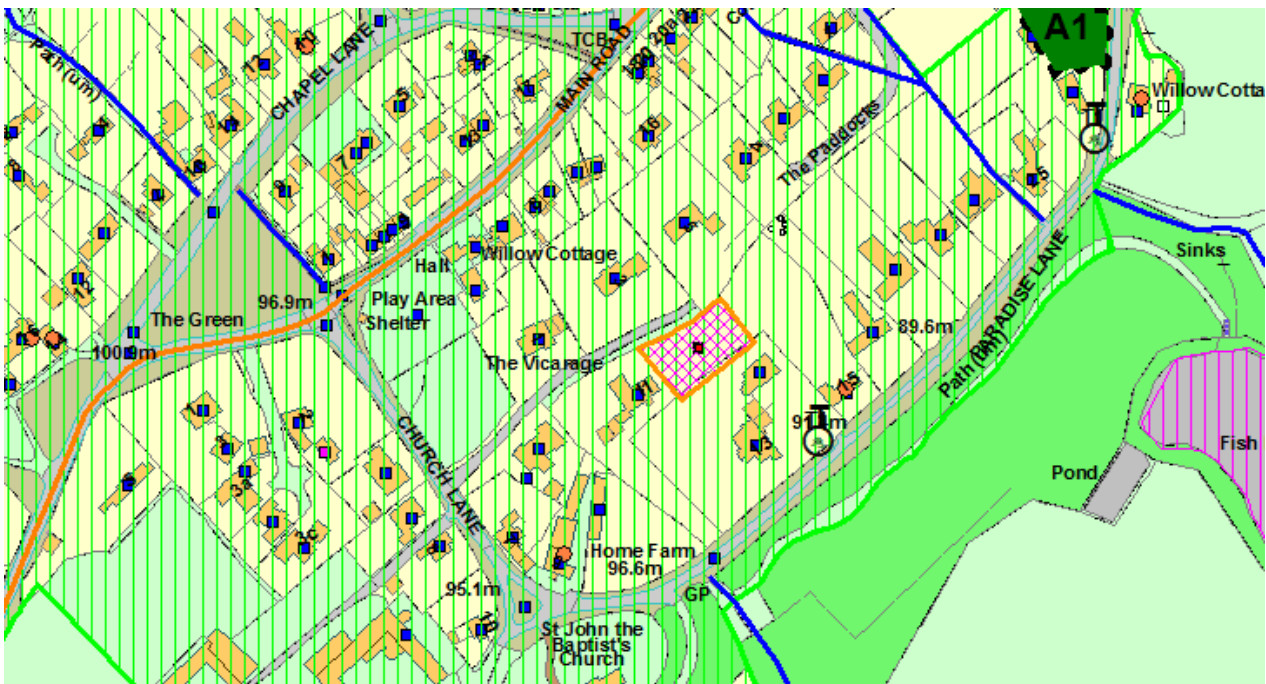


**Reference:** 18/00919/FUL  
**Date Submitted:** 02.08.2018  
**Applicant:** Cllr. J T Orson  
**Location:** Land Adj. to No 11 And 13, Paradise Lane Old Dalby  
**Proposal:** Erection of a single dwelling



**Introduction:-**

The proposal seeks full planning permission for the erection of a new dwelling in Old Dalby. The site is located in the centre of the village within the conservation area south of Paradise Lane which is characterised by multiple single dwellings of varying appearance.

The dwelling itself is proposed as a one and half storey and two dwelling composed of two distinct sections. There is a hipped roof and adjoining hipped roof entrance and double garage with the second with a higher hipped roof section proposed to be made from zinc. This section will have a glazed first floor aspect with several roof lights. It will be a three bedroom property with its entrance on the south eastern elevation.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the, Development Plan (Local Plan and Neighbourhood Plan) and the NPPF**
- **Impact upon the character of the area**

The application is presented to the Planning Committee owing to the applicant being an elected Member of Melton Borough Council.

**Relevant History:-**

None

**Planning Policies:-****Melton Local Plan 2011-2036**

**The New Local Plan is expected to be adopted on 10th October 2018 and will form the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the Plan unless material considerations indicate otherwise**

**Policy SS1 - Presumption in favour of Sustainable Development**

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

**Policy SS2 – Development Strategy**

Provision will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton borough.

Alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough's housing need, to support their role in the Borough through planning positively for new homes as 'windfall' sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3.

**Policy SS3 – Sustainable Communities (unallocated sites)**

In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.

**Policy EN13- Heritage Assets:**

The NPPF provides national policy for considering proposals which affect a heritage asset. This includes the need to assess the effect of a proposal on the significance of an asset and the need for a balanced judgment about the scale of any harm or loss and the significance of the heritage asset.

Melton Borough has a number of important historic assets. These include Listed Buildings, Conservation Areas, Scheduled Monuments (SMs) and non-designated heritage assets (ranging from nationally to locally important heritage features).

The Borough of Melton contains heritage assets that are at risk through neglect, decay or other threats. These will be conserved, protected and where possible enhanced.

The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through:

- A) seeking to ensure the protection and enhancement of Heritage Assets including non-designated heritage assets when considering proposals for development affecting their significance and setting. Proposed development should avoid harm to the significance of historic sites, buildings or areas, including their setting.
- B) seeking new developments to make a positive contribution to the character and distinctiveness of the local area.
- C) ensuring that new developments in conservation areas are consistent with the identified special character of those areas, and seeking to identify new conservation areas, where appropriate;
- D) seeking to secure the viable and sustainable future of heritage assets through uses that are consistent with the heritage asset and its conservation;
- E) allowing sustainable tourism opportunities in Heritage Assets in the Borough where the uses are appropriate and would not undermine the integrity or significance of the heritage asset: and
- F) the use of Article 4 directions where appropriate.
- G) taking account of any local heritage assets listed in Neighbourhood Plans.

#### **Policy D1 – Raising the Standard of Design**

All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:

- a) Siting and layout must be sympathetic to the character of the area;
- b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;
- f) Sustainable means of communication and transportation should be used where appropriate;
- g) Development should be designed to reduce crime and the perception of crime.
- h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;
- i) Proposals include appropriate, safe connection to the existing highway network;
- j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;
- k) Makes adequate provision for car parking; and
- l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.

## **Broughton and Dalby Neighbourhood Plan**

**Policy S1: limits to development** – Development proposals within the Plan area on sites within the Limits to Development, or in terms of new sporting or recreational facilities close or adjacent to the Limits to Development as identified in Figures 2, 4, 6 and 7 for residential development and Figures 3 and 5 for employment, will be supported.

**Policy H6: housing design** - Development proposals are encouraged to have regard to the following building design principles to a degree that is proportionate to the development:

- a) It is of a density, size, scale, massing and height that reflects Broughton and Old Dalby's character and that of its rural settlements giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together; and
- b) The design and materials are in keeping with the individual character and local distinctiveness of the Parish. Building styles should be diverse and make a valuable contribution to retaining the integrity of the rural character of the individual settlements. Developments should utilise and be complementary to existing neighbouring buildings' features e.g. interlocking eaves, flashing buttresses, local slate and brickwork; and
- c) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less, and three spaces for dwellings of four bedrooms or more; and
- d) Street and curtilage lighting should be at low level and shaded above so that light pollution is maximally controlled; and
- e) Development proposals will be required to protect designated historic assets and their setting where appropriate; and
- f) Appropriate landscaping including the provision of indigenous trees and large shrubs.

## **National Planning Policy Framework (NPPF)**

The revised NPPF was published on 24<sup>th</sup> July 2018.

Plans and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

Other relevant policies in the NPPF relevant to this application include:

