

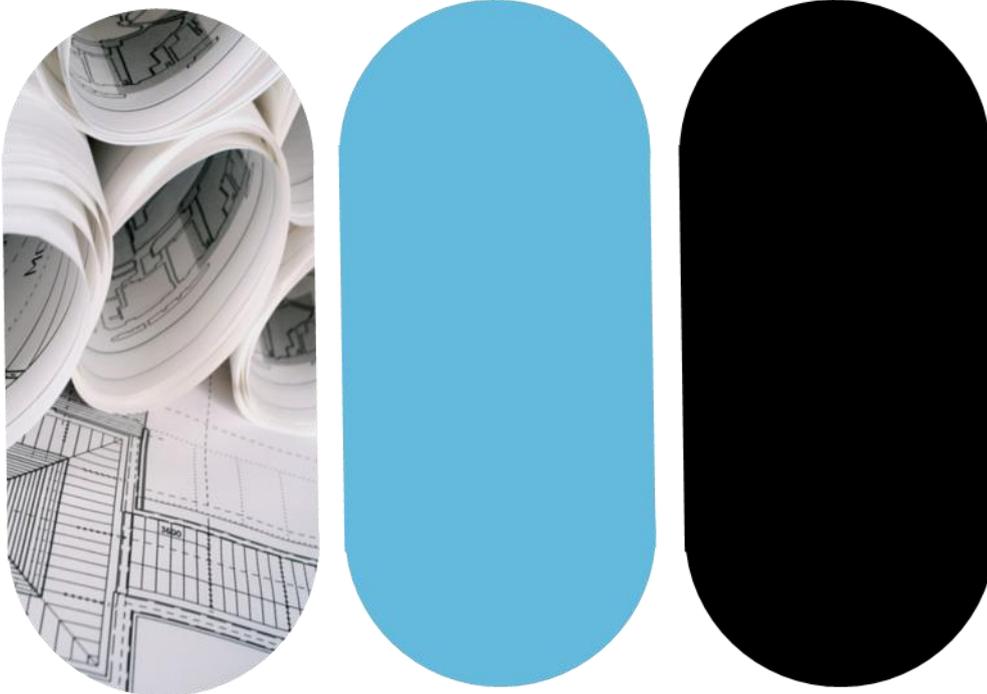


 Part of Shakespeare Martineau

Ms L & Ms S Fitzpatrick

LAND OFF BACK LANE, LONG CLAWSON

**REPRESENTATIONS TO THE CLAWSON, HOSE & HARBY
NEIGHBOURHOOD PLAN (PRE-SUBMISSION VERSION)**





CONTENTS

	Page No
1. Introduction	3
2. Policy H2: Housing Site Allocations for 2016 to 2036	4
3. Policy ENV1: Local Green Space	7
4. Summary and Conclusions	12



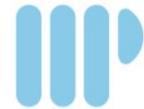
1. INTRODUCTION

- 1.1 This report has been produced by Marrons Planning on behalf of the landowners of land off Back Lane, Long Clawson (LONG2). An outline planning application for up to 22 dwellings was submitted in October 2016 and is pending determination. The site was identified as a proposed housing allocation in the Pre-Submission Melton Local Plan (November 2016).
- 1.2 This document provides comment on Policies H2 and ENV1. The main purpose of these representations is to set out the landowners' objections to the decision not to allocate LONG2 for housing, and the proposed designation of the site as a Local Green Space.
- 1.3 Firstly however, our clients would like to stress that they had not been contacted by the Neighbourhood Planning Group about the Pre-Submission consultation or the intention to designate their site as a Local Green Space. The National Planning Policy Guidance is clear that (our emphasis):
- “Other public bodies, **landowners** and the development industry should be involved in preparing a draft neighbourhood plan or Order.”* (Neighbourhood Planning, Paragraph: 048 Reference ID: 41-048-20140306)
- “... the qualifying body (in the case of neighbourhood plan making) **should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space.**”* (Open space, sports and recreation facilities, public rights of way and local green space, Paragraph: 019 Reference ID: 37-019-20140306)
- 1.4 The proposals set out in the Pre-Submission Neighbourhood Plan have major implications for land within our clients' ownership and it is therefore politely requested that the landowners, via Marrons Planning, are kept fully up to date with the Neighbourhood Plan process, including being notified when the Plan is submitted to Melton Borough Council.



