

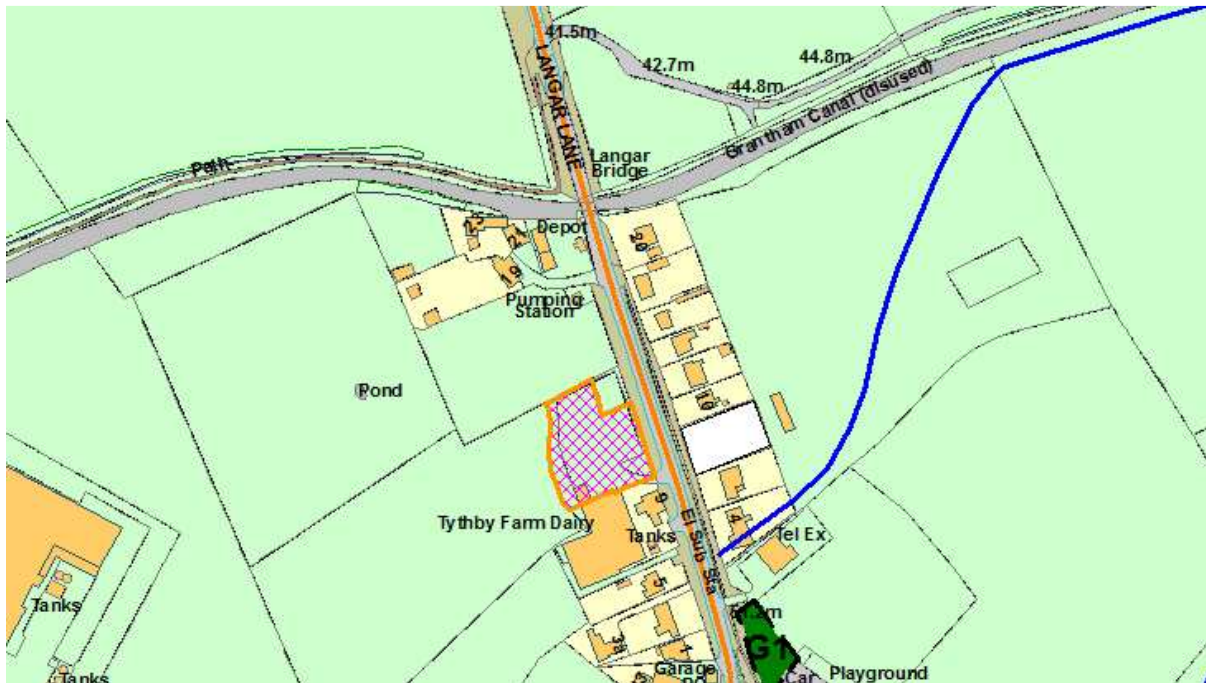
Reference: 17/01047/FUL

Date Submitted: 28th August 2017

Applicant: Redmile Developments Ltd

Location: Dairy Houses, 9 Langar Lane, Harby, LE14 4BL

Proposal: Erection of 5 dwellings (re-locations of Plots 7, 8 and 10 of planning permission 15/00933/FUL and erection of an additional 2 dwellings plots 11 and 12).



Introduction: - The application seeks full planning permission to erect 5 dwellings on the brownfield site. Planning permission had been granted under reference 15/00933/FUL for 10 dwellings. This application proposes the relocation of plots 7, 8 and 10 of the original permission and the erection of two additional dwellings. The principle of development on this site has been established through the previous permission. The site forms part of HAR2, a proposed allocated site for the emerging Local Plan.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon highway safety**
- **Impact on amenity of nearby residential occupiers.**

The application is required to be presented to the Committee due to the level of public interest. Councillor B Rhodes has also requested that the application be determined by the Committee.

Relevant History:-

17/00989/NONMAT for Erection of chimney and amendment to first floor, side windows - plot 5 - amendment to application 15/00933/FUL. Approved 23rd August 2017.

17/00082/REM for Approval of all reserved matters in respect of Plot 8. Approved 19th April 2017.

