



## **Planning Policies: -**

Clawson, Hose and Harby Neighbourhood Plan

**POLICY H3: LIMITS TO DEVELOPMENT** – Development proposals within the Limits to Development, or in terms of new community facilities close or adjacent to the Limits to Development in will be supported where they comply with other policies in this Plan in general, and with Policies H7 and H8 on particular.

**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;

**POLICY H7: HOUSING DESIGN** is considered to be applicable and requires development to

- 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 to the visual character and the architectural massing of the neighbouring area.
- 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

**POLICY H8: STREET LIGHTING AND LIGHT POLLUTION** - Proposals for new housing development will be supported where they avoid the use of artificial street lighting. Where the use of street lighting is necessary on safety grounds new housing developments will be supported subject to the following criteria in relation to street lighting:

- Street and curtilage lighting should use low consumption technology and be installed at low level, shaded and maximally controlled including by the use of movement sensors;
- Lighting installations should be sympathetic in design and luminosity to the surrounding area and generate the minimum level of lighting to address the safety issues identified;
- Maximum light spillage onto bat foraging corridors should be 1 lux;
- New development should incorporate external street and common area lighting limited to that necessary to provide essential visibility for pedestrians, and equipment should be designed and rated to avoid light pollution in the remote rural locations of the three villages;
- Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient; new street lighting should be modest in scale and appropriate to the rural setting.

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><b>Clawson, Hose and Harby Parish Council</b>                      The Parish Council has no objections to this application with the following conditions:</p> <ul style="list-style-type: none"> <li>• Any further permitted development rights should be removed;</li> <li>• These plans are adhered to and not changed in the future;</li> <li>• Building materials should be similar to those already used in Harby and vary between the 3 dwellings;</li> <li>• Each dwelling should have 3 parking spaces</li> </ul>	<p>It has been deemed that this is not necessary as any permitted development would not impact upon the character of the area nor residential amenities.</p> <p>A standard condition on ensuring the development is built in accordance with the plans will be provided.</p> <p>Materials have been provided on the plans and have been acceptable that will fit in well to the local area.</p> <p>The parking requirements will be in line with the 6cs</p>

as specified in the Neighbourhood Plan Policy T4	Design Guide which is considered the lead document on parking standards. Three spaces have been provided for the scheme comprising two off street and a garage.
<p><b>LCC Highways</b> <i>Background</i></p> <p>The Local Highway Authority has previously responded on this application to advise that additional information was required on visibility splays and the proposed access widths.</p> <p>The following additional drawings have now been received and reviewed by the Local Highway Authority:</p> <ul style="list-style-type: none"> <li>- Proposed Block Plan (dated 15 March 2018)</li> <li>- Visibility Splays (dated 15 March 2018)</li> </ul> <p><i>Site Access</i></p> <p>The site access widths have now been detailed as being 3.75m, to take into account the fence line on either side of the access which would require an additional 0.5m clearance on either side. The vehicular visibility splays are acceptable given the 30mph speed limit of the road. Pedestrian visibility splays have also been shown, which are acceptable on the basis of the proposed parkland type fencing which have sufficient gaps between railings.</p> <p>The LHA therefore advises that the access arrangements are secured through planning condition.</p> <p>Internal Layout</p> <p>As per previous highways observations, the LHA considers that the proposed parking provision and layout is considered acceptable. The LHA advises that these facilities are secured through planning condition as per below.</p>	<p>The application seeks full consent for a development of 3 dwellings.</p> <p>It is proposed that each house will have its own access onto Stathern Lane akin to the arrangements to similar properties along this road. Each house will have its own turning area as indicated on plan.</p> <p>The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development and that a safe access point can be provided.</p> <p><b>There is no objection raised to the proposal on Highway safety grounds.</b></p>
<p><b>MBC Building Control</b></p> <p>Layout is acceptable in respect of fire and refuge appliance access.</p>	Noted
<p><b>Cadent Gas Network</b></p> <p>Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.</p>	The plan provided shows that the development will not be impacted by the pipework close to the site.

