

**SPECIAL MEETING OF PLANNING COMMITTEE**

**4<sup>th</sup> DECEMBER 2017**

**REPORT OF THE HEAD OF REGULATORY SERVICES**

**LONG CLAWSON 'COMMON ISSUES'**

**1. Introduction**

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

**2. Background**

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

**3. Education**

- 3.1 The Local Education Authority has advised that a feasibility study has been devised that allows for the expansion of Long Clawson Primary School to achieve a greater capacity. The only way to increase the capacity at the school is to replace the mobile classroom and build on the site the mobile currently occupies. The scheme devised will provide a classroom to replace the mobile and one additional classroom plus support spaces to accommodate the additional pupils the housing will generate. This would provide up to 30 additional places, which will provide sufficient capacity for approx. 127 additional houses (depending on house type and tenure).
- 3.2 The school occupies a very constrained site with no potential for further development and any proposal to increase the capacity will necessitate the replacement of the mobile, this means that there are no options to either phase the project or reduce its scope if fewer than 127 dwellings are approved.
- 3.3 The total cost of the scheme to expand the school is £1,080,094, The LEA will contribute £280,000 as it is obliged to in order to replace the mobile, the contribution of £29,038 included in the S106 for the development of 10 dwellings on Melton Road (15/00543/OUT) is allowed for. This would leave a balance of £771,056 to be apportioned between the housing numbers eventually permitted.

3.4 The LEA has calculated that if 127 dwellings are permitted (a figure derived from the Pre Submission Local Plan), the cost per dwelling is £6,071.31. If the total number of dwellings is less than then the costs remain the same, can be divided accordingly by the number of dwellings actually approved.

3.5 The Highways Authority will be seeking a contribution towards the cost of additional school transport unless and until such time as an acceptable means of accommodating the pupils at the local school can be provided, and if necessary the cost of expanding the school to which transport is provided as a temporary or long term measure. This will be detailed in each of the application reports as it varies from case to case based on the number of houses proposed.

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

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

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

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

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

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

- The stage of preparation of the emerging plan ( the more advanced the preparation, the greater the weight that may be given )

- The extent to which there are unresolved objections to the relevant policies ( the less significant the unresolved objections ,the greater weight that may be given ) ;and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework ( the closer the policies in the emerging plan to the policies in the Framework ,the greater the weight that may be given)

4.6 Addressing each criteria in turn:

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

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

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

Section 70 of the Act has recently been amended to require that post Examination Neighbourhood Plans be treated as a material consideration in the determination of planning applications. The NP is now at that stage and, accordingly, benefits from this provision. With only the Referendum to complete, it is regarded as very well advanced.

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

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

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

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

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

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

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

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

- 4.7 Paragraph 14 of the NPPF states that if planning permission should be refused only where the adverse impacts significantly and demonstrably outweigh the benefits of residential development in this location. It is a matter for this Committee, as the decision maker, to decide how much weight should be given to emerging policy. This includes the Neighbourhood Plan and Local Plan.
- 4.8 Members are invited to conclude on the question of weight that can be assigned to the emerging Neighbourhood and Local Plans given the circumstances around them. It is considered reasonable to conclude that at its present stage, with only the Referendum to complete, **the Neighbourhood Plan should carry substantial weight.**
- 4.9 However, the **Local Plan** remains the subject of unresolved objections and with challenges submitted about its consistency with the NPPF, the weight attributed should be regarded as **limited** only.

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

- 5.1 As described above, the Local and Neighbourhood Plans are progressing but have not yet reached a stage where it can be relied upon as the Statutory Development Plan for the purposes of determining planning applications. Determinations must therefore be made under the Policies of the NPPF.
- 5.2 The NPPF requires that each application is considered on its own merits, and for permission to be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. **Application's strengths and weaknesses in comparison to others are not considered to be a factor that can determine their impacts.**
- 5.3. A report is provided for each of the application (items 4.1 – 4.5. of this agenda) addressing the planning merits of each application. Each application is unique and as such encounters different issues in different ways, which in each case requires a independent conclusion to be reached on the 'harm' and 'benefits' they give rise to and the relative weight of each. The applications are presented in date order of receipt. The policy content of the NP and LP as they relate to each application is a

material consideration within this exercise which add/deduct weight depending on their content.

- 5.4 With regard to Education provision, it is demonstrated that sufficient capacity can be created for up to 127 dwellings. However, their cost through s106 depends upon which are approved, if any, and how many houses they collectively comprise. This is unknown until the formal determination of all of the applications concerned. It is therefore considered necessary that any decisions to grant permission are made 'subject to' the agreement of a proportionate contribution (based on the number of houses approved per scheme) reflective of the approaches described in above, and of course their agreement by the applicant (s) concerned.

## **6. Recommendations**

- 6.1 **It is recommended that the Committee proceeds to determine each application in turn, on its individual merits, under the terms set out by para 14 of the NPPF : “permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits”.**

