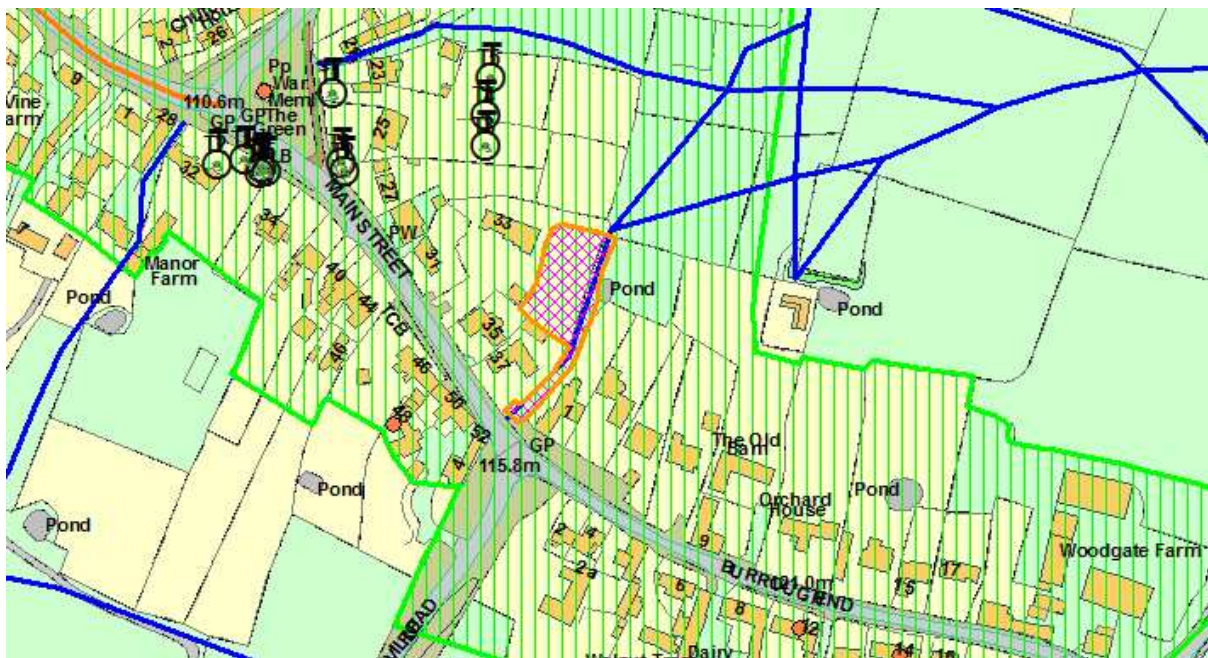


Reference: 17/01421/OUT
Date Submitted: 6th November 2017
Applicant: Mr R Bindloss
Location: 37 Main Street, Great Dalby, LE14 2ET
Proposal: Erection of one three bedroom bungalow with additional detached garage.



Introduction:-

The application seeks outline permission to erect one bungalow and detached garage to the rear of 37 Main Street, Great Dalby. It is proposed that the dwelling would be accessed from an existing access off Main Street, where there is also a public right of way. The details of the access have been submitted for approval at this stage, all other details would be subject to a separate reserved matters application.

The application is presented to the Committee as the applicant is a member of Melton Borough Council staff.

It is considered that the main issues relating to the application are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact on the character of the area and Conservation Area**
- **Impact on the amenity of nearby residential occupiers**

Relevant History:

There is no relevant planning history for this site.

Development Plan Policies:

Melton Local Plan (saved policies)

Policies OS2 and BE1

Policy OS2 - This policy severely restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing.

Policy BE1 - states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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, carbon storage, or food production);

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 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.

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 historic environment

- When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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)

Listed Building and Conservation Area Act 1990

The Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the Conservation Area under Section 72.

