

History:-

There is no relevant history on the site.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 – Planning permission will not be granted 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, limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside, development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code operator, the change of use of a rural building or affordable housing in accordance with Policy B8. Where such development would lead to the coalescence of existing settlements, planning permission will not be granted.

Policy BE1 - allows for development within the town envelop provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.

Policy H8 – in exceptional circumstances the Council may grant planning permission for development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within the village envelope providing the need has been established by the Council, it can be legally secured, the development would be in keeping with the location, community services are available and other policies can be met within the development plan.

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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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.

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)

In regard to the specific policy for residential dwellings outside of any settlement the NPPF in paragraph 55 contains guidance directly relating to the construction of dwellings in the open countryside. It advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets, where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or the exceptional quality or innovative nature of the design of the dwelling.

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Broughton and Old Dalby Parish Council: It was acknowledged that offers of land for public use do not happen often and councillors could envisage that uses for this land to benefit the community may arise in future years. During the early consultation phase of the Neighbourhood Plan there were comments on roadside parking which could be addressed by the carpark to be provided as part of this development. Despite the above considerations councillors voted 3:2 to oppose the application as it was felt that potential	It is acknowledged that the proposal to provide off street parking for the wider community has some merit in terms of highway safety, especially in close proximity to the school. It is also noted the Highway Authority raise no objection on the grounds of highway safety to the proposal, which is discussed in more detail below. However, the benefit to the community and the acceptability on highway safety grounds needs to be balanced with other factors including the

<p>harm outweighed possible benefits. The concerns expressed were that the area has been identified as an Area of Separation in both the Local Plan and the recently submitted Neighbourhood Plan. These areas are deemed necessary to retain the geographical distinction and visual separation between neighbouring settlements. The area is also outside the Limits to Development outlined in the Neighbourhood Plan and as such should be treated as open countryside. The Neighbourhood Plan also identifies this area as containing an important wildlife corridor and the effect on this of any development would need to be mitigated. The PC has had insufficient time to consider in detail the implications of being gifted the car park and community space. Before agreeing to such an undertaking the PC would want to consult the community with regards to their desires for such a space and obtain an indication of full maintenance costings to allow the impact on the precept to be assessed. This application proposes two new entrances on to the Main Road through Old Dalby. Cars often travel through Old Dalby above the speed limit, an issue which is of great concern to many residents. These additional access roads so close to Paradise Lane would result in three points at which cars join and leave the main road as cars approach the village at some speed. This presents a risk to drivers and pedestrians.</p>	<p>principle of housing on this site and the visual impact of built development. The site occupies a countryside location, beyond the built confines of the village and acts as a buffer between other developments. The development of this site for housing is not considered acceptable on visual grounds, developing the rural approach to the village. This is considered to outweigh the benefits of community parking and additional housing provision in this case.</p>
<p>Highway Authority: No objection. Access is the only matter for which approval is being sought. The submitted site plan indicates land is also reserved for a potential future village hall and community facility; however, this is not for determination and has not been considered. The site would be accessed off Main Road, which is a 30mph Class III road. Street lighting is not present in the vicinity of the site access; however, there is an existing footpath leading up to the site access and beyond to the industrial estate. The access shows a width of 5.50m with kerbed radii. While the Highway Authority would usually advise a dropped kerb access, and a width of 4.25m for a development of 5 dwellings, due to the proposals including a car park, the width and a 6m kerbed radii would be accepted on this occasion. Visibility splays have not been indicated on the submitted plan, but the Highway Authority is satisfied appropriate splays can be achieved from the access. The site access is approximately 36 metres from the 30/40mph speed limit change at the village entry signs. The village gateway is enhanced by Dragons Teeth and 30/40mph roundel markings on the carriageway at this point. However, due to the narrowness of existing verges either side of the carriageway the Highway Authority consider that additional speed reducing features proportionate to the size of the development, such as gates,</p>	<p>The application is in outline with only means of access submitted for consideration at this stage. The proposed dwellings would be served via a new access which would be shared by the residential development. The access would provide parking and turning for the residential properties. A separate access is proposed to the south-west of the site to provide car parking spaces for the community parking area, approximately 20 spaces.</p> <p>The Highway Authority has no objection to the application subject to the provision of conditions in respect of the access and visibility splays. It is considered that the development could be designed to meet these requirements and could be controlled via means of conditions if the proposal is deemed acceptable.</p> <p>Overall it is considered that the proposed would not have a detrimental impact on highway safety.</p>

