



*Rural Capital of Food*

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 20 June 2019</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>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	M. Glancy (Chair)	P. Posnett (Vice-Chair)
	P. Chandler	P. Cumbers
	J. Douglas	P. Faulkner
	L. Higgins	E. Holmes
	J. Illingworth	M. Steadman
	P. Wood	

**Quorum:** 4 Councillors

<b>Meeting enquiries</b>	Development Control
<b>Email</b>	externaldevelopmentcontrol@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 12 June 2019

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>MINUTES</b> To confirm the minutes of the previous meeting on Thursday 30 <sup>th</sup> May 2019	1 - 10
3.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	11 - 12
4.	<b>SCHEDULE OF APPLICATIONS</b>	
4 .1	<b>18/01111/FUL</b> Field OS 2713 2100, Longcliff Hill, Old Dalby	13 - 18
4 .2	<b>16/00810/OUT</b> Land Rear of 1 to 3 Hickling Lane, Long Clawson.	19 - 60
5.	<b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent	

# Minutes

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 30 May 2019</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>

## Present:

**Chair** Councillor M. Glancy (Chair)

**Councillors**

P. Posnett (Vice-Chair)	P. Chandler
P. Cumbers	J. Douglas
P. Faulkner	L. Higgins
E. Holmes	J. Illingworth
M. Steadman	P. Wood

## **Observers**

**Officers**

- Solicitor To The Council (RP)
- Assistant Director for Strategic Planning and Regulatory Services
- Development Manager (LP)
- Administrative Assistant (AS)

Minute No.	Minute
PL87	<p><b>Apologies for Absence</b> None</p>
PL88	<p><b>Minutes</b> Minutes of the meeting held on 25th April 2019</p> <p>Approval of the minutes was proposed by Cllr Faulkner and seconded by Cllr Higgins. The minutes were approved.</p>
PL89	<p><b>Declarations of Interest</b> Cllr Higgins stated that he did not have a pecuniary or personal interest in application 18/01111/FUL Field OS 2713 2100, Longcliff Hill, Old Dalby, however he was aware that there were suggestions that the land used to be under the ownership of the leader of the council. Upon checking with officers it isn't owned by a member of the council but will abstain from the vote for transparency in his capacity as Deputy Leader of the Council.</p> <p>Cllr Posnett declared an interest as a Leicestershire County Councillor.</p>
PL90	<p><b>Schedule of Applications</b></p>
PL90.1	<p><b>18/01111/FUL</b> <b>Applicant: HSSP Architects Limited</b></p> <p><b>Location: Field OS 2713 2100, Longcliff Hill, Old Dalby</b></p> <p><b>Proposal: Residential development on land off Longcliff Hill, Old Dalby that currently benefits from 3 outline planning approvals 16/00911/OUT, 16/00184/OUT, 17/00743/OUT</b></p> <p>(a) The Development Manager stated that: The application before you is a full planning application for 36 dwellings, a briefing paper presented to members on Tuesday confirmed that there was an error within the report and the proposal seeks to replace 3 previous outline approvals which totalled 32 dwellings meaning a net gain of 4 dwellings. A number of questions were asked by members at briefing and I now have the answers to these which I shall answer in turn.</p> <ol style="list-style-type: none"> <li>1. With regards to the part q agricultural conversion on the site, this was considered and the access deemed suitable to serve the proposed additional dwellings alongside this proposal.</li> <li>2. The NHS Section 106 contribution has been discussed with them and the NHS consultee and confirmed that they are happy for the monies to go to Long Clawson not Latham House.</li> </ol>

3. Garages provided within the scheme have been measured and accord to the standards required considering the garages as parking spaces.
4. With regards to the public footpath and the crossing of vehicles over this, The county Footpaths officer raised no objections to the layout however advised that an additional condition could be added so that prior to commencement of development details of the footpath shall be submitted to and approved in writing by the Local Planning Authority, which would ensure the provision of a two metre wide footway adjacent to the carriage way and the continuation of the footpath adjacent to plots 28 and 29 rather than linking into the highway.
5. The density of this and previous schemes have been calculated  
This application for 36 dwellings is on 1.57ha of land and equals 22.92 dwellings/ha  
17/00743 was for 7 dwellings on 0.4562 ha of land equals 15.33 dwellings/ha  
16/00911 was for 8 dwellings on 0.36ha of land equals 22.22 dwellings/ha  
16/00184 was for 20 dwellings on 0.9836ha of land equals 20.33 dwellings/ha.  
It should also be noted that should permission be granted there needs to be a change to the list of plans provided within the committee report. Since the printing of the committee report, comments have been received from the County Highway Authority who raise no objection subject to certain conditions being added to any permission granted.  
The proposal before you comprises a full application for the erection of 36 dwellings, associated infrastructure and landscaping. Revised plans have been received amending the layout to address visual amenity issues and issues raised through the consultation process.  
The site already has the benefit of outline permission and the increase of 4 dwellings is not considered to be a significant increase. The proposal through amendments would secure a high standard of design and ensure satisfactory amenity for future and existing occupiers.  
As such the application is recommended for approval subject to conditions and the inclusion and amendment of conditions along with the altered section 106 contributions.

(b) Cllr Kim Lee, on behalf of Broughton and Old Dalby Parish Council, was invited to speak and stated that:

- The parish council couldn't support the application in its current form, with regards to the number of dwellings, design and character.
- Suggested reduction in numbers and amendments to design.
- Concerns regarding the footpath and hedge way.
- Unsustainable - small village, no shops, limited transport.
- Adverse impact upon village environment.
- Not in line with policy H3B of neighbourhood plan
- Highways concerns – Longcliff hill is a narrow road. Limited off street parking. Busy during term time. Sharp bend adjacent to exit. Additional vehicle movements will have a severe impact on highway. Not enough

information provided.

- Concerns regarding density, height of proposed dwellings and overlooking current properties.
- Who will be responsible for the maintenance of public/shared areas.
- Public rights of way and access preservation is vital.

A Cllr asked for clarification regarding the responsibility of maintenance for a play area as there doesn't appear to be provision for one in the scheme.

Cllr Lee responded that he was referring to the amenity space as there is no play area.

A Cllr asked for clarification of the density and if it was in keeping with the rest of the village. Also comparison of the density to an adjacent site.

Cllr Lee responded that there is slightly less density and the concerns were mainly the character of the taller three storey houses, which would obstruct views and look into houses.

A Cllr noted that on the site inspection immediately to the right, there are already 2 and 3 storey houses with dormer windows in the roof.

Cllr Lee responded that they are on a lower incline. The proposed development is on higher ground and are will overlook and impact views.

(c) Dr Sandra Taylor, on behalf of the objectors, was invited to speak and stated that:

- Speaking on behalf of over 100 residents and many who didn't get the opportunity to sign the petition.
- Make a decision which is consistent with the original permissions.
- Net gain of 7 houses.
- Commitment to retain hedge and footpath.
- Rural character would be destroyed.
- Destruction of the hedge has already taken place as the photos show.
- Out of keeping with the rural community.
- Loss of amenity.
- Loss of nature corridor.
- Stay within the original approvals which are more consistent.
- If approved, we will appeal to the secretary of state regarding the loss of the footpath.

A Cllr noted that the plan indicated quite significant hedgerows.

Dr Taylor responded that the nature corridor would have two roads over it which the public and animals won't want to traverse. The footpath is heavily used by pedestrians.

A Cllr asked if Dr Taylor would reconsider the word destroyed due to the amount of hedgerow left behind on the photos.

Dr Taylor that she wouldn't as the hedges have been thinned so you can see through them and they used to be dense.

(d) Nick Cooper, agent for the applicant, was invited to speak and stated that:

- Application is for 36 houses. The land already has the benefit of 3 separate outline approvals with S106 contributions but this is aiming to amalgamate and reduce the amount of roads required and allow for extra properties.
- Net increase of 4 dwellings. New layout amalgamated 3 designs.
- Provides social benefits such as contributions for Primary & secondary education, civic amenities and NHS.
- Will retain hedge, footpath and ecological corridor.
- Management Company to maintain open spaces.
- 3 plots already constructed. Current application is ranging from two to five bed houses and bungalows. Compliments its setting.

The Development Manager reminded Members that the village is a rural hub and there are allocations and sustainability for development. The real consideration is the 4 extra dwellings and if they would cause any harm and if so, how.

A Cllr asked for clarification regarding the number of storeys.

Mr Cooper responded that they would be two storey on the right and two and a half on the left.

A Cllr noted that the first speaker stated they were on higher ground.

The Development Manager stated that we don't have the site levels.

A Cllr stated that bringing the three applications together was like creating an urban development. Concerns regarding the hedge and who would be responsible for maintaining what is left. The maintenance should be a condition. Concerned there is no play area and there is nowhere in the development to put one. Concerns regarding road safety as Longcliff hill is a busy road. The density is 22.92 and 30 is the benchmark.

A Cllr noted an 18.6% increase in density and asked if the site is larger than the three separate previous ones. Noted a point of order, that this application supersedes the three previous applications and should be consider on its own merits.