2. POLICY H2: HOUSING SITE ALLOCATIONS FOR 2016 TO 2036

- 2.1 As set out above, our clients own the site off Back Lane (LONG2). Whilst LONG2 was identified by Melton Borough Council as a proposed housing allocation in the Pre-Submission Local Plan (November 2016), it is noted that the Neighbourhood Plan Group propose to delete LONG2 and LONG4 (Sandpit Lane) and instead allocate LONG6 (Hickling Lane/Broughton Lane).
- 2.2 Whilst the Melton Local Plan has not yet undergone examination and does not yet form part of the Development Plan, it is at a fairly advanced stage. Furthermore, the proposed allocation of LONG2 in the Melton Local Plan has been the subject of a Sustainability Appraisal and is thus considered by Melton Borough Council to ‘promote sustainable development to help achieve relevant environmental, economic and social objectives’ (Planning Practice Guidance, Strategic environmental assessment and sustainability appraisal, 001 Reference ID: 11-001-20140306).
- 2.3 Whilst there is no requirement for a neighbourhood plan to have a sustainability appraisal, it is one of the basic conditions that a draft Neighbourhood Plan contributes to sustainable development, a condition that is “consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development” (Planning Practice Guidance, Neighborhood Planning, Paragraph: 072 Reference ID: 41-072-20140306).
- 2.4 In order to demonstrate that this basic condition is met, the Planning Practice Guidance confirms that “sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions” (Paragraph: 072 Reference ID: 41-072-20140306).
- 2.5 It is observed that there have been highways concerns in relation to LONG6, both from the Local Highways Authority and Clawson, Hose and



Harby Parish Council. The Local Highways Authority previously objected to a 2015 application (15/00833) for housing at the site on the basis that:

The Local Highway Authority advice is that the residual cumulative impacts of development are severe in accordance with Paragraph 32 of the NPPF and the Local Planning Authority is advised to consider a refusal on transport grounds for the reasons outlined in this report and safe and suitable access to the site cannot be achieved for all people. Improvements have not been offered within the transport network that cost effectively limit the significant impacts of the development.

2.6 A further application was submitted in October 2016 (16/00810) and is still subject to concerns from the highways authority (response dated 29 March 2017).

2.7 It is also interesting to note that in their response dated 11 April 2017 (i.e. during the Neighbourhood Plan Pre-Submission consultation period), Clawson, Hose & Harby Parish Council identified the following concerns with the site:

- *Access is onto a narrow road and all the lanes at this junction are inadequate for more development;*
- *There is a large number of HGV passing this site from the LC Dairy and LGW Feeds often causing congestion as the lane is not wide enough for 2 vehicles;*
- *KS Components further down Hickling Lane gives rise to vehicles parking on the grass verges;*
- *Poor visibility as the site is near the junction of 2 rural lanes and the road network to Hickling is inadequate;*
- *Inadequate footways into the village from the site;*
- *Site is elevated above neighbouring dwellings and will be overbearing and intrusive particularly on the bungalow on the corner which has a low ridge line and is built on lower ground;*
- *Not sustainable as the primary school has no spare capacity;*

2.8 The Parish Council has similar concerns about the sustainability of LONG5 (Canal Farm), stating in a response to a planning application for residential development at the site (21 June 2016):



-
- *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 ie 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*

2.9 Without identifying how these sites could be developed to contribute towards sustainable development, there is the risk that the Neighbourhood Plan will fail to meet one of the basic conditions required in order to progress to the referendum stage of the Neighbourhood Plan process.



