

Matter 5: Overall Housing Allocations [Policy C1(A) and Appendix 1] and Reserve Sites [Policy C1(B) and Appendix 1]

Representation by John Moore

Reference: ANON-7VBY-7H4P-B

5 Appendices included with this representation

Word Count = 1568

Please note that this representation specifically addresses the questions raised and should be read in conjunction with the detailed points made on 16 August 2017 in respect of focused change FC4 and proposed allocation GREA1.

1.00 In respect of Matters 5.1 and 5.3, the allocation of site GREA1 has not been based on a clear, robust process of assessment and has not been informed by a thorough sustainability appraisal. The appraisal in *Focused Changes Appendix 1: Site Allocations and Policies - Great Dalby* contains many factual errors and does not provide an accurate assessment of the impacts of site GREA1 on Great Dalby, its landscape setting and its designated conservation area. The allocation is not sustainable; it conflicts with policies in respect of the environment in the draft Local Plan and with national planning policy. Further, the identified harm to the Great Dalby conservation area almost certainly renders GREA1 undeliverable.

1.01 With its sensitive landscape setting, essentially linear built form and widely drawn conservation area, Great Dalby is an unlikely location for large site development. This is something which has been recognised by planning policy¹ since at least 1981 during which time Great Dalby has grown from 113 to 190 dwellings² with sensitive infill and the conversion of redundant buildings serving to give increased emphasis to the special linear character of the village³.

1.02 As identified in answer to Matter 2.1ii, site allocations in the rural area were not founded on robust evidence. This is despite the 2016 Emerging Options Draft Plan having been informed by the Council's *Settlement Roles, Relationships and Opportunities 2015* study of economic and social factors which confirmed that Great Dalby would not be an appropriate location for large site development. However, this evidence-based approach to the potential of the rural area to sustainably accommodate housing development has in practice been largely abandoned with the Council now, in effect, basing its rural housing allocations on a single criterion: whether the settlement has a primary school.

1.03 The NPPF makes it clear that there are three dimensions to sustainable development: economic, social and environmental. Yet, despite what is stated in the supporting text to draft policy SS1⁴, environmental considerations played little or no part in informing the process by which Great Dalby was selected as a location for large-site development

1.04 For example, the Council did not seek to establish the sensitivity of Great Dalby's landscape to development until after it was selected to become a Rural Hub in 2016⁵. Further, when the Study

1 Appendix 2: Great Dalby Residential Development Policies 1981-2017

2 Appendix 1: Great Dalby Growth

3 Great Dalby Village Appraisal, Melton Local Plan 1999

4 Paragraph 4.1.1

5 Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, Part 2, August 2016

reported that Great Dalby has a medium to high landscape sensitivity and that many of the key characteristics of the landscape may be vulnerable to the type of change being assessed, with such change likely to result in a potentially significant change in character and that considerable care would be needed in locating and designing change within the landscape, the Council seemingly did not consider whether the selection of Great Dalby as a “Rural Hub” would conflict with its environmental policies.

1.05 The draft local Plan contains a suite of environmental policies which should have informed the process of housing allocations. EN1 (Landscape) states that the character of the borough's landscape will be enhanced and protected by, inter alia, the protection of distinctive topography and important settings. EN6 (Settlement Character) states that development proposals will [only] 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 a conservation area, and (4) form a key entrance and/or gateway to a settlement. EN13 (Heritage Assets) states that the Council will take a positive approach to the conservation of heritage assets and the wider historic environment through, inter alia, avoiding harm to historic sites, buildings or areas, including their setting, and ensuring that new development in conservation areas is consistent with the identified special character of those areas.

1.06 As Leicestershire County Council's archaeologist made clear in its local plan representation⁶, policies EN1, EN6 and EN13 are mutually supportive. Yet although Melton Borough Council noted this advice in its representation response it does not appear to have factored it in to its housing allocations. GREA1 conflicts with all three policies, both individually and when taken as a whole.

