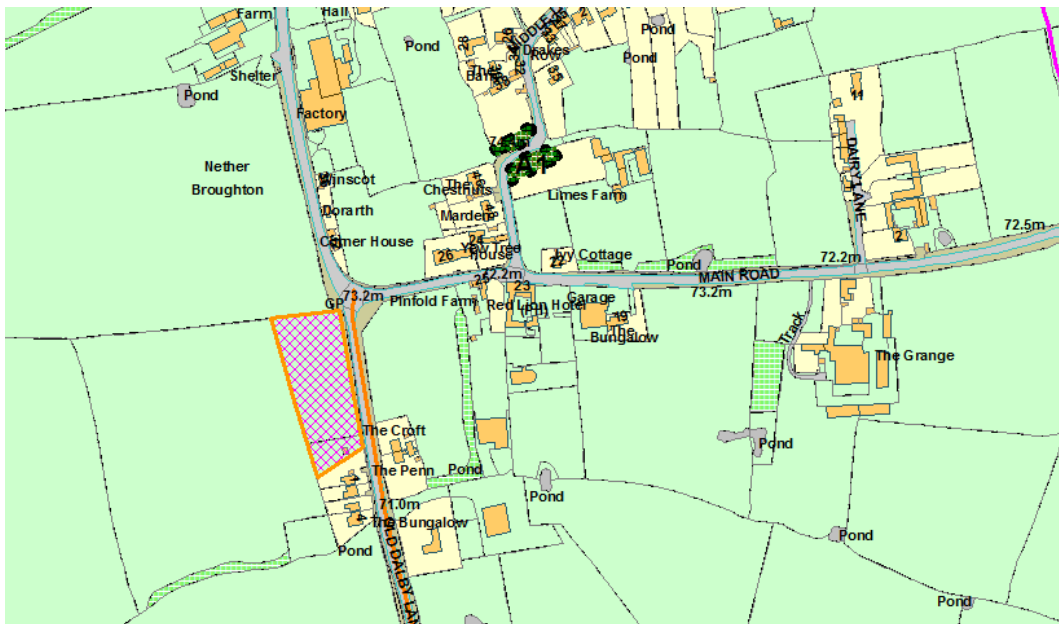


**Reference:** 17/00636/OUT  
**Date submitted:** 23 May 2017  
**Applicant:** Mr John Sim  
**Location:** The Paddock Dalby Road Nether Broughton  
**Proposal:** Outline planning consent for the erection of 9 dwellings and associated access arrangements.



**Proposal :-**

This application seeks **outline planning permission for the erection of 9 dwellings** with access, layout and scale considered at this time. The site access is proposed off Old Dalby Lane a 40 mph road on the edge of the village. 2. No existing agricultural access gates provide access to the paddock and the fields behind. One of the accesses will be retained for separate agricultural access to the land beyond.

At the southern end of the site is a small brick building which was used by the MOD facility at Queensway, the building is known locally as the Bath House and is currently in a dilapidated state.

The application site lies alongside Old Dalby Lane at the southern end of the village. The site is currently paddock land, with a filed fence separating the land from larger fields to the west. Agricultural access ways area available to both the northern and southern extremes of the site – with field access gates and dropped kerbs evident in both situations. The frontage to Old Dalby Lane has a mature hedgerow with isolated mature trees.

The proposed dwellings are laid out in a broadly linear form, Plots 1 and 2 are to be single storey 2 bed dwelling, Plots 3,4, 7 and 8 are 2 storey semi-detached started homes, Plots 5 and 6 are 2 storey semi-detached family houses , Plot 0 is a 1.5 storey ¾ bed house for use by the applicant.

**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 residential amenities**
- **Sustainable development**

The application is required to be presented to the Committee due to the level of public interest.

**History:-**

There is no planning history related to this site.

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy OS2** - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

**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 H8** – Sets out the requirements for assessing rural exception sites. In exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope. It states that the need is required to be established by the Council, it must be in keeping with the scale, character and setting of the village and would not have an adverse impact upon the community or local environment. The layout, density, siting, design and external appearance, landscaping, access and parking details are in accordance with other policies contained within the plan.

