PLANNING COMMITTEE

4th April 2019

REPORT OF THE DEVELOPMENT MANAGER

UPDATE REPORT 16/00303/OUT: DEMOLITION OF AGRICULTURAL BUILDINGS, CONSTRUCTION OF UP TO 40 DWELLINGS, IMPROVEMENTS TO EXISTING ACCESS, FORMATION OF SURFACE WATER ATTENUATION POOL AND ASSOCIATED INFRASTRUCTURE, PROVISION OF PUBLIC OPEN SPACE AND LANDSCAPING.

LAND AND BUILDINGS NORTH CANAL FARM
PAGET'S END LONG CLAWSON

1.0 Introduction

1.1 The purpose of this report is to update the Committee and 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 December 2017, and to consider the implications of such changes would justify that decision.

2.0 Background

2.1 Members will recall that the planning application was considered at the meeting of 4th December 2017 was approved, subject to the demonstration that a footpath link to the centre of the village can be secured and remain available on a permanent basis, along with the completion of a Section 106 agreement securing contribution for the improvement to civic amenity sites, contribution to travel packs, sustainable transportation and the provision of affordable housing and various conditions. The relevant reports from December 2017 are included as appendices to this report.

3.0 Update

3.1 Additional information has been received from the applicant which sets out what control the land owners can show over the land to enable a condition to be imposed to the planning proposal that would require the provision of the footpath from the development site through to the village green at East End (as indicated by the thicker dashed green line on the illustrative Masterplan submitted with the application). An extract of the plan is shown below.

3.2 Travelling from the village green side, the proposed route runs along the narrow strip which forms a detached part of a title registered to one of the applicants. The route then passes through a small section of another title which is in third party ownership and then back into the first part of the land, which along with another piece of land which is owned by the second applicant and comprises the application site.

3.3 The applicant explain they have full control over the land comprised within 2 of the 3 parcels of land, however there is a section of the path which is within third party ownership, but the land is held subject to the rights reserved by a transfer of that land dated 2 February 1996. The 1996 transfer refers to the right for the owner of any other part of the Estate (‘Estate’ being the application site) and of the adjoining land of the Vendor ‘whether developed or in its present state’, such that the rights include occupiers of the application site, once developed for any new purpose including the residential development now proposed.

3.4 Advice has been sought from the Access Officer at Leicestershire County Council who has commented that the path at the southern end of the site from Paget’s End

appears to be a private access and the land no longer in full possession of the application. Whilst the applicant's private right of access can be transferred to all the new residents, the applicant do not have it in their power to dedicate the route as a public right of way.
Therefore at this time the information submitted does demonstrate that a footpath can be provided with further details submitted in terms of quality and accessibility.

3.5 The applicant has submitted a statement on Ammonia Emissions from the Dairy Unit and its Effect on Air Quality and Human Health for consideration as follows:

3.5.1 Footpath provision

- On behalf of the applicant, FBC Manby Bowdler Solicitors have investigated relevant Titles and have responded in writing to the Council about the pedestrian access route.

- Notwithstanding the adoption of the Local Plan, the status of the site remains unaltered. It was identified as a Reserve Site in the Submission version of the Local Plan at the time the Planning Committee resolved to approve the application and it is still identified as a Reserve Site in the adopted version of the Local Plan (notwithstanding the Inspector's verbal suggestion that it should be adopted at the EiP).

- The legal position was that the proposal was contrary to the development plan but was the resolution to approve subject to the footpath being established and the s106 under s38(6) because of 'other material considerations'. Those 'other material considerations' remain as they were before the adoption of the Local Plan with the exception of one significant policy document relating to air quality which has only recently been published by the Government.

3.5.2 Clean Air Strategy 2019

- The applicant has submitted that The Clean Air Strategy 2019 was published by the Department for Environment, Food and Rural Affairs in January 2019. The background to this document is that the government has lost three High Court challenges to its previous attempts to formulate a policy, because earlier attempts to formulate policy were insufficient to meet international obligations. The government now attaches great weight to implementing its obligations to improve air quality and through that to improve public health. The policy is consequently one which must be given significant weight in any decision making process.

- The Foreword to the Strategy explains that: '*Air pollution is the top environmental risk to human health in the UK, and the fourth greatest threat to public health after cancer, heart disease and obesity. It makes us more susceptible to respiratory infections and other illnesses, and we estimate that the actions outlined in this document could cut the costs of air pollution to society by £1.7 billion every year by 2020, rising to £5.3 billion every year from 2030.'*

- The introduction to the Strategy explains that the UK has already adopted

ambitious, legally-binding international targets to reduce emissions of the five most damaging air pollutants by 2020 and 2030 and these include: fine particular matter, ammonia, nitrogen oxides, sulphur dioxide and non-methane volatile organic compounds. The UK Government is also proposing tough new goals to cut public exposure to particulate matter pollution, as recommended by the World Health Organisation.

- The Strategy targets emissions from a range of sources including those from: transport; industry; domestic heating; domestic furnishings and consumables; and of particular relevance to this planning application, emissions from farming.

- Ammonia is a gas that is emitted into the atmosphere and is then either deposited back onto land or converted into secondary particulate matter through reactions in the atmosphere.

- Agriculture is the main source of ammonia emissions in the UK and this occurs during the storage and spreading of manures, slurries and fertilisers.

- The main concerns resulting from ammonia emissions are the contribution it makes to particulate matter and the associated human health effects. When mixed with nitrogen oxides and sulphur dioxide, ammonium compounds are produced which turn into fine particulate matter.

- Ammonia stays in the atmosphere for just a few hours as a gas but this extends to several days when converted to particulate matter.

- The Clean Air Strategy demonstrates the science that leads to the potential for agricultural activities which are close to residential properties to create air quality difficulties.

- Dairy cattle (dairy cows and dairy young stock) account for approximately 28% of UK agricultural ammonia emissions (i.e. from livestock buildings, dirty yard areas and manure stores). The type an condition of builds and facilities on a dairy farm can have a significant effect on ammonia emissions, whilst a farmstead's location can have significant effect on the intensity and extent of human exposure to any particulate matter this is formed.

3.5.3 Canal Farm Farmstead:

- Canal Farm farmstead currently accommodates a herd of up to 300 dairy cows.

- The farmstead and its associated buildings and fixed equipment are utilitarian in nature and no longer provide optimum conditions for the health and welfare of the dairy cows.

- The farmstead will also be performing particularly badly in terms of ammonia emissions by virtue of:

    - The design of the buildings used for the accommodation of the dairy cows;
    - The need for cattle to be fed outdoors on concrete yards where the manure

produced is open to the atmosphere and can only be cleaned when the cows are being corralled at milking times;
  - The large extent of outdoor dirty yard areas; and
  - The storage of slurry and dirty water within an open earth banked lagoon.

- As a consequence the release of ammonia into the atmosphere from the farmstead will be significant.

- Retrofitting meaningful mitigation measures to reduce emissions from this site is unlikely to be feasible or viable.

- Furthermore, the sites location means that ammonia and the harmful airborne particulates derived from it will not have been dissipated at all before they reach the adjoining residential area of Long Clawson. The effect will be particularly pronounced on relatively calm days and at times when winds from the north, north east and east are experienced.

- The applicant argues that granting of planning permission for the redevelopment of the Canal Farm farmstead site would facilitate the removal of the dairy unit from the immediate vicinity of Long Clawson. Without the capital generated by the proposed residential redevelopment, the relocation of the dairy unit to a more suitable location away from the village would not financially feasible and any associated risk to human health would be perpetuated contrary to the aims of the Government's Clean Air Strategy and the targets to which the UK is legally committed.

- The Council had already resolved to grant permission on this site after members of the Committee visited the premises and saw and experienced the specific site conditions and the relationship between the site and residential properties. Members noted the reasons for the grant, including the removal of odour nuisance from the village. Members understood the practical importance of this, but their reasoning is now also given very strong policy and scientific support in the light of the Government's Clean Air Strategy. This issue is a significant material consideration in the planning balance.

3.6 Representations

The following representations have been received in response to the applicants information regarding provision of the footpath

3.6.1 In a set of neighbouring deeds, the following is stated:-

"Transfer of Part" - THE ESTATE means the land at "Canal Farm", Long Clawson, comprised in a conveyance dated 4th December 1981 to the Vendor (the Conveyance). It does not appear that the Estate refers to the whole of Canal Farm just the part that was transferred.

