

# Minutes

<b>Meeting name</b>	<b>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>

## Present:

**Chair** Councillor J. Illingworth (Chair)

**Councillors**

P. Posnett (Vice-Chair)	P. Baguley
G. Botterill	P. Chandler
P. Cumbers	P. Faulkner
M. Glancy	T. Greenow
E. Holmes	J. Wyatt

## **Observers**

**Officers**

- Solicitor To The Council (SP)
- Head of Strategic Planning and Regulatory Services
- Planning Officer (GBA)
- Applications And Advice Manager (LP)
- Administrative Assistant (MF)

Minute No.	Minute
PL64	<p><b>Apologies for Absence</b> None.</p>
PL65	<p><b>Declarations of Interest</b> None.</p>
PL66	<p><b>Long Clawson - Common Issues</b></p> <p>The Head of Strategic Planning and Regulatory Services introduced the report which explained the weight that should be afforded to the Neighbourhood Plan (NP) and the emerging Local Plan (LP) in their relative state of advancement. He also explained the scheme developed by the LEA to expand the Primary School, including its limitations.</p> <p>On Education, this has been a long standing difficulty raised in numerous objections in each of the applications. In response to this we have liaised with both the LEA and the school. They have devised a scheme that would allow expansion to allow for 30 additional children – the equivalent using the LEA’s measured of 127 houses. This has been designed out and costed by the LEA and the details are set out in the report. They have also advised it is a singular solution that cannot be downscaled or broken into parts.</p> <p>Whilst aware of the likely costs, the no. of houses it will be divided between depends on the decisions that occur tonight. That is why – for those applications rec., approval all are ‘subject to’ the final calculation on costs and of course the applicants’ willingness to meet them.</p> <p>On the NP and LP the report addresses the question of weight following the relevant guidance from NPPF which will be familiar to the Committee. This has produced 2 key results :</p> <ul style="list-style-type: none"> <li>• The NP carries significant weight owing to the stage it has reached , having passed Examination</li> <li>• The NP is more advanced and less contended than the LP and in comparison outweighs the LP as a result. This is significant particularly to one of the applications tonight because the NP and LP address it in opposite terms, To reiterate, in current circumstanced, the NP holds greater weight.</li> </ul> <p>He reported responses to the is paper:</p> <p>Parish Council:</p> <ol style="list-style-type: none"> <li>1. The Parish Council (PC) is aware of the present need for Melton Borough Council (MBC) to determine the outstanding planning applications.</li> <li>2. The Neighbourhood Plan (NP) is expected to run alongside the emerging Melon Local Plan (LP) and give added local detail and content, while not conflicting with the LP’s strategic aims and policies.</li> <li>3. The PC notes that the first Core planning principle in para. 17 of the NPPF is that planning should: “be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area.”</li> <li>4. The PC agrees with the weight assigned due to the progress of the LCHH</li> </ol>

NP and MBC's LP. and that the NP attracts a higher level of weight in the determination of planning applications at present

5. In line with NPPF para. 14, Councillors will be aware that there remains a legitimate point of public debate about the precise level of Housing Need within the Borough as a whole, and how that may impact upon the three villages

6. Our own local consultations and NP community vision have led us to prefer a slightly lower OAN for new housing, as shown by the joint HEDNA study. But we acknowledge MBC's may aim for a higher provision It is part of the Inspector's identification of Matters 2 - Strategy, and 3, relating to housing and employment land, both provisionally scheduled for discussion on the opening day.

7. The LCHH NP allows for the possibility that MBC's view of the right level of OAN for housing may be the one eventually preferred by the LP Examining Inspector. In that event, the NP has identified an adequate level of Reserve housing sites.

8. Given the numbers of "in principle" planning permissions for new dwellings already granted it is clear that the parish will be able to meet the lion's share of its housing need for the entire 25 year plan period within the next 5 – 10 years.

8. There are 5 proposals on your agenda; the PC accepts that each must be considered on its own merits having regard to the policy framework above.

9. In view of the NP Policies H1 and H2 the PC is generally supportive of the Officer's recommendation to: REFUSE three of the applications, and, in principle, to APPROVE two of the applications subject to conditions and the completion of S106 planning obligations.

10. There are some clarifications and points of detail on some of the sites. The points of detail in the PC formal response(s) for each planning application remain valid alongside the NP Policies.

As these are site specific points they are best addressed by the PC chairman as each application is considered

LCHH PC supports the conclusions recommended by the MBC officers subject to detailed points relevant to each site.

Lcc Education

A detailed table of costs associated with the transportation of primary school children if the school is not extended or there is a delay in doing so is provided.

