

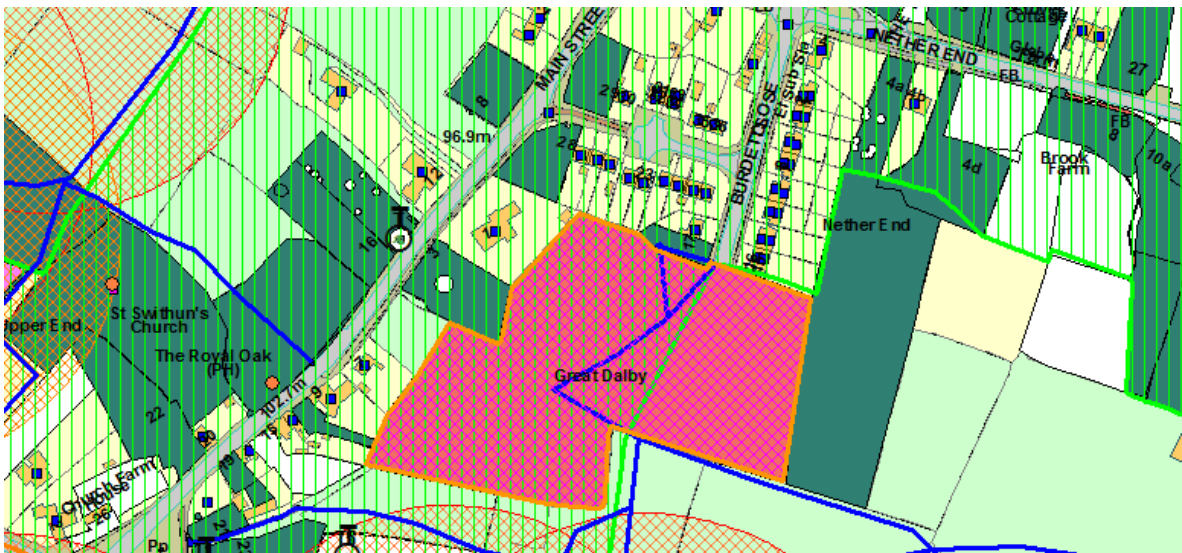
Reference: 18/00721/OUT

Date Submitted: 14.06.2018

Applicant: Mr Nick Carr C/O Rosconn Strategic Land

Location: OS 4240, Burdetts Close Great Dalby

Proposal: Outline planning application for the construction of up to 38 no. dwellings (Class C3) with associated open space, landscaping and access, drainage and services infrastructure; to include details of layout and access off Burdetts Close, with all other matters reserved.



Introduction:-

The application seeks outline planning permission for 35 dwellings (amended from 38). **The details of the access and layout have been submitted for approval at this stage**, with all other details reserved subject to a reserved matters application.

The application site is current greenfield site, located central to the village of Great Dalby. It is located within the village conservation area and footpath D98G runs across the site indicated by the blue line above. The site access is proposed to continue along Burdetts Close to the north of the site. The application site forms part of the proposed allocated site GREA1 in the Local Plan.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon the conservation area/heritage assets**
- **Drainage/flooding issues**
- **Highway safety**
- **Sustainable development**

Relevant History:- There is no relevant planning history associated with this site.

Planning Policies:-

Melton Local Plan 2011-2036

Melton Local Plan (Adopted October 2018)

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area in addition to the Neighbourhood Plan. Under s.38(6) planning decisions must follow the policies of the 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 C1(A) - Housing Allocations

New housing will be delivered within the Local Plan on various sites within the Melton Borough including GREA1 Land off Burdett Close (estimated capacity 37).

Housing proposals will be supported where they provide:

- A mix of dwellings in accordance with Policy C2;
- Affordable housing in accordance with Policy C4;
- The necessary infrastructure required to support development in accordance with Policy IN1; and
- High quality design in accordance with Policy D1.
- The requirements as set out in Appendix 1 or relevant Neighbourhood Plan.

The development of sites allocated in Neighbourhood Plans that have reached post examination status prior to the adoption of this local plan and which are not identified in Policy C1(A) or C1(B) may also be permitted, subject to the conditions and criteria above.

Policy EN1 - Landscape

The character of Melton Borough's landscape and countryside will be conserved and, where possible, enhanced by:

- I. Ensuring new development is sensitive to its landscape setting and that it seeks, where possible, to enhance the distinctive qualities of the landscape character areas (as defined in the Landscape Character Assessment); and
- II. Requiring new developments to respect existing landscape character and features. Proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including:
 1. Distinctive topography;
 2. Important trees, hedges and other vegetation features;
 3. Important ponds, watercourses & other water areas;
 4. Important views, approaches and settings

In addition, new developments will be supported where they:

5. Do not have an unacceptable adverse effect upon an area's sense of place and local distinctiveness; and
6. Do not have an unacceptable adverse effect upon areas of tranquility, including those benefiting from dark skies, unless proposals can demonstrate how it is intended to contribute towards minimizing light pollution.

In order to mitigate potential harm to the built form at the settlement fringe and its relationship to the landscape, proposals should have due regard to design guidance in the individual assessments of settlement fringe sensitivity in the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' or any subsequent evidence document.

Neighbourhood Plans will be encouraged to use evidence provided in the 'Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study' to inform site allocations and design guidance, to ensure that the Borough's landscape will be conserved and where possible, enhanced.

Policy EN6 - Settlement Character

Development proposals will be supported where they do not harm open areas which:

1. Contribute positively to the individual character of a settlement;
2. Contribute to the setting of historic built form and features;
3. Contribute to the key characteristics and features of conservation areas; and
4. Form a key entrance and/or gateway to a settlement.

Development proposals will also be supported where they do not harm individual features of a settlement which contribute towards settlement character as identified in a Neighbourhood Plan, including non-designated heritage assets.

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.

National Planning Policy Framework

The revised NPPF was published on 24th July 2018. Relevant policies in the NPPF relevant to this application include:

- Delivering a sufficient supply of homes
- Promoting sustainable transport
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Heritage England – based on final plans <i>Summary</i> The application site is located to the east of grade II St Swithun’s Church and in the Great Dalby Conservation Area. The application site is recognised as part of the enclosed fields which make a positive contribution to the character and appearance of the Great Dalby Conservation Area.</p> <p>The amended scheme shows a master plan for a reduced number of dwellings (30 rather than 37) and with public open space in the south west corner of the site as we recommended in our previous advice. While the proposals would still cause harm</p>	<p>The Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the setting of listed buildings and to give special; attention to preserving and enhancing the conservation area, under the Listed Building and Conservation Area Act 1990 (s66 and 72).</p> <p>The scheme has been amended to reflect earlier comments in retaining an open space in the south west corner of the site in order to address the setting of the Church. Despite having 2 dwellings that would still be visible from the church, this is a very limited view.</p>

to the significance that the church derives from its setting and to the character and appearance of the conservation area we consider that the level of harm has been reduced to the lower end of less than substantial harm. Your authority should assess whether the proposals for 30 dwellings would be justified or outweighed by public benefits in line with paragraphs 192, 193, 194 and 196 of the NPPF.

Historic England Advice

The application site is located to the east of grade II St Swithun's Church and in the Great Dalby Conservation Area. The application site is recognised as part of the enclosed fields which make a positive contribution to the character and appearance of the Great Dalby Conservation Area.

