



# Planning Committee

26 March 2020

**Report of:** Assistant Director for Planning and Delivery

## 19/01376/OUT - OS4240 Burdetts Close, Great Dalby

**Outline planning application for the construction of 35 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**

<b>Corporate Priority:</b>	3: Delivering Sustainable and Inclusive Growth in Melton
<b>Relevant Ward Member(s):</b>	Gaddesby : Councillor Robert Child
<b>Date of consultation with Ward Member(s):</b>	13 January 2020
<b>Exempt Information:</b>	None

### 1 Summary

- 1.1 The application site is currently greenfield, located central to the village of Great Dalby and partly within the Conservation Area. There are several listed buildings in the vicinity, including the grade II\* listed church of St Swithun. Public footpath D98G runs across the site. The proposed access is from Burdetts Close to the north with a footpath link to Main Street. The application site is identified in the Local Plan as a housing allocation with an estimated capacity of 37 dwellings 'GREA1'.
- 1.2 This is an outline application for 35 dwellings, with access and layout only for consideration at this stage. The housing mix comprises 21 market dwellings and 14 affordable which represents 40% affordable units across the site.
- 1.3 An application for the same development was approved by the Committee in December 2018 subject to a Section 106 Agreement. An application for permission to apply for a Judicial Review was made by the Parish Council and this permission was granted in November 2020. The initial hearing for the Judicial Review has been listed for Thursday 2nd April 2020.

### 2 Recommendation(s)

**2.1 It is recommended that the Planning application is APPROVED subject to conditions and a Section 106 Agreement to secure contributions towards:**

- (i) Primary and secondary education provision.

- (ii) Contribution to sustainable transport options.
- (iii) Contribution to maintenance of open space.
- (iv) 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.
- (v) Contribution to the expansion of health service facilities in the area .
- (vi) Contribution towards waste services.

### 3 Reason for Recommendations

- 3.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise 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'.
- 3.2 The site is identified for housing purposes in the Local Plan for an estimated number of 37 and the site is capable of meeting all of the design criteria of 'GREA1'. The access has been deemed acceptable by the Highway authority and there are no objections in principle from the Environment Agency or the Lead Local Flood Authority (subject to conditions). Contributions towards improvements to infrastructure can mitigate the impact of development and affordable housing is proposed to help meet identified local needs.
- 3.3 The proposal is considered to be sympathetic to the Conservation Area and setting of heritage assets with a stringent design code applied. Whilst there is some 'less than substantial harm' to the Conservation Area and setting of the Grade II\* Listed Church of St Swithun, this limited harm (individually and collectively) is outweighed by the public benefits of providing additional dwellings in a sustainable location. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, para 193), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.



## **4 Key Factors**

### **4.1 Reason for Committee Determination**

4.2 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.

### **4.3 Relevant Policies**

4.3.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'

4.3.3 Please see Appendix D for a list of all applicable policies

### **4.4 Main Issues**

4.4.1 The main issues for this application are considered to be:

- Principle of development; compliance with Development Plan Policies.
- Impact upon the character of the area
- Impact on heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on flood risk
- Implications on infrastructure

## **5 Report Detail**

### **5.1 Position under the Development Plan Policies**

5.1.1 The site is adjacent to the settlement of Great Dalby and policies SS1 and SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable credentials. Great Dalby is identified in the Local Plan as a Rural Hub and has a housing allocation with estimated capacity 37 dwellings 'GREA1'. This application proposes 35 dwellings on GREA1.

5.1.2 The Local Plan has progressed through its Examination where the village categorisation was scrutinised at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, the policies in the Local Plan which identify the category of each village has passed a robust examination.

5.1.3 The Burton and Dalby Neighbourhood Plan is at an early stage (Regulation 14) and therefore attracts little weight.

5.1.4 Other material considerations are the National Planning Policy Framework (NPPF) and the Great Dalby Conservation Area Appraisal 2014.