17/00083/DIS for Discharge of conditions 4 (positions, design, materials and type of boundary treatment) and 5 (parking and turning facilities, access widths, gradients, surfacing and visibility splays etc.) of application 15/00933/FUL Plots 7 and 8 only. Approved 19th April 2017.

16/00937/DIS for discharge/Part Discharge of Condition 8 planning Application number 15/00933/FUL in respect of plots 2, 3, 4, 5, 6 external materials. Approved 8th May 2017.

16/00912/DIS for part discharge of condition 8 (Materials plot 1 only) and full discharge of condition 9 (Landscaping plots 1 to 6) for planning application 15/00933/FUL. Approved 31st January 2017.

16/00850/NONMAT for Amendments to plots 2, 3, 4 and 5 house types. Approved 6th January 2017.

16/00852/REM for approval of all reserved matters of Plot 9 and shared access drive and discharge of Conditions 4 and 5 of 15/00933/FUL in relation to Plot 9. Approved 27th January 2017.

16/00720/DIS discharge of condition 22 (i) and (ii) (Remediation Method Statement) of planning application 15/00933/FUL. Approved 31st October 2016.

16/00699/FUL for provision of hardstanding for two parking spaces and associated highways works, to side of existing building. Approved 30th November 2016.

16/00606/DIS discharge of Conditions 3 Design Code, Condition 14 Drainage Proposals and Condition 15 Traffic Management Plan of 15/00933/FUL. Approved 23rd November 2016.

16/00540/NONMAT for Minor material amendments to plots 2, 3, 4 and 5 - house types. Approved on 26 October 2016.

15/00933/FUL for demolition of existing buildings; erection of 10 dwellings; formation of accesses. HYBRID APPLICATION: Plots 1-6 - full planning application, plots 7-10 - outline planning application with all matters reserved apart from access. Approved on 1st July 2016 with a Section 106 Agreement for contributions to the village hall fund.

12/00703/EXT for the extension of time limit for implementation relating to Planning Approval 09/00026/OUT for construction of 8 new residential units and change of use to form 1 unit from industrial to residential was approved with a S106 on 30th April 2013

09/00026/OUT for the construction of 8 new residential units, and change of use to form 1 unit from industrial to residential was approved with a s106 on 18th January 2010.

07/01185/OUT for outline consent for the demolition of existing dairy storage buildings and construction of 14 dwellings was refused on the 30th January 2008.

Planning Policies: -

Melton Local Plan (saved policies):

Policy OS1 – allows for development within the town and village envelopes providing that (amongst other things):-

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing developments in the vicinity.

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.

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:
 - o 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
 - o 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.

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 Strategic Planning and Regulatory Services
<p>Clawson, Hose and Harby Parish Council</p> <p>The Parish Council objects to this application as:</p> <ul style="list-style-type: none"> • Three houses (plots 7, 8 & 10) on the Langar Lane frontage is over intensive development and out of keeping with the street scene; • Parking arrangements for these 3 plots i.e. tandem parking, is unsafe, impractical and will lead to on-street parking on Langar Lane, which is the busy main thoroughfare through Harby; • Plots 11, 12 & 13 are designated as “self-build” so the plans are unlikely to be an accurate representation of what is going to be built. Each plot should be the subject of an 	<p>It is considered that the three dwellings proposed to Langar Lane are appropriate as this would address the street scene. There are both detached two storey properties and bungalows along Langar Lane.</p> <p>LCC Highways have not raised an objection to the proposed development on highway safety grounds.</p> <p>The plots as amended are now not proposed to be “self build” and therefore this planning application considers the design of the proposed dwellings that</p>