THE FOURTH SCHEDULE
No 9. "If called upon to do so by the Vendor or his successor in title to the Estate or Dovecote Farm or by the District or County Authority within 15 years of the date hereof the Purchaser will dedicate a public footpath over such part of the access

road and footpaths coloured blue on the Plan as may be reasonably required." This was dated 2nd February 1996, within 15 years of this date, no request was made by the Vendor, District or County Authority. Therefore, this footpath remains in private hands, it is gated and locked on a regular basis to highlight this fact. The Parish Council have been written to every time this has happened to maintain its privacy.

SECOND SCHEDULE
1. "and of the adjoining land of the Vendor known as Dovecote Farm" - not Canal Farm. The Vendor's property was a part of Canal Farm but the rights of access belonged to Dovecote Farm.
5. "access to the adjoining property of the Vendor known at Dovecote Farm" - not Canal Farm.

Although the applicant can "tenuously" prove a right of access over some of the land, the footpath terminates at the village green (VG63). The remainder of this footpath has to cross this village green to gain access onto East End. The village green is protected under Sec 12 of the Enclosures Act 1857 and Sec 29 of the Commons Act 1876.

Permission must be granted by the Secretary of State to alter a village green in any way

In addition:-

- As there is no legal obligation to make this a public footpath, villagers wishing to visit friends on this site will be forced to walk around the rather dangerous road route.

- The proposed path, at its narrowest point is only 1.3 metres in width, which does not meet the design criteria set out by Leicestershire County Council for a site of this size.

3.6.2 There is no public right of way across Pagets End. The rights of access of the Chandlers and possible inheritors in title do not extend to the public. If the application was accepted any member of the public could enter the new development from Canal Road or from East End and then cross Pagets End. FBC Manby Bowdler makes many references to the covenant of 1996 in respect to the Chandlers and the inheritors in title but not the general public. FBC Manby Bowdler fails to mention Section 9 of the Fourth Schedule of the Covenant which states as follows.

If called upon to do so by the Vendor or his successor in title to the Estate or Dovecote Farm or by the District or County Authority within fifteen years of the date hereof the Purchaser will dedicate as a public footpath over such part of the access road and footpaths coloured in blue on the Plan as may reasonably be required.

The purchasers in question have never been called upon to dedicate a footpath within the allotted fifteen years from 1996 and at no time since. The owners of Pagets End have and never had any intentions to seek to establish a dedicated path across their land under Section 31 of the Highways Act 1980.

3.6.3 The planning requirements imposed on the application would not be satisfied in the absence of a public right of way. It would be extremely difficult or impossible to decide if a person crossing the private land was or was not a member of the general public or someone merely having certain access rights.

3.6.4 Access rights between Pagets End and Dovecote Farm apply only to owners of property and not to others (for example tenants).

3.6.5 The following comments have been submitted in response to the applicants submission:

- The applicant's solicitor refers to 3 parcels of land, 2 of which are under the control of the applicant. There are actually 4 parcels of land. The 4th being the village green, which is not under the control of the applicant or the Parish Council. This Green cannot be altered without prior permission from the Secretary of State.

- There is not sufficient control under S72 of the Planning Act 1990 over the land required" in the case of the Village Green of which there are 23 metres to cross.

- The footpath between the houses narrows to 1.3 metres. This does not meet LCC's design standards, particularly for a development of this size. This 1.3 metre stretch is narrow with high fences either side, it would not be possible for prams or wheelchairs to pass in this stretch.

- It is DEFRA's responsibility to ensure the welfare of farmyard stock and their living conditions.

- No complaints have been made regarding odours, traffic or noise from the village in the last 10 years about Canal Farm.

- Smell arises from the methane in the slurry. The same can be said for public sewers, sewerage works and any other farm in the area Methane does not present a health hazard to humans. EH40/2005 Workplace Exposure Limits (Health and Safety Executive) places NO long or short term exposure limits on methane. It is the odour that is perceived to be offensive. But there is no record of complaints on this.

- Traffic is only during harvest time and for a few days only to this farm. Canal Farmland borders both his farmyards which are east of the village. Many of our local farms have land either side of the village and they have to cart from one end to the other straight through the middle.

- This is a greenfield site; it was repeatedly referred to as brownfield in the debate in December 2017 and this needs to be corrected.

- The benefit to the farmer is not a planning consideration. Whether or not the applicant wishes to build a new farm (as is claimed) is irrelevant.

4.0 Planning Policy – background

4.1 When the decision was made the application was considered against the 1999 Melton Local Plan which was considered to be out of date and as such, under para, 215 of the 2012 NPPF, was only given limited weight. Therefore the application was considered under the 'presumption in favour of sustainable development' as set out in para 14 of the 2012 NPPF which required harm to be balanced against benefits and refusal only permitted where *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 2012 Framework taken as a whole".*

4.2 Both the then "Emerging Local Plan" and Clawson Harby and Hose Neighbourhood Plan were still in preparation at the time of the December 2017 Committee. Neither of the plans were yet part of the Development Plan for the purposes of decision making (as per the definitions s38 (6) of the Planning and Compulsory Purchase Act 2004 or S70 of the Planning Act 1990). The plans were both 'material considerations' under this required approach and were therefore taken into account in arriving at the balance of the issues required by the NPPF 2017. The Committee was able to exercise its discretion to give as much weight as was considered appropriate in the circumstances of the case. Members were able to proceed to combine and balance these considerations with all others, which similarly were decided on the question of weight.

4.3 At the time of the December 2017 Committee the Neighbourhood Plan had completed Examination stage and the results had been accepted by the Neighbourhood Plan Group and the Local Plan had been submitted for examination. The site was referenced as NPLONG5 within the Neighbourhood Plan and stated as "NPLONG5 Canal Farm – Development of this Reserve Site will be supported only if it is required for development under the provision of this Policy subject to other maters being taken into consideration."

4.4 The application at the time of decision was considered to conflict with the Clawson Harby and Hose Neighbourhood Plan and it was considered that the non compliance was a factor that provided weight against the proposal.

4.5 The site was also allocated as a "Reserve Site" in the (then) draft Local Plan for an estimated 40 houses. Reserve sites become allocations if the preferred, allocated, sites are proven not to be capable of implementation and subject to satisfying other criteria. At the time of the Committee again the proposal was not in accordance with the emerging Local Plan because the site was allocated as a reserve site and therefore would only come forward if demand cannot be met elsewhere which it was considered detracted weight from the proposal. However the Committee concluded that other factors relating to the application were of sufficient importance to 'out-weigh' the content of the (then) emerging plans and the resolution to grant permission described at para. 2.1 above was arrived at.

5.0 Planning Policy -Update

5.1 Decisions must be taken in a manner that reflects the circumstances that apply at

the point they are made. The relevant legislation is s38(6) of the Planning and Compulsory Purchase Act 2004 or S70 of the Planning Act 1990 which require that the Development Plan for the area must be taking into account and that decisions should follow its content unless material considerations indicate otherwise. This is reinforced by Paragraph 12 of the National Planning Policy Framework 2018 which states: "*Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".*

5.2 The Melton Local Plan was formally adopted by Full Council on 10 October 2018 with the Clawson, Harby and Hose Neighbourhood Plan being adopted in June 2018. Therefore, the previous circumstances that applied to the Committee's consideration on 4th December 2017 have been superseded. The progress of both plans to adoption means that the legal requirement to apply full weight to be attributed to them has taken effect, which was not the case in December 2017. The progress of both Plans is considered to assign greater weight against the application, owing to the content of the proposal being allocated only as a reserve for housing development in both.

5.3 Paragraph 12 of the National Planning Policy Framework 2018 states the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making which is set out above The Local and Neighbourhood Plans are not out of date owing to their recent adoption and Examination processes, part of which was considering the degree of consistency with the NPPF (they would not have been found sound/passed Examination had this test not been met) and as such the provisions of the presumption in favour of sustainable development relating to out of date plans (para 11) does not detract from this starting point..

5.4 Decisions <u>must</u> follow the terms of the Plan unless there are material considerations to indicate otherwise. This is a very different and much 'higher' test for decision making than was applicable in December 2017, where greater discretion was available on the attribution of 'weight' to the various considerations, including the (then) emerging Local and Neighbourhood Plans. The application is contrary to both Plans but there are other material considerations present, notably the addition to housing supply including affordable housing and that the Committees' conclusion is December 2017 in relation to the removal of a working farm from the village environs. Recent appeal decisions have stated a five year housing land supply is only a minimum and not a target or limit, however the Council can currently display a 5 year housing supply so housing policies (in both Local and Neighbourhood Plans) are 'intact' and their weight not diminished by the 'out of date' provisions imposed by para. 11 of the 2018 NPPF.