However it is strongly caveated that these can be avoided if funding for the school is secured at early stages (so that it can be ready for when children move in)

As with the school extension itself, firm conclusions cannot be drawn until we know how many houses are expected. Therefore it is suggested that, if and where applicable, this is added to the recommendations to be 'subject to agreement' with developers.

Letter from the Charity that remains the landowner of the school:

- The charity last intervened in the school to deliver the School Hall it enjoys today. This was achieved without any LCC monies.
- The LCC approach set out in the papers may not be the only way that capacity can be increased. Expansion in an organic way may be possible, possibly acquiring adjacent properties to achieve this
- The costs identified by the LEA are questioned
- The Charity would like to discuss alternative approaches with the LEA and ensure that the s106 monies are used in the most sustainable way.

Finally I am alerted to an error which regrettably has been duplicated across several applications. This is in the part that addresses 'Planning Policies and compliance with the NPPF' on pages 21, 71 and 95 where it is stated that the Borough is deficient in housing land supply. Please may I apologise and advise that we are confident we do have a 5 yr land supply at present. This does not assist with the question of village envelopes as we cannot contest that the 1999 plan is out of date, but it does mean that the delivery of housing of any given site can be given less weight as a 'benefit' in NPPF terms, than in a scenario where there is no such supply.

The Highways recent accident record was displayed. This is because of the point made in all of the applications about the dangerous nature of the road network in the village, with its bends and parked vehicles. There are 3 recent accidents, all of which were classified as slight injury accidents. All 3 accidents involved stationary or parked vehicles; none are on the bends.

Furthermore, dependent upon where each development is located, the Highways Authority advise that it would probably be likely that only a very small percentage of the traffic generated from each development would actually travel through the middle of Long Clawson, as the major destinations for travel such as Melton, Leicester or Nottingham may mean that vehicles do not need to pass through the middle of the village. Therefore even though there is an issue with parking in Long Clawson, it could be difficult to demonstrate that a site would create a significant impact on the flow of traffic through the village.

The recommendation of the report was highlighted:

**that the Committee proceeds to determine each application in turn, on its individual merits, under the terms set out by para 14 of the NPPF:**

**“permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits”.**

PL67	<b>Schedule of Applications</b>
PL67.1	<p><b>16/00032/OUT</b>  Applicant: Davidsons Developments Ltd  Location: Land South of Keystones, 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.</p> <p>Councillor Holmes Proposed a motion to withhold standing orders for the duration of this meeting, as there are many interested parties to speak on each application. This motion was Seconded by Councillor Greenow.  Councillors voted unanimously in favour of withholding standing orders.  Standing Orders Withheld for the rest of the meeting.</p> <p>a) The Head of Strategic Planning and Regulatory Services stated:</p> <ul style="list-style-type: none"> <li>• It is an Outline application with an illustrative layout</li> <li>• The most difficult of the apps tonight because of the conflict between the NP and the LP – but as stated earlier the NP carries more weight at present. The NP does not allocate it for housing and has protective policy under ENV8. This is the</li> </ul>

main driver behind our recommendation of refusal.

- The application has attracted widespread objection on several grounds all of which are outlined, but there are particular contentions regarding heritage and drainage.

- He described the main concerns – setting of the Manor House, Church, Conservation Area forming a historic core. Historic England have described the impact as ‘less than substantial harm’ (using those exact words) and this means the impact needs to be balanced against the benefits identified in NPPF – housing provision including AH being to the fore. This has included seeking their view on the mini roundabout, - their comments in this respect are on page 9.

- Drainage – concerns have been raised that the scheme cannot be achieved. It will be noted that we have reverted back and forth with the LLFA (page 8) and whilst they agree not every detail is yet secured, as is the nature of outline applications, they are not saying effective drainage would not be possible. Finally, we have received confirmation from the applicants that they would meet the s106 requests proposed by the Village Hall management body (page 16)

b) Cllr Tillyard, on behalf of the Parish Council, was invited to speak and stated that:

- The Parish Council supports the reports and recommendations of all officers this evening.

- This site is not identified in the Neighbourhood Plan, and is not allocated.
- This site is not even a reserve site in the Neighbourhood Plan.
- Environmental impacts should be included in the reasons for refusal.
- The site is poor and not suitable for development.
- It is next to a Conservation Area and a listed building.
- The site has flood risks.
- The reasons for refusal should include heritage, landscape and flooding.
- It breaks policies H1, H2, H3 and H7 of the neighbourhood plan.
- It breaks policies ENB8 and ENB9 of the neighbourhood plan.