### **Delivering a sufficient supply of homes**

- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

## Conserving and enhancing the historic environment

### Considering Potential Impacts

- Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

### Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p><b>LCC Highways</b> The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p>	<p>This has been fully considered and as a result of the advice:</p> <ul style="list-style-type: none"> <li>• Two parking spaces have been provided in line with the standards for a three bedroom property</li> <li>• There is adequate visibility for users leaving the spaces</li> <li>• Drainage will be conditioned so that any outfall will not be deposited within the highway network.</li> <li>• These spaces will be conditioned to be hard bound to ensure no deleterious material is deposited in the highway (loose stones etc.)</li> </ul>
<p><b>LCC Archaeology</b> The Leicestershire and Rutland Historic Environment Record (HER) notes the proposal site lies within the historic core settlement of Old Dalby (MLE9269) and Old Dalby Conservation area (DLE452) and is adjacent to medieval remains to the rear of Main Street (MLE15774) and Old Dalby cottage listed grade II (DLE2521). Previous excavations at 16-30 Main Road have revealed the presence of a possible plot boundary which contained an amount of 12th century pottery and possible plot divisions along with occupation activity from the late 9th to the 14th centuries and a small stone structure containing a high quantity of charred plant remains (ELE6104). In addition further post medieval finds were revealed during works at Woodbine Cottage (ELE5421). In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the</p>	<p>Noted and conditions can be applied as requested.</p>

<p>significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.</p> <p>In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. The Historic &amp; Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request. If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.</p> <p>Conditions Recommended</p>	
<p><b>Broughton and Old Dalby Parish Council</b> A majority of Cllrs were concerned that the size of the proposed dwelling is disproportionate and the style not in keeping with the surrounding area.</p> <p>Would like H6 Housing Design policy to be taken into account.</p>	<p>The concern is noted and is addressed in full below.</p>

**Representations:-**

As a result of a site notice, neighbour notification letters no letters of representation have been received.

**Other Material Considerations Not Raised By Representations:-**

Other Material Consideration	Assessment of Assistant Director of Planning and Regulatory Services
<p><b>Melton Local Plan</b></p> <p>The New Local Plan is expected to be to be adopted on 10th October 2018 and will for the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the of the Plan unless material considerations indicate otherwise</p> <p><b>Policy SS2 – Development Strategy</b> Encourages new homes as 'windfall' sites within Rural Hubs.</p>	<p>The proposed development would be located in a rural hub which is considered to be a village with a relatively good sustainable 'rating' with access to key facilities. For Old Dalby, there is a good bus service, primary school nearby, village hall, public house and</p>

<p><b>Policy C2 – Housing Mix</b> We will seek to manage the delivery of a mix of house types and sizes to balance the current housing offer, having regard to market conditions, housing needs and economic viability, taking account of site specific circumstances and the housing mix information set out in Table 9 or in any future update of the housing mix evidence.</p> <p><b>Policy D1 – Raising the Standard of Design</b> All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <ul style="list-style-type: none"> <li>a) Siting and layout must be sympathetic to the character of the area;</li> <li>b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);</li> <li>c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;</li> <li>d) Amenity of neighbours and neighbouring properties should not be compromised;</li> <li>e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;</li> <li>f) Sustainable means of communication and transportation should be used where appropriate;</li> <li>g) Development should be designed to reduce crime and the perception of crime.</li> <li>h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;</li> <li>i) Proposals include appropriate, safe connection to the existing highway network;</li> <li>j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments;</li> <li>k) Makes adequate provision for car parking; and</li> <li>l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.</li> </ul>	<p>church will offer many options that reduce dependency on the use of the private car. The development would provide a two bedroom property that is in most need within the village according to the 2015 housing needs report.</p> <p>The development would provide a three bedroom property that is in most need within the village according to the 2015 housing needs report.</p> <p>The area surrounding the application site is characterised by modern dwellings on generous plots which does not form any distinct or special character. The dwelling proposed is quite a striking proposal which does differ from those along the road. This is however is deemed to be acceptable as there is no definite characteristics along the road which it is considered are necessary to reflect in the design.</p> <p>The dwelling does have elements of difference within the local area including the zinc roof but also brick and tile which is characterful of the local area.</p> <p><b>On balance, the development is considered to accord with these policies.</b></p>
<p><b>NPPF</b></p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, a Local Planning Authority should grant permission unless: the application of the</p>	<p>The application is required to be considered against the Development Plan and other material considerations. The Local Plan has been Examined and it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2018 version that result in it becoming 'out of date' when applied to this</p>