In our previous letters, we expressed concerns about the proposals' impact on the significance of St Swithun's Church and the character and appearance of the Great Dalby Conservation Area. We recommended that the proposals should be amended by stepping back development from the south-west corner of the site and leaving this area undeveloped. The amended scheme shows a master plan with public open space in the south west corner of the site as we recommended in our previous advice. This has gone some way in addressing our concerns and reducing the impact of the proposed development to the significance that St Swithun's Church derives from its setting and to the character and appearance of the conservation area. Nevertheless, we consider that dwellings number 18 and 19 would be visible in views from St Swithun's Church and would still have a degree of impact on the character of the landscape. While the proposals would still cause harm to the significance that the church derives from its setting and to the character and appearance of the conservation area, we consider that the level of harm has been reduced to the lower end of less than substantial harm.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the

It is considered that any harm has been reduced to "the lower end" of less than substantial harm, which when considering paragraph 196 of the NPPF an assessment of harm against the public benefits of the scheme needs to take place.

When the Borough Council determined to allocate the application site for development to meet the identified housing need, it accepted that there would be "less than substantial harm" to the heritage assets in the village arising from its development.

The Local Plan Inspector explicitly recognised (para 120 of her decision letter) that development would occur in the Conservation Area. Notably she also recognised that the development would not be strictly in keeping with the linear form of the village, and that it would have an adverse impact on the setting of the listed church and on views into and out of the site. She concluded that the allocation policy should ensure that "the design respects the settings of nearby heritage assets" in order to minimise any detrimental impacts.

The evolution of the scheme layout and design has ensured that the impact on both the church and conservation area is minimised. Furthermore, the detailed design code set out in the Supplementary Design and Access Statement will provide further mitigation to be developed in the detailed design of the scheme in due course. The application proposals, therefore, completely accord with the allocation policy requirements in this respect.

It is considered that "less than substantial harm" (in NPPF terms) would arise from the proposed development, and now agree that the harm is at the 'lower end of the scale'. In that case it is necessary to weigh the harm against the public benefits of the development (NPPF para 196).

The scheme's evolution has resulted in a reduction in the number of dwellings below the allocated level, but the scheme still seeks to ensure that the capacity of the site is optimised as required by the NPPF (paras 123, 127 & 137) with a policy compliant level of affordable housing provision, in an agreed housing mix that reflects the established local need and will also potentially facilitate the provision of a play area in the village .

Given that the Local Plan has now been adopted the allocation of the site for development, and the benefits that would arise from it should be given great weight in the determination of the application.

<p>requirements of paragraphs 192, 193, 194 and 196 of the NPPF.</p>	<p>Notably the Local Plan Inspector highlighted (para 121) that development of the application site would be consistent with the spatial strategy, would provide support for the maintenance and enhancement of local services, contribute to the choice of a range of housing sites in sustainable locations in the Borough and “offer significant benefits by helping to meet housing needs”. The Inspector finally concluded (para 121) that “the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation”.</p> <p>In light of the above matters, it can be concluded that the socio-economic and environmental benefits of the application proposals on a site now allocated for residential development in the Local Plan outweigh the “less than substantial” harm to the Conservation Area and to the Church. Therefore, the development of the application site as proposed accords with all relevant Development Plan policies and the policies of the NPPF.</p> <p>Consequently the application benefits from the full force of the presumption in favour of suitable development as set out in the paragraph 11 of the NPPF,</p>
<p>Environment Agency There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency. The Lead Local Flood Authority, in this instance, Leicestershire County Council, should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development.</p>	<p>Noted and as per below the LLFA have provided comments.</p>
<p>LCC Archaeology Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, undertaken by Rubicon Heritage for Orion Heritage on behalf of the applicant (BCGD18), shows that the site lies in an area of significant archaeological potential.</p> <p>The excavation report makes reference to archaeological features and finds within an area of to the northwest of the application site (shown on the figure I). This includes a pit and ditch feature, which contained a quantity of pottery dated to the 9th-11th century AD, with provisionally identified examples of St. Neot’s</p>	<p>Noted.</p> <p>The WSI conditions can be applied to any permission granted.</p>

ware, Stamford ware and Thetford or Ipswich ware. A collection of this type indicates a rare opportunity to investigate and record evidence of the early settlement and structure of a typical Leicestershire village, finds assemblages of this date are significant due to the scarcity of pottery from this period.

In line with the National Planning Policy Framework (NPPF), Section 16, paragraph 190 and Annex 2), the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.

As a consequence, it is recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation.

If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.

The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "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.

We therefore recommend that any planning permission be granted subject to conditions on the production of a written scheme of investigation (WSI) including the programme and methodology of site investigation and recording and the

<p>nomination of a competent person(s) or organisation to undertake the agreed works, programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.</p>	
<p>LCC Footpaths Following changes to the plans, original comments of 11th July 2018 remain applicable in principle with minor changes related to the new proposed layout.</p> <p>All the proposed Public Footpaths (including the short link G-D) would need to be constructed to the Highway Authority's standard, 2m wide, tarmac surface, concrete edging and with minimum 1m wide verges, clear of vegetation overhang on either side. I have shown the route G-P-R pulled away from the line of trees to meet this last criterion. I would not expect the 1m verge to apply on the carriageway side of the Footway H-S.</p> <p>Conditions have been recommended and included below</p>	<p>Noted and conditions can be applied.</p>
<p>Highways Authority</p> <p>The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the NPPF, subject to the Conditions and Contributions as outlined in this report.</p> <p>Site Access The Applicant has submitted ADC drawing number ADC1793-DR-001 Rev P2 which now shows the proposed pedestrian footway tying in with the existing footway in order to avoid the telegraph pole. The LHA consider that the access proposals are therefore acceptable.</p> <p>Internal Layout The Applicant has submitted Brownhill Hayward Brown drawing number 3353-02 Rev K, which details a revised internal layout drawing. The Applicant has advised that the internal road layout is to remain in private ownership. It would be advisable for the LPA to consider with the Applicant whether refuse vehicles will enter the site in order to collect household waste.</p>	<p>Noted comments received by LCC Highways.</p> <p>It is considered that the proposed conditions as requested by the Highways Authority are appropriate and meet the NPPF tests</p>

While the LHA has not considered the adoptability of the road network in detail, it can advise that the current layout has not been designed to an adoptable standard and it would not be considered for adoption in the future.

The LHA would however advise that measures to reduce vehicles speeds within the site are provided in order to maintain a 20mph design speed. In particular, the LHA requires a speed table within the site close to the site access, as per previous layout proposals, given that the proposals are continuing the length of an existing road in to the site. This would keep vehicle speeds on entry and exit to the site at low speeds. It is considered that such a feature can be delivered via a condition.

Parking Provision

No housing plan has been submitted detailing the number of beds for each dwelling and therefore it is not possible to advise precisely how many parking spaces are required for each plot. Based on the housing plan for the previous layout however, it would appear the Applicant is proposing a total of six four bed properties within the site, which would require three parking spaces, while all other properties would be 3 bed or less which would require two spaces. All properties have a minimum of two parking spaces excluding garages/ car ports. Based on the previous housing plan and comparing the footprints of the plots on the revised layout, it is reasonable to consider the four bed properties are predominantly located to the south of the site. **Overall it is considered that it would be unlikely for new residents to park within the existing adopted highway on Burdetts Close.**

No pedestrian visibility splays have been shown where driveways meet the footway, however it is considered these can be delivered by a condition.