6.0 Conclusion

6.1 The development is contrary to the Development Plan for the area, both the adopted Local Plan and the Clawson Hose and Harby Neighbourhood Plan and the determination of this application can only depart from these if there are material

considerations of sufficient weight to justify doing so. It is considered that whilst there are material considerations that weigh in favour of the proposal (see above), but these are insufficient to justify a departure from the Development Plan, particularly in circumstances where overall supply is sufficient.

6.2 There remain doubts whether the applicant can provide footpath access from the site towards the centre of the village and as such it is not considered that they have satisfied the provision implemented by the Committee in its December 2017 resolution.

6.3 In conclusion it is considered that, on the balance of the issues, the issues raised are not sufficient to indicate a departure from the development plan Melton Local Plan or the Clawson Harby and Hose Neighbourhood Plan is justified.

7.0 Recommendation

7.1 It is recommended that Planning Permission is refused, reflecting the current considerations and their relative status: for the following reasons

1. **The application proposes a development of dwelling that is contrary to Policy C1 (B) the adopted Melton Local Plan 2018. The development is allocated as a reserve site that should only be considered should other allocated sites not come forward for development. No evidence has been provided to indicate other sites are incapable of delivery The Borough can demonstrate in excess of five year supply of deliverable housing sites. The application is therefore contrary to Policies SS1 and SS2 and C1 (B) of the emerging Melton Local Plan 2011-2036.**

2. **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 resulting in a greater allocation to Long Clawson, 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 2017-2036.**

APPENDICES

Agenda Item 3

SPECIAL MEETING OF PLANNING COMMITTEE

4th DECEMBER 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

LONG CLAWSON 'COMMON ISSUES'

1. Introduction

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

2. Background

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

3. Education

3.1 The Local Education Authority has advised that a feasibility study has been devised that allows for the expansion of Long Clawson Primary School to achieve a greater capacity. The only way to increase the capacity at the school is to replace the mobile classroom and build on the site the mobile currently occupies. The scheme devised will provide a classroom to replace the mobile and one additional classroom plus support spaces to accommodate the additional pupils the housing will generate. This would provide up to 30 additional places, which will provide sufficient capacity for approx. 127 additional houses (depending on house type and tenure).

3.2 The school occupies a very constrained site with no potential for further development and any proposal to increase the capacity will necessitate the replacement of the mobile, this means that there are no options to either phase the project or reduce its scope if fewer than 127 dwellings are approved.

3.3 The total cost of the scheme to expand the school is £1,080,094, The LEA will contribute £280,000 as it is obliged to in order to replace the mobile, the contribution of £29,038 included in the S106 for the development of 10 dwellings on Melton Road (15/00543/OUT) is allowed for. This would leave a balance of £771,056 to be apportioned between the housing numbers eventually permitted.

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

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

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

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

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

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

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

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

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

policies in the Framework, the greater the weight that may be given)

4.6 Addressing each criteria in turn:

(i) The stage of preparation of the emerging plan
The Neighbourhood Plan has completed Examination stage and the results accepted by the NP Group. The next stages are:

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

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

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

(ii) The extent to which there are unresolved objections to the relevant policies
One of the key purposes of the Examination is adjudicating the representations made to the **Neighbourhood Plan** following its Regulation 16 consultation. The Examination has been completed and a 'ruling' has been made on the representations, in the form of recommendations from the Examiner. These have been accepted by the NP Group and as such it is considered they are 'resolved'.
Local Plan: there are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution (including quantity allocated to Long Clawson) and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain 'unresolved'.
(iii) The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework
Neighbourhood Plan: Consistency with the Framework is a 'basic condition' which Neighbourhood Plans are required to satisfy and as such are an area that is scrutinised by the Examination. In terms similar to the above, it is considered that the conclusion of the Examination is very strong evidence that the extent of compliance with the NPPF is high.

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

Examination process.

4.7 Paragraph 14 of the NPPF states that if planning permission should be refused only where the adverse impacts significantly and demonstrably outweigh the benefits of residential development in this location. It is a matter for this Committee, as the decision maker, to decide how much weight should be given to emerging policy. This includes the Neighbourhood Plan and Local Plan.

4.8 Members are invited to conclude on the question of weight that can be assigned to the emerging Neighbourhood and Local Plans given the circumstances around them. It is considered reasonable to conclude that at its present stage, with only the Referendum to complete, **the Neighbourhood Plan should carry substantial weight.**

4.9 However, the **Local Plan** remains the subject of unresolved objections and with challenges submitted about its consistency with the NPPF, the weight attributed should be regarded as **limited** only**.**

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

5.1 As described above, the Local and Neighbourhood Plans are progressing but have not yet reached a stage where it can be relied upon as the Statutory Development Plan for the purposes of determining planning applications. Determinations must therefore be made under the Policies of the NPPF.

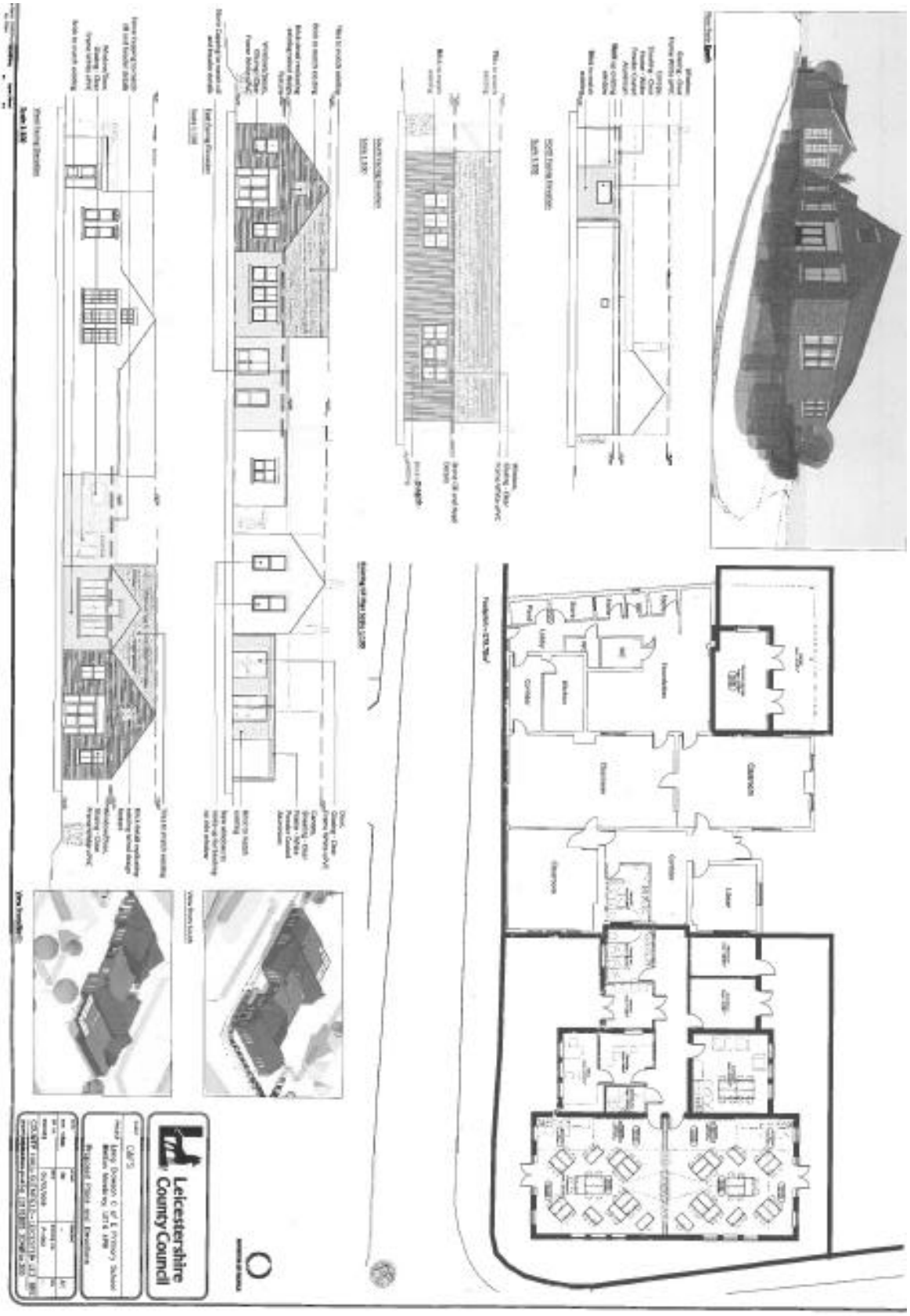
5.2 The NPPF requires that each application is considered on its own merits, and for permission to be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. **Application's strengths and weaknesses in comparison to others are not considered to be a factor that can determine their impacts.**

5.3. A report is provided for each of the application (items 4.1 – 4.5. of this agenda) addressing the planning merits of each application. Each application is unique and as such encounters different issues in different ways, which in each case requires a independent conclusion to be reached on the 'harm' and 'benefits' they give rise to and the relative weight of each. The applications are presented in date order of receipt. The policy content of the NP and LP as they relate to each application is a material consideration within this exercise which add/detract weight depending on their content.

