

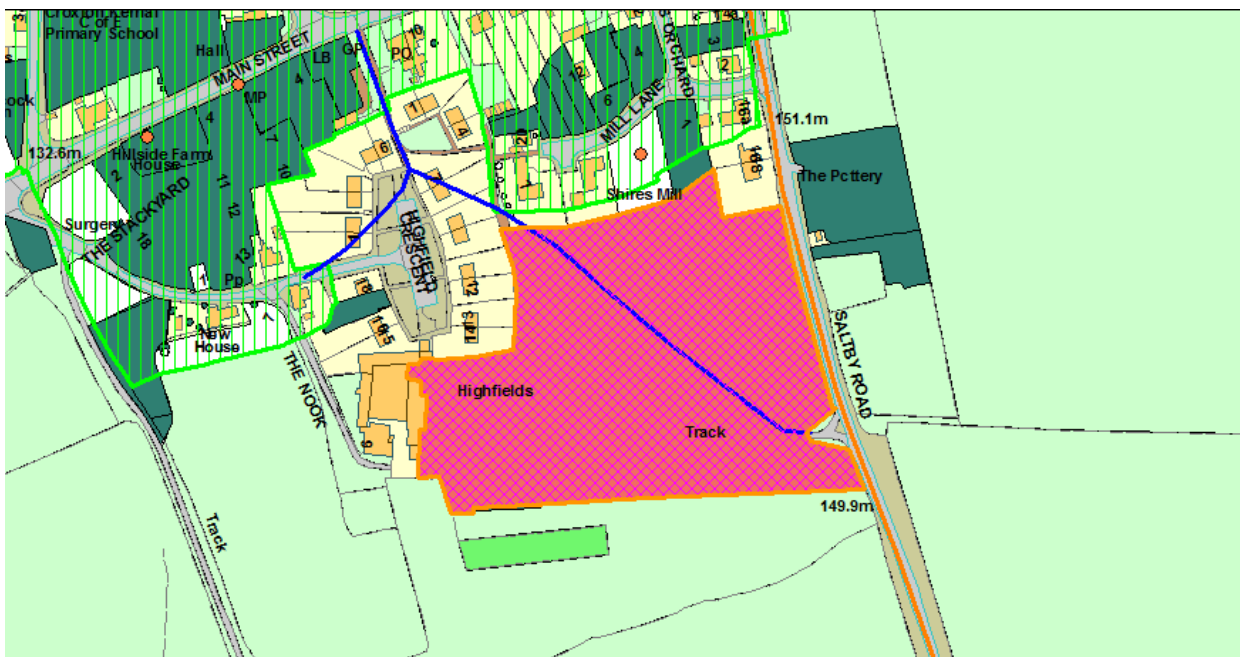
Reference: 17/00299/OUT

Date submitted: 07.03.2017

Applicant: Trustees of the 9th Duke of Rutlands Settlement

Location: Land west of Saltby Road and South of Mill Lane, Croxton Kerrial

Proposal: Residential development of up to 39 dwellings, associated infrastructure and landscaping (all matters reserved except for access) .



Proposal :-

This application seeks outline planning permission for up to 39 dwellings and associated infrastructure. In line with local planning policy the site will deliver affordable housing.

The application site is 2.16 ha of agricultural land situated to the south of the built-up area of Croxton Kerrial .

Highfield Farm is situated to the west of the site and a range of modern buildings associated with this farm are located within the application site . The buildings are proposed to be demolished and the farm house revert to a private dwelling.

Existing residential development forms the site's northern and western boundaries. Saltby Lane defines the eastern boundary and there is farmland to the south .

A public footpath crosses the site diagonally from Saltby Road to Highfield Crescent .

The application is in outline with only access considered at this time. The access is proposed on the eastern boundary of the site ,from Saltby Road.

