

# Supplementary Agenda



*Rural Capital of Food*

<b>Meeting name</b>	<b>Meeting of the Planning Committee</b>
<b>Date</b>	<b>Thursday, 16 August 2018</b>
<b>Start time</b>	<b>6.00 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>

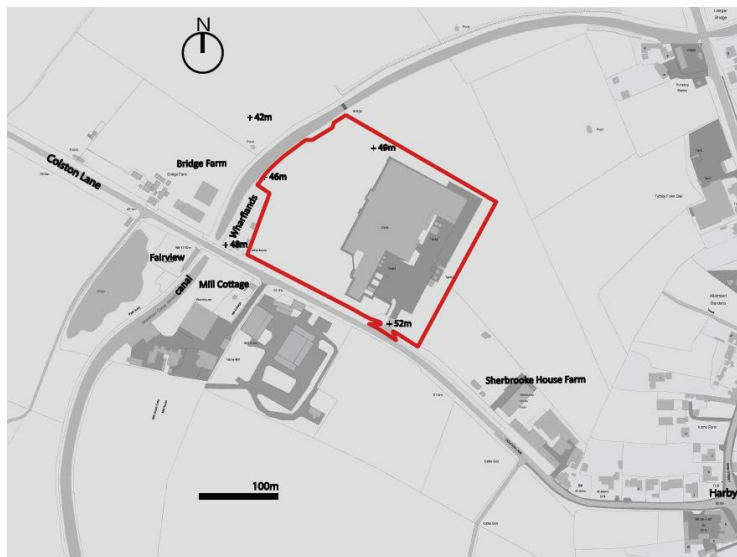
<b>Meeting enquiries</b>	Development Control
<b>Direct Dial</b>	
<b>Email</b>	externaldevelopmentcontrol@melton.gov.uk

<b>No.</b>	<b>Item</b>	<b>Page No.</b>
	4.116/00664/OUT Millway Foods, Colston Lane, Harby	1 - 26

This page is intentionally left blank

COMMITTEE DATE: 16<sup>th</sup> August 2018

**Reference:** 16/00664/OUT  
**Date Submitted:** 19<sup>th</sup> September 2016  
**Final amendments submitted:** 29<sup>th</sup> January 2018  
**Applicant:** First Provincial Properties Ltd:- Mr Nigel Griffiths  
**Location:** Millway Foods Ltd, Colston Lane Harby LE14 4BE



**Proposal:** Residential development of up to 82 dwellings, following demolition of existing buildings & structures (Amended from:- Residential development of up to 31 dwellings & 10,000 square feet of workshop (Class B1) employment space, following demolition of existing buildings and structures)

**Proposal:-**

The application seeks outline permission for residential development of up to 82 dwellings, following demolition of existing buildings & structures. This was amended from the original submission of :- Residential development of up to 31 dwellings & 10,000 square feet of workshop (Class B1) employment space, following demolition of existing buildings and structures.

Details of the proposed access have been submitted for consideration, with all other matters reserved for a further application.

The application site is currently classed as a brownfield site being a former cheese factory which is in open countryside outside of the village of Harby limits to development. It is however in part an allocation site for housing for the purposes of the new local plan ref. HAR3 and also an allocation through the adopted neighbourhood plan ref. NPHAR6. The scheme proposes 29 more dwellings than this allocation.

It is proposed that access to the site will be gained from Pasture Lane.

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

- **Compliance or otherwise with the Clawson, Hose and Harby Neighbourhood Plan**
- **Compliance or otherwise with the Development Plan and the NPP**
- **Impact upon the character of the area**
- **Drainage/ flooding issues**
- **Highway safety**
- **Sustainable Development**
- **The role of the Emerging Local Plan.**

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

**History: -**

07/00076/OUT Erection of 36 dwellings (including 13 affordable dwellings), small-scale workshops and a community information and business centre *Withdrawn on 14.08.2007.*

08/00907/OUT Low environmental impact redevelopment of site to provide business centre, 6 live work units and 36 dwellings with associated infrastructure and landscaping *Refused on 08.04.2009.*

15/00673/OUT Residential development of upto 53 dwellings. *Allowed following appeal on 29.01.2016.*

**Planning Policies:-**

**Clawson, Hose and Harby Neighbourhood Plan):**

**H1 POLICY H1: HOUSING PROVISION** - New housing will be delivered in the Plan area to provide a minimum of 161 dwellings in the period up to 2036. New housing will be delivered through the development of the housing allocations identified in Policy H2 of this Plan and through windfall developments that accord with Policy H4 of this Plan. The strategic delivery requirements relating to the Plan area will be kept under review during the Plan period.

**POLICY H2: HOUSING SITE ALLOCATIONS FOR 2016 to 2036** - Land is allocated for housing development as shown in Table 3 (Housing Allocations) and Table 4 (Reserve Sites). Proposals for development of the various sites will be supported within the strategic context provided for land release in Policy H1 of this Plan and where they comply with the relevant site Design Code.

NPHAR6, Colston Lane - Development of the site will be supported provided:

- it is up to 53 dwellings, the majority two storeys high;
- a footpath is provided along the frontage verge linking the existing footpath to the south-west and the Grantham Canal to the north-west;
- the layout addresses the frontage to Colston Lane, creating a rural feel and internally avoids large car parking courtyards;
- mature trees along the various site boundaries are retained and supplemented by new planting where appropriate;
- the existing mixed species frontage hedge is retained and strengthened where necessary to provide a strong rural boundary;
- extra landscaping is provided to soften the north-eastern boundary;
- an internal footpath is provided to enable future connection with the adjoining NPHAR4 & NPHAR5 and the canal footbridge to the north;

- there are biodiversity/ecology improvements within the site

**POLICY H3: LIMITS TO DEVELOPMENT** – Development proposals within the Limits to Development, or in terms of new community facilities close or adjacent to the Limits to Development in Housing Figs.1-3 below will be supported where they comply with other policies in this Plan in general, and with Policies H7 and H8 on particular.