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

6. Recommendations

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


Leicestershire County Council

COMMITTEE DATE: 4th December 2017

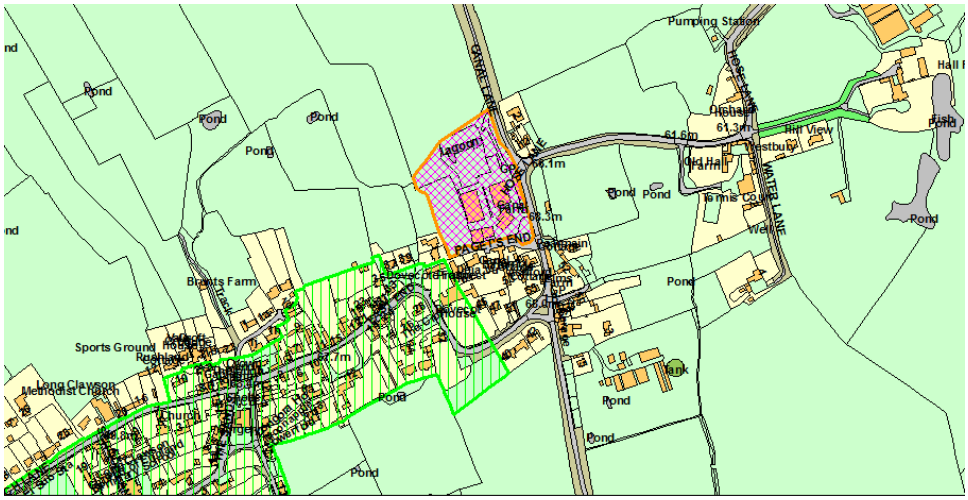
Reference: **16/00303/OUT**

Date submitted: **03.05.16**

Applicant: **RD and JK Chandler**

Location: **Land and Buildings North Canal Farm Paget's end Long Clawson**

Proposal: **Demolition of agricultural buildings, construction of up to 40 dwellings, improvements to existing access, formation of surface water attenuation pool and associated infrastructure, provision of public open space and landscaping.**



Proposal :-

This application seeks outline planning permission for up to 40 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 majority of 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 Paget's End.

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 Local and Neighbourhood Plans**

The application is supported by a Biodiversity Survey and Report, Design and Access Statement, Flood Risk Assessment, Heritage Statement, Land Contamination Statement, Transport Assessment, Landscape and visual Impact Appraisal. 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:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 – States planning permission will be granted for development within the village boundary where the form and character would not be affected, the proposal would be in keeping with the surroundings, the proposal would be in keeping with the surroundings, the proposal would not lead to the loss of amenity, the proposal would not adversely impact on open space, suitable infrastructure and access and parking can be provided and the proposal is designed to minimise the potential for crime.

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 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.
- 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

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- 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, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

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
Highways Authority: No objection, subject to conditions and developer contributions Following the County Highway Authority's (CHA) initial observations in which the CHA advised refusal due to intensification of use of a substandard junction and lack of footway facilities the Applicant has submitted some further information to the CHA. The Applicant has confirmed following an inspection of the existing footway by a Building Surveyor, that it is surfaced with a hard bound material. The section referred to in the CHA original observations has vegetation growing over it which the Applicant has indicated he will remove should the LPA grant planning permission. This would enable all pedestrians including people with mobility issues to use the footway at all times even during inclement weather. The Applicant has outlined the forward visibility at the Hose Lane / Canal Lane and indicated that it is in line with guidance contained in Manual for Streets 2. Following a site visit by the CHA it is satisfied that the initial concerns regarding the visibility at the junction of Canal Lane and Hose Lane can be overcome and it is not considered that the CHA could support the continued reason for refusal. Given that this is an outline planning application, the layout which has been provided is for indicative purposes only and has not been subject to a design check. That said, we would advise that any future road layout and associated parking provision should be designed to standards set out in the 6Cs Design Guide and that the Applicant should seek to achieve a	The application seeks outline consent for a development of up to 40 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. It is proposed to take the access off Canal Lane 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 ensure pedestrian safety. **The Highway Authority has no objection to the access from Canal Lane subject to off-site improvements and a contribution to encourage the new residents to use public transport.**

layout which can be put forward for adoption by the CHA. **Conditions** 1) Notwithstanding the submitted plans to date before first use of the development hereby permitted the improved access on to Canal Lane, shall have a 5.5 metres wide carriageway, 6 metres kerbed radii at its junction with the adopted highway and visibility splays of 2.4 metres by 54 metres which shall be maintained in perpetuity. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, not cause problems or dangers within the highway. 2) The existing vehicular access onto Hose Lane that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority before occupation of any dwelling. Reason: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points. 3) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained. Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users. 4) No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area. 5) No part of the development shall be occupied until a scheme for the provision of improvements to Public Footpath G42 or G43 has been submitted to and	

implemented to the satisfaction of the LPA.	
Trent Valley Internal Drainage Board: No objection subject to conditions requiring details of foul and surface water disposal. The site is outside of the Board's district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.	Noted – condition proposed
Severn Trent Water Ltd: No objection subject to conditions requiring details of foul and surface water disposal.	Noted – condition proposed
Environment Agency No comment – consultation should be directed to the Lead Local Flood Authority (LLFA).	Noted – see LLFA comments below.
Lead Local Flood Authority (LLFA) - Acceptable subject to condition The LLFA consider that the proposed development will be acceptable if the following planning conditions are attached to any planning permission. **<u>1.Surface Water</u>** No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.	The application site is not within a known Flood Risk area and is not at risk from flooding. The proposed development includes formation of surface water attenuation pond and SuDS drainage methods which will ensure that surface water run-off from the site can be satisfactorily accommodated.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers. **Reason** To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site. **<u>Information for LPA and Applicant</u>** **<u>Blue-Green Corridors</u>** The LLFA note that the drainage system is piped underneath an area of open space to the proposed attenuation pond, the LLFA would encourage the developer to consider the introduction of conveyance SuDS through this section to improve the biodiversity and amenity of the drainage system in line with the SuDS principles. The use of such systems could enhance the development by incorporating a blue green corridor through the site for biodiversity aspects. **Saturated Ground** The LLFA are aware of a number of flooding incidents that have occurred across Leicestershire due to the low permeability, the outline application identified that infiltration is unlikely due to the low permeability of the underlying strata. In accordance with the Wallingford procedure, a 10% increase to the site area should be utilised within the model as an urban creep factor over the life of the development, the LLFA would also like to see a sensitivity test undertaken at 20% increase to the site area, to assess the impact of saturated ground conditions. Detailed overland flow routes should be provided to demonstrate that exceedance flows can be conveyed under these conditions. It should be noted that he additional water in the sensitivity test would not need to be retained within the storage features providing it does not enter any buildings on or off site. **SuDS** It is noted that the indicative layout shows hedges surrounding the attenuation basis and that no access route has been indicted from the road network. The detailed drainage assessment or maintenance schedule should incorporate access requirements for the SuDS features as part of the maintenance details. **Land Drainage Consent** If there are any works proposed as part of any application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This	

legislation is separate from the planning process. No development should take place within 5 metres of any watercourse or ditch without first contacting the County for advice **SuDS design and Treatment** The LLFA note that the Industry Best practice at the time of developing the FRA may have been CIRIA C697 in relation to the SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDS design refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system. **Maintenance** Please note, it is the responsibility of the LPA under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.	
Affordable Housing *Affordable Housing contribution at current Local Plan level* – 16 (40% of total) *Affordable/intermediate/social rented* – 12 (c. 80%) *Intermediate housing – 4* (c. 20%) Evidence from the Melton Borough Housing Needs Study, 2016 shows a need for a split of 80% rented and 20% intermediate housing. The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing. The Housing Needs Survey of Long Clawson carried out by Midlands Rural Housing in November and December 2014, identified a need over the next 5 years for both affordable housing and market housing. Affordable/intermediate/social rented: 2 x 1b2p bed bungalow 2 x 2b4p bed bungalows 3 x 2b4p bed houses 4 x 3b5p bed houses 1 x 4b6p bed houses Total: 12 Intermediate housing: 1 x 1b2p bungalow (shared ownership) 1 x 2b4p bed bungalow (shared ownership) 2 x 2b4p bed houses (Starter Homes) Total: 4 <u>Market housing mix</u>:	This is an outline application which allows the details of the housing mix to be considered later, but a condition would ensure that a mixed balance of dwellings is provided. The proposed quantity of affordable housing is in accordance with identified needs identified by the evidence, and Development Plan Policy. (Policy H7 of the adopted Local Plan).

