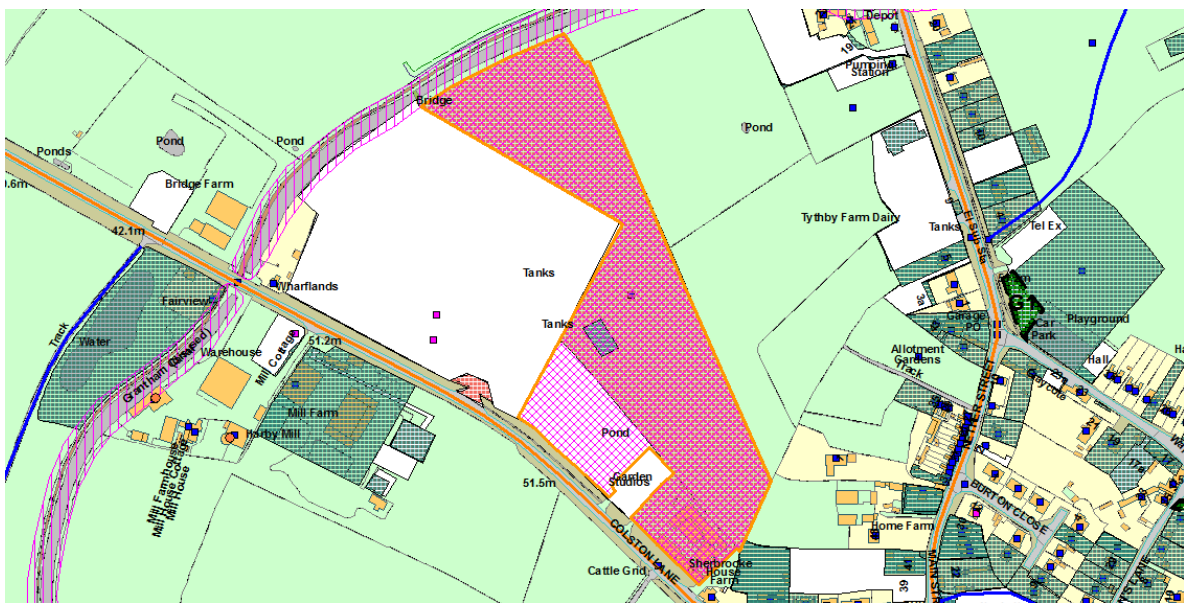


Reference: 16/00318/OUT
Date submitted: 06.05.2016
Applicant: Croft Developments Limited
Location: Land around Sherbrook House and Millway Foods, Colston Lane, Harby
Proposal: Outline application for the erection of 50 dwellings with associated access, landscaping and infrastructure.



Proposal :-

This application seeks outline planning permission for 50 dwellings and associated infrastructure. In line with local planning policy, the site will deliver affordable housing. The application site is 3.5 ha of land situated to the west of Harby. It is situated between the western boundary of the village and the former Millway Foods site. It is part brownfield and part greenfield, comprising two agricultural fields and a number of outbuildings and hardstandings in the south –eastern part of the site.

This is an outline application with all matters reserved except access.

The site includes an area of land to the rear of the Millway Foods site. This would be an enhanced ecological area next to the Grantham Canal.

The application is in outline with only access considered at this time. The access is proposed is from the site frontage on Colston 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 and open countryside**
- **Impact upon residential amenities**

- **Impact upon highway safety**
- **Sustainable development**

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

History:-

None relevant – This site has no relevant planning history .

Note that planning permission was granted on appeal in January 2017 for the development of the adjacent Millway Foods site with 53 dwellings (ref . 15/00673/OUT)

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

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

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

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

Policy H11: planning permission will not be granted for residential development of 15 or more dwellings unless it makes provision for playing space in accordance with the Councils standards at Appendix 6 of this Local Plan (on developments of 50 or more dwellings, every dwelling must be within a 5 minutes walk (240m straight line distance) of a LEAP (Local Equipped Area for Play).

