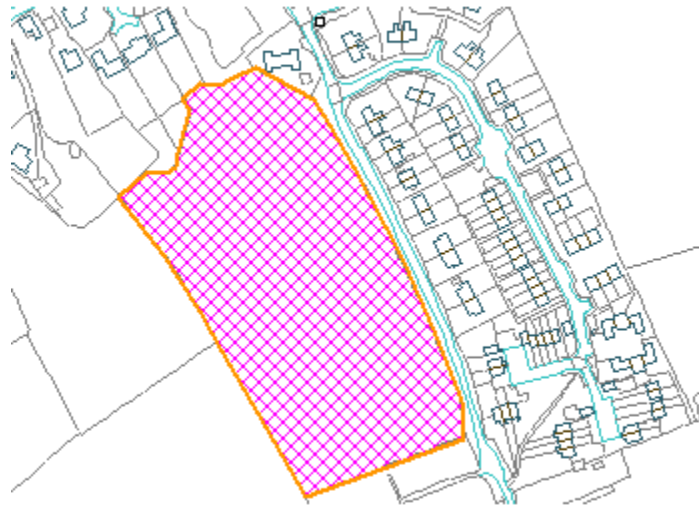


Reference: 17/01234/OUT
Date submitted: 29.09.17
Applicant: Davidsons Developments Ltd
Location: Land off Sand Pit Lane, Long Clawson
Proposal: Residential development of up to 55 dwellings, together with new areas of public open space ,access, landscaping and drainage infrastructure.



Proposal :-

This application seeks outline planning permission for up to 55 dwellings with associated public open space, landscaping and drainage. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application .

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

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

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

The application is supported by a Design and Access Statement ,Transport Assessment and Travel Plan, Flood Risk and Drainage Assessment, Landscape and Visual Assessment ,Arboricultural Survey, Ecological

Assessment, Archaeology and Heritage, Agricultural Land Quality ,Ground Conditions ,Utilities Study and Consultation Statement . All of these are available for inspection.

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

History:-

16/00032/OUT – Residential development up to 55 dwellings, together with new areas of public open space, access, landscaping and drainage infrastructure – Refused for the following reasons;

1) The application proposes a development of dwellings that is contrary to the Long Clawson Neighbourhood Plan. The development is not allocated as a housing site and is identified as locally important and valued view The application is therefore contrary to Policies H1, H2 H3 and ENV8 of the Clawson, Hose and Harby Neighbourhood Plan (Referendum Version) 2017 to 2036.

2) In the opinion of the Local Planning Authority, the development would amount to substantial harm to the adjacent heritage assets, the scheduled Moated site north-east of St Remigius' Church, the 14th century grade II* St Remigius' Church ;the grade II* Manor Farmhouse on West End; the grade II Vicarage and the Long Clawson Conservation Area by virtue of a significant adverse impact upon their setting. It is not considered that the benefits provided by the proposals as exceptional to justify such harm and as such the proposal is contrary to para. 132 of the NPPF.

Planning Policies:-

Melton Local Plan (saved policies):

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

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

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

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

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

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

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

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

- approving development proposals that accord with the development plan

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

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

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

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

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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 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.

Conserving and enhancing the natural environment

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

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

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objection, subject to conditions and developer contributions</p> <p>The County Highway Authority (CHA) previously provided highway observations on LPA ref: 16/00032/OUT for a development of 55 dwellings on land south of Keystones, Sand Pit Lane Long Clawson.</p> <p>These observations concluded that the highway impact from the proposed development would not</p>	<p>The application seeks outline consent for a development of up to 55 dwellings. The only matter for detailed consideration is the access into the site. Layout, scale of development, matters relating to appearance (design) and landscape would form a reserved matters application should approval be granted.</p> <p>It is proposed to take the access off Sand Pit Lane</p>

be severe in accordance with paragraph 32 of the NPPF, subject to appropriate conditions and contributions.

In light of the resubmitted Application the CHA has taken the opportunity to review the details of the resubmission including the proposed off-site highway works which were conditioned as part of the previous Application. The CHA observations on this Application are below.

Site Access

The site access details are shown on drawing ref: JN2028-NWK-001 P2 which is included in Appendix A of the submitted Transport Statement. The visibility splays shown on the plan are 2.4 metres x 43 metres which are acceptable to the CHA.

Off Site Highway Works

The CHA considers that the widening of Sand Pit Lane to 5.5 metres as shown on drawing ref: JN2028/NWK/002 rev P1 is still required to accommodate the proposed development. The CHA would ask that Sand Pit Lane is widened to just south of the proposed site access to where the road narrows to a single track. However the additional section of highway land at the junction of Back Lane / Sand Pit Lane is not required. The proposed mini roundabout with traffic calming on the approaches to the junction of Sand Pit Lane / Back Lane (as per condition 1 of 2016/0032/06 highway revised observations) is no longer required.

Internal Layout

As this is an outline application with all matters reserved except new areas of public open space, access, landscaping and drainage infrastructure the internal layout shown has not been subject to a design check. This will be dealt with by the CHA as part of any future Reserved Matters application.

Road Safety Considerations

The CHA has taken the opportunity to review the latest Personal Injury Collision data and there have been no PICs for the period 1 August 2016 to 30 September 2017. Therefore the CHA would not seek to resist the Application on highway safety grounds.

Conditions

1. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the

with a series of roads and private driveways serving a development with a mixture of housing types.

The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development. Off-site works are necessary to help safely manage turning traffic at the Sand Pit Lane and Back Lane junction.

The Highway Authority has no objection to the access from Sand Pit Lane subject to off-site improvements and a contribution to encourage the new residents to use public transport.

development shall thereafter be carried out in accordance with the approved details and timetable.

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.