The Assistant Director for Strategic Planning and Regulatory Services reminded Members that if this application should be refused they can still refer back to the previous approvals. However, if this application is approved they will have a choice

between both. We have an established baseline. The question is, what difference the additional four dwellings would make.

A Cllr raised concerns regarding density, parking issues, the adoption of the road, the number of dwellings, lack of a play area and road safety.

**Cllr Holmes proposed to defer** the application as they require more information. Not enough school places. Concerns regarding car parking spaces and road safety especially in winter. Need to know the building heights. Not enough time to consider LCC highways information. The ecological corridor doesn't go all the way along so it isn't a corridor. Concerns regarding a smelly ditch which was seen on the site visit and they don't have any information about it.

**Cllr Posnett seconded the deferral** and added that she has concerns regarding the lateness of the highway report. She asked the agent to note the comments of highways and address those issues as well as the parking concerns. Also asked for clarification regarding the adoption of the road so there are no future resident arguments regarding paying for the road as this shouldn't be causing residents distress. We have to get this right so we can defend our decisions. Will take up the matter with LCC regarding the lateness of report.

The Assistant Director for Strategic Planning and Regulatory Services asked Members for more guidance regarding the facts they want addressing

Cllr Holmes responded: sewerage, highways, the green corridor, the number of storeys, lack of play area and who is going to maintain the road.

The Assistant Director for Strategic Planning and Regulatory Services responded that the sewerage would connect to the main sewer.

Cllr Holmes noted that the ditch is opposite and not on the site. Confirm ownership of it. Also would like to see fewer houses on the site.

A Cllr raised their concerns regarding the maintenance of the hedge and the potential obstruction over the footpath when it grows.

The Solicitor to the Council noted that the agent has stated that maintenance will be handled by a management company.

A Cllr noted that hedges weren't mentioned with regards to the management company and that this needs to be specified.

The Solicitor to the Council responded that it is not normal for hedges

A Cllr suggested a covenant.

The Assistant Director for Strategic Planning and Regulatory Services confirmed that details are to be agreed in the management agreement.



A Cllr expressed they did feel confident that it always happened.

The Solicitor to the Council noted that he is in charge of looking after the planning agreements and would make sure it happened.

A Cllr asked if the new number of dwellings now meant that it would have to have a play area. They noted that if the smelly ditch falls outside of the site it is not a planning consideration.

The Development Manager noted that within the new local plan regarding play areas it states, where there are identified local deficiencies.

A Cllr commented that a play area is needed due to the number of dwellings and the small gardens.

The Assistant Director for Strategic Planning and Regulatory Services responded that it is not listed in the local plan as a deficiency. Open spaces contribute to the overall.

A Cllr noted that the number of dwellings are not in keeping with the area and they are more elevated and quite intimidating buildings. Would obstruct the view from the top of Longcliff Road. Concerns regarding the parking spaces as the garage appears to be taken as a parking space. This would lead to tandem parking or more. People are not going to keep moving their cars when leaving for work in the early hours of the morning which would lead to parking on the road. Suggested a community car park.

**A vote was taken. 6 Members voted in favour of deferral and 2 voted against. There were 3 abstentions. Cllr Higgins asked for his abstention to be recorded.**

**Determination: Deferred in order to seek clarification of issues regarding, density, car parking and road safety, school places, maintenance of hedgerows and ecology and dwelling heights and levels.**

PL91

**Development Management Performance Report - Quarter 4 2018/2019**

The Development Manager noted key points of the report and highlighted that Major applications were at 100% which is fantastic and Minors were at 87.6% which is quite a way above what is seen as an acceptable standard.

Appeals have increased but feel this is the remains of the old local plan. This time next year hopefully will be reporting a better appeal status.

Filled the 2 vacant planning officer posts. 1 of which is an existing member of staff which is excellent.

Appeal decisions have provided clear guidance regarding heritage assets.

A Cllr noted that there has been alarm from residents regarding the building numbers in the neighbourhood plan as they thought it meant you can't have more buildings above those noted in the plan.

The Assistant Director for Strategic Planning and Regulatory Services advised that they are pitched as minimums.

A Cllr asked if they could visit sites where decisions have been overturned at appeal.

A Cllr congratulated the planning team and noted that 100% is excellent and asked if there is a reason why it is not so good for minors.

The Development Manager responded that there is an 8 week deadline for minors and they can be more contentious.

A Cllr commented that they need to give more notice of trees and hedges coming down.

The Assistant Director for Strategic Planning and Regulatory Services responded that trees are a component of the design and they need to judge which aspects are most important.

A Cllr asked if they could replant what is taken down

The Assistant Director for Strategic Planning and Regulatory Services noted that the philosophy is there but they could condition which will stay and go. The judgement is if the losses are acceptable or not.

A Cllr noted they should have guidance on what trees they can plant as a lot of forest trees are used which become too big.

A Cllr noted that they would like MBC to focus on the planting of new trees and retaining wildlife corridors and get recognition and rewards for doing this. They also thanked the team for the excellent report and figures.

PL92

**Programme Of Training For Planning Committee**

The Assistant Director for Strategic Planning and Regulatory Services noted that there needs to be formalisation of training provided with named dates and topics. The first one could be a review of the development appeals.

A Cllr suggested that they could look at public footpaths that don't lead anywhere or that lead on to people's properties.

The Assistant Director for Strategic Planning and Regulatory Services noted that they will create a list of ideas.

The Solicitor to the Council noted that it is a matter for LCC if a footpath is blocked.

The meeting closed at: 7.20 pm

Chair

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## Advice on Members' Interests

### PERSONAL AND NON-PECUNIARY INTERESTS

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### PERSONAL AND PECUNIARY INTERESTS

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Audit and Standards Committee.

### DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

**If you are present at any meeting and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### BIAS

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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Melton  
Borough  
Council

## Planning Committee

Date: 20<sup>th</sup> June 2019

Report of:	Assistant Director of Strategic Planning and Regulatory Services
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### PLANNING COMMITTEE : REPORT UPDATE

**18/01111/FUL: Field OS2713 and 2100, Longcliff Hill, Old Dalby**  
**Proposed residential development on land off Longcliff Hill, Old Dalby that currently benefits from three outline approvals – 16/00911/OUT, 16/00184/OUT and 17/00743/OUT.**

#### 1.0 Summary:

1.1 The purpose of this report is to update members following the application being previously heard at the Planning Committee of 30<sup>th</sup> May 2019. The application was deferred in order to seek various amendments to the application and to provide clarification on various issues raised at that meeting.

#### 2.0 Recommendations

2.1 **It is recommended that members not the content of the report and proceed to determine the planning application at the Committee meeting on 20th June 2019.**

#### 3.0 Report Detail

3.1 The application was presented to the Planning Committee of 30<sup>th</sup> May 2019 where it was deferred. The previous report is repeated below.

3.2 As a point of clarification, the site the subject of this current application has extant approvals as follows:  
 16/00184/OUT – up to 20 dwellings  
 16/00911/OUT – 8 dwellings  
 17/00743/OUT – 7 dwellings

3.3 This provides a total of 35 dwellings. However, part of the site under application 17/00743/OUT has been separated and falls outside of the current application. That part of the site has a separate permission under 18/00571/FUL for 3 dwellings. Therefore, the site within the current application has extant permission for 32 dwellings. The proposal seeks to replace these permissions under one application for a total of 36 dwellings, an increase of four dwellings.

3.4 Following the discussion on 30<sup>th</sup> May 2019, the Agent has provided the following clarification on the proposed development:

### **3.5 Impact of development on adjacent ditch**

The ditch is off site and we have submitted a drainage strategy which clearly outlines the routes of new foul drainage to existing sewers. The ditch is not part of the application for foul drainage and it is suggested that the appropriate authority be contacted by the residents if this is problematic at present.

### **3.6 Density issues**

The density of the proposed layout is 22.9 dwellings per hectare. This is within the normal applicable limits for this type of location and there is no specified density requirement or limit. It is not considered that any other aspect of comparison is valid as this is a full application in its own merits. The additional 4 dwellings are 2 and 3 bedroomed houses as required by the Local Plan and the Neighbourhood Plan policies. In addition the mix includes for 3 bungalows.

### **3.7 Highways Consultation response (final amended scheme)**

The response from LCC Highways dated 29th May clearly states that the site would be suitable for adoption with 3 minor adjustments to the layout – conditions are stipulated to be attached to the planning approval. The adoption process is to be undertaken by a separate s38 process (should the client so desire). The items raised by LCC will be dealt with under the s38 process and no objection is raised on the grounds of highway safety or parking.

### **3.8 School Places**

S106 agreements are already been put in place to cover primary & secondary school provision. This current application includes enhanced financial contributions on the increased numbers (3) as requested by the Education Authority to facilitate the expansion of the capacity of the relevant schools

### **3.9 Maintenance of hedgerows**

The applicant has agreed to set up a management company to look after open spaces (including hedgerows).

### **3.10 Provision of Play areas**

The adopted MBC Local Plan does not require equipped play areas unless the current provision is inadequate. The existing provision in Old Dalby is considered to be adequate. The proposal provides a continuous footpath link from the site to the existing village footpaths connecting it to the play area located on Main Road.