Where reserve sites identified in Policy H2 are released for development in accordance with Policy H1 the relevant limit to development will be extended accordingly.

Development adjacent to the Limits to Development will be carefully controlled and will be supported subject to the following criteria:

- developments are of 1 or 2 dwellings per field directly adjacent to Limits to Development where access is directly available to current roads;
- additional windfall sites of up to 5 dwellings will be considered after 10 years of the Plan (i.e. after 2026) if windfall levels are significantly below expected levels, provided they are directly adjacent to Limits to Development where access is directly available to current roads and not over land of existing or planned private dwellings;
- developments of new or existing business premises are adjacent to the Limits to Development where access is directly available to current roads and not over land of existing or planned private dwellings.

Land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies

**NP POLICY H5: HOUSING MIX** - New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the villages of Harby, Hose and Long Clawson. Priority should be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility.

The inclusion of four-bedroom houses in housing developments will be supported where they are subservient in number to one, two or three bedroom accommodation.

**NP POLICY H6: AFFORDABLE HOUSING PROVISION** - On sites of 11 or more dwellings, developers will be required to supply a percentage of affordable homes (including Starter and Shared Ownership Homes) in line with Local Plan requirements, or make an equivalent financial contribution in lieu, having particular regard to the local needs of the village in which the site is located, market conditions, economic viability and infrastructure requirements.

In appropriate circumstances developers will be required to make an equivalent financial contribution towards other affordable housing schemes in the Plan area having particular regard to the local needs of the village concerned, market conditions, economic viability and infrastructure requirements

**NP POLICY H7: HOUSING DESIGN** - Proposals for new or replacement dwellings and extensions to existing dwellings will be supported where they comply with the following criteria as appropriate and relevant to the development concerned:

- a) the design should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the two Conservation Areas (Hose and Long Clawson);
- b) proposals should show how the general character, scale, mass, density and layout of the site, or the building/s/extension fits in with the character of the surrounding area while also including a variation of types, materials and styles to reflect rural village visual diversity;
- c) houses of two or more bedrooms should have a garden or other outside amenity space appropriate to their size;
- d) the development should not disrupt the visual amenities of the street scene nor harm any significant wider landscape views or environmental asset, including significant natural habitats;
- e) the quality of design of new buildings and their layout should positively add to the historical character of the villages, listed and historic buildings and their settings should be conserved or enhanced. However, contemporary and innovative materials and design will be supported

- where positive improvement can be robustly demonstrated without detracting from the historic context;
- f) new buildings should be designed to respect and respond positively to the visual character and the architectural massing of the neighbouring area. Materials should be chosen to blend with the design of the area and add to the quality or character of the surrounding environment and of the Conservation Areas and the setting of Listed Buildings;
  - g) adequate off-road parking should be provided in accordance with Policy T4;
  - h) redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form;
  - i) proposals should ensure that they do not have unacceptable impacts on general amenity, privacy, noise and ambient light levels in the immediate locality and should make appropriate provision for the storage of waste and recyclable materials and their containers;
  - j) development should be enhanced by fostering biodiversity and relate well to the topography of the area, with existing trees of a good arboricultural value and hedges preserved whenever possible. Where this is demonstrably not practicable, they should be replaced with new plantings on a two-for-one basis, using native species, either on site or elsewhere in the near vicinity;
  - k) within new residential layouts provision should be made for wildlife, including roof design and construction meeting RSPB guidelines for internal bird nest boxes, and use of hedges (or fences with ground level gaps) to maintain connectivity of habitat for hedgehogs;
  - l) where possible, enclosure of plots should be of native hedging, wooden fencing, or stone and/or brick walls of rural design. Any enclosures that are necessarily removed through the development process should be reinstated in keeping with the original;
  - m) development should incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, as appropriate. Energy and communication network cabling connections should be sited below ground ;
  - n) having regard to climate change, development should incorporate sustainable drainage systems with viable long term maintenance regimes to minimise vulnerability to flooding from streams, dykes and surface water run-off. All developments must consider impacts both within the site and in the surrounding area of the development within the development period.

**POLICY ENV7: PROTECTION OF GREAT CRESTED NEWTS AND THEIR HABITATS -**

Proposals for the development of ten or more houses or on parcels of land shown on Figure 9 as recorded Great Crested Newt locations should be accompanied by a Great Crested Newt Survey. That Survey should identify the appropriate avoidance or mitigation measures that have been incorporated into the development proposal.

Where appropriate such development proposals should incorporate additional enhancement measures for Great Crested Newts that both take account of the avoidance and mitigation measures set out in the Great Crested Newt Survey and the characteristics of the site concerned and the ecological significance of the adjacent landscape.