2. Notwithstanding the details submitted, the proposed vehicular access serving the site shall be designed and constructed in accordance with County Highway Authority standards, to include a minimum 5.5 metre wide carriageway, with 2 metre wide footways on each side, or one 2 metre wide footway and a 1 metre wide service margin on the other. Before development commences, the applicants shall submit to for the approval of the LPA a revised proposal showing such an access designed fully in accordance with CHA standards, the access shall then be provided fully in accordance with the approved plans before any dwelling hereby permitted is first occupied.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

3. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until such time as a scheme for the proposed carriageway widening and footway works between the start of the single track on Sand Pit Lane (south of the proposed access) and the junction with Kings Road have been submitted and implemented in full to the satisfaction of the Local Planning Authority.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

4. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Sand Pit Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

<p>Severn Trent Water Authority: No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted – condition proposed</p>
<p>Environment Agency</p> <p>No comment – consultation should be directed to the Lead Local Flood Authority (LLFA).</p>	<p>Noted – see LLFA comments below.</p>
<p>Lead Local Flood Authority (LLFA) : ‘Holding Objection’</p> <p>The proposed discharge location for one drainage catchment is the north of the site into an existing pond and therefore, the exiting hydrological regime of the pond needs to be assessed. In addition to this, confirmation that the land ownership of the pond and the land between the pond and the site boundary is in developer control should be provided to the LLFA.</p> <p>The overall discharge rate of the site is above the calculated greenfield QBAR rate. This should be limited to greenfield rates and volumes, with long term storage provided on-site to ensure downstream flood risk from the site is not increased. It should also be noted that current Environment Agency guidance stipulates that an uplift to 40% climate change should be used for surface water drainage.</p> <p>Level information of the attenuation features proposed on site and the site outfalls should also be provided as the site topographic survey identifies that the ditches are relatively shallow. Outline operation and maintenance information of proposed attenuation features on site should also be provided to the LLFA.</p> <p>A demonstration of the overland flow routes in an exceedance event should also be submitted to the LLFA.</p> <p>• The application documents as submitted are insufficient for the LLFA to provide a detailed response at this stage. In order to provide a detailed response, the following information is required:</p> <ul style="list-style-type: none"> • Plans of a proposed surface water drainage strategy, showing proposed sustainable drainage (SuDS) features, indicative invert levels and confirmation of a suitable outfall location and discharge point. • Evidence that the proposed discharge, generated by all rainfall events up to and including the 100 year return period plus 40% climate change, has been limited to the site specific greenfield runoff rates 	<p>The applicant’s Flood Risk and Drainage Strategy confirms that the site is located in Flood Risk 1 and is not at risk from flooding.</p> <p>The proposed development includes areas of storm water balancing within the proposed open space on the northern part of the site. This will ensure that surface water run-off from the site can be satisfactorily accommodated.</p> <p>However the LLFA have advised that they require further information to provide assurance that drainage is feasible and until this have lodged a ‘holding objection’. That is not to say it cannot be overcome, and any grant of permission should make provision for the submission of such information and its acceptance but the relevant Authority.</p>

<p>and volumes for all return periods.</p> <ul style="list-style-type: none"> • Calculations to demonstrate the performance of the drainage system for the 1 in 30 and 1 in 100 year plus climate change return periods, in accordance with Environment Agency Climate Change Guidance (February 2016), including calculation of existing and proposed discharge rates and attenuation storage requirements. • Demonstrate the proposed allowance for exceedance flow and associated overland flow routing. • Evidence that due consideration has been given to the ongoing operation & maintenance of the surface water drainage strategy for the life time of the development. • Information should be provided relating to the existing hydrological regime of the proposed discharge location into the existing pond north of the site. Land ownership information should also be provided to confirm the land north of the site where the pond is located is within the developer's control. 	
<p>Affordable Housing This application offers a 37% affordable housing contribution.</p> <p>The tenure mix would be 40% affordable rent (8 units) and 60% discount for sale (11 units). The notional total mix of dwelling sizes which are proposed at this stage is eight 2 bed units; six 3 bed units and five 4 bed units. While the tenure mix is not the preferred proportion of rented and discount for sale, which is usually 70% or 80% affordable rented, it would provide a total of fourteen 2 and 3 bedroom units, which the council's recent Housing Needs Survey identifies as the size of affordable unit most needed in the Long Clawson area. This is a reasonable compromise in this instance.</p>	<p>This is an outline application which allows the details of the housing mix to be considered later, but a condition is suggested to ensure that a mixed balance of dwellings is provided.</p> <p>Saved policy H7 of the Melton Local Plan requires affordable provision 'on the basis of need' and this is currently 37%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>Due to the overriding need to provide permanent additional accommodation at Long Clawson C of E Primary School, the associated exceptional costs, the tenure mix of affordable housing which is proposed in this case is considered to be acceptable</p>
<p>Historic England – The proposal will be harmful to the significance of designated assets commensurate with less than substantial harm as identified in the NPPF.</p> <p>As far as we can ascertain, the above application is an identical resubmission of application 16/00032/OUT on which we commented in letters dated 5 February 2016 and 12 June 2017.</p> <p>We therefore attach our letters and request that your authority regards them as advice on the</p>	<p>Paragraph 134 of the NPPF advises that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. This authority must undertake this balancing exercise in the determination of this application.</p> <p>Following receipt of Historic England's comments the applicants produced a supplementary report in addition to their Heritage Assessment & Archaeological Assessment and Geophysical Survey Report.</p>