<p>could not be justified. Furthermore there are no recorded Personal Injury Collisions in proximity of the site within the last 5 years. The planning application form details that new public rights of way “are to be provided within or adjacent to the site”. While the internal layout is not for determination at this stage, for clarity, the Highway Authority will not consider the internal road network for adoption. Recommend conditions.</p>	
<p>Leicestershire County Council Ecology: No objection.</p> <p>It appears that the majority of the site is under arable cultivation and is therefore unlikely to be of a significant ecological value. However, there appears to be a stream corridor on the western side of the application site boundary. It is noted that this will be protected by a 5m wide wildlife corridor which we welcome, but the development also appears to include a new footbridge and the removal of an existing one. The plans also suggest that the existing hedgerow bordering the south of the site will be incorporated into plot boundaries. We would recommend that this is retained and buffered from the development, in order to ensure that it is retained long-term. The new planting on the eastern boundary should comprise locally native species. However, given that the watercourse is no longer impacted and there is a 5m buffer in place, alongside the sub-optimal nature of the watercourse to support water vole in this area, no objection to the application.</p> <p>Would also be concerned if any additional lighting is proposed in the vicinity of the stream. If it is, we would request that all lighting plans must be approved. The stream corridor should not be subject to lighting in excess of 1 lux.</p>	<p>Leicestershire County Ecologist has advised their records indicate that Water Vole has been recorded within the vicinity of the site and initially recommended a Water Vole survey be completed prior to the determination of the application. However, following confirmation the stream would be protected by a 5 metre buffer it was concluded the development would not be harmful to the protected species and no objection is now raised to the development. Should permission be forthcoming consideration can be given at the reserved matters stage to the retention of the buffer and hedgerows and to future lighting to protect ecological interests.</p>
<p>Local Lead Flood Authority: No objection.</p> <p>When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.</p> <p>Further to our previous advice advising conditional approval on drainage and flood risk grounds, revisions to the masterplan have been submitted. On review confirm that the proposals do not result in any change to our previous response: The proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority subject to conditions relating to surface water, a surface water management plan, SuDs and infiltration testing.</p>	<p>Comments noted, conditions can be added to any approval to ensure details of drainage are provided prior to the commencement of development. It is considered drainage could be satisfactorily provided on the site.</p>

<p>Newark Trent Valley Internal Drainage Board: No objection.</p> <p>The site is within the TVIDB. There are no Board maintained watercourses in close proximity to this site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.</p>	<p>Comments noted and can be added as an informative.</p>
<p>Severn Trent Water: No objection subject to condition and informative relating to foul and surface water drainage and development near to public sewers.</p>	<p>Comments noted and can be added as an informative.</p>
<p>LCC Rights of Way: There are no recorded rights of way cross the site, pleased to see new paths illustrated on the Proposed Site Plan which will link the site to the village and school, these paths would also link south onto the wider recreational Public Footpath network via Public Footpaths H4 and H3. It is noted the open green space and community parking area will be maintained in the future by the Parish Council, will the paths be included in this maintenance arrangement? As the paths on the site will link into an existing permissive path I am assuming this arrangement will continue.</p>	<p>Comments noted.</p>
<p>Network Rail: Whilst Network Rail has no objections to the proposed development, we would expect that the developer and the council is satisfied that suitable noise protection and mitigation is put in place to ensure that the residents of the new dwellings are not adversely impacted by the noise from the nearby railway line.</p>	<p>The site is within reasonable proximity to the railway line and Environmental Health has been consulted regarding potential noise and disturbance from the railway line to future occupants of the proposed dwellings. A response is awaited.</p>
<p>Environmental Protection: Generally speaking any residential development can be mitigated and made 'acceptable' under the current planning regime; it is just a function of cost. Given the relatively high risk of adversely affecting residential amenity I would suggest the applicant submits a noise assessment at the outline stage. This can then be further refined by a mitigation scheme at reserved matters.</p>	<p>The site lies within relatively close proximity to the railway line which is likely to generate noise which would adversely impact on the residential amenity of future occupants of the proposed dwellings. It is considered this could be mitigated against effectively to ensure a satisfactory level of amenity to future occupiers. However, a noise assessment has not been requested at this stage as the application is recommended for refusal on visual grounds. Should permission be granted a noise survey to include mitigation measures would be required.</p>

Section 106 contributions

Education

Primary School

The site falls within the catchment area of Old Dalby C of E Primary School. **The School has a net capacity of 147 and 166 pupils are projected on the roll should this development proceed;** a deficit of 19 pupil places (of which 17 are existing and 2 are created by this development). There are currently no pupil places at this school being funded from S106 agreements for other developments in the area.