3. POLICY ENV1: LOCAL GREEN SPACE

3.1 One of the basic conditions is that the Neighbourhood Plan must have “*regard to national policies and advice.*” The Planning Practice Guidance makes clear that a Neighbourhood Plan “*must not constrain the delivery of important national policy objectives*” (Paragraph: 069 Reference ID: 41-069-20140306). The Government’s planning policy on Local Green Spaces and how this is expected to be applied is contained in the National Planning Policy Framework (the Framework).

3.2 Paragraph 76 of the Framework confirms that a Local Green Space designation affords protection consistent with policy for Green Belts (ruling out new development other than in very special circumstances). It is therefore imperative that Local Green Space designations are robust, and are not made simply as a means to prevent development, which is considered to be the case in this instance.

3.3 The key guidance on Local Green Spaces is contained at paragraph 77 of the Framework. This confirms that (our emphasis):

*The Local Green Space designation **will not be appropriate for most green areas or open space.** The designation should only be used:*

- *Where the green space is in reasonably close proximity to the community it serves;*
- *Where the green area is demonstrably special to a local community and holds a particular significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *Where the green area concerned is local in character and is not an extensive tract of land.*

3.4 The landowners do not dispute that LONG2 is within reasonably close proximity to the community it serves. Similarly, it is agreed that the site is



local in character and is not an extensive tract of land. However, it is considered that the Neighbourhood Plan's assessment of what makes the site demonstrably special is flawed.

- 3.5 Before the Neighbourhood Plan's assessment is commented upon, it should be noted that the site has already been through a Local Green Space Assessment as part of the Melton Local Plan (LONG2 was referenced as site 25 in this assessment). The Council's *Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study* (September 2015) assessed a number of sites in Long Clawson, and came to the conclusion that only two sites met the paragraph 77 tests and warranted a Local Green Space designation: the recreation ground and the churchyard. These sites are proposed as Local Green Spaces in the emerging Melton Local Plan. In relation to other sites in the village, the report states:

"Other spaces within the settlement are clearly important to the village character and several of them are valuable in contributing to the heritage setting of Long Clawson, namely the village green (No.4), central field (No.11) and Manor Farmhouse garden (No.12). However, their functionality in relation to the established criteria is limited and they are not suitable for designation as Local Green Spaces" (paragraph 4.133)

- 3.6 LONG2 (Site 25) is not cited in the supported text as being one of these other sites that is 'clearly important to the village character'.
- 3.7 Conversely to the Council's assessment, the Neighbourhood Plan's assessment of LONG2 appears to suggest that the site has historic significance, richness of wildlife and a recreational value which makes it 'demonstrably special' to the local community.

Historic Significance

- 3.8 The impact of the proposed development upon the Castle Field heritage assets was assessed as part of a Desk Based Archaeological Assessment (DBA) submitted as part of the planning application. The Assessment confirms that the proposed development will have no direct,



physical impact on the remains of the Scheduled Ancient Monument; nor will it affect the relationship between the Scheduled moated site, the Grade II* listed manor house and Grade II* listed Church of Remigius.

- 3.9 The DBA also established that the setting of the Scheduled Monument primarily relates to the open pasture field in which it is located; this field contains settlement earthworks likely to be related to the monument itself, and is also the place from where the monument can be appreciated. It is concluded that LONG2 therefore forms a very small part of that wider setting and makes only a very small contribution to the monument's significance.
- 3.10 LONG2 was visited for a second time in March 2017 to assess later winter views. This site visit confirmed that, even during the winter when hedge growth is limited, there are no direct views of the Scheduled Monument from within LONG2; furthermore the hedge around the monument had recently been cut back, and views were still screened. The site visit also confirmed that the interior of the site is screened by its hedges when viewed from land close to the Scheduled Monument, such as the church and along Sand Pit Lane/Back Lane and Church Lane. The March 2017 site visit also confirmed that the Scheduled Monument and its relationship with the church and Manor is best appreciated looking north-west from Back Lane or looking south-west from Church Lane; in both instances looking away from, and not toward, the application site
- 3.11 There is a further suggestion in the site assessment that LONG2 has been protected as an open space between Claxton and Clawson for at least 700 years. The site has been used for agricultural purposes since at least the Medieval period and is currently defined as countryside in the adopted Melton Local Plan 1999. It does not have any further historic or landscape designations to suggest that it is demonstrably special.
- 3.12 In terms of ridge and furrow, whilst there is some present on the site, this is one of several examples evident on aerial photographs of landscape surrounding Long Clawson. The site is not included in Historic England's