<p>current application as well.</p> <p>In addition, we make the following comment:</p> <p>We understand that your authority has received representations regarding the potential of the proposals to dry out the fishpond to the south of the Grade II* listed Manor Farmhouse. The historic fishpond makes a positive contribution to the setting of Manor Farmhouse and its loss would cause further harm to the significance which the Farmhouse derives from its setting. We therefore advise your authority to seek further information and assurances regarding the potential loss of the fishpond and to address this further potential for harm in determining the application.</p> <p>Previous comments</p> <p>The development is on land within the setting of a number of designated heritage assets. These are the scheduled moated site ,thought to be the site of a manor house north of the application site;the 14th century grade II* St Remigius church ;the grade II* Manor Farmhouse on West End;the grade II Vicarage and the Long Clawson Conservation Area all to the south of the site.</p> <p>The Manor Farmhouse was built between 1580 and 1620 for Richard ,the second son of Sir Henry Hastings, Sheriff of Leicester. It's more than special historic and architectural interest in a national context is recognised through its grade II* listing and significance is clearly explained within the detailed list description. The application site forms part of the open countryside surrounding and on approaching the historic medieval and post medieval core of the settlement.</p> <p>Historic England concludes that the proposals will diminish the appreciation and understanding of the rural context of the highly graded assets, in particular the grade II* listed Church ,Manor Farmhouse and the conservation area. HE state that the proposal will be harmful to the significance of designated heritage assets commensurate with less than substantial harm as identified by the NPPF.</p> <p>With regards to a prospect of a mini roundabout at the junction it is advised:</p> <p>The amendments relate to the addition of a mini-roundabout at the bottom of Sandpit lane. The site lies within the conservation area and within the setting of the Grade II* listed Manor Farmhouse, Grade II* listed Church of St Remigius and SM moated site NE of the church. We refer to our previous advice dated 5 February 2016 where we stated the proposed development will be harmful</p>	<p>This also seeks to respond to the very detailed objections of the owner of the grade II* Manor Farmhouse. This objection also refers to an historic boundary feature which could be affected by the development .</p> <p>The original report considered that the development would not harm the setting or overall significance of the Old Vicarage ,the neighbouring scheduled monument or the character or appearance of the conservation area. This report accepted that the development would have some impact upon the setting of the Manor Farmhouse and St Remigius Church ,but with limited harm falling short of the substantial harm threshold referred to in the NPPF.</p> <p>The applicants Heritage Statement provides a detailed description of the setting of these assets. It notes that while the development would be seen in the context of views towards and from the rear of the Manorhouse it is not part of any designed landscape setting. The proposal includes the retention of a public open space at the northern end of the site. The applicant's contention that this would ameliorate the impact of the development upon some views is accepted.</p> <p>The development is also proposed to be laid out with viewing corridors within the site. While this is only an outline application the reserved matters could be designed to preserve key views.</p> <p>The application site has had some historic association with the Manorhouse and may have been in shared ownership. But it was probably outside the curtilage of the Manorhouse and the applicant's statement that the development of the land would not detract from the significance of this property as a recognisable high status house seems to be logical.</p> <p>It should be noted that the connectivity of the Manor Farmhouse to its rural setting has been compromised by the recent development of the Keystones and housing development within Old Manor Farm cul-de-sac with Ashfield House very close to the grade II* listed building.</p> <p>The development would have an impact upon wider views of St Remigius Church and its relationship with this group of historic buildings. Although the church is some distance from the application site.</p> <p>Once again, the proposed undeveloped corridor through the site is designed to maintain views and limit the impact of the new housing.</p>
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<p>to this collection of designated heritage assets. The addition of the mini roundabout does not change this view. Though a mini roundabout will not necessarily have any greater impact than another form of junction, this will depend on how it is designed and to ensure it does not stray beyond the existing highway. If the outline planning application is approved, we strongly recommend the highways layout is conditioned. In this sensitive area, it will be important that the design is not overtly urban and respects the rural nature of the townscape.</p>	<p>The northern boundary of the site abuts the Long Clawson Conservation Area. The proposed open space would separate the main development from the conservation area and would reduce its impact.</p> <p>On balance it is considered that the development would not cause significant harm the character or appearance of the Conservation Area.</p> <p>With regard to the neighbour's historic boundary feature it is difficult to precisely establish its origins or alignment . However, it is clear that this feature lies outside the main development area and is unlikely to be affected by the development.</p> <p>The neighbour's final objection is that development could cut the supply of water to their historic fishpond. The applicant's Flood Risk Assessment ,which included a visual assessment and digging trial pits, provided no evidence of springs or groundwater which could be affected by the development. There is no evidence to the contrary .</p>
<p>LCC Ecology – No objection, subject to conditions securing mitigation.</p> <p>The ecology surveys submitted with the application (Middlemarch Environmental, December 2015 – January 2016) recorded the application site to comprise species-poor semi-improved grassland, surrounded by hedgerows. No evidence of protected species were recorded on site, but a small population of great crested newts (GCN) were recorded in the pond to the north of the site.</p> <p>The proposed development will retain the GCN pond and the current proposed layout (Drawing No LC/SK01/OPT1) includes an area of open space and proposed balancing ponds to the northern end of the site. We welcome the layout of the northern end of the site as it provides a buffer between the development and the GCN pond and, provided it is adequately planted and managed, will help to mitigate for the loss of terrestrial GCN habitat on site. The proposed GCN mitigation strategy (Middlemarch, January 2016) is satisfactory in principle, but I am concerned that the development has the potential to 'trap' GCN in the area surrounding the pond. The proposed layout shows some open space to the eastern (Sand Pit Lane) boundary of the site for about 2/3 of the length of the site. However, there does not appear to be a suitable buffer in the lower 1/3.</p>	<p>Noted.</p> <p>The application was accompanied by a habitats survey that discovered the presence of no protected species or suitable habitats except for a small population of GCN in the pond in the northern part of the site. This can be addressed by mitigation .</p> <p>The proposal provides an opportunity to provide net biodiversity gains through enhancements within the landscaping. While this is an outline application it is clear that buffer zones could be provided to enhance biodiversity.</p> <p>This has not been pursued as this is an application for outline planning permission . There is scope to address these points at the reserved matters stage when a detailed layout would be produced.</p>

<p>Requests that :</p> <p>Clarification of the buffer running north to south to allow connectivity between the existing pond to the north and the wider countryside. This will enable GCN to migrate.</p> <p>The layout is amended to reflect a buffer (above) for GCN and a buffer of the existing hedgerows.</p> <p>Conditions</p> <p>Should the LPA grant permission, we would recommend that the following are incorporated into a condition(s) of the development:</p> <ol style="list-style-type: none"> 1.Works to be in accordance with the recommendations detailed in section 6 of the Preliminary Ecological Assessment (Middlemarch Environmental, January 2016). 2.GCN mitigation (subject to slight amendments discussed above) to be followed (Middlemarch Environmental, January 2016). 3.All landscaping should be agreed with the LPA. The landscaping and design of the area to the north should be designed in accordance with the recommendations in the GCN Mitigation Strategy. 4.A Biodiversity Management Plan should be submitted prior to the commencement of the works. <p>Note - Protected species surveys are only considered to be valid for 2 years. Updated GCN and badger surveys will therefore be required, prior to any works (including clearance) on site if the works have not commenced before March 2017.</p>	<p>Mitigation measures have been proposed and a condition can be imposed to safeguard the on-site presence of Great Crested Newts.</p> <p>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.</p>
<p>LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present.</p> <p>Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site has a potential to contain buried archaeological remains constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2).</p> <p>Consideration of the available archaeological information, together with appraisal of the submitted desk-based assessment and geophysical survey (Trigpoint Conservation & Planning Dec 2015), indicates that the development site lies in an area of uncertain archaeological potential. It is therefore advised that the applicant should be</p>	<p>There is no objection on archaeological grounds.</p> <p>There is a need for additional work which can be controlled by conditions.</p>

required to make provision for an appropriate programme of staged archaeological mitigation secured by condition on any planning approval.

