

For Plans Committee – 25th March 2021

Additional items received since the report was drafted.

Site Address: Land at Melton Road, Burton on the Wolds

Item No. 1

P.A. No. P/20/2322/2

Since publication of the report a number of additional comments have been received from local residents and other interested parties.

Four additional comments have been received that have raised concerns relating to the application determined at the January 2021 Plans committee and also considers that there are errors or misleading statements in the Officer's Report. These are summarised below;

- Requests that that the Council's previous decision relating to this site at January 2021 Plans committee is brought back to Committee prior to the commencement of the appeal so that members have a full and proper opportunity to consider the site in the context of the latest up-to-date position. This up-to-date position relates to the submission of a planning application on the Neighbourhood Plan's allocated site at Sturdee Poultry Farm and adjacent to the Melton Road site. It is argued that the proposed allocation site is the preferred option in the Neighbourhood Plan. There is concern that the cumulative growth of the village is unsustainable. This is a material consideration which should be properly considered.
- Does not agree with the council's interpretation and application of paragraph 14b of the NPPF. This states that that the provisions of paragraph 11 are not engaged, i.e. the presumption in favour is not applicable, where the Neighbourhood Plan does not "contain policies and allocations to meet its identified housing requirement". Argues that no housing need figure is available and indicative need can be estimated, of which the Sturdee Poultry Farm reserve allocation can meet should it be released for housing.
- Argues that the application should be refused on grounds of prematurity in accordance with para. 49 of the NPPF.
- Argues that the removal of hedgerows will not be "minor" as stated in the report.
- Safety concerns remain that the pedestrian access onto Sowers Lane has not been adequately assessed.
- Requests that a condition is imposed to prevent construction traffic from travelling through the centre of the village.

Full copies of these correspondence are available on the planning file and can be viewed through the Borough Councils website.

Officer Response

These additional comments will need to be fully considered when members consider the application.

The new information does not materially affect the consideration of the proposal for the following reasons (in corresponding order).

- It is not recommended that the previous determination by members that the appeal scheme should be refused is revisited on account of the submission of an application for the adjacent site at Sturdee Farm. The submission of this application does not alter the status of the development plan or the weight that can be given to the emerging neighbourhood plan. The cumulative growth of the settlement should be a consideration, however at the time of determination, each application must be considered on its individual merits. The submission of an application at the Wolds Neighbourhood Plan reserve allocation site does not provide certainty that a scheme will be delivered within the five year period nor does it increase the level of harm associated with the proposed development at Melton Road. Furthermore, the application submitted is yet to be registered and consulted on and as such, is in the very early stages of being considered.
- In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for the Wolds has yet to be made but it has reached an advanced stage in its preparation and crucially one where an Inspector has found it sound. Whilst it has not proceeded to referendum and formal development plan status, due to the pandemic, it is considered that in accordance with the ministerial statement it would be reasonable to afford significant weight to the document. As such it stands to be assessed under paragraph 14. Whilst the neighbourhood plan is less than two years old, it is not yet formally part of the development plan and there is no unreserved housing allocation or policies to meet an identified housing need within the plan. Accordingly any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Notwithstanding this, it is recognised that the proposal does conflict with the emerging Neighbourhood Plan and this has been duly considered and given weight in the overall planning balance.
- In order for an application to be refused on grounds of prematurity, Para. 49 of the NPPF requires that both criteria, (a) and (b), need to be met for a refusal on the ground on prematurity to be justified. Criterion (a) is not met in this case as the draft Neighbourhood Plan does not contain, or amount to, a "decision about the scale, location or phasing of new development" that is "central" to the draft Neighbourhood Plan. Rather, Policy WV12 of the draft Neighbourhood Plan simply states that the Sturdee Poultry Farm site would be a preferred development site for release in accordance with the emerging Charnwood Local Plan when adopted, but only if a local housing requirement is identified in the emerging Local Plan for which the site is appropriate. The emerging Local Plan has yet to be published, and its housing requirements and the location for such housing are as yet unknown. Too much is conditional and uncertain about the reference to the Sturdee Poultry Farm Site in the draft Neighbourhood Plan, therefore, to amount to a "central"

element of the draft Neighbourhood Plan, or the emerging Local Plan. Moreover, given the relatively modest number of dwellings proposed by the Melton Road application, it cannot be considered a proposal that is "so substantial", nor would its "cumulative" effect be "so significant" in terms of delivering the wider housing requirement across the Local Plan area, that to grant permission would prejudice or undermine the outcome of the plan-making process.