**Representations:-**

A site notice was posted to advertise the application and 7 neighbours consulted by letter. As a result, 12 representation of objection from 10 households have been received for the application.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>Highways</b></p> <ul style="list-style-type: none"> <li>• The proposal will result in parking on the highway to some extent, which will make the junction with Green Lane considerably more dangerous.</li> <li>• The section of Stathern Lane where the development is proposed has been a concern</li> </ul>	<p>The parking arrangements have been deemed to accord with 6cs Design Guidance and that contained within the Neighbourhood Plan.</p> <p>Despite the localised concern, it is deemed that this stretch of road would not be unduly impacted by the</p>

<p>in relation to traffic problems for a number of years. Village meetings have been held to discuss ways of reducing risk along this section of road. The road narrows here, and because it bends there is reduced visibility whichever direction you are travelling. Add to that the hazard caused by drivers exiting Green Lane and the risk these drivers face attempting to join traffic on Stathern Lane. At the moment these drivers have virtually no view east along Stathern Lane so this is always a hazardous exit, and into this scenario you are adding other vehicles coming from opposite.</p> <ul style="list-style-type: none"> <li>The proposed development will heighten the traffic risk. Vehicles leaving the new houses will push vehicles travelling east onto the opposite lane at just the point where we , in number 36, may be exiting our drive trying to see what traffic is coming around the corner of our house.. There is likely to be more on-road parking in this area as the proposed development will occupy an area formerly used by visitors.</li> </ul>	<p>proposed location of three new homes.</p> <p>There are many houses along Stathern Lane that have this arrangement of parking and the development proposes sufficient turning area in a safe manner not be a severe impact on highway safety.</p>
<p><i>Neighbourhood Plan</i></p> <ul style="list-style-type: none"> <li>An unsustainable addition to The Clawson, Hose and Harby Neighbourhood Development Plan.</li> <li>I would also add that there are sites allocated within the neighbourhood plan for development and this does not seem to be one of them.</li> </ul>	<p>Harby represents a reasonably sustainable location for new housing and accords with various neighbourhood planning policies. The development proposed is within the limits to development in the village (Neighbourhood plan policy H3).</p> <p>It is accepted that this site is not an allocated on within the neighbourhood plan but it does point that various windfall developments would be acceptable which this is.</p>
<p><i>Design</i></p> <ul style="list-style-type: none"> <li>Generate an enclosed street scene that would be overbearing.</li> </ul>	<p>The development proposes houses with ample front gardens that afford a less 'enclosed street scene'. This pattern of development is present throughout this stretch of Harby, the proposal is not considered to sit at odds with the surrounding street scene and could harmonise well through the use of materials that are found within the wider village.</p>
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>The main living space in our home is along the front of the property with 3 windows looking out onto Stathern Lane. The occupants of at least 2 of the proposed houses would have a direct view into our living room from within their properties. Likewise on the first floor we have 2 bedrooms looking out on Stathern Lane, one of which is our master bedroom, and once again people in new buildings opposite would have an unrestricted view into these rooms.</li> <li>At present we have some lack of privacy but it is transient as pedestrians walk past our</li> </ul>	<p>The distance from the first floor windows of the properties proposed to the windows of the properties over the road at number 36 Stathern Lane is 15m. This is recognised to be somewhat short of the desired amount for an acceptable privacy relationship. However, there are other properties along Stathern Lane that have this relationship and therefore deemed acceptable in this instance. It not be deemed to be a sole reason to reject the scheme, and it is often the case that street fronting windows are sometimes not able to achieve a 20 metre separation distance to the front elevations.</p>

<p>house. This is usually on the pavement on the other side of the road, as the near side pavement is very narrow. New buildings on the other side of the road changes this.</p> <ul style="list-style-type: none"> <li>You should also consider that there is no front garden to our property that could act as a buffer zone, so the distance between our house and the proposed houses is very small. There is no garden hedge or row of trees to block the view. While there are trees on the opposite side of the road, which I believe will remain, for a large part of the year they have no foliage and so do not act as screen.</li> <li>Concern over the noise and disruption we will suffer during the building phase, again taking into account the close proximity of plot 3</li> </ul>	<p>As above</p> <p>It is deemed that the front garden of the houses proposes a big enough buffer from the front rooms of the houses proposed.</p>
<p><b>Drainage</b></p> <ul style="list-style-type: none"> <li>The main drain sits on Stathern Lane near the corner of our house. It doesn't take much rain for a large puddle to develop here and traffic going through it throws dirty water against our house. Severn-Trent has not solved this problem so it is of concern that an increase in impermeable surfaces is planned , along with designs aimed at getting water off the surface quickly (sloping roofs , gutters etc.) and into a drainage system that isn't coping as it is.</li> </ul>	<p>This is noted and it is not deemed that the additional three houses will make this situation worse. Severn Trent has a statutory duty to ensure that any drainage will be suitably installed.</p> <p>A condition on this will be placed on the development.</p>
<p><b>Green space</b></p> <ul style="list-style-type: none"> <li>It seems a strange time to consider getting rid of a dwindling area in the village in the context of the recent Neighbourhood Plan. The proposal would also seem superfluous in view of the extensive housing already agreed for elsewhere in the village. This is one of the few remaining green space within the village.</li> </ul>	<p>The open space has been assessed as part of a wider appraisal which has been considered to have a poor relationship with Harby and potential to improve the greenspace. Having a limited functionality and the aforementioned issues means that on balance developing this for much needed three bedroom properties is deemed to be a substantial benefit for this parcel of land.</p>