**POLICY ENV9; FLOODING -** Development proposals of five or more dwellings and for employment development adjacent to watercourses should demonstrate that:

- a) its location and design respects the geology, flood risk and natural drainage characteristics of the immediate area and is accompanied by a hydrogeological study whose findings must be complied with in respect of design, groundworks and construction;
- b) it includes a Surface Water Drainage Strategy which demonstrates that the proposed drainage scheme, and site layout and design, will prevent properties from flooding from surface water allowing for climate change effect and that flood risk elsewhere will not be exacerbated by increased levels of surface water runoff and will not threaten other natural habitats and water
- c) its design includes, as appropriate, sustainable drainage systems (SuDS) with ongoing maintenance provision, other surface water management measures and permeable surfaces;
- d) it does not increase the risk of flooding to third parties systems;

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

**Policy OS2** - This policy restricts development including housing outside of town/village envelopes.

**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 council's standards at appendix 6 of this local plan.

**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.

## **National Planning Policy Framework**

**The National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development meaning:**

- a) Approving development proposals that accord with an up-to-date development plan without delay; or
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

**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.**

**On Specific issues it advises:**

### **Delivering a sufficient supply of homes**

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership,

unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

### **Rural Housing**

77. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

### **Promoting sustainable transport**

78. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

103. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**.

110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements,
- b) address the needs of people with disabilities and reduced mobility
- c) create places that are safe, secure and attractive
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles.

111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

### **Achieving well-designed places**

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

127. Planning policies and decisions should ensure that developments:



- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

#### **Meeting the challenge of climate change, flooding and coastal change**

148. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

#### **Planning and flood risk**

165. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

#### **Conserving and enhancing the natural environment**

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value
- b) recognising the intrinsic character and beauty of the countryside
- c) maintaining the character of the undeveloped coast,
- d) minimising impacts on and providing net gains for biodiversity;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from pollution or land instability.
- f) remediating despoiled, degraded, derelict, contaminated and unstable land.

175. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 11)

**Consultations:-**

<b>Consultation Reply</b>	<b>Assessment of Assistant Director of Planning and Regulatory Services</b>
<p><b>Leicestershire County Council Highways</b> <i>Background</i> Following the highways observations dated 16 February 2018, the Applicant has submitted an updated Transport Statement which advises of the planning history at the site and compares the Transport Statement submitted as part of application 15/00673/OUT for a residential development of up to 53 dwellings to the current proposals, which would increase the total number of dwellings at the site by 29.</p> <p>Application 15/00673/OUT was refused by the Local Planning Authority (LPA), however this was not on highways grounds and the application was not resisted by the Local Highway Authority (LHA). The application was allowed on appeal.</p> <p><i>Site Access</i> The site access shown in Bancroft Drawing No. F14032/01 Rev A, which was accepted as part of application reference 15/00673/OUT for up to 53 dwellings on the site. The LHA consider this arrangement would be acceptable to cater for the additional 29 dwellings proposed as part of this application.</p> <p><i>Highway Safety</i> The Applicant has undertaken an assessment of Personal Injury Collisions (PICs) within the vicinity of the site between 01/12/12 and 30/11/17 using information obtained from Leicestershire County Council. No PIC's have occurred within the vicinity of the site access, and the Applicant identified one PIC at the junction of Main Street/ Stathern Road, which was recorded as slight. An additional PIC has</p>	<p><b>Noted.</b></p> <p>It is considered that the proposed access point to the site is acceptable in highway safety terms.</p> <p>As the application is for outline permission at present, and the parking arrangements in the site will be finalised at reserved matters stage.</p> <p>Should permission be granted relevant conditions as requested by LCC Highways can be included in the decision.</p>

<p>since occurred at this junction, however as this occurred earlier this year the information would not have been available at the time of the applicants enquiry. This PIC was also recorded as slight.</p> <p>The LHA accepts the Applicants PIC analysis and despite the additional PIC earlier this year considers that the proposals would not lead to any additional undue road safety concerns.</p> <p><b><i>Trip Generation</i></b></p> <p>The Applicant has based the trip generation for the site on the previously accepted TRICS trip rates from application ref 15/00673/OUT. The LHA has compared the trip rates used to most recent TRICS data and considers these to be acceptable.</p> <p><b><i>Internal Layout</i></b></p> <p>As the internal layout is not for consideration at this stage, the LHA has not studied the illustrative masterplan in detail. Based on the quantum of development proposed, the LHA would strongly advise that the internal highway network is designed to an adoptable standard in accordance with the guidance within the Leicestershire Highways Design Guide.</p> <p><b><i>Transport Sustainability</i></b></p> <p>Currently there is not a continuous footway along Colston Lane linking the site to the village.</p> <p>Previously the LHA have advised footway improvements are required as shown in Bancroft drawing number F16104/03 Rev A. The LHA consider these improvements would still be required as part of this development.</p> <p>There are two bus stops on Main Street which the LHA would ask the Applicant to improve as part of the proposed development. The bus stop adjacent to The Nags Head Public House will need a bus flag to go on the lamp column next to the shelter. For the stop opposite The Nags Head the CHA would require a pole, flag and timetable case to be located in a suitable location which would be determined by a site inspection.</p> <p>Given the quantum of development which is now proposed at the site, the Applicant is required to submit a Travel Plan. The LHA consider this can be delivered via a highways condition.</p>	
<p><b>Lead Local Flood Authority</b></p> <p>The Surface Water Management Strategy (McCloy Consulting, July 2018) provided by the</p>	<p>Noted and the conditions recommended can be applied to any approval</p>