Councillors had no questions for Cllr Tillyard.

c) Dr Cooper, as an objector, was invited to speak and stated that:

- This site is against the neighbourhood plan.
- It would damage the heritage and assets of the village.
- The nearby pond is fed by surface water run-off, so building on the field and the subsequent run off will destroy the Manor House pond.
- They do not have the permission of the pond owner to drain and destroy the farm.
- It will cause pollution in the area and lead to flooding due to less run off.
- The LLFA comments of application 17/01234/OUT, a similar site, are different and oppose the application.
- This site has a lot of drainage issues.
- The pond is important to the church and the setting of the whole village.

A Cllr asked what would happen if water access to the pond is blocked over.

Dr Cooper responded that the pond would dry up.

A Cllr asked how many similar ponds are within the vicinity.

Dr Cooper responded that he didn't know, and that is a reason why it is so unusual.

A Cllr asked why the pond has never dried up before, and queried whether it was a local spring.

Dr Cooper responded that the pond is a result of local surface water run off, and not a local spring.

d) Simon Shouler, as an objector, was invited to speak and stated that:

- Supports the recommendation to refuse.
- This is due to both heritage and drainage issues.
- There are very old buildings in Long Clawson.
- Medieval pond relies on surface run off.
- Manor Farm House is Grade 2\* listed.
- Nearby houses, church and vicarage are all important to the village character.
- The site shouldn't be changed from agriculture to housing.
- Historic England say that the pond and the run off area should be protected.
- Cannot justify the removal and drying up of the pond.
- There are better sites within the village for development.
- This site is unsafe and unwanted within the village.
- There are heritage and drainage issues for refusal.

Cllrs had no questions for Mr Shouler.

e) Guy Longley, as the agent, was invited to speak and stated that:

- This has been previously recommended for approval.
- Drainage issues at the site have been resolved.
- There are no objections from statutory consultees.
- It will provide education contributions for the primary school.
- It will provide contributions for the village hall.
- 37% affordable housing on the site.
- It is included in the Local Plan, and should be afforded more weight now that it has been submitted.
- Decisions should be consistent with recent Committee meeting for Waltham on the Wolds.
- Neighbourhood plan has not been to referendum, so should be afforded less weight as there is no certainty of outcome.
- It is a site allocated in the Local Plan, so should be approved.

A Cllr asked what would be done about the medieval pond.

Mr Longley responded that the LLFA had no objections to the scheme, so all should be OK with regards to the pond.

f) Cllr Rhodes, as Ward Councillor, was invited to speak and stated that:

- This site used to be set for approval, but since then more drainage issues

have come forward.

- The Manor Farm House is very important as it is grade 2\* listed, and the pond is also very important.
- This site is vital to the character and setting of the whole village.
- Cannot replace this setting with new estate housing.
- There are other environmental considerations against this site.
- There is a lot of local support in favour of the neighbourhood plan, which does not allocate this site.
- This is the site that is most objected to of all of the applications in Long Clawson.
- Council need to preserve its setting and its agricultural use.

Cllrs had no questions for Cllr Rhodes.

The Head of Strategic Planning and Regulatory Services responded that:

- This site is not a reserve site in the neighbourhood plan.
- Heritage England have stated that this site would cause less than substantial harm in the village, and that there would be safeguards in place to protect village assets.
- The Neighbourhood Plan still has a lot of weight, even before the referendum
- In Waltham on the Wolds, the neighbourhood plan was a lot less advanced than it is in Clawson, Harby and Hose.
- We cannot be certain what would happen to the pond, and the LLFA have stated that it is not an insurmountable problem or grounds for refusal.

A Cllr stated that we should not further damage this site with further development, and we should protect our local heritage.

Cllr Holmes Proposed Refusal, due to heritage issues on the site.

Cllr Baguley Seconded the motion for Refusal, as it is a very sensitive site and the Farm Manor House is grade 2\* listed and the pond should also be protected.

A Cllr commented that heritage assets are very important and should be protected, and that this is a very important site.

A Cllr stated that they fully support the motion for refusal, as we must consider the heritage of the village. Also, the educational contributions of roughly £1million seem accurate for the development.

A Cllr stated that Historic England have got this one wrong, and that these aspects must be considered and protected.

Cllrs agreed that the neighbourhood plan is very clear for this site, and it states that this site should not be considered for development within the village.

A Cllr stated that there are exceptional heritage issues on this site, and this

application should be refused on the grounds of damage to the heritage of the village and the area.

Cllrs agreed that the neighbourhood plan is very important and needs to be a major consideration, after the localism act encouraged local people to shape the area around them. The neighbourhood plan is more advanced than the local plan, and as a result it must carry significant weight. Local people do not want houses on this site, so we should listen to what they want.

A Cllr stated that this is a very important site for the borough, and that they are strongly against approval on this site.