**Other Material Considerations Not raised In Representations:-**

Other Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017. The examination in public was heard in January 2018 with proposed modifications required.</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> <ul style="list-style-type: none"> <li>the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> </ul>	<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>

<ul style="list-style-type: none"> <li>● 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</li> <li>● 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).</li> </ul> <p>The Pre Submission version of the Local Plan identifies Harby as a ‘Service Centre’, which will accommodate 35% of the total need for Melton. Unallocated development which includes this development planning permission for up to 10 dwellings will be granted.</p>	
<p><b>Neighbourhood Plan</b></p> <p>The CHH Neighbourhood Plan has successfully completed Examination and passed referendum on the 15<sup>th</sup> February 2018.</p> <p><b>POLICY H3: LIMITS TO DEVELOPMENT</b> – Development proposals within the Limits to Development, or in terms of new community facilities close or adjacent to the Limits to Development in will be supported where they comply with other policies in this Plan in general, and with Policies H7 and H8 on particular.</p> <p><b>NP POLICY H5: HOUSING MIX</b> 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><b>NP POLICY H7: HOUSING DESIGN</b> is considered to be applicable and requires development to</p> <ul style="list-style-type: none"> <li>● the design should enhance and reinforce the local distinctiveness and character of the area in which it is situated,</li> <li>● 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;</li> <li>● enjoy appropriate garden space;</li> <li>● not disrupt the visual amenities of the street scene nor harm any significant wider landscape views</li> <li>● be designed to respect and respond positively to the visual character and the architectural massing of the neighbouring area.</li> <li>● adequate off-road parking should be provided</li> <li>● minimise the impact on general amenity and</li> </ul>	<p>The proposal is in accordance with the CHH Neighbourhood Plan. It is considered this compliance adds weight in support of the proposal, the site is allocated within the neighbourhood plan and provides 3 bedroom properties which represents the second highest required bedroom amount according to the Housing Needs Study.</p> <p>The plans and information submitted show a design suitable for the location that would harmonise well amongst those already in the local area using a sympathetic materials pallet.</p>



<p>give careful consideration to privacy, noise and light, and include appropriate provision for the storage of waste and recyclables</p> <ul style="list-style-type: none"> <li>• within new residential layouts provision should be made for wildlife</li> <li>• incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency;</li> <li>• incorporate sustainable drainage systems</li> </ul> <p><b>HOUSING POLICY H8: STREET LIGHTING AND LIGHT POLLUTION</b> - Proposals for new housing development will be supported where they avoid the use of artificial street lighting. Where the use of street lighting is necessary on safety grounds new housing developments will be supported subject to the following criteria in relation to street lighting:</p> <ul style="list-style-type: none"> <li>• street and curtilage lighting should use low consumption technology and be installed at low level, shaded and maximally controlled including by the use of movement sensors;</li> <li>• lighting installations should be sympathetic in design and luminosity to the surrounding area and generate the minimum level of lighting to address the safety issues identified;</li> <li>• maximum light spillage onto bat foraging corridors should be 1 lux;</li> <li>• new development should incorporate external street and common area lighting limited to that necessary to provide essential visibility for pedestrians, and equipment should be designed and rated to avoid light pollution in the remote rural locations of the three villages;</li> <li>• light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient; new street lighting should be modest in scale and appropriate to the rural setting.</li> </ul>	
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**Conclusion:-**

The development proposed is for a relatively small scale residential development of the type required in the local area. The design is sympathetic to Harby and has raised no objection from the Leicestershire County Council highways authority provided that stringent conditions are adhered to.

Whilst the Local Planning Authority feels it can demonstrate a five years supply of housing sites, this should be not treated as a minimum. As this application will improve an open space with disused hard standing to three well designed dwellings in a sustainable location the proposal is viewed as acceptable that accords with local, neighbourhood and national planning policies.

**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 the following conditions:-**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
3. 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.
4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Architecture & Design drawing Proposed Block Plan (15 March 2018) have been implemented in full.
5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Architecture & Design drawing Proposed Block Plan (15 March 2018). 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 gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular accesses.
7. The development hereby permitted shall be carried out in accordance with drawings PROPOSED BLOCK PLAN, ELEVATIONS and FLOORPLANS received by the Local Planning Authority on 20<sup>th</sup> February 2018.

The Reasons for these conditions are as follows:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure a satisfactory standard of external appearance.
3. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
4. 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.
5. 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.
6. 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.
7. For the avoidance of doubt.

**Officer to Contact: Mr. Glen Baker-Adams**

**Date: 22.03.2018**