<p>applicant was reviewed during this response. Although the applicant has addressed previous concerns, there is still an issue with regards to the outfall of the proposed surface water drainage system.</p> <p>Evidence of a written confirmation from The Canals and Rivers Trust that a discharge into the Grantham Canal is acceptable in principle must be provided by the applicant before a start on site, as this may affect the viability of the outfall from the surface water drainage system. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.</p>	
<p><b>Leicestershire County Council Archaeology</b></p> <p>The submitted archaeological desk-based assessment confirmed that the application area is located within an area of good archaeological potential, adjacent to the projected line of the King Street Roman Road (MLE3841). Archaeological sites from the prehistoric, Roman, medieval and post-medieval periods have all been found in the vicinity. The development of the site during the later 20th century is likely to have had a damaging impact upon any underlying archaeological deposits present within the area, although this is likely to be restricted to areas formerly occupied by standing buildings. The desk-based assessment refers to a series of test pits that were excavated across the site, revealing disturbance at depths between 0.45m and 2.6m below present ground level. No further information has been provided about the test pits but we would like to see the submission of more evidence, ie a location plan, photographs and depths of make up for each etc. in order to better understand the level of disturbance across the site.</p> <p>In areas that haven't been extensively developed previously, ie yard areas, site perimeter, there remains good potential for the survival of archaeological deposits, which will be damaged by any groundworks associated with the new development.</p> <p>In accordance with the NPPF (Section 12, paragraph 141), the Local Planning Authority should require a developer to record and</p>	<p>Noted and the conditions recommended can be applied to any approval</p>

<p>advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.</p> <p>To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department's Historic &amp; Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.</p> <p>If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation acceptable to the planning authority.</p> <p>We therefore recommend that any planning permission be granted subject to conditions.</p>	
<p><b>Natural England</b></p> <p>Natural England has no comments to make on this application.</p>	<p>Noted and full consultations has been had with the LCC ecology team.</p>
<p><b>Leicestershire County Council Ecology</b></p> <p>An updated Protected Species Survey (EMEC Ecology, July 2018) has been submitted in support of this application.</p> <p>We note from the report that many of the ponds close to the application site were inaccessible to survey and permission to visit them had been refused from neighbouring land owners. However, the ponds that could be surveyed were considered to be unsuitable for great crested newts (GCN) and a survey in 2016 for a neighbouring development also recorded no GCN within the off-site pond to the east. We therefore agree with the conclusions of the report in that a GCN Method Statement should be followed, to minimise the risk to GCN if they are present.</p> <p>Reptile surveys recorded a small population of grass snake on site. Mitigation has been suggested in the report which is acceptable and should the followed throughout the development.</p>	<p><b>Noted.</b></p> <p>During the course of the application, additional survey works have been carried out in relation to the pond and GCN.</p> <p>As the application is for outline permission only with access to be considered, the layout has not been finalised and therefore the comments/ conditions received from Ecology can be taken into consideration when designing the development at reserved matters stage.</p>

<p>The updated bat surveys found a small bat roost within the existing pump house. At the moment, this has not been identified to species and this will be required in order to form a bat mitigation plan for the site. We would usually ask for this information up-front to ensure that there is scope within the development to allow for the mitigation to be incorporated. However, in this instance it appears that the existing roost is already at risk from building decline and vandalism and the proposed development will provide a substantial amount of replacement roosting opportunities. It may therefore be appropriate to require a full bat mitigation strategy to be submitted up-front with the reserved matters application. This should be informed by additional survey as appropriate.</p> <p>All existing boundary hedgerows should be retained and buffered from the development. This allows them to continue to be managed and function as one unit, rather than being managed/removed in a piecemeal way. We would also consider that this provides a more appropriate landscaping buffer.</p> <p>In summary, we would recommend that the following condition is included, should planning permission be granted:</p> <p>Works to be in accordance with submitted survey.  Bat Mitigation Plan  Provision of buffer  Additional check for badgers</p>	
<p><b>Clawson, Hose and Harby Parish Council</b>  The Parish Council objects to the amended plans for this application because it is contrary to the following policies in the Neighbourhood Plan as follows:</p> <p>H1 Beyond NP and emerging MLP village requirement</p>	<p><b>The Neighbourhood Plan was ‘made’ in June 2018 and as such achieves ‘development plan status’ in the law. Decisions <u>must</u> follow its terms unless there are material considerations to indicate otherwise.</b>  Compliance, or otherwise, with the NP is addressed below, other material considerations are addressed separately</p> <p>The site has been extended to the north towards the canal and as a result of this is at odds with the site allocation defined within the Neighbourhood Plan. The number of dwellings proposed (“up to 82”) also conflicts with the NP which conveys a limit of 53</p>

<p>H2 Not allocated in NP and only a reserve site in emerging MLP - which is yet to be approved. Illustrative layout fails to meet aims of NP policy design code to ensure development creates a rural feel, and includes footpath links to adjoining allocation sites on Colston Lane and the Grantham canal footbridge</p>	<p>The proposal is allocated at site NPHAR 6, however it is noted that the proposal does not meet with the expectations of that allocation in terms of amount of dwellings and has a greater site area to that of the allocation site.</p>
<p>H3 Extension to approved site is outside the limits to development and hence in open countryside. Contrary to policy to protect countryside.</p>	<p>This point is noted and further assessed later within the report.</p>
<p>H4 In Harby windfall sites are not required where they are outside limits to development</p>	<p>The site is not windfall and has as above been allocated within the Neighbourhood Plan.</p>
<p>H5 Not clear that proposed mix will meet local needs, especially in relation to older people i.e. no bungalows</p>	<p>Housing mix will need to meet local need as part of a future reserved matters application. It is however important to note that the layout is only illustrative and therefore further amendments could be made to make this accord better with design code policies. This would be a matter that would be conditioned to ensure that the housing mix would meet local needs as this a requirement both in local and neighbourhood plan policy.</p>
<p>H6 Scheme would require a % of affordable housing, including starter homes, in line with emerging MLP policy requirements</p>	<p>36% affordable housing is proposed. This accords with the emerging Local Plan.</p>
<p>H7 Illustrative layout fails to demonstrate a design character in keeping with the village and its rural surroundings. In particular, density is high and the eastern corner of the site appears like an urban estate with large parking "yards" and long stretches of car parking unrelieved by green open spaces and thus very "hard" in its visual impact.</p>	<p>The submitted layout plan is indicative and serves to demonstrate how the proposal may look should permission be granted, the submitted plan is however purely indicative and should not be considered as full details would need to be submitted as part of a Reserved Matters application.</p>
<p>H8 Approved scheme would be required to maintain rural tranquillity and avoid pollution to night sky in this rural location. Illustrative layout looks unlikely to achieve this.</p>	
<p>Env7 Site in area where great crested newts may be found. Scheme should demonstrate that this has been studied and mitigation measures incorporated if/where justified by evidence</p>	<p>It is considered that this harm could be mitigated against effectively.</p>
<p>Env8 Site could harm protected view 1 in vicinity of Grantham canal</p>	<p>Landscaping would be considered at the Reserved</p>