A Cllr stated that the field is very important for the pond, and that the field should be left alone or it will damage the pond.

Cllrs agreed that this site should not have been allocated in the neighbourhood plan, and that it would be a mistake to build on this site.

The Head of Strategic Planning and Regulatory Services sought clarification on the reasons for refusal and in particular whether the Committee considered the harm to Heritage Assets to be substantial. This was confirmed.

A Cllr responded that the reason is currently due to the truly exceptional heritage circumstances on and around the site.

A Cllr suggested that the reasons for refusal should be toned down, and not be for truly exceptional issues. This was rejected by the proposer and the seconder.

**A Vote was taken on the motion to reject the application on grounds of the Neighbourhood Plan and substantial harm to heritage issues around the site by virtue of impact on their setting.**

**9 Members supported the motion.**

**0 Members were against the motion.**

**2 Members abstained from the vote.**

**The Motion was carried and the application was refused for the following reasons:**

**1. The application proposes a development of dwellings that is contrary to the Long Clawson Neighbourhood Plan. The development is not allocated as a housing site and is identified as locally important and valued view The application is therefore contrary to Policies H1, H2 H3 and ENV8 of the Clawson, Hose and Harby Neighbourhood Plan (Referendum Version) 2017 to 2036.**

**2. In the opinion of the Local Planning Authority, the development would amount to substantial harm to the adjacent heritage assets, the**



scheduled Moated site north-east of St Remigius' Church, the 14th century grade II\* St Remigius Church ;the grade II\* Manor Farmhouse on West End, the grade II Vicarage and the Long Clawson Conservation Area by virtue of a significant adverse impact upon their setting. It is not considered that the benefits provided by the proposals are exceptional to justify such harm and as such the proposal is contrary to para. 132 of the NPPF.

PL67.2 **16/00303/OUT**

Applicant: R D and J K Chandler

Location: Land And Buildings North Canal Farm, Pagets 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.

a) The Applications and advice Manager advised that:

The application is for outline planning permission for the erection of up to 40 residential dwellings, the application relates to the approval of the access with all other matters being reserved, the application is supported with an indicative layout plan showing how the houses may fit on the site.

The application site is located in Long Clawson and lies next to existing dwellings. Statutory consultees have assessed the proposal and raise no objections subject to conditions.

There are updates to the report, within the report the site is referenced as North Canal Farm, however the actual site address is Canal Farm rather than North Canal Farm.

The site would be accessed via the existing entrance off Canal Lane, and not via Paget's End as stated on the first page of the report.

As within the conclusions section of other reports an error has been made in which it has been stated that the Council is deficient in terms of housing delivery, the applicant has questioned why this statement has not been considered and or addressed within this report, this is an error, the council can demonstrate beyond a five year housing land supply and this also forms part of the balancing for members when determining the applications.

The application is a reserved housing site referenced Long 5 in the submitted version of the Local Plan and similarly is a reserve housing site in the Neighbourhood Plan referenced NPLONG 5.

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.

As such the application is recommended for refusal as per the 2 reasons set out in the report.

a) Cllr Tillyard, on behalf of the Parish Council, was invited to speak and stated that:

- The Parish Council supports the officer's recommendation to refuse.
- This is a reserve site in both the local plan and the neighbourhood plan.
- The site is not suitable for large scale development.
- The visual impacts are intrusive.
- The neighbourhood have objectively assessed the site, and the site is poor compared to others within the village.
- There are environmental and landscape impacts of this site.
- It has poor links to the village centre.
- There are transport issues for this site, and this site would irreversibly harm both the environment and the local highways.

Cllrs had no questions for Cllr Tillyard.

b) Melanie Steadman, as an objector, was invited to speak and stated that:

- The Design and Access statement for this application is incorrect.
- Pagets End is a private road, with no public access.
- Walking links are poor from this site.
- The footpath links are owned by different owners, so footpaths in to the village are not guaranteed.
- Highways recommended refusal before they changed to permit.
- LPA should consider refusal for transport issues.
- The access to the site is along a narrow lane, so is not suitable.
- It is only a reserve site in the neighbourhood plan.

Cllrs sought clarification on the location of the footpath.

Ms Steadman responded that the footpath is privately owned, and clarified the footpath location.

c) David Haston, as the agent, was invited to speak and stated that:

- This site would boost local housing land supply.
- It offers 40% affordable housing
- It would include contributions to both education and transport.
- It is only a reserve site, but it was recommended to be an allocated site and has been demoted to reserve site focus for no discernible reason and no explanation has been given.
- The site offers unique benefits, such as access to other settlements without travelling through the village.
- It is a Brownfield site.
- It would restore the landscape and reduce agricultural vehicles.
- Cows would be relocated to another part of the farm.
- Benefits outweigh the harm.

