature and character of the village effectively urbanising the village and would be totally out of character.</p> <p>45 new dwellings will attract in excess of 100 new residents. Therefore, it is unavoidable that an increase of the village’s population by more than 10% will change the character of the area, especially given the other large-scale planning applications for Long Clawson that are being considered. Such largescale increases in the population of Long Clawson, in such a short space of time, will eradicate the rural feel and character of Long Clawson.</p> <p>Melton Council’s Character Appraisal, as referenced in Landscape and Visual Appraisal would not be satisfied if the planned development went ahead because a development of the size proposed would not fit into the natural landscape,</p> | <p>This is a development of housing and associated infrastructure which will change the appearance and character of this field. It has been designed to respect this setting and should integrate successfully into this part of the village. It is an acceptable scale and density of development of this site.</p> <p>There is a very strong need for housing in the Borough and supply has been inadequate in recent years. The need for new housing is well established and was reconfirmed by the Borough Council’s Housing Needs Study which was published in August 2016 and the latest evidence HEDNA (January 2017) and ‘Towards a Housing Requirement’ (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+.</p> <p>It is not considered that the development would alter the intrinsic character of Long Clawson. It is small in comparison with the length of the village and would have significant bearing on the west – east route running through the village which defines its character.</p> <p>As above, it is not considered that the development will adversely affect the character of Long Clawson.</p> <p>The appraisal does not set policy requirements but provides information in order to inform judgements to be made through the Local and Neighbourhood Planning processes, on site selection options.</p> |

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| <p>nor would it merge easily into the rural scene.</p> <p>Section 3 of the Landscape and Visual Appraisal makes reference to the open area between Long Clawson and Hose, and indicates that a recent study recommends that “Development on the edges of the settlements could be controlled through character and design policies”. A site of 45 houses, all at once and together, does not represent a controlled development to the edge of Long Clawson, nor is it in keeping with the character of the eastern part of the village,</p> <p>Planned safety traffic controls will make this area of the village feel and appear more like an urban than rural area, having two crossings within a short distance. There are presently no other crossings in Long Clawson or surrounding villages.</p>   | <p>The site is allocated in both Local and Neighbourhood Plans and in both cases design policies have been developed specifically for the site. The ‘performance’ of the application against these policies is addressed in greater detail below. The ‘weight’ attributable of Local and Neighbourhood Plans is addressed in Item 3 of the agenda ‘Common Issues’.</p> <p>The traffic calming measures comprise road markings, a ‘gated’ entry feature, signage and a small ‘build out’ outside the adjacent garage. These are features commonly found in village environments. The crossings are simply dropped kerbs (as opposed to zebra or pelican crossings)</p>  |
| <p><b>Facilities</b></p> <p>The School is over subscribed cannot cope with more pupils and has no room to expand. NPPF Section 72 <i>"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Need to create, expand or alter schools and work with school promoters to identify and resolve key planning issues BEFORE applications are submitted."</i></p> <p>The Doctor’s Surgery is almost at capacity</p> <p>There are limited facilities in the village to serve an increase in population of the scale the development would add.</p> <p>The absence of a forward looking plan to manage the infrastructure implications (school, road safety, parking at surgery etc) of the increased population</p> <p>Concern about the strain on the Doctors surgery used by many of Hickling residents and the school.</p> | <p>See Education Authority comments above and item 3 of this agenda ‘Common Issues’. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.</p> <p>The surgery is currently displaying that it can accept new patients.</p> <p>Long Clawson has a good range of facilities. It can meet many local needs and is well located to access larger centres.</p> <p>See above in respect of the Primary School. It is not considered that the quantity of traffic from this development would significantly affect the parking issues in the centre of the village.</p> <p>The surgery is currently displaying that it can accept new patients.</p> |
| <p><b>Road Safety</b></p> <p>There is no footpath and poor street lighting leading to the village centre from the proposed development. through the village is inadequate.</p> <p>In conjunction with other existing or impending planning applications this would put too much pressure on the already difficult bends on the road leading to this area.</p>  | <p>The application proposes a footpath link from its access connecting to East End, and a crossing to link to the footpath running along East End to the centre of the village. There is no street lighting and none is proposed.</p> <p>The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc. Locally to the site,</p>   |

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| <p>The road network in and around the village is not able to cope with existing traffic let alone additional.</p> <p>The road system is unsuitable to carry more traffic.</p> <p>Access into the site would be close to a very busy 3 way junction where collisions have occurred and where there are no footpaths.</p> <p>All vehicular traffic will exit onto Waltham Lane and while some may use it and Hose Lane to leave the village much will, in order to access the already overcrowded facilities in the village have to negotiate East End. This will add to the already bad traffic problems along East End The Sands, Back Lane (School traffic already dangerous at times) and West End.</p> <p>Traffic calming (staggered junction) is too close to the Hose Lane junction and the junction of the proposed development. The two-stage staggered junction is unnecessary on the exit from the village and will cause traffic (particularly articulated tractor units which use this route a lot during harvest, as they can no longer get through the village during the week) to back up onto the main road and over the junction. Local residents will have the noise of heavy traffic waiting at these junctions.</p> <p>The Rushcliffe Nevile &amp; Langar Ward includes Hickling the adjacent village to Long Clawson, does not have the infrastructure to handle large increases in population of the village of Long Clawson. These houses will mean an increase in cars passing down Hickling Lane and through Hickling village.</p> | <p>traffic calming is proposed which will benefit the Waltham Lane/East End triangular junction.</p> <p>The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p> <p>The application proposes to reconfigure this junction, apply traffic calming and create a footpath.</p> <p>The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p> <p>The traffic calming measures ('build outs') would leave sufficient width for larger vehicles to pass through. It is not considered it will cause them to take alternative routes or back up.</p> <p>Noted – the traffic from the site will disperse in numerous directions such that only a small proportion will travel through Hickling. It is not considered this would be significant in the context of existing traffic flows.</p> |
| <p><b>Local Plan and Neighbourhood Plan Designations</b></p> <p>This is the only Category 1 village not on a major road with bus services to major employment centres so why is this categorisation maintained when the required facilities don't exist.</p>   | <p>Long Clawson has been identified as a 'service centre' in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities than almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below.</p>   |

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| <p>The application is opportunistic, whilst the Local Plan is being prepared.</p> <p>The Neighbourhood Plan (NP) will determine where residents consider new development should be accommodated.</p> <p>The NPPF sets out that Planning system is intended to be 'plan led' with genuine involvement of communities</p>  | <p>Applicants are entitled to submit when the prefer and decisions must be made in the prevailing circumstances at the time</p> <p>The NP is a significant consideration in this application and has allocated the site for development. This addressed in greater detail below and the weight it carries in Item 3 of this agenda 'Common Issues'.</p> <p>As above</p>                                     |
| <p><b>Residential Amenity</b></p> <p>There is no need for properties to be located adjacent to Waltham Lane, thereby destroying the privacy at least of the houses identified in Viewpoint 9 of the Landscape and Visual Appraisal. The privacy for these houses will be particularly affected when the trees adjacent to Waltham Lane shed their leaves in the winter.</p>  | <p>The application site is largely 'self contained' and has mature borders which separate it from the houses on East End. The loss of privacy will be minimal, if any, and will remain within acceptable levels by some margin.</p>   |
| <p><b>Procedural Matters</b></p> <p>We are concerned that the planning application appears to be being handled in an underhand way, without proper consultation of the village residents, including those that would be directly affected by the planned development.</p> <p>Residents on East End who will have a pedestrian crossing almost outside their homes (and possibly also the residents on East End that are directly north of Birley's Garage), have not received any notice of the planning application</p> <p>Providing less than 3 weeks' notice, during the summer holidays, is inadequate</p> <p>The current indicative housing layout erroneously considers that the ditch on the northern edge of the proposed development site is part of the site itself. The current indicative housing layout blocks any access to this ditch for maintenance purposes and also blocks any access to the south side of the hedge which is necessary for hedge management.</p> | <p>The application has been publicised in accordance with applicable law and procedures. It has been available for comment for in excess of a year which is considered ample opportunity. Over 70 letters of representation have been received.</p> <p>The application is in outline and the layout indicative. It is considered that a layout could be developed which would allow for this provision.</p> |
| <p><b>Letters of support</b></p>   |   |
| <p>The site is an eyesore and the buildings unattractive</p> <p>The site is well screened to avoid affecting the village or other residents</p> <p>The site is suitable for development</p> <p>Traffic will be able to disperse to various locations without adding to the conditions in the centre of the village.</p>  | <p>Noted – these issues are all addressed above.</p>  |



**Other Material Considerations, not raised through representations:**

| Consideration  | Assessment of Head of Regulatory Services  |
|--|--|
| <p><b>Planning Policies and compliance with the NPPF</b></p> <p>The application is required to be considered against the Local Plan and other material considerations.</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.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “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”.</b></p> <p>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.</p> <p>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 and as such housing policies are deemed out of date.</p> <p><b>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 precedence.</b></p> <p>However this <u>on its own</u> 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 provision of up to 45 dwellings, including 37% affordable units (TBC), able to provide the house types that meet the identified housing needs is considered to offer public benefit that weighs in favour of allow development in this location. The proposal due to its site characteristics is not considered to unduly adversely affect the countryside due to its siting adjacent the built up area of the village.</p> <p><b>It is considered that development in this location would assist in boosting housing supply in a sustainable location.</b></p> |

**The (new) Melton Local Plan – Pre submission version.**

The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4<sup>th</sup> October 2017.

**Please see associated Item 3 of this agenda ‘Common Issues’ regarding the weight it should assign.**

The emerging Local Plan allocates the site for housing with an estimated capacity of 41 houses and policies that require:

- local educational capacity is available, or can be created through developer contributions, to meet the needs of the site
- drainage infrastructure is available to accommodate the surface water from these sites without causing or exacerbating flooding elsewhere
- that substantial boundary landscaping and screening is provided and that all existing boundary hedges and trees are retained

**Neighbourhood Plan**

The CHH Neighbourhood Plan has completed Examination and is proceeding to Referendum.

**Please see associated Item 3 of this agenda ‘Common Issues’ regarding the weight it should assign.**

The site is allocated in the CHH NP for 45 dwellings under policy H1 and the following criteria are applicable under NPLONG3

- drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere;
- it is up to 45 dwellings, the majority being two storeys high with none over this height;
- the layout and architectural design creates an informal, rural feel;
- boundary landscaping is retained and enhanced where required;
- a footpath link from the site connecting with the existing nearest footpath is provided.

The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) and criteria which it is considered adds limited weight in support of the proposal.

The proposal is in accordance with the CHH Neighbourhood Plan, so far as is possible to assess bearing in mind the level of information available owing to its outline status, and assuming the applicants agree to s106 contributions for school capacity. It is considered this compliance adds substantial weight in support of the proposal.

The polices would apply to subsequent reserved matter applications that may be forthcoming.

**Conclusion**

The Borough is deficient in terms of housing delivery and this would be partly addressed by the application. Affordable housing provision remains one of the Council’s key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Long Clawson is considered to be a sustainable location having access to employment, health care facilities, primary education, local shops, and a regular bus services. It is considered that there are material considerations that weigh in favour of the application.

There are a number of other positive benefits of the scheme which include developer contributions to mitigate impacts upon local services. There are also benefits arising from the proposed highways improvements and the removal of unsightly buildings.

The application derives support from the emerging Local Plan and Neighbourhood Plan owing to its strong adherence to their content. In the case of the former this is considered to be limited, but in the latter, significant (please see Item 3 of this agenda, 'Common Issues' for further detail)

It is considered that balanced against the positive elements are the site specific concerns raised in representations.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. In addition, other material considerations weigh in favour of the application.**

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits; it is considered that permission can be granted.