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

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

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

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

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

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

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

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

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

Conserving and enhancing the natural environment

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

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

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority: No objection, subject to conditions and contributions	There are considered to be no grounds to resist permission based on highways issues.

The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.

In addition to the site access the Applicant has identified some off site highway works being a the upgrading and extension of the existing footway from the site along the north eastern edge of Colston Lane as shown on drawing number: HBY-BWB-GEN-XX-DR-TR-102_P1.

The CHA has carried out a design check on the site access and reviewed the Stage 1 Road Safety Audit and confirm in principle that although the current layout for the site access is acceptable, the width of the carriageway should be increased to 6m for the first 10m to accommodate agricultural vehicles. Any other minor amendments with regard to the site access e.g. road markings etc. can be dealt with at the detailed design stage to ensure the construction proposals meet current CHA standards.

Internal Layout

The internal layout shown does not comply with current CHA standards, and as part of any future application on the site, the layout will need to be amended to accord to the standards contained in the 6C's Design Guide. There are no details of the housing mix at this stage but the site should include adequate off-street parking to avoid overspill on to the public highway.

Road Safety Considerations

The Applicant has obtained Personal Injury Collision (PIC) data from the CHA covering the local roads in the vicinity for five years from 1 January 2011 to the date of the TS. The CHA has checked the database following the submission of the TS and there have been no accidents to the end of October 2016. Therefore the CHA would not resist the Application on highway safety grounds.

Trip Generation

The Applicant has calculated the trip rate on TRICS database, however the sites selected although based on a mix of housing do not relate to a village setting as is the case in this Application. The CHA has checked the trip rates against the one provided for the adjacent site at the former Millway Foods dairy (LPA reference 15/00673/OUT) and consider them to be acceptable.

Therefore the CHA has checked the number of

The application is in outline with all matters reserved except access.

The application shows a single point of access from Colston Lane. Full details of this access have been provided.

The Highway Authority has no objection to the proposed access onto Colston Lane and the details are considered to be acceptable .

Outline application, would be addressed at reserved matters stage, if outline permission is granted.

trips based on 50 dwellings which is the subject of this planning application. This indicates there will be 26 two-way trips in the AM peak (7 arrivals and 19 departures) and 26 two way trips in the PM peak (17 arrivals and 9 departures).

Based on the trip rate and 70 dwellings (provided by the Applicant for a robust assessment) there will be approximately 37 two-way trips in the AM peak and 37 two-way trips in the PM peak. The Applicant has tested the site access capacity in the 2021 with development scenario which has shown that the junction is likely to operate within capacity.

Based on the calculations CHA is satisfied that the proposed impact from this development would not require further analysis at other junctions in the village.

Conditions

- Provision of access in accordance with approved plans
- Closure of existing site accesses
- New footway with links to village
- Drainage of surface water
- Bus stop improvements
- Construction traffic management plan and wheel washing on site

Contributions/Obligations

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

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

2. 6 month bus passes, two per dwelling (2 Application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car

<p>(can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation).</p> <p>Justification: To encourage residents to use bus services as an alternative to the private car.</p>	
<p>LCC Archaeology - No objection, subject to conditions securing mitigation.</p> <p>Recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present;</p> <p>1. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> • The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme) • 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. <p>2. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</p> <p>3. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>Reason: To ensure satisfactory archaeological</p>	<p>Noted, the safeguarding of any important archaeological remains potentially present can be secured by means of these conditions.</p>