### **3.11 Levels (in comparison to adjacent land)**

The site slopes away from Longcliffe Hill in a north-east direction and rises in a north-west direction up towards the farmhouse at North Lodge. The levels are similar when compared to the Longcliffe Close properties, and the separation distances are noted on the drawings – in excess of 27m from the rear of plot 5 with a hedge and a drive to East Lodge in between.

### **3.12 Dwelling Heights**

There are 2 storey dwellings and 2 storey dwellings with rooms within the roof (two and half storey) and some bungalows. The existing dwellings on Longcliffe Close have Plots 5-8 to the rear at 2.5 storeys high with a separation distance of at least 27 metres. Elsewhere on the site plots 11-16 and 19-20 are two & half storey. All of these properties have a dormer window to the front (street facing elevation) and a roof light to the rear garden facing elevation to reduce overlooking.



### 3.13 Ecology

The Council's specialist advisors, County Ecology has been consulted on the latest revision (Revision O) and raised no objection as this layout retains some of the hedgerow running east-west across the site. They state whilst it would be preferable for the hedgerow to be retained in its entirety the proposed layout does retain the overall corridor and sits the hedgerow in an area of open space rather than adjacent to plot boundaries.

This will help to protect the feature long-term, allowing adequate room for the hedgerow to grow whilst allowing access for maintenance. They recommend that any additional planting in this open space comprises locally native species.

3.14 They also commented on previous layouts and remain of the view that the ecology survey submitted in support of this application (CBE Consulting, September 2018) includes a brief walkover of the site to update previous surveys. This indicates that the site has not substantially changed in value. The most significant habitats of value were assessed as being the existing hedgerows. It appears that the existing hedgerows on the southern boundary, eastern boundary and the hedgerow crossing the site are being retained (albeit with some removal for access) and buffered from the development. They welcome the proposed buffer and would request that these comprise a minimum of a 5m buffer of semi-natural vegetation, in order to retain the corridor throughout and adjacent to the site.

3.15 However, the existing western and the proposed northern hedgerow appear to be immediately adjacent to plot boundaries, with no buffer zone and they recommend that the layout is rearranged to include buffers adjacent to the hedgerow.

3.16 Whilst such a buffer would be preferable a 5 metre buffer cannot always be accommodated within a site layout. Condition 17 requires the submission of a landscaping scheme which includes identifying those hedges to be retained. County Ecology raised no formal objection to the latest revision and it is considered this layout, together with conditions, adequately addresses the ecological issues on the site. A condition can be added if required to request boundary treatments to provide access for wildlife through the site.

3.17 To clarify, condition 2 should be amended to reflect the following:

- 7737-03-13 should be revision C
- 7737-03-11B should be omitted
- 7737-03-03 should be revision A
- 7737-03-17 should be omitted

## 4.0 Consultation and Feedback (including Scrutiny Committee)

4.1 The application has not been amended and no further consultation has been carried out.

## 5.0 Next Steps

5.1 The next steps are for members to consider the responses to previous questions at the Committee meeting of May 2019 that have been set out in this report.

## 6.0 Financial Implications

6.1 There is minimal financial implication in connection with the provision of Section 106 provision that has been recalculated and increased as part of this proposal.

**7.0 Legal and Governance Implications:**

7.1 The purpose of this paper is to ensure a planning decision is made based on correct information and therefore legally sound upon a decision being issued.

**8.0 Equality and Safeguarding Implications:**

8.1 No Equality or Safeguarding implications have been identified.

**9.0 Community Safety Implications:**

9.1 No Community Safety implications have been identified

**10.0 Other Implications**

10.1 No wider implications have been identified

**11.0 Risk & Mitigation:**

11.1 Identify what the risk is and how you will mitigate this risk.

11.2

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>				
	<b>C</b>	<b>Significant</b>		1		
	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
<b>1</b>	Decision making based on incorrect information, or matters that are unclear.

**Background Papers:**

Committee report of 30<sup>th</sup> May 2019.

<b>Appendices</b>
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None
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<b>Report Timeline:</b>
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<b>Assistant Director Sign Off: 8<sup>th</sup> June 2019</b>
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<b>Exempt Reports</b>
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N/A
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<b>Date of Review to make public (Exempt Reports only)</b>
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N/A
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<b>Report Author &amp; Job Title</b>
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J Mitson: Planning Officer
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 : 01664 502375.
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Melton  
Borough  
Council

## Planning Committee

Date: 20<sup>th</sup> June 2019

Report of:	Assistant Director of Strategic Planning and Regulatory Services
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### PLANNING COMMITTEE : REPORT UPDATE

**16/00810/OUT: Land Rear of 1 to 3 Hickling Lane, Long Clawson.**

**Outline application for the erection of up to 31 dwellings with associated access, open space and parking.**

#### 1.0 Summary:

1.1 The purpose of this report is to update members following the application being previously heard at the Planning Committee of 4<sup>th</sup> December 2017.

#### 2.0 Recommendations

2.1 It is recommended that members note the content of the report and proceed to determine the planning application at the Committee of 20<sup>th</sup> June 2019.

#### 3.0 Report Detail

3.1 Members will recall that the planning application was considered at the meeting of 4<sup>th</sup> December 2017 was 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. The relevant reports from December 2017 are included as appendices to this report.

3.2 A revised Transport Statement has been prepared in support of the application which has highlighted there would be an increase in daily two-way flows from the land use over the current permitted use while trip profile considers the standard 08:00-09:00AM/17:00-18:00PM peak hours.

3.3 The site is accessible to pedestrians using the existing rural infrastructure. Since this is not in accordance with LCC standard requirement a new footway is to be created over the width of the site frontage onto Hickling Lane. The site is accessible to cycle based travel, with good opportunities for cycle journeys in place of journeys by private car.

#### 3.4 Assessment of Broughton Lane.

Broughton Lane is a rural single lane two-way local distributor linking Long Clawson to Nether Broughton and the A606 Nottingham Road/Melton Road in a North East to South West direction.

3.5 Adjacent to the site the carriageway is not kerbed and measured 5.5 metres with

the route is subject to a 30-mph speed restriction adjacent to the junction with Hickling Lane. Running west from a point approximately 27m west of the junction with Hickling Lane, the national speed limit (60 mph) is in place. There is no street lighting present on the route.

- 3.6 **Assessment of Hickling Lane.** This road is a rural single lane two-way local distributor linking Ab Kettleby through Long Clawson to Hickling in a South East to North West direction. Adjacent to the site, the carriageway is kerb edged and measured at 6.5 metres in width incorporate 'SLOW' and 'KEEP CLEAR' road markings while the route is subject to a 30-mph speed restriction. There is a surfaced footway of varying width to the East of the corridor while to the West there is a grassed verge of varying width. There is no street lighting present on the route.
- 3.7 Access to the development site will be achieved via a new site access road taken off Broughton Lane. The road has a carriageway width of 5.5m. The kerb line has a radius of 6m at the junction with Broughton Lane.
- 3.8 A Highway boundary drawing has been provided for Broughton Lane and Hickling Lane. The highway boundary drawing indicates that at no point does the visibility splay leave the confines of the highway boundary and therefore vehicles having a clear view should not be an issue since arrangements can be made with third parties to keep any hedges trimmed back.
- 3.9 With regards to proposed pedestrian access, Drawings submitted illustrates the pedestrian access with the proposed levels in place. These levels indicate a gradient of 1:30 which is within regulations as set out in the County Highways Design Guide.
- 3.10 With regards to the bollards, drawings submitted indicate that although two of the existing bollards will be removed as part of the crossing construction, one will remain. In addition, a new bollard will be provided to the southern side of the proposed crossing.
- 3.11 Advice has been sought from Leicestershire County Highways Authority who have stated that the LHA previously advised that visibility to the west of the access may be restricted due to the hedgerow and that a sufficient response to the Stage 1 Road Safety Audit had not been provided. The LHA therefore requested additional information with regards to the available visibility splay and the highway boundary.
- 3.12 The applicant has submitted drawing number FW358\*H-800 Rev A3, which details visibility splays in relation to the highway boundary. Splays of 2.4x104 metres can be achieved to the east, which are considered acceptable given the nearby junction. As well as the visibility splay of 2.4 x 160 metres to the west, the applicant has also detailed a splay of 2.4 x 61 metres. The shorter visibility splay, which is on the bend in the road demonstrates that visibility of the full carriageway width could be achieved within the highway boundary and that vehicles would not disappear from the view on the approach to the site access. It should be noted however that in order to achieve appropriate visibility it may be necessary to substantially cut back a section of roadside hedge to the west of the site access.
- 3.13 The applicant has now detailed the bollards in relation to the proposed dropped crossing across Hickling Lane, however it does not appear that consideration has been given to an alternative crossing location. The LHA has studied the proposals

as shown on Farrow Walsh drawing number FW958-H-801 Rev A2 would still lead to concerns, due to the need to remove bollards at the existing build out, which was provided to protect the neighbouring property from oncoming vehicles and prevent parking in the area. While the LHA consider the pedestrian link as shown would not be acceptable, it is considered a pedestrian link to existing pedestrian footways on Hickling Lane is both necessary and achievable. The LHA therefore advise an appropriate pedestrian link should be conditioned.