LLFA

The proposed development would be considered acceptable to Leicestershire County Council as the LLFA, subject to conditions to cover the following.

- Surface water drainage scheme.

It is considered that the conditions as requested by the LLFA area appropriate and will be considered in the decision.

<ul style="list-style-type: none"> • Management of surface water on site during construction. • details in relation to the long-term maintenance of the sustainable surface water drainage system. • Infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated. <p>Notes to applicant also included.</p>	
<p>LCC Ecology</p> <p>The revised proposals have amended the layout and it appears that less hedgerows are now adjacent to plot boundaries than in previous revisions to the masterplan. We welcome this but still have concerns with the placement of plots 29 and 30.</p>	<p>In order to provide a development that aims to make the most of the available land as the new NPPF 2018 makes reference to it has been deduced that this is acceptable allowing for the houses to be accommodated in light of the allocated numbers for this site.</p>
<p>LCC Developer Contributions</p> <p><i>Civil Amenities</i></p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 38 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to Indexation and reviewed on at least an annual basis) per dwelling/unit = £3,141.00 (to the nearest pound).</p> <p>This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (In 2012/13 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.</p> <p>Education</p> <p><i>Primary</i></p> <p>The site falls within the catchment area of Great Dalby Primary School. The School has a net capacity of 140 and 157 pupils are</p>	<p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects. This contribution is deemed to accord with these regulations.</p> <p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed,</p>

projected on the roll should this development proceed; a deficit of 17 pupil places (of which 5 are existing and 12 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 £166,348.80 Based on the table above, this is calculated the number of deficit places created by the development (11.4) multiplied by the DFE cost multiplier in the table above (14,592.00) which equals **£166,348.80.**

Secondary

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 1100 and a total of 2136 pupils projected on roll should this development proceed; a deficit of 236 pupil places. A total of 85 pupil places are included in the forecast for these schools from S106 agreements for other developments in this area and have been deducted. This reduces the total deficit for these schools to 144 after taking into account the 7 pupils generated by this development. A claim for an education contribution in this sector is therefore justified. 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 £113,513.68. Based on the table above, this is calculated the number of deficit places created by the development (6.35) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals **£113,513.68.**

Libraries

No claim from Library Services. Melton library currently exceeds upper threshold in

related to the development, to be for planning purposes, and reasonable in all other respects. The education contributions are considered to accord with this regulation.

Noted the comments received.

terms of standards for stock provision and will not be affected by the proposed development.

NHS England

The development is proposing 38 dwellings which, based on the average of 2.4 people per dwelling for the Melton Borough Council area, would result in an increase in patient population of 92.

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.

To mitigate the effects of this development, the s106 funding would go towards Latham House Medical Practice.

The Latham House surgery would use the s106 money to extend the practice.

The contribution requested for the development is £8,342.94p

LCC Highways

Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Can be supplied by LCC at £52.85 per pack
Advised Trigger: 100% of contribution paid Prior to Commencement of Development.

6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.

Can be supplied through LCC at (average) £360.00 per pass:

Advised Trigger: 25% of total obligated contribution paid Prior to 1st Occupation.

Remaining 75% of total obligated contribution paid prior to occupation of 25% of total dwellings (10th occupation), Except payment may be deferred by agreement with the County Council.

Raised kerb provision at the nearest bus two bus stops at a cost of £3,500 to support modern bus fleets with low floor capabilities.
Advised Trigger: 100% of contribution paid Prior to Commencement of Development.

The contribution request can be included in the S106 agreement associated with the application.

Noted the comments received. The contribution request can be included in the S106 agreement associated with the application.

<p>Play Area at Great Dalby A contribution to address the funding gap they have got of £18,000 will be paid in addressing both the village's and development's play space need by ensuring the provision and future maintenance of a high quality play area.</p>	<p>The contribution request can be included in the S106 agreement associated with the application.</p>
<p>MBC Housing Policy Officer/Applicant</p> <p><i>Total dwellings – 37</i> <i>Affordable Housing contribution at emerging Local Plan level – 15. 2 (40% as the site is in value area 2). Rounded down to 15.</i> <i>Affordable housing for rent – 7</i> <i>Affordable home ownership – 8</i></p> <p>Recommendations for the <u>affordable housing mix</u> are as follows: Affordable housing for rent: 2 x 1 bed (own) 6 x 2 bed (3 own & 3 rent) 6 x 3 bed (2 own & 4 rent) Total: 14</p> <p>Recommendations for the <u>market housing mix</u> are: Market 2 x 2 bed 1 x 2 bed bungalow 12 x 3 bed 6 x 4 bed Total: 21</p> <p>A local connection cascade would need to be applied on this application for the affordable housing, as per the separate attachment. It is recommended that the affordable housing is built out to Housing Quality Indicators (HQI) standards and that the market housing for properties up to and including 3 bedroom properties are built to the National Space Standards.</p>	<p>Noted comments received.</p> <p>The housing cascade for Burton and Dalby is as follows:</p> <p>This cascade is to be dealt with in order of priority eg. i. first, then ii etc.</p> <p>i. Has, immediately prior to occupation, been ordinarily and legally resident within the Parish of Burton & Dalby for at least a 12 month period; or 3 out of the last 5 years;</p> <p>ii. Has formed any strong connection (as outlined in 1.2 below) with the Parish of Burton & Dalby or;</p> <p>iii. Has, immediately prior to occupation, been ordinarily and legally resident within the Parish of Twyford & Thorpe Satchville; Somerby; or Gaddesby for at least a 12 month period or 3 out of the last 5 years; or</p> <p>iv. Has formed any strong connection (as outlined in 1.3 below) with the Parish of Twyford & Thorpe Satchville; Somerby; or Gaddesby</p> <p>v. Is a person who resides in the Borough of Melton but outside Melton Mowbray; or</p> <p>vi. Is a person who resides in Melton Mowbray and in housing need;</p> <p>vii. Is a person who has a local connection to the Borough of Melton through either:</p> <ul style="list-style-type: none"> o a family connection (immediate family associations, limited to parent, sibling or adult child, living in the Borough of Melton) and/or; o an employment connection (permanent employment; temporary employment lasting for at least the last 12 months; or an offer of permanent employment within the Borough of Melton) and/or; o at least one member of the household needs to move within, or to the Borough of Melton, to be close to relatives or other persons, to provide or receive significant amounts of care and support <p>A 'strong connection' for this purpose must give regard to:</p> <ul style="list-style-type: none"> • Immediate family associations, limited to parent, sibling or adult child, within the Parish of Burton & Dalby • Permanent employment; temporary