Whilst no known archaeological remains have been recorded as yet within the development area, it is situated immediately adjacent to the historic settlement core of Long Clawson (HER ref.: MLE8746), to the south of the Grade II* listed Manor Farmhouse (NHLE ref.: 1075052) and fish pond (MLE8743).

Consideration of the available aerial photographs confirm the comments offered in the desk-based assessment; the greater part of the study area appears to have been within the cultivated open fields of Long Clawson throughout the medieval and post-medieval periods. To the north, a former headland or boundary bank crosses the site at right angles to the alignment of the ridge and furrow, possibly forming the southern edge of the manorial complex to the north. More recently the field has been cultivated, removing earthwork evidence of the former ridge and furrow earthworks, and reducing the perpendicular bank.

However both are clearly discernible in the geophysical survey results. The evidence supports the conclusion of the Desk-based assessment that, to the south of the bank, the potential for the survival of significant archaeological remains of Medieval or later date is considered to be limited. Evidence of earlier archaeological remains is sparse, although Neolithic, Bronze Age, Iron Age, Roman and Early to Middle Anglo-Saxon date are recorded on the HER within the wider landscape.

It should be underlined, however, that relatively little intrusive archaeological investigation has occurred within the near vicinity of the study area making it difficult to accurately assess the potential for the existence of remains of these periods.

Finally, there is no evidence to suggest that the land within the study area has been built on or subject to disturbance other than agricultural operations within the last 200 years, therefore any archaeological remains present on the site are likely to be preserved *in situ*.

The development proposals include works (e.g. foundations, services, road construction, water attenuation, landscaping) likely to impact upon archaeological remains. In consequence, the Local Planning Authority should require the developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to

their importance (NPPF Section 12, paragraph 141).

To ensure that any archaeological remains present are dealt with appropriately the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work to be conducted prior to commencement of the proposed groundworks associated with the development. It should commence with an archaeological trial trench investigation of the development area; if archaeological remains are present and will be impacted by the development, a further stage of investigation will be necessary.

The nature and extent of any subsequent mitigation will be informed by the results of the initial trenching. A contingency provision for recording and excavation of archaeological remains of greater extent, complexity or significance than currently envisaged should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this department.

We therefore recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present:

No development shall commence until a programme of archaeological work (commencing with initial trial trench investigation and including any appropriate subsequent mitigation) has been detailed within a Written Scheme(s) of Investigation (WSI), submitted to and approved by the Local Planning Authority in writing.

The WSI(s) shall include a statement of significance and research objectives, and:

- 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**

<p>organisation(s) to undertake the agreed work. 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>REASON: To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with local and national planning policy. 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.</p> <p>REASON: To make the archaeological evidence and any archive generated publically accessible, in accordance with local and national planning policy.</p> <p>Recommended Informative Notes</p> <ul style="list-style-type: none"> - The applicant must obtain suitable Written Scheme(s) of Investigation (WSI) for all phases of archaeological investigation from person(s) and/or organisation(s) acceptable to the Local Planning Authority. A WSI for the exploratory trial trenching should be submitted for approval but will not be sufficient for the discharge of the relevant Condition(s). - The WSI(s) shall comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and Historic England's Management of Research Projects in the Historic Environment (MoRPHE). - The WSI(s) shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development. - The applicant should commission the trial trench investigation at an early stage to enable the costs and timescales of any further mitigation work to be ascertained and fully integrated into the development programme. - The LCC Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Local Planning Authority. 	
<p>Clawson, Hose and Harby Parish Council</p>	

<p>The increase in the risk of flooding. The current drainage infrastructure cannot cope with the present number of dwellings particularly at The Sands and Claxton Rise. This site currently acts as a soakaway. A proposed pond will need maintaining;</p> <p>The current culvert under The Sands is blocked with sand which is washed down from the surrounding hills.</p> <p>The drainage infrastructure is already inadequate in exceptional circumstances. Paragraph 99 of the NPPF states New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change</p> <p>It is an urban style development which is too large and out of keeping with rural linear character of the village:</p> <p>It is against NPPF Core Principle 10 – to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life and this and future generations and the Conservation Area (designated in 1977) and historic core of Church, manor farmhouse, ancient pond and site of Castle; It would block the open view which gives a sense of space and perspective identified in both the 1976 and 1981 Village Appraisals as being of crucial importance as a green window and the spatial design of the village;</p> <p>Ideal grazing land for cattle which is an integral part of the history of Long Clawson;</p> <p>Threats to water supply to the medieval village fishpond. It is fed by percolation from springs in the proposed development site, in the centre and upper reaches of the field, near the cemetery. The pond water is exceptionally clean and supports a great number of fish, freshwater species and birds. Development would prejudice the natural water supply to pond. Great Crested Newts have been recorded near the proposed site</p> <p>Not sustainable with the village infrastructure of roads, school, surgery, public transport</p> <p>Very limited public transport. There is no public transport to the major centres of employment. This application is against Core Principle 11 – to actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling and focus significant development in locations which are or can be made sustainable;</p> <p>Village school is already at full capacity with little room for expansion. It is against government</p>	<p>These points are noted, and are similar to those raised by members of the public, please therefore see response to objections below for full assessment.</p>
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policy for sustainability and low carbon environment as pupils who cannot be accommodated at the school would need to be transported to surrounding schools with capacity