### 3.14 **Planning Policy – background**

When the proposal to defer the application was made the application was considered against the 1999 Melton Local Plan which was considered to be out of date and as such, under para, 215 of the 2012 NPPF, was only given limited weight. Therefore the application was considered under the ‘presumption in favour of sustainable development’ as set out in para 14 of the 2012 NPPF which required harm to be balanced against benefits and refusal only permitted where *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2012 Framework taken as a whole”*.

3.15 Both the then “Emerging Local Plan” and Clawson Harby and Hose Neighbourhood Plan were still in preparation at the time of the December 2017 Committee. Neither of the plans were yet part of the Development Plan for the purposes of decision making (as per the definitions s38 (6) of the Planning and Compulsory Purchase Act 2004 or S70 of the Planning Act 1990). The plans were both ‘material considerations’ under this required approach and were therefore taken into account in arriving at the balance of the issues required by the NPPF 2017. The Committee was able to exercise its discretion to give as much weight as was considered appropriate in the circumstances of the case. Members were able to proceed to combine and balance these considerations with all others, which similarly were decided on the question of weight.

3.16 At the time of the December 2017 Committee the Neighbourhood Plan had completed Examination stage and the results had been accepted by the Neighbourhood Plan Group and the Local Plan had been submitted for examination. The site was referenced as NPLONG6 within the Neighbourhood Plan and stated as “NPLONG6 Hickling Lane/Broughton Lane– Development will be supported provided:

- Drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere;
- It is up to 32 dwellings;
- Landscaping is provided to soften the site boundaries;
- A safe and convenient footpath link to existing footpaths is provided;
- Dwellings are no more than two storey high, with some single storey bungalows included adjacent to current dwellings.
- The layout and architectural design creates an informal, rural feel.”

3.17 The application at the time of decision was considered to comply with the Clawson Harby and Hose Neighbourhood Plan and it was considered that the compliance was a factor that provided weight for the proposal.

The site was also allocated as LONG 2 in the (then) draft Local Plan for an estimated 35 houses. The allocation stated that the site is reasonable well related to existing built-up area of village, close to employment opportunities and local facilities. No significant technical objections. Limited impact upon landscape and some ecological concerns, both of which will require sensitive treatment. Site is suitable for allocation. The Education Authority have been consulted throughout this process. A solution has been found in order to increase the capacity of Long Clawson primary school with contributions shared between the approved sites.

### 3.18 **Planning Policy -Update**

Decisions must be taken in a manner that reflects the circumstances that apply at the point they are made. The relevant legislation is s38(6) of the Planning and Compulsory Purchase Act 2004 or S70 of the Planning Act 1990 which require that the Development Plan for the area must be taking into account and that decisions should follow its content unless material considerations indicate otherwise. This is reinforced by Paragraph 12 of the National Planning Policy Framework 2019 which states: *“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. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”*.

3.19 The Melton Local Plan was formally adopted by Full Council on 10 October 2018 with the Clawson, Harby and Hose Neighbourhood Plan being adopted in June 2018. Therefore, the previous circumstances that applied to the Committee’s consideration on 4th December 2017 have been superseded. The progress of both plans to adoption means that the legal requirement to apply full weight to be attributed to them has taken effect, which was not the case in December 2017. The progress of both Plans is considered to assign greater weight to the application, owing to the content of the proposal being allocated for housing development in both.

3.20 Paragraph 12 of the National Planning Policy Framework 2019 states the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making which is set out above. The Local and Neighbourhood Plans are not out of date owing to their recent adoption and Examination processes, part of which was considering the degree of consistency with the NPPF (they would not have been found sound/passed Examination had this test not been met) and as such the provisions of the presumption in favour of sustainable development relating to out of date plans (para 11) does not detract from this starting point.

3.21 Decisions must follow the terms of the Plan unless there are material considerations to indicate otherwise. This is a very different and much ‘higher’ test for decision making than was applicable in December 2017, where greater discretion was available on the attribution of ‘weight’ to the various considerations, including the (then) emerging Local and Neighbourhood Plans. The application is compliant with both Plans

3.22 In conclusion the development is compliant with the Development Plan for the area, both the adopted Local Plan and the Clawson Hose and Harby Neighbourhood Plan and the determination of this application can only depart from these if there



are material considerations of sufficient weight to justify doing so. It is considered that there are no material considerations that justify a departure from the Development Plan, particularly in circumstances where this application assists in the achievement of overall supply allocated throughout the Borough.

3.23 It is recommended that Planning Permission is permitted subject to appropriate conditions and revisions to the section 106 agreement based on the time between their consideration in December 2017 and present day.

**4.0 Consultation and Feedback**

4.1 No further consultation has been carried out as the proposal has not been amended.

**5.0 Next Steps**

5.1 The next steps are for members to consider the changes in circumstances since the Committee meeting of December 2017 that have been set out in this report.

**6.0 Financial Implications**

6.1 There is minimal financial implication in connection with the provision of Section 106 provision that has been recalculated as part of this proposal. Final amended figures have been requested and will be reported verbally at the planning committee.

**7.0 Legal and Governance Implications:**

7.1 The purpose of this paper is to ensure a planning decision is made based on correct information and therefore legally secure upon a decision being issued.

**8.0 Equality and Safeguarding Implications:**

8.1 No Equality or Safeguarding implications have been identified.

**9.0 Community Safety Implications:**

9.1 No Community Safety implications have been identified

**10.0 Other Implications**

10.1 No wider implications have been identified

**11.0 Risk & Mitigation:**

11.1 Identify what the risk is and how you will mitigate this risk.

11.2

<b>L I K E L I</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>				
	<b>C</b>	<b>Significant</b>		1		

<b>H O O D</b>	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>				
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
<b>1</b>	Not approving a site that is allocated for housing within the Development Plan.

**Background Papers:**

None

**Appendices**

Appendix 1 – Long Clawson Common Issues report of 04.12.2017  
 Appendix 2 – Previous committee report of 04.12.2017  
 Appendix 3 – List of conditions

**Report Timeline:**

**Assistant Director Sign Off: 10<sup>th</sup> June 2019**

**Exempt Reports**

N/A

**Date of Review to make public (Exempt Reports only)**

N/A

**Report Author & Job Title**

L Parker: Development Manager

☎: 01664 502375.

## Appendix 1

### **SPECIAL MEETING OF PLANNING COMMITTEE 4<sup>th</sup> DECEMBER 2017 REPORT OF THE HEAD OF REGULATORY SERVICES**

#### **LONG CLAWSON 'COMMON ISSUES'**

##### **1. Introduction**

- 1.1 This purpose of this report is provide and update to the Committee of the issues that affect the consideration of all of the applications forming the content of the agenda of 4<sup>th</sup> December 2017

##### **2. Background**

- 2.1 This report address an update on education capacity and the application of the Local and Neighbourhood Plans, all of which have developed in recent months and are relevant to each application.

##### **3. Education**

- 3.1 The Local Education Authority has advised that a feasibility study has been devised that allows for the expansion of Long Clawson Primary School to achieve a greater capacity. The only way to increase the capacity at the school is to replace the mobile classroom and build on the site the mobile currently occupies. The scheme devised will provide a classroom to replace the mobile and one additional classroom plus support spaces to accommodate the additional pupils the housing will generate. This would provide up to 30 additional places, which will provide sufficient capacity for approx. 127 additional houses (depending on house type and tenure).
- 3.2 The school occupies a very constrained site with no potential for further development and any proposal to increase the capacity will necessitate the replacement of the mobile, this means that there are no options to either phase the project or reduce its scope if fewer than 127 dwellings are approved.
- 3.3 The total cost of the scheme to expand the school is £1,080,094, The LEA will contribute £280,000 as it is obliged to in order to replace the mobile, the contribution of £29,038 included in the S106 for the development of 10 dwellings on Melton Road (15/00543/OUT) is allowed for. This would leave a balance of £771,056 to be apportioned between the housing numbers eventually permitted.
- 3.4 The LEA has calculated that if 127 dwellings are permitted (a figure derived from the Pre Submission Local Plan), the cost per dwelling is £6,071.31. If the total number of dwellings is less than then the costs remain the same, can be divided accordingly by the number of dwellings actually approved.
- 3.5 The Highways Authority will be seeking a contribution towards the cost of additional school transport unless and until such time as an acceptable means of accommodating the pupils at the local school can be provided, and if necessary the cost of expanding the school to which transport vis provided as a temporary or long term measure. This will be detailed in each of the application reports as it varies from case to case based on the number of houses proposed.

#### **4. Long Clawson, Hose and Harby Neighbourhood Plan (CHHNP) and Melton Local Plan**

4.1 The CHH NP has now completed Examination and received a positive response of a recommendation to proceed to Referendum subject to several amendments. The NP Group has accepted these amendments and it is now able to proceed (n.b this is subject to the agreement of MEEA Committee who are meeting on this subject after this report was written – the outcome will be reported verbally). The Local Plan has been the subject of Addendum of Focussed Changes, consultation on these Changes and was submitted for Examination to the Planning Inspectorate on 4<sup>th</sup> October 2017.

4.2 The impact of the content of both Plans varies in respect of each application and is addressed in the individual reports. However the question of the weight that they carry is common to each application and is addressed here.