<p>policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>	<p>application.</p>
<p><b>Broughton and Dalby Neighbourhood Plan</b>  <b>POLICY S1: LIMITS TO DEVELOPMENT –</b>  Development proposals within the Plan area on sites within the Limits to Development, or in terms of new sporting or recreational facilities close or adjacent to the Limits to Development as identified in Figures 2, 4, 6 and 7 for residential development and Figures 3 and 5 for employment, will be supported.</p> <p><b>POLICY H6: HOUSING DESIGN -</b> Development proposals are encouraged to have regard to the following building design principles to a degree that is proportionate to the development:</p> <ul style="list-style-type: none"> <li>a) It is of a density, size, scale, massing and height that reflects Broughton and Old Dalby’s character and that of its rural settlements giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together; and</li> <li>b) The design and materials are in keeping with the individual character and local distinctiveness of the Parish. Building styles should be diverse and make a valuable contribution to retaining the integrity of the rural character of the individual settlements. Developments should utilise and be complementary to existing neighbouring buildings’ features e.g. interlocking eaves, flashing buttresses, local slate and brickwork; and</li> <li>c) Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less, and three spaces for dwellings of four bedrooms or more; and</li> <li>d) Street and curtilage lighting should be at low level and shaded above so that light pollution is maximally controlled; and</li> <li>e) Development proposals will be required to protect designated historic assets and their setting where appropriate; and</li> <li>f) Appropriate landscaping including the provision of indigenous trees and large shrubs.</li> </ul>	<p>The development is within the limits to development as stated opposite.</p> <p>The dwelling proposed is quite a striking proposal which does differ from those along the road. This is however is deemed to be acceptable as there is no definite character along the road.</p> <p>The dwelling does have elements of difference within the local area including the zinc roof but also brick and tile which is characterful of the local area. It is not considered that the rural character of the village is undermined by these differences, nor that they will be harmful the character of the immediate or wider area.</p> <p>The property is three bedrooms and a two bay garage has been provided in line with this policy requirement.</p> <p>No lighting is proposed.</p> <p>The development is deemed to on balance be acceptable to the area (see below).</p>
<p><b>Impact on character and appearance of the Conservation Area</b></p> <p>Section 72 of the Listed Building and Conservation Areas Act (1990) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.</p>	<p>The proposal is deemed to be in accordance with</p> <p>The property is located down an unadopted track where there has been a series of modern C21 dwellings constructed behind Paradise Lane. There are no heritage assets located in close proximity, although the application site is visible from the Old Vicarage, a red brick Victorian house on Paradise Lane which is</p>



<p><b>Local Plan policy EN 13 states that:</b> Heritage assets will be conserved, protected and where possible enhanced.</p> <p>The Council will take a positive approach to the conservation of heritage assets and the wider historic environment through the application of criteria.</p>	<p>unlisted, although recognised as a non-designated heritage asset.</p> <p>The new dwelling will have a marginal impact on the character of The Old Vicarage and is not considered sufficient grounds to warrant a refusal for development. The palette of materials employed, including the zinc roof, expressionist brickwork and shallow pitched sloping roofline will make a positive contribution to the character of the area, and will provide a clean break from the surrounding ‘pastiche’ vernacular detached houses, in stretcher bonded red brickwork.</p>
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**Conclusion:-**

It is considered that on balance, the proposed dwelling will contribute to the development of housing in what is a sustainable village of Old Dalby owing to its ‘Rural Hub’ status within the Melton Local Plan. The scheme is within Old Dalby and within the Neighbourhood Plan limits where there is an overall support for building for residential purposes.

It is considered that the proposed development is compliant with the Local Plan and the policies contained within the NPPF and there are no material considerations which would justify the refusal of the application.

**Recommendation:** - Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbered A100a; A101 and A102a received by the Local Planning Authority on 14th August 2018.
3. The car parking and any turning facilities shall be provided hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
4. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The details for submission shall include:-
  - a) Windows and doors – timber has been considered the most appropriate owing to the site characteristics
  - b) Trick Vents
  - c) External materials including bricks and roofs
  - d) Treatment of Verges and Eaves
  - e) Rainwater goods
5. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

**Reasons:**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

4. To ensure the finished development is of a high standard of design through details that will be later submitted to the Local Planning Authority.
5. In order for the LPA to control further extensions in the interests of neighbour and visual amenity.

**Officer to contact: Glen Baker-Adams**

**Date: 10<sup>th</sup> October 2018**