**Recommendation: PERMIT, subject to:-**

**(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**

- (i) Contribution for the improvement to civic amenity sites.
- (ii) Contribution to travel packs
- (iii) Sustainable transportation
- (iv) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs,

**(b) A contribution to primary education of a quantity commensurate to the cost of the extension of the school as set out in Item 3 shared on a proportionate basis based on housing quantities, between the sites which obtain permission**

**(c) Conditions to include the following, as identified in the report above:**

- Time limit
- Reserve Matters
- Materials
- Landscaping
- Provision of open spaces/play areas
- Boundary treatments
- Retention of hedgerows
- Levels
- SUDs
- Off -site highways works - footpath, traffic calming and road markings
- Visibility splays
- Gradients to roadways
- Construction traffic routeing
- Ecology
- Archaeology

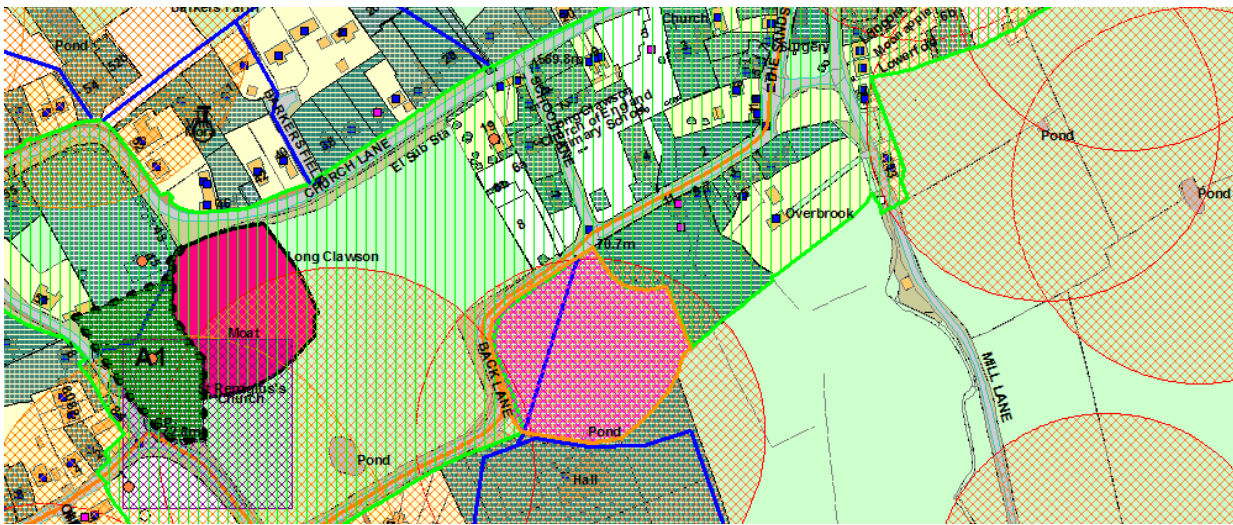
**Officer to contact: Mr J Worley**

**Date: 27<sup>th</sup> November 2017**

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COMMITTEE DATE: 4<sup>th</sup> December 2017

**Reference:** 16/00709/OUT  
**Date submitted:** 30.09.2016  
**Applicant:** Laura And Sarah Fitzpatrick  
**Location:** Land At Back Lane, Long Clawson  
**Proposal:** Erection of up to 19 dwellings with associated access, drainage infrastructure and amenity space



## **Proposal :-**

This application seeks **outline planning permission for up to 19 dwellings**. The land is situated on the southern edge of Long Clawson, opposite the village hall. Access to the site is proposed directly from Back Lane on the north of the site.

The scheme has been amended to now propose up to 19 dwellings instead of 22 in response to Ecology concerns.

**The application is in outline with access to also be considered,**

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

- **Compliance or otherwise with the Development Plan, Long Clawson Neighbourhood Plan, Emerging Local Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Sustainable development**
- **Traffic and access issues**

The application is required to be presented to the Committee due to the level of public interest and amount of representation received.

**History:-** None

## **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 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:** planning permission will not be granted for residential development of 15 or more dwellings unless it makes provision for playing space in accordance with the Councils standards at Appendix 6 of this Local Plan (on developments of 50 or more dwellings, every dwelling must be within a 5 minutes walk (240m straight line distance) of a LEAP (Local Equipped Area for Play).

**Policy C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**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.

**Conserving and enhancing the historic environment**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
  - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
  - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**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><b>Heritage England</b><br/> <b>First response – 1<sup>st</sup> December 2016</b><br/>           The Grade II* listed Church of St Remegius and the Scheduled Moated Manorial Site and later grade II* listed Manor House represent the twin pillars of authority in the medieval landscape set side by side. The post-medieval Grade II* listed manor house is the successor to the moated site in terms of secular authority whilst the grade II listed vicarage lies on the opposite side of the church representing the later survival of what will have been a succession of structures serving the vicar and clergy. The status of the medieval manor house is signified by the earthwork ditch and raised building platform still clearly visible. As set out in the CGMS report the remainder of the field contains the Scheduled Manorial site contains earthwork remains of structures and spaces intimately associated with the monument and its occupation. The application area contains remains of ridge and furrow cultivation, the agricultural system and landscape that supported the village peasant community, the gentry and its church and priest.</p> <p><u>Impact</u><br/>           HE do not agree with the CGMS report that at the present stage of information received the archaeological potential of the proposed development site can be capped as at best regional in terms of its importance. The potential for early settlement remains preserved beneath the medieval cultivation cannot be effectively characterised in this</p> | <p>The Committee is reminded of the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.<br/>           The Heritage England objections give significant weight towards refusal this application.</p> <p>The site represents a historically significant site and therefore needs to be preserved unless there are significant public benefits to the scheme proposed. The harm identified is considered to be ‘substantial’ and as such NPPF para 132 is engaged, which states that such harm should be “exceptional” and, as explained by the response opposite, requires a commensurately high level of justification.</p> <p>The addition of further housing is a benefit but as the Borough is considered to have in advance of five years supply of housing and this site is relatively small, the benefits do not outweigh the harm to local heritage assets as summed up in the comments made by the statutory consultee.</p> |



case without some intrusive investigation (this is necessary information in terms of National Planning Policy Framework Paragraphs 128/129). Such remains may directly support the significance of the Scheduled Monument and highly graded listed buildings as archaeological context, the remains of activities and occupation which would enhance our understanding and appreciation of those designated assets.

Our principle focus on present information is the impact of the development deriving from the loss of the ridge and furrow earthworks and the pasture field as setting to the scheduled monument and listed buildings. The village and its nationally important heritage assets opens out to the agricultural landscape through the development area, which through its earthwork remains provides a direct link to how those ancient buildings and remains were inhabited and supported by labour on the land. The proposed development area represents the best point in the village where this link to the field strips and the farmed landscape can be made and experienced directly from the field containing the monument and flanked by the listed buildings. The height of the hedge around the development site is not of particular relevance, this height is transient and moreover landscape is experienced as one moves through and around if not simply from fixed point views.

**Policy**

As set out in both the 1990 Listed Buildings and Conservation Areas (S 66(1)) your authority must give great weight to the desirability of preserving the listed buildings in the setting. In terms of the NPPF great weight (para 132) should be given to the conservation of designated heritage assets including in terms of setting (and this would include setting impacts upon the character of Conservation Area) as well as the Grade II\* listed Church and Manor, Scheduled Monument, and Grade II listed Vicarage. This is great weight and special regard on the side of the heritage impacts when weighed against other public benefits (NPPF para 134). For a rigorous approach to the understanding of setting impacts we refer you to Historic Environment Good Practice Note 3 'Setting of Heritage Assets'.

**Position**

We object to the application on heritage grounds, specifically on the basis of the harm to the significance of the designated heritage assets discussed above, these are assets of National Importance and your authority has clear responsibilities in terms of the weight to be afforded to them. If this development takes place a key element in the significance of this group of interrelated ancient buildings and remains will be lost, that is their connection to the medieval strip

farmed landscape which they were tied to, and the experience of them in the context of the present day historic agricultural landscape.

**Recommendation**

We recommend the application is determined with the benefit of our advice above, such further site investigations as the County Council Principle Development Control Archaeologist may recommend and their advice in respect there-of. We Object to this application on heritage grounds.

***Second response – 10<sup>th</sup> May 2017***

**Summary**

Historic England Advice

Our principle focus remains the impact of the development upon the significance of the scheduled monument, parish church and associated manor. With regard to the intrusive evaluation of below ground features to inform the consideration of the planning application (NPPF 128 / 129 issues) we refer you to the advice of the County Council Development control archaeologists as we understand that such investigations have not as yet been carried out. As explored in our letter of the 1st December 2017, 'The Grade II\* listed Church of St Remegius and the Scheduled Moated Manorial Site and later grade II\* listed Manor House represent the twin pillars of authority in the medieval landscape set side by side. The post-medieval Grade II\* listed manor house is the successor to the moated site in terms of secular authority whilst the grade II listed vicarage lies on the opposite side of the church representing the later survival of what will have been a succession of structures serving the vicar and clergy. The status of the medieval manor house is signified by the earthwork ditch and raised building platform still clearly visible. As set out in the CGMS report the remainder of the field containing the Scheduled Memorial site contains earthwork remains of structures and spaces intimately associated with the monument and its occupation. The application area contains remains of ridge and furrow cultivation, the agricultural system and landscape that supported the village peasant community, the gentry and its church and priest.'

Having read the 27th April letter from CGMS we find no cause to amend our previously expressed view that, 'the loss of the ridge and furrow earthworks and the pasture field (comprising the development area) would represent harm through setting impact to the significance the scheduled monument and listed buildings. The village and its nationally important heritage assets opens out to the agricultural landscape through the development area, which through its earthwork remains provides a direct link to how those ancient buildings and remains were inhabited and supported by labour on

the land. The proposed development area represents the best point in the village where this link to the field strips and the farmed landscape can be made and experienced directly from the field containing the monument and flanked by the listed buildings. The height of the hedge around the development site is not of particular relevance, this height is transient and moreover landscape is experienced as one moves through and around it, not simply from fixed point views.'

*Policy*

As set out in 1990 Listed Buildings and Conservation Areas (S 66(1)) your authority must have special regard to the desirability of preserving the listed buildings in their setting. In terms of the NPPF great weight (para 132) should be given to the conservation of designated heritage assets including in terms of setting (and this would include setting impacts upon the character of Conservation Area) as well as the Grade II\* listed Church and Manor, Scheduled Monument, and Grade II listed Vicarage. This is great weight and special regard on the side of the heritage impacts when weighed against other public benefits (NPPF para 134). For a rigorous approach to the understanding of setting impacts we refer you to Historic Environment Good Practice Note 3 'Setting of Heritage Assets'.

With regard to the presumption in favour of consent under paragraph 14 of the NPPF it is vital that your authority consider the full text, specifically that; *'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.'*

Government is clear therefore that in the case of impact upon a designated heritage asset the specific policies in paragraphs 132, 133, 134 and 139 stand regardless of whether a plan may be considered out of date. Great weight should be applied to the conservation of the designated asset's significance as required by para. 132 in weighing against other public benefits under para.134.

