

PLANNING COMMITTEE

26th APRIL 2018

REPORT OF THE ASSISTANT DIRECTOR OF STRATEGIC PLANNING AND REGULATORY SERVICES

UPDATE REPORT 16/00704/OUT: RESIDENTIAL DEVELOPMENT OF UP TO 48 DWELLINGS; LEICESTER ROAD, FRISBY ON THE WREAKE

1. Introduction

1.1 The purpose of this report is to provide an update to the Committee in respect of the above planning application.

1.2 The purpose of this report is to provide details of the changes in circumstances relevant to the application that have taken place since the Committee's consideration of the application in September 2017, and to consider whether such changes would justify a deviation from that decision.

2. Background

2.1 Members will recall that the planning application was considered at the meeting of 9th September 2017 and was approved, subject to the completion of a S106 Agreement and various conditions. However, the application became the subject of an 'Article 31' Direction, issued by the Secretary of State on 22nd November 2017 prohibiting the issuing of the decision until further notice. This Direction was withdrawn on 9th April 2018.

3. Update

3.1 The decision in September 2017 took account of the Frisby Neighbourhood Plan which, at the time, was the subject of Examination with the outcome awaited. The submitted version of the Neighbourhood Plan considered at the time, did not allocate the site for housing and community uses, landscaping, open space and drainage infrastructure that form part of the proposal and as such the application was deemed contrary to the Neighbourhood Plan. The resolution however was to permit as set out above, on the basis that material considerations present were sufficient to outweigh the Neighbourhood Plan at its (then) submitted form and other 'harmful' considerations.

3.2 The Neighbourhood Plan Examination proceeded in the form of Hearings held in December 2017 and January 2018 and on 21st February the Examiner issued his report. Within this, amongst a number of recommendations, he proposed to amend policy H2 to read:

Land is allocated for housing development at 3 locations as set down below and as shown on the Limits of Development Map:

- **Great Lane – for approximately 48 dwellings;**
- **Land South of the Village - for approximately 48 dwellings;**
- **Water Lane – for approximately 22 dwellings;**

He also recommended adjustment of the ‘limits to development’ to Limits to Development Map to show the full extent of the ‘Land to the South of the Village’ to match that allocated in the emerging Local Plan, but excluding the area shown as “non-residential”. The Neighbourhood Plan Examination has now concluded, and the Local Planning Authority has determined that, subject to the Examiner’s modifications, it can be advanced to Referendum. These changes were accepted by the Qualifying body, Frisby Parish Council, and the Referendum will take place on the 10th May, 2018.

3.3 In the interim period, the Melton Local Plan has also progressed. It was submitted to the Secretary of State for Examination on 4th October 2017 and was subsequently the subject of Hearings in February 2018. The Inspector’s report and next steps is currently awaited. The Local Plan allocated the site as ‘FRIS 3’ with an estimated capacity of 48 units. It similarly identified a ‘non residential’ area that now accords with that shown in the Neighbourhood Plan (Referendum Version).

3.4 The progress of both Plans is considered to allow greater weight to be attributed to them than was the case in September. Paragraph 216 of the NPPF states that weight may be given to relevant policies in emerging plans, according to:

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

3.4.1 The Neighbourhood Plan has now reached its latter stages and requires only a successful Referendum to acquire full Development Plan status, in terms of attracting weight in decision making. The Examination is regarded as having ‘resolved’ objections and it also concluded (subject to modifications) that its policies were consistent with the NPPF. It is therefore considered that it now carries substantial weight.

3.4.2 The Local Plan has also progressed but it is considered that until the Inspector's decision has been published that it cannot be said to have been found 'sound' or objections are resolved. Accordingly, whilst attracting additional weight since September 2017 it is not considered to have reached the same position as the Neighbourhood Plan.

3.5 The progress of both Plans is considered to assign greater weight in favour of the application, owing to the content of the proposal both being in accordance with both Plans. However it is noteworthy that both are configured around the area identified for housing development within the application (as opposed to the site in it's entirety) and therefore it is considered, in order to ensure conformity, that an additional condition is justified to similarly define the area proposed to contain housing.

4. Recommendations

4.1 It is recommended that permission is granted, in accordance with the Section 106 Agreement and conditions as originally concluded on 7th September 2017 and an additional condition that:

- **Details submitted under condition 2 above (reserved matters) shall provide for the erection of houses limited to the area identified by the area hatched red in the attached Plan**

n.b. area to replicate that specified in the Neighbourhood Plan:



Background documents:

- Report to the meeting of Planning Committee 7th September 2017
- Minutes of the meeting of 7th September 2017