A Cllr queried whether the applicant would grant public access to the site.  
Mr Haston confirmed that the applicant will allow site access.

- d) Cllr Rhodes, as Ward Councillor, was invited to speak and stated that:
- It is only a reserve site in both the Neighbourhood Plan and the Local Plan.
  - There are landscape and visual issues with the site.
  - Cannot guarantee footpath access to village centre, and this must be provided for any site in the village.
  - There are better sites available in Long Clawson.

A Cllr queried whether the Neighbourhood Plan has footpath requirements.  
Cllr Rhodes responded that he was unsure.

The Case Officer (LP) stated that:

- The neighbourhood plan is well progressed, and it is listed as a reserve site.
- This is only an outline application, so the final scheme may look different.
- Highways have raised no issues with the site.

The Head of Strategic Planning and Regulatory Services stated that it is a reserve site in both the Local Plan and the Neighbourhood Plan, so the site must be acceptable in 'suitability' terms, and has not been allocated owing to the presence of superior alternatives.

A Cllr queried whether this is a Brownfield site.

The Head of Strategic Planning and Regulatory Services answered that it is not a Brownfield site, as it is still currently classed as agricultural land.

Cllr Baguley proposed to refuse the application as it is only a reserve site in the neighbourhood and local plans.

Cllr Cumbers Seconded the motion to refuse the application.

A Cllr commented that this is a farmyard, but it is poorly maintained and stores 300 cows. There are concerns over animal welfare, and it would be a benefit for cows to be moved to another part of the farm. As it is a Brownfield site, there may be reasons to permit.

Another Cllr commented that there are issues with cows and smell on this site, and if it is approved, this would improve as the cows would be moved to another section of the farm further away from the village and residential properties.

A Cllr stated that this application is finely balanced, as the application has no link to the rest of the village, and this site has particularly poor accessibility to the rest of the village.

A Cllr stated that the farmer could already have moved the cows elsewhere to try and improve their welfare.

A Cllr stated that the site has several benefits, but the residents do not want the site, as it is only a reserve site in the Neighbourhood Plan, and as a result will vote to refuse permission.

**A Vote was held on the motion to refuse the application on grounds that it is contradictory to both the Local Plan and the Neighbourhood Plan, as per the recommendation in the report.**

**5 Members supported the motion.**

**6 Members were against the motion.**

**The motion to refuse the application failed.**

Cllr Wyatt proposed to permit, subject to the footpath issues being resolved, as the site would eliminate the current eyesore, and provide better housing for the area.

Cllr Botterill Seconded the motion to permit, as it would be good for the long-term future of the village, and livestock would be moved away from the village.

A Cllr suggested that maybe we should vote for a deferment, whilst the footpath issues are resolved, as they are vitally important for this site.

A Cllr asked for clarification on what this would mean for the local plan at examination.

The Head of Strategic Planning and Regulatory Services responded that this would lead to Examination issues, as it is only a reserve site.

Cllrs clarified that the current motion to permit, subject to the footpath issues being resolved.

**A Vote was held on the motion to permit, subject to the footpath issue being resolved, the completion of a s106 agreement and conditions, details of which were delegated to the Head of Strategic Planning and Regulatory Services.**

**6 Members voted in favour of the motion.**

**5 Members voted against the motion.**

**DETERMINATION: PERMIT, subject to:**

- (i) Demonstration that a footpath link to the centre of the village can be secured and remain available on a permanent basis;**
- (ii) The completion of a s106 agreement securing:**
  - Contribution for the improvement to civic amenity sites.**
  - Contribution to travel packs**
  - Sustainable transportation**
  - 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,

- 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

- Village Hall improvements  
(each as set out in the report)

(iii) Conditions, details of which were delegated to the Head of Strategic Planning and Regulatory Services.

**FOR THE FOLLOWING REASONS:**

The benefits of the development - delivery of housing, affordable housing and also removal of nuisance from the village from odour and farm vehicles - are sufficient to outweigh the adverse effects which includes the weight of the Local Plan, the more substantial weight of the Neighbourhood Plan and all other factors.

**Cllrs Chandler, Cumbers and Baguley requested that their votes against the motion be recorded.**

PL67.3

**16/00560/OUT**

20.40pm - 20.45pm Meeting suspended for short break.