*Position*

**We object to the application on heritage grounds, specifically on the basis of the harm to the significance of the designated heritage assets discussed above,** these are assets of National Importance and your authority has clear responsibilities in terms of the weight to be afforded to them. If this development takes place a key element in the significance of this group of interrelated ancient buildings and remains will be

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| <p>lost; that is their connection to the medieval strip farmed landscape which they were tied to, and the experience of them in the context of the present day historic agricultural landscape.</p> <p><b>Recommendation</b><br/> <b>Historic England maintains its objection to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 132 and 134.</b> In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We also draw your attention to section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.</p>   |               |
| <p><b>Highways Authority - No objection, subject to conditions</b></p> <p>The site benefits from two points of extant vehicular access which will become redundant as part of the proposal. These will need to be reinstated to highway verge. The development will instead be accessed by a new point of access off Back Lane, approximately 35 metres west of the junction with School Lane.</p> <p>The access has been designed to take the form of a simple T junction, and the visibility requirements based on 85th percentile speeds which are appropriate. The principle of the access is acceptable to the Highway Authority, but will be subject to a detailed design /technical approval which will be undertaken as part of a future Section 278 agreement with the Highway Authority.</p> <p>The applicant has also proposed to facilitate an additional length of footway along Back Lane to tie in with the existing footway on Back Lane which is very much welcomed; this will in turn link with a footpath within the development site which will assist future residents, and existing ones to walk to destinations west of the development site.</p> <p>Given that this is an outline planning application, the layout which has been provided is for indicative purposes only and has not been subject to a design check. We would advise that any future road layout and associated parking provision should be designed to standards set out in the 6Cs Design Guide available at <a href="http://www.leics.gov.uk/htd">www.leics.gov.uk/htd</a>, and that the applicant should seek to achieve a layout which can be put forward for adoption by the Highway Authority.</p> | <p>Noted.</p> |

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| <p>The site benefits from sustainable transport opportunities to access services both within the village and further afield. To encourage future residents to use local bus services, a 3 month bus pass and associated travel pack will be provided, which is welcomed.</p> <p>The existing situation in the vicinity of the junction of Back Lane and School Lane at the beginning and end of the school day is noted with on street parking evident. That said this is a scenario which is not uncommon outside schools across the rest of the County and indeed the Country and whilst not desirable, is an extant situation. The applicant can only reasonably be expected to mitigate the impact of its own development and cannot be expected to resolve any existing highway situation.</p> <p><b>Other Observations that affect the highway network which in the view of the Local Highway Authority cannot be considered “severe” in accordance with Paragraph 32 of the NPPF, but which may impact on the amenity of the local community.</b> The Local Planning Authority is advised to consider if these are material and the relative weight which that they can give in planning terms to these amenity issues in their decision making processes.</p> <p>There are a number of housing allocations within Long Clawson identified in the draft Melton Local Plan. The total number of proposed dwellings within current planning applications in Long Clawson is in excess of the allocated number for the village as outlined in the draft Local Plan. This planning application constitutes LONG 2 and is allocated for housing</p> <p>The site falls within the catchment area of Long Clawson C of E Primary School. Long Clawson Primary is at capacity and the proposed development would generate a need for school places as set out elsewhere in the County Council’s education response. The school occupies a very constrained site with very limited potential to expand to provide the additional places required. Any expansion of the school would only be capable of accommodating pupils arising as a consequence of the proposed allocations in the draft Local Plan, provided the costs of that additional accommodation is met by developers. Until such time as school places are available, the County Council would expect the developer to meet the transitional school transport costs through section 106 contributions.</p> <p>For those housing developments which come forward that exceed the draft Local Plan allocation, pupils arising from those developments will not be able to be accommodated at the local school and pupils would need to be transported to the nearest</p> | <p>The s106 requests for sustainable transport are considered to comply with CIL Regs. 122 and 123 in that they are necessary and related directly to the application and can be included in an Agreement if permission is granted.</p> <p>Noted – the traffic issues associated with the development are not considered to satisfy the threshold identified in the NPPF to justify refusal.</p> <p>These comments have been superseded by the ‘Focussed Changes’ to the Local Plan in July 2017 in which the site allocation was deleted.</p> <p>Noted.</p> |
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| <p>available school. The County Council would expect that developers would meet the costs of that additional school transport unless and until such time an acceptable means of accommodating those additional pupils at the local school can be provided, and if deemed necessary the cost of expanding the school also through section 106 contributions.</p> <p><b>Following changes to dwelling quantity change:-</b><br/>Given that the Highway Authority offered no objection to the marginally larger scale of development, our comments of February 2017 remain in their entirety.</p>   |  |
| <p><b>Leicestershire County Council Archaeology</b><br/>The Authority are in agreement that the setting issues have not been resolved and warrant a refusal of the scheme. There is a potential that a reduced and redesigned scheme might be acceptable, but not in its current form.</p>   | Noted.   |
| <p><b>Leicestershire County Council Ecology</b><br/>Initial objection on account of the ecological survey not including an assessment of the site against LWS criteria, as is recommended within our Habitat Survey Protocol.</p> <p>Local Wildlife Sites are afforded protection within paragraph 117-118 of the NPPF and in Policy EN2 of the Draft Melton Local Plan. Section 5 of the ecological report makes reference to the retention of approximately 30% of the grassland on site and indicates that this will be sufficient mitigation for the development. We disagree with this assessment. Much of the area of retained grassland will not be able to be managed in a way that will promote the retention of this habitat. For example, the large area to the east of the site is marked on the masterplan as a water attenuation area. Even if this is designed to be dry the majority of the time it will require some considerable groundwork to create, destroying the grassland in the interim. We are unsure how this could be managed in an appropriate way to allow for the retention of the botanical value of the site and for water attenuation. We therefore do not consider this an acceptable area for grassland retention and compensation. The area on the western edge of the development which is shown on the masterplan as grassland is also not suitable for appropriate management. The grassland is immediately adjacent to a path and dwellings and it is inevitable that this would be managed more as amenity grassland; long grass beside pathways would effectively ‘narrow’ the path and residents would not want longer grass immediately outside of their house. Plot boundaries such as front gardens and paths are also likely to encroach in this area. We also do not consider that the retention of 30% of the grassland is sufficient.</p> <p>We would therefore object to this application, based on the loss of a Local Wildlife Site quality grassland without adequate compensation or mitigation.</p> | Noted. The concerns identified are considered to be matters that weigh significantly against the granting of permission. |

However, should the Planning Authority be minded to grant permission for this development, we have the following comments to make:

The report identifies that there is a population of great crested newts (GCN) in the local area. None were recorded on the site, but as they were recorded in ponds surrounding the site we are in agreement that mitigation will be required. There is a very basic mitigation plan outlined in section 5.19-5.21 of the report which states that GCN will be trapped from the site and placed into a receptor area. We would recommend that this receptor area is identified at this stage in order to ensure that it can be incorporated either into the design of the development, or can be secured via planning obligations as appropriate.

We are in agreement with the recommendations in 6.5 and 6.7 to 6.9 of the report.

Ecological surveys are only considered to be valid for a period of two years. Updates should therefore be submitted either in support of the reserved matters application or prior to the commencement of the development, whichever is soonest (Spring 2017).

**Comments on Amended Plans:**

Now satisfied with the proposed layout, provided that the grassland will all (including the storm water attenuation area) be managed in an appropriate way for its biodiversity value. This will allow the site to continue to meet Local Wildlife Site Criteria, albeit in a smaller area. There are two ways of appropriately managing grassland, one is to graze it and the other is to manage it as a hay meadow. Grazing isn't appropriate for a site like this, and hay management may have an impact on the public open space aspect of the site. We would have no objections for a path to be 'mown' throughout the site, but a hay crop is obviously taller than amenity grassland.

Provided that the applicant is happy to accept the above conditions, I would have no objections to the application. My formal recommendations for conditions would be as follows:

- Layout to be in accordance with drawing EMS2660\_006 Rev B. Any amendments must retain the same area of retained grassland.
- A Biodiversity Construction and Management Plan must be submitted. This must include details on how the botanical quality of the grassland will be retained throughout the development (including during the construction of the SUDs area) and how it will be managed long-term. It must be

**These matters have been overcome by the amended plans.** Conditions would be necessary in order to specify the layout and management details referred to. **The recommendations suggested can be incorporated into any permission granted as conditions.**

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| <p>managed for its botanical value, with an appropriate management regime.</p> <ul style="list-style-type: none"> <li>- We would usually request this information prior to the commencement of the development. However, the detail will be required to inform the acceptability of the reserved matters application.</li> <li>- A detailed GCN mitigation plan should be submitted. This must be based on sections 5.19-5.21 of the Ecology Survey. The receptor site must be identified and shown on the plans submitted with the reserved matters application.</li> <li>- The recommendations in sections 6.5 and 6.7 to 6.9 of the ecology survey should be followed.</li> </ul>   |  |
| <p><b>Leicestershire County Council Footpaths</b></p> <p><b>Public Footpath G47 runs diagonally across the site. There is no objection to the application in principle as it has identified the need to divert the Public Footpath and has illustrated how this might be done in a way which provides a convenient alternative route.</b> The site layout is to be dealt with as a reserved matter however and therefore I recommend that the following condition is placed on any outline permission granted for the site:</p> <p>No development shall take place until a scheme for treatment of the Public Footpath has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Such a scheme shall include provision for surfacing, width, structures, signing and landscaping.<br/> <i>Reason:</i> In the interests of amenity, desirability, safety and security of users of the Public Footpath</p> | <p>Noted - the conditions recommended can be applied to any grant of permission.</p>   |
| <p><b>Lead Leicestershire Flood Authority</b><br/> Initially objected as required further evidence on the suitability of the proposed sewer to the south of the site to ensure that the site can drain under gravity to the location chosen. Also, further investigation on the drainage ditch identified previously by the LLFA in the topographical survey to ensure the drainage hierarchy has been fully explored.</p> <p>This has now been completed and the LLFA have now recommended conditions:</p> <p><b>Surface Water</b><br/> 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.</p> <p><b>Construction Surface Water Management Plan</b><br/> No development approved by this planning permission shall take place until such time as details</p>  | <p>Noted.</p> <p>The application site is not within a known Flood Risk area and is not at risk from flooding.</p> <p>The proposed development includes formation of surface water attenuation pond and SuDS drainage methods which will ensure that surface water run-off from the site can be satisfactorily accommodated.</p> <p><b>The conditions recommended can be applied to any permission granted.</b></p> |



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| <p>in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p><b>SuDS Maintenance Plan &amp; Schedule</b><br/>No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p><b>Infiltration testing</b><br/>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.</p>  |  |
| <p><b>Severn Trent Water:</b> No objections</p> <p>No objection subject to conditions requiring details of foul and surface water disposal.</p>  | <p>Noted.</p>  |
| <p><b>Parish Council:</b><br/>Object on the following grounds:-</p> <p>Very concerned about the potential effect of this proposed development on the financial viability of the Village Hall and Recreation Ground since a substantial part of our hire income comes from letting the premises as a Wedding Venue and other large parties. Creating a dense urban-style housing estate in such close proximity to the Hall will change the rural setting of the Hall. At present, the front of the Hall has an attractive, open aspect looking across a low, wooden fence to a field used for grazing. The development would put the front of the Village Hall behind a housing estate destroying this open aspect. We believe that this would seriously reduce the appeal of the Hall to potential Wedding clients resulting in a reduction in our annual income from hire fees.</p> <p>The Hall is a popular venue not only for weddings but also for large evening parties. Should any complaints about noise emanating from the building, or from guests leaving the premises, result in restrictions on the use of the Hall this would also result in a reduction in our annual income from lettings. There is a precedent for such restrictions as in the case of Waltham Village Hall. It is my recollection that a residential development on King Street in Melton Mowbray was recently refused partly on the grounds that there was a potential conflict with live music events at a neighbouring public house due to noise, which could result in a</p> | <p>All comments are noted and form part of the representations section below.</p> <p>The village hall would still be able to function and is still subject to conforming to Environmental Health Guidelines. Any new development occupiers will also be aware of the nearby land uses.</p> <p>It is considered to be speculative whether events would be held which in turn may generate complaints from new residents. This in turn would be the subject of further assessment under Environmental pollution legislation to determine if they are a statutory Nuisance based on volume, frequency and the nature of noise, and only</p> |