<p>Env9 Scheme needs clear drainage strategy to avoid future surface water flooding risks, including risks to water quality in Grantham canal watercourse which connects to a SSSI beyond Langar Lane to the north east</p> <p><b>Community action</b></p> <p>CF1 If approved there should be a pro rata increase in s106 contributions towards replacement village hall and open space improvements</p> <p>CF3 Scheme for 82 homes would require fresh demonstration of school numbers impacts - further information is required on up to date position.</p> <p>T1 Travel plan required along with possible s106 contribution to public transport improvements</p> <p>Community action</p> <p>T2 Cumulative impact of 82 homes would place pressure on traffic congestion points on Colston Lane, Main Street and School Lane in vicinity of school. Contribution to traffic management measures needed.</p> <p>T3 Cumulative impact of 82 homes would place pressure on traffic congestion points on Colston Lane, Main Street and School Lane in vicinity of school. Contribution to improved footpaths needed</p> <p>E2 Omission of employment development from original scheme means proposal likely to lead to more long distance and unsustainable commuting to work.</p> <p>E5 Fibre optic connection to each home would assist full time and part time home working and reduce unsustainable travel needs.</p>	<p>Matters stage which would provide some mitigation.</p> <p>The LLFA have provided a positive response that suitable drainage measures using sustainable techniques could be used</p> <p>The application is supported by many contributions for highways, education and civic amenities.</p> <p>As above, the section 106 would enable the school to develop to cater for the increased school places required for the development should permission be granted.</p> <p>As above</p> <p>The work undertaken as part of this application has provided a robust traffic assessment where such capacity has been provided acceptable according to stringent highway standards.</p> <p>As above</p> <p>Noted</p> <p>Noted and seen as a benefit to the development in requiring greater capacity broadband connections which could benefit the community at large.</p>
<p><b>Severn Trent Water</b></p> <p>No objections, subject to the submission of drainage plans for both surface water and foul sewage prior to the development being brought into use.</p>	<p>Noted and the conditions recommended can be applied to any approval granted</p>
<p><b>Developer Contributions</b></p> <p><i>Education</i></p> <p><i>Primary School</i></p>	



The site falls within the catchment area of Harby C of E Primary School. The School has a net capacity of 105 and 125 pupils are projected on the roll should this development proceed; a deficit of 20 pupil places. There are currently 3 pupil places at this school being funded from S106 agreements for other developments in the area. This reduces the deficit at this school to 17 pupil places, after taking into account the 20 pupils generated by this development.

The 20 places generated by this development can therefore be partly accommodated at nearby schools and a claim for an education contribution of 17 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the **Primary School sector of £201,811.49**.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Harby C of E Primary School or any other school within the locality of the development.

The contribution would be spent within five years of receipt of final payment.

**Total amount requested: £201,811.49**

### ***Secondary Education***

The site falls within the catchment area of Bottesford Belvoir High School. The School has a net capacity of 650 and 700 pupils are projected on roll should this development proceed; a deficit of 50 pupil places. A total of 5 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have been deducted. This reduces the total deficit for this school to 45 pupil places, after taking into account the 14 pupils generated by this development. There are no other 11-16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £244,724.77. Based

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.

on the table above, this is calculated the number of deficit places created by the development (13.69) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals **£244,724.77**.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Belvoir High School or any other school within the locality of the development.

The contribution would be spent within 5 years of receipt of final payment.

#### ***Libraries***

No claim requested as residents are more likely to use the libraries provided in the Nottinghamshire area.

#### ***Civic Amenities***

The nearest Civic Amenity Site to the proposed development is located at Melton and residents of the proposed development are likely to use this site. The Civic Amenity Site at Melton will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

Future developments that affect the Civic Amenity Site at Melton may result in a claim for a contribution where none is currently sought.

#### ***Highways***

1. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Justification: To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

2. 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). 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.

Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

<p>3. 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) £360.00 per pass (cost to be confirmed at implementation). Justification: To encourage residents to use bus services as an alternative to the private car.</p>	
---	--

**Representations:** - 40 representations of objection were received from 35 separate addresses following publicity by site notice and neighbouring letters.