<p>individual planning application;</p> <ul style="list-style-type: none"> • There is not enough space around each dwelling on the site for parking, turning, access and amenity use 	<p>were originally going to be self build.</p> <p>It is considered that sufficient space is provided for each plot (see also comment of the HA below).</p>
<p>LCC Highways</p> <p>Further to the County Highway Authority (CHA) observations dated 12th October 2017 the Applicant has submitted a Construction Traffic Management Plan to the LPA to remove the pre-occupation condition previously advised. In addition the site layout has been redesigned, removing Plot 13 as shown on Red Sky Architects Drawing No. PL-202A, which was published on the Local Planning Authorities website on 20th November 2017.</p> <p>Construction Management Plan</p> <p>The Construction management Plan is based on a previous submission for the site which was approved as part of the extant planning permission. The proposals indicate wheel washing facilities and off-highway parking will be available for contractors.</p> <p>The Applicant has also indicated School Lane, Dickmans Lane and Boyer’s Orchard will not be used by delivery drivers, which is welcomed by the CHA due to these routes being single track in places.</p> <p>The CHA considers the content of the Construction Traffic Management Plan to be acceptable and removes the requirement for the pre-occupation condition. However the CHA would advise the Applicant that all proposals included in the Construction Traffic Management Plan should be implemented upon commencement of the works and remain for the duration of the construction works.</p> <p>Revised site layout</p> <p>It is noted that the revised proposals use the same drawing number as the previously submitted set of plans. The Applicant has removed Plot 13, which were a two bed property and enlarged Plots 11 and 12 from three to four bed properties. The CHA considers that the parking provision for the revised proposals is acceptable.</p> <p>Conditions</p> <p>1. Notwithstanding the submitted plans, the proposed shared private drive serving Plots nine - 12 shall have a width of a minimum of 4.25 metres and shall be surfaced in a bound material with a 5.5 metre dropped crossing. The driveway access to Plots 7 and 8 shall be surfaced in a bound material and have a 3.7m dropped crossing. Drainage shall be provided so water does not drain into the Public Highway and the accesses once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site</p>	<p>Noted.</p> <p>The principle of development has already been established through the grant of the previous planning permission.</p> <p>Any relevant conditions can be included in any approval of the application.</p>

<p>may pass each other clear of the highway, in the interests of general highway safety, to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Red Sky Architects drawing number PL-202A which was published on the Local Planning Authorities website on 20th November 2017. Thereafter the onsite parking provision shall be so maintained in perpetuity. Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.</p> <p>3. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 7 metres of the highway boundary unless hung to open away from the highway. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>4. The development hereby permitted shall be constructed in accordance with the details and timetable as set out in the Construction Traffic Management Plan which was published on the Local Planning Authorities website on 24th October 2017. The Construction Traffic Management Plan shall be implemented upon commencement of the works and remain for the duration of the construction works.</p> <p>Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>	
<p>Environment Agency</p> <p>We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the</p>	<p>Noted.</p>

<p>following:</p> <ul style="list-style-type: none"> • a high risk to the environment • those that are able to offer significant environmental benefit. <p>We have reviewed the above application and feel that, as presented, the location of the development is within flood zone 1, it does not fall under either of the above categories and therefore we do not wish to comment further on these proposals.</p>	
<p>LCC Ecology</p> <p>It does not appear that we have been consulted on the previous application on site, but note that the principle of the development has already been established. The ecology survey (Curious Ecologists, June 2015) is satisfactory and no bats were recorded on site. We therefore have no objection to this application, but would recommend that the applicants attention is drawn to the recommendations in the ecology report.</p>	<p>Noted.</p>
<p>Severn Trent Water</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</p> <p>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>Reason</p> <p>To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p>Suggested Informative</p> <p>Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.</p>	<p>The conditions proposed can be secured by way of condition should permission be granted.</p>
<p>Lead Local Flood Authority</p> <p>When determining planning applications, Melton Borough Council should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed</p>	<p>Noted.</p> <p>Following discussions with the Agent and the LLFA, the LLFA have agreed that condition no. 4 is not required for the proposed development. The first condition is also repeated by the proposed STW</p>

by a site specific flood risk assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).

We previously provided a consultation response to this application recommending conditional approval on flood risk and drainage grounds. Subsequently, revised plans have been submitted. However, on review these revisions do not impact on our previous recommendation, which is duplicated below for ease of reference.

The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.

1. 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.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

Note to Applicant

The scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

2. 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.

Reason

To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management

condition above.

Further conditions are proposed in relation to drainage should permission be granted.