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| <p>curtailment of such events at the public house and therefore have a financial effect on their business. One of the factors considered when siting the Long Clawson Village Hall on the piece of land given to us was to locate it away from local housing.</p> <p>Any reduction in income from hire fees will jeopardise the financial viability of the Village Hall resulting in its closure which would be a great loss to the community. The Hall is used on a regular basis by Pre-School, Scout and Guide groups, the WI, Yoga, Art Group, Sewing Group, Volleyball Club and Film screenings as well as for ad hoc bookings for children's parties, Village School productions and other social and entertainment functions. There is no other facility in the village to accommodate these activities.</p> <p>Any shortfall in hire income at the Hall cannot be met from additional fund-raising since our committee members and supporters are at full stretch in terms of time and energy already committed to the events which are run in order to raise money to maintain the facility.</p> <p>The car park at the Village Hall would not be available for additional parking. The car park is on private land and is for users of the Village Hall and Recreation Ground and must be respected as such. The availability of adequate parking is an important factor in the decision by some of our hirers to use the facility. It is also essential for the success of our own fund-raising events. The surface of the Car park is not sufficiently robust for it to be used as a public car park and the cost of maintaining it is a Village Hall and Recreation Ground responsibility. Public use of the car park could therefore both reduce our income and increase our expenditure.</p> <p>The Recreation Ground includes a play fort and BMX track, both used by young children, which would be overlooked by some of the proposed new houses. In turn, some of the houses would also be overlooked by children using both facilities.</p> <p>The Village Hall entrance is located on one right-angled bend and is very close to another. It is just past this second bend that access to the development is proposed. Turning into the Village Hall entrance from the west has limited visibility. It is understood that the existence of an old wall within the Conservation Area, and therefore its required preservation, means that the proposed footway could not be built and access to the new estate may not meet visibility criteria. To move the access closer to the Village Hall entrance would be dangerous.</p> <p>There is already a road capacity problem opposite the proposed housing estate access due to parking at school opening and closing times and the minor rural</p> | <p>then could restrictions be imposed. There is further doubt as to whether any such restrictions would impact on the operation of the Village Hall and affect its bookings. It is therefore considered that, whilst the concern is recognised, there are so many 'variables' involved that it is far from 'sound', 'clear cut' or supported by firm evidence and as such would not form a legitimate reasons for refusal.</p> <p>This is accepted and any new development would have to provide sufficient parking within the site itself.</p> <p>It is not considered that these relationships are grounds to refuse the application. This is noted and whilst this is a factor, there is also element of surveillance of the mentioned play equipment.</p> <p>The access arrangements have been analysed by the Highways Authority who are satisfied with the proposed arrangements, including the visibility available (see comments above).</p> |
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| <p>road with multiple right-angled bends which serves the village.</p> <p>The development is not in keeping with the character of Long Clawson being in a part of the village with open fields and views to the surrounding countryside.</p> <p>School is already full</p> <p>Transport provision inadequate, both in terms of a very limited public transport service.</p> <p><i>Further comments received on 17.08.2017:</i></p> <ul style="list-style-type: none"> <li>• This site was evaluated as part of the Neighbourhood Plan process and, as this is now at the Regulation 16 stage. the PC considers that this should be given additional weight when determining this application’</li> <li>• The site scored poorly during the NP evaluation process and is considered the least favourable site for housing of those proposed in Long Clawson;</li> <li>• Major objections to the development of this site by Historic England remain valid</li> </ul>  | <p>The development would have significant bearing on the west – east route running through the village which defines its character. The site is currently open and undeveloped and as such forms part of this character which would be altered. It is considered this would be harmful the character of the area and the Conservation Area of which it forms part.</p> <p>Please see consultation response below from the Education Authority and also Item 3 of this agenda ‘Common Issues’ regarding school capacity.</p> <p>The role of the Neighbourhood Plan is addressed in greater detail below, alongside the emerging Local Plan. The weight that both plans can attract is addressed in Item 3 of this agenda ‘Common Issues’.</p> |
| <p><b>Long Clawson Village Hall and Recreation Ground Committee</b></p> <p><i>18/08/2017</i></p> <p>I am writing with regard to the above application on behalf of Long Clawson Village Hall and Recreation Ground Committee. We have previously objected to the original application both with regard to its potential adverse effect on the viability of our Village Hall and the overall unsuitability of this location for housing development.</p> <p>Severn Trent propose that drainage from the site will be towards the south. This is directly towards the Village Hall. We already have periodic issues with flooding at the Hall at times of heavy rain due to run-off from the fields. Our sewage outflow is by means of a sump pump located in a chamber directly in front of the Hall and is pumped uphill to the main sewer in the road. This sump pump facility is very sensitive and is maintained and funded entirely by the voluntary efforts of the Committee. It has no spare capacity and cannot accommodate additional flows.</p> <p>This particular site has been discounted as being suitable for development in both the Melton Plan and in our Neighbourhood Plan. Whereas neither of these plans has been formally adopted, they are both well</p> | <p>All comment are noted and form part of the representations section below.</p> <p>The drainage scheme would positively drain the site and involves attenuation ponds which would manage the water prior to discharge off site, such that there would be no increase in the flow leaving the site (‘greenfield rates’) this has been considered by the LLFA who are satisfied with the approach subject to detailed design work (see LLFA comments above).</p> <p>The role of the Neighbourhood Plan is addressed in greater detail below, alongside the emerging Local Plan. The weight that both plans can attract is addressed in Item 3 of this agenda</p>  |

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| <p>on the way to being so. To approve a planning application for housing on this site would make a complete nonsense of the accepted Planning process and demonstrate a lack of regard for local opinion and actual planning in favour of reactive decisions being taken as a result of applications made for solely commercial reasons without respect for the local area and environment. The documents relating to local planning have been available for some time for the perusal of applicants and developers. It would be morally wrong to approve this application.</p>   | <p>‘Common Issues’.</p>  |
| <p><b>Developer Contributions: s106</b></p> <p><b>Highways –</b></p> <ul style="list-style-type: none"> <li>• Travel Packs; to inform future residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at an average of £52.85 per pack);</li> <li>• 3 month bus passes, for the first occupier of each dwelling (an application form to be included in Travel Pack and funded by the developer); to encourage employees to use bus services, to establish changes in travel behaviour from opening and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (an average) of £240.00 per pass. It is very unlikely that a development will get 100% take-up of passes; 25% is considered to be a high take-up rate.</li> </ul> <p><b>Waste -</b> The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of <b>£1,819</b> (to the nearest pound).</p> <p><b>Education –</b><br/><i>Primary Education</i><br/>The site falls within the catchment area of Long Clawson C of E Primary School. The School has a net capacity of 105 and 113 pupils are projected on the roll should this development proceed; a deficit of 8 places (of which 3 are existing and 5 are created by this development).</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.</p> <p>The Authority has recently commissioned a feasibility study into the options to extend the school</p> | <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the contributions requested are justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purposes of highway safety and providing the additional capacity at the relevant school and similarly waste facilities.</p> <p><b>These contributions are is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the education infrastructure which would arise due to this proposed development. and are acceptable within CIL Regulation 122 terms as related to planning, proportionate and reasonable in scale.</b></p> <p>Long Clawson village school is already over capacity and this development would increase the deficit by a further 5 places.</p> <p>As explained, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. Please see additional detail in the ‘Common Issues’ report forming Item 3 of this agenda.</p> |

and a scheme has been designed and agreed with the school that will replace the mobile and extend the foundation stage room to provide the 30 additional places required to accommodate pupils from the proposed housing developments. This scheme will provide a maximum of 30 places and due to the constrained nature of the school site, it will mean that when complete further expansion of the school will not be possible.

The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)

**The contribution for a development of 19 dwellings will be £115,354.70. This is based on sharing the costs between 127 dwellings.**

*Secondary Education*

The site falls within the catchment area of Belvoir High School. The School has a net capacity of 650 and 600 pupils are projected on the roll should this development proceed; a surplus of 50 pupil places, after taking into account the 4 pupils generated by this development.

There are currently 5 pupil places in this sector being funded from S106 agreements for other developments in the area which have been discounted. After taking these places into account the school has a forecast surplus of 59 pupil places.

**An education contribution will therefore not be requested for this sector.**

**Village Hall -**

Long Clawson Village Hall and Recreation Ground Ltd

Requests are submitted for a series of projects as follows;

- New Car Park Drainage and Surface
- Pre School Extension to existing Village Hall
- Pavilion and Changing Room Facilities
- 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways
- Outside Toilet
- Cycle Rack

The sums have been calculated on the basis of the proportionate increase that the development would

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 Long Clawson School and therefore compliant with CIL Regulation 123(3)

The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.

The requests have been presented to the developers and their response will be reported verbally to the Committee..

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| add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. £12,000 for this proposal, based on its scale (no. of houses). |  |
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**Representations:**

Site notices were posted, an article was put in the Melton Times and neighbouring properties consulted. As a result **88 letters of objection have been received and ‘pro forma’ letters from 42 correspondents**, the representations are detailed below:

| Representations  | Assessment of Head of Regulatory Services   |
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| <p>The representations include ‘pro forma’ type letters in which residents have identified objections from a list of 10 reasons for opposing the application. These points also summarise the objections raised in many of the individual letters of representation and are listed below.</p> <ul style="list-style-type: none"> <li>• A lack of enhancement of the local area</li> <li>• The infrastructure will not cope</li> <li>• The school is too full</li> <li>• The doctor surgery is too full</li> <li>• Increased parking issues</li> <li>• Undue impact to the village hall</li> <li>• Flood/sewage impacts</li> <li>• There are public transport issues</li> <li>• Against the wishes of local people and not part of village plan</li> </ul> <p>Most of the correspondents have marked against all criteria will some omitting issues of public transport, impact on village hall and village as a whole.</p> | <p>There is no prescription on how representations may be submitted and all need to be taken into account.</p>  |
| <p><b>Impact upon the Character of the Area</b><br/> “Urban-style” housing development in Long Clawson is unsustainable. The development is too dense Too big a development The proposed development is out of character with the village in this setting. It would block views to the surrounding countryside and impact on the village scene. Its size and style is out of character and does not fit with the local “sense of place” that the NPPF encourages (para 58).</p>  | <p>An illustrative masterplan has been developed by the agent following consideration of the constraints and opportunities identified in the accompanying technical reports.</p> <p>The proposal is an outline proposal at present and therefore details of design would be addressed in full at reserved matters stage.</p> <p>The Committee is reminded that S72 of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.</p> <p>It is agreed that the site makes a contribution to the character of the village and Conservation Area , contributing to the ‘open texture’ referred to in the Conservation Area Appraisal. Its development is considered to be of ‘less than substantial harm’ and as such para 134 of the NPPF is engaged which requires such harm to be balanced against the benefits of the proposal.</p> |
| <p><b>Impact upon Highway Safety:</b><br/> The narrow country lanes running through the village cannot cope with addition traffic site sits on probably the most dangerous set of</p>  | <p>Like many rural centres, with older housing having little or no off-street parking, there is limited capacity for parking on the street, particularly in the village centre.</p>   |

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| corners in the village,   | <p>This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation.</p> <p>The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p>   |
| <p><b>Impact upon existing services:</b><br/>Stretched school and medical services</p>  | <p>There is a comprehensive plan to extend the school to enable further school places to be provided as part of this and other developments in the area.</p> <p>There is evidence to suggest the surgery has capacity for more patients. The surgery is currently displaying that it can accept new patients.</p>   |
| <p><b>Disputes over public transport discussions</b><br/>Extremely limited public transport into/out of the village</p>   | <p>The bus service is limited but does directly travel from the village to other locations.</p> <p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations.. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> |
| <p><b>Ecology concerns:-</b><br/>A development here would be detrimental to the ecological environment.</p>   | <p>The reduction in the properties proposed has been generated in part because of the ecology objections. The Leicestershire County Council ecology team are now content that the development as proposed has satisfied ecology concerns.</p>   |
| <p><b>Impact upon the historical environment:</b><br/>Building an urban style development adjacent to the village conservation area and in view of Grade II* listed buildings and as viewed from nearby footpaths is going to have a negative visual impact in this area of the village. This area has historically been the area of separation in the village between the old Clawson and Claxton parts of the village.</p> <p>The loss of the ridge and furrow within the field would be of detriment to the historical significance of the local area.</p> | <p>This forms a significant reason weighing in favour of refusal that has not been rectified through this application. Historic England maintain a strong objection to the proposal, regarding it as ‘substantial harm’ (see earlier sections of this report for detail).</p>   |
| <p><b>Proximity to the Village Hall:-</b><br/>The new houses will reduce the appeal of the Hall as a Wedding venue resulting in reduced hire income.</p>  | <p>The Melton Borough Council environmental health department has received no substantial complaints regarding noise from the village hall for exiting residents in close proximity</p>   |
| <p><b>Lack of water management proposal</b> – although the site itself may not pose a flood risk the impact of surface water run-off will impact on the watercourse going down to the Sands where there is already a known flood problem. There has been no satisfactory scheme or water management proposal for this development to deal with surface</p>  | <p>The application is accompanied by a drainage scheme would positively drain the site and involves attenuation ponds which would manage the water prior to discharge off site, such that there would be no increase in the flow leaving the site (‘greenfield rates’) this has been considered by the LLFA who are satisfied with</p>                                      |