	<p>employment lasting for at least the last 12 months; or an offer of permanent employment in the Parish of Burton & Dalby</p> <ul style="list-style-type: none"> • At least one member of the household needs to move within or close to the Parish of Burton & Dalby to be close to relatives or other persons to provide or receive significant amounts of care and support. <p>It is proposed that the S106 Agreement associated with the application can secure the amount of affordable housing requested and an appropriate mix of housing.</p> <p>Negotiations between the applicant and the MBC housing officer have allowed for a housing mix that is acceptable</p>
<p>Leicestershire Police Designing out Crime Officer (DOCO)</p> <p>Leicestershire Police have no formal objections in principle to the application however we would like to make the following observations.</p> <p>In relation to the Outline planning application for the construction of up to 35 dwellings (Class C3) (amended from 38) with associated open space, landscaping and access, drainage and services infrastructure, to include details of layout and access off Burdetts Close, with all other matters reserved. OS 4240 Burdetts Close, Great Dalby.</p> <p>Burdetts Close leads to a staggered crossroads leading to the remainder of the site. There is minimal permeability due to the turning points at the end of these internal roads restricting the potential for vehicle escape routes as a result of crime. This is an effective layout with a single entry point offering the potential for a high degree of security.</p> <p>Recommend lighting to BS5489 throughout with special attention to the entry point with consideration of CCTV coverage with the ability to capture number plate images. This would deter unauthorised entry by potential offenders and provide the Police with direct lines of enquiry in the event of crime. Other recommendations include signage and change of materials to deter unwanted access.</p> <p>There are communal parking areas within the development but they are mitigated by being close to the dwellings they are allocated to. This provides natural observation from the</p>	<p>All this is noted and most of this would fall into the conditions requiring a suitable landscaping scheme to be provided to show these elements can be provided which there is no reason to not.</p>

dwellings and in support of this should be effective lighting and foliage should not obstruct the views to these three areas. The remainder of dwellings have in curtilage parking abutting their dwellings which is a secure situation to minimise crime.

Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable. The perimeter fencing is recommended to be 1.8m in height of a material in keeping with the development. Lighting is recommended to support the open space areas to increase personal safety and allow the best use of these areas.

General Recommendations

1. Street lighting columns to BS 5489 are recommended.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be in place to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages included where applicable.

**Burton and Dalby Parish Council
Burton & Dalby Parish Council objects to the application.**

The parish have produced a comprehensive document of their comments and to accompany this a report by a Conservation Architect & Historic Built Environment Consultant, received on 13th August 2018. The below is a summary of this document and should be read in conjunction with this report.

The primary concern of the parish council is that this proposal would be significantly detrimental to the Conservation Area and the setting of grade II* Church of St Swithun.

Heritage

The parish council has identified inaccuracies in the assessment of site GREA1 as a proposed local plan allocation.

The Conservation Area

The DAS does, however, acknowledge that “the proposed development would result in the loss of part of a system of enclosed fields which make a positive contribution to the Great Dalby Conservation Area”.

No attempt has been made to understand let alone assess the significance of the open areas that include field OS4240 in terms of the character and appearance of the conservation area nor to consider why the conservation area boundary has been so widely drawn. It has simply reported that “the study site can be said to make a positive contribution to the significance of the CA”.

The Council's assessment in MBC FC4 - Part 3, Rural Hubs Site Update, MBC May 2017 is correct in reporting that the Great Dalby conservation area boundary runs larger than other designated villages in the Borough of Melton, but incorrect when it asserts this is merely because the historic core is more widely spread. In fact, as is explained in the council's conservation area appraisal, the boundary was widely drawn to include not just all of the built form of the village (even embracing the uncharacteristic local authority housing at Burdetts Close, the presence of which only serves to emphasise the importance of field OS4240 in terms of maintaining the traditional pattern of development within the village) but also large swathes of open land, included because of the historic character of the village whereby the countryside extends up to the traditional

The allocation has been assessed as acceptable by the Inspector, subject to various stipulations that have been considered as part of this application, and was subsequently included in the Local Plan as a site allocation

It is considered that attempts have been made to address this concern as part of the amendments. It is recognised that the site would intrude into the Conservation Area and as a result a degree of harm will result. However this has been adjudicated as an acceptable level by the Inspector which resulted in its allocation in the Local Plan (the relevant commentary for the Inspector's letter is described above, opposite the comments from Historic England).

dwellings and buildings in close proximity to the road.

In essence, the special historic interest in Great Dalby's conservation area is the relationship between the series of original dwellings and farmsteads and their land holdings, which come up close to the linear built form of the village.

Planning Appeal Inspectors have in their decision notices (e.g. APP/Y2430/W/16/3160029) consistently identified that the significance of the conservation area relates to its historical character and the relationship between the series of original dwellings and farmsteads and their related land holdings, where areas of open countryside come up to the linear built form of the village.

The unusual built form of Great Dalby was remarked on by W.G. Hoskins in *Leicestershire: An Illustrated Essay on the History of the Landscape* (1957). Until the mid-20th century Great Dalby was formed of two quite distinct parts, Nether End beside the brook and Upper End on the upper slopes of the brook valley. Hoskins (on page 14) referred to Great Dalby as a "double village". The two parts were connected by the B6047 which winds through the village and more directly by a series of footpaths, including those which cross field OS4240. Main Street was sparsely populated between Nether End and the Royal Oak pub until the 1970s when infilling took place, which has her! emphasised the special linear character of the village. There has been little back-land development and open countryside continues to flow up to the built form, making a very important contribution to the settlement's character.

The proposed development would significantly alter the relationship between the built form of the village and the natural elements which make such a positive contribution to the significance of the conservation area. The village has remained largely unaltered in its historic linear form and this proposal would urbanise the village fringe and introduce an uncharacteristic cul de sac layout which the authority has previously wished to avoid.

This application 18/00721/OUT is relevant to

The appeal decisions have been considered as part of this application and the layout has attempted to allow for as many houses to be off the roads as possible to respond to this. The context of the site at being an irregular shape can only do this to a degree. What however has been delivered is a proposal that provides housing off small roads from one large route through the site in an attempt to 'showcase' the linear form of development that is typical in Great Dalby. On the wider issues of impact on the Conservation Area, please see comments above and in response to Historic England.

his work and his comments are enclosed for your information. Given that Mr Edleston has considerable experience in these matters, not least from his 18 years as Conservation, Design & Landscape Manager at South Norfolk Council and more recently as a consultant to Historic England and others, the parish council is forwarding his report as an attachment and trusts that his expert appraisal of the heritage impacts of the proposed development will be taken fully into account.

LANDSCAPE AND SETTLEMENT CHARACTER

The planning application gives no consideration to the impact of the proposal on the wider landscape. It is contrary to saved policies OS1 & OS2 which are consistent with NPPF policies on conserving and enhancing the natural and local environment by protecting and enhancing valued

The eastern fringe of Great Dalby (LCZ2) with application site identified landscapes and recognising the intrinsic character and beauty of the countryside. Saved policy OS1 requires development to be in keeping with the locality, yet the application's DAS gives no indication of landscape proposals to reduce the prominence of this development within the village's pastoral landscape. Quite the contrary, it would urbanise the settlement fringe and have an overbearing impact on the street scene and the essential rural character of the village. In line with NPPF guidance the draft policy EN1 seeks to ensure that new development is sensitive to its landscape setting and enhances the distinctive qualities of the landscape character type. The policy requires proposals to reference to the Landscape Character Assessment (2006). In this assessment Great Dalby is within Landscape Character Area 7 and is described as:

"... within a distinctive historic pastoral landscape of small fields, often with ridge and furrow, enclosed by ancient and more recent irregular and regular shaped hedgerows with abundant hedgerow trees."

The small fields and paddocks surrounding the built form are fundamental characteristics of Landscape Character Area 7.