Applicant: AG and JML Birley

Location: Birleys Garage, 1 Waltham Lane, Long Clawson

Proposal: Residential development of up to 45 houses.

a) The Head of Strategic Planning and Regulatory Services stated that:

- The application is in outline with an illustrative layout
- the site is allocated in both the NP and the LP for the no. of houses proposed

The application would not affect roadside trees and incorporates highways works and a footpath at the junction with East End (just to the north of which were displayed)

He highlighted various matters for clarification:

Drainage - at the bottom of page 15 (65) in the left hand column the comments of a neighbour have been reported, relating to a ditch which runs along the northern edge of the eastern part of the site. The application red line is slightly from the boundary hedge and ditch. Indicative Layout drawing BG-16-01revC.

Ecology - the "no objection subject to conditions" view of the County Ecologist is reported at the bottom of page 7 (57). The County Ecologist responded that her initial concerns had been met

Letter from the applicants solicitor:

- Confirmation of the provision of 37% affordable housing – this would be

refined by a scheme to be submitted under the s 106

- Request that the s106 arrangements for the school are entered into by all successful applicants to ensure that the school goes ahead alongside the housing (if any).

This appears to be the same as the proposed recommendation.

b) Cllr Tillyard, on behalf of the Parish Council, was invited to speak and stated that:

- The neighbourhood plan agrees to permit this development.
- The Parish Council support this application and the recommendation to permit.

Cllrs had no questions for Cllr Tillyard.

c) Hamish Forbes, as an objector, was invited to speak and stated that:

- Owns adjacent property to the north.
- Borough Council or the applicant has never consulted him on the issues about the boundary ownership issues that have now been resolved.
- There are already water flow issues that cause flooding and property damage.
- The nearby brook leads to Hose, so may cause further flooding downstream.
- Current drainage in the area is inadequate.
- Phase 2 will flow into the pond and brook, and lead to further flooding.
- There is possible contamination on the site, which could lead to the pollution of the brook, which is used as drinking water for livestock.

A Cllr queried what is phase 2 of the plan.

Mr Forbes responded that phase 2 is the demolition of the garage and the piggeries for additional housing.

A Cllr clarified that phase 2 is not part of this proposal, and sought further clarification on the location of the brook to the site.

Mr Forbes confirmed the brook location is to the East.

d) Melanie Steadman, as an objector, was invited to speak and stated that:

- It is in the Neighbourhood Plan, but should only be permitted subject to several conditions.
- Buildings within the site should be no more than 2 storeys.
- Preserve the local trees and hedgerow, which is a policy in the neighbourhood plan.
- There is a shortage of bungalows within the village, so more bungalows should be built.
- The village already has an abundance of affordable housing, so the percentage of affordable housing in this development should be reduced.
- Road priority should be given to traffic travelling up the hill.
- There needs to be sufficient parking on the site, as there is already congestion within the village.

A Cllr sought clarification on the affordable housing issue.

Mrs Steadman responded that the village already has 16% affordable housing, so doesn't need any more, but requires bungalows within the village.

- e) Cllr Rhodes, as ward councillor, was invited to speak and stated that:
- Expected to be able to support this application.
  - Take into account what the objectors have said.
  - There is a high flood risk in the area.
  - Need to rethink site layout to reduce flood risk.

Councillors had no questions for Cllr Rhodes.

The Head of Strategic Planning and Regulatory Services stated that:

- This is only an illustrative layout so may be subject to change.
- The application is for "up to" 45 houses.
- There could be conditions on house heights and tree retention etc.
- Local trees would be retained, may have to implement a TPO.

A Cllr commented that there should be a condition to limit to a maximum of 2 storey houses.

A Cllr queried who is responsible for the adjacent hedgerow.

The Head of Strategic Planning and Regulatory Services answered that the hedgerow would remain under the control of whoever is currently controlling it, as it is not part of the application site.

A Cllr queried about the watercourse that may lead to flooding near the site.

The Head of Strategic Planning and Regulatory Services answered that the watercourse was very small.

A Cllr commented that a lack of watercourse maintenance is probably contributing to the flooding issues and must be looked at.

A Cllr stated that it is possible to condition to look at the flooding issues, as it is only an outline planning application.

Cllr Glancy proposed to permit the application, with additional conditions that there no houses that exceed 2 storeys, and that bungalows are included within the scheme.

Cllr Chandler Seconded the proposal to permit, as this is the ideal site for development within Long Clawson. Also, the site is currently derelict and site traffic would not have to travel through the village. Cllr Chandler proposed a condition to test for contamination before the application proceeds. Cllr Glancy agreed to this condition.

A Cllr commented that it is only an outline application, but the site plan should be altered so that the play areas included within the scheme are located at the centre of the site, rather than on the edge of the site. Cllr Chandler and Cllr Glancy both agree to this condition.

A Cllr commented that the site is included in the Neighbourhood Plan and is in keeping with the village scene and landscape.

A Cllr sought clarification on the separation between the garage and the site access.