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| <p>water run-off which will drain water into the mains sewer. The sewers are already inadequate and can't cope at times of heavy rain when raw sewage bubbles up in the Sands area of the village.</p> <p>Reducing the housing number will make no difference to the flood risk this development poses to the wider catchment.</p> | <p>the approach subject to detailed design work (see LLFA comments above).</p>   |
| <p><b>Non Conformity with the Neighbourhood Plan</b><br/>The site does not feature in the Clawson, Hose ad Harby neighbourhood plan.</p>   | <p>The role of the Neighbourhood Plan is addressed in greater detail below, alongside the emerging Local Plan. The weight that both plans can attract is addressed in Item 3 of this agenda 'Common Issues'.</p> |

**Other representations:**

| <b>Consideration</b>   | <b>Assessment of Head of Regulatory Services</b>   |
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| <p>The Rushcliffe Nevile &amp; Langar Ward includes Hickling the adjacent village to Long Clawson, does not have the infrastructure to handle large increases in population of the village of Long Clawson. These houses will mean an increase in cars passing down Hickling Lane and through Hickling village.</p>  | <p>Noted – the traffic from the site will disperse in numerous directions such that only a small proportion will travel through Hickling. It is not considered this would be significant in the context of existing traffic flows.</p> |
| <p>Employment. With the impending move of KS Composites from the village there are very limited employment opportunities. The current type of employment at the dairy is mainly low skilled low paid shift work. Out of the present 300 employees very few live in the village. The majority of employees working in nearby towns and cities and commute to work</p> | <p>The application would present a opportunity for a mix of house types that would be available for people employed in the village.</p>  |
| <p>Village will no longer retain its village status and will turn into a dormitory for Melton, Leicester, Nottingham &amp; Grantham.</p>   | <p>Noted.</p>  |

**Other material considerations**

| <b>Consideration</b>   | <b>Assessment of Head of Regulatory Services</b>  |
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| <p><b>Planning Policies and compliance with the NPPF</b></p> <p>The application is required to be considered against the Local Plan and other material considerations.</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.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in para 14 which requires harm to be balanced against benefits and refusal only where "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".</b></p> |



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|  | <p>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.</p> <p>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 and as such housing policies are deemed out of date.</p> <p><b>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 precedence.</b></p> <p>However this <u>on its own</u> 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 provision of up to 19 dwellings, including affordable units, able to provide the house types that meet the identified housing needs is considered to offer public benefit that weighs in favour of allow development in this location.</p> <p><b>It is considered that development in this location would assist in boosting housing supply in a sustainable location.</b> However, this ‘benefit’ needs to be balanced against the harm of the proposal and other material considerations that weigh against permission being granted.</p> |
| <p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4<sup>th</sup> October 2017.</p> <p><b>Please see associated Item 3 of this agenda ‘Common Issues’ regarding the weight it should assign.</b></p> <p>The site is not allocated in the Local Plan and according is contrary to its provisions.</p> <p><b>Neighbourhood Plan</b><br/>The CHH Neighbourhood Plan has completed Examination and is proceeding to Referendum.</p> <p><b>Please see associated Item 3 of this agenda ‘Common Issues’ regarding the weight it</b></p> | <p><b>The proposal is in conflict with the emerging local plan which it is considered is a factor that adds limited weight against granting permission.</b></p> <p><b>The proposal is in conflict with the CHH Neighbourhood Plan. It is considered this non - compliance adds substantial weight against the proposal.</b></p>  |

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| <p><b>should assign.</b></p> <p>The site is not allocated in the CHH NP for housing. It is identified as ‘Local Green Space’ and subject to Policy ENV 1 which states “<i>New development will not be supported on land designated as Local Green Space except in very special circumstances.</i>”</p> <p>It is also subject to Policy ENV 5 due to the presence of well preserved Ridge and Furrow identified in the LP. Policy ENV 5 states “<i>Development proposals that would detrimentally affect or remove the areas of ridge and furrow earthworks shown in Figure 8 will not be supported unless it can be demonstrated that the benefits arising from the proposed development achieves substantial public benefits that would outweigh the harm or loss of the earthwork concerned. Any proposals to affect or remove identified ridge and furrow earthworks should identify the ways in which they intend to include water management systems and controls to replace those which naturally existed in the locality of the application site concerned and its network of ridge and furrow earthworks</i>”</p> |  |
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**Conclusion**

The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years. Despite Long Clawson being considered a sustainable location for housing having access to various facilities, primary education, local shops, and a regular bus services and limited distances to employment opportunities which has reflected in its identification as a ‘service centre’ in the Emerging Local Plan, this is considered not to outweigh the policies within its Neighbourhood Plan which has ‘passed’ its Examination and commands significant weigh.

Furthermore, there are severe objections from a statutory consultee on heritage grounds which remain unresolved which are considered not to outweigh the benefits of the scheme in boosting housing growth.

The Local Authority however welcomes the applicant’s commitment to delivery of key services through section 106 agreement contributions.

**In conclusion it is considered that, on the balance of the issues, the benefits accruing from this proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular do not significantly and demonstrably outweigh the harm to the heritage assets and emerging Plans..**

**Recommendation: REFUSE, for the following reasons:-**

1. **The application proposes a development of dwelling that is contrary to the emerging Melton Local Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough increase or other allocated sites not come forward for development. The Borough is of the view that it has in excess of five year supply of deliverable housing sites. The application is therefore contrary to Policies SS1 and SS2 of the emerging Melton Local Plan 2011-2036.**
2. **The application proposes a development of dwellings that is contrary to the Long Clawson Neighbourhood Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough shift or other allocated sites not come forward for development. The application is therefore contrary to Policies H1, H2 and H3 of the Clawson, Hose and Harby Neighbourhood Plan 2017 to 2036.**

3. **The proposed development will cause through the loss of the ridge and furrow earthworks and the pasture field (comprising the development area) substantial harm through setting impact to the significance the scheduled monument and nearby listed buildings. The village and its nationally important heritage assets opens out to the agricultural landscape through the development area, which through its earthwork remains provides a direct link to how those ancient buildings and remains were inhabited and supported by labour on the land. The proposed development area represents the best point in the village where this link to the field strips and the farmed landscape can be made and experienced directly from the field containing the monument and flanked by the listed buildings. All this therefore means that a lack of a convincing case has been made to demonstrate that the substantial harm caused by these proposals would be outweighed by any public benefits and as such the proposal is considered contrary to the NPPF (paragraphs 132-134) which seek to ensure the protection of heritage assets.**

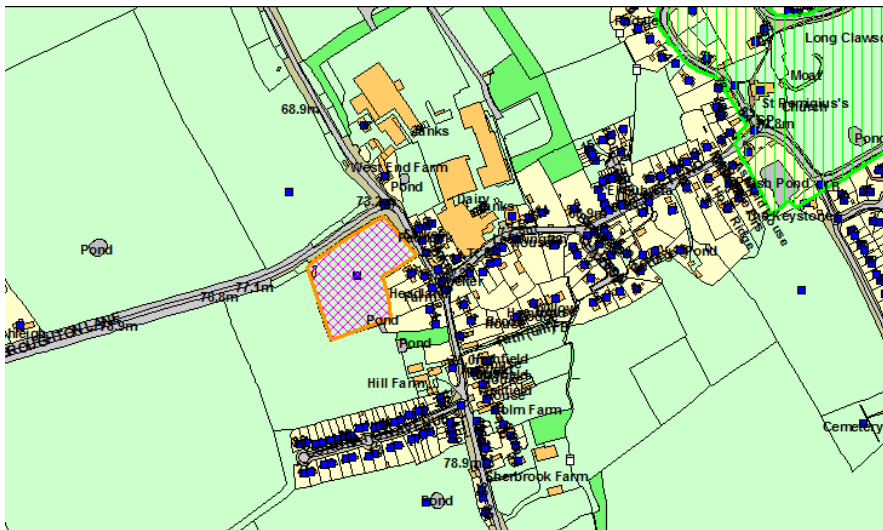
Officer to contact: **Mr Glen Baker-Adams**

**Date: 24<sup>th</sup> November 2017.**

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COMMITTEE DATE: 4<sup>th</sup> December 2017

**Reference:** 16/00810/OUT  
**Date submitted:** 28.10.16  
**Applicant:** Mr T Hazelton  
**Location:** Land rear of 1 to 3 Hickling Lane, Long Clawson  
**Proposal:** Outline application for the erection of up to 31 dwellings with associated access, open space and parking (Resubmission of 15/00833/OUT).



**Proposal :-**

This application seeks outline planning permission for up to 31 dwellings with associated public open space, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application. The land falls outside of the village envelope for Long Clawson and is considered to be an edge of village location. Access to the site is proposed directly from Hickling Lane.

**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**
- **Impact upon heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Impact upon residential amenities**
- **Sustainable development**
- **Role of the Neighbourhood and Local plans**

The application is supported by a Protected Species Survey, Design and Access Statement, Drainage Strategy, Flood Risk Assessment and Transport Assessment. All of these are available for inspection.

The application is required to be presented to the Committee due to the level of public interest.

**History:-**

15/00833 - Outline application for the erection of up to 31 dwellings with associated access, open space and parking. – Withdrawn February 2016.

**Planning Policies:-****Melton Local Plan (saved policies):**

**Policy OS1** – States planning permission will be granted for development within the village boundary where the form and character would not be affected, the proposal would be in keeping with the surroundings, the proposal would not lead to the loss of amenity, the proposal would not adversely impact on open space, suitable infrastructure and access and parking can be provided and the proposal is designed to minimise the potential for crime.

**Policy 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.**

**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 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 C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**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.
- 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 |
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| <b>Highways Authority: No objection, subject to conditions and developer contributions</b> |   |

Following the County Highway Authority's (CHA) initial observations in April 2017 in which a number of queries were raised. Since then, further information has been supplied in response to the specific queries raised which has been subject to review by the Highway Authority.

#### **Site Access**

The applicant has confirmed that the existing site access on Broughton Lane which would become redundant as a result of the development proposal will be closed off in the interests of highway safety which is very much welcomed by the Highway Authority. In the absence of a suitable plan, this can be a pre-occupation condition if minded to grant planning permission.

The proposed site access is off Hickling Lane; the design of which is indicating that the site will remain in private ownership i.e. not offered for adoption by the Highway Authority in the future. It is also larger than what is required for the scale of development when designed for future adoption by the Highway Authority in the future. It is also larger than what is required for the scale of development when designed for future adoption by the Highway Authority which is advocated where more than 6 dwellings will be served.

However on the basis on the submitted documentation, whilst the access is considered acceptable, neither the site access, nor any associated internal road layout (albeit reserved for future determination) will be suitable for adoption by the Highway Authority in the future. This does however have implications for waste collection (LPA waste service don't tend to serve private development sites), and future maintenance liabilities which the applicant should investigate.

Despite requesting information about the proposed gradient of the site access, none has been forthcoming. This is considered fairly easily achievable by undertaking a topographical survey to create appropriate long section. It is accepted that where accesses are designed to serve private developments, they are less restrictive and so long as the detailed design of the access can comply with the standards set out in Section DG18 of the 6C<sup>ss</sup> Design Guide i.e. preferably no greater than 1:20 and not to exceed 1:12 for the first 5 metres behind the highway, this can be a pre-occupation condition.