### **5.2 Principle of Development**

5.2.1 The proposal accords with the requirements of Policies SS1 and SS2 which strongly emphasise 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 considered to be a sustainable location having access to, primary education, village hall, play group and regular bus services. The village is identified as a 'Rural Hub' under Policy C1(A) of the Local Plan and as such is appropriate for a limited quantity of development in the form of allocations and accommodation of smaller sites.

5.2.2 This site is identified for housing purposes in the Local Plan (GREA1) for an estimated number of 37 dwellings. This application proposes 35 dwellings.

5.2.3 Policy GREA1 states that:

Development of site GREA1 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 conserve and enhance existing heritage assets including the Conservation Area and the Grade II\* Listed Church of St Swithun, and it 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 should be so designed as to appropriately enclose the site.*

5.2.4 The site is capable of meeting all of the design criteria of 'GREA1'.

5.2.5 The site includes a suitably designed access and local education capacity can be created through developer contributions through a Section 106 Agreement as requested by the Local Education Authority. The impact on Heritage Assets is discussed in detail in paragraph 5.4 of this report but it is concluded that overall and on balance, the benefits of the scheme outweigh that harm. Whilst there is some less than substantial harm to the setting of the grade II\* listed church and the Conservation Area, it is considered that the public benefits of meeting housing need outweigh the limited harm in accordance with paragraph 196 of the NPPF.

5.2.6 The proposal does not facilitate additional housing or other development in the remainder of the open land and does appropriately enclose the site. It is not part of this application to have any adjoining site development and therefore any future application would necessarily be assessed on its own merits. There is an established access to the field to the south which needs to be maintained at all times. It is unrealistic to require no access at all to this agricultural land. Any application for proposals to the south and owing to this strong position as stipulated by the Inspector would be undesirable.

5.2.7 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.

- 5.2.8 The layout proposed is the only realistic layout of a rather unusually shaped site that would provide a satisfactory active frontage facing the open land to the south which, it is generally accepted, contributes significantly to the rural character of the village. The removal of the plots to the south west and reduction in number of dwellings to 35 during the consideration of the previous (permitted) planning application was specifically designed to allow the development to appear more open and protect views from / to the church and to address concerns relating to the impact on the setting of these heritage assets resulting from the original layout. Thus a development which enclosed the site entirely with built form would not only be poor design practice in failing to relate well to its surroundings, but it would also re-create the previous harm to the heritage assets. The current layout is therefore considered to be a good compromise between safeguarding the heritage assets and providing an attractive development which contributes positively to its edge of village context.
- 5.2.9 Given that the Local Plan is adopted and the site is allocated for development, the benefits that would arise from it should be given significant weight in the determination of the application. Policy GREA1 makes it quite clear that whilst the sensitivity of the site is fully acknowledged, the heritage issues are not so insurmountable as to prevent its allocation. 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”*.
- 5.2.10 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 a new play area for the village.
- 5.2.11 **The development provides potential for sympathetic design in keeping with the character of the Conservation Area, careful landscaping, biodiversity, an acceptable access, contributions towards infrastructure and sustainable drainage opportunities and as such is considered to accord with Policies SS1, SS2, C1(A) and GREA1 of the Melton Local Plan.**

### 5.3 Impact upon the character of the area

- 5.3.1 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 previous 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.
- 5.3.2 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 to the north and the surrounding landscape provided by the hedges and trees around the site. Levels on the site do mean the open land is visible from the wider area but 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.

- 5.3.3 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. There continues to be open land to the south and an extensive public footpath network which the development provides links to from Main Street and Burdetts Close. Whilst the public right of way would require diversion this is not in itself grounds for refusal of the application.
- 5.3.4 The site is not public open space but private land, with no requirement to safeguard it for public recreation. However, the new development does provide new public open space and public routes through to the countryside beyond. The application site and proposed development is, therefore, considered to be entirely appropriate in relation to landscape character and visual amenity.