<b>Representations</b>	<b>Assessment of Assistant Director of Planning and Regulatory Services</b>
<p><b>Neighbourhood Plan</b> This proposal is beyond the provision for new housing laid out in the Clawson, Hose and Harby Neighbourhood Development Plan and therefore should be rejected. No application beyond The Clawson, Hose and Harby Neighbourhood Development Plan should be approved. The area to be developed extends onto existing open green space outside the village Limit to Development boundary. Harby already more than meets its new housing obligations as outlined by the Local and Neighbourhood plans and this large increase in housing will damage the village environment both physically and socially. New homes are required but the integrity of the village location and environment should be maintained Having now seen the 'amended' number of prospective houses, I believe this is far to greater number for the village to accommodate.</p>	<p>This is a significant part of the reason for refusal as a direct conflict of the neighbourhood plan.</p> <p>Whilst Harby may have put forward sites for development in the Neighbourhood Plan it does not necessarily mean that further development cannot be permitted. Its policies are not 'absolute' in that they need to be considered alongside other material considerations.</p> <p>Any applications still could have material considerations that outweigh the policies in this development plan and they would need to be balanced.</p> <p>Housing requirements are not a minimum and in general is still required across the whole borough and therefore need to consider this for all applications both those allocated and not.</p> <p>The interaction between the NP and other material considerations is addressed below.</p>
<p><b>Land allocation</b> It includes a greenfield site outside the boundary of the village.</p> <p>The green space in question extends to the border with the Grantham Canal, which is a valuable green space immediately adjacent to the village and contributes to its character, the loss of which would be detrimental and could not be compensated for.</p>	<p>This is noted, however part of this land is allocated as a housing site in the Clawson, Hose and Harby Neighbourhood Plan. It is also a site within the emerging Local Plan. The site is also, as recognised in the appeal decision (APP/Y2430/W/16/3154683) as partially on brownfield land.</p> <p>Despite being closer to the canal, a buffer is maintained between the development site and this natural feature. It is not considered to be enough to warrant a separate reason for refusal.</p>
<p><b>Infrastructure Concerns</b></p>	

<p><b>Education</b> It is far too large for the village infrastructure to support. This village does not have the infrastructure to cope with such a large increase of people and traffic. The school itself is not able to cope with this increase in demand for places. It cannot be physically expanded so this development will lead to either overcrowding or children not being accommodated within catchment, both of which have a detrimental effect on both the education of the children and the community. Particularly concerned with the effect it could have on school class sizes. Currently class sizes are capped at approx. 15 pupils per year. As the school is relatively small, year groups are combined to form classes of up to 30</p> <p><b>Sewage</b> No details of how the sewage will be dealt with (can the Harby Sewage Works cope with the extra sewage; if that is the intended route for the sewage?) The water &amp; sewerage systems are struggling to cope as it stands.</p> <p><b>Public Transport</b> Public transport system is woefully inadequate.</p>	<p>These concerns are noted however the LPA is in receipt of a full set of contribution requests that will allow the school to expand on the basis of in-depth calculations on the predicted numbers of children that may emerge as a consequence of this development. The Local Education Authority have advised this will be achieved through the remodelling of the Primary School (rather than its extension), due to its site constraints.</p> <p>Severn Trent has commented on this application and have confirmed that the development is acceptable provided that conditions on providing adequate sewage is provided. The water authority also have a statutory duty to connect the new houses to adequate sewage and provide water to these houses and therefore is deemed to be acceptable.</p> <p>A bus service is available from the centre of Harby every hour. Whilst not as frequent as some, for a village it is deemed acceptable in this location.</p>
<p><b>Employment</b> The removal of the commercial and workshop space makes this application less sustainable for local employment. This amendment removes much needed employment space and has little economic benefit to the town of Melton and the county at large as residents tend to work and shop outside of the Borough of Melton.</p>	<p>This is noted however the application has been changed at the discretion of the applicant. There has been no mention as to why this part of the application has been removed. The proposal has therefore been considered on the basis of these changes.</p>
<p><b>Traffic/Highways</b> It will create unwelcome additional traffic in the village The site access is not suitable for 82 houses. The stretch of road is already dangerous, as evidenced by community speed checks in the area. To increase the number of vehicles; to add turning traffic; alongside potential for more pedestrians is not viable. The number of cars travelling in &amp; out of the village would increase significantly (as would the associated polluting gases). I suspect even more cars would be speeding on Colston Lane above the 30 m.p.h. zone each day! (The</p>	<p>The Leicestershire Highways authority have commented that the Transport Statement provided which compares the Transport Statement submitted as part of application 15/00673/OUT for up to 53 dwellings to the current proposals, which would increase the total number of dwellings at the site by 29 is acceptable.</p> <p>Issues of access, highway Safety using Personal Injury Collisions (PICs) data and Trip Generation using TRICS data are considered to be acceptable. Internal layout remains to be formally considered but this would be achieved at a subsequent reserved matters</p>