Consultations:-

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
<p>Burton and Dalby Parish Council</p> <p>Object for the following reasons:</p> <ul style="list-style-type: none"> • Contrary to policies OS2 and BE1 • Impact on Great Dalby conservation Area • Ecology • Surface Water • Highway Safety <p>Although the 1999 Local Plan policies are becoming out of date, the authority should apply its policies in the determination of this application. The site is not within the village envelope and is in open countryside. The proposed bungalow and garage have very large footprints, occupying most of what is a large site and bringing the buildings very close the site boundaries, particularly the boundary with 33 Main Street. Policy BE1 requires that buildings should not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight; and that adequate space is provided around and between dwellings.</p> <p>The site is within the conservation area. The purpose of the conservation area is to ensure the safeguarding of the best of our local heritage as represented by both the buildings and the ambient environment – the spaces between and around buildings when viewed as a whole. The NPPF requires a presumption in favour of sustainable development. The planning authority is required to weigh any benefit derived from the provision of one dwelling against the harm done to the conservation area. Paragraph 126 of the NPPF requires the decision maker to have full regard to the Planning (LB and CA) Act 1990. This states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. Policy BE2</p>	<p>Noted all comments made by the Parish Council.</p> <p>The application site is outside the village envelope and is located adjacent to it. Therefore although the proposed development is contrary to Policy OS2, it is considered that this policy is out of date when considering housing proposals. Please see further details on the New Local Plan.</p> <p>Consideration of the conservation area has been given below in the other considerations section, including appeal decisions.</p> <p>Policy BE2 of the Melton Local Plan (1999) has not been saved and therefore cannot be taken into consideration when determining this application.</p>

states that planning permission will not be granted for development within a designated conservation area unless it is of a high standard of design and would preserve or enhance the traditional character of the area.

The Neighbourhood Plan Steering Group has identified that a defining characteristic of the Conservation Area is its feeling of spaciousness. The PC considers that the proposal would be overly intrusive and damaging to this character, particularly as it is sited astride a public right of way. In paragraph 7.14 of the Adopted Local Plan the Council recognises that floorscapes often make a valuable contribution to the character of conservation areas and the LPA encourages wherever possible the retention or reintroduction of traditional floorscapes. Locating the garage at some distance from the dwelling appears to be at odds with the stated objective to meet the needs and requirements for disability, notably from the view point of access. The Parish Council would wish to see development limited to the West of the public right of way only.

The Parish Council consulted Ecology at LCC for guidance about this proposal. The site has been neglected for several decades and provides a rich wildlife habitat. We were dismayed to discover that in the opinion of LCC ecology the pond on site had dried up and therefore not of habitat value. The pond has not dried up, despite having been partially filled with rubble. The PC requested a second appraisal but was informed that this would be contrary to LCC policy. The pond on site is shown on both contemporary and old maps of the village and has been in existence for at least 100 years. To protect the biodiversity of the village the pond should be fully reinstated and the eastern part of the site should not be developed. The fact the pond dries out briefly during the summer but, as the seasons change, immediately fills again is an indication that it is probably fed by a natural spring.

Under guidance from the Senior Technician for Instructure Planning, the PC studied a website (flood risk map). The detailed map of Great Dalby indicates a surface water source at the junction of Main Street and Burrough End, very close to the site. This map indicates medium to high surface water flood risk to the properties east of the village green, between 37 Main Street and the point at which surface water emerges onto the B6047 close to 5 Main Street. Only last

Whilst an area has been designated for the Neighbourhood Plan, there are no policies. Therefore there are no Neighbourhood Plan policies to consider.

Following the receipt of these comments, the application site has been amended and does not include the previously proposed area to the east of the footpath for development. It is proposed that the garage will be located more closely to the proposed bungalow.

LCC Ecology have not raised an objection to the proposed development. Therefore it is considered that it would be difficult to justify a refusal on ecological grounds.

It would not be possible to require the applicant to re-instate the pond.

The site is in 'flood zone 1' and therefore considered to be at low risk of flooding. The flood risk maps indicate that the site is at very low risk of surface water flooding (0.1% risk of flooding each year). There is a slightly higher risk on Main Street.

A flood risk assessment is not required for the application.