To further mitigate potential harm to the built form at the settlement fringe draft policy EN1 requires that proposals should have due regard

Policies OS 1 and OS2 are now superseded by the 2018 Local Plan, which itself has been considered for consistency with the NPPF as part of the Examination process. The site has been allocated as a result of this process but Policies EN1 and EN6 remain relevant as they guide the anticipated content of the development (along with 'site specific' policy GREA1). The former requires key features such as hedgerows and trees to be respected and it is considered the proposals do this sufficiently. Policy EN6 requires that development contributes to the key features that contribute to the character of the settlement and similarly it is considered that this is achieved, particularly with reference to the amendments made to the application to protect setting and views of the Church and measures proposed to prevent further intrusion into the open area which is enclosed by the built form of Great Dalby.

The Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study (Part 2), that informed the

to design guidance given as part of the individual assessments of settlement fringe sensitivity in the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, or any subsequent evidence document. However, this application makes no reference to the Sensitivity Study. The Study places field OS4240 in Landscape Character Zone 2, the eastern quadrant of Great Dalby. It observes that LCZ2 has a strongly rural, mostly intact character where an essentially rural, tranquil landscape experience is imparted by the interplay of land cover, land management and land uses. This tranquillity would be susceptible to change arising from residential development. The Sensitivity Study includes strategic landscape proposals in relation to potential development within LCZ2. The guidance offered is that: “large scale development [i.e. ten dwellings or more] is not appropriate in this small scale landscape”

“Any development brought forward should be of a small scale and should have consideration of its potential visibility from adjacent LCZs and wider surrounding landscape, by incorporating suitable landscape proposals to reduce prominence on the built edge.”

Draft policy EN1 further encourages Neighbourhood Plans to use evidence provided in the Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study to inform site allocations and design guidance, to ensure that the Borough’s landscape will be conserved and, where possible, enhanced.

Accordingly, to inform their Neighbourhood Plan, Burton & Dalby Parish Council retained the services of Alison Farmer Associates to produce a more detailed study of the elements making up the parish’s landscape character. The Burton & Dalby Landscape Appraisal¹ reviewed the Sensitivity Study and provided additional commentary on LCZ2. The conclusion is drawn that:

“...any development in this area (including GREA1), even associated with landscape mitigation, is likely to undermine the form of the village, the distinction between different areas of development and historic association with valley side pastures. The rising nature of the land is likely to make access difficult. The historic form of the village, the intactness of the wider pastures, and the role of the area in providing a setting and bolstering local

allocation of the application site for development in the Local Plan (refer to pages 32-34).

The location of the site is contained within the village of Great Dalby with views to countryside beyond. It is considered to fit within ‘confines’ of the village, contained by the surrounding development and the surrounding landscape provided by the hedges and trees around the site. The site is not subject to any landscape designation. Views from within the site are from the west looking towards the church and from the higher ground at its southern limits to the countryside.

In this way the development proposals respond (as per Policy EN1) to the existing landscape character as set out in the Landscape and Historic Urban Character Assessment Report (2006) and the later (2015-2016) study referred to above. The proposed scheme will provide appropriate development offsets along boundaries and additional tree planting (as highlighted by the Masterplan) with the retained vegetation will screen and filter views, break up the urban edge to help soften the impact of the proposed development on the wider landscape character and integrate it into the existing settlement edge. The application site and proposed development is, therefore, considered to be entirely appropriate in relation to landscape character and visual amenity.

distinctiveness make it important to retain.“
In the MBC FC4 - Part 3, Rural Hubs Site Update, MBC May 2017 allocation appraisal field OS4240 was given a minus score for landscape impact. As such, development in that location was identified as a negative impact. This potential negative impact has also been identified in recent planning decisions in the immediate area. For example, a proposal to develop the whole orchard at Brook 1 Burton & Dalby Neighbourhood Plan Landscape Appraisal can be viewed on the Parish Council website:
[www.burtonanddalby.org.uk/uploads/burton-and-dalby-final-report-16-may-2018-\(1\).pdf](http://www.burtonanddalby.org.uk/uploads/burton-and-dalby-final-report-16-may-2018-(1).pdf)
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Farm, was dismissed at appeal (APP/Y2430/W/15/3006434) in 2015. In his decision letter the inspector, Chris Preston, commented:
“I note that other developments have been constructed within the vicinity which extend up the hillside running away from Nether End, including the local authority housing at Burdetts Close and residential developments on either side of the appeal site. However, the presence of those developments only serves to emphasise the importance of the appeal site in terms of maintaining the traditional pattern of development within the village whereby the countryside extends up to dwellings and buildings within close proximity of the built form.”

Drainage and Flood risk

The parish council does not feel that the Local Lead Flood Authority has considered the possible implications of this proposal thoroughly. Such a large number of dwellings would introduce many impermeable surfaces - paved areas, roads and roofs and thus reduce the ground area that is capable of absorbing rainfall.

Loss of amenity

This proposal would lead to loss of amenity for both near neighbours and wider residents of the village.

Footpaths

The footpaths across OS4240 have particular value as they provide open space and access to countryside. The high density of public rights of way indicate the importance of this area to

The LLFA remain the responsible and statutory authority on these matters and their consultation response is based on information provided by the applicants. Further conditions applied on the development will ensure the any finished proposal will respond to the possible flood risk in the area.

The layout has been checked for distances to neighbouring properties and it viewed that the scheme is acceptable.

A full consultation exercise with the LCC footpaths team have resolved to determine the scheme is acceptable. At present, the footpath arrangement is quite disjointed and restricts movement to set points

the community over centuries and many children and adults still use the footpath network across the site on a regular basis.

Local Green Space

The site has been the location for public village events in the past and before the planning application was submitted the Neighbourhood Plan Group was considering designating the site as a Local Green Space. Burton & Dalby's Landscape Appraisal considers that the development site would appear to meet a number of the criteria supporting Local Green Space designation as defined in the National Planning Policy Framework paragraph 77.

Highway Safety

Burdetts Close has 5.5m wide carriageway with footways on both sides. It may therefore be judged a sufficient single point of access to cater for a major development. However, Burdetts Close comprises high density housing. Twenty of the dwellings are flats which do not have off-street car parking. These residents must necessarily park on the road, effectively narrowing the carriageway to a single lane. Refuse vehicles and delivery vehicles have difficulty negotiating the full length of Burdetts Close and on occasions are obliged to park on in the middle of the road with a parked vehicle on either side of them, thus fully blocking the carriageway. Burdetts Close is also on a steep incline. The road remains untreated in icy weather resulting in potentially hazardous conditions during the winter months, particularly for the elderly and disabled.

Local educational capacity

Developer contributions would not make any difference to the lack of capacity as there is no space on site for further expansion and no means of achieving the additional accommodation that this development would necessitate.

LAYOUT & DESIGN

As previously stated the Masterplan design does not conform with saved policies OS1 and OS2. Crucially, it does not conform with draft policy GREA1 point 4, which was added to

in the village. The proposed layout seeks to add new movements points to various other points. It will also allow for an improvement of the condition of these access points.

It is recognised that the site has provided a the community a use previously however, a wider consideration of providing new homes needs to be given due consideration. The neighbourhood plan for the Great Dalby is not at enough of an advanced stage to be considered significant ant to decision in the area, and in any event such designation would conflict with the provisions of the Local Plan due to its allocation as a housing site. As a consequence despite being suggested as a local green space this is considered to have minimal weight in the determination of the application.

A full consultation exercise with the Highway Authority has been undertaken which expresses that the point of access is acceptable in road safety terms. It is not considered likely that residents would add to the parking on Burdetts Close as sufficient provision would be made within the confines of the site.