There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.

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 £14,518.81. Based on the table above, this is calculated the number of deficit places created by the development (1.2) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals **£14,518.81**.

This 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 or any other school within the locality of the development.

The contribution would be spent within five years of receipt of final payment.

Secondary School

For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.

There are two 11-16 secondary schools in Melton Mowbray; these are The Long Field School and John Ferneley College.

The schools have a total net capacity of 1900 and a total of 1977 pupils projected on roll should this development proceed; a deficit of 77 pupil places. A total of 7 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This reduces the total deficit for these schools to 70 (of which 69 are existing and 1 is created by this development). A claim for an education contribution in this sector is therefore justified.

The method of calculating Section 106 education contributions is based on the net capacity of the catchment school and the availability of places at any other primary school within a 2 mile available walking route of the development.

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.

<p>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 £15,015.98. Based on the table above, this is calculated the number of deficit places created by the development (0.84) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £15,015.98</p> <p>This 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 or any other school within the locality of the development.</p> <p>No further education contributions requested.</p> <p><i>Civic Amenities</i></p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton and residents of the proposed development are likely to use this site. The Civic Amenity Site at Melton will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.</p> <p><i>Libraries</i> 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.</p>	<p>Noted.</p> <p>Noted.</p>
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Representations:

A Site notice was posted, the application advertised and neighbouring properties consulted. As a result **5 letters of support have been received**, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • Car park is needed, will enhance safety dropping and collecting children at school, bungalows for the elderly would release housing for families; • School drop off will be worse with the additional development in the locality; • The spaces would benefit the cricket club, parking is horrendous as a result of the cricket; • The proposal will not harm anyone; • Saddened no village hall included. 	<p>The proposal incorporates parking for community use. Although there is benefit in this part of the application, both to the community and in terms of highway safety through a greater degree of off street parking, this needs to be considered alongside the negative impacts of the proposal which comprises the erection of 7 dwellings on a field adjacent to the village and providing an important rural approach into the settlement.</p> <p>The provision of bungalows is also welcome and the proposal would provide a reasonable mix of housing sizes. However, the site is considered beyond the village boundary with the mature landscaping on the boundary denoting the commencement of the rural</p>

	environment within which the village sits. This visual harm is considered to be significant and outweighs the benefits of the proposal.
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One representation neither supporting nor objecting has been received, the representations are detailed below:

Representation	Assessment of Head of Regulatory Services
The school has a neutral standpoint on the application.	Noted.

43 representations of objection have been received, the representations are detailed below:

Representation:	Assessment of Head of Regulatory Services
<p>Principle of Development</p> <p>The application totally contradicts all the extensive work that has been undertaken in the neighbourhood plan, this application should be deferred until the neighbourhood plan has been finalised as it is so close to completion, this clearly steps over the current building line of the village and steps into an open space. Will exceed the houses needed in the area already with the Six Hills “garden village” so don’t need any more.</p>	<p>Principle of Development</p> <p>The site lies on the edge of Old Dalby on part of a larger agricultural field. When taken from the 1999 Local Plan Village Inset Map the site lies outside the defined village envelope. The site, according to the 1999 Local Plan, lies within the designated open countryside and Policy OS2 is applicable.</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. The Local Planning Authority can demonstrate a 5 year housing land supply and as such the relevant housing policies are applicable; however, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight. In particular, Policy OS2 cannot be used to restrict development beyond the village envelopes where sustainable development is proposed.</p> <p>The application is required to be considered in light of the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth. This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in paragraph 14 which requires harm to be balanced against benefits and refused 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”.</p> <p>The Neighbourhood Plan is well advanced and is considered to carry significant weight. On this basis, the Neighbourhood Plan and its subsequent recommendation carry substantial weight in assessing this application.</p> <p>The site is beyond the limits of development within the Neighbourhood Plan and Policy S2 generally seeks to resist development in the</p>