<p>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 is undertaken to the satisfaction of the planning authority.</p>	
<p>LCC Ecology – No objection, subject to conditions relating to :</p> <ul style="list-style-type: none"> - all works to be in accordance with recommendations of ecological appraisal and protected species survey -an updated badger to be completed prior to commencement of works -updated protected species survey may be required prior to commencement or by May 2018,whichever is soonest -ecological enhancements required to northern field ,adjacent to Grantham Canal -detailed layout should be amended to retain a 5metre buffer between development and site boundary hedgerows - 10 metre buffer between the development and the Grantham Canal should be maintained 	<p>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist, subject to mitigation as proposed.</p> <p>Conditions proposed in accordance with these recommendations.</p> <p>Note that the layout is only indicative. These detailed ecological matters can be addressed at reserved matters stage if outline permission is granted. The enhancement of these boundaries would also be a pre-requisite of any detailed scheme to help assimilate the development in to the landscape.</p>
<p>Environment Agency</p> <p>Following a review of the planning application, the Environment Agency considers this site to be a low priority, where our standing advice applies and have no comments to make.</p> <p>As you may be aware, from 15 April 2015 the Lead Local Flood Authorities (LLFA) became a statutory consultee, when considering planning applications for major developments. Therefore Melton Borough Council should consult Leicestershire County Council in their role as LLFA on the management of surface water.</p>	<p>The comments of the LLFA are reported below.</p>
<p>Trent Valley Internal Drainage Board:</p> <p>No comments, note that drainage matters should be referred to the LLFA.</p>	<p>The comments of the LLFA are reported below.</p>
<p>Lead Local Flood Authority:</p>	

<p>Acceptable subject to conditions ,requiring submission and approval of details relating to:</p> <ul style="list-style-type: none"> - surface water drainage - details of management of existing on-site pond 	<p>Noted – conditions attached as recommendation.</p>
<p>Harby Parish Council: Objects</p> <ul style="list-style-type: none"> • The scale and location is out of keeping with the character and appearance of the village so contrary to NPPF; • The density of dwellings and layout are more urban than rural in character so out of keeping with the surrounding area; • Unsustainable amount of dwellings in relation to local services ie school and doctors surgery; • Set a precedent for development along Colston Lane <p>If the application is approved the Parish Council requests a developer contribution towards repairs to the Leys car park and the Village Hall.</p>	<p>Noted</p> <p>The site relates reasonably well to Harby and helps to link the Millway Foods site to the village. On balance it accords with the NPPF. The layout is relatively low density and the detailed design and layout could ensure that it maintains a rural character .</p> <p>Consultation responses indicate that local services could accommodate this proposal.</p> <p>In effect this site would fill in the gap between the village and the Millway Foods site. Any other applications would be assessed on their own merits.</p> <p>No details or justification for the car park repairs have been provided. A contribution towards the village hall is considered below.</p>
<p>Developer Contributions: s106</p> <p>Highways:</p> <p>Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p>6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360 per pass</p> <p>Waste</p> <p>The Civic Amenity contribution requirements are outlined in the Leicestershire Planning Obligations Policy.</p> <p>The County Council’s Waste Management Team makes an assessment of the demands any proposed development would have on the existing Leicestershire County Council Civic Amenity infrastructure.</p>	<p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>Noted</p> <p>Noted</p>

<p>Residents would use the Bottesford amenity site, which has the capacity to accommodate this development without the need for a contribution.</p> <p>Library</p> <p>No requirement for a contribution . Residents of this development are more likely to use Nottinghamshire libraries.</p> <p>Education</p> <p>Primary</p> <p>The site falls within the catchment of Harby CE School. This school has a net capacity of 105 and 106 pupils are projected on roll should this development proceed, a deficit of 1 pupil taking account of the 12 pupils generated by this development .</p> <p>There is one other primary school (Hose) within a 2 mile walking distance of this site. This has a surplus of 4 spaces.</p> <p>There is an overall surplus of 3 spaces within a 2 mile walking distance of this site.</p> <p>An education contribution will not be requested for this sector</p> <p>Secondary</p> <p>The site falls within the catchment area of Bottesford Belvoir High School. The School has a net capacity of 650 and 592 pupils are projected on the roll should this development proceed; a surplus of 58 pupil places. A total of 5 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be deducted. This increases the total surplus at this school to 63 pupil places.</p> <p>There are no other 11-16 schools within a three mile walking distance of the development.</p> <p>An education contribution will not be requested for this sector.</p> <p>Post 16</p> <p>The site falls within the catchment area of Melton Vale Post 16 Centre. The College has a net capacity of 640 and 456 pupils are projected on the roll should this development proceed; a surplus of 184 pupil places.</p>	<p>Noted</p> <p>Note that the calculations for education contributions were updated in June 2017 to take account of any change in circumstances since the original comments were provided in June 2016.</p>
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There are no other Post 16 schools within a three mile walking distance of the development.