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, open countryside and heritage assets**
- **Impact upon highway safety and a public right of way**
- **Sustainable development**

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

History:-

None relevant

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

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection, subject to conditions Site Access The current application is for 39 dwellings however the Applicant has confirmed that the site access has been designed to be 5.5m wide (with 2m footways) which would be suitable to serve more than 50 dwellings subject to any future planning applications.</p> <p>The previous reference to agricultural vehicles using this site has been removed however the existing site access off The Nook Croxton Kerrial will be retained to allow access to the other buildings and fields on other land under the Applicants control.</p> <p>Following further correspondence with the LPA the</p>	<p>There are considered to be no grounds to resist permission based on highways issues.</p> <p>The application is in outline with all matters reserved except access.</p> <p>It is proposed that the development would be served by a single point of vehicular access from Saltby Road. Full details of this access have been provided and are associated with an extension of the 30 mph limit.</p> <p>The Highway Authority has no objection to the proposed access onto Saltby Road and the details which have been submitted are considered to be acceptable, subject to conditions and developer contributions .</p>

Applicant has confirmed that the farm is to be relocated away from the application site. The modern agricultural buildings are going to be demolished and Highfield Farmhouse and its traditional outbuildings will be used as a single dwelling.

The Applicant has provided 85th percentile speeds from a speed survey undertaken on Saltby Road and has shown the visibility splays based on speeds of 49.2 mph northbound and 48.8 mph southbound on the site access drawing.

Whilst the visibility splays are in line with the requirements contained in Manual for Streets the CHA does not agree with the Applicants conclusion that Saltby Road should be classified as a street1. Therefore the visibility splays are not in line with the guidance contained in the 6Cs Design Guide

<https://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide>. The Applicant has also 'tracked' an 11.2m 4-axle (32tonne) refuse vehicle, on drawing ref: ADC1188/001 Rev B to show how this will access the development site.

Notwithstanding the comments above regarding the visibility splays the CHA has previously acknowledged that the intention is for the speed limit to be relocated so that the access is within the 30mph limit. The CHA would advise the Applicant to extend the existing 30 mph speed limit along the site frontage beyond the site access for the length of the visibility splays to the south of the access by use of additional street lighting and some form of gateway treatment. All of these works will be entirely at the Applicants own expense and ensure speeds are reduced on the approach to the site access.

With the relocated speed limit the vehicular access to the site as shown on ADC Infrastructure drawing ref: ADC1188/001 Rev B is considered acceptable.

In addition to the site access the Applicant has identified some off site pedestrian improvement works on the northern side of the site access which will link the proposed development site with the junction of Mill Lane.

It is advised that the site access and off site pedestrian improvements are secured through planning condition to increase the connectivity of the site to the rest of the village.

Internal Layout

As this is an outline application with all matters reserved except access the internal layout shown in Figure 8 of the Highways Report has not been

subject to a design check and will be dealt with as part of a future Reserved Matters application. The Applicant has indicated that the proposed development will be offered for adoption. The CHA would refer the Applicant to Part 3 and Part 5 of the 6Cs Design Guide which outlines the CHA design requirements and our approach to adopting new roads.

Road Safety Considerations

The Applicant has obtained Personal Injury Collision (PIC) data covering the local roads in the vicinity of the site from 2007 to 2016 which indicated that there had been one PIC at the Main St/Saltby Rd/Top Rd crossroads in the village (Jan 2016) which was classified as slight in severity. There was another PIC to the south of the proposed site in August 2015 which was classified as serious.

The CHA has checked its own database from 2016 to 30 April 2017 and there have been no further PICs during this period. Based on the PIC data the CHA would not seek to resist the Application on highway safety grounds.

Highway Impact

The Applicant has calculated the number of trips from the proposed development using the TRICS2 database. This indicates there will be approximately 28 two-way trips (8 arrivals and 20 departures) in the AM peak and 30 two-way trips (20 arrivals and 10 departures) in the PM peak. The CHA is content with the assumption that all (or the vast majority) of the development traffic will depart / arrive at the site via the A607 Main St crossroads in the village before using other routes to continue their journey.