	<p>countryside. Policy H1 seeks to limit residential development beyond current commitments; this site is not committed for housing. Policy ENV1 seeks to protect local green space and the front of the site is identified within this policy. Policy ENV7 identifies this site as part of the area of separation between Old Dalby and surrounding settlements.</p> <p>The proposal is therefore contrary to the above policies.</p> <p>The site is adjacent to the village boundary and is connected to the village by a footpath and lies in close proximity to the primary school. The site is on the very edge of the settlement and is well connected to the village. Old Dalby is considered to be a sustainable village and due to the close proximity of the site to facilities within the settlement the site is considered to be sustainable.</p> <p>Policy H8 advises that in exceptional circumstances the Council may grant planning permission for development on the edge of a village which meets a genuine local need for affordable dwellings. The proposal is on the edge of the village but does not present the proposal as affordable dwellings.</p> <p>The proposal includes a car park area for approximately 20 vehicles to be used in conjunction with the playing field and school and public open space. The NPPF supports sustainable development which reflects the community's need and supports health, social and cultural well-being. The offer of land for parking and open space is noted; however, the site would be somewhat detached from the main village as it is on the edge of the settlement and separated by a brook and there has been no justification for the need for such a facility submitted as part of the application. Furthermore, the Parish Council do not support the proposal.</p> <p>A Housing Needs Study was conducted for the Borough by JG Consulting in August 2016. In terms of housing mix (size of homes needed) this states there are a range of factors which will influence demand for different sizes of homes, including demographic changes, future growth in real earnings and households ability to save, economic performance and housing affordability.</p> <p>The analysis linked to long-term (25-year) demographic change concludes that an appropriate mix of affordable and market homes across the Borough (with some small differences suggested between urban and rural areas – particularly in relation to affordable housing) would comprise a focus of new market housing provision on two and</p>
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	<p>three bed properties, continued demand for family housing can be expected from newly forming households, there may also be some demand for medium-sized properties (2 and 3 beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.</p> <p>The assessment found there remains a surplus of larger family homes, with additional small two and three bedroom properties being particularly required to rebalance the existing stock. New residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs. With regards to the Strategic Housing Market Assessment, there is an identified need for small three bedroom dwellings as there remains a surplus of larger family and executive style housing.</p> <p>This application has been submitted for outline permission for seven dwellings. The size of the proposed dwellings has not been stated on the application form; however, the D & A Statement stated that the dwellings would be bungalows and chalet bungalows comprising 3no. three bed and 4no. 4 bed. The Housing Needs Study for the Borough has indicated that there is a requirement for two and three bedroomed properties. Policy H4 (Housing Mix) of the Neighbourhood Plan states that new housing should provide a mixture of housing types specifically to meet local needs.</p> <p>The provision of 1, 2 and 3 bedrooms and homes suitable for older people including bungalows will be supported. Whilst the four bedroomed properties proposed are not an ideal fit with regards to local housing need they would be bungalows and overall the size of the properties would meet the locally identified housing needs of the Borough. An informative could be included on any permission to inform the applicant of the housing mix that should be submitted at the reserved matters stage if the development is considered acceptable.</p> <p>Old Dalby is considered to be a sustainable location and the site is adjacent to the built form of the settlement and well connected to the village. The proposed dwellings could be designed to meet an identified local housing need and it is acknowledged that the introduction of seven residential units would contribute to housing provision. Therefore, the provision of such housing at this location is considered to be acceptable in principle on land use terms. Although there appears to be limited support for the parking proposal, this part of the scheme has some merit and there are no objections in land use</p>