1.07 The Settlement Fringe Sensitivity Study⁷ had referred to that part of the Great Dalby landscape which contains site GREA1 as having “a small scale, irregular field pattern that establishes a level of intimacy, particularly in the western part of the LCZ. The smallest scale field patterns generally lie in close proximity to the settlement edge.... Historic ridge and furrow field systems are evident beneath pasture fields in places, particularly to the east. These and the small scale enclosures would be susceptible to change arising from residential development, due to potential for impact upon their legibility”.

1.08 As well as being part of a vulnerable landscape, much of site GREA1 lies within the designated conservation area and forms a key part of the “swathes of open land north of Burrough End and east of Main Street” which are “an important characteristic of the village comprising orchard land, paddocks and open grazing”⁸.

1.09 The sustainability appraisal does not provide a robust assessment of the impacts of site GREA1 on Great Dalby and its conservation area, and contains many factual errors. *Focused Changes Appendix 1: Site Allocations and Policies - Great Dalby* is reproduced as Appendix 3 with errors highlighted. Contrary to the assertion that there is no planning history a similar proposal was refused on appeal in 1991. The principal reasons for refusal then were (1) the adverse impact on the character and appearance of the designated Conservation Area and the rural setting of the village, and (2) the elevated land comprising the appeal site is an open area of land which is of particular significance to the village form and its rural setting.

1.10 The assessment of heritage assets fails to identify the significance of the designated

6 Representation 409

7 Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, Part 2, August 2016

8 Great Dalby Conservation Area Appraisal, Melton Borough Council

conservation area⁹ and why it “runs larger than other designated villages in the Borough” which is not “because the historic core is so widely spread” but because the swathes of open land are an important characteristic of the village¹⁰. It does, however, consider that site GREA1 would “cause less than substantial harm to the character of the conservation area”.

1.11 The assessment is also in error when stating that the Grade II* listed St Swithun's Church is unseen from the allocation site¹¹.

1.12 The Council's sustainability appraisal, properly done, should have concluded that the scale and pace of development proposed for Great Dalby could not be absorbed without causing substantial harm to the character and appearance of the conservation area. Since it was designated in 1981 Great Dalby has been able to retain its character and appearance because development has been incremental and has respected the village's special linear character¹².

1.13 As was demonstrated in response to Matter 2.1iii, Great Dalby's proposed allocation of 72 dwellings was based on a miscalculation. When correctly applied, the Council's preferred approach of using ONS Output Area data should have given a residual requirement of 47 dwellings for the period 2016-2036. That volume of growth would be broadly achievable through small unallocated sites of up to 5 dwellings given that since 1981 the village has grown consistently at an overall average of 2.14 dwellings per annum¹³. The problem is, therefore, not so much one of housing growth in the village but of the focus on large site development¹⁴, particularly in such a sensitive location as site GREA1.

1.14 Proposed allocation GREA1 is not justified nor is it sustainable in planning policy terms. It is also ineffective as it is highly unlikely to be deliverable.

1.15 The Council's finding of less than substantial harm to the Great Dalby conservation area will require any planning application to be considered with reference to paragraph 134 of the NPPF. This directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.

1.16 As I pointed out in my detailed objection to policy GREA1 in the *Addendum of Focused Changes to the Draft Melton Local Plan*, the decision maker also has to be fully mindful of the statutory duty of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that, when considering a planning application that might affect a designated conservation area, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of that conservation area.

1.17 The courts have made it clear that, when applying paragraph 134 of the NPPF, the decision maker must comply with the legal duties under section 72 of the LBCA Act. In practice, paying special attention to the desirability of preserving or enhancing the character and appearance of a

9 For some reason the harmful impact on the conservation area is recorded in the assessment as being a positive factor in support of the development.

10 To put this in context, of all the Service Centres and Rural Hubs with housing allocations, just Great Dalby, Croxton Kerrial and Wymondham have designated conservation area land outside their present village envelopes but only Great Dalby has a proposed housing allocation on such designated open land. None of the other villages with conservation area land outside their present village envelopes have received housing allocations.