Nature of road through the village cannot cope with current volume of traffic. Long Clawson is 2.5 miles from the nearest A road and reached only by unclassified roads. Fifty-five dwellings would add approximately 110 more vehicles through the 14 right angles bends;

Long Clawson currently has a long-standing problem of gridlock particularly within the region of The Sands because of the volume of traffic passing through the village and needing to park around The Sands and East End

Have a negative impact on the peace and tranquillity of the adjoining cemetery, which is set apart from the village core in a traditional setting;

Far exceeds the identified needs in the Long Clawson Housing Needs Investigation of January 2015 for 2 affordable homes and 9 open market homes in Long Clawson for those with a local connection

This site (Long 4) has been excluded from the Neighbourhood Development Plan (NP) because It has been overwhelmingly and consistently rejected by the community in consultations

It has been identified that it would cause potential flooding issues in the centre of the village

The visual impact of this large development particularly affects the Grade II* listed Manor Farm House. Historic England has commented to the specific outline planning objection that this site should not be utilised for development if any other more suitable sites in the village are available for development.

There is a risk to the water supply, integrity and viability of the scenic and historic Manor Farmhouse fish pond which is such an important part of the house setting

LONG4 has been identified as an Important Open Area in community action CA ENV1;

All developable sites from the SHLAA 2016 were evaluated as part of the NP development and the results of this are shown in the supporting evidence documents – Site Assessment and Long Clawson site selection. They show the low priority of the site within Long Clawson, where other more suitable sites are available for development.

<p>Development would be contrary to draft NP Policy ENV8 “Protection of Important Views” in so far as it would cause unacceptable harm to the outward view of attractive open countryside protected by view No15;</p> <p>Given that the Examiner recommends that the NP progress to Referendum which, therefore, now carries ‘material weight’, a grant of planning permission in advance of the clear difference between the NP and LP over the site’s future role, would be Premature. Hence it would be contrary to the first NPPF core Principle in paragraph 17, namely that: Planning should be genuinely planned, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area.” In the view of the Parish Council tension between the PC and MBC on this site’s selection would be best resolved during the forthcoming Local Plan Examination which is now scheduled to commence on 30th January. In such circumstances a refusal of planning permission on grounds of prematurity would be entirely reasonable and consistent with NPPG guidance Paragraph 014, of March 2014 (014 Reference ID;21b-014-20140306). In the event that the LP inspector was, in fact, persuaded of the site’s development merits the PC would reserve the right to be consulted on a full range of planning conditions and S106 contributions to help offset the harm and impact identified above.</p> <p>The Parish Council has received 15 copy objections to this application. If this site is approved the Parish Council requests: A contribution of land for an extension to the Cemetery, as extra land will soon be needed to accommodate the increased demand for graves likely to result over time from this and other planned Long Clawson development sites in the NP and LP.</p> <p>That it must comply with all Policies of the NP as it is at such a late stage of approval and that the PC has an opportunity to write the Design Code for this site in the same way as other sites are covered in the NP.</p>	
<p>Provision and maintenance of open spaces, including play areas</p>	<p>Details to be agreed and may need to be subject to a Section 106.</p>
<p>Developer Contributions: LCC</p> <p>Waste - The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste</p>	<p>The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the</p>

<p>facilities within the local area because of a development of this scale, type and size.</p> <p>As such a developer contribution is required of £4546.00. (to the nearest pound).</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site.</p> <p>The developer contribution would be used on project reference MEL003 at the Melton Civic Amenity Site. Project MEL003 will increase the capacity of the Civic Amenity Site at Melton by:- Canopying of recycling area to increase reuse storage capacity.</p> <p>There are four other known or potential obligations from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project MEL003.</p> <p>The County Council consider the Civic Amenity contribution is justified and is necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development.</p> <p>It is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p>It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the Civic Amenity infrastructure at Melton Mowbray which would arise due to this proposed development.</p> <p>Libraries – The proposed development on Sand Pit Lane, Long Clawson is within</p>	<p>development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</p> <p>It is not clear how the requests relate to improvements at the library. As no explanation has been provided. It is therefore found that the request is not compliant with CIL Reg. 122 in this instance as the improvements would not be relevant to this specific development or</p>
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<p>8.0km of Melton Mowbray Library on Wilton Road, being the nearest local library facility which would serve the development site. The library facilities contribution would be £1,660 (rounded up to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for book stock provision, e.g. books, audiobooks, etc. to account for additional use from the proposed development. It will be placed under project no. MEL014. There are currently two other obligations under MEL014.</p> <p>The Leicestershire Small Area Population and Household Estimates 2001-2004 gives the settlement population for Melton Mowbray Library at approximately 25,890 people. The library has an active borrower base of 6,157 people. However post code analysis demonstrates that Melton Mowbray Library attracts usage from a much wider catchment of 31,173 through additional borrowers who live outside the settlement area but come into Melton Mowbray for work, shopping or leisure reasons.</p> <p>Active users of Melton Mowbray Library currently borrow on average 17 items a year. The national performance indicator NI9 measures the percentage of adults who have used a public library service in the past 12 months (the latest figure is Oct 08 - Oct 09) and for Leicestershire this figure is approximately 48%. This figure would be higher if children were factored into the equation.</p> <p>Consequently the proposed development at Sand Pit Lane, Long Clawson is likely to generate an additional 80 plus users and would require an additional 191 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.</p> <p>The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which</p>	<p>necessary.</p> <p>The contributions requested for mitigation against waste and libraries are a tariffed style requests that will be ‘pooled’. Under CIL Reg. 123(3) no more than five contributions can be pooled for any singular infrastructure project. The request for improvements to the civic amenity site has been allocated to a specific project and will provide new open top containers that will increase the capacity at the site. It is therefore considered appropriate for inclusion in a S106 agreement.</p>
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<p>is at Melton Mowbray.</p> <p>It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Melton Mowbray which would arise due to this proposed development.</p> <p>Education</p> <p>The site falls within the catchment area of Long Clawson C of E Primary School The School has a net capacity of 105 and 122 pupils are projected on the roll should this development proceed; a deficit of 17 pupil places (of which 3 are existing and 14 are created by this development).</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.</p> <p>This contribution would normally be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Long Clawson C of E Primary School. However the school occupies a very constrained site in a conservation area of the village and it will not be possible to accommodate further children at the school without a significant capital investment.</p> <p>The only option to provide any additional places at the school would involve removing the mobile classroom and replacing it with a permanent building to include one additional classroom space; and extending the current foundation stage room this would provide up to 30 additional places, which will provide sufficient capacity for approx. 127 additional houses (depending on house type and tenure).</p> <p>The Authority has recently commissioned a feasibility study into the options to extend the school and a scheme has been designed and agreed with the school that will replace the mobile and extend the foundation stage room to provide the 30 additional places required to accommodate pupils from the proposed housing</p>	<p>Long Clawson village school is already over capacity and this development would increase the deficit by a further 14 places.</p> <p>As explained, the LEA has developed an approach to expanding the school and identified costs (see opposite). However, the quantity the development should contribute is dependent upon the total number of houses proposed within its catchment, which is unknown until all applications are determined.</p> <p>It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase population the proposal would bring and is therefore considered compliant with CIL Regulation 122.</p>
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developments. This scheme will provide a maximum of 30 places and due to the constrained nature of the school site, it will mean that when complete further expansion of the school will not be possible.