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<p>Visual Impact</p> <p>This application may only be for 6 houses, this will totally ruin the aesthetics of Old Dalby as the houses encroach to the railway as it clearly won't stop at 6, the area left for a future village hall will end up being built on as the village strongly objects to a new village hall and the open green space, we already have with a village park, a green and the recreation/cricket field.</p> <p>MBC has designated the area as a buffer to separate Old Dalby and Queensway.</p> <p>The proposed development lies adjacent to the NE edge of the Old Dalby Conservation Area. This is important for providing the setting for both a heritage asset and the entrance to the village from the east.</p>	<p>terms. However, consideration must be given to the impact of the proposal on visual and residential amenity and highway safety.</p> <p>Visual Impact</p> <p>The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.</p> <p>Policy OS2 seeks to generally restrict development in the countryside and allows limited small scale development for uses including employment which is not significantly detrimental to the appearance and rural character of the open countryside. Policy BE1 states planning permission will not be granted for new built development unless, amongst other things, the development would harmonise with surroundings, would safeguard residential amenity, provide adequate space around dwellings and provided adequate access and parking is provided.</p> <p>The application proposes the erection of seven dwellings, car park and open space on a site on the edge of the settlement of Old Dalby. The site sits slightly detached from the main part on part of the settlement on part of a large grass field used for producing silage in connection with a dairy farm. To the west is Dalby Brook and a thick field boundary hedge. Further to the west, beyond the brook, is the edge of the school field, playing field and residential properties fronting Main Road. To the north and east is farmland with the highway to the south and a field hedgerow forming the site boundary.</p> <p>The site lies within the open countryside with a mature hedgerow marking the end of the settlement along the western boundary. The introduction of 7 residential units would result in the erosion of the rural character and appearance of the open countryside and in particular be harmful to the rural approach to Old Dalby. The site lies to the east of Old Dalby on Main Road which heads out of the village. Properties on Main Road, to the west of the site, are sited fronting the highway with individual amenity areas. When approaching Old Dalby from the east the entrance is characterized by open fields with hedgerow field boundaries with built development clearly beginning after crossing the Dalby Brook. There are no residential properties between the brook and the railway test track further to the east.</p>
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	<p>The site is a large open field with a tree belt alongside the Dalby Brook which forms the western boundary to the site. This forms a strong rural boundary to the setting of the village which is complemented by the hedgerow with interspersed trees on the southern boundary to Main Road. The tree belt, Dalby Brook and hedgerows all form a strong rural boundary on approach to the settlement.</p> <p>Developing the site with seven properties, car parking and open space would erode the character of the area and setting of the village, bringing development eastwards of the Brook. The brook forms a natural barrier along the eastern edge of the settlement and clearly delineates between the built form and open countryside beyond.</p> <p>The site has also been identified, under Policy ENV7 of the Neighbourhood Plan, as part of a wider area of separation which aims to protect the separateness and distinct character of Nether Broughton, Queensway and Old Dalby.</p> <p>Whilst the application is in outline with layout, scale and appearance reserved for future consideration, an indicative layout/block plan has been submitted which shows the properties to the east of the site with the western edge used for parking and open space as well as a protected wildlife corridor along Dalby Brook. The properties would be sited off a single access road extending northwards into the site. Three properties are shown as fronting Main Road with the remainder sited to the rear.</p> <p>The erection of seven dwellings in this location would introduce a form of development which is not compatible with the character and appearance of the rural setting. Whilst the frontage development could be seen as respecting the linear form of Main Road it would be detached from the main built up settlement by the brook, buffer zone, open space and car park. The development would also encroach northwards introducing properties to the rear of the frontage building line, which is again out of character in this location. This would be relatively urban in character with dwellings set off cul-de-sac arrangements internally within the site. The proposal would be detached from the settlement and would lead to the erosion of the open countryside and would appear incongruous with its surroundings.</p> <p>The development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to the setting of the village and rural approach. The proposal fails to accord with the NPPF and Policies BE1 and OS2 of the Local Plan, the latter policy which</p>