#### 5.4 Impact upon Heritage Assets

- 5.4.1 The Local Planning Authority has a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight should be applied to these duties, even where the harm identified is less than substantial.
- 5.4.2 In addition, paragraph 192 of the NPPF states that in determining applications, Local Planning Authorities should take account of:
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.*
- 5.4.3 Paragraph 193 of the NPPF requires that:
- When considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 5.4.4 Paragraph 194 of the NPPF advises that:

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

5.4.5 Paragraph 196 of the NPPF states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

5.4.6 The church of St Swithun has a grade II\* listing and as such the weight given to its conservation is clearly considerable under para 193. Similarly, the Conservation Area is an asset of the highest significance given the assets it contains within it. A clear and convincing justification must be made for any harm to their significance under para 194.

5.4.7 The response from Historic England (HE) identifies that the current scheme retains open space in the south west corner of the site in order to avoid an undue adverse impact on the setting of the Church. Despite this, plots 18 and 19 would still be visible from the church, albeit this is a very limited view and the harm is considered by HE to be 'at the lower end of less than substantial'. Para 196 therefore requires an assessment to be made whether the proposal is justified and/or outweighed by public benefits.

5.4.8 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 and Policy GREA1 seeks to mitigate this through a requirement that:

*...the future development is sympathetic and limits the impact on the Conservation Area through appropriate choice of materials and high quality, well considered design;*

And:

*...development proposals for the site should conserve and enhance existing heritage assets.....*

5.4.9 The Local Plan Inspector explicitly recognised (para 120 of her examination Report) that development would occur in the Conservation Area. Importantly, the Inspector also considered that the proposal would be likely to cause limited harm to Great Dalby's designated heritage assets. 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 some 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. Nonetheless, having regard to all material considerations, the Inspector concluded that: *"the limited harm that would be caused to heritage assets would be clearly and convincingly outweighed by the benefits of the allocation."* (para 121).

5.4.10 The current application is an outline application where details of the external appearance of the dwellings will be considered at the reserved matters stage. However, it proposes a layout which responds positively to its rural context on the edge of the village and carefully safeguards the views towards and from the listed church. Through a further application for reserved matters with a strict design code it is anticipated that further enhancements can be made to the historic setting. The proposal is expected to

make a positive contribution to local character and distinctiveness in accordance with paragraph 192 of the NPPF.

- 5.4.11 With regard to the conservation area, the Great Dalby Conservation Area Appraisal (2014) identifies that the open land between Burrough End and Nether End is an important characteristic of the village. However, the development sits between existing properties in Burdetts Close and frontage properties along Main Street. It is not considered to erode this important characteristic to an unacceptable degree. There is open space retained within the site and public footpath links to the existing rights of way network. Additional landscaping and ecological enhancements will be provided. There are therefore several positive elements which will conserve and enhance the Conservation Area. The evolution of the scheme layout and design has ensured that the impact of built form on both the setting of the church and Conservation Area is minimised. Furthermore, the detailed design code set out in the Design and Access Statement will provide further mitigation to be developed in the detailed design of the scheme in due course. In terms of design; choice of materials etc will serve to conserve the character of the Conservation Area and enhance it through the introduction of landscaping and the reduction of the prominence of nearby buildings that are out of character.
- 5.4.12 While there is therefore some tension with one part Policy GREA1 which requires development to “conserve and enhance” existing heritage assets, having regard to context of the allocation, the nature of the proposals, and the potential for specific mitigation, the proposals do not offend the policy or the development plan read as a whole. The development remains sympathetic to, and limits the impacts of the new development on the Conservation Area.
- 5.4.13 It is considered that a degree of “less than substantial harm” (in NPPF terms) would arise from the proposed development in terms of the minor impact on the setting of the church and the conservation area, and it is necessary to weigh this harm against the public benefits of the development (NPPF para 196).
- 5.4.14 The scheme’s evolution has resulted in a reduction in the number of dwellings , but the scheme still seeks to ensure that the capacity of the site is optimised with a policy compliant level of affordable housing provision that reflects the established local need and will also facilitate the provision of a play area in the village.
- 5.4.15 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*”.
- 5.4.16 In light of the above matters, whilst the duty to safeguard heritage assets requires that great weight should be given to the asset’s conservation, it can be concluded that there would be very limited harm in this instance. Furthermore, the socio-economic and environmental benefits of the application proposals referred to above, on a site allocated for residential development in the Local Plan, outweigh the “less than substantial” harm to the Conservation Area and to the grade II\* listed church. Therefore, the development of the application site as proposed accords with all relevant Development Plan policies and advice in the NPPF.
- 5.4.17 Archaeological assets can be addressed through further investigation and recording and this is proposed through a suitably worded planning condition.