<p>systems through the entire development construction phase.</p> <p>3. 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>Reason 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.</p> <p>4. 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 FRA has been updated accordingly to reflect this in the drainage strategy.</p> <p>Reason To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>	
<p>MBC Building Control</p> <p>Layout appears satisfactory for both Fire and Refuge appliances</p>	<p>Noted.</p>
<p>MBC Policy – Housing</p> <p>The total disused building gross floor space area is 1765 m² and the gross new site floor space is 1600m². As the disused building gross floor space area exceeds the gross new site floor space area, therefore that they are exempt from the requirement to provide affordable housing under NPPG provisions.</p>	<p>Noted.</p> <p>NPPG makes specific provision to prevent requests for affordable housing on the circumstances pertaining to this site ('Vacant Building Credit').</p>
<p>LCC Developer Contributions</p> <p>Civic Amenities 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>Education To assess whether there is a claim for an education contribution we look at the current net capacity figure against the average of the two year and four year</p>	<p>Noted all comments made with reference to contributions. Following a re-consultation on amended plans, LCC confirmed that their comments as originally submitted in October 2017 would not be altered.</p>

forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

Primary School Sector Requirement £0

The site falls within the catchment area of Harby C of E Primary School. **The School has a net capacity of 105 and 103 pupils are projected on roll should this development proceed;** a surplus of 2 pupil places after taking into account the 4 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

Secondary School (11-16) Sector Requirement £0 (See map attached)

The site falls within the catchment area of Belvoir High School and Melton Vale Post 16 Centre. The School has a net capacity of 650 and 635 pupils are projected on roll should this development proceed; a surplus of 15 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 deducted. This increases the surplus at this school to 20 pupil places.

There are no other 11-16 schools within a three mile walking distance of the site. An education contribution will not be requested for this sector.

Post 16 Sector Requirement £0

This nearest school to the site is Melton Vale Post 16 Centre. The College has a net capacity of 640 and 491 pupils are projected on roll should this development proceed; a surplus of 149 pupil places after taking into account the 1 pupil generated by this development.

An education contribution will not be requested for this sector.

Special Schools £0

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

Total Requirement: £0

Libraries

No claim from Library Services. Residents of this development would be more likely to use Bingham Library.

Representations:-

A site notice was posted to advertise the application and 12 neighbours consulted by letter. During the application process, some residents have started to move in to the properties on the site which already has the permission. As a result, 8 representations of objection have been received for the application.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<p>Drainage</p> <ul style="list-style-type: none"> • Driveway was part of drainage strategy – this has not been implemented. • Drainage strategy has not been implemented and now proposed to be changed - object as this affects our property. 	<p>Noted.</p> <p>LLFA, EA and STW have all been consulted on the application, with comments above in the consultations.</p>
<p>Highways</p> <ul style="list-style-type: none"> • Increased traffic on access road and does not allow access for emergency services. • Lack of footpaths and increased traffic will create a safety issue. • Tandem parking will lead to on street parking – visibility problems. • Insufficient parking provision. • Access road is too narrow. • Large number of vehicles use Langar Lane – safety concerns for cyclists, horse riders etc. 	<p>The Highways Authority has been consulted on the application and have raised no objection to the proposed development, subject to the inclusion of conditions. Therefore it is considered that the proposed development is satisfactory on highway safety grounds, including parking provision, access and layout.</p> <p>MBC Building Control have also been consulted on the application and consider that the proposed access and layout is satisfactory for emergency and refuge vehicles (see above).</p>
<p>Design and residential amenity</p> <ul style="list-style-type: none"> • Double garage for plot 11 and single garages for plots 7 and 8 will surround my boundary, resulting in a loss of light to my garden. • Plot 11 garage – proposed to be 1.2m from fence and a height of 4.49m, plot 11 dwelling is 7m from garden boundary and height of 8.93m – outlook will be brick walls – imposing and affecting light and loss of what was previously approved. • Intensive development. • Cramped streetscene. • Reduction in green space – suburban, not rural. • Limited space and inappropriate location for bin storage. • Need more green space. • Three houses proposed on Langar Lane dominate the streetscene. • Small/ non-existent gardens. • Properties 7, 8 and 10 are taller than others on site. • Too high, too large, too imposing. • Out of character. • Take away rural atmosphere. • Already overcrowded site without the additional proposed properties. 	<p>The application has been amended since its original submission, which has resulted in the removal of one of the properties. This was due to concerns relating to the amenity of the neighbouring occupiers of the new dwellings (in phase 1 of the development).</p> <p>Plot 11 will be located to the rear of two of the completed dwellings on the first phase of the development, however these will face the side elevation of the property of plot 11, where there are no windows proposed above first floor.</p> <p>It is considered that the height of the proposed garages are appropriate. The garages have been designed to have a roof pitch angle to match that of the dwelling, which is considered to be good design.</p> <p>Melton Borough Council do not have minimum garden size requirements. It is considered that the size of gardens proposed are adequate for the corresponding size of properties.</p> <p>A street scene elevation drawing was submitted with the application. Whilst the proposed dwellings along Langar Lane will be slightly taller than plot no 9, they will be lower than nos. 7 and 9 Langar Lane. There is also a change in land levels which has been demonstrated on the street scene drawing.</p>
<p>Housing Mix</p> <ul style="list-style-type: none"> • Housing needs well met by allocations in emerging neighbourhood plan – increase in 	<p>The site is an allocated site in the Emerging Local Plan, due for examination late January 2018 (HAR2).</p>