**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 be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

**Delivering a Wide choice of High Quality Homes**

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**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:**

| <b>Consultation reply</b>  | <b>Assessment of Head of Regulatory Services</b>   |
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| <p><b>Highways Authority: Object to the proposal at present.</b></p> <p>The site would be accessed off Old Dalby Lane, which is a 40mph Class III road which benefits from street lighting. The applicant has shown visibility splays of 2.40 metres by 43 metres, as opposed to 2.40m by 65 metres for a road with a speed limit of 40mph. due to the proximity of the nearby Nottingham Road junction, it is accepted vehicles are unlikely to be travelling at such a</p> | <p>The site is to be accessed off Old Dalby Lane – a 40mph road on the edge of the village. The road is straight and visibility could be achieved subject to the submission of revised plans. The proximity of the junction with the A606 does mean that vehicles are slowing down when approaching from the south – the applicant has stated that vehicles travelling from the north will be slowed</p> |

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| <p>speed southbound, however the CHA considers 2.40 x 65m visibility could be achieved to enable a clear view of northbound traffic and therefore requests 65m is shown to the south of the access.</p> <p>The proposals show a site access with a kerbed radii, however the CHA requests that this is amended to show a dropped kerb arrangement along with a reduction in the width of the site access from 5.50m to 4.80m in line with Part 3.215 and figure DG20 of the 6C's Design Guide.</p> <p>Parking provision has been studied, and the number of parking and garage spaces for each plot are considered acceptable and in accordance with the 6C's DG.</p> <p>Following the submission of a revised drawing indicating a dropped kerb access, the CHA may be in a position to issue a more favourable response.</p> <p><b>Subject to the submission of amended details and imposition of conditions the CHA does not consider this development will have a severe impact on the highway in accordance with Paragraph 32 of the NPPF.</b></p>  | <p>by the road junction geometry.</p> <p>The Highways Authority have expressed concern over the suitability of the proposed access, but also consider that the proposal may be acceptable subject to the submission of revised drawings.</p> <p><b>There are considered to be no grounds to resist permission based on highways issues.</b></p> |
| <p><b>Parish Council: Objects</b></p> <p>The Parish Council objects on the following basis</p> <ul style="list-style-type: none"> <li>• The village cannot sustain a proposed development of this size. The local school is already full and the health services are under pressure. (it is also noted that the fact that this development is for 9 dwellings means that there would be no automatic requirement to contribute to these services). Elements of the limited local bus service are under threat and residents would be reliant on cars that would be used to access the development close to a busy and dangerous junction (Pinfold corner). Any consideration of the sustainability of the village must take into consideration the 25% increase in dwellings already approved since March 2016.</li> <li>• There is no demonstrable need for the number of additional houses in the village. This was shown in a detailed survey into the housing needs of our parish undertaken in December 2014 and also in the amount of time it takes for many houses in the area to sell.</li> <li>• The land is outside of the built up area of the village and the limits of development</li> </ul> | <p>Policy related comments are considered and addressed further down in the Planning Policy response.</p> <p>Comments from the County Highway Authority are set out above.</p> <p>The removal of the trees whilst regrettable, would be necessary to implement the proposal, the trees do not form part of a Tree Protection Order.</p>         |