The total cost of the proposed scheme is £1,080,094, of which the LA will meet any costs associated with the replacement of the mobile classroom estimated to be £280,000. The balance of the cost (£800,094) will need to be met through S106 contributions from those developments given planning permission in the village. The cost will be apportioned to the development based on the number of dwellings given planning permission. Unfortunately the size of the school site means that there is only capacity to provide for an additional 30 places and nothing more.)

The contribution for a development of 55 dwellings will be £333,921.

This is calculated by dividing the total cost of the extension required as a result of the additional housing £800,094, Less funding of £29,038 included in the S106 for the development of 10 homes on Melton Road, application no. 2015/00543, giving a revised remaining total cost of £771,056.

The total cost is then divided by the number of houses for which the extension would create capacity – this is approximately 127 dwellings to give a cost of £6,071 per dwelling.

For those housing developments that come forward that exceed the additional places created in the school (30) then it may not be possible to accommodate the pupils at Long Clawson School and therefore the developer will be expected to meet the cost of transporting children to the nearest school with places.

The County Council would expect that the developers meet the cost of that additional school transport unless and until such time an acceptable means of accommodating the pupils at the local school could be provided, and if necessary the cost of expanding the school to which transport is provided as a temporary or long term measure.

In order to ensure that the additional places are available when required the County Council would wish to see the contributions paid at a very early stage of development, as the project will be funded using S106 contributions from a number of developments this funding will need to be pooled until a pot sufficient to fund all the

project cost is available. In the meantime it may mean that pupils will need to be transported to a school with places; the developer will be expected to fund the cost of this transport.

The figures provided above exclude any costs relative to transport arrangements, such costs maybe advised by colleagues in the Leicestershire Highways Authority if required.

Secondary Education

The site falls within the catchment area of Bottesford Belvoir High School. The School has a net capacity of 650 and 602 pupils are projected on the roll should this development proceed; a surplus of a 48 pupil places after taking into account the 10 pupils generated by this development.

An education contribution will therefore not be requested for this sector.

Highways

To comply with Government Guidance in the NPPF, the CIL regulations 2011 and the County Council's Local Transport Plan 3, the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:-

- i. 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);
- ii. 6 month bus passes (2 application forms to be included in the Travel Packs and funded by the developer): to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £480 per pass. (Note it is very unlikely that a development will get 100% take up of passes; 25% is considered to be a high take up rate); and,
- iii. A new bus stop on Back Lane (opposite existing bus stop): to provide public transport facilities to encourage modal shift and to inform new residents of the nearest bus services in the area.

The new bus stop shall include:
Raised and dropped kerbs to allow level access to support modern bus fleets with low floor capabilities at £3,500
Flag at £50 and

The s106 requests for sustainable transport are considered to comply with CIL Regs. 122 and 123 in that they are necessary and related directly to the application and can be included in an Agreement if permission is granted.

<p>Pole at £120 Information display case at £120</p> <p>iv. Improvements to the existing bus stop on Back Lane (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities at £3,500. Please note that the exact monetary values will need to be agreed prior to the signing of the Section 106 agreement.</p> <p>Long Clawson Village Hall and Recreation Ground Ltd Requests are submitted for a series of projects as follows;</p> <ul style="list-style-type: none"> • New Car Park Drainage and Surface • Pre School Extension to existing Village Hall • Pavilion and Changing Room Facilities • 3 Years - Outside Maintenance of Recreation Ground, Play Area, MUGA, Walkways • Outside Toilet • Cycle Rack <p>The sums have been calculated on the basis of the proportionate increase that the development would add to the demand on the facility based on the current level of housing in Long Clawson, and amount to a total of approx. £34,000 for this proposal, based on its scale (no. of houses).</p>	<p>The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the development and the increased demand it would generate for the facility.</p> <p>The requests have been presented to the developers and their response will be reported verbally to the Committee.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result **134 letters of objection have been received** . The majority of the objections are a 'pro forma' letter (set out in Bold) which has been signed by local residents .The remainder include a number of very detailed representations from close neighbours.