11 Appendix 4 contains views from GREA1 to and from the church

12 An assessment of the character and appearance of the Great Dalby conservation area is attached as Appendix 5

13 Appendix 1: Great Dalby Growth

14 GREA1 has an estimated capacity of 37 dwellings deliverable within 5 years

conservation area requires that there should be a strong presumption against a development which would result in harm to the conservation area. The duty under section 72 does not allow a local planning authority to treat the desirability of preserving the character and appearance of a conservation area as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would result in even less than substantial harm to the character or appearance of a conservation area, it must give that harm considerable importance and weight in the planning balance¹⁵.

15 The Forge Field Society and others versus Sevenoaks District Council and others, 12 June 2014

Appendices to Matter 5: Other Housing Allocations

1. Great Dalby Growth
2. Great Dalby Residential Development Policies 1981-2017
3. Melton Local Plan Appendix 1: Site Allocations and Policies - Great Dalby
4. Photographs of St Swithun's Church from GREA1 and vice versa
5. Great Dalby Conservation Area

Appendix 1

Great Dalby Growth

Great Dalby Dwellings and Population 1966-2017

Year	Number of Dwellings	Average Annual Growth	Population Estimates	Source
1966	90	–	n/k	Great Dalby Village Plan 1981
1981	113	1.53	342	Great Dalby Village Plan 1981
1993	n/k	–	373	Melton Local Plan 1999
1995	140	1.93	n/k	Melton Local Plan 1999
2011	179	2.44	453	Census Output Data 2011
2017	190	1.83	n/k	Burton & Dalby Parish Council
2036	251	3.21	<i>Likely to be circa 633 based on 2.5 per dwelling as at 2011 Census</i>	<i>Submission Draft Melton Local Plan Proposed Allocation 2011-2036</i>

Great Dalby Growth 1981-2014

Period	New Dwellings/Conversions	Growth	Sources
1981-1995	27	24% [1.80% per annum]	Melton Local Plan 1999
1994-2011 (1994-2014) (2011-2014)	37 (41) (4)	>28% [2.18% per annum]	MBC Settlement Roles and Relationships Report 2015
<i>2011-2036</i>	72	40% [2.88% per annum]	<i>Submission Draft Melton Local Plan Proposed Allocation 2011-2036</i>
<i>2011-2036</i>	54	30% (2.16 per annum)	<i>Growth calculated using actual Great Dalby Output Area Data</i>

Great Dalby Residential Development Policies 1981-2017

The non-statutory Great Dalby Village Plan was adopted by Melton Borough Council in 1982. It was superseded in 1992 by the Melton (Rural Areas) Local Plan. That was in turn replaced by the Melton Local Plan 1999.

Great Dalby Village Plan 1981

The Village Plan noted that Great Dalby was classified as a “restraint settlement” in the Leicestershire Structure Plan but that some limited further growth would be acceptable. It stipulated that no development other than that essential for agricultural purposes would be permitted outside the limits of the village and that no development would be permitted where it would detract from the value of main amenity areas and important views. In practice it was estimated that the limits for development would allow for a further 7 or 8 dwelling plots to become available in the period to 1991. It was considered that such a level of growth would not adversely affect the character of the village. Development would be on infill sites which would be considered on its merits.

1990 Consultation Draft Melton (Rural Areas) Local Plan – Great Dalby

The Consultation Draft refers to the Structure Plan classification of Great Dalby as an “Other Village” which is located in an Area of Particularly Attractive Countryside. It proposed to exercise a general presumption in favour of development within a defined village envelope. Planning permission for residential development would normally be confined to small groups of dwellings, single plots or the change of use of existing buildings within the village. No allocations were proposed.

Melton Local Plan 1999 – Great Dalby

States that there will be a general presumption in favour of development within the village envelope. Planning permission for residential development will normally be confined to small groups of dwellings, single plots or the change of use of existing buildings located within the village. Great Dalby lies within an Area of Particularly Attractive Countryside as defined in the Leicestershire Structure Plan. No allocations were proposed.