There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be deducted.

An education contribution will be not requested for this sector.

Special Schools

As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.

Total Education Requirement Nil

Harby Play Park

Request for a contribution from Harby Playground Committee.

The Applicant in respect of the Application at Sherbrook Farm has indicated through the indicative Masterplan, that a new playground may be provided as part of the development - this will lead to a fragmented community, rather than a cohesive village with shared facilities. For this reason, we request that a financial contribution is made to the Harby Playground Committee for use in the development and improvement of the existing play area in Harby, based upon the calculation below:

Section 106 Application – Playground Improvements

Estimated Total Dwellings within the village of Harby	425
Proposed Number of New Dwellings –Sherbrook Farm Development	50

This represents an 11.76% increase in the number of dwellings within the village of Harby
Estimated New Playpark £114,046.00

11.76% of Estimated New Playpark
£ 13,411.81

Harby Village Hall

Harby Village Hall Committee of Management have requested a contribution towards a new

The applicant has responded that they consider that the key difference between their scheme and the Millway Foods' scheme is that we are proposing a policy compliant level of Public Open Space in the form of on-site provision, including a large area identified on the proposals for 'Play' space in the centre of the scheme.

They consider that to then pay a further contribution towards the provision of off-site play space would not be CIL 122 compliant as it would not be fairly and reasonably related in scale and kind to the development, nor would it be necessary to make the development acceptable in planning terms.

In summary, they do not consider the contribution to be reasonable or CIL compliant in this instance.

Officers note that a new play may be desirable and that it would be reasonable and CIL compliant in some cases.

In this instance ,where the applicant proposes to provide sufficient on site play space it would be unreasonable and not CIL compliant to require this contribution . This is subject to the section 106 including a clause which requires either the payment of a commuted sum or other means to ensure future maintenance of the on-site play area. Alternatively ,the future maintenance could be secured by conditions.

This committee has produced a proposal for a new village hall.

<p>village hall.</p> <p>Estimated Total Dwellings within the village of Harby 415 Proposed Number of New Dwellings – Colston Lane Development 50 This represents a 12.05% increase in the number of dwellings within the village of Harby.</p> <p>Estimated New Village Hall Build Cost £875,000.00 12.05% of Estimated New Village Hall Build Cost £105,437.50</p>	<p>The formula which is set out here has been applied to and accepted in recent planning decisions in Harby, including the recent appeal decision for the adjacent Millway Foods site.</p> <p>This contribution is considered to be reasonable and CIL compliant.</p> <p>Applicant’s comments awaited.</p>
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Representations:

A site notice was posted and neighbouring properties notified. As a result **13 letters of objection have been received, along with 1 letter of support**; the representations are summarised below:

Representations	Assessment of Head of Regulatory Services
<p>Principle of development</p> <p>There has been no local consultation, contrary to the Localism Act .</p> <p>The development of this site would exceed the numbers of dwellings proposed in the emerging Local Plan and Neighbourhood Plan .</p> <p>Development of the site would be premature to the production of the Local Plan and Neighbourhood Plan.</p> <p>The Local Plan (1999) is out of date and in accordance with the NPPF there is a presumption in favour of sustainable development . Consider that this proposal is not sustainable. In particular:</p> <p>Social – No need for development of this scale which would overload existing facilities. Should not boost housing at the expense of existing communities. This proposal would overwhelm the village.</p> <p>Environmental – Loss of greenfield site. There are more sustainable sites available elsewhere in Harby.</p> <p>Economic – There are limited employment opportunities in the area. Most new residents would have to commute to employment .</p>	<p>There is no statutory requirement for such consultation.</p> <p>Little weight can be given to them. See planning policy section below.</p> <p>Having regard to the current status of those plans and the scale of this development ,it is not considered that the determination of this application would be premature.</p> <p>While the emerging Local Plan can be given little weight the supporting evidence is up to date and relevant . The criteria used for assessing settlements is based upon identifying settlements with four ‘essential criteria’ relating to service and facility provision. Harby is a village with all four of the essential criteria which indicates that it is a relatively sustainable settlement, which could satisfactorily accommodate this development .</p> <p>See commentary below on the landscape impact. Each proposal must be considered on it’s own merits.</p> <p>See commentary below on employment .</p>

<p>Note that in January 2016 (as part of Planning Committee report relating to the Millway Foods site) the committee was advised that <i>Harby is reasonably sustainable but is by no means an optimum site and there remains deficiencies in relation to higher/secondary education, healthcare and leisure facilities.</i></p>	<p>Since that date the relative merits of all of the settlements across the borough have been assessed in the production of the new Local Plan . As noted above, Harby has been identified as a relatively sustainable settlement with a reasonable range of facilities. Any significant deficiencies where mitigation is necessary are addressed in the developer contributions section below.</p>
<p>Impact upon Highway Safety & Transportation</p> <p>Traffic already exceeds the speed limit on Colston Lane. This development would exacerbate existing problems ,to the detriment of highway safety . Creating hazards in particular for pedestrians ,including children.</p> <p>The additional traffic generated by the site would create would have an adverse impact upon the operation of local junctions ,including those at Colston Lane, Main Street and School Lane.</p> <p>Site is not accessible for pedestrians and too far to walk to facilities in the village.</p>	<p>It has been demonstrated that the development would not have a severe impact upon either highway safety or the capacity of the local highway network.</p> <p>The site is reasonably well related to the village and it is possible to walk from the site to a range of facilities.</p> <p>The Highway Authority raises no objections to the development and associated access , subject to conditions. See assessment above.</p>
<p>Facilities and Infrastructure</p> <p>Village amenities are not sufficient to meet the needs of this development . In particular the school is at capacity. Also note that the school is already dependent upon the use of the village hall.</p> <p>The scale of new development is more than the village can accommodate ,with adverse impact upon the character of Harby.</p> <p>There are limited local employment opportunities in the area for the occupiers of these new houses.</p> <p>Question whether new housing helps to sustain local facilities .</p>	<p>There is capacity for the local school to accommodate this growth and the additional population would help to sustain existing services.</p> <p>Harby has a limited range of facilities and could accommodate this scale of development .</p> <p>While the emerging Local Plan can be given little weight the supporting evidence is up to date and relevant . The criteria used for assessing settlements is based upon identifying settlements with four ‘essential criteria’ relating to service and facility provision. One of these four ‘essential criteria’ is <i>access to employment opportunities</i>. Harby is a village with all four of the essential criteria which indicates that it is a relatively sustainable settlement.</p> <p>It is considered that it does bring benefits in terms of support to local facilities and generation of housing supply and choice,</p>