**5.4.18 The proposal would comply with Policy EV13 and Policy GREA1 of the Local Plan and section 16 of the NPPF.**

## **5.5 Impact upon Residential Amenities**

5.5.1 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.

5.5.2 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.

5.5.3 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 to those living in close proximity to the development site.

**5.5.4 The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

## **5.6 Highway Safety**

5.6.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

5.6.2 The Local Highway Authority confirm that there would be no objections to the proposal subject to the imposition of conditions.

**5.6.3 As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2**

## **5.7 Ecology**

5.7.1 The proposal would not have an adverse impact on protected species or their habitats subject to an additional Great Crested Newt Survey submitted with the reserved matters application. The development can provide biodiversity enhancements in accordance with the requirements of Policy EN2 of the Local Plan and the NPPF. This is a benefit of the scheme.

**5.7.2 The proposed development complies with the relevant policies and advice within the NPPF relating to ecology and biodiversity**

## **5.8 Flood Risk/Drainage**

5.8.1 A drainage strategy has been supplied with the application and the inclusion of a Sustainable Urban Drainage pond to the north of the site. The site is not in a flood risk zone although there is undoubtedly evidence that flooding occurs in the village, particularly in view of the difference in levels between the site and the adjacent properties. The runoff rate is restricted to the greenfield rate through a Sustainable Urban Drainage System (SUDs). Whilst this may not alleviate all of the existing issues with runoff from the site, the Lead Local Flood Authority will still need sufficient technical information to demonstrate that the development will not increase flood risk.

5.8.2 The LLFA has indicated that the general drainage strategy is suitable, subject to further information on detail to ensure that there are no undue flooding issues caused by the development elsewhere. A series of 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 existing issues exacerbated elsewhere.

5.8.3 **Subject to conditions and further technical information the proposal complies with policy EN11 and EN12 of the Local Plan**

## **6 Impact on Infrastructure**

6.1 A Section 106 Agreement relating to contributions towards education, sustainable travel, affordable housing, healthcare, open space and a new play area is proposed in line with the requests outlined above and the Agreement previously signed as part of 18/00721/OUT. The impact of the development on local infrastructure can be mitigated and the benefits of the proposal enhanced.

## **7 Consultation & Feedback**

7.1 A site notice was posted and neighbouring properties consulted. As a result letters of representations were received from thirty properties, including the village primary school.

## **8 Financial Implications**

8.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects (see above for details).

**Financial Implications reviewed by: N/A**

## **9 Legal and Governance Implications**

9.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.

9.2 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Deputy Monitoring Officer**

## **10 Background Papers**

10.1 18/00721/OUT Outline planning application for the construction of up to 35 no. 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 (Permitted subject to a Section 106 Agreement in July 2019).

## 11 Appendices

- A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Recommended Planning Conditions
- D: List of applicable Development Plan policies

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## Appendix A : Consultation replies summary

**Parish Council:** The Parish Council objects to the application on the following grounds:

The development would cause harm to the settlement character, Great Dalby conservation area and the setting of the grade II\* listed church contrary to EN6 and EN13. It would allow further development to the south, contrary to the requirement of policy GREA1 that the site should be enclosed. The public benefits should be weighed against paragraphs 192, 193, 194 and 196 of the NPPF 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss of less than substantial harm to its significance'.

The proposed layout does not sufficiently resolve surface water or adequately address that there is a flooding risk elsewhere to its drainage and runoff. In determining planning applications it is the statutory duty of local planning authorities to have special regard to the desirability of preserving a listed building or its setting and the character and appearance of a conservation area (Planning (Listed Buildings and Conservation Areas) Act 1990, sections 66(1) and 72(1)). The NPPF also recognises the importance attached to significance and setting with respect to heritage assets. Court decisions make it clear that in enacting sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it was Parliament's intention that decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings and the character and appearance of conservation areas, even in findings of less than substantial harm.