<p>speeding problem along Colston Lane has twice been identified by the community speedwatch scheme, but still the problem persists).</p> <p>The increase in traffic generated with no proposals to address traffic speed and management into and out of the village,</p>	<p>application.</p> <p>Having a composite comment by the CHA which raise no objection to the scheme nor advising that a severe impact as a consequence of the development, it is viewed the scheme cannot be refused on highways grounds.</p>
<p><b>Affordable Housing</b> The affordable housing provision has been reduced proportionally from the previous submission</p>	<p>36% of the development site is proposed to be a reasonable amount of the development site set aside for this purpose and would accord with the emerging Local Plan.</p>
<p><b>Design</b> Will irreversibly change the character of the village This proposal is disconnected from the rest of the village The site is too far from the main village. Whilst the developers may like to think this is 'walking distance' the reality is that people living here WILL drive to the school/garage, creating additional problems on roads that are already unsuitable for the number of vehicles. To create a development of this size in this location is not adding to housing in Harby. It is creating a separate hamlet. There are hamlets within the Vale with fewer houses and more services that are classed as unsustainable. It therefore seems inconceivable that this development could go ahead. It will be socially divisive and result in an unacceptably unsafe environment for residents of both Harby and the estate as well as those travelling between Harby and Colston Bassett. too many to create an atmosphere for the new residents: too close to each other, lack of light etc.</p>	<p>All matters of design of the actual development are reserved; to be determined by a future application for reserved matters. Such concerns as mentioned here will be observed should a reserved matters application be submitted.</p> <p>It however is acknowledged that the appeal decision allowed housing in this location and therefore despite not being part of the village core, the principle of residential development is now established. It is also an allocated site in the Neighbourhood Plan and emerging Local plan for residential purposes.</p>
<p><b>Housing</b> Melton BC have already demonstrated a 5 year supply of housing land The NPPF, Local Plans and Neighbourhood Plans are all directing developments to be reasonable and proportionate to the community and the local environ.</p>	<p>This is noted and strengthens the case for refusing the application as MBC are of the view that its housing requirement has been met on other sites.</p> <p>% year housing supply is constantly changing and the NPPF (July 2018) amended the definition and the types of sites that 'qualify' as part of the supply. Recent 5 year land supply calculations are being amended as a result.</p>
<p><b>Surface Water Drainage/Sustainable Drainage</b> In the plan it appears that a water course will be passing close to the boundary of property – concerned water may percolate through the soil into garden &amp; create a flooding issue.</p>	<p>A full consultation exercise has been obtained with the Lead Local Flood Authority for Leicestershire. They have concluded that the application can provide a full scheme with sustainable drainage features that will</p>

<p>The proposals have not been sufficiently thought through in terms of SUDS and 'open spaces' due to the retention ponds and spare / open space being squeezed into spaces behind properties, providing dead spaces, without overlooking where antisocial behaviour could become a problem in the future.</p> <p>Topography has not been considered in the design, with a 2m fall to the canal, with houses, roads and SUDs ponds being drawn with no understanding of this constraint. This will require large scale re-grading works in the proximity of the canal which has not been mentioned in the application documents.</p>	<p>allow suitable filtration of surface water without serious impact to the local area.</p>
<p><b>Amenity</b></p> <p>The view of the development is certainly not 'oblique' (as stated in the planning documentation). The development will have a negative visual impact from bedroom windows.</p> <p>Impact on immediate neighbours.</p> <p>Properties were bought surrounded by open space. Whilst people do understand that development is a necessity, cramming 82 houses into a space such as this seems over the top.</p> <p>There are empty/derelict properties that could be utilised better without taking over perfectly good grassland/natural space and impacting so greatly on existing houses.</p>	<p>The details of layout are not for determination for this application and as such distances to other properties are not for consideration for this application.</p> <p>The submitted “indicative” layout does however show that a housing scheme of this size could be designed to allow for sufficient separation distances between properties so that overlooking and loss of privacy would not occur.</p>
<p><b>Wildlife Impacts</b></p> <p>Impact on the local habitats which would be wiped out as a result of this increase in dwellings, so very close to the canal.</p>	<p>The application has been commented on by the Leicestershire County Council ecology team who raise no objection according to the reports submitted on these matters. Further conditions have been requested to ensure the development continues to respect any ecological interests that may be present.</p>
<p><b>Due process</b></p> <p>Surprised that Melton BC have allowed this to be considered as an amendment, rather than a new application with the required application fee, and increased scrutiny. The fact that this has been considered as an amendment has meant that many villagers have been confused by correspondence or are unaware of the significant changes to the previously advertised planning application.</p> <p>This cannot be considered as an amendment as significant changes have been made to the previously advertised planning application.</p> <p>82 dwellings is not an 'amendment' to the previous proposal of 31 dwellings and workshop space. It is an entirely new proposal.</p>	<p>A full consultation exercise has been conducted with all relevant consultees who have been made fully aware of the changes to the schemes where the amended plans have been made available which is considered an acceptable approach.</p> <p>The amendments can be accepted if they relate to the same site and for a similar development. As above, the application has been consulted on again by all the relevant consultees as this report reflects this.</p> <p>The proposal is a legal amendment as per the above, consultations have been carried out on the basis of the changes to the scheme put forward. There is no 'law'</p>

<p>Question whether this is a legal "amendment" or, as I suspect, is a speculative attempt to disguise what should rightly be a new application, and thus draw less attention and comment by the public.</p> <p>As it stood prior to this amendment, the application had found an element of compromise and had started to gather a degree of support within the village.</p>	<p>as such on this matter but guidance under what is called the 'Whitfield Principle'; in essence, the crucial question is whether there are any parties who may be prejudiced by the Council accepting and consulting on the amended scheme.</p> <p>It is deemed that this is not the case owing to the consultations that been carried out.</p>
---	---

**Other material planning considerations**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Planning Policy</b></p> <p><b>Clawson, Hose and Harby Neighbourhood Plan</b></p>	<p>The neighbourhood plan for Clawson, Hose and Harby is the development plan where applications in the area are required to be in conformity with this unless other material considerations are present which would justify a departure from its content.</p> <p>The Neighbourhood Plan allocates <b>part</b> of this site following the application being approved in outline in 2017.</p> <p>This application being a revision of this scheme however proposes more houses than the maximum within the neighbourhood plan and therefore considered to be a direct conflict.</p> <p>NPPF paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission, permission should not usually be granted.</p> <p>Furthermore, paragraph 14 lists the circumstances where there is likely to be an adverse impact of approving a development that goes against the neighbourhood plan policies which apply to this development:</p> <ul style="list-style-type: none"> <li>a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;</li> <li>b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;</li> <li>c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply</li> </ul>