- The removal of hedgerows or trees will be required, however the exact length and number of trees or hedgerows is not known until such time that the detailed design of the pedestrian access points are considered as part of any reserved matters application. Mitigating landscaping can be secured as part of any such reserved matters application.
- Sowters Lane serves a minimal number of dwellings and the detailed design of the pedestrian access points will be considered as part of any detailed reserved matters application. The officer's assessment is set out on pages 28 and 29 of the report pack.
- Condition 15 as recommended by officers requires the submission of a Construction Management Plan which shall include construction traffic routing. This will be considered in consultation with the local highway authority at the time of any submission to discharge the condition in the event that planning permission is granted.

Recommendation

No change to recommendation

Site Address: Land at Melton Road, Queniborough

Item No. 2

P.A. No. P/20/1605/2

Since publication of the report an additional comment have been received from Leicester University Hospitals NHS Trust relating to Section 106 obligations. In summary, the trust requests that a contribution of £77,339.00 is secured by S106 to help fill a gap in funding created by each potential patient from this development. The request is supported by the NHS's assessment of need and application of a standard methodology. A full copy of the request is viewable on the public planning file available through Charnwood Borough Council's website.

Officer Response

The comments are separate from comments from NHS – West Leicestershire Clinical Commissioning Group (CCG) relating to contributions towards local

surgeries which are referenced in the original report and unchanged by these comments.

Similarly to the S106 requests detailed in the main report, the latest comments need to be considered in light of the NPPF, Planning Practice Guidance, Core Strategy Policy CS24 and the CIL 122 and 123 regulations which require any S106 contributions to be 'necessary', 'directly related' and 'fairly and reasonably related in scale and kind to the development'.

In this case, the contributions can be summarised as a financial request to fill a gap in funding to the Trust from the Clinical Commissioning Group which allocates finances from national taxation. This is based on a current short fall and potential for increased demand created from this development which is not met by current funding.

Having reviewed the NHS's justification with reference to the NPPF, PPG and Core Strategy Policy CS24, officers are of the view that that S106 contributions cannot justifiably be used as emergency funding in addition to national taxation and that if there are any shortfalls in funding that the NHS should address it through its usual processes. Consideration should also be given as to whether the housing development that may be permitted is likely to be built out and occupied within the period where current funding is set or whether there is sufficient time for the NHS Trust to take it into account in their funding arrangements if permission is granted.

The justification from Leicester University Hospitals Trust does not acknowledge the role of the West Leicestershire Clinical Commissioning Group in allocating S106 funds which considered that only contributions to local surgeries were necessary. Furthermore, the standard formula used falls some way short of the evidence needed to show a direct relationship to the proposed development, particularly in relation to the number of new residents and the extent of residents which will be relocating from within the area. There is also limited evidence relating the demand generated by different demographics and how this relates to the contributions requested, particularly when this application is for outline consent and the housing mix is recommended to be set as part of Reserved Matters.

While pressures on local hospitals is of great concern, particularly at this time, funding is available from national taxation and the justification provided to support this request is considered to fall short of the evidence necessary to demonstrate that it meets the requirements of CIL 122 and 123. On that basis, officers recommend that the request from NHS Leicester University Hospital Trust is acknowledged but that recommendation A, relating to S106 contributions and set out on page 66 and 67 of the agenda, is unchanged.

Recommendation

No change to the officer's recommendation.

Site Address: Land at Loughborough Road Quorn

P.A. No. P/19/2139/2

Item No. 3

Since publication of the report a revised set of comments has been received from Quorn Parish Council that raises concerns that there is now a proposal for a quarry to be situated on Quorn Lodge Farm. This quarry will be in close proximity of the development and will inevitably lead to additional heavy traffic in the area that has already been highlighted as a safety risk. There is also concern that the quarry alongside the proposed development will contribute further to the flooding issues of Quorn and the surrounding areas and that water displaced from these sites will instead have a more detrimental effect on the village.

Officer Response

Any application to site a quarry within the village would be considered by Leicestershire County Council as the Minerals and Waste Planning Authority. Issues such as flooding and traffic that may be created by this adjacent development would need to be considered by the Minerals and Waste authority in consultation with the relevant drainage and highways consultees as part of the planning process, having regard for the cumulative impact of other committed developments. Notwithstanding this, each application must be considered on its individual merits and it is not considered that such proposal would have any direct impact on the consideration of the application for residential development at Loughborough Road.

Recommendation

No change to the officer's recommendation.