The Head of Strategic Planning and Regulatory Services answered that the road would open up to allow access to the garage.

Cllrs discuss whether the road would be a public or an adopted road by LCC.

The Head of Strategic Planning and Regulatory Services commented that the road through the site would be a full 6m wide road, which may be adopted by LCC. If the road is adopted by LCC, as it meets LCC standards, then LCC will be responsible for its maintenance. If the road is not adopted, the residents will be responsible for its upkeep costs. Also, there must be street lighting on the site for it to meet LCC standards for possible adoption.

A Cllr suggested that priority is given to local buyers.

**A Vote was taken on the motion to permit the application,**

**11 Members supported the motion.**

**0 Members were against the motion.**

**0 Members abstained from the vote.**

**The motion carried unanimously, the application is permitted subject to:**

**(a) The completion of a s 106 agreement securing:**

- (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,**
- (v) 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**

**(b) Conditions as set out in the report with additional conditions that**

- (i) the site has no house of greater than 2 storeys,**



- (ii) some bungalows being included within the scheme,
- (iii) tests for contamination and subsequent remediation on the site is undertaken.

For the following reasons:

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.

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 should be granted.

PL67.4

**16/00709/OUT**

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 (amended description) - Revised flood risk and drainage information and reduction of dwellings to 19.

This application was withdrawn.

**Cllr Wyatt proposed a motion to continue past the 3 hour meeting limit and continue until a conclusion is reached.**

**Cllr Greenow Seconded the motion to continue to a conclusion.**

**A Vote was held on the motion for the meeting to continue until a conclusion is reached.**

**11 Members supported the motion.**

**0 Members were against the motion.**

**0 Members abstained from the vote.**

**The motion carried unanimously, and the meeting will continue until a conclusion is reached.**

PL67.5

**16/00810/OUT**

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

The Applications and Advice Manager (LP) introduced the application and advised:

The application is for outline planning permission for the erection of up to 31 residential dwellings, the application relates to the approval of the access with all other matters being reserved, the application is supported with an indicative layout plan showing how the houses may fit on the site.

The application site is located in Long Clawson and lies next to existing dwellings. Statutory consultees have assessed the proposal and raise no objections subject to conditions.

There are updates to the report: comments have now been received from the Lead Local Flood Authority. They have stated that the revised FRA includes a drainage strategy and additional detail as requested in their previous consultation response. The drainage strategy does not contain any level details, however on cross-checking against the submitted topographic details, it is found that the proposals would be deliverable.

The LLFA welcome the use of various SuDS treatment trains within the strategy however it is noted that some appear to be shown in locations that may ultimately become private space. As such, consideration regarding the maintenance of these features will be required when discharging the appropriate conditions.

It is noted within the FRA that intrusive ground investigation works have been commissioned. The FRA advises that it is believed these works will demonstrate infiltration is not viable on-sit. Result from infiltration testing will be required in order to discharge the relevant condition.

As with other applications this evening within the conclusions section of other reports an error has been made in which it has been stated that the Council is deficient in terms of housing delivery, this is an error, the council can demonstrate beyond a five year housing land supply and this also forms part of the balancing for members when determining the applications.

The application is an allocated housing site referenced LONG2 in the submitted version of the Local Plan and similarly is an allocated housing site in the Neighbourhood Plan referenced NPLONG 6.

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.

As such the application is recommended for approval as set out in the report along with the additional conditions from the Lead Local Flood Authority.

a) Cllr Tillyard, on behalf of the Parish Council, was invited to speak and stated that:

- The Parish Council supported this application and will continue to support.
- Drainage from this site will run down Hickling Lane,
- Needs to be subject to conditions to ensure that a suitable drainage scheme is in place.
- The houses on the edge of the scheme should be a maximum of one storey so they do not overlook or overbear the neighbours to the scheme.
- The Parish Council want to be involved with the developer to ensure the scheme is suitable for the landscape of the village.

A Cllr queried the location of the bungalows on the site.

Cllr Tillyard responded that the bungalows should be on the edge of the site, so that the neighbours who are adjacent to the site are not overlooked.

A Cllr commented that congestion and parking on Hickling Lane is usually very difficult.

Cllr Tillyard responded that the parking issues on Hickling Lane should be improving, as a new car park is now in place so people will not be forced to park on the roadside.

b) Brian Wiles, an objector, was invited to speak and stated that:

- There are safety issues on this site.
- Objects to the 31 houses, as Hickling Lane is already unsafe.
- The road is always very busy and there are HGVs who use the road regularly.

- The footpath is single file only, and the whole situation is an accident waiting to happen.
- The junction is unsafe, and the new houses built on this site would only make the situation worse and more likely to cause an accident.