	<p>requirement, including the appropriate buffer as set out in paragraph 73); and</p> <p><b>The NP is very recent (June 2018), allocates housing sites beyond its requirement and the Borough has a greater than 3 year housing supply. The NP is therefore considered to carry ‘full’ weight attributed by its development plan status and, as per the requirement of para 12, permission should not be granted.</b></p>
<p><b>National Planning Policy Framework</b></p> <p>The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved, <b>and proposed development that conflicts should be refused unless other material considerations indicate otherwise.</b></p> <p>The NPPF recognises that housing should meet the needs of present and future generations (para 8). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 59) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 62, in seeking to ensure that housing mix meets local housing need.</p> <p>The NPPF seeks to boost the economy and house supply to meet local housing needs. 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 application is required to be considered against the Development Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p><b>Application of Para 11. of the NPPF.</b> The Council’s most recent analysis shows that there is the provision of more than a 5 year land supply. This therefore provides justification that further housing above this requirement is not required. However the Local Plan is considerably out of date and as such Para 11 is engaged. This requires that any permission should be granted “adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</p> <p>Guidance in relation to the status of Neighbourhood Plans in these circumstances is provided in para 14 (see above) and it is concluded that the NP should retain full weight and its policies should be followed.</p>
<p><b>The (new) Melton Local Plan – Submission version.</b></p> <p>The new local plan has now completed Examination and the Inspector has recently suggested proposed Modifications which are currently out for public consultation. None of these specifically address this site.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> </ul>	<p><b>The Local Plan has progressed through examination stage and the Main Modifications are currently out for consultation.</b></p> <p><b>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</b></p> <p>The site is an allocated site for housing purposes in the Emerging Local Plan and referenced as HAR3</p> <p>The summary assessment of this site states: The removal of the derelict dairy and fire damaged buildings would be a visual improvement.</p>



<ul style="list-style-type: none"> <li>• the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>• the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Submission version of the Local Plan identifies Long Clawson as a Service Centre in respect of which under policy SS1 and SS2 the proposal as an allocated site is considered acceptable</p> <p>Policy SS1 –Presumption in favour of Sustainable Development: when considering development proposals, 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>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:</p> <p>Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole; or</p> <p>Specific policies in that framework indicate that development should be restricted.</p> <p>Policy SS2 –Development Strategy: Provision</p>	<p>However, the site is not well related to properties on Colston Lane and would be disconnected from the village. The greenfield part of the site to the west form part of the rural setting of the village and development on the site would be disconnected and would have an adverse impact on the rural character of this part of Colston Lane. The specific policy for this site requires:</p> <ul style="list-style-type: none"> <li>• The development addresses the frontage to Colston Lane and has an active road frontage</li> <li>• on the approach to the village;</li> <li>• the west and northern edges of the site are enhanced as a wildlife corridor with</li> <li>• biodiversity improvements and that there will be no adverse impact to any protect</li> <li>• species;</li> <li>• footpath/cycling links have been put in place linking and connecting the site to the village;</li> <li>• the northern and western boundaries are sensitively treated with the addition of soft attractive edging, additional landscaping and sensitive boundary treatments, particularly along the canal corridor.</li> </ul>
--	---

<p>will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton Borough.</p> <p>Development will be distributed across the Borough</p> <p>Policy C1 (A) – Housing Allocations: New housing will be delivered within the Local Plan on a number of sites to which this site forms one of those, the policy continues that Housing proposals will be supported where they provide;</p> <ol style="list-style-type: none"> <li>1 A mix of dwellings in accordance with Policy C2;</li> <li>2 Affordable housing in accordance with Policy C4;</li> <li>3 The necessary infrastructure required to support development in accordance with Policy IN1 and IN2; and</li> <li>4 High quality design in accordance with Policy D1.</li> <li>5 The requirements as set out in Appendix D1</li> </ol>	
---	--

### **Conclusion**

The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance to retain the primacy of the Neighbourhood Plan’s Development Plan status.

The neighbourhood plan for Harby, Hose and Long Clawson has identified part of this site as an allocation for up to 53 dwellings as a maximum. An application of 82 however is deemed to be significantly more than this, which puts the application at odds with the Neighbourhood Plan requirements and the site extends considerably further north than the NP site allocation. NPPF paragraph 12 states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Paragraph 11 of the NPPF further explains that permission should be granted unless specific policies provide a clear reason for refusal, the Neighbourhood Plan is the Development Plan in this instance and is specific in its allocation of the site and the constraints that it associates with the allocation.

**The application is presented as a departure from the neighbourhood plan by a significant degree. Removing the commercial part of the scheme and extending the site has created a development of housing which is far greater than the allocated number for this part of Harby. The site is quite sensitive owing to its separation from the built form and despite the previous approval, the development as proposed further extends this and is not identified as being acceptable within the neighbourhood plan which has been adopted by the villages for future development in their area.**

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

1. The proposed application, by virtue of the extent of the site and the number dwellings, is in contrary to policies H1, H2 and H3 of the Harby, Hose and Long Clawson Neighbourhood Plan.. No material considerations have been identified which it is considered are sufficient to override this direct conflict.

**Officer to Contact: Mr. Glen Baker-Adams**

**Date: 3<sup>rd</sup> August 2018**

This page is intentionally left blank