Based on the calculations the CHA is satisfied that the proposed impact from the development is not severe in accordance with Paragraph 32 of the NPPF and would not require further analysis at junctions in the village.

Sustainable Modes of Transport

In terms of transport sustainability, Croxton Kerrial has a number of facilities and the site is conveniently located on the edge of the village with access to public transport serving larger nearby towns including Melton Mowbray and Grantham. Based on the evidence in the Applicant's Highway Report the CHA believes there is scope to encourage more use of public transport and reduce the number of single occupancy car journeys from the proposed development.

The Public Rights of Way (PROW) team provided observations on 13 April 2017 as footpath F54 runs through the site. Therefore these highway observations should be read in conjunction with the PROW comments.

Subject to conditions relating to visibility splays; extension of 30mph speed limit ;provision of new

<p>footway; highway drainage and construction traffic management plan.</p>	
<p>LCC Access Officer – No objection subject to condition</p> <p>Public Footpath F54 runs diagonally across the site. No objection as long as a through route for pedestrians is accommodated. Request a condition which protects the route during construction and agrees a final route for the public right of way .</p>	<p>Noted – addressed by proposed condition</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 (informed by paragraph 37 of Historic England’s Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:</p> <p>1.No demolition/development shall take place until a programme of archaeological mitigation work (Strip, Plan and Record excavation) has been detailed within a Written Scheme of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing. The WSI shall include a statement of significance and research objectives, and:</p> <ul style="list-style-type: none"> -- The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised; -- A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity); -- The programme for public outreach and dissemination; -- The programme for post-investigation assessment and subsequent analysis; -- Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and -- Nomination of competent person(s) or organisation(s) to undertake the agreed work. <p>For land and/or structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.</p> <p>2. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be</p>	<p>Noted – condition proposed.</p> <p>The safeguarding of any important archaeological remains potentially present can be secured by means of this condition.</p>

<p>completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.</p> <p>Concerned about impact upon the adjacent listed building and note that planning authority should take its own advice on this matter.</p>	<p>The relationship between the development and the listed building is assessed below, where it is concluded that the harm is less than substantial, which must be balanced against the benefits of this proposal.</p>
<p>Historic England – Has concerns on heritage grounds and safeguards need to be addressed to meet the requirements of the NPPF.</p> <p>The site is in an area densely populated with ancient monuments, including King Lud’s Entrenchments to the south-east of the site. It is highly likely that there are remains of archaeological importance on the site. Defer to the detailed advice of LCC’s Archaeologist .</p>	<p>Noted and support advice of LCC Archaeologist (see above)</p> <p>Historic England defer to the detailed advice of LCC Archaeologist. The applicant has been working closely with the County Archaeologist and accept the detailed advice which is reported above.</p>
<p>LCC Ecology – No objection, subject to conditions securing mitigation.</p> <p>No objections to this application, but would recommend that the following are forwarded as a condition(s) of the development:</p> <ul style="list-style-type: none"> - All works in accordance with the recommendations in the ecology report (Curious Ecologists, May 2016). -An updated ecology survey should be completed either in support of the reserved matters application or prior to the commencement of the development, whichever is soonest from spring 2018 onwards. This will allow for an updated assessment of any protected species on site and allow for an adequate mitigation strategy to be written. -The layout should be in accordance with the sketch masterplan. -Areas of open space and the proposed wildflower meadow should be designed to have a high biodiversity value. Landscaping and planting schemes must be agreed. - A biodiversity management plan should be submitted prior to the commencement of the works. 	<p>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist, subject to mitigation as proposed.</p> <p>Note that the layout is only indicative. Ecological matters can be addressed at reserved matters stage if outline permission is granted.</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>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</p>	<p>Noted: the comments of the LLFA are reported below.</p>