2 x 1 bed houses 2 x 2 bed bungalows 6 x 2 bed houses 4 x 3 bed bungalows 6 x 3 bed houses 4 x 4 bed houses Total: 24 A local connection cascade would need to be applied on this application, as per the separate attachment. The affordable housing would need to be built out to at least HQI space standard.	
LCC Archaeology: Recommend that any planning permission be granted subject to the planning conditions, to safeguard any important archaeological remains potentially present. Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the application area has a potential to include heritage assets with an archaeological interest (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2). The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within the medieval and post-medieval historic settlement core of Long Clawson (HER ref.: MLE8746), close to medieval village earthworks, which are registered on the SHINE database (Selected Heritage Inventory for Natural England; MLE3539). There is good potential for the presence of below-ground archaeological remains of a similar period within the assessment area. The site is presently occupied by agricultural buildings, structures and hardstanding, within an area of former pasture. It Is therefore highly likely that any surviving buried archaeological deposits will have been truncated to some extent-therefore whilst there exists an outstanding archaeological potential warranting appropriate investigation and recording, it is exceptionally unlikely that this will represent any constraint to development. In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 141, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic and Natural Environment	**There is no objection on archaeological grounds**. There is a need for additional work which can be required by conditions.

Team (HNET) will provide a formal brief for the latter work at the applicant's request. It is therefore recommended that an initial phase of exploratory trial trenching be undertaken, specifically targeting those areas to be impacted by the development proposals, with a further phase of mitigation to be informed by the results of the trenching. If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for each phase of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland and with relevant Institute for Archaeologists Standards and Code of Practice. It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development. We therefore recommend that any planning permission be granted subject to planning conditions (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present:	
LCC Ecology – No objection, subject to conditions securing mitigation. The ecology survey submitted in support the application (Turnstone Ecology, November 2015) recorded evidence of a bat roost on the application site and a medium population of great crested newts (GCN) were recorded in the immediate vicinity. The application site was found to comprise of a mixture of buildings, hardstanding, ruderal vegetation and improved grassland. The application site does currently appear to be slightly larger than the area surveyed by the ecologist, but given that it only involves the same land parcels (i.e. within the same fields) no further surveys will be required. It is assumed that the habitats will continue in the immediate vicinity, within the same fields as the area surveyed. The bat survey completed in 2013 recorded a likely small common pipistrelle roost behind the electoral box in stable 1. No bats were recorded emerging from this location in the 2013 survey and no additional evidence was recorded during the 2015 survey. However, it is suggested that there may be bat roosting potential in the area above the false ceiling in the tack room and whilst this was surveyed	Noted. The application was accompanied by a habitats survey that discovered the presence of a bat roost on the application site and a medium population GCN was recorded in the immediate vicinity. This can be addressed by mitigation. 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. Mitigation measures have been proposed and a condition can be imposed to safeguard the on-site presence of Great Crested Newts. **The Ecology report has been independently assessed and raises no objection from the County Council Ecologist subject to securing mitigation as proposed.**

during the emergence survey in 2013 it is unclear if this area was assessed in 2015. Given that bat activity has been recorded on site, it is important that a recent (within the last 2 years, see attached Bat Survey Protocol) survey covers all of the potential roosting sites. A medium population of GCN were recorded in the vicinity of the application site, but no ponds were present on the application site. The outlined mitigation contained in section 6.2 of the report is satisfactory, although we would recommend that the receptor site for any GCN found during the trapping of the site is identified at this stage. If this receptor site is to be outside of the red-line boundary it may be that the planning authority will require a separate planning obligation for this to take place, especially if the land is owned by a third party (or will be owned by a third party if the development site is sold). There is potential to incorporate biodiversity enhancements to the site layout. These should include the creation of they new pond in a manner that holds some water at all times of year and the creation of species rich-grassland in the areas of open space, the area of land surrounding the pond would be ideal. **Requests that :** the following points are addressed prior to the determination of the application: Confirmation of the bat survey completed in 2015 should be forwarded, particularly in relation to the inaccessible roof space in the tack room. Confirmation of the proposed receptor area for any translocated GCN. **Conditions** Should the LPA grant permission, we would recommend that the following are incorporated into a condition(s) of the development: An updated ecological survey to be submitted either in support of the reserved matters application, or prior to the commencement of the development (whichever is soonest after Spring 2017). This would require updated bat and GCN surveys to allow an accurate assessment of the site and to allow for any amendments to mitigation as required. A detailed GCN and Bat mitigation plan to be submitted with the reserved matters application, supported by updated surveys if required. Landscaping of the pond and surrounding area to include habitat creation such as species-rich grassland and the use of native species.	

A management plan, focussing on the suitable management for the areas above. Works to be in accordance with the recommendations in section 6 of the ecology survey (Turnstone Ecology, November 2015).	
Parish Council – Object to the proposal on the following grounds: • Too intensive a development for the site – out of keeping with the surroundings and village; • Up to 40 dwellings is far too many for this part of the village, which has open space between dwellings, large gardens and a rural aspect; • Not in accordance with NPPF as such a large development is not sustainable re local services i.e. school and surgery; • There is no safe walking route from the site into the village. There is no public footpath, only a private one; • Unsustainable and unsafe increase in vehicles using the narrow, winding roads in this part of Long Clawson If the application is approved the Parish Council requests a developer contribution to village facilities for the following: - pull in outside the surgery - village review of rural traffic improvements - proposed rural traffic improvements as recommended in the NP - verge gates at all road entrances to the village - pavement, footpath and cycleways improvements in and around the village	**The Parish Council's own Neighbourhood Plan promotes the site for 40 dwellings as a 'reserve site'**. These comments are noted and points responded to at the relevant parts later in the report as they replicate concerns of others. Should permission be granted a Section 106 agreement would be secured for such items as Education and Civic Amenity based on the details and reasonableness of such a request. No financial sums were specified nor was justification provided relating the requests to the development concerned. As such, whilst the aspiration is understood, the requests are not compliant with CIL Regulations
Developer Contributions: LCC **Waste** The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. 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 of the deliver of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of **£3,306** (to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the 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	The County Council consider the Civic Amenity and libraries contribution to be 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 development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site and library (Melton Mowbray) to the proposed development. 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. **It is considered that the library and waste contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement**

need would not exist but for the proposed development. The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development likely to use this site. The calculation was determined by a contribution calculated on 40 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to indexation and reviewed on at least an annual basis) per dwelling/unit = £3,306 (to the nearest pound). This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (in 2012/2013 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site. 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 refuse storage capacity. There are four other known or potential objections from other approved developments, since April 2010. That affects the Melton Civic Amenity Site which may also be used to fund project MEL003. **Libraries** No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray. **Highways** The County Highway Authority would recommend that a requirement for details of the routeing of construction traffic to be approved by the Local Planning Authority should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA. To ensure that construction traffic associated with the development does not use unsatisfactory road to and from the site. Travel packs; to inform new residents from the occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel	**and comply with CIL Reg. 122.**

Pack shall be submitted to and approve din writing by LCC which may involve an administration charge. To inform new residents from first occupation what sustainable travel choices are available in the surrounding area. 6 month pus passes, two per dwelling (2 application forms to be included in 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) £480.00 per pass (cost to be confirmed at implementation) to encourage residents to use bus services as an alternative to the private car.	
Education The site falls within the catchment area of Long Clawson C of E Primary School. The School has a net capacity of 105 and 118 pupils are projected on roll should this development proceed; a deficit of 13 pupil places (of which 3 are existing and 10 are created by this development). There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified. 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 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 will be £242,852 This is based on sharing the costs between 127 dwellings.** **Secondary Education** The site falls within the catchment area of Belvoir High School. The school has a net capacity of 650	Long Clawson village school is already over capacity and this development would increase the deficit by a further 11 places. As explained opposite, 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 applications are determined. **Please see additional detail in the 'Common Issues' report forming Item 3 of this agenda.** It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the proposal would bring and is therefore considered compliant with CIL Regulation 122. The contribution will be used to mitigate against the increase in pupils and whilst it will be pooled this is the first request of its kind for the Long Clawson School and therefore compliant with CIL Regulation 123(3)

and 599 pupils are projected on roll should this development proceed; a surplus of 51 pupil places after taking into account the 7 pupils generated by this development. There are currently 5 pupil places in this sector being funded from S106 agreements for other developments in the area which have been discounted. After taking these places into account the school has a forecast surplus of 55 pupil places. **An education contribution will therefore not be requested for this sector.** **Long Clawson Village Hall and Recreation Ground Ltd** Requests are submitted for a series of projects as follows; • 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 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. £26,000 for this proposal, based on its scale (no. of houses).	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. The requests have been presented to the developers and their response will be reported verbally to the Committee..