areas of significant ridge and furrow and, due to its level of preservation and isolated nature, it is not of high significance. Furthermore, the contribution of the site's ridge and furrow to the Scheduled Ancient Monument's significance is assessed and found to be negligible.

3.13 Following the desk based assessment, a geophysical survey has been carried out on site which shows no evidence of features that can be confidently attributed as being archaeological in origin.

3.14 On the basis of the above information, the site should not be regarded as being demonstrably special in historic terms.

Ecology/Richness of Wildlife

3.15 The assessment of LONG2 gives weight to the fact the site contains "permanent pasture and hedgerows" and a "pond, with scrub and hedges, provides known great crested newt habitat."

3.16 The application proposals for the site demonstrate that the boundary hedgerows and trees will be largely retained. Furthermore, the proposals will secure the management of an area of grassland.

3.17 The existing pond will also be retained. The suggestion that it provides great crested newt habitat is considered to be incorrect. The Ecological Assessment submitted as part of the planning application confirms that the pond (Pond 5 in that assessment) has poor suitability to support great crested newts. Great crested newt surveys were carried out in support of the planning application which recorded no newts in the onsite pond.

3.18 As a result, the site should not be regarded as demonstrably special in ecological terms, particularly given that there is potential to mitigate and enhance any biodiversity impacts as part of the planning application proposals.



Recreational Value

- 3.19 In terms of recreational value, the assessment of LONG2 gives weight to “access via very well-used public footpath G47” and states that the site is “an important unofficial open space.”
- 3.20 The existence of a public right of way across the site, does not make it demonstrably special and it is considered that too much weight is attributed to public rights of way in the inventory scoring system. The right of way is afforded statutory protection and does not require a Local Green Space designation to protect it. The application proposals would secure a diverted public right of way within the site, something to which the County Council’s public rights of way officer has no objection in principle (subject to an appropriate planning condition) as “the application has identified the need to divert the Public Footpath and has illustrated how this might be done in a way which provides a convenient alternative route.”
- 3.21 No weight should be given to the suggestion that the site is an “important unofficial open space”. Public access to the site is restricted to the public right of way and access beyond this should be regarded as trespass.

Conclusion

- 3.22 In conclusion, LONG2 is not considered to meet the demonstrably special test set by paragraph 77 of the National Planning Policy Framework. This is supported by the Council’s assessment of potential Local Green Spaces, and the fact that LONG2 (site 25) was not considered to warrant a LGS designation. As a result, the Neighbourhood Plan is not considered to meet the basic condition of having regard to national policies and advice. By specifically conflicting with paragraph 77 of the NPPF, it is also considered that the duty to contribute to sustainable development is not met.



4. SUMMARY AND CONCLUSIONS

- 4.1 The landowners at Back Lane, Long Clawson (LONG2) are disappointed not to have been notified of the Neighbourhood Plan Group's intention to remove the site as a housing allocation and designate the site as a Local Green Space. This is considered to conflict with national planning guidance about keeping landowners informed at an early stage, particularly in the instance of Local Green Space designations.
- 4.2 The above representations demonstrate that the Pre-Submission Neighbourhood Plan has the potential to conflict with a number of basic conditions, namely: the requirement to have regard to national policies and advice; and the requirement to contribute towards sustainable development.
- 4.3 It is considered that Back Lane (LONG2) represents a sustainable option for the delivery of housing in Long Clawson and its deletion from the Neighbourhood Plan and the inclusion of LONG6 is not considered to be properly supported by evidence. Furthermore, the site does not meet the demonstrably special test and should not be allocated as a Local Green Space.