<p>their role as LLFA on the management of surface water.</p>	
<p>Lead Local Flood Authority Acceptable subject to conditions</p> <p>Recommended conditions:</p> <p>Surface Water No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.</p> <p>Construction Surface Water Management Plan 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 has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>SuDS Maintenance Plan & Schedule No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Infiltration Testing No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.</p>	<p>Noted - considered acceptable subject to conditions</p> <p>It is agreed that permission should be subject to the conditions ,reasons and technical advice recommended by the LLFA.</p>
<p>Severn Trent Water Authority:</p> <p>I confirm that Severn Trent Water Ltd has No Objection to the proposal subject to the inclusion of the following condition:</p> <p>Condition The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p>Note that the site is crossed by a public sewer which will require protection.</p>	<p>Noted.</p> <p>This condition can be added to the decision notice.</p>
<p>Croxton Kerrial Parish Council – object to the proposal .</p>	<p>Comments noted</p>

<p>The Parish Council objects on the following grounds:</p> <p>1. The proposal changes the character of the southern approach to the village by removing the farm buildings, animals, obscuring the windmill and negatively impacting on wider landscape views.</p> <p>2. The proposed housing does not conserve or enhance the character of the conservation area as required by the National Planning Policy Framework (NPPF). It does not draw on the existing historic environment to add to the character or distinctiveness of the village.</p> <p>3. The proposal substantially harms the setting of a listed building.</p> <p>3. The development is outside the village envelope and therefore contravenes current local plan policy.</p> <p>4. The development removes rural employment from the village.</p> <p>6. The housing layout as proposed builds over the public footpath cutting through the field.</p> <p>These representations are supported by detailed documents.</p> <p>Request that if outline planning permission is granted should :</p> <ul style="list-style-type: none"> • be developed in accordance with applicant's masterplan • be single storey properties in proposed crescent fronting open space to the south of the windmill • take account of design principles in Neighbourhood Plan . <p>Request that Section 106 covers:</p> <p>-affordable housing</p> <p>-school expansion</p> <p>-various highway improvements</p>	<p>There will be some impact ,but the development also offers scope to improve this approach into the village . Any harm has to be balanced against the benefits.</p> <p>The northern boundary of the site abuts, but is outside, Croxton Kerrial Conservation Area. This part of the Conservation Area is characterised by 20th century development . This application has the potential to conserve and enhance the setting of the Conservation Area.</p> <p>The proposal would not harm the setting of the much altered listed windmill. See below .</p> <p>It is outside the village envelope – see policy section below.</p> <p>The proposal would result in the loss of agricultural buildings and the associated business.</p> <p>It is an indicative layout and the route of the footpath would be secured – see comments from LCC Access Officer below.</p> <p>The detailed design and layout would have to be determined with submission of reserved matters. However, characteristics essential to the principle if the development could be applied as a condition of permission if considered to be necessary.</p> <p>No Neighbourhood Plan has been published for Croxton Kerrial. If however it has progressed by the time reserved matters are submitted it will be a consideration to be taken into account in their determination, influenced by the stage it has reached by that time. The design standards generally accord with the NPPF and emerging Local Plan, so design principles would be taken into account even in the absence of an NP (or if it was still at early stages)..</p> <p>Affordable housing will be provided.</p> <p>The LEA advise that School expansion not necessary (see details below) and as such a contribution cannot be justified.</p> <p>Various highways improvements and contributions are proposed (see page 6 above).</p>
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<p>-commuted sums provided for maintenance of open spaces and play areas</p>	<p>There will be a commuted sum for the maintenance of these facilities.</p>
<p>LCC Developer Contributions: s106</p> <p><u>Highways:</u></p> <ol style="list-style-type: none"> 1. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times. 2. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge. 3. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation). <p><u>Civic Amenity</u> The nearest Civic Amenity Site to the proposed development is located at Bottesford and residents of the proposed development are likely to use this site. The Civic Amenity Site at Bottesford will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.</p> <p><u>Library</u> No claim from Library Services . Residents of this development would be more likely to use Grantham Library .</p> <p><u>Education</u></p> <p>Primary School The site falls within the catchment area of Croxton Kerrial C of E Primary School. The School has a net capacity of 84 and 82 pupils are projected on roll should this development proceed; a surplus of 2 pupil places after taking into account the 10 pupils generated by this development.</p>	<p>Responses to requests for contributions noted. 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>The routing agreement is considered better achieved by means of a condition.</p> <p>It is considered that the transport contributions 2-3 opposite 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.</p> <p>Noted.</p> <p>Noted</p> <p>Noted</p> <p>The method of calculating Section 106 education contributions is based on the net capacity of the catchment school and the availability of places at any other primary school within a 2 mile available walking route of the development.</p>