4.3 The Neighbourhood Plan and the Local Plan are emerging plans which should be taken into account. However, neither of these plans is yet part of the Development Plan for the purposes of s38 (6) or s70. At present the Development Plan only comprises the saved policies from the 1999 Local Plan.

4.4 The plans are both material considerations under this legislation and must therefore be taken into account. It is a matter for the decision maker to give as much weight as is considered appropriate in the circumstances of each case. The following assessment is provided to assist Members to conclude on the weight the NP should carry in its current state of advancement and the surrounding circumstances. The Committee then needs to proceed to combine and balance this conclusion with all the other considerations, which similarly will need to be decided on the on the question of 'weight'.

4.5 Paragraph 216 of the NPPF states that weight may be given to relevant policies in emerging plans, according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved objections to the relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
- 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)

4.6 Addressing each criteria in turn:

##### **(i) The stage of preparation of the emerging plan**

**The Neighbourhood Plan** has completed Examination stage and the results accepted by the NP Group. The next stages are:

- MBC (authority is vested in the MEEA Committee on 4.12.2017) to decide if it should proceed to Referendum
- Referendum (plus administrative steps to allow it to be 'made')

Section 70 of the Act has recently been amended to require that post Examination Neighbourhood Plans be treated as a material consideration in the determination of planning applications. The NP is now at that stage and, accordingly, benefits from

this provision. With only the Referendum to complete, it is regarded as very well advanced.

**The Local Plan** is submitted for Examination and has the following steps to complete:

- Examination for its 'soundness' under the NPPF
- Examination results to be published and any 'modifications' to be the subject of consultation
- Further examination to take place into Modifications
- Final Inspectors Report and recommendations
- Adoption by MBC

**(ii) The extent to which there are unresolved objections to the relevant policies**

One of the key purposes of the Examination is adjudicating the representations made to the **Neighbourhood Plan** following its Regulation 16 consultation. The Examination has been completed and a 'ruling' has been made on the representations, in the form of recommendations from the Examiner. These have been accepted by the NP Group and as such it is considered they are 'resolved'.

**Local Plan:** there are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution (including quantity allocated to Long Clawson) and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain 'unresolved'.

**(iii) The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework**

**Neighbourhood Plan:** Consistency with the Framework is a 'basic condition' which Neighbourhood Plans are required to satisfy and as such are an area that is scrutinised by the Examination. In terms similar to the above, it is considered that the conclusion of the Examination is very strong evidence that the extent of compliance with the NPPF is high.

**Local Plan:** whilst it is the Council's view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.

4.7 Paragraph 14 of the NPPF states that if planning permission should be refused only where the adverse impacts significantly and demonstrably outweigh the benefits of residential development in this location. It is a matter for this Committee, as the decision maker, to decide how much weight should be given to emerging policy. This includes the Neighbourhood Plan and Local Plan.

4.8 Members are invited to conclude on the question of weight that can be assigned to the emerging Neighbourhood and Local Plans given the circumstances around them. It is considered reasonable to conclude that at its present stage, with only the Referendum to complete, **the Neighbourhood Plan should carry substantial weight.**

4.9 However, the **Local Plan** remains the subject of unresolved objections and with challenges submitted about its consistency with the NPPF, the weight attributed should be regarded as **limited** only.

## **5. Cumulative total of dwellings proposed: the Local Plan and other policy considerations**

- 5.1 As described above, the Local and Neighbourhood Plans are progressing but have not yet reached a stage where it can be relied upon as the Statutory Development Plan for the purposes of determining planning applications. Determinations must therefore be made under the Policies of the NPPF.
- 5.2 The NPPF requires that each application is considered on its own merits, and for permission to be granted unless the impacts would “significantly and demonstrably” outweigh the benefits. **Application’s strengths and weaknesses in comparison to others are not considered to be a factor that can determine their impacts.**
- 5.3. A report is provided for each of the application (items 4.1 – 4.5. of this agenda) addressing the planning merits of each application. Each application is unique and as such encounters different issues in different ways, which in each case requires a independent conclusion to be reached on the ‘harm’ and ‘benefits’ they give rise to and the relative weight of each. The applications are presented in date order of receipt. The policy content of the NP and LP as they relate to each application is a material consideration within this exercise which add/deduct weight depending on their content.
- 5.4 With regard to Education provision, it is demonstrated that sufficient capacity can be created for up to 127 dwellings. However, their cost through s106 depends upon which are approved, if any, and how many houses they collectively comprise. This is unknown until the formal determination of all of the applications concerned. It is therefore considered necessary that any decisions to grant permission are made ‘subject to’ the agreement of a proportionate contribution (based on the number of houses approved per scheme) reflective of the approaches described in above, and of course their agreement by the applicant (s) concerned.

## **6. Recommendations**

- 6.1 **It is recommended 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”.**



## APPENDIX 2

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

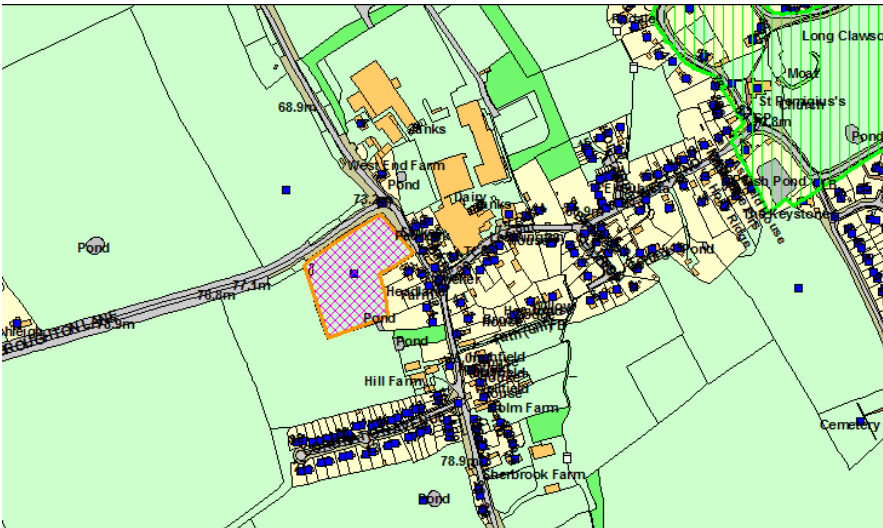
**Reference: 16/00810/OUT**

**Date submitted: 28.10.16**

**Applicant: Mr T Hazelton**

**Location: Land rear of 1 to 3 Hickling Lane, Long Clawson**

**Proposal: Outline application for the erection of up to 31 dwellings with associated access, open space and parking (Resubmission of 15/00833/OUT).**



### **Proposal:-**

This application seeks outline planning permission for up to 31 dwellings with associated public open space, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application.

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

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Impact upon residential amenities**
- **Sustainable development**
- **Role of the Neighbourhood and Local plans**



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

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

**History:-**

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

**Planning Policies:-**

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

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

**Policy OS2** - This policy restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, **Policy OS2 should be considered out of date when considering the supply of new housing.**

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

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

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

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

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

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

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

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

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

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

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

**On Specific issues it advises:**

#### **Promoting sustainable transport**

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

#### **Delivering a Wide choice of High Quality Homes**

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

**Require Good Design**

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

**Conserving and enhancing the natural environment**

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

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

**Consultations:**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highways Authority: No objection, subject to conditions and developer contributions</b></p> <p>Following the County Highway Authority’s (CHA) initial observations in April 2017 in which a number of queries were raised. Since then, further information has been supplied in response to the specific queries raised which has been subject to review by the Highway Authority.</p> <p><b><u>Site Access</u></b> The applicant has confirmed that the existing site access on Broughton Lane which would become redundant as a result of the development proposal will be closed off in the interests of highway safety which is very much welcomed by the Highway Authority. In the absence of a suitable plan, this can be a pre occupation condition if minded to grant planning permission.</p> <p>The proposed site access is off Hickling Lane; the design of which is indicating that the site will remain in <u>private</u> ownership i.e. not offered for adoption by the Highway Authority in the future. It is also larger than what is required for the scale of development when designed for future adoption by the Highway Authority in the future. It is also larger than what is required for the scale of development when designed for future adoption by the Highway Authority which is advocated where more than 6 dwellings will be served.</p> <p>However on the basis on the submitted documentation, whilst the access is considered acceptable, neither the site access, nor any associated internal road layout (albeit reserved for future determination) will be suitable for adoption by the Highway Authority in the future. This does however have implications for waste collection (LPA waste service don’t tend to serve private development sites), and future maintenance liabilities which the applicant should investigate.</p>	<p>The application seeks outline consent for a development of up to 31 dwellings. The only matter for detailed consideration is the access into the site. Layout, scale of development, matters relating to appearance (design) and landscape would form a reserved matters application should approval be granted.</p> <p>It is proposed to take the access off Hickling Lane with a series of roads and private driveways serving a development with a mixture of housing types.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development.</p> <p><b>The Highway Authority has no objection to the access from Hickling Lane subject to off-site improvements and a contribution to encourage the new residents to use public transport.</b></p>