The Education Authority has advised that contributions would enable the development to not have a significant impact upon school places at Great Dalby and elsewhere and capacity can be increased to satisfy the demand created by this development

There is an established access to the field to the south which needs to be maintained at all times. Any application for proposals to the south and owing to this strong position as stipulated by the Inspector would be undesirable.

<p>the policy as a modification requested by the Plan Inspector. This requires that development proposals for the site should not facilitate additional housing or other development in the remainder of the open land that forms part of the Conservation Area between Burrough End and Nether End, and the scheme should be designed appropriately to enclose the site. The Masterplan layout clearly indicates vehicular access to the neighbouring paddock to the east of plot 16 and the application Planning Statement makes it clear that this access is a requirement.</p>	
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Representations:-

A site notice was posted, an advertisement in the Melton Times and neighbouring properties were consulted. As a result 45 representations in objection to the application has been received and 8 letters of support which have been considered below.

Representation	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Highway Safety Often cannot park in Burdetts Close in the evenings due to almost all houses being without garages or drives on this road.</p> <p>It is already a common occurrence that drivers are met on their side of the road as people turn into Burdetts Close and have to avoid parked cars all down the left side of the road. This is already hazardous in itself. Then once you realise there is nowhere to park without causing a road block the only alternative is to park on the main road which is a busy thoroughfare to melton with three tight bends. Parking on this road has caused crashes in the past and many near misses as drivers enter out into oncoming traffic to get past parked cars as other drivers are coming round bends. 38 dwellings, with the average household having 2 cars, means this already poorly functioning road will have to cope with another 76 vehicles! It would be completely irresponsible to add to an already struggling system and put people at risk in this way. Burdetts close has a high percentage of vulnerable and elderly residents who would be struggling to get dropped off or park near their property, and with the lack of street lighting in the village now, the winter months could be disastrous. Imagine trying to manipulate the icy pavements of the main road where the water runs off the fields; in the dark with the through traffic and the tight bends in the road.</p>	<p>The development site will need to have the desired quantum of parking numbers to accord with the current standards in line with the LCC highways guidance.</p> <p>Any new development at the top of Burdetts Close will have their own parking arrangements and access that will allow for flow into the development and not require turning in this existing part of the site.</p> <p>There are no reports accidents in this location.</p> <p>The proposal's access has been vigorously assessed by the Highway Authority who have deemed it suitable for the development proposed.</p> <p>It is not considered likely that residents would add to the parking on Burdetts Close as sufficient provision would be made within the confines of the site.</p>

<p>The junction of Burdetts Close and Main St (B6047) is only slightly west of a sharp/blind bend on he B6047. Heavily laden lorries emerging from Burdetts Close and heading west will inevitably be very slow moving, thereby causing a hazard to westbound traffic coming around this sharp bend as the lorries will not be visible until the last moment.</p> <p>Burdetts Close is a residential area with very little off street parking for resident's vehicles, therefore there are almost always many vehicles of various sizes parked along it's length, including the side spur. Many residents are either retired, on shift work or seeking employment, which means that their vehicles are parked at various times throughout the working day. If someone has visitors, residents can sometimes find it difficult to find a parking space for their own vehicle as the visitor will have taken the last available spot.</p>	<p>The road is subject to a 30mph limit and adequate sightlines are available for traffic leaving or approaching Burdetts Close (see also comments from the Highways Authority above).</p> <p>It is not considered likely that residents would add to the parking on Burdetts Close as sufficient provision would be made within the confines of the site.</p>
<p>Pressure on Existing Infrastructure</p> <p>Another 38 dwellings, means probably another 100 or so devices all fighting to connect. Our services cannot cope with this. With no local shop, limited parking, limited services to the village I truly believe it would be a disaster were this application to go ahead.</p> <p>We already have the slowest broadband speed possible with the cable being over 2 miles long. In the evenings when my children are trying to study for exams, I'm trying to catch up with work and everyone else in the village is using theirs you have a constant frustration at the buffering symbol and eventually give in, having only got a tenth done of what you needed to do.</p>	<p>There is no evidence to support the claim that existing services cannot sustain further residential development in the local area. The local plan has identified Great Dalby as a 'rural hub' which possesses a limited number of services and facilities which make it a sustainable place for more development.</p> <p>The consultations have established that with financial support, the schools can accommodate the extra pupils that will be created by this development.</p> <p>Noted – additional demand would contribute to the commercial case for improved services.</p>
<p>Impact on the appearance/character of the area</p> <p>The proposal would affect the character and appearance of the linear setting of the village, which is set in undulating countryside, and would cause disturbance and loss of privacy to the present inhabitants. Unspoilt countryside flows round and through the village and the site is on pastureland next to small enclosures.</p> <p>The proposed Housing Estate would also be very prominent and visible from around the village, public footpaths (which are frequently used) and nearby dwellings. It would also be alien to existing surroundings, proving to be an intrusion on the village and appearing totally out of keeping with the present character and</p>	<p>There is an 'odd shape' to this allocated site and therefore the layout can only be set a certain way to ensure the proposal respects the character of the area and finds the space to provide a suitable layout.</p> <p>As a consequence with a series of amendments, the proposed layout attempts to respond to the area and provided dwellings facing the road and of a good proportion to ensure the scheme responds well to Old Dalby. There is further work to ensure that a subsequent reserved matters application really responds well picking on local materials and forms of development.</p> <p>More detailed consideration of the site layout in</p>

<p>appearance of Great Dalby, failing to enhance and preserve it.</p>	<p>terms of impact on the historic character of Great Dalby and the landscape is provided above.</p>
<p>Impact on heritage assets (following final change to layout)</p> <p>The revised layout, whilst retaining some of the view from St Swithun's Church, still does not adequately address the harm that would be caused to designated heritage assets nor does it enclose the site to the south. Further, the new layout would actually make matters worse by blocking the view of the church which the applicant's Historic Desk-Based Assessment (paragraph 4.3) identified as having significant heritage value and which should be retained. This "key view" (see Design & Access Statement, 14.1) would be obstructed in the revised layout by plots 18 and 19.</p> <p>It would seem that this key view towards the church has been overlooked in the need to address Historic England's justified concerns about preserving the view from the churchyard. However, as no information has been submitted with the drawing to explain how the revised layout would conserve and enhance the setting of the Church and the character and appearance of the Conservation Area it is not possible to judge whether its loss is by accident or design.</p> <p>When the outline planning application was first lodged on 14 June 2018 it was in the context of an allocation in the draft Local Plan which was subject to a proposed modification to the site specific policy requiring that "development proposals for the site should not facilitate additional housing or other development in the remainder of the open land that forms part of the Conservation Area between Borrowough [sic] End and Nether End, and the scheme should be designed appropriately to enclose the site". Since then the Melton Local Plan has been adopted with policy GREA1 further modified to require that development proposals should "conserve and enhance existing heritage assets including the Conservation Area and the Grade II* Listed Church of St Swithun".</p> <p>It is important that the Council observes and applies in full the modified site specific policy GREA1 when assessing this planning application not least because the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, a local planning authority</p>	<p>The amendments have reduced the number of dwellings at the south western corner of the development site in response to the concerns of Heritage England. This view is still maintained and not blocked as suggested here. It is acknowledged that there still may not be a total view to the church but this is balanced as providing a new layout addressed much of the concern that was initially critical of the proposal's considerations. As hopefully made clear in previous responses, the site's shape makes it quite difficult to position the dwellings in such a way that simultaneously addresses the linear patterns of Great Dalby, the need to provide a suitable quantum of dwellings against this allocated number and respect the character of heritage assets locally. Through extensive negotiations it believed that this has occurred as steered by the Local Plan policy and NPPF.</p> <p>The design and access statements provided by the applicant has addressed the impacts towards adjacent heritage assets and it has been assessed that harm has been minimised. The Local Plan Inspector identified that there could be some harm in deciding to allocate the site but considered the benefits of the development sufficient to outweigh them.</p> <p>In terms of enclosure, the site terminates with a cul-de-sac of affordable homes at the south east corner and a similar street design along the south west. This closes off the site and it would be fairly assessed that in current decision making, any further development will be refused owing to these decisions and the comments by the Local Plan Inspector.</p> <p>In summary, the proposal is now designed to accommodate as close to the allocated number of dwellings as possible recognising the site constraints and overall viability issues. In finding the allocation policy sound, the Inspector accepted that there would be some impact which is mentioned in the report. This has been in effect endorsed that position by adopting the Local Plan including the allocation on that basis and as such it is concluded that this proposal is acceptable.</p> <p><i>See also comments against those submitted by historic England and Burton and Dalby Parish</i></p>

shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is a parallel duty in respect of conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Melton Local Plan policy EN6 (Settlement Character) states that development proposals will be supported where they do not harm open areas which (1) contribute positively to the individual character of a settlement; (2) contribute to the setting of historic built form and features; (3) contribute to the key characteristics and features of conservation areas; (4) form a key entrance and/ or gateway to a settlement.

Field OS4240, the site of the proposed development, is an open area largely within the designated conservation area which contributes very positively to Great Dalby's settlement character. It makes an important contribution to the conservation area and its setting, and also forms part of the setting of the church; the conservation area appraisal identifies it as an "important characteristic of the village".

Local Plan Policy EN13 (Heritage) expects the local planning authority to ensure that new development in conservation areas is consistent with the identified special character of those areas. The Great Dalby Conservation Area appraisal identifies the special character and layout of the village as "essentially linear in form with buildings fronting the main village roads with little backland development". The applicant's site layout would change this for the worse.

I understand that the site is allocated but this does not mean that the Council should compromise on its local plan policy requirements and its statutory duty under the Act when it comes to considering specific development proposals. It should be incumbent on the applicant to come up with proposals that properly reflect Great Dalby's settlement character and which conserve and enhance designated heritage assets including the conservation area and the grade II* listed Church of St Swithun and their settings. Melton has well in excess of a 5 year housing land supply so there would be no justification for setting aside the policy requirements of the recently adopted Melton Local Plan.

Council above)

<p>Overall amenity issues</p> <p>There would be a direct and adverse impact of the development by the elevated nature of the proposed Housing Estate as shown in the Masterplan, due to the considerable loss of privacy caused by the overlooking of our property and associated noise</p> <p>The scheme's design has failed to address these points. For example, if permitted, the development of the estate would need to include details of how our border would be maintained from the development side.</p> <p>Having a raised pavement/footpath directly behind neighbouring borders will be the cause of considerable loss of privacy and overlooking, as the border hedge is not a suitably obscure screen and divide, both in height and thickness particularly in those months when there is no foliage growth. A further intrusion into our privacy is the way we would be continually overlooked by the elevated nature of the proposed houses.</p> <p>It seems the fact that the site is in an exposed and elevated position above existing properties has not been taken into account. This is in respect of the impact of both being overlooked and the serious problem of the known drainage problem towards Main Street i.e. the West of the site.</p> <p>The land rises behind existing properties on the southern edge of Burdetts Close. New houses on that site would create an overbearing impact upon the occupiers of these properties resulting in loss of privacy and amenity, contrary to Local Plan policy BE1 and core planning principles of the NPPF.</p>	<p>A full appraisal has been carried out of the site layout to ensure that anyone living nearby would not be adversely impacted by the development in terms of creating an unacceptable loss of amenity.</p> <p>Distances between the existing houses of the development and the proposed layout have been checked and meet the expected standards. Further conditions on landscaping and levels will ensure that more will be done to make improvements to ensure the scheme does not result in unacceptable impact to those living nearby.</p> <p>In terms of the construction work, a full construction management plan will need to be submitted which will detail the hours of construction and other methods to ensure the development is run smoothly without excessive disturbance those living in close proximity to the development site.</p>
<p>Flooding</p> <p>The known surface water flooding which often flows on to Main Street through gardens and neighbouring properties has not been assessed with no mitigation measures in order to cure the impact of surface water run off to the West of the site given the long standing history of known flooding both into Main Street and properties.</p>	<p>A full drainage strategy has been supplied with the application and the inclusion of a drainage pond to the north of the site.</p> <p>This has been observed by the LLFA has being a suitable method of ensure that there are no undue flooding issues caused by the development. In addition to this, a series of additional conditions will be included that will need to give further detail on any sustainable method of drainage to ensure that flooding is not an issue for this site nor exiting issues exacerbated elsewhere</p>
<p>Footpaths</p> <p>Public footpath which runs through the fields and the proposed development will prevents the enjoyment of open green spa for ramblers and locals alike.</p>	<p>It is noted that the footpath arrangements will be different and the experience of them altered to the undeveloped landscape currently present on site.</p> <p>It however has been considered that the provision</p>

	<p>of housing in the local area outweighs this concern and the changes to the footpaths on the layout are acceptable according to the LCC footpaths team. They will want however a series of measures to ensure any new footpaths are up to current standards.</p>
<p>Impacts upon ecology The proposed development will result in a significant loss of wildlife and their habitat including owls, bats, and a wide variety of birds reside here such as blue tits, great tits, gold crest, long tailed tits, woodpecker, blackbirds and thrushes.</p>	<p>The development has been supported by a survey of August 2018 which includes an assessment of the three ponds to the south of the application site, of which two (ponds 1 and 3) were unsuitable to support great crested newts (GCN). However, pond 2 was assessed as having an ‘average’ potential to support GCN. The Leicestershire and Rutland GCN Protocol indicates that full surveys will be needed of ponds scoring ‘average’ or above.</p> <p>Such additional surveys have however not been completed, due to the unsuitable time of year. The report states that ‘a thorough search revealed no signs of adult or juvenile amphibians of any species’ and goes on to conclude that ‘GCN are considered absent’. This comment is however deemed unacceptable according to The Great Crested Newt Mitigation guidelines (English Nature, 2001).</p> <p>In spite of this as this is an outline application and the proposed development is over 100m from the pond and does not provide the only GCN habitat in the vicinity, if GCN are present a GCN survey will need to be submitted with the reserved matters application.</p> <p>There is no record that there are other species that may be severely impacted by this development.</p>

Other Material Consideration	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Application of planning policy</p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that proposals which accords with an up to date development plan should be approved without delay.</p> <p>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</p>	<p>The application is required to be considered against the Development Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The Adopted Local plan (October 2018) is considered to be up to date and the application is in accordance with its content..</p> <p>5 year land supply issues: The Council’s most recent analysis shows that</p>