<p>There are no other primary schools within a two mile walking distance of the development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. An education contribution will therefore not be requested for this sector.</p> <p>Secondary School The site falls within the catchment area of Belvoir High School. The School has a net capacity of 650 and 590 pupils are projected on roll should this development proceed; a surplus of approx. 60 pupil places. A total of 5 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This increases the total surplus at this school to 65 pupil places after taking into account 7 pupils generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. An education contribution will therefore not be requested for this sector</p> <p>Post 16 This nearest school to the site is Melton Vale Post 16 Centre. The College has a net capacity of 640 and 456 pupils are projected on roll should this development proceed; a surplus of 184 pupil places after taking into account the 2 pupils generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. An education contribution will therefore not be requested for this sector.</p> <p>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.</p> <p>Total Education Requirement £0.</p>	<p>Noted that no education contribution is required in this case for the primary sector.</p> <p>Noted.</p> <p>However please note that this is a dynamic position and other decisions taken after the publishing of this report may alter this position. The Committee will be advised verbally of any such changes.</p> <p>Noted</p>
<p>Affordable Housing</p> <p>The applicants have agreed to provide 37% affordable housing .See below.</p>	<p>Noted – details of the house type, size and tenure etc will need to be addressed by means of a condition or through a s106 obligation.</p>

Representations:

A site notice was posted and neighbouring properties notified. As a result **20 letters of objection have been received.** These comments are summarised below.

Representations	Assessment of Head of Regulatory Services
Impact upon Highway Safety &	

<p>Transportation</p> <p>Local roads cannot accommodate the proposal, which will exacerbate existing problems of congestion and in and around the village.</p> <p>Adverse impact upon highway and pedestrian safety.</p> <p>Traffic calming and road safety measures should be provided in advance of any new development.</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 Highway Authority considers that the access and resultant traffic flow is satisfactory.</p> <p>There will be some impact from additional traffic, but there is no evidence that it would 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 local facilities, which are only a short distance.</p> <p>Highways improvements can only be provided as mitigation for this development and some are proposed (see page 6 above). The measures which are proposed must be implemented before any dwellings are occupied.</p>
<p>Infrastructure and Facilities</p> <p>Village amenities are not sufficient to meet the needs of this development. In particular the school, medical practice and public transport are unable to accommodate this proposal .</p> <p>There is no local employment.</p> <p>Question the information which has been submitted by the applicant in respect of education facilities.</p>	<p>It is considered that services in Croxton Kerrial can support the proposed development.</p> <p>Croxton Kerrial has a range of local services, allowing residents to fulfil several of their daily tasks without the need of a private motor car, including a school, GP, and public house. The village is served by a regular bus service (Monday to Saturday) giving hourly access to services to Melton Mowbray and Grantham, and on to Loughborough.</p> <p>There are limited local employment opportunities.</p> <p>The Education Authority has confirmed that local schools have capacity to accommodate this development. The LEA advise that the Primary School has a net capacity of 84 and 82 pupils are projected on roll should this development proceed.</p>
<p>Residential Amenity</p> <p>Adverse impact upon neighbours in Highfield Crescent. Dwellings proposed in north-west corner of site should be removed to ensure that neighbours are not overlooked and overshadowed.</p>	<p>Noted ,but layout is only illustrative and there is sufficient space on the site to ensure a satisfactory relationship with neighbouring dwellings.</p>
<p>Housing Need</p> <p>Question the need for the housing and note that there are vacant houses in the village.</p>	<p>Noted</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 and the latest evidence HEDNA</p>