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

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

#### **Off-Site Implications**

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

#### **Conditions**

1) No development shall commence on site until such time as a Construction Traffic Management Plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

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

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

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

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

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

<p>occupation.</p> <p>- In the interest of highway and pedestrian safety on Hickling Lane.</p> <p>3) Prior to first occupation, the nearest pair of bus stops shall be upgraded to include flags, poles and information display case on West end; the details of which shall be first submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.</p> <p>- To provide improved public transport facilities to encourage modal shift and to inform new residents of the nearest bus services.</p> <p>4) The existing filed vehicular access that becomes redundant on Broughton Lane as a result of the development shall be closed permanently and the existing vehicular crossing reinstated in accordance with a scheme that shall be first submitted to and approved in writing by the Local Planning Authority within one month of the new site access being brought into use.</p> <p>- To reduce the number of vehicular accesses to the site to reduce the number of potential conflict points in the interests of highway safety.</p>	
<p><b>Trent Valley Internal Drainage Board:</b> No objection subject to conditions requiring details of foul and surface water disposal.</p> <p>The site is outside of the Board's district but within the Board's catchment.</p> <p>The erection or alteration of any mill dam weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.</p> <p>No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:</p> <ul style="list-style-type: none"> <li>• Existing catchments and sub-catchments to be maintained.</li> <li>• Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.</li> <li>• Surface water run-off limited to the greenfield rate for other gravity systems.</li> </ul>	<p>Noted – a condition(s) could be applied to any permission granted as requested.</p>

<p>Where surface water is to be directed into a Mains Sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse.</p> <p>The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.</p> <p>All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site and are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.</p> <p>Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life off the development must also be considered.</p>	
<p><b>Severn Trent Water Ltd:</b></p> <p>No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted – a condition(s) could be applied to any permission granted as requested.</p>
<p><b>Environment Agency</b></p> <p>No comment – consultation should be directed to the Lead Local Flood Authority (LLFA).</p>	<p>Noted – see LLFA comments below.</p>
<p><b>Lead Local Flood Authority (LLFA) – Requires additional information.</b></p> <p>The drainage strategy detailed provide storage</p>	<p>The application site lies within Flood Zone 1</p>

for the 1 in 100 year + 20% climate change event which is identified as 158m<sup>3</sup> of storage within the calculations in the within Appendix B, however based on current Environment Agency guidance an uplift to a 40% allowance climate change should be used on residential developments.

It is also noted that discharge from the site should be limited to site specific greenfield rates and volumes. In accordance with SC030219 produced by the Environment Agency and DEFRA; "A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactory low flow rate while keeping the risk of blockage to an acceptable level. It is suggested that this is 5 litres per second." Therefore if the site specific greenfield discharge rate for the site falls below this value, a maximum proposed discharge rate of 5l/s may be utilised.

A drainage plan which identifies indicative site levels of drainage features proposed and the site outfall should also be provided to determine that that site levels work.

Further information should be provided regarding the drainage ditch north of the site, including topographical information regarding the level of the ditch and whether it has adequate capacity to drain the site.

Information should also be provided to demonstrate that due consideration has been given to the ongoing operation and maintenance of surface water drainage features proposed for use on site.

**The LLFA advises:**

**The application documents as submitted are insufficient for the Lead Local Flood Authority to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:**

**- Plans of a proposed surface water drainage strategy, showing proposed SuDS features, indicative levels and a suitable outfall location/discharge point.**

and therefore has the potential to be affected by flooding.

Since the submission of the information as assessed opposite contact has been made by the agent to the Lead Local Flood Authority and revised details with regards to a final drainage strategy for surface water have been submitted.

**The information is currently with the Lead Local Flood Authority and their comments will be reported verbally to the committee.**

<p>- Evidence that the proposed discharge, generated by all rainfall events up to and include the 100 year plus 40% climate change, has been limited to the site specific greenfield runoff rates and volumes for all return periods.</p> <p>- Evidence that due consideration has been given to the ongoing operation and maintenance of the surface water drainage strategy for the life time of the development.</p> <p>- Further information on the proposed outfall location including the level of the ditch and whether it has adequate capacity to receive discharge from the site.</p>	
<p><b>Affordable Housing</b></p> <p>Total dwellings – up to 31 dwellings</p> <p>Affordable Housing contribution at current Local Plan level – 12 (c.39% of total)</p> <p>Affordable/intermediate/social rented – 10 (c. 80%)</p> <p>Intermediate housing – 2 (c. 20%)</p> <p>Evidence from the Melton Borough Housing Needs Study, 2016 shows a need for a split of 80% rented and 20% intermediate housing.</p> <p>The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing.</p> <p>The Housing Needs Survey of Long Clawson carried out by Midlands Rural Housing in November and December 2014, identified a need over the next 5 years for both affordable housing and market housing.</p> <p>Affordable/intermediate/social rented:  2 x 2b4p bed bungalows  3 x 2b4p bed houses  4 x 3b5p bed houses  1 x 4b6p bed houses  Total: 10</p> <p>Intermediate housing:  2 x 2b4p bed houses (Starter Homes)  Total: 2</p> <p>market housing mix:</p>	<p>This is an outline application which allows the details of the housing mix to be considered later, but a condition would ensure that a mixed balance of dwellings is provided.</p>



<p>2 x 1 bed houses  2 x 2 bed bungalows  5 x 2 bed houses  2 x 3 bed bungalows  6 x 3 bed houses  2 x 4 bed houses  Total: 19</p> <p>A local connection cascade would need to be applied on this application, as per the separate attachment.</p> <p>The affordable housing would need to be built out to at least HQI space standard.</p>	
<p><b>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</b></p> <p>Following consideration of the previous outline proposal (15/00833/OUT), working in tandem with the developer and their archaeological consultant (York Archaeological Trust – YAT), it has been possible to address the previously identified need for additional archaeological information to establish the potential for upstanding and buried remains within the development area.</p> <p>A combination of desk-based assessment, geophysical survey and, most recently, trial trenching, has demonstrated that the development area contains well preserved buried archaeological deposits of a local significance. These remains together with the overlying ridge and furrow earthworks, warrant appropriate investigation and recording prior to the impact of any future development.</p> <p>In essence the investigation demonstrated at least two main phases of medieval and post-medieval activity comprising a 10th-13/14th century phase of settlement, followed by contraction of the settlement area, with the site reverting the cultivation – in this instance indicated by both subsurface remains and earthworks of former ridge and furrow cultivation. It seems the main area of activity encompasses the eastern and southern portion of the development area, excluding the north western corner of the site (Trenches 5, 7 and 9 – although see below re Trench 7).</p>	<p><b>There is no objection on archaeological grounds.</b></p> <p>There is a need for additional work which can be controlled by conditions.</p>

The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

As a consequence, it is recommended that prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. It is anticipated that provision for a suitable mitigation strategy comprising the recording of the surviving earthworks, followed by area of excavation of those remains likely to be affected by the development and future use of the application area, would be sufficient to offset the development impact upon the archaeological interest of the site.

1) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).

3) The development shall not be occupied until

<p>the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p><u>Reason:</u> To ensure satisfactory archaeological investigation and recording</p> <p>The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.</p> <p>The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.</p>	
<p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p> <p>The ecology survey submitted in support the application (Brindle and Green, August 2015) identified that the majority of the site comprised species-poor grassland. No evidence of bats was recorded with the buildings to be demolished, although it was considered that 2 ash trees on site had some potential to support roosting bats.</p> <p>We welcome the great Crested New (GCN) Survey (brindle and Green, June 2016) and are pleased to see that this contains the additional survey that was not completed for the previous application on this site. The results of the survey indicate that GCN were recorded in a number of ponds surrounding the site, with a medium population recorded.</p> <p>The report concludes that there is a high risk to GCN from this development, based on the location of ponds and suitable terrestrial habitat between ponds and the application site. Whilst we are in agreement that this is a development in</p>	<p>Noted.</p> <p>The application was accompanied by a habitats survey that discovered the presence of GCN in the immediate vicinity. This can be addressed by mitigation.</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear that larger buffer zones could be provided to enhance biodiversity.</p> <p>Mitigation measures have been proposed and a condition can be imposed to safeguard the on-site presence of Great Crested Newts.</p> <p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</b></p>

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

## Waste

The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.

The County Council has reviewed the proposed development and consider there would be an impact of the deliver of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £2,562 (to the nearest pound).

The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development.

The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development likely to use this site. The calculation was determined by a contribution calculated on 31 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to indexation and reviewed on at least an annual basis) per dwelling/unit = £2,562 (to the nearest pound).

This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (in 2012/2013 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.

Each household in Leicestershire in 2012/13 delivered on average approximately 0.276

The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.

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.

**It is considered that the waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.**

tonnes of municipal waste to a Civic Amenity Site. On this basis the proposed development of 31 dwellings would generate over 11 tonnes of additional Civic Amenity waste at the Melton Mowbray Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the demands placed on the site as a result of the proposed development.