Core Strategy Preferred Options 2008

Stated that Great Dalby is a Category 2 village considered suitable for small-scale infill development within the existing built form. No allocations were proposed.

Melton Local Plan Emerging Options 2016

Identified Great Dalby as a Rural Supporter village providing some services to meet every day needs locally. It is considered suitable for small-scale development of up to 5 dwellings on any given site. No allocations were proposed.

Melton Local Plan Submission Draft 2017

Identified Great Dalby as a Rural Hub, a village which shares a range of essential and important local services to meet the basic needs of people living within the village and in nearby settlements. A requirement of 72 dwellings is proposed including an allocation of 37 dwellings on site GREA1.

Melton Local Plan Appendix 1: Site Allocations and Policies

Great Dalby

General

Great Dalby is a well-served village in terms of facilities and services¹⁶. The village has access to transport to Leicester and Melton. There is a bus route to Leicester and Melton every two hours. Village has access to Leicester Road Estate¹⁷, a key employment site in Melton. The services and facilities in the village include a primary school, village hall, public house, sports and leisure facilities and a place of worship. Great Dalby has been identified as a rural hub in the settlement hierarchy and is suitable for a proportionate allocation.

The village of Great Dalby has grown considerably from its origins as a linear settlement on Main Street which runs north-south^{18,19}. The conservation area boundary runs larger than other designated villages in the Borough of Melton because the historic core is more widely spread²⁰. This has been considered in the proposed allocation in the village and has been addressed through the site-specific policy.

There are no flooding issues in the village²¹. Most of the village is though surrounded by medium to high landscape character zones.

Capacity of Services

The agreed capacity at Great Dalby Primary School is currently 140 pupils. There are currently 140 enrolled (Jan 2017). Based on LEA forecasting, it is indicated that there will be capacity of 5 places by January 2021.

The nearest secondary education provision is 4km to the south of the site at John Ferneley College²².

Students would catch the bus to school from this location. It is recognised that as a result of development that additional secondary school places will be required but can be accommodated at the existing secondary schools in Melton Mowbray.

Great Dalby falls within the catchment area of the Melton town secondary schools, and the expansion of the John Fernley [sic] College and/or any new school in the town will accommodate the additional pupils.

Constraints

Access to the proposed allocation has been identified as a constraint through the assessment. However

- 16 The *Settlement Roles, Relationships and Opportunities Report* identifies Great Dalby as a Rural Supporter village which provides limited services to meet day to day needs. Rural Supporter villages were those with weighted scores from 10 to 20; Great Dalby scored 12 in the assessment. Rural Supporter villages were considered suitable for small-scale development of up to a maximum of 5 dwellings on any given site.
- 17 The Leicester Road Industrial Estate is about 4km from Great Dalby and can be accessed from the village only by car. There is no public transport link.
- 18 "Great Dalby originated as a simple street village along Upper End near which a Nether End grew up so forming a 'double village'". *Leicestershire: The History of the Landscape*, WG Hoskins 1957.
- 19 Melton Borough Council in its proof of evidence to an appeal against the refusal of planning permission on the same site as that now proposed as GREA1 stated that the village "although essentially linear in form, at one time formed distinct parts – the northern, Nether End, and the southern, Upper End. Since then built development has had the effect of joining the two halves [Main Street]"
- 20 The Great Dalby Conservation Area appraisal states that "the boundary includes most of the built up area of the village but is widely drawn to include swathes of open land north of Burrough End and east of Main Street".
- 21 There is a recorded 40 year history of flooding in this area of the village as was pointed out by Burton & Dalby Parish Council in its consultation response to Focused Change FC4 (Great Dalby).
- 22 The nearest secondary school is Long Field Academy at 5.95km. John Ferneley College is on the other side of the town at a distance of 7.72km

considering the Highways response to it, it is considered 'deliverable'. The access to the proposed allocation is through Burdetts Close and due to parking, road width is constrained for more development unless it is addressed through appropriate layout and agreed with Highways. A Public Right of Way runs through the centre of the site and any alteration/diversions would need to be discussed with the Safe & Sustainable Travel Team. Access may be achieved from Burdetts Close if a safe and suitable access can be designed in accordance with the 6Cs Design Guide.