Representations:
A site notice was posted and neighbouring properties consulted. As a result **98 letters of objection have been received**. The majority of the objections are a pro forma letter which has been signed by local resident's .The remainder includes a number of very detailed representations from close neighbours.

Representations	Assessment of Head of Regulatory Services
The pro forma letters provides a list of reasons for opposing the application from which residents have identified objections from a list if 10 reasons. These points also summarise the objections raised in many of the individual letters of representation and are listed below. Other points are addressed separately at the end of this section.	There is no prescription on how representations may be submitted and all need to be taken into account.
The proposal for a large urban-style development is too large and out of character with the village	This is a development of housing and associated infrastructure which will change the appearance and character of this farm. The application is at outline stage with only accessed considered at this stage, however an indicative plan demonstrates that the proposal could be designed to respect the character of the village and integrate successfully. It is an acceptable scale and density of development of this site.
The proposed development is on a prominent	The proposed development is submitted in outline form,

location and will dominate the approach to the village and will overshadow neighbouring houses set lower in the landscape.	therefore details of appearance and scale are not considered at this stage, it is considered that a development in this location could be designed to respect the existing dwellings and landscape.
The village infrastructure will not cope with such a sudden large influx of extra people, the proposal is not sustainable,	Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence complied towards producing the Local Plan it had the 3rd best range of facilities of all of the villages in Melton Borough. Recent decisions and narratives in appeals have concluded that it is a suitable location for residential development. The developer has agreed to pay all of the contributions which have been requested to mitigate the impact of the proposal upon local infrastructure. This would be sustainable development.
The school is at capacity and cannot cope with more pupils – the development would provide a further 9 pupils. Projected inflow of children for the school will increase without further development – it is not sustainable	See Education Authority comments above and item 3 of this agenda 'Common Issues'. The LEA has devised a means by which the school can be extended to accommodate demand from this development as per the expectation of this extract of NPPF.
The doctor's surgery is at capacity and cannot keep pace with increasing development in the 23 villages in the Vale that it serves. It cannot cope with even more patients – the proposal is unsustainable	The surgery is currently displaying that it can accept new patients. This point is being examined in more detail, but it is understood that there is capacity to accommodate this development.
The unclassified village road system with 13 x 90 degree bends are a traffic flow equivalent to a Rural A road is inadequate – the proposal is unsustainable.	Concerns about the adequacy of the local road network are understood. However, there is no technical evidence to support these concerns and subject to mitigation the Highway Authority has no objection to the development. 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.
There are already parking problems in the village, especially along East End which with parked cars resulting in an almost permanent single track road- the proposal is unsustainable.	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. This development would be self sufficient in terms of off-street parking and would have little impact upon the existing situation. 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 road from the proposed site has no footpath and there is a serious concern about pedestrian safety. From a recent Community Speed watch initiative, traffic along Hose/Waltham Lane is known to travel at speed in this area. The proposal to have an access from the site to East End is currently an unmade public footpath. Can the developer secure access rights to this and ensure it is wide enough and made up for pedestrians, bikes, buggies and disabled access?	The application identifies that a private access from the site along Paget's End leading to the footway on East End provides a safe route for pedestrians and wheelchair users wishing to walk into the centre of the village;
The proposal refers to a regular bus service but this only runs for a limited daily time and apart from getting to Melton the only way to get to work anywhere else is by car – proposal will	Long Clawson has a wide range of services and facilities and whilst limited, public transport links to other locations. In the evidence complied towards producing the Local Plan it had the 3rd best range of facilities of all

cause an influx of extra vehicles, more commuting on country lanes and goes against Government policy for sustainability and a low carbon environment.	of the villages in Melton Borough. Commuting to and form larger centres for employment and other activities is inevitable however the need for day to day travelling is reduced by the range of facilities in the village, for example primary school and surgery. 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.
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 emerging Neighbourhood Plan.	Long Clawson has been identified as a 'service centre' in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below. The NP is a significant consideration in this application and has allocated the site for development. This addressed in greater detail below and the weight it carries in Item 3 of this agenda 'Common Issues'.
Further representations received	
Alternative proposal A more suitable plan would be to utilise the existing brick built structures of the barns and stables to provide new one/one and a half storey dwellings which would match existing dwellings in the vicinity. The brick work in particular matches that of the barn/stable conversion at 1 Paget's End and other properties in Hose Lane. A more appropriate application could be submitted which would confine new development at Canal Farm, Long Clawson, to the area of land currently covered by farm buildings and hard standings. Most of the structures could demolished with the exception of the brick walled buildings. That latter might be converted to one (or one and a half) storey dwellings or demolished and reconstructed using the same or similar bricks, without conflicting seriously with the Melton Local Plans. Failing that, the area covered by the demolished buildings could be developed for a limited number of new dwellings individually designed and of mix of heights so that the housing density and overall design were sympathetic to the adjacent residential area and to the characteristic	The application is required to be determined up on the proposal as submitted.

of the village as a whole. This would not of course, keep entirely to the spirits of the policies of Melton Local Plans (ref polices OS2, C8 and BE1 of the Melton Local Plan 1999 and Chapter 9 of the Emerging Melton Local Plan January 2016) but might be more acceptable that the plan already submitted. It would still have issues connected to Highways and Traffic Safety but it would preserve green countryside/village pasture, place less pressure on public services and respect the rural nature of the village. The scale of this proposed development that is of great concern, a small scale development would suit the village and this site – not one of this scale. Small developments are acceptable in the right place. A smaller development, utilising some of the existing agricultural buildings as barn conversions and providing a discreet development of about 10 houses would be far more in-keeping and acceptable The site has some merit for development in a rural way with the existing farm building converted plus a mixture of bungalows and low level homes a maximum of 10 dwellings built over a 2 to 3 year period.	
Character of the area The proposed general demolition on the submitted plan appears far too drastic. A development of forty houses in one block at the end of a long and linear village will completely change the nature and character of the village. It will be a carbuncle on the end. The site is on an elevated plot within the village. Two storey houses built here will dominate the approach to the village and oppress neighbouring properties which are set lower in the landscape, which is illustrated in their own Topographical Survey. The proposed development does not respect the local context and village plan, in particular, the scale and proportions of surrounding buildings and would be entirely out of the character of the area, to the detriment of the local environment. The adjacent properties to the north are typically	The applicants have produced a detailed Landscape and Visual Assessment study. This follows accepted professional methodologies. The application site is not subject to any landscape or heritage designation which would prohibit its development. While the appearance of the site would be altered this would not have a significant impact upon the wider landscape and the setting of the village. Layout and landscaping could help assimilate the scheme into the landscape. Housing on this site would not appear to be alien or unusual in this location. The village Plan (the Neighbourhood Plan) allocates the site for up to 40 dwellings. The density of the site equates to 26 dwellings / hectare,

characterised by large plots with large spacing between – with 10 properties in a similar size area as opposed to 40 in the proposed development area.	which is lower than the standard 30 dwellings / hectare which does reflect more closely to that of a village settlement.
Villages need to grow substantially at a rate fit for the village and its services, 40 new houses here (or anywhere in the village) in one spot is too many. Clawson has developed over the past decades through small scale development. The density proposed is completely out of character within the village. Therefore significantly altering the fabric of the area and amount to serious cramming.	It is not considered that the development would alter the intrinsic character of Long Clawson. It is small in comparison with the length of the village and would have significant bearing on the west – east route running through the village which defines its character.
The density of the housing is too high and not in keeping with the linear spread of the village.	The density of the site equates to 26 dwellings / hectare, which is lower than the standard 30 dwellings / hectare which does reflect more closely to that of a village settlement.
The proposed dwellings are two storey houses with proportions a great deal smaller than the neighbourhood properties.	The application is outline with no huise designs provided,
The scale and design of the development will be entirely out of keeping.	As above
A development of this size will kill the idyllic setting we have in the village.	Noted.
Residential Amenity	
The site is already on high ground and two storey houses as proposed will be a very dominant, visually intrusive and oppressive development at this end of the village overlooking all the present houses causing a loss of privacy.	Detailed plans would be submitted as part of the Reserved Matters application which would set out the design, scale and layout of the proposed development. It is considered that careful design and layout could overcome potential negative impact upon the occupants of existing dwellings. The site is capable of accommodating the dwellings proposed without unacceptable impact on the adjacent houses.
There will be a significant loss of privacy inside and outside of homes. At least 4, possibly more of the proposed dwellings will have a direct view into kitchens, bathrooms and bedrooms along with gardens.	
As no details of ridge height or window orientation is provided, there is a strong chance that other dwellings will also have a direct view into the garden.	Noted
The access point will also give a clear view directly into the garden. The view of 2 patio areas will be completely clear from this turning.	Noted
There will be significant drop in air and noise quality in the vicinity.	There is no evidence provided to demonstrate it will exceed acceptable levels.