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| <p>outlined in the neighbourhood Plan for our Parish. This document was recently submitted to MBC and as such has some legal weight.</p> <ul style="list-style-type: none"> <li>• The now submitted NP and emerging Melton Local Plan identifies Nether Broughton as an area suitable for small windfall development of up to three dwellings. This proposal is for three times this number.</li> <li>• It was noted by Cllrs that they had seen no report from highways.</li> <li>• The scheme would necessitate the removal of 2 category B trees.</li> </ul>  |   |
| <p><b>Local Lead Flood Authority</b></p> <p>The planning application is not considered to be a major development, as such the LLFA are not a statutory consultee and have no comment in relation to his application, they refer the LPA to their standing advice in this instance.</p>   | <p>Comments noted, conditions can be added to an approval to ensure details of drainage are provided prior to the commencement of development.</p>  |
| <p><b>Ecology</b></p> <p>No objection to the proposal subject to a condition complying with the recommendations in the Extended Phase 1 Habitat Survey (CBE consulting May 2017.)</p>  | <p>Comments noted, a condition can be added to an approval to ensure the recommendations are complied with.</p>   |
| <p><b>Section 106 contributions</b></p>  |   |
| <p><b>Education</b></p> <p><b>Primary School</b></p> <p>The site falls within the catchment area of Old Dalby C of E Primary School. The school has a net capacity of 147 and 167 pupils are projected on roll should this development proceed; a deficit of 20 pupil places (of which 17 are existing and 3 are created by this development). There are currently no pupil places at this school being funded by S106 agreements from other developments in the area.</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim in the primary sector is therefore justified.</p> <p>In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £26,133.86.</p> <p>The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Old Dalby C of E Primary School. The contribution would be spent within five years of receipt of final payment.</p> <p><b>Secondary School</b></p> <p>For 11 to 16 education in Melton Mowbray there</p> | <p>This request for an education contribution is based on 9 houses with two or more bedrooms. The threshold for seeking contributions is usually development of 10 or more dwellings; however there are a number of developments of less than 10 dwelling within the catchment area of the Old Dalby Primary School, cumulatively the impact of the developments will have significant implications for education provision in the area. Section 106 contributions are therefore being sought to mitigate the impact of this and other developments. The funding will be used to expand the Old Dalby Primary School and either the Long Filed School or John Ferneley College.</p> <p>A total of £52,948.12 has been requested in this instance.</p> |

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| <p>is one single catchment area to allow parents greater choice for secondary education.</p> <p>There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Ferneley College.</p> <p>The schools have a total net capacity of 1900 and a total of 1978 pupils projected on roll should this development proceed; a deficit of 78 pupil places after taking into account the 2 pupils generated by this development. A total of 7 pupil places are being funded at these schools from S106 agreement for other developments in this area which need to be deducted. This reduces the total deficit for these schools to 71 pupil places (of which 69 are existing and 2 are created by this development).</p> <p>A claim in order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £29,853.20.</p> <p>The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The long field school and John Ferneley College.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> |  |
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**Representations:**

A Site notice was posted and neighbouring properties consulted. As a result **5 letters of objection from 4 households have been received and 12 letters of support from 10 households**, the representations are detailed below:

| <b>Representations</b>  | <b>Assessment of Head of Regulatory Services</b>  |
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| <p><b>Highway Safety</b></p> <p>The roads are extremely busy with heavy traffic to the local Business Park.</p> <p>Although the speed limit is 40 mph on the approach to the A606 this is rarely adhered to at clocking off time thus extra vehicles coming out of the proposed development will only add to the hazards on this stretch of road.</p> | <p><b>As per comments of the Highway Authority, subject to the submission of amended details the proposal could be considered acceptable in terms of highway safety.</b></p>  |
| <p><b>Village envelope and previous development</b></p> <p>This development is outside the Village Plan and would be detrimental to the area.</p> <p>Due to the already excessive number of permitted</p>   | <p>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 the NPPF is a material consideration of some</p> |