Government legislation is focused on maximising the diversion of waste from landfill and the county Council must have appropriate containers and/or storage areas to deal with the different types of waste. Due to the complex nature of the waste received at the Civic amenity Site it will become increasingly difficult over time to maintain performance and a good level of service at peak times, particular with an increased demand place on it due to this development

The developer contribution would be used on project reference MEL010 at the Melton Civic Amenity Site. Project Mel010 will increase the capacity of the Civic Amenity Site at Melton by:-

- Mobile plant compaction attachment to compact waste stored in open topped containers to increase the sites capacity.

There are three other known or potential obligations from other approved developments since April 2010 that affect the Melton Civic Amenity Site which may also be used to fund project MEL010.

The County Council consider the Civic Amenity contribution is justified and is necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be place don the key infrastructure as a result of the proposed development. It is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.

It is considered fair and reasonable in scale and kind of the proposed scale of development and is in accordance with the threshold identified in the

Long Clawson village school is already over capacity and this development would increase

adopted policies and to meet the additional demands on the Civic Amenity infrastructure at Melton Mowbray which would arise due to this proposed development.

### **Libraries**

No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray

### **Education**

To assess whether there is a claim for an education contribution we look at the current net capacity figure against the average of two year and four year forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

#### Primary School Sector Requirements £188,210.30

The site falls within the catchment area of Long Clawson C of E Primary School. The school has a net capacity of 105 and 116 pupils are projected on roll should this development proceed; a deficit of 11 pupil places (of which 3 are existing and 8 are created by this development).

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

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

The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those

the deficit by a further 11 places.

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

It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the proposal would bring and is therefore considered compliant with CIL Regulation 122. The contribution will be used to mitigate against the increase in pupils and whilst it will be pooled this is the first request of its kind for the Long Clawson School and therefore compliant with CIL Regulation 123(3)As explained, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until applications are determined. Please see additional detail in the ‘Common Issues’ report forming Item 3 of this agenda.

<p>developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)</p> <p>The contribution for a development of 31 dwellings will be. £188,210.30 This is based on sharing the costs between 127 dwellings</p> <p><u>Secondary School Sector Requirements £0</u></p> <p>The site falls within the catchment area of Belvoir High School. The school has a net capacity of 650 and 598 pupils are projected on roll should this development proceed; a surplus of 52 pupils places after taking into account the 6 pupils generated by this development.</p> <p>A total of 5 pupil places are being funded at this school from S106 agreements for other developments in the area. After taking these places into account the school has a forecast surplus of 57 pupil places.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p><u>Post 16 Sector Requirement £0</u></p> <p>This nearest school to the site is Melton Vale Post 16 Centre. The college has a net capacity of 640 and 460 pupils are projected on roll should this development proceed; a surplus of 180 pupil places after taking into account the 2 pupils generated by this development.</p> <p>There are currently no pupil places in this sector school being funded by S106 agreements from other developments in the area.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p><u>Special Schools £0</u></p> <p>As this development is less than 250 houses with two or more bedrooms a claim for a Special School contribution will not be made</p> <p><b>Highways</b></p> <p>The County Highway Authority advises that details of the routing of construction traffic to be approved by the Local Planning Authority in</p>	<p>Construction Traffic Management measures can be incorporated as conditions.</p> <p><b>The s106 requests for sustainable transport are considered to comply with CIL Regs. 122 and 123 in that they are necessary and related directly to the application and can be included in an Agreement if permission is granted.</b></p>
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<p>consultation with the Highway Authority should be included in the Section 106 agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.</p> <p>To comply with Government Guidance in the NPPF, the CIL regulations 2011 and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use :-</p> <ul style="list-style-type: none"> <li>• Travel Packs: to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at an average cost of £52.85 per pack);</li> <li>• 6 month bus passes (2 application forms to be included in the Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £480 per pass. (Note it is very unlikely that a development will get 100% take up of passes; 25% is considered to be a high take up rate).</li> </ul>	
<p><b>Village Hall -</b> Long Clawson Village Hall and Recreation Ground Ltd Requests are submitted for a series of projects as follows;</p> <ul style="list-style-type: none"> <li>• New Car Park Drainage and Surface</li> <li>• Pre School Extension to existing Village Hall</li> <li>• Pavilion and Changing Room Facilities</li> <li>• 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways</li> <li>• Outside Toilet</li> <li>• Cycle Rack</li> </ul> <p>The sums have been calculated on the basis of the proportionate increase that the development would add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. <b>£19,000</b> for this proposal, based on its scale (no. of houses).</p>	<p>The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.</p> <p>The requests have been presented to the developers and their response will be reported verbally to the Committee.</p>

**Representations:**

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

Representations	Assessment of Head of Regulatory Services
<b>The representations include many 'pro forma' type letters in which residents have identified objections from a list if</b>	There is no prescription on how representations may be submitted and all need to be taken into account.

<p><b>10 reasons for opposing the application. These points also summarise the objections raised in many of the individual letters of representation and are listed below.</b></p>	
<p><b>Too big a development</b> The proposed development is completely out of character with the village in its setting. Its size and style is out of character and does not fit with the local “<i>sense of place</i>” that the NPPF encourages (para 58). The proposal is another urban-style development imposed on a rural village that has historically grown gradually. How can building up to 31 houses on 1.142 hectares possibly be said to enhance the rural character of Long Clawson.</p>	<p>This is a development of housing and associated infrastructure which will change the appearance and character of this farm.</p> <p>The application is at outline stage with only access considered at this stage, however an indicative plan demonstrates that the proposal could be designed to respect the character of the village and integrate successfully. It is an acceptable scale and density of development of this site.</p>
<p><b>The development does not address the housing needs of the village,</b> which is particularly short of 2-3 bedroomed bungalows for the older residents. It is unclear from the design and access statement what the proposed mix of houses will be. The village is well catered for in social rented housing (16%). This development need to fit with the housing needs identified in the emerging Neighbourhood Plan.</p>	<p>The development will provide a mix of housing to help meet local and wider needs.</p> <p>Notwithstanding the limitations of Housing Needs surveys, the development has the capability of fully meeting these needs, which is considered to be a factor in favour of the application.</p>
<p><b>Inadequate road infrastructure</b> – a key problem with this proposal is access to the proposed site will be onto a narrow road. Many HGVs pass the site en route to or when leaving Long Clawson Dairy and LGW Feeds on Broughton Lane. There is frequent congestion where the road narrows as there is not sufficient road width for two large vehicles to pass. HGVs frequently have to back up or mount the pavement in this area. The visibility when exiting the proposed site would be poor due to the closeness of the junction.</p>	<p>Concerns about the adequacy of the local road network are understood.</p> <p>However, there is no technical evidence to support these concerns and subject to mitigation the Highway Authority has no objection to the development. The development would increase the traffic on the local highway network.</p> <p>There is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p>
<p><b>Limited Public Transport,</b> although there might be a bus stop within 80 metres of the site the bus service is poor – restricted to daytime hours Monday to Saturday. People have to run a car to participate in evening or weekend activities in Melton or surrounding towns. The local bus service is totally inadequate for getting people to work in nearby towns and cities (Nottingham, Leicester,</p>	<p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> <p>Commuting to and from larger centres for employment and other activities is</p>

<p>Grantham) where the majority of residents' work.</p>	<p>inevitable however the need for day to day travelling is reduced by the range of facilities in the village, for example primary school and surgery.</p> <p>There is a bus service which is relatively limited. This development would promote and subsidise the use of public transport and would help to sustain existing provision.</p>
<p><b>Unsustainable development</b> – The applicant indicates that the proposed development accords with the principles of sustainable development in that it provides new homes in a location, which offers a good service provision within walking distance of the site. With the school capacity full, limited public transport, a stretch of highway infrastructure and pedestrian footpaths narrow this development is far from being sustainable.</p>	<p>Long Clawson has a reasonable range of facilities. It can meet many local needs and is well located to access larger centres.</p> <p>See Education Authority comments above and item 3 of this agenda 'Common Issues'. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.</p> <p>The developer has agreed to pay all of the contributions which have been requested to mitigate the impact of the proposal upon local infrastructure.</p>
<p><b>Visual impact</b> – Section 4.5 of the Landscape and Visual Appraisal indicates that the key landscape objective is to “conserve and enhance the rural agricultural character of the Vale”. Building an urban style development on an elevated site close to existing neighbouring dwellings would be overbearing and intrusive.</p>	<p>The proposed development is submitted in outline form, therefore details of appearance and scale are not considered at this stage, it is considered that a development in this location could be designed to respect the existing dwellings and landscape. Within the context of the Vale of Belvoir, the site is small and would not have any significant impact on its overall character.</p>
<p><b>Increase in commuter traffic on narrow country roads.</b> It is not low carbon due to the need for potential residents to commute. This development would: produce additional daily traffic movements through the unclassified village road which is already taking volumes of traffic higher than a rural A road;</p>	<p>As per previous comments relating to Highway issues, there is no evidence to suggest that the Highway cannot cope with the additional volume of cars proposed as a result of this development.</p>
<p><b>Concerns over the proposed site drainage scheme</b> – of concern is the capacity of the existing drain and the developer's plans for routing overflow onto the public highway if the system is exceeded.</p>	<p>There is a request for further information to be submitted by the Lead Local Flood Authority, additional drainage details have been submitted to the LPA and are being considered by the LLFA, these comments will be</p>