<p>year it was necessary for LCC Highways to install a new culvert near 5 Main Street to address severe surface water run off onto the highway. There are many natural springs in the village and residents have often suffered the consequences of surface water drainage being disrupted by development, notably when ponds have been filled in. the adjoining property to the site (no 33) already suffers severe waterlogging in the garden. As the land raises sharply to the east of the site and falls away equally steeply to the west the likelihood of surface water runoff problems is increased and there may also be concerns about the stability of the site. It is the responsibility of the LPA to assess surface water flooding risks before granting permission in principle. Paragraph 103 of NPPF requires that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere. Due care should therefore be taken into determining this application where surface water is clearly a concern and, if approved, SUDS should be incorporated into any design.</p> <p>There have been several instances of vehicles leaving the road and crashing into the boundary of 37 Main Street. The junction of Burrough End and the B6047 is complex and made particularly hazardous by the road camber. There are often fast-moving vehicles on both roads and, although visibility is reasonably, there is poor provision at the junction for other road users such as pedestrians and cyclists.</p> <p>The PC is in the process of producing a Neighbourhood Plan. The NP Steering group has expressed a particular wish to protect the open spaces and rights of way within Great Dalby's conservation area because of the unique context they provide to its built environment. This application fails to give sufficient consideration to the character and appearance of the conservation area or to the impact on neighbouring properties. More care should be taken to address biodiversity and surface water issues, and there are rights of way and highway concerns. For these reasons the PC objects.</p>	<p>LCC Highways have been consulted on the application but have not provided any comments. The proposed development would use an existing access and has good visibility. The access is located within a 30mph zone.</p> <p>As previously stated no neighbourhood plan has been published to date</p>
<p>LCC Highways</p> <p>Standing advice is required to be followed for an application of this type.</p>	<p>It is considered that the width of the access for the dwelling is acceptable. Additionally it is considered that there is sufficient turning area within the site to allow vehicles to enter and exit in a forward direction. Although not marked out on the plan, it is considered that there would be sufficient space for parking on the site.</p>

	Surfacing can be conditioned to ensure that no materials or water will deposit on to the highway.
<p>LCC Rights of Way</p> <p>As stated in the application, Public Footpath D98N runs through the site. Please find attached a 1:1250 scale plan which illustrates the line of the Footpath for your information.</p> <p>The application is for outline permission only and no objection to the application in principle as it has identified the need to accommodate the Public Footpath within the proposals. The number of vehicles accessing a single dwelling will not significantly impact on the use and enjoyment of the Footpath but any surface should be robust enough to take vehicles without damaging the Footpath and sufficient off-path parking must be available to ensure that vehicles are never left obstructing the route. As details of site layout and landscaping will be dealt with as a reserved matter, recommend that the following condition is placed on any outline permission granted for the site:</p> <p style="padding-left: 40px;">No development shall take place until a scheme for treatment of the Public Footpath has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, fencing, surfacing, width, structures, signing and landscaping. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.</p> <p style="padding-left: 40px;"><i>Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 75 of the National Planning Policy Framework 2012.</i></p> <p>In compiling a Rights of Way scheme the applicant's attention is drawn to the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide.</p>	<p>Noted.</p> <p>The application has been amended and as a result, the proposed red line would be positioned to the West of the public footpath.</p> <p>As the application is for outline permission only, the details of the surfacing of the proposed access have not been provided in the application, however conditions can be added to an approval to ensure that users of the public footpath are not put at any undue risk.</p>

<p>LCC Ecology</p> <p>As discussed at validation stage, based on the information available, there is no requirement for a Great crested newt or any other surveys. No objection to this application. However, I will reserve a final decision until I have seen full and final plans.</p> <p>(Ecology had been consulted but no further response received)</p>	<p>Noted. No further comments were provided by LCC Ecology.</p>
<p>MBC Conservation Officer</p> <p>No comments received.</p>	<p>Noted.</p> <p>See other material considerations for consideration of the impact of the development on the Conservation Area.</p>

Representations:-

Seven neighbours were consulted by letter, a site notice posted and advert placed in the Melton Times. One representation of objection has been received and neutral comments from four properties, which have been considered below.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<p>Objection</p> <ul style="list-style-type: none"> • Concerned about land elevation and impact on neighbouring house (no 33). • Site not in village envelope – is in open countryside and conservation area – historically no building has been allowed here. • Backland “back garden” land grabs, would adversely affect the village character. • Not in the public interest. • Proposal is extremely close to our boundary, concerned about structural integrity of our fence and property. • Loss of privacy – raised elevation will result in overlooking to garden and house (especially bedroom). • Concerned about water run off, house and garden is at a lower level. • Not suitable/ desirable to have a footpath go through the middle of a development – could deter use. additionally the footpath width is not wide enough. • Plot is historically undeveloped – concerned about wildlife. There is an ancient pond that has already been filled in – want this reinstated. 	<p>Noted all reasons for objection.</p> <p>As the application is for outline permission only, no details of proposed openings have been provided. Additionally the height of the proposed dwelling has not been submitted and the position of the dwelling within the site area could also be altered at reserved matters stage if granted outline planning permission.</p> <p>The site is not within the village envelope, this has been considered above and below.</p> <p>There is no evidence that an adverse impact will necessarily result and it is the developers liability to ensure that no damage is caused to adjacent properties.</p> <p>As considered above, the site is not in an area of flood risk from surface water.</p> <p>LCC PROW have been consulted and raise no objection to the proposed development, subject to the inclusion of a number of conditions.</p>