The site specific policy in the local plan, GREA1, supports development on the site, but crucially with the condition that "...development proposals for the site should conserve and enhance existing heritage assets, including the Conservation Area and grade II\* listed Church of St Swithun" The impact of Proposed Layout of 19/01376/OUT would not conserve and enhance the heritage assets.

The church is plainly visible from footpath D98G. The field OS4240 is largely within the conservation area. The field forms an important part of the rural landscape in which the church has always been experienced. The layout proposed would have an adverse impact on the way that the church is experienced in its setting and would result in a loss of significance would amount to less than substantial harm.

The land between Nether End and Burrough End (which includes the development site) is of particular significance in maintaining the separation of Nether End from Upper End. The Conservation Area appraisal makes express reference to the importance of this area. The impact of the proposed development has been underestimated. The significance of this tract of land is its very openness. The layout, with its urbanising character, would lead to a considerable loss of significance.

The proposal would significantly alter the relationship between the built form of the village and the natural elements which make such a positive contribution to the settlement character. The proposal is contrary to EN6, the proposed layout would urbanise the village fringe and introduce a sweeping layout of roads and an uncharacteristic cul de sac layout which the authority has previously wished to avoid.

The proposal is contrary to Local Plan Policy GREA1 which requires that the development should not facilitate additional housing on the remainder of the open land and that the scheme should be designed to enclose the site. Access to plots 30-35 run alongside the site's southern boundary hedge. Removal of the hedge could give access to the adjacent fields.

Great Dalby is located in a steep-sided valley surrounded by farmland. The proposed layout would introduce many impermeable surfaces and reduce ground capable of absorbing rainfall. The Flood Risk Assessment states that run off migrates to the ditch on the eastern boundary but this statement is incorrect. There is considerable runoff from the field to the west towards Main Street. Greenfield rates already cause problems for both residents and pedestrians. The FRA disregards topography and underestimates the likelihood of surface water flowing in a westerly direction. The cellular attenuation basis appears to have a low capacity, given the volume of surface water known to flow from the site. There are concerns that the outflow into Great Dalby brook has not been properly considered. There are similar concerns about the reliance on a management company.

Flood risk should not be increased elsewhere and vulnerability should be minimised when taking planning decisions. Connection to the public sewer should accord with Severn Trent advice.

The fact that site GREA1 is an allocation in the Local Plan does not justify laying aside the national policy framework, Local Plan policy or site specific policy. The particulars of the scheme require no less scrutiny than an application for an unallocated site.

#### In conclusion

- the design and layout would not enhance or protect the intrinsic character and appearance of the settlement
- it would erode the visual and historic relationship between the built form and the surrounding countryside
- it would fail to enclose the site
- there would be a change in character from rural green space to urban and the proposed layout with its cul-de-sacs would introduce a pattern of development alien to the historic grain and linear form which remains predominant within the Conservation Area
- the development would be significantly detrimental to the Conservation Area and the setting of grade II\* Church of St Swithun
- the impacts of unmanaged surface water have been underestimated

**Ward Member Councillor Robert Child:** Objects to the application on the following grounds:

The proposed layout conflicts with the local plan site specific policy GREA1 in particular, the proposals do not conserve and enhance the present heritage assets which include the conservation area and the Grade II listed church. The Local Plan makes it clear that development will only be supported where it does 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 should be designed as to appropriately enclose the site.

The proposal would harm the character of the village and Great Dalby conservation area which is contrary to National Planning Policy Guidance and in particular policies in the local plan EN6 and EN13.

Great Dalby has a history of surface water flooding issues. This application does not appear to address these matters. New development shouldn't be approved if it is likely to cause problems elsewhere. Despite the history of flooding onto Main Street and other properties, the applicants flood risk assessment fails to adequately address these problems.

The site has rights of way across the fields, these are valued amenity to villagers. The layout does not respect the present footpaths.