<p>permission unless: the application of the 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>there is the provision of a 5 year land supply and as such the relevant housing policies are applicable. Therefore this consideration does not weigh against the Development Plan as ‘out of date’</p>
<p>Melton Local Plan</p> <p>The Melton Plan of 2011-2036 is now the development plan for the area in which all planning applications <i>must</i> be taken against.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Policy C1 (A) – Housing Allocations: New housing will be delivered within the Local Plan on a number of sites to which this site forms one of those, the policy continues that Housing proposals will be supported where they provide; 1 A mix of dwellings in accordance with Policy C22 Affordable housing in accordance with</p>	<p>The Local Plan is now adopted and now is part of decision making for the purposes of determination.</p> <p>The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasises the need to provide housing in locations that can take advantage of sustainable travel and make appropriate provision for parking and ensure that there is not a significant impact caused to the Highway network. Great Dalby is a ‘rural hub’ under policy SS2 and identified as appropriate for a limited quantity of development in the form of allocations and accommodation of ‘windfall’..</p> <p>The application site forms part of the proposed allocated site under policy C1(A) referenced GREA1.</p> <p>The site is identified for housing purposes in the Emerging Local Plan for an estimated number of 37, this application proposes 38 dwellings. The</p>

Policy C4;
 3 The necessary infrastructure required to support development in accordance with Policy IN1 and IN2; and
 4 High quality design in accordance with Policy D1.
 5 The requirements as set out in Appendix D1

**The site specific policy for GREA1 states:
 Policy GREA1 1: Development of the site
 reference GREA 1 will be supported provided:**

- The proposal includes the suitably designed access in accordance and agreement with the Highways 6Cs design guide;
- local educational capacity is available, or can be created through developer contributions, to meet the needs of the site;
- the future development is sympathetic and limits the impact on the Conservation Area through appropriate choice of materials and high quality, well considered design;
- development proposals for the site should not facilitate additional housing or other development in the remainder of the open land that forms part of the Conservation Area between Burrough End and Nether End, and the scheme should be designed appropriately to enclose the site.

Burton and Dalby Parish Neighbourhood Plan

Burton and Dalby PC are a qualifying body with an intention to develop a Neighbourhood Plan.

However no Neighbourhood Plan has been published and as such cannot be a consideration in this instance.

site is capable of meeting all of the design criteria of 'GREA1'. The layout has closed off the point of access towards the field to the south. An access is still required to ensure that field access can be maintained. As part of the permission, a condition can require that an appropriate mix of housing will be provided on the site.

The access has been deemed accepted by the Highway authority

The Leicestershire Education Authority have confirmed that with the required contributions the school can cater for the amount of development this application provides.

On balance, the proposal is deemed to be sympathetic to the Conservation Area with a stringent design code applied.

There is observed to be only one access that is require open to allow for access to the fields below that is third party ownership. It is also not part of this application to have any adjoining site development and therefore any future application will be assessed on its own merits.

Neighbourhood Plan

NPPF paragraph 48 states that:

Local planning authorities may give weight to relevant policies in emerging plans according to:
 a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 b) 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
 c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The NP has yet to be published or begin it process of consultation, submission , examination and referendum etc and accordingly can be given

	minimal weight at this stage of its development.
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Conclusion:-

The application site allocated in the Local Plan and as such the decision must follow its content unless material considerations indicate otherwise.

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 approx. seven years. This site is included in the land supply calculations.

Affordable housing provision remains one of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs.

Great Dalby is considered to be a sustainable location having access to, primary education, village hall, play group and regular bus services. The proposed allocation has been assessed as suitable for up to 37 dwellings which in order to make use of the best available land has been provided for here.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage system and contributions towards a new play area for the village.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state and the impact on the character of the rural village and heritage assets.

A full assessment has been made with regards to the concerns of Heritage England. Suitable amendments have now been made and the development should not have a significant impact on its setting. The church whilst being a heritage asset is of grade II status therefore allowing scope for more change than a grade I or II* asset. Changes have been made to allow for a more open area to be created and provided better designed houses to fully respond to this character. Through a further application for reserved matters with a strict design code it is hoped that further appreciations can be made to historic setting. Whilst there is still harm by the presence of two dwellings that the south they are considered to be acceptable owing to the public benefits of providing additional dwellings in a sustainable location.

The character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities, and as such is considered to accord with the allocation in the Melton Local Plan.

Recommendation: PERMIT, subject to:-

- (a) The completion of an agreement under S106 for the quantities asset out in the above report to secure:
 - (i) Contribution for the improvement to library facilities.
 - (ii) Contribution to secondary education provision.
 - (iii) Contribution to sustainable transport options.
 - (iv) Contribution to maintenance of open space

- (v) The provision of affordable housing, including the quality, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs.
- (vi) Contribution to the expansion of health service facilities in the area
- (vii) Contribution towards the play area behind the public house

(b) The following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the " , scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
4. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC1793-DR-001 Rev P2 have been implemented in full. The proposed access shall have a gradient of no more than 1:20 for a distance of at least 10 metres behind the highway boundary.
6. No part of the development shall be occupied until such time as details of a scheme to reduce the speed of traffic within the site in the vicinity of the site access, and a timescale for its implementation have been submitted to and agreed in writing by the Local Planning Authority. Once agreed, the scheme shall be implemented in full in accordance with the approved details.
7. Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained.
8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Brown drawing number 3353-02 Rev J. Thereafter the onsite parking provision shall be so maintained in perpetuity.

9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

10. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each driveway access/ shared private drive fronting a pedestrian footway with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/highway and, once provided, shall be so maintained in perpetuity.

11. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

12. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

13. No development shall commence on site until a Footpath management plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of both permanent and temporary diversion, fencing, surfacing, signposting and a time table for provision.

14. The Public Footpaths should comprise of a 2m wide tarmacadam construction in accordance with the Leicestershire County Council Highway Design Guide.

15. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside the Public Rights of Way should be non-invasive species.

16. Prior to first occupation the stiles at grid references 474321 314350 and 474365 314400 (points F and near R on the Footpath Diversion Plan) should be removed whilst the yellow-topped waymark posts are retained.

17. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

18. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

19. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

20. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

21. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

22. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

23. All construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.

07:00 - 19:00 Monday to Friday

08:00 - 13:00 Saturdays

No works to be undertaken on Sundays or bank holidays.

24. The development hereby permitted shall be carried out in accordance with drawings numbered 3353 – 02K received by the Local Planning Authority on 20th November 2018. The development should also conform to the guidelines in design and access statement also provided on 29th October 2018.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The application is in outline only.
3. To ensure satisfactory landscaping is provided within a reasonable period.
4. To provide a reasonable period for the replacement of any planting.

5. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).
6. To ensure vehicles enter and exit the site at slow speeds, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2018).
7. In the interests of highway safety.
8. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018).
9. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2018).
10. In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2018).
11. In the interests of highway safety.
12. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
13. To ensure the Public Rights of Way are safe and available during the period of construction and thereafter.
14. To provide an all-weather routes in the interests of amenity, safety and security of users of the Public Rights of Way and in accordance with Paragraph 75 of the National Planning Policy Framework 2012.
15. To prevent overgrowth of the paths in the interests of amenity, safety and security of users of the Public Rights of Way and in accordance with Paragraph 75 of the National Planning Policy Framework 2012.
16. To improve access for all in the interests of amenity and safety of users of the Public Right of Way in accordance with Paragraph 75 of the National Planning Policy Framework 2012.
17. To ensure satisfactory archaeological investigation and recording
18. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
19. To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase.
20. To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

21. To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.
22. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.
23. In the interests of residential amenity
24. For the avoidance of doubt.

Officer to Contact: Mr Glen Baker-Adams

Date: 5th December 2018