Highway Safety All of the vehicular traffic will be forced to exit onto Canal Lane and to go south to Melton or the village will have to negotiate an uphill access to Hose Lane on an already accident prone bend. In additional such traffic will add to the already bad traffic problems along East End The Sands, Back Lane and West End.	As per comments above, the County Highway Authority have assessed the proposal and do not consider that there would be a significant impact upon highway capacity or safety.
Existing Farm This site forms a part of three farms. Canal Farm on Canal Lane, Highfield Farm on the main road to Hose and land etc. further down Canal Lane, where the majority of the pasture and arable land lies to this farm. With this in mind, if the farmer claims that it will decrease traffic through Long Clawson this is a misnomer, if the dairy herd is moved to Highfield Farm, with most of his pasture/grazing land on the opposite side of the Hose Lane, this will mean that the dairy herd will have to cross this busy, fast road four times a day for milking The hazards associated with this are obvious. If a new farm is built down Canal Lane then this will still have the same volume of traffic from farm to farm with feed stuff etc. to the same point on Canal Lane. The farm traffic will now have to travel further down Canal Lane increasing distance travelled – a single track road which is frequently used as a short-cut and gets busier year on year.	The application as submitted is for the erection of dwellings in this location, subsequent applications relating to the farm business would be considered on their own merits.
Heritage Assets Effect on listed buildings and conservation area of an inappropriate development proximal	The Committee is reminded that S72 of the Listed Buildings and Conservation Areas Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. The proposal is considered to maintain separation from the Conservation Area and not impact negatively upon it, therefore satisfying the requirement to give special attention to the desirability to preserve its character and appearance.
Impact upon Ecology/Conservation Wildlife habitations to the west and north of these brick built structures could be improved by aesthetic planting. The bats will and newts will be exterminated as a result of the development.	The information submitted by the applicant has been independently assessed and considered to be satisfactory subject to conditions and mitigation.
Cumulative effect Yet again another large building project which the	Each application should be determined upon its own

village cannot cope with If all similar sized applications that have been put forward recently were passed it would totally ruin the village forever.	merit, however in this instance it is recognised that a number of applications in Long Clawson are due to be determined together, therefore the cumulative impact of each application will be assessed accordingly.
Flooding A day's rain now brings water up through the surface water drains as they now have insufficient capacity to cope with run-off. Long Clawson is located at the bottom of Belvoir escarpment and suffers from flooding in the lower areas of the village ensuring significant events. New development at this location will be at risk of flooding and this is exacerbated as the underlying geology is heavy clay and any so called sustainable drainage system will be beaten during significant events (as we have seen in Cumbria and York etc. and even in Long Clawson) Hose Lane is prone to flash flooding	Please see comments above from the relevant drainage authorities, none of which are objecting to the proposal subject to certain conditions. The application is in outline and full details, along with calculations for capacity etc and future management re recommended by the LLFA. The design proposes to intercept water on the site in attenuation ponds and released only when the receiving water course has capacity. This would ensure it is released at a rate no greater than it current undeveloped condition. However such systems are required to be constructed as capable of accommodating a 1:100 rainfall event plus 40% 'headroom' capacity for climate change and as such will be able to reduce the quantity of water entering the watercourse than occurs naturally.
Policy requirements Long Clawson is described in the Design and Access Statement as one of four rural centres, we have not been classified yet and this statement is misleading to the planning committee. The Melton DRAFT plan states that as a Primary Service Centre Long Clawson need to accommodate another 145 houses by 2035. There are apparently currently around 20 approved applications. This leaves 120 dwellings to be approved by 2035. Application 16/00032/OUT for 55 houses on Sandpit Lane is due for decision. It cannot be accepted that Clawson's designation as a Primary Service Centre is correct. It extends outside the village envelope into the open countryside which is against the 1999 plan policies OS1 and BE1 which are saved in the New Local Plan. The responsibilities of the council under the Human Rights Act should be considered particularly Protocol 1. Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land.	Please see comments below on the New Melton Local Plan. Long Clawson has been identified as a 'service centre' in the emerging Local Plan as a result of its range of facilities and level of public transport. It has a greater range of facilities that almost all locations in the Borough. However it is not yet complete and is only a single consideration, amongst many, in this application. Further detail is addressed below. The application is recommended for refusal (see item 4.1 of this agenda). The proposal is contrary to the local plan policy OS2 (village envelopes) however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight. Noted.

The proposed development would have a dominating impact on the right to quiet enjoyment of properties. Article 8 of the Human Rights Act states that a person has a substantive right to respect for their private and family life. In the case of Britton Vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside fall with the inserts of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. Government Planning Policy Statement PPS1: The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning polices should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes, wildlife habitats and natural resources. Government Planning Policy statement PPS3: Housing: Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities amiable for improving the character and quality of an area and the way it functions, should not be accepted. Local Planning Authorities' should encourage development that creates places, streets and spaces which meet the needs of people are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character. The proposal contravenes this guidance as it is to the detriment of the quality, character and amenity value of the area.	It is not accepted that the proposal infiringes this legislation. As above Planning Policy Statements have been replaced by the National Planning Policy Framework which was adopted in 2012. Details of natural and historic environment have been discussed earlier in the report along with housing design which will predominantly be addressed at reserved matters stage should permission be granted which would consider the design, scale and layout of the proposal.
Development of the School One suggestion for the school was a two-storey port a cabin be installed, funding for this has not come forward and has not been allocated. The school sits on a prominent, elevated spot within the village scene, surrounded by bungalows; a two storey building would dominate the sky line, surrounding buildings and blot the landscape. It is also within a conservation area. In addition, increasing pupil numbers would inversely reduce the available space per child in the school yard.	Details of education and measures to negate the impact on the school can be found in the common issues paper submitted in support of the Committee papers. The extension proposed is single storey and has been devised with the agreement of the LEA and the school. An approach to its funding is set out in Item 3 of this agenda and by the Education Authority earlier in this report.

The sq. foot of the playground will not be increased but the number of students in the same space will be. As there is already limited outside space for the children this will increase the probability of accidents and be detrimental to the well-being of pupils. The outside play area consists of 944m^2 grass play area (unusable during winter months) and the hard standing play area is 687m^2. During the winter months, at current student levels, this gives each child a 6.3m^2 play area. As the number of student's increases this area diminishes. In the NPPF 72 promoting healthy communities, the government attached great importance to ensuring that a sufficient choice of school places, is available to meet the needs of existing and new communities. 73. Access to high quality open spaces and opportunities for sport and recreation can make an importance contribution to the health and well-being of communities. The school has nowhere to expand, the LCC education department has advised that a porta cabin extension would cost £1m and only provide part of a solution and a new school would come in at around £4m.	
Other matters The proposed scale of this development offers little or no opportunity for local suppliers, builder or even architects to gain any work.	Noted. It is considered that the build process is likely to present opportunities for employment and training.
Should the application be approved, the council should consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable.	Should be permission be granted a condition could be imposed to agree working hours on the site. However such matters are governed by Environmental Pollution legislation that should not be duplicated.
I feel I am wasting my time, if the case officer at MBC can read over 200 local objections to the planned development on Sand Pit Lane and still recommend that it is permitted then it seems to make a mockery of this whole process.	This application is recommended for refusal (see item 4.1 of this agenda). All representations have been considered for each of the applications.
There are some commercial activates in Long Clawson which are becoming too big for the village.	Noted, but not considered relevant to this application.
The majority of employees travel into the village every day, not due to shortage of houses but because the people employed in these types of jobs prefer to live in big urban areas not rural villages.	Noted. The application presents an opportunity for accommodation suitable for locally employed people. Affordable housing on the site would include 'local connections' criteria.