**Environment Agency:** From a flood risk perspective, the development falls within flood zone 1. There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

**Historic England:** The current scheme shows a master plan of 35 dwellings with public open space in the south west corner of the site as we recommended in our previous advice. The proposals would cause harm to the significance that St Swithun's church derives from its setting and the character and appearance of the conservation area. We consider the level of harm is at the lower end of less than substantial harm. Your authority should assess whether the proposals for 35 dwellings would be justified or outweighed by public benefits in line with paragraphs 192, 193, 194 and 196 of the NPPF.

Previously, we expressed concerns about the impact on the significance of St Swithun's Church and the character and appearance of the Great Dalby Conservation Area. 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 of 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 we consider that the level of harm has been reduced to the lower end of less than substantial harm.

Historic England has concerns regarding the application on heritage grounds and consider the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 194 and 196 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

**Conservation Officer:** The reduction in the number of dwellings to 35, in conjunction with the reduced overall footprint of new built form has addressed concerns. The impact on the setting of the church, and the character of the conservation area will be reduced and as such is considered to be in accordance with Section 72 (part II) of the Listed Building and Conservation Areas Act (1990) and the NPPF. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

**Housing Policy:** The planning application details the mix of housing and the indicative plans show an indicative mix of house types, however these matters are not to be agreed in this outline application. It is noted that the indicative mix of housing is not considered to be sufficiently in line with local needs and additional comments have been provided below to help the applicant and inform the development of their reserved matters application. At this stage, to ensure a suitable mix of housing is achieved at the reserved matters stage, it is requested that a planning condition be included to ensure that a mix of housing to meet local housing needs is provided to ensure the development is in accordance with Melton Local Plan policies C2 and C3.

The development is in affordable housing area 1 and as such 40% of dwellings should be affordable housing. The s106 agreement should set out a tenure mix of 80% affordable rented housing and 20% affordable home ownership (caveat being that overall a minimum of 10% of the homes on the development site should be affordable home ownership having regard to the NPPF; para 64). The S106 agreement should also set out that an affordable housing scheme should also be required to be submitted and approved for the layout, exact tenure types and mix of affordable housing as well as details of the registered provider and nomination agreements for the rented homes and how affordable home ownership will be secured in perpetuity. Given the difficulties in securing affordable rural homes, affordable home ownership tenure which can be retained over the long term is preferred. The previous S106 agreement for this site also provided a local lettings preference for the local community and this should also be included in any new S106 agreement.

There are some concerns that the indicative plans over provide larger market house types, 29% of the market housing is of this type. Local housing needs suggest limited requirements for larger houses with 4 or more bedrooms; 15-20% of the market housing would be a more appropriate level on this development site. Bungalows are encouraged and needed on this site, they address a longstanding

shortfall in such accommodation and they will be able to support a wide variety of household, including local people with a need for level access accommodation, which is a growing cohort as our local population continues to age.

The six 4+ bedroom homes proposed might not be considered unacceptable, it would depend of the scale of these dwellings and whether there were improvements to the overall mix. It would be recommended that some of the 3-4 bedroom market houses are substituted for 2 or 3 bedroom bungalows, there appears to only be a single bungalow in the indicative plans. We would wish to see a minimum of 20% market housing bungalows on the site, but would support higher numbers, given local need for such accommodation. Dormer style bungalows are less land intensive and acceptable as long as one double bedroom and a WC/bathroom of sufficient size (to at least incorporate a shower in the future) is provided to the ground floor. We would encourage and support consideration of building all dwellings to M(4)(2) accessibility standards (or the lifetime homes standard) to further improve the sustainability of the dwellings. Agreeing to provide dwellings that are able to meet these standards can also help mitigate a lack of bungalows in proposals. Great Dalby has a limited number of existing social housing, there are some Council houses, but unusually a significant proportion of these are flats, this in addition to the fact that the housing need for 1 bedroom affordable housing is dominated by the need for housing for older people suggests that the provision of bungalows would be more appropriate than flats in this development.