<p>The site is larger than the allocation in the draft Local Plan.</p> <p>There are sites better suited to this type of development elsewhere in the village and the wider Borough .</p>	<p>(January 2017) and ‘Towards a Housing Requirement’ (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+.</p> <p>There will always be a proportion of vacant houses in a settlement as residents move in and out of properties.</p> <p>The application site is slightly larger than the allocation in the draft Local Plan (see below for comments on the influence of the Local Plan)</p> <p>The planning authority has a duty to determine each individual application on its own planning merits.</p>
<p>The proposal is contrary to the Neighbourhood Plan.</p> <p>The proposal is contrary to the policies in the Neighbourhood Plan. It is located outside the defined village envelope.</p>	<p>The Neighbourhood Plan is at a very early stage.</p> <p>The Parish of Croxton Kerrial is a designated Neighbourhood Plan Area for the purposes of preparing a Neighbourhood Plan, but have not yet published a draft for consultation under Regulation 14 of The Neighbourhood Planning (General) Regulations, 2012 and therefore there is no document in place which can be classed as a material consideration nor given weight.</p>
<p>Drainage</p> <p>Would exacerbate existing drainage and flooding problems in the village.</p>	<p>The LLFA have assessed the applicant’s Flood Risk Assessment and have no objections subject to conditions.</p>
<p>Character of the Area</p> <p>The site is outside the village and the proposed development would have an adverse impact upon the character of the village.</p> <p>The site is on a main approach into Croxton Kerrial and would be detrimental to the setting of the village.</p>	<p>Noted – consider that impact can be mitigated</p> <p>The Melton Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study was produced in support of the new local plan. The application site is within LCZ3 Croxton Kerrial Southwest, which has a medium to high sensitivity residential development. Any development is likely to have some impact on the settlement fringe of the village.</p> <p>This part of LCZ3 is characterised by modern infill development and has lost the historically dispersed, loose settlement edge character. In particular around Mill Lane, where late 20th century development surrounds the formerly isolated windmill. Such aspects reduce settlement edge sensitivity and create the possibility of landscape mitigation potential through new development.</p> <p>In response to these possibilities the applicant’s indicative layout creates a landscaped area at the</p>

<p>The proposed suburban development is not in keeping with the medieval character of the village.</p>	<p>site entrance. This would allow landscaping to complement the development. South of the access road an area of buffer tree planting is suggested, this would soften the new built edge of the village.</p> <p>It is noted that the siting of the proposal on this relatively flat area, abutting the village and viewed against a backdrop of existing built development would help to minimise impact upon the appearance and character of the area.</p> <p>The low density development (approx. 18 dwellings/ha) would ensure that the site boundaries could be enhanced to help assimilate the scheme into the landscape. The site also has space to provide a substantial open area to the north of the proposed dwellings to provide a buffer from the adjacent listed building.</p> <p>The development of the site could not be expected to replicate medieval layout of the village. The indicative layout shows how a sensitive modern scheme could have a satisfactory relationship with existing development, much of which is relatively recent, and the conservation area and listed buildings.</p>
<p>Conservation and Heritage</p> <p>Would not conserve or enhance the character or appearance of the conservation area.</p> <p>The development would obstruct views of the listed buildings in the village; the grade II windmill and the grade II* church of St. Guthlac.</p>	<p>The northern boundary of the site abuts, but is outside, Croxton Kerrial Conservation Area. This part of the Conservation Area is characterised by 20th century development. This application has the potential to conserve and enhance the conservation area.</p> <p>The development would change some views into and out of the Croxton Kerrial Conservation Area.</p> <p>While the windmill is a prominent landmark in the village, it is a much altered building which is now part of a modern development. There is scope for the layout of the site to preserve the setting of the listed windmill. The low density layout allows for sufficient open, undeveloped, space to be provided to the south of the listed building. Thereby protecting views of the windmill from the southern approach into the village.</p> <p>The site is too far from St Guthlac's church for the development to have any discernible impact upon the setting of this listed building. The impact upon the setting of the church would primarily be limited to some long distance views from outside the village.</p> <p>It is considered that the impact on heritage</p>