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<p>Highway Issues</p> <p>The village overwhelmingly objected to a new village hall or need for a car park, the issue of school and cricket parking has never been a problem and never been raised, the cricket club use the school car park so there is no need to park outside of the school, all cars and vans parked on Longcliff Hill are residents vehicles and visitors to these houses, including the van obstructing the entrance and exit to the school car park, hindering traffic travelling along Longcliff Hill and cars exiting the school car park which is very dangerous, a maximum of 15 cars on match days, which easily fit in the car park.</p> <p>Object to the proposal of a footpath leading from this field to the school as this will be very dangerous whilst cricket is in play, which in the height of the season is Tuesday to Saturday and some Sundays.</p> <p>There would be four entrances coming onto a busy main road, which already have visibility and speed issues.</p> <p>Vehicle access will be in a low lit and deserted area, with a cut through to the playing field/cricket club, causing a security issue.</p> <p>The creation of a staggered crossroad would be dangerous, the development would bring more cars into the area, which in turn would cause various problems and questions who would pay for the upkeep and of the public footpath.</p> <p>Drainage</p> <p>The area already has poor drainage and more building would have a serious impact on flooding.</p> <p>The field proposed as an open space is always boggy and flooded so will be very rarely fit for use.</p> <p>Infrastructure</p> <p>The Village has no infrastructure to support more houses.</p> <p>Ecology</p> <p>Buzzards, great Crested Newts and other wildlife are nesting in the same location as well as rare hedging plants and this would have a serious impact on the wildlife.</p>	<p>seeks to protect the countryside from harmful development.</p> <p>Highways</p> <p>The application is in outline with only means of access submitted for consideration at this stage. The proposed dwellings would be served via a new access which would be shared by the residential development. The access would provide parking and turning for the residential properties. A separate access is proposed to the south-west of the site to provide car parking spaces for the community parking area, approximately 20 spaces.</p> <p>The Highway Authority has no objection to the application subject to the provision of conditions in respect of the access and visibility splays. It is considered that the development could be designed to meet these requirements and could be controlled via means of a condition if the proposal is deemed acceptable.</p> <p>Drainage/Infrastructure</p> <p>Any proposal, should permission be granted, could be conditioned to secure adequate sustainable drainage to serve the development. No objection has been received from the Lead Local Flood Officer. It is also considered the additional demands on the village services and infrastructure could be accommodated given the relatively small number of additional dwellings proposed.</p> <p>Ecology</p> <p>Leicestershire County Ecology raised no objection following clarification of the development.</p>
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<p>Other Issues</p> <p>The car park will become a magnet for travellers, joy riders, teenagers and drug users;</p> <p>The car park which will hardly be used close to the playing field/cricket club will increase insurance liabilities;</p> <p>The car park will be too far away from the village amenities (e.g. the school) so unlikely to be used;</p> <p>The footbridge is to be retained and not safe and a new access from the development to the playing fields needs to be created and maintained. The Parish Council is already struggling financially, how/who will pay for this and maintenance.</p>	<p>Other Issues</p> <p>These comments are noted.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Residential Amenity</p>	<p>The application site is currently undeveloped land in the open countryside. There are residential properties further to the west on Main Road but these are some distance from the proposed dwellings and separated by the Dalby Brook and tree belt to the site boundary. To the north, south and east is open countryside.</p> <p>Whilst matters relating to siting, appearance and scale are reserved, it is considered that given the separation distances, the site can accommodate seven dwellings whilst maintaining the residential amenity of neighbouring properties.</p> <p>The site lies within relatively close proximity to the railway line which is likely to generate noise which would adversely impact on the residential amenity of future occupants of the proposed dwellings. It is considered this could be mitigated against effectively to ensure a satisfactory level of amenity to future occupiers. However, a noise assessment has not been requested at this stage as the application is recommended for refusal on visual grounds. Should permission be granted a noise survey to include mitigation measures would be required.</p> <p>It is therefore not considered that the proposal would have an undue adverse impact on the residential amenities of occupiers of neighbouring properties subject to detailed design, layout and scale and is considered to comply with the policies highlighted above.</p>