<p>General request for developer contributions to various facilities and infrastructure should permission be granted. These are for the school,village hall ,local playground and traffic calming.</p>	<p>including meeting local needs.</p> <p>Any facilities or contributions deemed to be necessary are subject to the usual tests under the CIL Regulations. See Developer Contributions section above.</p>
<p>Need for the Housing</p> <p>Question the need for the houses and the development of this site.</p> <p>Prefer to see development of brownfield sites.</p>	<p>The need for new housing is well established and was reconfirmed by the Borough Council’s Housing Needs Study which was published in August 2016.</p> <p>Each application must be considered on its own merits.</p> <p>The site is part greenfield where there is no presumption in favour of development however the harm attributed by the development are required to be considered against the benefits of allowing the development in this location.</p>
<p>Character of the area</p> <p>This scale of development on this site would have an adverse impact upon the character of the village and the surrounding countryside.</p> <p>The site is too isolated from the village . The proposal would create a separate, new community.</p>	<p>While the site is countryside and the development would have some impact , it relates reasonably well to the village .</p> <p>The Settlement Fringe Study produced in support of the emerging Local Plan identifies Landscape Character Areas (LCZs) . This site is within an LCZ of medium sensitivity .</p> <p>The proposed pedestrian footway will improve the accessibility of this site. There is also now increased logic to the development of the site which would help to link the recently approved development of the Millway Foods site with the rest of the village.</p>
<p>Letter of support</p>	
<p>The development would have no significant adverse impact upon the village.</p> <p>Need to wake up the 21st century.</p> <p>Proven need for the range of housing which this site could provide.</p> <p>New homes and families could help to revitalise services in the village.</p>	<p>Noted.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Housing type</p> <p>The configuration and mix of housing.</p>	<p>Housing Mix:</p> <p>Although in outline, the application would provide a range of house types and sizes to meet local needs.</p> <p>Affordable Housing</p> <p>The application proposes up to 18 affordable units, details of which would follow at reserved matters stage.</p> <p>This equates to 37%, which is the need identified by the most up to date evidence (the SHMA 2014 and Housing needs Study 2016).</p>
<p>Planning Policy</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local Plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>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”.</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 mixed brownfield and greenfield site.</p>

	<p>It also lies within open countryside being located outside of the village of Harby. However the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with the promoting housing growth.</p> <p>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. The form of development is considered be acceptable and the benefits of the proposal outweigh these concerns. It is therefore considered to be in accordance with the core planning principles of the NPPF.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and was subject to consultation which ended on 16th December 2016. It is due to be reported to a full Council meeting before formal submission.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● 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 relevant policies (the less significant the unresolved objections, the greater the 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). <p>The Pre Submission version of the Local Plan identifies Harby as a ‘Service Centre’, in respect of which, under Policy SS2, five sites and a reserve site are allocated for residential development in the village. The application site is identified as allocations HAR4 and HAR5.</p> <p>Both policies HAR4 and HAR5 Policy: states development at will be supported provided :</p> <p>-the development addresses the frontage to</p>	<p>Whilst the Local Plan has it remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</p> <p>Could be addressed at reserved matters stage.</p>

<p>Colston Lane and has an active road frontage on the approach to the village -there are biodiversity/ecology improvements within the site and there will be no adverse impacts to any protected species - a footpath link has been put in place linking the site to the village - the northern boundary (HAR4)/the northern and western boundaries (HAR5) is/are sensitively treated with additional landscaping and improved boundary treatment</p> <p>Harby Neighbourhood Plan</p> <p>The pre-submission Clawson ,Hose and Harby Neighbourhood Plan has recently been subject to Regulation 14 consultation. The eastern part of the site is a housing allocation (MBC ref HAR4) and the area next to Millway Foods is a reserve site (MBC ref HAR5).</p>	<p>See comments from LCC ecology .</p> <p>Would be provided .</p> <p>Could be addressed at reserved matters stage .</p> <p>Whilst the Neighbourhood Plan remains in preparation it can be afforded only limited weight.</p> <p>National Planning Policy Guidance states that :</p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”</i></p> <p><i>It goes on to advise that “ Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period”</i></p> <p><i>Where refusal of planning applications are made on the grounds of prematurity the authority needs to indicate clearly how planning permission would prejudice the outcome of the plan-making process.</i></p> <p>It is considered that the NP is not in the position to which the National Guidance advises ‘prematurity’ concerns can be applied, and therefore not considered that a refusal could be reasoned on the grounds of prematurity in light of the above factors.</p>
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Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is not deficient in terms of housing land supply. The methodology used to demonstrate that there is a 5year supply has included sustainable sites, such as this, which have been scrutinised as part of the evidence supporting the new local plan.