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| <p>planning applications in Nether Broughton since 2011 there is no appetite or need for yet another development albeit of mixed housing.</p> <p>Since 2011 permission has been granted for 46 houses in a village of only 150 houses this represents a 30.6% increase in a settlement designated in the Melton Local Plan as merely a Rural Settlement due to its lack of facilities.</p> <p>This application for nine plus five near Dairy Lane (on appeal) and another six the other side of the A606 (undecided) could give us twenty more meaning the projected increase in size of the settlement would be 44%.</p> | <p>significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local Plan is considered to be out of date and as such, under para 215 of the NPPF can only be given limited weight.</p> <p><b>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 t 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”.</b></p> <p>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.</p> <p>The council can demonstrate a five year land supply however this, on its own is not considered to weight 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...”.</p> <p>The site is a greenfield site. It also considered to lie outside of the built form of the village of Nether Broughton. However the harm attributed by the development is required to be considered against the benefits of allowing the development in this location.</p> <p>The provision of smaller dwellings meeting identified housing needs is considered to offer some benefit, along with promoting housing growth, however the location of the proposal is not integrated to the built form of the village.</p> <p>Nether Broughton whilst offering some services does not perform as well as other villages within the Borough in sustainability terms.</p> <p><b>The proposal would provide a small amount of housing in the Borough and would contribute to land supply. However the form of the development in an isolated location is considered to outweigh these benefits in this instance.</b></p> |
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|   | <p><b>The form of development is not considered to be acceptable and the benefits of the proposal do not outweigh these concerns. It is therefore considered to be contrary to the core planning principles of the NPPF.</b></p>   |
| <p><b>Services and Facilities</b></p> <p>There is one Public House as the only facility offered to the residents.</p> <p>The local school and medical practice cannot cope with a further influx of residents.</p> <p>There is only a pub and village hall, the already poor bus service is to be further reduced in August leaving us with only a two hourly link to Melton or Nottingham.</p> <p>Planners quote the presence of a bus service as an indicator of sustainability but this will no longer be a useful service for any future residents to consider depending on it for travel to and from work.</p> <p>The application is under the bench mark that would trigger a Section 106 contribution towards providing community and social infrastructure for our village.</p> | <p>Services and facilities were reviewed as part of the supporting work carried out in preparation for the New Melton Local Plan, whilst Nether Broughton can support some smaller developments, the location of this site would mean that the occupants would be required to use a motor vehicle to carry out day to day living tasks.</p>  |
| <p><b>Flooding</b></p> <p>The sewers won't be able to handle the increased requirements.</p> <p>There is a storm drain system that lies beneath the proposed development, this has flood garden in the past.</p> <p>When the Foul Water Tank was first installed in the field next to the four houses already here the properties were flooded many times.</p>  | <p>Conditions could be attached to a permission that would ensure that details of the proposed drainage are submitted to the Local Planning Authority prior to any development commencing.</p>   |
| <p><b>Character of the area</b></p> <p>There is no need to extend the village further into the countryside.</p> <p>The village is large enough to keep its rural character, any more building will take it beyond this point.</p>   | <p>The site is a greenfield site. It also lies within open countryside being located outside of the village of Nether Broughton and extends the village to a degree that is considered out of character with the area.</p> <p>The site is not connected to other parts of the built form of Nether Broughton and will appear disjointed and lacking in coherence. This added element further stretches the village to uncharacteristic proportions that will change the nature of the village settlement form and pattern.</p> |



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| <p><b>Bath House</b></p> <p>On the proposed development site lies a WW2 building which was the Bath House to the Search Light station that was based in this field. This is now derelict.</p>   | <p>Within the submitted Design and Access Statement the applicant has indicated that there may be scope to enhance this building as part of the development to signify the site's heritage and previous use within the local area, however the building is of a very run down state and no confirmed details have been submitted as to how this enhancement would be achieved.</p> |
| <p><b>Letters of support</b></p> <p>The proposal offers a good range of housing for the village of Nether Broughton as well as a new house for a local person.</p> <p>Refreshing to see a small development in keeping with all houses in the area and the right mix of homes.</p> <p>The proposal offers a variety for local people has to be a must in this area.</p> <p>The majority of new builds are of the large executive type. For our village to thrive we need smaller affordable housing to enable local young people to stay and raise their children.</p> <p>Whilst the development is small it is a step in the right direction to save the village from becoming just commuter belts for our larger towns and cities.</p> <p>Nether Broughton is a village well suited to sympathetic expansion. There should be a wider choice of homes to meet people's needs and with the number of smaller properties in this development, it would encourage young people to be able to stay and buy a home in the countryside.</p> <p>More development with smaller properties should be encouraged.</p> <p>The development has a good mix of property types and is in keeping with the houses immediately around it, it also seems to fit well in the space available within the village boundary.</p> <p>The development would be good for local businesses.</p> <p>Existing house prices are out of range for people to stay local.</p> <p>The development would help with the sustainability of the village.</p> | <p>Noted.</p>  |