The (new) Melton Local Plan –

The emerging Melton Local Plan is at the examination stage. The NPPF advises that:

From the day of publication, decision-takers may also give weight 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 relevant policies (the less significant the unresolved objections, the greater the 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 Framework, the greater the weight that may be given)

The Pre Submission version of the Local Plan identifies Old Dalby as a ‘Service Centre’,

Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities.

Policy SS1 Presumption in Favour of Sustainable Development seeks to secure sustainable development. Policy SS2 Development Strategy sets out housing development for the Borough. Policy SS3 Sustainable Communities states outside sites allocated in the Local Plan permission will be granted for small scale development. Other relevant policies include Policy C2 Housing Mix, Policy C3, National Space Standards and smaller dwellings, Policy C9 Health Communities, Policy EN2 Biodiversity and Geodiversity, Policy EN6 Settlement Character, Policy EN8 Climate Change, Policy EN11 minimising the risk of flooding and Policy D1 Raising the standard of Design.

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. It is therefore considered that it can attract weight but this is limited at this stage.

The site lies beyond the limits of development and Policy SS2 states in open countryside outside settlements new development will be restricted to that which is necessary and appropriate in the open countryside.

The Council can demonstrate a five year land supply and although Old Dalby is a sustainable location for new residential development this site is beyond the village boundary for development and on land classed as countryside. As such, the proposal is contrary to Policy SS2 and no material considerations outweigh this. Although this policy has not yet been adopted it adds weight to the objection in principle to the development.

<p>Neighbourhood Plan The Nether Broughton and Dalby Neighbourhood Plan has concluded its examination.</p> <p>Policy S2 Development Proposals Outside the Defined Limited to Development states that land outside the defined limits to development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic policies</p> <p>Policy H1 Housing Provision states planning permission will not be granted within the Plan area for new residential development, beyond the current commitments, apart from where the proposal complies with Policy H2, Policy H3 and Policy BE3. Policy H2 relates to a housing allocation on Station Lane.</p> <p>Policy H3 Windfall Sites states residential proposals within the Limits to Development will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies.</p> <p>POLICY H4: HOUSING MIX - requires that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs.</p> <p>Policy H6 Housing Design encourages development proposals to have regard to building design principles.</p> <p>Community Action ENV1 Important Open Spaces states the Parish will work with MBC and other partners to secure the protections of locations and features. The front of the site abutting the highway is identified.</p> <p>Policy ENV7 Areas of Separation seeks to retain the geographical and visual separation between neighbouring settlements. Development which is approved in these areas will only be of appropriate types including among others, new facilities providing community amenity and will be designed to enhance the rural character of the areas between the villages.</p> <p>Policy CF2 The provision of New Community Facilities and Assets states proposals to enhance the range of community facilities will be supported subject to certain criteria being met.</p> <p>Policy TR1 Public Car Parking states support for the establishment of new public parking facilities at suitable locations.</p>	<p>The site is beyond the limits of development within the Neighbourhood Plan and Policy S2 generally seeks to resist development in the countryside. No justification has been provided to suggest this policy should not prevail in this case. Policy H1 seeks to limit residential development beyond current commitments; this site is not committed for housing.</p> <p>Policy ENV1 seeks to protect local green space and the front of the site is identified within this policy. The proposal would create two new access points and would adversely impact on the site frontage, contrary to the aims of Policy ENV1. Furthermore, Policy ENV7 identifies this site as part of the area of separation between Old Dalby and surrounding settlements. Development of this site would undermine the intentions of this policy.</p> <p>The proposal is therefore contrary to the above policies.</p> <p>The proposal includes the provision of a mix of three and four bedroom bungalows which is considered to provide an acceptable mix of housing, to comply with Policy H4. As the application is in outline no design details have been submitted and consideration under Policy H6 would be under any subsequent reserved matters application.</p> <p>The proposal would provide a community facility through the public car park and would comply with Policy CF2.</p>
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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 Old Dalby 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 its identification as a 'Service Centre' in the Emerging Local Plan, the site is not allocated as a site for housing in either the emerging Local Plan or Neighbourhood Plan which is due for a referendum in the coming weeks.

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, and impact upon character of the area. The proposed development would have a detrimental impact on the rural character and appearance of the area and the rural approach to the village of Old Dalby

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, however the weight attached to the site 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 on the following ground:

1. In the opinion of the Local Planning Authority the proposed dwellings would occupy a site outside of the built up confines of Old Dalby on land that provides part of the rural setting to the village. The introduction of seven residential units and parking would result in the erosion of the rural character and appearance of the open countryside, eroding the clarity of the eastern approach to the village through a new development which would detract from the open nature of this rural approach. The proposal is therefore contrary to Policies BE1 and OS2 of the Melton Local Plan, Policies S2, H1, ENV1 and ENV7 of the Broughton and Dalby NP, Policy S2 of the emerging Melton Local Plan and the NPPF. These policies seek to ensure a satisfactory appearance to development and to restrict inappropriate development in the countryside and to protect important open spaces and areas of separation.

Officer to contact: **Mr Joe Mitson**

Date: 6th February 2018