Representations	Assessment of Head of Regulatory Services
<p>The 'pro forma' type letters in which residents have identified objections from a list of 8 reasons for opposing the application. These points also summarise the objections raised in many of the individual letters of representation and are listed below.</p>	<p>There is no prescription on how representations may be submitted and all need to be taken into account.</p>
<p>The proposed development does not enhance the rural character of the village. It will block views of the open countryside from the conservation area, crossing in the open aspect of the village scheme and impacting on the village's historic assets – Grade II* Listed Manor House, St Remigis Church and ancient monument. It does not fit with the local sense of space encouraged by the NPPF.</p>	<p>This is a development of housing and associated infrastructure which will change the appearance and character of this field. It has been designed to respect this setting and should integrate successfully into this part of the village. It is an acceptable scale and density of development of this site.</p> <p>There will be some impact upon heritage assets. This is assessed in detail in the commentary on Historic England's representations earlier in this report. Paragraph 134 of the NPPF advises that</p>

	<p>where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.</p> <p>These impacts are required to be balanced against public benefits as required by NPPF para 134. These include the provision of housing, including affordable housing, employment in construction and various developer contributions.</p>
<p>The village infrastructure will not cope. The unclassified village road system is one narrow unclassified rural road that meanders through the village with 13x90 degree bends. Following a traffic watch survey the traffic flow is equivalent to a Rural A road – the proposal, which would increase traffic volumes, is unsustainable.</p>	<p>Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence compiled towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough.</p> <p>The developer has agreed to pay all of the contributions which have been requested to mitigate the impact of the proposal upon local infrastructure.</p>
<p>The school is at capacity with nowhere to expand. As is stated in Item 3A; Appendix 10 Local Plan Appendix 1 Site Allocations and Policies of the draft Local Plan – Sites in long Clawson should only be brought forward for development when the primary school places can be provided to meet the needs of new residents. The previous application has been deferred twice because of the school. We have still not been advised how this problem has been resolved.</p>	<p>See Education Authority comments above. The LEA has devised a means by which the school can be extended to accommodate demand from this development.</p>
<p>The busy doctor’s surgery is nearing capacity and cannot keep pace with increasing development in the 23 villages in the Vale that it serves. The consequence of its success is impacting on the village centre with increasing traffic and parking problems in the area especially at surgery opening times.</p>	<p>The surgery is currently accepting applications for new patient registration.</p>
<p>There are already parking problems in the village, especially in the village centre and East End where parked cars, result in a permanent single track road. This development with more people and more cars will only exacerbate the situation. Lack of parking for residents of Sandpit Lane, where access to the site is proposed, also renders this a single track road not ideal for access to a large development as proposed.</p>	<p>Like many rural centres, with older housing having little or no off-street parking, there is limited capacity for parking on the street, particularly in the village centre.</p> <p>This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation.</p> <p>There is no evidence that the volume of traffic generated by this site would have a significant impact upon the overall movement of traffic through and within the village. The development would increase the traffic on the local highway network. However there is no evidence of serious accidents in the area likely to be affected, nor of excessive congestion in terms of journey times etc.</p>
<p>Flood/sewage impact downstream inevitable –</p>	<p>There is currently a ‘holding objection’ from the</p>

<p>there has been no satisfactory proposal for this development to deal with surface water run-off – which will drain into an inadequate road drainage system. The mains sewers are also inadequate and take some surface water (combined sewers) hence the problem when there is heavy rain resulting in raw sewage bubbling up, in the Sands area of the village. Only recently poor drains from Kings Road backed up and caused sewage to flood into gardens. Development from Sandpit Lane would feed into that same system and further increase problems for residents downstream.</p>	<p>LLFA which requests the submission of additional information. Therefore it is not considered that drainage cannot be achieved and it would be impossible and as such the position is insufficient to form a ground for refusal.</p>
<p>The proposal refers to a regular bus service but this is only limited and apart from getting to Melton the only way fro residents to get to work anywhere else is by car – the proposal will cause an influx of extra vehicles, more commuting on country lanes and goes against Government Policy for sustainability and a low carbon environment.</p>	<p>There is a bus service which is relatively limited. This development would promote and subsidise the use of public transport and would help to sustain existing provision.</p>
<p>The proposal is contrary to the wishes of the local people, developer led and not part of a reasoned and consulted part of the village’s Neighbourhood Plan which is now in an advanced state to carry weight on development in the village.</p>	<p>The volume of representations which have been received is an indication of local opposition. The frustration with development proposals coming forwards in advance of Local or Neighbourhood Plans is shared and understood by the Planning Authority. However this cannot be prevented and applications must be determined on their respective individual merits as prevail at that time.</p> <p>The NP is a significant consideration in this application. This addressed in greater detail below.</p>
<p>Adverse impact upon landscape</p> <p>This is tranquil landscape of high to medium sensitivity to residential development . The proposed houses on the rising scarp slope would be prominent and at odds with the linear character of the village.</p> <p>Development should small scale and respect the setting of the historic landscape ,including heritage assets.</p>	<p>The applicants have produced a detailed Landscape and Visual Assessment study. This follows accepted professional methodologies and takes account of relevant policies and this Council’s <i>Areas of Separation ,Settlement Fringe and Local Green Space Study</i> which has been produced to support the emerging local plan.</p> <p>This is a relatively sensitive site for residential development as identified in the Council’s study.</p> <p>It is not subject to any landscape or heritage designation which would prohibit its development (such as AONB, Green Belt, Local Green Space etc) .</p> <p>While the appearance of the site would be altered, it is considered this would not have a significant impact upon the wider landscape and the setting of the village.</p> <p>Layout and landscaping could help assimilate</p>

	<p>the scheme into the landscape. Housing on this site would not appear to be alien or unusual in this location.</p> <p>Impact upon heritage assets is addressed above.</p>
Loss of agricultural land	<p>The land is not good grade agricultural land (grade 3b) and is undeveloped pasture land. Planning policies seek to develop brown field sites over greenfield but does not prohibit development on greenfield land.</p>
<p>Impact upon Ecology/Conservation The site is a haven for wildlife, particularly the Manorhouse pond. Adverse impact upon flora and fauna.</p>	<p>It is acknowledged that the site is of ecological interest . The information submitted by the applicant has been independently assessed and considered to be satisfactory subject to conditions and mitigation.</p>
Impact upon Policing and Community Safety	<p>There is no evidence provided to conclude the development will have an adverse impact on these issues.</p>
<p>Neighbourhood and Local plans</p> <ul style="list-style-type: none"> - There is a need for a holistic plan for the development in the village before any schemes go forward, taking into account facilities, drainage and the needs of businesses - The application should not be determined until there is a Neighbourhood Plan 	<p>The NP is a significant consideration in this application.</p> <p>The Neighbourhood Plan has completed Examination stage and the results accepted by the NP Group. The next stages are:</p> <ul style="list-style-type: none"> • MBC (authority is vested in the MEEA Committee on 24.1.2018) to decide if it should proceed to Referendum (the outcome will be reported verbally to the Committee); • Referendum (plus administrative steps to allow it to be ‘made’). <p>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.</p>
<p>Housing need and mix There is demand for bungalows and downsizing properties.</p>	<p>The development will provide a mix of housing capable of helping to meet local needs.</p>
<p>Drainage and Flooding Many concerns have been raised about the adequacy of the drainage system, and that it will exacerbate problems already experienced in the village because of the age and quality of the drainage system.</p> <p>With specific reference to the scheme submitted. Local residents submitted a report which outlined shortcomings in the applicant’s addendum to their FRA.</p> <p>The report considers that :</p>	<p>At present, there is a holding objection from the LLFA, this however relates to the submission of additional information and as such it is not conclusively demonstrated that drainage is not possible.</p>