The site access design (Farrow Walsh Consulting Ltd drawing number FW958 902 revision A dated 11.04.2017) has been updated to reflect that the access won't tie into anything to the north of development however the new footway to the south whilst for the majority is proposed to be 2m width, narrows down to less than this outside number 1-3 Hickling Lane. It would be better if the proposed footway were to terminate at the proposed crossing point instead to ensure a 2m width can be maintained throughout. This can be a pre-occupation condition if minded to grant approval.

The application seeks outline consent for a development of up to 31 dwellings. The only matter for detailed consideration is the access into the site. Layout, scale of development, matters relating to appearance (design) and landscape would form a reserved matters application should approval be granted.

It is proposed to take the access off Hickling Lane with a series of roads and private driveways serving a development with a mixture of housing types.

The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development.

**The Highway Authority has no objection to the access from Hickling Lane subject to off-site improvements and a contribution to encourage the new residents to use public transport.**



**Off-Site Implications**

To the south of the proposed development site, Hickling Lane narrows in width. In effect this acts as a natural traffic calming feature and upon further review, the Highway Authority are satisfied that even with the additional traffic which this development would generate, it is not considered necessary to provide further mitigation at this location.

**Conditions**

1) No development shall commence on site until such time as a Construction 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.

- To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, and to ensure that construction traffic associated with the development does not lead to on-street parking problems in the area.

2) Notwithstanding Farrow Walsh drawing number FW958 902 revision A dated 11.04.2017.

a) the proposed footway to the south of the proposed site access shall terminate at the proposed crossing point; and.

b) the gradient of the proposed access shall be no greater than 1:20, and not exceed 1:12 for the first 5 metres behind the highway.

These details of both shall thereafter be first submitted and approved in writing by the Local Planning Authority. Thereafter the site access shall be constructed in accordance with the approved plan prior to first occupation.

- In the interest of highway and pedestrian safety on Hickling Lane.

3) Prior to first occupation, the nearest pair of bus stops shall be upgraded to include flags, poles and information display case on West end; the details of which shall be first submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

- To provide improved public transport facilities to encourage modal shift and to inform new residents of the nearest bus services.

4) The existing filed vehicular access that becomes redundant on Broughton Lane as a result of the development shall be closed permanently and the existing vehicular crossing reinstated in accordance with a scheme

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| <p>that shall be first submitted to and approved in writing by the Local Planning Authority within one month of the new site access being brought into use.</p> <p>- To reduce the number of vehicular accesses to the site to reduce the number of potential conflict points in the interests of highway safety.</p>  |  |
| <p><b>Trent Valley Internal Drainage Board:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p> <p>The site is outside of the Board’s district but within the Board’s catchment.</p> <p>The erection or alteration of any mill dam weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent.</p> <p>No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:</p> <ul style="list-style-type: none"> <li>• Existing catchments and sub-catchments to be maintained.</li> <li>• Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.</li> <li>• Surface water run-off limited to the greenfield rate for other gravity systems.</li> </ul> <p>Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.</p> <p>The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.</p> <p>All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site and are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising</p> | <p>Noted – a condition(s) could be applied to any permission granted as requested.</p> |

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| <p>site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.</p> <p>Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life off the development must also be considered.</p>  |  |
| <p><b>Severn Trent Water Ltd:</b></p> <p>No objection subject to conditions requiring details of foul and surface water disposal.</p>   | <p>Noted – a condition(s) could be applied to any permission granted as requested.</p>   |
| <p><b>Environment Agency</b></p> <p>No comment – consultation should be directed to the Lead Local Flood Authority (LLFA).</p>  | <p>Noted – see LLFA comments below.</p>  |
| <p><b>Lead Local Flood Authority (LLFA) – Requires additional information.</b></p> <p>The drainage strategy detailed provide storage for the 1 in 100 year + 20% climate change event which is identified as 158m3 of storage within the calculations in the within Appendix B, however based on current Environment Agency guidance an uplift to a 40% allowance climate change should be used on residential developments.</p> <p>It is also noted that discharge from the site should be limited to site specific greenfield rates and volumes. In accordance with SC030219 produced by the Environment Agency and DEFRA; “A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactory low flow rate while keeping the risk of blockage to an acceptable level. It is suggested that this is 5 litres per second.” Therefore if the site specific greenfield discharge rate for the site falls below this value, a maximum proposed discharge rate of 5l/s may be utilised.</p> <p>A drainage plan which identifies indicative site levels of drainage features proposed and the site outfall should also be provided to determine that that site levels work.</p> <p>Further information should be provided regarding the drainage ditch north of the site, including topographical information regarding the level of the ditch and whether it has adequate capacity to drain the site.</p> <p>Information should also be provided to demonstrate that due consideration ahs been given to the ongoing operation and maintenance of surface water drainage features proposed for use on site.</p> <p><b>The LLFA advises:</b></p> <p><b>The application documents as submitted are insufficient for the Lead Local Flood Authority to</b></p> | <p>The application site lies within Flood Zone 1 and therefore has the potential to be affected by flooding.</p> <p>Since the submission of the information as assessed opposite contact has been made by the agent to the Lead Local Flood Authority and revised details with regards to a final drainage strategy for surface water have been submitted.</p> <p><b>The information is currently with the Lead Local Flood Authority and their comments will be reported verbally to the committee.</b></p> |

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| <p><b>provide a detailed response at this stage. In order to provide a detailed response, the following information is required:</b></p> <ul style="list-style-type: none"> <li>- <b>Plans of a proposed surface water drainage strategy, showing proposed SuDS features, indicative levels and a suitable outfall location/discharge point.</b></li> <li>- <b>Evidence that the proposed discharge, generated by all rainfall events up to and include the 100 year plus 40% climate change, has been limited to the site specific greenfield runoff rates and volumes for all return periods.</b></li> <li>- <b>Evidence that due consideration has been given to the ongoing operation and maintenance of the surface water drainage strategy for the life time of the development.</b></li> <li>- <b>Further information on the proposed outfall location including the level of the ditch and whether it has adequate capacity to receive discharge from the site.</b></li> </ul>   |   |
| <p><b>Affordable Housing</b></p> <p>Total dwellings – up to 31 dwellings</p> <p>Affordable Housing contribution at current Local Plan level – 12 (c.39% of total)</p> <p>Affordable/intermediate/social rented – 10 (c. 80%)</p> <p>Intermediate housing – 2 (c. 20%)</p> <p>Evidence from the Melton Borough Housing Needs Study, 2016 shows a need for a split of 80% rented and 20% intermediate housing.</p> <p>The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing.</p> <p>The Housing Needs Survey of Long Clawson carried out by Midlands Rural Housing in November and December 2014, identified a need over the next 5 years for both affordable housing and market housing.</p> <p>Affordable/intermediate/social rented:</p> <ul style="list-style-type: none"> <li>2 x 2b4p bed bungalows</li> <li>3 x 2b4p bed houses</li> <li>4 x 3b5p bed houses</li> <li>1 x 4b6p bed houses</li> </ul> <p>Total: 10</p> <p>Intermediate housing:</p> <ul style="list-style-type: none"> <li>2 x 2b4p bed houses (Starter Homes)</li> </ul> <p>Total: 2</p> <p>market housing mix:</p> <ul style="list-style-type: none"> <li>2 x 1 bed houses</li> <li>2 x 2 bed bungalows</li> <li>5 x 2 bed houses</li> <li>2 x 3 bed bungalows</li> <li>6 x 3 bed houses</li> </ul> | <p>This is an outline application which allows the details of the housing mix to be considered later, but a condition would ensure that a mixed balance of dwellings is provided.</p> |

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| <p>2 x 4 bed houses<br/>Total: 19</p> <p>A local connection cascade would need to be applied on this application, as per the separate attachment.<br/>The affordable housing would need to be built out to at least HQI space standard.</p>   |  |
| <p><b>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</b></p> <p>Following consideration of the previous outline proposal (15/00833/OUT), working in tandem with the developer and their archaeological consultant (York Archaeological Trust – YAT), it has been possible to address the previously identified need for additional archaeological information to establish the potential for upstanding and buried remains within the development area.</p> <p>A combination of desk-based assessment, geophysical survey and, most recently, trial trenching, has demonstrated that the development area contains well preserved buried archaeological deposits of a local significance. These remains together with the overlying ridge and furrow earthworks, warrant appropriate investigation and recording prior to the impact of any future development.</p> <p>In essence the investigation demonstrated at least two main phases of medieval and post-medieval activity comprising a 10th-13/14th century phase of settlement, followed by contraction of the settlement area, with the site reverting the cultivation – in this instance indicated by both subsurface remains and earthworks of former ridge and furrow cultivation. It seems the main area of activity encompasses the eastern and southern portion of the development area, excluding the north western corner of the site (Trenches 5, 7 and 9 – although see below re Trench 7).</p> <p>The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.</p> <p>As a consequence, it is recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. It is anticipate that provision for a suitable mitigation strategy comprising the recording of the surviving earthworks, followed by area of excavation of those remains likely to be affected by the development and future use of the application area, would be sufficient to off-set the development impact upon the archaeological interest of the site.</p> <p>1) No demolition/development shall take</p> | <p><b>There is no objection on archaeological grounds.</b></p> <p>There is a need for additional work which can be controlled by conditions.</p> |

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| <p>place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and recording</li> <li>• The programme for post investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</p> <p>3) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p><u>Reason:</u> To ensure satisfactory archaeological investigation and recording</p> <p>The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.</p> <p>The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.</p> |   |
| <p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p> <p>The ecology survey submitted in support the application (Brindle and Green, August 2015) identified that the majority of the site comprised species-poor grassland. No evidence of bats was recorded with the buildings to be demolished, although it was considered that 2 ash trees on site had some potential to support roosting bats.</p>  | <p>Noted.</p> <p>The application was accompanied by a habitats survey that discovered the presence of GCN in the immediate vicinity. This can be addressed by mitigation.</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear</p> |

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| <p>We welcome the great Crested New (GCN) Survey (brindle and Green, June 2016) and are pleased to see that this contains the additional survey that was not completed for the previous application on this site. The results of the survey indicate that GCN were recorded in a number of ponds surrounding the site, with a medium population recorded.</p> <p>The report concludes that there is a high risk to GCN from this development, based on the location of ponds and suitable terrestrial habitat between ponds and the application site. Whilst we are in agreement that this is a development in a sensitive area, we are not sure if the impact will be significant to individual GCN as the application site appears to be sub-optimal habitat. Whilst the mitigation strategy is proportional to the assessment of the impact from the ecologist, we would consider that the risk to individual GCN needs to be considered.</p> <p>Is there really a risk of killing or injuring individual GCN? If the risk assessment is amended to only cause a minor disturbance to GCN, the outcome becomes offence likely rather than highly likely. This would likely require a less significant strategy.</p> <p>We are concerned with the proposed layout and the proximity of back garden to the hedgerows. We note that the western site boundary has a buffer of 1m between the hedgerow and gardens, but we do not consider this to be sufficient. There would be a significant risk of garden creep into this area and it is impossible to manage a 1m buffer as a single feature, as there is no opportunity for access. It therefore seems likely that the buffer will be eroded over time. We would therefore recommend that the layout plan is amended to provide a 5 buffer along this hedgerow.</p> | <p>that larger buffer zones could be provided to enhance biodiversity.</p> <p>Mitigation measures have been proposed and a condition can be imposed to safeguard the on-site presence of Great Crested Newts.</p> <p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</b></p>   |
| <p>Parish Council – <b>Object to the proposal</b> on the following grounds:</p> <ul style="list-style-type: none"> <li>• Access is onto a narrow road;</li> <li>• There is a large number of HGV passing this site from the LC Dairy and LGW Feeds often causing congestion as the lane is not wide enough for 2 vehicles;</li> <li>• Poor visibility as the site is near the junction of 2 rural lanes;</li> <li>• Inadequate footways into the village from the site;</li> <li>• Site is elevated above neighbouring dwellings and will be overbearing and intrusive;</li> <li>• Not sustainable as the primary school has no spare capacity</li> </ul> <p>The Parish Council requests that developments in the villages of Long Clawson, Hose and Harby be considered in a strategic, sustainable way led by NPPF core principles, not through speculative and ad-hoc planning applications, until the Local Plan and Neighbourhood Plans have been adopted.</p>  | <p>These comments are noted and points responded to at the relevant parts later in the report as they replicate concerns of others.</p> <p>The desirability of following a strategy is agreed, however applications cannot be postponed whilst this is awaited and have to be determined based on the circumstances prevailing at the time. The ‘strategy’ referred to is a Local Plan and/or Neighbourhood Plan, both of which are in development. Both are material considerations for the application and are addressed later in this report and the ‘weight’ of each in Item 3 of this agenda ‘Common Issues’.</p> |
| <p><b>Developer Contributions: LCC</b></p> <p><b>Waste</b></p>   |  |