**LCC Highways:** No objections subject to conditions relating to construction management plan, access, parking and public rights of way.

The impacts of development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. Given that the application is the same in highway and transport terms, and nothing has changed in terms of transport related policy or local transport conditions since the previous application was approved, the LHA offers the same response to this application. As previously, the LHA advises that the current layout has not been designed to an adoptable standard and it would not be considered for adoption in the future.

Contributions towards transport sustainability in the form of travel packs, two six month bus passes per dwelling and raised kerbs at the nearest two bus stops.

A single connection to the public footpath is all that is required. Whilst other routes can be provided these would not form part of the rights of way network and would not be maintained by the LHA. Conditions recommended relating to the details of signposting and waymarking.

**LCC Archaeology:** It is recommended that the applicant must make arrangements for and implement an appropriate programme of archaeological investigation this will involve a controlled archaeological excavation of an area agreed with the planning archaeologist in the Written Scheme of Investigation (WSI). If planning permission is granted the applicant should obtain a suitable WSI for the necessary archaeological programme. A condition should be imposed on any permission granted relating to a Written Scheme of Investigation (WSI) to be submitted for approval prior to any development taking place to safeguard any important archaeological remains



potentially present.

**LCC Lead Local Flood Authority:** The site is located within Flood Zone 1 being at low risk of fluvial flooding. Surface water flood risk maps indicate a surface water flow path from the eastern boundary to the north of the site. Properties have not been proposed in the vicinity of the surface water flow path. It is proposed to outfall surface water drainage at the greenfield runoff rate (QBar) of 5.8l/s into an adjacent ditch. However, the applicant has not identified adjoining watercourses of drainage to demonstrate the connectivity of the ditch from the red line boundary to the eventual location of the Great Dalby Brook approximately 120m north. Pumping is proposed for part of the site in the northwest corner serving properties 6-14. These would only be approved where all gravity drainage options have been exhausted.

The documents currently are insufficient to provide a substantive response at this stage and further information is required relating to off site works to connect to Great Dalby Brook, maintenance and management of all drainage elements, investigation into a gravity solution and an overland flow routing plan for a pump failure scenario.

Following the submission of further information, the revised comments of the LLFA will be reported as an update for the committee.

**LCC Developer Contributions Education:** Request for contributions based on 33 houses with 2 or more bedrooms and 2 dwellings with one bedroom:

Primary pupils generated	9.64
11-16	5.37
Post 16	1.06

The site falls within the catchment of Great Dalby School which has a net capacity of 140 and 159 pupils are projected should this development proceed; a deficit of 19 pupil places. The County Council therefore request £140,710.66 based on the DFE cost multiplier to be used to accommodate the capacity issues by improving remodelling or enhancing existing facilities at Great Dalby School or any other school within the locality of the development.

Secondary Education

Based on 33 dwellings with two or more bedrooms at a charge of £6,257.66 per home equals £206,502.78.

**LCC Developer Contributions Libraries:** No claim from library services.

**LCC Developer Contributions Waste:** The County Council waste team the proposed development would not be able to be accommodated at the existing waste facilities and be able to maintain existing service levels. As such a developer contribution of £2893.00 is required

**LCC Forestry:** Whilst a tree protection plan has been submitted, an Arboricultural Impact Assessment or Arboricultural Method Statement is required. Following further information submitted Forestry Officer confirms he has reviewed the plans and they are acceptable and are likely to limit any damage to the retained trees to an

acceptable level. Therefore no objections to the proposals.

**LCC Ecologist:** The ecology survey identifies the site as comprising predominately species-poor semi-improved grassland surrounded by hedgerows. No evidence of protected species was recorded on site, although it was acknowledged that the hedgerows and trees would provide suitable habitats for nesting birds. The Great Crested Newt survey includes an assessment of 3 ponds to the south, one of which is assessed as having average potential to support GCN. The additional surveys have not been completed due to the unsuitable time of year. It is incorrect to conclude GCN are absent in the absence of suitable surveys. The presence or absence of GCN is unknown. However, I note this is an outline application. The proposed development is over 100m from the pond and does not provide the only GCN habitat in the vicinity. In this instance it may be appropriate to condition the requirement for a GCN survey to be submitted up-front with the reserved matters application.