	assets would be limited. The harm is considered to be ‘less than substantial’ in the terms of the NPPF and in accordance with paragraph 134, any harm has to be weighed against the benefits of the development. The likely benefits are outlined in various sections of this report .
Ecology and Wildlife Proposal would have an adverse impact upon wildlife.	Noted The County Ecologist has no objection to the proposal subject to mitigation.

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Housing type The configuration and mix of housing.	Housing Mix: Although in outline, the application would provide a range of house types and sizes to meet local needs. Affordable Housing The application proposes 14 affordable units, details of which would follow at reserved matters stage. This equates to 37%, which is the need identified by the most up to date evidence (the HEDNA 2017 and Housing needs Study 2016).
Planning Policy	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. 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. 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”. 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

	<p>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. It lies within open countryside being located outside of the village of Croxton Kerrial . However the harm attributed by the development is 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 2016 and was subject to consultation which ended on 16th December 2016.</p> <p>The Draft Local Plan Addendum of Focussed Changes was subject to consultation which ended on 23rd August 2017. The representations and responses in respect of the focussed changes were considered at a Council meeting on 27th September 2017 and the plan has been submitted to the Government.</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 	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • 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

<p>the weight that may be given);</p> <ul style="list-style-type: none"> ● 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 Croxton Kerrial as a ‘Service Centre’, in respect of which, under Policy SS2, three sites are allocated for residential development in the village. The application site is identified as CROX1.</p> <p>Policy CROX1 – Development on site CROX 1 will be supported provided:</p> <ul style="list-style-type: none"> • An area of open space is included in the development to provide a buffer from the adjacent Grade II listed building to protect its setting; • A heritage assessment is provided with impacts assessed and suitable mitigation measures identified. This should pay particular attention to the effect of the development proposal on the Conservation Area, Grade II Listed Windmill and potential archaeological concerns; • A transport statement is provided with the application, with particular reference to assessing the junction between Saltby Road and the A607 (Main Street) and its capacity to absorb additional daily vehicle movements, and any junction improvements arising • A footpath is provided between the site access and Mill Lane. <p>The Focussed Changes to the Local Plan reduced the estimated capacity the site from 40 to 35, but did not alter the size of the site. This slight reduction in capacity was reduced to preserve the setting of the adjacent listed building.</p>	<ul style="list-style-type: none"> • Adoption by MBC <p>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 Croxton Kerrial) and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>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.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is broadly in accordance with the emerging Local Plan (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</p> <p>The application site is larger than the CROX1 allocation. It includes additional land south of the access track to Highfields Farm, which extends the application site further south . The modern farm buildings, to the west of CROX1, are also included in the application site.</p> <p>The indicative layout shows a large undeveloped area on the northern boundary of the site ,which would help to preserve the setting of the listed windmill.</p> <p>This information has been provided to the satisfaction of LCC Archaeology and Historic England.</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>This footway link is proposed and is subject to a condition in the recommendation below.</p> <p>The planning application site area is larger than the CROX1 allocation .The indicative layout shows that the application site can satisfactorily accommodate up to 39 dwellings and provide a substantial buffer from the listed building .</p> <p>It should be noted that the ‘estimated capacities’ contained within the Local Plan (Focussed Changes) are not specifications or limitations for any particular site.</p>
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<p>Croxton Kerrial Neighbourhood Plan</p> <p>The Neighbourhood Plan is at a very early stage. It does not yet propose any sites for housing and has not been subject to any formal consultation .</p>	<p>The Parish of Croxton Kerrial is a designated Neighbourhood Plan Area for the purposes of preparing a Neighbourhood Plan, but have not yet published a draft for consultation under Regulation 14 of The Neighbourhood Planning (General) Regulations, 2012 and therefore there is no document in place which can be classed as a material consideration nor given any weight.</p> <p>In addition to the NPPG , advice on the weight to be given to Neighbourhood Plans (NP) is provided by the Neighbourhood Planning Act 2017. This states that less weight be given to a pre-examination NDP than a post-examination NDP.</p> <p>A post-examination unmade neighbourhood development plan should be taken into account in the determination of planning applications. The Croxton Kerrial NP is a long way off that stage.</p> <p>It is considered that the Neighbourhood Plan can at most carry very limited weight in the determination of this application.</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. Croxton Kerrial is considered to be a reasonably sustainable location, with a range of facilities and capacity to accommodate 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 green field state and the impact on the character of the rural village and approaches to it from the south and local heritage assets.