<p>no. of dwellings is not a benefit.</p> <ul style="list-style-type: none"> No social housing proposed (over 10 dwellings) Hope not seen as an easy assist to housing numbers. 	<p>Planning permission has also been granted for development on this site under 15/00933/FUL – therefore it is considered that the principle of development on this site has already been approved.</p> <p>The site benefits from the Vacant Building Credit (due to the previous dairy building on site and its subsequent brownfield status) and therefore no affordable housing provision is required for the development (see Policy Officer comments above).</p>
<p>Compliance with plans</p> <ul style="list-style-type: none"> Developer has changed plans several times. Concern development won't be carried out in accordance with the details. Plans are only outline and could be changed at a later date. 	<p>The application is for full planning permission and therefore it is considered that the proposal present is what will be constructed.</p> <p>If the development is not carried out in accordance with any approved plans, the Council can consider taking enforcement action.</p>
<p>Other matters raised</p> <ul style="list-style-type: none"> Profit requirements should not be considered – if plots cannot be sold, purchase price should be reduced and not used as an excuse to add dwellings. Little evidence plots have been marketed adequately. Lack of information regarding remediation – current works have been disruptive to road surfaces. In relation to phase 1 of the development - tarmac has been laid where previously proposed greenery. Site being over developed for financial reasons – without consideration to road safety, aesthetics or long term benefit to the village. Creeping numbers – consider what was applied for originally and was previously refused. Concerns over developer and construction – safety, state of road, lack of concern for residents. Want site to be completed ASAP. Additional noise. 	<p>The issues raised here are not considered to be material planning considerations, such as the conduct of the developer and previous actions.</p> <p>There is no restriction as to when works need to be completed for this development and therefore it is not possible to demand that a development is completed by a certain date.</p>