	presented verbally to the committee.
<b>Pedestrian vulnerability</b> – There are inadequate footpaths from the site to the village centre. Many of which are narrow and not continuous involving the need to cross the road several times.	The proposal lies on the edge of the village, links can be provided to incorporate the proposed development into the existing footpath network.
There are already <b>parking problems</b> in the village, especially in the village centre and East End where parked cars, result in an almost permanent single track road. Any development will mean increased traffic and parking problems in the village.	Like many rural centres, with older housing having little or no off-street parking, there is limited capacity for parking on the street, particularly in the village centre. This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation.  There is no evidence that the volume of traffic generated by this site would have a significant impact upon the overall movement of traffic through and within the village.
<b>No room at the school.</b> It is well known that LC Primary School is full with nowhere to expand. As is stated in item 3A; Appendix 10 Local Plan Appendix 1 Site Allocations and Policies of the draft Local Plan – Sites in Long Clawson should only be brought forward for development when the primary school places can be provided to meet the needs of the new residents.	See Education Authority comments above and item 3 of this agenda ‘Common Issues’. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.
<b>Loss of habitat</b> – Bats and barn owls hunt in the field of the proposed development. Loss of this habitat cannot be mitigated.	Please see relevant comments from the County Ecology Department above, the application is accompanied by an independent report which has been assessed, and subject to the inclusion of additional buffers and conditions there is not considered to be a significant impact upon wildlife.
<b>Lack of further capacity at the Surgery.</b> The surgery, which is nearing capacity, serves 23 villages in the Vale many facing similar housing development to this development.	The surgery is currently displaying that it can accept new patients. This point is being examined in more detail, but it is understood that there is capacity to accommodate this development.
<b>Employment.</b> With the impending move of KS Campsites from the village there are very limited employment opportunities. The current type of employment at the dairy is mainly low skilled low paid shift work. Out of the present 300 employees very few live in the village. The majority of employees working in nearby towns and cities and	Noted – the development would provide the opportunity for housing of a range of values, including affordable housing suitable for lower income households.

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

<p><b>Highways</b></p> <p>The highways report on the original application condemns the access as unsafe and as it appears that the location and design of the access still remains the same as in original application this must still be applicable.</p> <p>This is the third version of the transport statement and is indicative of woeful lack of understanding of local issues and sensitivities. The report is full of bland quantitative evidence that is biased towards the conclusions required.</p> <p>There is little consideration of the type of HGV and farm traffic using the road/junction and no mention of how narrow the road is along this section of Hickling Lane including where the proposed crossing is.</p>	<p>this development</p> <p>Additional information has been required and submitted during the life of the application.</p> <p>Details as now submitted have been assessed by the County Highway Authority who raise no objection to the proposal.</p>
<p><b>Local plan</b></p> <p>The draft emerging Local Plan shows an allocation of 122 new houses in Long Clawson for the 20 year period between 2016 and 2036 with SHLAA sites forwarded for 267 houses.</p> <p>The detailed investigation of housing needs in Long Clawson shows the local requirement for the next 5 years is 2 affordable homes and 9 open market homes.</p>	<p>Please see comments below on the New Melton Local Plan.</p> <p>Long Clawson has been identified as a 'service centre' in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below.</p>
<p><b>Precedent</b></p> <p>The site has no previous precedent leading it to residential use</p> <p>Adjacent developments were on the site of former farms and agricultural buildings.</p>	<p>The site is a greenfield site this usually has no presumption in favour of development, however in this instance the site has been allocated for development and therefore does have a presumption in favour of development, the impact of development of a greenfield site would need to be considered in the balance of</p>

	development, details of which can be found in the conclusion of the report.
<p><b>Cumulative effect</b></p> <p>This application, among others, in our opinion isn't being carefully considered by Melton Borough Council along with other numerous earmarked sites in Long Clawson, some too large which this development most certainly is of up to thirty one new dwellings with its associated new access, that's detail and determined a clear and demonstrable and quantifiable long term plan for this village so that's fully in accordance with the 2036 strategy over that entire period.</p> <p>Without, then quite quickly Long Clawson appears be disproportionately receiving an over burden of new homes from that quota that is not realistic, sustainable or ethical for its location.</p>	<p>Each application should be determined upon its own merit, however in this instance it is recognised that a number of applications in Long Clawson are due to be determined together, therefore the cumulative impact of each application will be assessed accordingly.</p>

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

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policies and compliance with the NPPF</b></p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</b></p>

	<p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>The site is a greenfield site and lies outside of but in close proximity to the built form of the village. The site has been allocated for development in both the Local and Neighbourhood Plan the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with promoting housing growth.</p> <p><b>The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be some impact upon the appearance of the area and technical matters which require mitigation.</b></p> <p><b>It is therefore considered to be in accordance with the core planning principles of the NPPF.</b></p>
<p><b>The (new) Melton Local Plan – Submitted version.</b></p> <p><b>Please see ‘common issues’ paper for the current status of the Melton Local</b></p>	<p><b>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</b></p> <p>It is therefore considered that it can</p>



<p><b>Plan and the weight it should attract.</b></p> <p>The site is allocated as LONG2 within the emerging Local Plan with an expected capacity of 35 subject to the following criteria:</p> <ul style="list-style-type: none"> <li>- Local educational capacity is available, or can be created through developer contributions, to meet the needs of the site.</li> <li>- The new development is sympathetic to the landscape character</li> <li>- drainage infrastructure is available to accommodate the surface water</li> </ul> <p><b>Long Clawson, Hose and Harby Neighbourhood Plan</b></p> <p>Please see the ‘common issues’ report for details of weight to be given to the Neighbourhood Plan.</p> <p>This site is referenced as NPLONG6 within the Neighbourhood Plan and stated as</p> <p>The site is identified within Policy H2: Housing Site Allocations for 2016 to 2036 which states “Land is allocated for housing development at the locations as shown in Housing Table 3 as Development Sites and on the Limits to Development maps (Housing Figs. 1-3). Reserve sites are listed in Housing Table 4 and will only be allocated for use to take account of any shortfall in delivery by the proposed Development Sites in a subsequent Neighbourhood Plan review or if there is an increase in recognised housing demand across the Borough which requires further increases in the villages of Long Clawson, Hose and Harby.</p> <p>NPLONG6 Hickling Lane/Broughton Lane – Development will be supported provided</p> <ul style="list-style-type: none"> <li>- Local educational capacity is available or can be created;</li> <li>- Drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere;</li> </ul>	<p>attract weight, please see additional comments within the statement of common issues as to the weight to be attributed to the Local Plan.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) and criteria which it is considered adds to the issues that add limited weight in support of the proposal.</p> <p><b>The proposal is in accordance with the CHH Neighbourhood Plan</b>, so far as is possible to assess bearing in mind the level of information available owing to its outline status, and assuming the applicants agree to s106 contributions for school capacity. <b>It is considered this compliance adds substantial weight in support of the proposal.</b></p> <p>The policies would apply to subsequent reserved matter applications that may be forthcoming.</p>
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- Up to 32 dwellings are developed;
- Landscaping is provided to soften the site boundaries;
- A safe and convenient footpath link to existing footpaths is provided;
- Dwellings are not more than two storeys high, with some single storey bungalows included adjacent to current dwellings
- The layout and architectural design creates an informal, rural feel.

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

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

### **Conclusion**

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

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

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

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

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

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

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

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

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

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

**Officer to contact: Ms Louise Parker**

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

## Appendix 3

### List of conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "external appearance of the building(s), Layout, Scale and landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by Condition 2 above shall provide for a mix of types and sizes of dwelling that will meet the area's local market housing need.
4. No development shall start on site until samples of the materials to be used in construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
6. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Full details of boundary treatments and ecology buffers shall be submitted at Reserved Matters stage to and approved in writing by the Local Planning Authority.
8. The protected species surveys are to be updated in support of the reserved matters application (Protected species survey should only be considered valid for a period of two years).
9. A revised GCN Mitigation strategy and management plan must be completed and submitted as part of the Reserved Matters application. This should include a management plan that includes the areas of semi-natural vegetation required for GCN mitigation.
10. No part of the development hereby approved shall be occupied until such time as the access arrangements shown on Farrow Walsh drawing number FW958-H-800 Rev A3 have been implemented in full. Once provided, the visibility splays shall thereafter be

permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

11. No part of the development shall be occupied until such time as a pedestrian footpath, including dropped kerbs where necessary, which links the site to existing footpaths on Hickling Lane, has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
12. Prior to first occupation, the nearest pair of bus stops shall be upgrade to include flags, poles and information display case on West End, the details of which shall be first submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.
13. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approve din writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
14. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.
15. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development ahs been submitted to, and approved in writing by the Local Planning Authority.
16. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.
17. No development approved by this planning permission shall take place until such time as infiltration testing ahs been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.
18. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include a n assessment of significance and research questions; and:
  - The programme and methodology of site investigation and recording
  - The programme for post investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

19. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 18.
20. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
21. No development shall take place on site until details of existing and finished site levels and the floor levels of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with such agreed details and thereafter retained in the agreed form, and there shall be no changes to the agreed levels in the future.