<ul style="list-style-type: none"> • Inadequate detail, especially of storage volumes and maintenance ,pollution control, filtration and down-stream flood risk and the impact on the Old manor House pond; • Basic errors in calculations due to different calculation methods used; • The use of outdated and inappropriate methods for assessing greenfield runoff and climate change resulting in misleading calculations 	
<p>Other matters raised</p> <p>This new application appears to be very similar to 16/00032/OUT, which I previously objected to, therefore many of my objections already cover this application as well.</p> <p>The proposal, essentially a carbon-copy of a previous application that was not accepted</p>	<p>Each application is determined upon its own merits, the description of development remains unchanged, the applicant has advised that the development proposals have evolved from initial results of public consultation and have stated that these are set out within the accompanying consultation statement, they have also stated that Technical matters in terms of flood risk, heritage and section 106 contributions have also advanced following consultation.</p> <p>Decision making is required to be consistent and it is not considered that there have been any significant changes in circumstances since the refusal of the former application on 4th December 2017.</p>

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</p> <p>The application is required to be considered against the Local Plan and other material considerations.</p>	<p>The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported. The Council cannot demonstrate a five year land supply and as such housing policies are deemed out of date.</p> <p>Several appeal decisions have confirmed that the Local Plan’s Village Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take precedence.</p> <p>However this <u>on its own</u> is not considered to weigh in favour of approving development where harm is identified, such as being located in an unsustainable location.</p>

	<p>The site is a greenfield site where there is no presumption in favour of development however the harm attributed by the development are required to be considered against the benefits of allowing the development in this location.</p> <p>The provision of up to 55 dwellings, including 37% affordable units with the house types that meet the identified housing needs is considered to offer public benefit that weighs in favour of allow development in this location. The proposal due to its site characteristics is not considered to unduly adversely affect the countryside due to its siting adjacent the built up area of the village. The proposal because of the density proposed and landscaping proposals, offering net biodiversity benefits, would seek to assimilate the development and respect nearby heritage assets.</p> <p>It is considered that development in this location would assist in boosting housing supply in a sustainable location.</p> <p>The land is not good grade agricultural land and is undeveloped pasture land. Planning policies seek to develop brown field sites over greenfield but does not prohibit development on greenfield.</p>
<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: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The site is allocated in the Local Plan subject to the following criteria:</p> <ul style="list-style-type: none"> • <i>local educational capacity is available, or can be created through developer contributions, to meet the needs of the site.</i> • <i>drainage infrastructure is available to accommodate the surface water from these sites without causing or exacerbating flooding</i> 	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</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 • Adoption by MBC <p>There are several hundred representations to the local plan and it can only be reasonably concluded that vey 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.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is in compliance with the emerging local plan which it is considered is a factor that</p>

<p><i>elsewhere</i></p> <ul style="list-style-type: none"> • <i>that substantial boundary landscaping and screening is provided and that all existing boundary hedges and trees are retained ;</i> • <i>An area of open space is included in the development to provide a buffer from the adjacent listed building to the north, to protect its setting;</i> • <i>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, the setting of adjacent listed buildings and potential archaeological interests;</i> <p>Neighbourhood Plan The CHH Neighbourhood Plan has completed Examination and is proceeding to Referendum.</p> <p>The NP is very well advanced, having ‘passed’ Examination and requiring only Referendum.</p> <p>The site is not allocated in the CHH NP for housing.</p> <p>The site is addressed by Policy ENV8; Protection Of Important Views - <i>Development proposals should respect the open views and vistas as shown in Figure 10 and Appendix 2 - Important Views in the Parish. Proposals which would have an unacceptably detrimental impact on these views and vistas will not be supported.</i></p>	<p>weighs in favour of granting permission.</p> <p>The proposal is in conflict with the CHH Neighbourhood Plan. It is considered this non-compliance adds substantial weight against the proposal.</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 deficient in terms of housing delivery and this would be partly addressed by the application. In terms of delivering houses it must be noted that the applicants are builders, who would be able to start to deliver new dwellings within the next five years, which is a significant material consideration.

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

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

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the development of the site from its green field state and impact on the character of the village, and concerns regarding traffic, impact upon heritage assets and impact upon drainage .

The Borough is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to more than seven years. Despite Long Clawson being considered a sustainable location for housing having access to various facilities, primary education, local

shops, and a regular bus services and limited distances to employment opportunities which has reflected in its identification as a 'service centre' and is allocated for housing in the Emerging Local Plan as site 'LONG 4', **this is considered not to outweigh the policies within its Neighbourhood Plan which has 'passed' its Examination and commands significant weight.**

In conclusion it is considered that, on the balance of the issues, there benefits accruing from this proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular and the weight assigned to the Neighbourhood Plan do not significantly and demonstrably outweigh the benefits.

Members are reminded of the reasons for refusal of the previous application, which are recited in full on page 2 above.

Recommendation: REFUSE, for the following reason:-

- 1. The application proposes a development of dwellings that is contrary to the Long Clawson Neighbourhood Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough shift or other allocated sites not come forward for development. The application is therefore contrary to Policies H1, H2 and H3 of the Clawson, Hose and Harby Neighbourhood Plan 2017 to 2036.**

Officer to contact: Mr J Worley

Date: 19th January 2018