Cllrs had no questions for Mr Wiles.

- c) Moira Hart, an objector, was invited to speak and stated that:
- It is included in the Neighbourhood Plan but it is now over-allocated.
  - There are drainage issues on the site, and there is a high flood risk.
  - There are already flood issues in this area of the village.
  - Site access is poor, as this is the main route through the village for HGVs and village traffic.
  - Alternative site access would be better.
  - Pedestrian access to the site is very poor, the local footpaths are very narrow, meaning residents would have to drive, and the congestion is already bad in the village.

Cllrs had no questions for Mrs Hart

- d) Adam Murray, the agent, was invited to speak and stated:
- There is a shortage of houses; this site would provide 31 more.
  - It is included in both the local plan and the neighbourhood plan.
  - There is local support for this application.
  - This site includes bungalows and affordable housing.
  - The site would retain local trees and hedgerows.
  - There are no technical objections to the site.
  - The applicant will agree to the S106 contributions.
  - Agrees with the recommendation to approve.

Cllrs had no questions for Mr Murray.

- e) Cllr Rhodes, as Ward Councillor, was invited to speak and stated:
- The reserve site has been approved, so Long Clawson has now reached its allocation.
  - It should be possible to now consider this site to be the reserve site for the village.
  - Access to the site is poor.
  - There is a safety issue on the road and access from Hickling Lane.
  - There are drainage issues on this site.

A Cllr questioned whether there has been flooding near the site.

Cllr Rhodes responded that he cannot confirm where specifically flooding has occurred, but it needs to be looked at and followed closely.

The Applications and Advice Manager (LP) responded that the highways issues have been examined by LCC, and they have no reason for refusal. Also, there have

been no objections from the LLFA, and there would be a SUDS plan in place.

A Cllr commented that this should become the new reserve site, but there is a drainage issue, flooding in the area as well as transport issues on the access road.

The Head of Strategic Planning and Regulatory Services responded that the options are limited to deferment, approval or refusal – Planning Committee cannot change the content of the now submitted Local Plan by giving this site ‘reserve site’ standing. The LLFA would introduce a new SUDS approach.

Cllr Baguley Proposed to refuse the application, due to road safety concerns.

Cllr Cumbers Seconded the motion to refuse, adding that Long Clawson already has its neighbourhood plan allocation, and doesn’t require any more housing.

A Cllr commented that the proposal is to refuse on transport issues, which have been seem as acceptable by the local highways authority, and there have been no technical objections.

Cllr Cumbers proposed to add the fact that Long Clawson has now filled its allocation for housing to the reasons for refusal. Cllr Baguley agreed.

A Cllr stated that there are already drainage issues in the area, as the ground is heavy clay. There are parked cars along the access road, so definitely support the refusal.

A Cllr stated that the site is in the neighbourhood plan, so could the application be deferred? New car parks will reduce roadside parking in the village.

A Cllr commented that the site has very dangerous access, so could the application be deferred whilst the access is relocated. A Cllr stated that there have been no flood alleviation works in the area, so the flooding issues will persist.

A Cllr stated that this site should become the reserve site, after the reserve site was approved.

A Cllr stated that neither the LLFA or LCC Highways have objected, and it is included in both the Local Plan and the Neighbourhood Plan. The officer has also recommended approval, so it may lead to a lost appeal if the application is rejected.

The Head of Strategic Planning and Regulatory Services commented that the village has now exceeded its total allocation in the neighbourhood plan, despite that fact this site is still allocated in the neighbourhood plan.

A Cllr comments that there were concerns raised in the report, but none were large enough to warrant grounds for refusal.

A Cllr states that they agree that the application should be deferred, whilst a new

site access is sought, as nobody objects to the site.

Cllr Baguley withdrew the proposal to refuse.

Cllr Baguley proposed a motion to defer the application whilst a new access to the site is sought.

Cllr Cumbers Seconded the motion to defer the application whilst a new access is sought.

A Cllr commented that the allocations in the Neighbourhood Plans are all minimums not maximums.

A Cllr commented that there should be caution in using flooding as one of the reasons for deferral or refusal, as the LLFA has no objections to the site. The Highways issue with access is the only reason for deferral.

**A Vote was taken on the motion to defer the application whilst a new access to the site is looked at.**

**11 Members supported the motion.**

**0 Members voted against the motion.**

**0 Members abstained from the vote.**

**The motion was unanimously carried;**

**DETERMINATION: DEFERRED, to request reconsideration of the location of the access and consideration of the suggestion it could be on Broughton Lane rather than Hickling Lane.**

PL68

**Urgent Business**

None.

The meeting closed at: 10.13 pm

Chair