Affordable housing provision remains of the Council’s key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the

delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the housing need. Harby is considered to be a sustainable location with a reasonable range of facilities and capacity to accommodate some growth. It is considered that there are material considerations **of significant weight in favour** of the application, and its partial alignment with the Pre-submission Local plan adds additional support.

The site is considered to perform reasonably well in terms of access to facilities and transport links.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its partial green field state and the impact on the character of the village and it's setting . The site effectively links the development of the brownfield Millway Foods site with the rest of the village..

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. The balancing issues – development of a green field site, landscape impact and limited sustainability – are considered to be of limited harm.

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 to sustainable transport options
- (ii) Contribution to provision of village hall
- (iii) Contribution to maintenance of public open space (or alternatively conditions)
- (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) The following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "external appearance of the building(s) 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 mixed of types and sizes of dwellings that will meet the area's local market housing need.
4. No development shall start on site until samples of the materials to be used in the 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. No development approved by this planning permission shall take place until such time as full details of surface water drainage and foul water disposal have been submitted to, and approved in writing by, the local planning authority.
8. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - 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.
9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (8).
10. 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 (8) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
11. Before any dwelling hereby permitted is first occupied, the site access shall be provided generally in accordance with drawing number: HBY-BWB-GEN-XX-DR-TR-101_P3, shall have a minimum width of 6 metres wide for at least the first 10m with 2 metre wide footways on each side for at least the first 10 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted highway. Once provided, the access road shall thereafter be permanently so maintained.
12. Before first occupation of any dwelling hereby permitted, the existing footway facilities on Colston Lane from the site access to the existing footway which extends to Main Street, shall be improved in accordance with the in principle scheme shown on drawing number: HBY-BWB-GEN-XX-DR-TR-102_P2. The scheme shall include the widening of the footway to 2 metres or the maximum available within the limits of the highway, and a suitable crossing point for all users where the footway changes from one side of the carriageway to the other. All details of the footway construction shall be in accordance with CHA standards.
13. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing, lining and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
14. Any existing vehicular access that currently serves the site from the public highway, shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA within one month of the new access being brought into use.
15. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

16. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
17. Unless an alternative timescale is first agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until improvements to the bus stop nearest to the proposed development are implemented (currently on Colston Lane opposite and adjacent to Nags Head Public House). These improvements should include (where required) installation of an information display case and a flag and pole and shall be done in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
18. All development to be in accordance with the recommendations of the Ecological Appraisal & Protected Species Survey.
19. No works shall commence on site before an updated badger survey has been undertaken.
20. A new protected species survey shall be prior to the commencement of development or by 1st June 2018, whichever date is soonest .
21. Housing shall not be built upon the area of land to the rear of the Millway Foods site (coloured green on the approved plan) and this land shall be used to provide an enhanced ecological environment .

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To ensure that the housing needs of the borough are met.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
5. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
6. To provide a reasonable period for the replacement of any planting.
7. To ensure the satisfactory drainage of the site.
8. To ensure satisfactory archaeological investigation and recording
9. To ensure satisfactory archaeological investigation and recording
10. To ensure satisfactory archaeological investigation and recording
11. To ensure a satisfactory form of development and in the interests of highway safety.
12. Colston Lane currently has inadequate footway facilities for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. Improvements/widening of the footway is therefore required for the safety of pedestrians.
13. To ensure a satisfactory form of development and in the interests of highway safety.
14. To ensure a satisfactory form of development and in the interests of highway safety.
15. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

16. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
17. To encourage residents to use bus services as an alternative to the private car.
18. In the interests of the ecology of the area .
19. In the interests of the ecology of the area.
20. In the interests of the ecology of the area.
21. For the avoidance of doubt and in the interests of the ecology of the area.

Officer to contact: **Mr P Reid**

Date: 6th June 2017