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| <p>The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.</p> <p>The County Council has reviewed the proposed development and consider there would be an impact of the deliver of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £2,562 (to the nearest pound).</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development likely to use this site. The calculation was determined by a contribution calculated on 31 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to indexation and reviewed on at least an annual basis) per dwelling/unit = £2,562 (to the nearest pound).</p> <p>This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (in 2012/2013 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.</p> <p>Each household in Leicestershire in 2012/13 delivered on average approximately 0.276 tonnes of municipal waste to a Civic Amenity Site. On this basis the proposed development of 31 dwellings would generate over 11 tonnes of additional Civic Amenity waste at the Melton Mowbray Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the demands placed on the site as a result of the proposed development.</p> <p>Government legislation is focused on maximising the diversion of waste from landfill and the county Council must have appropriate containers and/or storage areas to deal with the different types of waste. Due to the complex nature of the waste received at the Civic amenity Site it will become increasingly difficult over time to maintain performance and a good level of service at peak times, particular with an increased demand place on it due to this development</p> | <p>The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p><b>It is considered that the waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</b></p> |
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| <p>The developer contribution would be used on project reference MEL010 at the Melton Civic Amenity Site. Project Mel010 will increase the capacity of the Civic Amenity Site at Melton by:-</p> <ul style="list-style-type: none"> <li>• Mobile plant compaction attachment to compact waste stored in open topped containers to increase the sites capacity.</li> </ul> <p>There are three other known or potential obligations from other approved developments since April 2010 that affect the Melton Civic Amenity Site which may also be used to fund project MEL010.</p> <p>The County Council consider the Civic Amenity contribution is justified and is necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be place don the key infrastructure as a result of the proposed development. It is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p>It is considered fair and reasonable in scale and kind of the proposed scale of development and is in accordance with the threshold identified in the adopted polices and to meet the additional demands on the Civic Amenity infrastructure at Melton Mowbray which would arise due to this proposed development.</p> <p><b>Libraries</b><br/>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 Melton Mowbray</p> <p><b>Education</b><br/>To assess whether there is a claim for an education contribution we look at the current net capacity figure against the average of two year and four year forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains form this development.</p> <p><u>Primary School Sector Requirements £188,210.30</u><br/>The site falls within the catchment area of Long Clawson C of E Primary School. The school has a net capacity of 105 and 116 pupils are projected on roll should this development proceed; a deficit of 11 pupil places (of which 3 are existing and 8 are created by this development).</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified. The Authority has recently commissioned a feasibility study into the options to extend the school and a scheme has been designed and agreed with the school that will</p> | <p>Long Clawson village school is already over capacity and this development would increase the deficit by a further 11 places.</p> <p>As explained opposite, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. <b>Please see additional detail in the ‘Common Issues’ report forming Item 3 of this agenda.</b></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</p> |
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| <p>replace the mobile and extend the foundation stage room to provide the 30 additional places required to accommodate pupils from the proposed housing developments. This scheme will provide a maximum of 30 places and due to the constrained nature of the school site, it will mean that when complete further expansion of the school will not be possible.</p> <p>The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)</p> <p>The contribution for a development of 31 dwellings will be. £188,210.30 This is based on sharing the costs between 127 dwellings</p> <p><b><u>Secondary School Sector Requirements £0</u></b><br/>The site falls within the catchment area of Belvoir High School. The school has a net capacity of 650 and 598 pupils are projected on roll should this development proceed; a surplus of 52 pupil places after taking into account the 6 pupils generated by this development.</p> <p>A total of 5 pupil places are being funded at this school from S106 agreements for other developments in the area. After taking these places into account the school has a forecast surplus of 57 pupil places.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p><b><u>Post 16 Sector Requirement £0</u></b><br/>This nearest school to the site is Melton Vale Post 16 Centre. The college has a net capacity of 640 and 460 pupils are projected on roll should this development proceed; a surplus of 180 pupil places after taking into account the 2 pupils generated by this development.</p> <p>There are currently no pupil places in this sector school being funded by S106 agreements from other developments in the area.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p><b><u>Special Schools £0</u></b><br/>As this development is less than 250 houses with two or more bedrooms a claim for a Special School contribution will not be made</p> <p><b>Highways</b><br/>The County Highway Authority advises that details of the routing of construction traffic to be approved by the Local</p> | <p>this is the first request of its kind for the Long Clawson School and therefore compliant with CIL Regulation 123(3)As explained, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. Please see additional detail in the 'Common Issues' report forming Item 3 of this agenda.</p> <p>Construction Traffic Management measures can be incorporated as conditions.</p> |
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| <p>Planning Authority in consultation with the Highway Authority should be included in the Section 106 agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.</p> <p>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"> <li>• Travel Packs: to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at an average cost of £52.85 per pack);</li> <li>• 6 month bus passes (2 application forms to be included in the 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 (can be supplied through LCC at (average) £480 per pass. (Note it is very unlikely that a development will get 100% take up of passes; 25% is considered to be a high take up rate).</li> </ul> | <p><b>The s106 requests for sustainable transport are considered to comply with CIL Regs. 122 and 123 in that they are necessary and related directly to the application and can be included in an Agreement if permission is granted.</b></p>   |
| <p><b>Village Hall -</b><br/>Long Clawson Village Hall and Recreation Ground Ltd Requests are submitted for a series of projects as follows;</p> <ul style="list-style-type: none"> <li>• New Car Park Drainage and Surface</li> <li>• Pre School Extension to existing Village Hall</li> <li>• Pavilion and Changing Room Facilities</li> <li>• 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways</li> <li>• Outside Toilet</li> <li>• Cycle Rack</li> </ul> <p>The sums have been calculated on the basis of the proportionate increase that the development would add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. <b>£19,000</b> for this proposal, based on its scale (no. of houses).</p>   | <p>The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.</p> <p>The requests have been presented to the developers and their response will be reported verbally to the Committee.</p> |

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result **78 letters of objection have been received.** The majority of the objections are a standard letter which has been signed by local resident's .The remainder includes a number of very detailed representations from close neighbours.

| Representations   | Assessment of Head of Regulatory Services  |
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| <p><b>The representations include many 'pro forma' type letters in which residents have identified objections from a list of 10 reasons for opposing the application. These points also summarise the objections raised in many of the individual letters of representation and are listed below.</b></p> | <p>There is no prescription on how representations may be submitted and all need to be taken into account.</p>                     |
| <p><b>Too big a development</b> The proposed development is completely out of character with the village in its setting. Its size and style is out</p>  | <p>This is a development of housing and associated infrastructure which will change the appearance and character of this farm.</p> |

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| <p>of character and does not fit with the local “<i>sense of place</i>” that the NPPF encourages (para 58). The proposal is another urban-style development imposed on a rural village that has historically grown gradually. How can building up to 31 houses on 1.142 hectares possibly be said to enhance the rural character of Long Clawson.</p>  | <p>The application is at outline stage with only access considered at this stage, however an indicative plan demonstrates that the proposal could be designed to respect the character of the village and integrate successfully. It is an acceptable scale and density of development of this site.</p>  |
| <p><b>The development does not address the housing needs of the village</b>, which is particularly short of 2-3 bedroomed bungalows for the older residents. It is unclear from the design and access statement what the proposed mix of houses will be. The village is well catered for in social rented housing (16%). This development need to fit with the housing needs identified in the emerging Neighbourhood Plan.</p>  | <p>The development will provide a mix of housing to help meet local and wider needs.</p> <p>Notwithstanding the limitations of Housing Needs surveys, the development has the capability of fully meeting these needs, which is considered to be a factor in favour of the application.</p>   |
| <p><b>Inadequate road infrastructure</b> – a key problem with this proposal is access to the proposed site will be onto a narrow road. Many HGVs pass the site en route to or when leaving Long Clawson Dairy and LGW Feeds on Broughton Lane. There is frequent congestion where the road narrows as there is not sufficient road width for two large vehicles to pass. HGVs frequently have to back up or mount the pavement in this area. The visibility when exiting the proposed site would be poor due to the closeness of the junction.</p> | <p>Concerns about the adequacy of the local road network are understood.</p> <p>However, there is no technical evidence to support these concerns and subject to mitigation the Highway Authority has no objection to the development. The development would increase the traffic on the local highway network.</p> <p>There is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p>  |
| <p><b>Limited Public Transport</b>, although there might be a bus stop within 80 metres of the site the bus service is poor – restricted to daytime hours Monday to Saturday. People have to run a car to participate in evening or weekend activities in Melton or surrounding towns. The local bus service is totally inadequate for getting people to work in nearby towns and cities (Nottingham, Leicester, Grantham) where the majority of residents’ work.</p>  | <p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> <p>Commuting to and from larger centres for employment and other activities is inevitable however the need for day to day travelling is reduced by the range of facilities in the village, for example primary school and surgery.</p> <p>There is a bus service which is relatively limited. This development would promote and subsidise the use of public transport and would help to sustain existing provision.</p> |
| <p><b>Unsustainable development</b> – The applicant indicates that the proposed development accords with the principles of sustainable development in that it provides new homes in a location, which offers a good service provision within walking distance of the site. With the school capacity full, limited public transport, a stretch of highway infrastructure and pedestrian footpaths narrow this development is far from being sustainable.</p>  | <p>Long Clawson has a reasonable range of facilities. It can meet many local needs and is well located to access larger centres.</p> <p>See Education Authority comments above and item 3 of this agenda ‘Common Issues’. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.</p> <p>The developer has agreed to pay all of the contributions which have been requested to mitigate the impact of the proposal upon local</p>   |