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 impact upon setting of village and heritage assets – 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 maintenance of public open space
- (iii) 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

and 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 a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.
8. 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 has been submitted to, and approved in writing by, the Local Planning Authority.
9. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
10. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

11. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - The programme and methodology of site investigation, including an initial stage of geophysical survey and exploratory trial trenching, to inform the scope and character by a mitigation strategy for the second phase of investigation and recording. Both will be undertaken by a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
12. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.
13. All works in accordance with the recommendations in the ecology report (Curious Ecologists, May 2016). An updated ecology survey should be completed either in support of the reserved matters application or prior to the commencement of the development, whichever is soonest from spring 2018 onwards. This will allow for an updated assessment of any protected species on site and allow for an adequate mitigation strategy to be written.
14. The landscaping scheme approved in accordance with condition 6 of this permission shall include areas of open space and a wildflower meadow designed to have a high biodiversity value.
15. Before development commences A biodiversity management plan should be submitted and approved in writing by the local planning authority . Wildlife areas shall be provided and maintained in accordance with the approved plan.
16. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
17. Prior to first occupation of the development hereby permitted, the vehicular access to the site shall be provided in general accordance with ADC Infrastructure drawing reference: ADC1188/001 Rev B. The visibility splays shown on the drawing shall be provided at the junction of the site access with Saltby Road and shall thereafter be permanently so maintained.
18. No development shall commence on the site until a scheme showing the change in speed limit to 30 mph along the site frontage to approx. 90m south of the proposed site access and gateway treatment shall be submitted to and approved by the LPA. The approved scheme should then be implemented prior to occupation of any dwellings hereby permitted. Any new street lighting or street furniture/lining that requires relocation or alteration shall be carried out entirely at the expense of the Applicant, who shall first obtain the separate consent of the Highway Authority.
19. No part of the development shall be occupied until a scheme for the provision of a pedestrian footway along the site frontage on Saltby Road between the site access and the junction of Mill Lane has been implemented to the satisfaction of the LPA. The offsite pedestrian footway works including a pedestrian crossing point to link in with Mill Lane should be designed to the current design standards of Leicestershire County Council and be a minimum of 2m wide where available.
20. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

21. 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.
22. No development shall take place until a scheme for treatment of the Public Footpath has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

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 prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
8. To prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase.
9. To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development
10. To ensure the satisfactory drainage of the site.
11. To ensure satisfactory archaeological investigation and recording.
12. To make the archaeological evidence and any archive generated publically accessible, in accordance with local and national planning policy .
13. To ensure satisfactory provision is maintained for the protection of Protected Species
14. To ensure satisfactory provision is maintained for the protection of Protected Species
15. To ensure the satisfactory drainage of the site.
16. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
17. In the general interests of highway safety.
18. To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site.

19. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
20. 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.
21. In the interests of amenity, safety and security of users of the Public Footpath .

Officer to contact: **Mr P Reid**

Date: 10th October 2017