<ul style="list-style-type: none"> • Proposal is too large for the plot – larger than the footprints of neighbouring properties. • Argument regarding the overgrown site is irrelevant and it is up to the owner to ensure that the footpath is fit for use. 	<p>LCC Ecology have raised no objection to the proposed development.</p>
<p>Neutral representations</p> <ul style="list-style-type: none"> • Appreciate the mobility issue. • No objection in principle to a bungalow. • Does not change the open aspect of the landscape. • Difficult to support the proposed garage – better if positioned next to the bungalow – question height and purpose of the proposed building. • This application should not give the green light to build behind other properties. • Concerned that the land owner has already filled in ancient pond. • Garden is already waterlogged – additional restriction to drainage will only exacerbate the problem. • Proposed building is too large for the plot and does not provide sufficient amenity land without crossing the footpath. • Statement re overgrown footpath is irrelevant – it is the responsibility of the owner. • Roof line should be restricted and not exceed existing neighbouring bungalow to the north. • More logical if garage were integral. • Concern about the stability of the retaining wall adjacent to the access – not sure if the foundations take additional traffic. • Access will need to support additional traffic – is a size and weight restriction possible. • Concern regarding plastic drainage under access road. • Development either side of the footpath may deter walkers – will feel like a private garden. • May result in cars blocking turning area. • Is proposed garage single storey? Is a workshop proposed? • Will trees be retained? • Inaccuracy in design and access statement – not originally consulted by applicant. 	<p>Noted all comments made.</p> <p>Following the receipt of these comments, the red line for the application has been amended so that the proposed site would be located to the West of the footpath. Therefore the location of the proposed garage has also been amended. As the application is for outline permission only, details have not been provided of the proposed height of the development.</p> <p>Concerns regarding the pond, ecological and surface water issues have been considered above.</p> <p>The proposed development would be for a single storey dwelling, therefore it is likely that the footprint would be larger than a two storey property. It is not considered that the development would have a footprint significantly larger than neighbouring properties to such a degree to warrant the refusal of the application.</p> <p>Stability issues of the neighbouring wall/ drainage under the access road are not a material considerations.</p> <p>As the application is for outline permission only, further details of the surfacing of the access can be conditioned/ requested at reserved matters stage.</p> <p>The application form does not require information is provided regarding the removal of trees. This would be submitted under the landscaping details of the application. As the site is within the Conservation Area, any trees on site would be protected.</p>

<ul style="list-style-type: none"> • Need more details. 	
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Other material considerations not raised through representations:

Consideration	Assessment of Head of Strategic Planning and Regulatory Services
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) underwent Examination in January/ February 2018.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • 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 emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre-Submission version of the Local Plan identifies Great Dalby as a ‘Rural hub’, in respect of which, under Policy SS3, ‘windfall’ development is permissible subject to meeting several criteria.</p> <p>Neighbourhood Plan – There is currently no neighbourhood plan for Great Dalby and therefore there are no relevant policies to consider in this instance.</p>	<p>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</p> <p>The proposal of one dwelling in a location that has access to services within the village and as such is considered to comply with the applicable policies.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>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 and will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage. The application is required in law to be considered against the Local Plan and other material considerations.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p>