Development of 37 dwellings will generate a demand for about 9 primary school places – additional school places will be needed.

Although the site is considered to cause less than substantial harm to the conservation area, the only note of concern is the likely impact of further development to the south and east of allocation site as once this area within the conservation area will be developed, there will be a possible catalyst for further housing adjoining the site to complete the village in built form running from Burrough End in the south to Nether End in the north.

Site allocations and specific policies

Considering the access and **heritage constraints**²³, following policy for Great Dalby is proposed.

GRE A1: Development of site GRE A1 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.

Site assessment summary and capacity

Rank	Address	Local Plan Reference	Planning App Reference	Estimated Capacity	Summary of assessment ²⁴
1	Land off Burdett Close	GRE A1	N/A	37	Site lies in close proximity to access to services and facilities, and is well connected to the village. Site is connected to the Main Street ²⁵ through Burdetts Close, which whilst provides access does have on street parking potentially causing an issue of access. However the Highway Authority have not raised any objections in principle. Site is considered suitable for allocation

23 The assessment of heritage assets failed to identify the significance of the designated conservation area. This has led to its conclusion that development of the site would cause less than substantial harm to the conservation area and conditions which are concerned only with building design and materials. It was also factually incorrect to state that St Swithun's Church would be unseen from the allocation site. For some reason the assessment gave a positive score to the harm it had identified.

24 There is no mention here of environmental constraints.

25 The site would be connected to the highway at Nether End through Burdetts Close.

Appendix 4
St Swithun's Church from GREA1 and vice versa (50mm focal length)





Great Dalby Conservation Area

Conservation Area Boundary

The conservation area was designated in 1981. The boundary includes most of the built up area of the village. It is widely drawn and also include swathes of open land between Burrough End and Nether End east of Main Street, and tracts of land west of Main Street and north of Nether End.

Conservation Area: Character and Appearance

The special character of the conservation area derives from its sense of space, the mixture of buildings of varying heights, situation, scale and age, and the relationship between the village's built form and its ongoing agricultural heritage.

Buildings are typically set back from the road and many have generous gardens. Most are double-fronted and are predominantly of regional red brick with Welsh slate roofs. Others are sited gable end to the street and this leads to considerable visual interest. Interspersed are some fine examples of thatched dwellings.

Buildings of a similar period form attractive groups and there are harmonious associations of individual dwellings. Differential roof heights give a sense of a building's evolution and subsidiary outbuildings are set to the rear. Former farm buildings have been converted to dwelling houses but evidence of their agricultural heritage has been preserved.

The village is essentially linear in form with buildings fronting the main village roads. Yards and tracks lead off but there is little back-land development; some offer permanent access to farm land behind. Views are generally enclosed within the village with glimpses of surrounding farmland, orchards and paddocks providing a complimentary backcloth. Traditional cottages form visual stops in long distance street views along Nether End, Main Street upper and Main Street lower. Variation of land levels within the conservation area gives rise to interesting views of different roof levels.

Great Dalby has developed from a series of former farmsteads and their ancillary buildings. There is an established relationship between each farmstead and adjacent home fields used to hold stock close to the farm, the main land holdings being within the surrounding countryside. Alongside village streets some generous areas of grass also create a strong sense of space. This is particularly evident alongside the brook and at the village green.

The Church of St Swithun relates to the medieval core of the village which was located at Upper End and on land within and adjacent to the conservation area to east of Main Street and south of Pebble Yard. It is not connected to the road but is reached by a network of historic footpaths and tracks. Having lost its spire in 1658 it is no longer visually prominent within the village but is visible from footpath approaches.

Burton & Dalby Neighbourhood Plan Working Group