Other Material Considerations Not Raised In Representations:-

Other Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version (as amended by 'Focussed Changes') was submitted for Examination on 4th October 2017.</p> <p>The NPPF advises that:</p> <p>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p>	<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>The site has been allocated for developing in the Local Plan, submitted for Examination.</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’,</p> <p>The emerging Local Plan allocates the wider site for housing with an estimated capacity of 10 houses.</p>	<p>The proposal is 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>S106 Agreement</p> <p>It is proposed that a contribution will be made of £3,000 to the village hall fund. This is in addition to the £15,000 already allocated under planning ref 15/00933/FUL for phase 1 of the development.</p>	<p>A draft section 106 has been prepared for the application including the contribution as required for the village hall.</p>
<p>Neighbourhood Plan</p> <p>The CHH Neighbourhood Plan has successfully completed Examination and is proceeding to Referendum.</p> <p>The site is allocated in the neighbourhood plan as NPHAR2 (with an indicative maximum of 10 dwellings)</p> <p>NP POLICY H5: HOUSING MIX is applicable New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the villages of Harby, Hose and Long Clawson. Priority should be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility;</p> <p>NP POLICY H7: HOUSING DESIGN is considered to be applicable and requires development to</p> <ul style="list-style-type: none"> • the design should enhance and reinforce the local distinctiveness and character of the area in which it is situated, • show how the general character, scale, mass, density and layout of the site, or the building/s/extension fits in with the character of the surrounding area; • enjoy appropriate garden space; • not disrupt the visual amenities of the street scene nor harm any significant wider landscape views • be designed to respect and respond positively 	<p>Members are invited to conclude on the question of weight that can be assigned to the emerging Neighbourhood Plan. It is considered reasonable to conclude that at its present stage, with only the Referendum to complete, the Neighbourhood Plan should carry substantial weight.</p> <p>The proposal is in accordance with the CHH Neighbourhood Plan. It is considered this compliance adds substantial weight in support of the proposal, the site is allocated within the neighbourhood plan and allows for a mix of housing types with bedrooms ranging from 2 to 4 and the majority being of 3 bedroom which is of a size that would meet the mix as set out opposite</p> <p>The plans and information submitted show a design suitable for the location that would harmonise well amongst those of existing using warm red brick with ashlar stone plinth and having red clay pantile roofs.</p>

<p>to the visual character and the architectural massing of the neighbouring area.</p> <ul style="list-style-type: none"> • adequate off-road parking should be provided • minimise the impact on general amenity and give careful consideration to privacy, noise and light, and include appropriate provision for the storage of waste and recyclables • within new residential layouts provision should be made for wildlife • incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency; • incorporate sustainable drainage systems 	
--	--

Conclusion:-

A significant benefit is that this development is proposed on brownfield land which according to the NPPF should be encouraged for new development. This development will enable remediation of this site and provide housing within the Melton Borough.

The site for development has been identified in both the Emerging Local Plan and the Clawson, Hose and Harby Neighbourhood Plan, which is also a factor in favour of this application. The principle of development on this site has already been established through the previous permissions granted.

However concerns have been raised by nearby occupiers in relation to the proposed development, including impact on neighbour amenity, highway safety and the proposed number of dwellings on site. It is considered that the proposed development would not be harmful to the amenity of neighbouring occupiers to a degree to warrant the refusal of the application. Additionally, LCC Highways have raised no objection to the proposed development on highway safety grounds. Whilst this proposed application does increase the number of dwellings on the site by two, it is considered that this would not be significant enough to warrant the refusal of the application.

In conclusion it is considered that, on the balance of the issues, there are benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. 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 the village hall fund.
- (b) **Conditions:-**
 1. The development shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with drawings numbered: PL-001a, PL-203, PL-204, PL-205, PL-209, PL-210, received by the Local Planning Authority on 21st August 2017 and PL-206a, PL-207 and PL-202A, received by the Local Planning Authority on 20th November 2017.

3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding the submitted plans, the proposed shared private drive serving Plots nine - 12 shall have a width of a minimum of 4.25 metres and shall be surfaced in a bound material with a 5.5 metre dropped crossing. The driveway access to Plots 7 and 8 shall be surfaced in a bound material and have a 3.7m dropped crossing. Drainage shall be provided so water does not drain into the Public Highway and the accesses once provided shall be so maintained at all times.
5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Red Sky Architects drawing number PL-202A received on 20th November 2017. Thereafter the onsite parking provision shall be so maintained in perpetuity.
6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 7 metres of the highway boundary unless hung to open away from the highway.
7. The development hereby permitted shall be constructed in accordance with the details and timetable as set out in the Construction Traffic Management Plan which was published on the Local Planning Authorities website on 24th October 2017. The Construction Traffic Management Plan shall be implemented upon commencement of the works and remain for the duration of the construction works.
8. 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.
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 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.
11. 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.

Officer to Contact: Mrs J Lunn

Date: 21.12.2017