	<p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</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. It is considered that Melton Borough Council has over 7 years land supply.</p> <p>It is considered that development in this location would assist in boosting housing supply in a sustainable location. However, this benefit needs to be balanced against the harm of the proposal and other material considerations that weigh against permission being granted.</p>
<p>Conservation Area Appraisal</p> <p>The proposed development site is located within the Great Dalby Conservation Area. The Conservation Area Appraisal states:</p> <p><i>The village is essentially linear in form with buildings fronting the main village roads with little back-land development. The townscape is characterised by a mixture of buildings of varying age, height and situation. Some are sited gable end onto the highway, others set at angles and some principal elevation on, leading to considerable visual interest together with the containment of vistas along streets which in turn limits views across and out of the village. Variation of land levels within the conservation area also give rise to interesting views of the different roof lines...</i></p> <p><i>The built up area of the village is complemented by a backcloth of undulating countryside, particularly to the east and west of Main Street, dominated by Woodgate Hill.</i></p>	<p>As stated in the Conservation Area appraisal, backland development is resisted in Great Dalby due to the linear nature of the village.</p> <p>Appeal reference APP/Y2430/W/17/3176937 relates to an appeal decision made in January 2018 for a proposed dwelling to the rear of 14 Nether End, Great Dalby. This appeal decision notes: “The CA is mainly centred about the main village roads and is characterised by a strong focus of buildings fronting these roads with limited back-land development.” And “Beyond these areas is more open countryside. These undeveloped areas enhance the character of the CA by establishing historical links between its built form and the surrounding farmland, with the attractive landscape setting providing a degree of openness and visual relief to the traditional development pattern.” The Inspector then states “I appreciate that the extended boundary of the CA, beyond the built-up extent of the village is not meant to stifle development. Equally, paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation....However, development of this nature, along with removal of part of the hedge and creation of a new access and the</p>

	<p><i>installation of boundary fencing would appear as a significant intrusion of built development onto the appeal site, thereby eroding and detracting from the landscape character of the CA, which the appeal site forms part of, particularly when viewed from along Woodgate Hill. Furthermore, development along Woodgate Hill would undermine the prevailing pattern of built development along Nether End, which is also characteristic of the CA”</i> The Inspector concluded that although the proposed development would provide a dwelling in a relatively sustainable location, the harm to the Conservation Area would not outweigh the benefits of the proposal.</p> <p>Another appeal decision in Great Dalby (APP/Y2430/W/16/3160029 – March 2017) related to another backland proposal on Nether End. The Inspector stated in this appeal <i>“I am not persuaded that the other backland developments in this part of Nether End, cited by the appellant, would provide any material weight in support of this proposal. This scheme has to be judged on its own individual merits and the evidence suggests that most of the nearby housing has evolved through the redevelopment, conversion or infilling of former farmsteads. In contrast the appeal site appears to be part of long-established open land that has historically been used as pasture and an orchard, and which has never been part of the built form of the village.”</i></p> <p>A historic appeal decision (2005) for a proposed dwelling to the rear of 27 Main Street stated that a <i>“new buildings outside the village envelope could incrementally alter this (conservation area) setting... the proposed dwellings would neither preserve nor enhance the character or appearance of Great Dalby Conservation Area.”</i></p> <p>Therefore it is considered that the development of this site in the Conservation Area outside the village envelope would alter the linear formation of the village. It is considered that the development would fail to preserve or enhance the character and appearance of the Conservation Area, as required under Section 72 of the Listed Buildings and Conservation Area Act 1990.</p>
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Conclusion:

Whilst the proposed development would result in an additional single storey dwelling in a relatively sustainable location, it is considered that the position of the proposed dwelling in relation to the built

up area of the village is inappropriate. Previous appeals decisions for development in the village have demonstrated that development that would constitute backland development in Great Dalby would be harmful to the character of the Conservation Area.

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. Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits. However the proposed development is considered to be harmful to the character of the Conservation Area. Therefore it is considered that the harm of the development would outweigh the benefit of providing a single dwelling and it is recommended that the application is refused.

Recommendation: Refuse, for the following reason:

1. The proposed development by virtue of infilling an important green open area which lies outside of the defined village envelope would not preserve or enhance the Conservation Area and would have a detrimental impact upon the character of the area contrary to the local plan policy OS2 and BE1. The proposal whilst providing some benefit or providing housing of a category to which the Borough is currently deficient is not considered to be of sufficient benefit to outweigh the provisions of the local plan and fails the core planning principles of the NPPF in particular Chapter 11 (Conserving and Enhancing the Natural Environment and Chapter 12 (Conserving and Enhancing Heritage Assets).

Officer to Contact: Mrs J Lunn

Date: 28th February 2018