Hedgerows should be buffered by a 5m buffer of semi-natural vegetation, not included within plot boundaries. We may have additional comments on the layout pending the additional GCN survey.

**Designing out Crime Officer:** The site is accessed by a single entry point. Permeability for vehicles is not an issue. Pedestrian access does allow two exit points but with appropriate lighting to BS5489 will not pose a significant crime risk. Recommends appropriate boundary treatments, alarms, secure door and window sets and CCTV.

## Appendix B : Summary of representations received

### Neighbours:

Thirty objections have been received from local residents and the village primary school on the following grounds:

- Previous case subject to a judicial review
- Overdevelopment
- Loss of light
- Lack of visibility at entrance
- Adverse impact on the character of the village and the conservation area
- Contrary to policies EN6 and EN13
- Loss of linear character
- Back land development is not in keeping
- Layout conflicts with GREA1
- Increased flood risk
- Topography results in water runoff which has not been addressed
- Adverse impact on and loss of public rights of way
- Increased traffic
- Impact on wildlife
- Adverse impact on the setting of the church
- The layout would allow development to the south
- Development of a green field site
- Access unsafe
- Loss of privacy

- Conservation Area Appraisal makes specific reference to this open land
- Loss of green space and historic grain
- There is no justification to allow the less than significant harm to the heritage assets
- Lack of policing
- Flood risk assessment is flawed
- Pond is dangerous for children
- Development is better suited to brown field sites
- Open spaces and land should not be built upon unless they are surplus to requirements
- The school has no capacity for expansion
- Developer contributions to bus passes should be used to fix potholes
- The site is much higher and there will be a significant visual impact and light pollution
- The development will increase Great Dalby's carbon footprint
- Access to safe walking will diminish
- Increased noise.

## Appendix C: Recommended 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 buildings and the landscaping of the site (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. The details of the play area proposed for this site should also be submitted.
  3. The submitted landscape 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 schedule of Maintenance for landscape areas shall be submitted to and approved by the Local Planning Authority and shall be accompanied by a written undertaking including the arrangements for its implementation.
  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 K. 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 tarmac, 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 tarmac 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 development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable 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, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

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 protective fencing is erected as required by the Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

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 the following plans and documents:

ADC 1793-DR-001 revP2, ADC 1793-DR 002 rev P1, ADC 1793-DR-050 rev P1, 3353-01, 3353-02K, 3353-06H, 3353-07B, 3353-09A, SK02B, 18-053-01, GRDALTRP Dec19 and Design and Access Statement all Received on 23<sup>rd</sup> December 2019.

Flood Risk Assessment rev E by Travis Baker Ltd received 19<sup>th</sup> February 2020.

Transport Statement dated 19/12/19, Ecological Appraisal dated April 2018, Tree Report dated December 2019, Historic Environment Desk Based Assessment dated December 2019, Geophysical Report dated May 2018, Archaeological Evaluation dated September 2018, Great Crested Newt Survey dated August 2018.

25. Any Reserved Matters application submitted shall limit the height of the proposed dwellings to 2 storey.
26. Notwithstanding the approved Layout Plan, the South West corner of the application site shall remain undeveloped and shall not contain any built form unless otherwise agreed in writing by the Local Planning authority.  
Development must be carried out in accordance with the approved details
27. A further survey to establish the presence or absence of Great Crested Newts (GCN) must be submitted with the reserved matters application. If GCN are present on site a mitigation strategy must be submitted to and agreed with the local planning authority prior to the commencement of development.
28. The reserved matters application shall provide a mix of housing to meet local housing needs.

## Appendix D : Applicable Development Plan Policies

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C1(A) Housing Allocations
- Policy C2 Housing Mix
- Policy C4 Affordable Housing
- Policy IN2 Transport, Accessibility and Parking
- Policy IN3 Infrastructure Contributions
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets
- Policy GREA1 Great Dalby Housing Allocation