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|  | infrastructure.   |
| <b>Visual impact</b> – Section 4.5 of the Landscape and Visual Appraisal indicates that the key landscape objective is to “conserve and enhance the rural agricultural character of the Vale”. Building an urban style development on an elevated site close to existing neighbouring dwellings would be overbearing and intrusive.  | The proposed development is submitted in outline form, therefore details of appearance and scale are not considered at this stage, it is considered that a development in this location could be designed to respect the existing dwellings and landscape. Within the context of the Vale of Belvoir, the site is small and would not have any significant impact on its overall character.   |
| <b>Increase in commuter traffic on narrow country roads.</b> It is not low carbon due to the need for potential residents to commute. This development would: produce additional daily traffic movements through the unclassified village road which is already taking volumes of traffic higher than a rural A road;  | As per previous comments relating to Highway issues, there is no evidence to suggest that the Highway cannot cope with the additional volume of cars proposed as a result of this development.  |
| <b>Concerns over the proposed site drainage scheme</b> – of concern is the capacity of the existing drain and the developer’s plans for routing overflow onto the public highway if the system is exceeded.  | There is a request for further information to be submitted by the Lead Local Flood Authority, additional drainage details have been submitted to the LPA and are being considered by the LLFA, these comments will be presented verbally to the committee.  |
| <b>Pedestrian vulnerability</b> – There are inadequate footpaths from the site to the village centre. Many of which are narrow and not continuous involving the need to cross the road several times.  | The proposal lies on the edge of the village, links can be provided to incorporate the proposed development into the existing footpath network.   |
| There are already <b>parking problems</b> in the village, especially in the village centre and East End where parked cars, result in an almost permanent single track road. Any development will mean increased traffic and parking problems in the village.   | Like many rural centres, with older housing having little or no off-street parking, there is limited capacity for parking on the street, particularly in the village centre.<br>This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation.<br><br>There is no evidence that the volume of traffic generated by this site would have a significant impact upon the overall movement of traffic through and within the village. |
| <b>No room at the school.</b> It is well known that LC Primary School is full with nowhere to expand. As is stated in item 3A; Appendix 10 Local Plan Appendix 1 Site Allocations and Policies of the draft Local Plan – Sites in Long Clawson should only be brought forward for development when the primary school places can be provided to meet the needs of the new residents. | See Education Authority comments above and item 3 of this agenda ‘Common Issues’. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.   |
| <b>Loss of habitat</b> – Bats and barn owls hunt in the field of the proposed development. Loss of this habitat cannot be mitigated.   | Please see relevant comments from the County Ecology Department above, the application is accompanied by an independent report which has been assessed, and subject to the inclusion of additional buffers and conditions there is not considered to be a significant impact upon wildlife.   |
| <b>Lack of further capacity at the Surgery.</b> The surgery, which is nearing capacity, serves 23 villages in the Vale many facing similar housing development to this development.  | The surgery is currently displaying that it can accept new patients. This point is being examined in more detail, but it is understood that there is capacity to accommodate this development.  |
| <b>Employment.</b> With the impending move of KS   | Noted – the development would provide the   |

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| <p>Campsites from the village there are very limited employment opportunities. The current type of employment at the dairy is mainly low skilled low paid shift work. Out of the present 300 employees very few live in the village. The majority of employees working in nearby towns and cities and commute to work.</p>   | <p>opportunity for housing of a range of values, including affordable housing suitable for lower income households.</p>   |
| <p><b>This proposal is contrary to spirit of the Localism Act of 2011.</b> This act gives the parish the right to determine how it develops through the mechanism of the Neighbourhood Plan. The 3 villages of our parish are working through the Parish Council on a Neighbourhood Plan. This will make appropriate provision for development that will be in the most appropriate places in each village and agreed by the villagers.</p>  | <p>Long Clawson has been identified as a 'service centre' in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below.</p> <p>The NP is a significant consideration in this application and has allocated the site for development. This addressed in greater detail below and the weight it carries in Item 3 of this agenda 'Common Issues'.</p>  |
| <p><b>Further representations received</b></p>   |   |
| <p><b>Resubmitted Proposal</b></p> <p>Very little difference from the original application.</p>  | <p>The previous application was withdrawn on technical matters regarding highways and flooding, the County Highway Authority raise no objection to the proposal and the revised drainage information is currently being considered by the LLFA to which their comments will be reported verbally to the committee.</p>  |
| <p><b>Housing Provision</b></p> <p>It should now be taken into account when assessing this application that MBC can now provide the required 5+20% year supply of deliverable dwellings a requirement to comply with the NPPF guidance.</p> <p>This is mentioned by the applicant a number of times in the Design and Access statement, that the MBC's failure to provide this as a major reason for approval of this application which is located outside the village envelope in open countryside which is contrary to saved policies OS1 and BE1, this is now not the case.</p> <p>Within the date of the report it shows that sites forwarded for planning in Long Clawson are not counted in the first 5 years of its projection due to education restraints.</p> | <p>Housing land supply is a material consideration addressed below. Housing remains a key focus of the planning system and this application represents a vehicle in the delivery of both market and affordable housing.</p> <p>The site is allocated for housing in the emerging Local Plan and forms part of the required housing numbers for the Borough for the forthcoming plan period.</p> <p>The status and role of policies of the 199 Adopted Melton LP (village envelopes) are addressed below.</p> <p>See Education Authority comments above and item 3 of this agenda 'Common Issues'. The LEA has devised a means by which the school can be extended to accommodate demand from this development</p> |
| <p><b>Highways</b></p> <p>The highways report on the original application condemns the access as unsafe and as it appears that the location and design of the access still remains the same as in original application this</p>  | <p>Additional information has been required and submitted during the life of the application.</p> <p>Details as now submitted have been assessed by the County Highway Authority who raise no</p>   |

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| <p>must still be applicable.</p> <p>This is the third version of the transport statement and is indicative of woeful lack of understanding of local issues and sensitivities. The report is full of bland quantitative evidence that is biased towards the conclusions required.</p> <p>There is little consideration of the type of HGV and farm traffic using the road/junction and no mention of how narrow the road is along this section of Hickling Lane including where the proposed crossing is.</p>   | <p>objection to the proposal.</p>   |
| <p><b>Local plan</b></p> <p>The draft emerging Local Plan shows an allocation of 122 new houses in Long Clawson for the 20 year period between 2016 and 2036 with SHLAA sites forwarded for 267 houses.</p> <p>The detailed investigation of housing needs in Long Clawson shows the local requirement for the next 5 years is 2 affordable homes and 9 open market homes.</p>   | <p>Please see comments below on the New Melton Local Plan.</p> <p>Long Clawson has been identified as a ‘service centre’ in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below.</p> |
| <p><b>Precedent</b></p> <p>The site has no previous precedent leading it to residential use</p> <p>Adjacent developments were on the site of former farms and agricultural buildings.</p>  | <p>The site is a greenfield site this usually has no presumption in favour of development, however in this instance the site has been allocated for development and therefore does have a presumption in favour of development, the impact of development of a greenfield site would need to be considered in the balance of development, details of which can be found in the conclusion of the report.</p>  |
| <p><b>Cumulative effect</b></p> <p>This application, among others, in our opinion isn’t being carefully considered by Melton Borough Council along with other numerous earmarked sites in Long Clawson, some too large which this development most certainly is of up to thirty one new dwellings with its associated new access, that’s detail and determined a clear and demonstrable and quantifiable long term plan for this village so that’s fully in accordance with the 2036 strategy over that entire period.</p> <p>Without, then quite quickly Long Clawson appears be disproportionately receiving an over burden of new homes from that quota that is not realistic, sustainable or ethical for its location.</p> | <p>Each application should be determined upon its own merit, however in this instance it is recognised that a number of applications in Long Clawson are due to be determined together, therefore the cumulative impact of each application will be assessed accordingly.</p>   |

**Other Material Considerations, not raised through representations:**

| Consideration  | Assessment of Head of Regulatory Services   |
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| <p><b>Planning Policies and compliance with the NPPF</b></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.</p> <p>The 1999 Melton Local plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “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”.</b></p> <p>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.</p> <p>The Council can 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 being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>The site is a greenfield site and lies outside of but in close proximity to the built form of the village. The site has been allocated for development in both the Local and Neighbourhood Plan the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with promoting housing growth.</p> <p><b>The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be</b></p> |



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|  | <p><b>some impact upon the appearance of the area and technical matters which require mitigation.</b></p> <p><b>It is therefore considered to be in accordance with the core planning principles of the NPPF.</b></p>  |
| <p><b>The (new) Melton Local Plan – Submitted version.</b></p> <p><b>Please see ‘common issues’ paper for the current status of the Melton Local Plan and the weight it should attract.</b></p> <p>The site is allocated as LONG2 within the emerging Local Plan with an expected capacity of 35 subject to the following criteria:</p> <ul style="list-style-type: none"> <li>- Local educational capacity is available, or can be created through developer contributions, to meet the needs of the site.</li> <li>- The new development is sympathetic to the landscape character</li> <li>- drainage infrastructure is available to accommodate the surface water</li> </ul> <p><b>Long Clawson, Hose and Harby Neighbourhood Plan</b></p> <p>Please see the ‘common issues’ report for details of weight to be given to the Neighbourhood Plan.</p> <p>This site is referenced as NPLONG6 within the Neighbourhood Plan and stated as</p> <p>The site is identified within Policy H2: Housing Site Allocations for 2016 to 2036 which states “Land is allocated for housing development at the locations as shown in Housing Table 3 as Development Sites and on the Limits to Development maps (Housing Figs. 1-3). Reserve sites are listed in Housing Table 4 and will only be allocated for use to take account of any shortfall in delivery by the proposed Development Sites in a subsequent Neighbourhood Plan review or if there is an increase in recognised housing demand across the Borough which requires further increases in the villages of Long Clawson, Hose and Harby.</p> <p>NPLONG6 Hickling Lane/Broughton Lane – Development will be supported provided</p> <ul style="list-style-type: none"> <li>- Local educational capacity is available or can be created;</li> <li>- Drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere;</li> </ul> | <p><b>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</b></p> <p>It is therefore considered that it can attract weight, please see additional comments within the statement of common issues as to the weight to be attributed to the Local Plan.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) and criteria which it is considered adds to the issues that add limited weight in support of the proposal.</p> <p><b>The proposal is in accordance with the CHH Neighbourhood Plan,</b> so far as is possible to assess bearing in mind the level of information available owing to its outline status, and assuming the applicants agree to s106 contributions for school capacity. <b>It is considered this compliance adds substantial weight in support of the proposal.</b></p> <p>The polices would apply to subsequent reserved matter applications that may be forthcoming.</p> |

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| <ul style="list-style-type: none"> <li>- Up to 32 dwellings are developed;</li> <li>- Landscaping is provided to soften the site boundaries;</li> <li>- A safe and convenient footpath link to existing footpaths is provided;</li> <li>- Dwellings are not more than two storeys high, with some single storey bungalows included adjacent to current dwellings</li> <li>- The layout and architectural design creates an informal, rural feel.</li> </ul> <p>The application site does fall within the limits of development identified within the Neighbourhood Plan, Policy H3 sets out the following</p> <p>“Development proposals within the Plan area on sites within the Limits to Development in Housing Figs 1-3 will be supported where they comply with the polices of this Neighbourhood Plan, subject to design and amenity considerations”.</p> |  |
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**Conclusion**

The Borough is deficient in terms of housing delivery and this would be partly addressed by the application. Affordable housing provision remains one of the Council’s key priorities. This application presents some affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Long Clawson is considered to be a sustainable location having access to employment, health care facilities, primary education, local shops, and a regular bus services. It is considered that there are material considerations that weigh in favour of the application.

There are a number of other positive benefits of the scheme which include developer contributions to mitigate impacts upon local services. There are also benefits arising from the proposed highways improvements and the removal of unsightly buildings.

**The application derives support from the emerging Local Plan and Neighbourhood Plan owing to its strong adherence to their content.** In the case of the former this is considered to be limited, but in the latter, significant (please see Item 3 of this agenda, ‘Common Issues’ for further detail).

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly concerns regarding traffic.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. In addition, other material considerations weigh in favour of the application.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the impact on the character of the village, and concerns regarding traffic, impact upon character of the area and impact upon existing services.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular, and the allocation of the site in both the emerging Local and Neighbourhood Plans is considered to further add to the weight in favour of the development.**

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

**Recommendation: PERMIT, subject to:-**

- (a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**
- (i) Contribution for the improvement to civic amenity sites.
  - (ii) Contribution to travel packs
  - (iii) Sustainable transportation
  - (iv) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs,
- (b) A contribution to primary education of a quantity commensurate to the cost of the extension of the school as set out in Item 3 shared on a proportionate basis based on housing quantities, between the sites which obtain permission**
- (c) Conditions to include the following, as identified in the report above:**
- Time limit
  - Reserve Matters
  - Housing Mix
  - Materials
  - Landscaping
  - Provision of open spaces/play areas
  - Boundary treatments
  - Details of Ecology Buffers
  - Levels
  - SUDs
  - Visibility splays
  - Gradients to roadways
  - Construction traffic routeing
  - Ecology
  - Archaeology

**Officer to contact: Ms Louise Parker**

**Date: 27th November 2017**

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