Any new homes will lead directly to more commuting to places like Melton Mowbray, Nottingham, Loughborough and Leicester. There are important national archaeological signatures in the site that will need to be fully investigated based on finds in gardens. Hazardous materials means that there is a risk of contamination during development.	Some commuting ins inevitable but due to the range of facilities available in Long Clawson (e.g. Primary School, Surgery etc) travel for day to day needs is less than in many other locations. As per the comments of the Archaeology advisor earlier in this report, should permission be granted conditions could be applied to ensure that the site is investigated. Again conditions would be put in place to ensure that the site is investigated fully prior to commencement.
Neighbourhood and Local plans No large scale development should be permitted in Long Clawson until the new local and Neighbourhood Plans are approved. It is contrary to the village and Parish wish to have a Neighbourhood Plan, the proposal is developer lead and goes against the wishes of residents working on a genuine plan-led Neighbourhood Plan Policy for the village.	The site is identified as a 'reserve site' in both the Local and Neighbourhood Plans. Both Plans are material considerations that need tom be taken into account, despite the fact that neither are adopted. Please see analysis below in regards to the New Melton Local Plan, along with the supporting 'common issues' paper for a response to Neighbourhood Plan issues.
Housing need and mix In a rural setting many of the homes would appeal to families with young children and not older families or single people. The estimates for extra children do not take a realistic view of the types of people who want to live in a village. There are sufficient houses in Long Clawson to meet current demands, many houses that have been on sale for between 6-12 months over the last few years. There is not a need for such a large scale development in the village. The MBC commissioned Long Clawson Housing Needs Investigation January 2015, concluded that there was "an identified need for 2 affordable homes and 9 open market homes in Long Clawson for those with a local connection". In addition it is acknowledged that in Melton Borough and from the consultation with Long Clawson residents – a need for bungalows as older residents wish to downsize from larger to smaller properties. Bungalows certainly have greater benefits for access for people with less mobility. The location would retain the rural structure of the	The development will provide a mix of housing to help meet local needs. The coefficient issued by the LEA is understood to derive from empirical data from surveys of completed developments There is a very strong need for housing in the Borough and supply has been inadequate in recent years. The need for new housing is well established and was reconfirmed by the Borough Council's Housing Needs Study which was published in August 2016 and the latest evidence HEDNA (January 2017) and 'Towards a Housing Requirement' (January 2017). There has been a significant undersupply in the Borough in recent years of some 800+ and the current 5 year land supply requirement is some 1700+. Notwithstanding the limitations of such surveys, the development has the capability of fully meeting these needs, which is considered to be a factor in favour of the application. The development offers the opportunity to provide housing of this nature of which there is an identified shortfall in supply. Please see comments above.

village but the size, density and mix is not appropriate or sustainable.	

Other Material Considerations,:

Consideration	Assessment of Head of Regulatory Services
Planning Policies and compliance with the NPPF	The application is required in law to be considered against the Local Plan and other material considerations. 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. The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight. **This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in para 14 which requires harm to be balanced against benefits and refusal only where "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".** 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 can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that 'a supply of 5 years (or more) should not be regarded as maximum.' Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors…" The site is a brownfield site and lies outside of but in close proximity to the built form of the village. The site has not been allocated for development in either the Local or Neighbourhood Plan However the harm attributed by the development are required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with promoting housing growth. **The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be some impact upon the appearance of the area and technical**

	matters which require mitigation. **The form of development is considered to be acceptable, however going forward to the new Local Plan and in regard to the Neighbourhood Plan, the non-allocation of the site along with an excess of 5 year housing land supply would mean that the benefits of the proposal do not outweigh the impacts in this instance**
The (new) Melton Local Plan – Submitted version. The Pre Submission version (as amended by 'Focussed Changes') was submitted for Examination on 4th October 2017. **Please see associated Item 3 of this agenda 'Common Issues' regarding the weight it should assign.** The site is allocated as a 'Reserve Site' in the draft Local Plan for 40 houses. Reserve site become allocations if the preferred, allocated, sites are proved not to be capable of implementation, and subject to the following criteria: • local educational capacity is available, or can be created through developer contributions, to meet the needs of the site; • drainage infrastructure is available to accommodate the surface water from these sites without causing or exacerbating flooding elsewhere • that substantial boundary landscaping and screening is provided and that all existing boundary hedges and trees are retained. The Pre Submission version of the Local Plan identifies Long Clawson as a 'Service Centre', in respect of which, under Policy SS1, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.	Whilst the Local Plan remains in preparation it can be afforded only limited weight. It is therefore considered that it can attract weight, please see additional comments within item 3 'common issues' as to the weight to be attributed to the Local Plan. The 'Focussed Changes' document recognises the site as LONG 5 capable of accommodating 40 units as a 'reserve site'. The proposal is in not accordance with the emerging local plan because the site is allocated as a reserve site and therefore would only come forward if demand cannot be met elsewhere which it is considered detracts weight from the proposal.
Long Clawson, Hose and Harby Neighbourhood Plan The Neighbourhood Plan has completed Examination and is proceeding to Referendum**.** **Please see the Item 3 'common issues' report for details of weight to be given to the Neighbourhood Plan.**	The proposal is in conflict with the CHH Neighbourhood Plan. It is considered this non compliance adds substantial weight against the proposal. The policies would apply to subsequent reserved matter applications that may be forthcoming.

This site is referenced as NPLONG5 within the Neighbourhood and stated as "NPLONG5 is included as a Reserve Site in this Plan as it ranked higher in the site evaluation and community consultation process for this Plan than LONG4" The site is identified within Policy H2: Housing Site Allocations for 2016 to 2036 which states "Land is allocated for housing development at the locations as shown in Housing Table 3 as Development Sites and on the Limits to Development maps (Housing Figs. 1-3). Reserve sites are listed in Housing Table 4 and will only be allocated for use to take account of any shortfall in delivery by the proposed Development Sites in a subsequent Neighbourhood Plan review or if there is an increase in recognised housing demand across the Borough which requires further increases in the villages of Long Clawson, Hose and Harby. NPLONG5 Canal Farm – Development of this Reserve Site will be supported only if it is required for development under the provision of this Policy and provided: Local educational capacity is amiable or can be created; Drainage infrastructure is available to accommodate surface water from the site without causing or adding to flooding elsewhere Up to 40 dwellings are developed Landscaping is provided to soften the site boundaries. A safe and convenient footpath link to the village is provided, suitable for disabled use and double width pushchairs Site boundaries hedges to be maintained as hawthorn. Dwellings are no more than two storeys high, with those on the southern third of the site limited adjacent to the Paget's End to single storey dwellings including bungalows. Height in keeping with current farm buildings; The layout and architectural design creates an informal, rural feel. NPLONG5 is included as a Reserve Site in this Plan as it ranked higher in the site evaluation and community consultation process for this Plan than LONG4." The application site does fall within the limits of development identified within the Neighbourhood Plan, Policy H3 sets out the following "Development proposals within the Plan area on sites within the Limits to Development in Housing Figs 1-3 will be supported where they	

comply with the polices of this Neighbourhood Plan, subject to design and amenity considerations.	

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 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 tis identification as a 'Service Centre' in the Emerging Local Plan, the site is only allocated as a reserve site for housing in both the emerging Local Plan and Neighbourhood Plan which is due for a referendum in the coming weeks.

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.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the impact on the character of the village, and concerns regarding traffic, impact upon character of the area and impact upon existing services.

The application is not supported by the emerging Local Plan or Neighbourhood Plan owing to its conflict with their content. In the case of the former this is considered to be limited, but in the latter, significant (please see Item 3 of this agenda, 'Common Issues' for further detail)

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular, however the weight attached to the site being a reserved site and not allocated for housing outweighs the benefits in this instance.

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 not be granted.

Recommendation: Refuse for the following reason:

1. The application proposes a development of dwelling that is contrary to the emerging Melton Local Plan. The development is allocated as a reserve site that should only be considered should demand for housing in the Borough increase or other allocated sites not come forward for development. The Borough is of the view that it has well in excess of five year supply of deliverable housing sites. The application is therefore contrary to Policies SS1 and SS2 of the emerging Melton Local Plan 2011-2036.

2. 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: **Ms Louise Parker** **Date: 21 November 2017**