**Other Material Considerations not raised through representations:**

| Consideration  | Assessment of Head of Regulatory Services  |
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| <p><b>Planning Policy</b></p> <p><b>Nether Broughton Neighbourhood Plan</b></p>  | <p><b>Whilst the Neighbourhood Plan remains in preparation it can be afforded only limited weight.</b> The Nether Broughton NP is not at the end of the local authority publicity (which runs to 30<sup>th</sup> August) period it remains incomplete and is yet to be examined or be the subject of Referendum.</p> <p>In addition to the NPPG, advice on the weight to be given tot Neighbourhood Plans (NP) is provided by the Neighbourhood Planning Act 2017. This states that less weight be given to a pre-examination NDP.</p> <p>A post-examination unmade neighbourhood development plan should be taken into account in the determination of planning applications. The Nether Broughton NP is not et at that stage.</p> <p>An examination will provide adjudication on the differences between the sites allocated in the NP those proposed by the Planning Authority in the pre-submission local plan and the comments of all interested parties, including opposition to the site sections it proposes.</p> <p>Therefore, it is considered that the neighbourhood Plan is susceptible to the NPPF criteria that “the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)” – the objections concerned are considered to be clearly unresolved and very significant to the content of the NP.</p> <p>Therefore it is considered that the Neighbourhood Plan can carry limited weight in the determination of this application.</p> |
| <p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20<sup>th</sup> October and was subject to consultation which ended on 16<sup>th</sup> December 2016.</p> <p>The Draft Local Plan Addendum of Focussed Changes is currently subject to consultation which ends on 23<sup>rd</sup> August 2017.</p> <p>The NPPF advises that:<br/>From the day of publication, decision-takers may also give weight to relevant policies in emerging</p> | <p>The development would be contrary to the provisions of the emerging Melton Local Plan, policy SS3.</p> <p><b>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</b></p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p>  |

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| <p>plans according to:</p> <ul style="list-style-type: none"> <li>● The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Pre-Submission version of the Local Plan identifies Nether Broughton as a ‘Rural Settlement’, in respect of which, under Policy SS3, sites of up to 3 dwelling may be suitable for residential development in the village subject to meeting a range of criteria</p> |  |
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**Conclusion**

It is considered that the application present a balance of competing objectives and the committee is invited to reconcile these in reaching its conclusion.

The application seeks outline consent for a residential development of up to 9 dwellings. Approval is sought for the access into the site, layout, scale and the principles of residential development on the edge of Nether Broughton.

Whilst the provision of housing would contribute to the NPPF’s objectives of boosting housing supply, the Borough is considered to have an adequate housing land supply. Therefore the weight attached to such provision is limited (and reduced from circumstances where there is a shortfall that needs addressing).

Nether Broughton itself is considered to have a limited amount of services, the site is greenfield in nature and poorly related to the village and would protrude into the open countryside that forms the surrounds and setting of Nether Broughton.

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.

**In conclusion it is considered that, on the balance of the issues, there are benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. The balancing issues – development of a green filed site outside of the village core, limited services and lack of connectivity are considered to be of significant harm.**

**Recommendation: REFUSE, for the following reasons:-**

- 1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location, where there are limited local amenities, facilities and bus services and where future residents are likely to depend on the sue of the car, contrary to the advice contained in the NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the “core planning principles” contained within Paragraph 17 of the NPPF.

- 2 The application site is in a location with poor connectivity and which is poorly related to the built form of Nether Broughton and would be harmful to the character and appearance of the countryside which contributes to the setting of the village. The proposal is therefore contrary to the NPPF, particularly paragraphs 50,56,58,61, 64 and 216, and the provisions of the Melton Local Plan (Pre Submission Version) Policies SS3 and EN1. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, when assessed against the policies in this Framework taken as a whole.

Officer to contact: **Ms Louise Parker**

**Date: 4<sup>th</sup> August 2017**