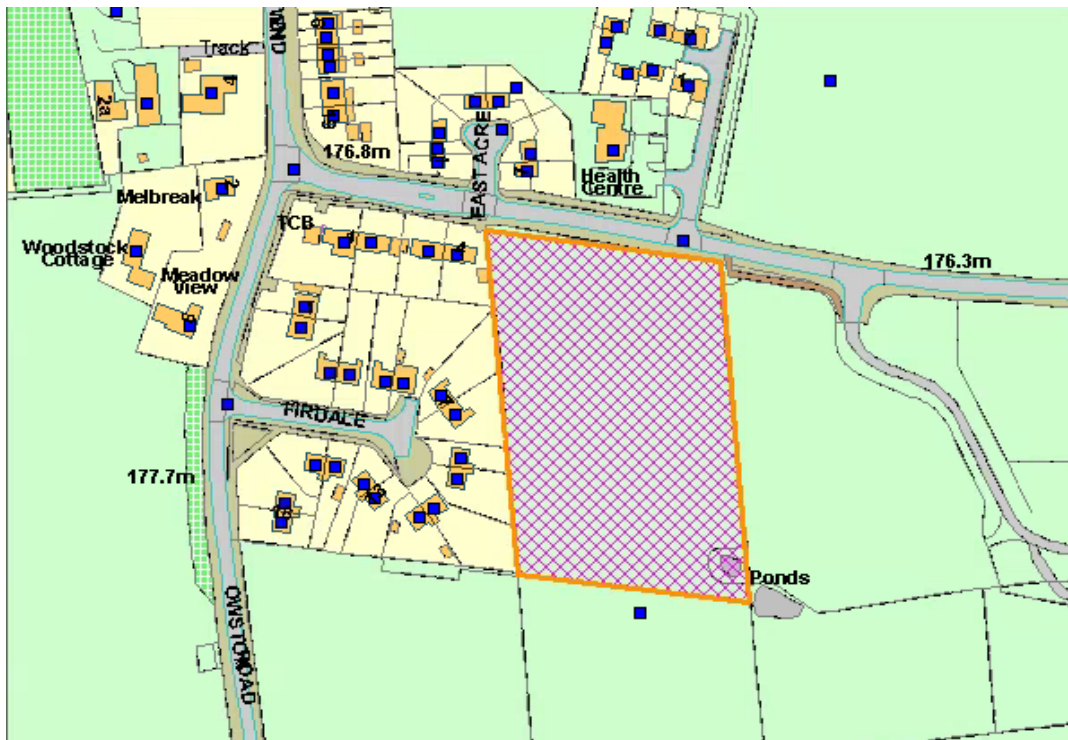


Reference: 16/00100/OUT
Date submitted: 16th February 2016
Applicant: Hazelton Homes and Mark Curtis Bennett
Location: Field OS 3300, Oakham Road, Somerby
Proposal: Residential development for up to 32 no. dwellings



Proposal :-

This application seeks outline planning consent for the construction of up to 32 dwellings.

The site lies to the southern east perimeter of Somerby and is currently greenfield with a gated access onto Oakham Rd. It borders residential development (Firdale) to the west but open countryside to the east, with a boundary hedge. The site is approximately opposite the doctor's surgery. To the front of the site is another boundary hedge and a roadside ditch

The application is in outline with only access considered at this time.

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

- **Impact upon the character of the area and open countryside**
- **Flood risk and drainage**
- **Impact upon residential amenities**
- **Impact upon highway network**
- **Sustainable development: Compliance or otherwise with the Development Plan and the NPPF**

The application is required to be presented to the Committee due to the level of public interest.

History:-

None relevant

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

Policy OS3: The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy C1: states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside

- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Meeting the challenge of climate change, flooding and coastal change

- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
 - within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value

- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objection, subject to conditions</p> <p>The Local Highway Authority advice is that, in its view the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF, as outlined in this report.</p> <p>Recommend permit subject to s1006 contributions towards sustainable travel and conditions:</p> <ul style="list-style-type: none"> • 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). • 6 month bus passes (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) £350 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate). <ul style="list-style-type: none"> • New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop. • Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display. • Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter. <p>Conditions:</p> <ul style="list-style-type: none"> • Footway provision on Oakham Rd • Internal layout to meet design standards • Closure of existing access. 	<p>The application is in outline with all matters reserved except access.</p> <p>The site lies on the edge of Somerby and would be accessed from Oakham Rd approximately centrally located within the site frontage.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p> <p>Concerns have been raised specifically regarding the impact of additional traffic flowing through High St as it is anticipated a number of resident would travel that way towards Leicester, and any flow through Owston to the south.</p> <p>The Highway Authority has been asked to advise specifically on these aspects and their advice will be reported verbally.</p>
<p>Parish Council: Objects</p> <p>Somerby Parish Council object to the development on several grounds:</p> <p>Flooding The site and surrounding properties in Firdale,</p>	<p>The site is accompanied by a Drainage Strategy</p>

<p>East Acre and Town End flood every year to some extent and at times of significant rain, flood extensively as the photographs</p> <p>The British Geological Survey shows that the site has the worst drainage potential, least permeable bedrock and highest water table in Somerby. The topography and Geology of the site combine to direct water onto it, making it very difficult to direct water away from the site.</p> <p>If water is directed away from the site it will inevitably worsen the flooding in those properties currently surrounding it. Every development in that area of Somerby has worsened the flooding.</p> <p>NPPF section 10 requires development to be steered to areas of lowest flood risk – this is the area of highest risk in Somerby. The Leicestershire Preliminary Flood Risk Assessment 2011 highlights high flood risk at and directly around this site.</p> <p>Then applicants Flood Risk Assessment/Drainage strategy refers to drainage ditches which no longer exist because, whilst they are on the applicants land, have not been maintained for many years. There are simple errors in the Application re drainage and it does not appear that any on-site testing/appraisal has taken place</p> <p>Settlement Role The MLP’s revised definition of a Service Centre should not apply to Somerby. Yes, it does have a primary school, a community building and soon superfast broadband. What it does not have is “opportunities to access employment” as the MLP demands. MBC have been asked for their evidence of employment opportunity but have been unable to provide it. It does have a bus service, the 113, but this is the second most subsidised route in the county and the three year “reprieve” ends in March 2017 so it is probable there will be no service by the time any development is built. So, if the development goes ahead occupants will have to commute by car</p> <p>Traffic Somerby High Street is a known traffic problem. Cars park down one side meaning that, effectively, it is a single track road. In addition to car traffic there are a considerable number of large farm vehicles, coaches (Nesbits coaches located at the west end of the village) and equestrian traffic. This causes real problems for most of every day with even worse issues evenings and weekends when even more cars are parked along the High Street. The primary school is concerned about pupil safety and has asked for a zebra crossing, though this seems not to be viable for several</p>	<p>and flood risk assessment which sets out how the site would be positively drained and a Flood Risk Assessment. This has met with the approval of the LLFA (see comments below).</p> <p>The scheme is that run off would be directed towards the houses west of the site but any reaching the west site boundary would be intercepted by the ditch and directed northwards to the ‘front’ (Oakham Rd) of the site and this away from the houses and their gardens (the same approach to be applied to the east side of the site). It would then be stored in the swale at the front of the site and released in a direction away from the site and existing houses only when capacity allows. It would similarly intercept and direct water received from existing housing to the west away from their location. The volume of storage capacity would be calculated based on 1:100 flood event (the national standard for protection) PLUS 40% allowance for climate change.</p> <p>The emerging Local Plan can have limited influence on the decision to be made on this application. The Pre Submission Local Plan is not considered to be sufficiently advanced to form the basis for decision making. The ‘numerical’ allocation that the Local Plan proposes for Somerby and the sites identified in the Plan are of limited significance at this stage, as indeed is its identification of Somerby as a Service Centre. The content of the Pre Submission Draft is strongly contested and not yet settled and the LP has further to go.</p> <p>The Highway Authority has been asked to advise specifically on these aspects and their advice will be reported.</p>
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reasons. Whilst the D&A statement refers to accessibility of Oakham and Melton without using the High Street, it omits to mention that all traffic created by this development and heading west towards Leicester, M1/M69 etc. must pass through. At this time we are having great difficulty in organising getting even the potholes repaired because of the traffic congestion (check with LCC Highways). This development will exacerbate the problem. A full traffic survey, which will undoubtedly show the scale of the problem and will probably preclude such development at all, should be done before any application is even submitted. NPPF paras 30-32, 34 refer.

Parking

There are 62 parking places provided in this development together with a limited number of garages. This is for 31 houses with 94 or 102 bedrooms. This is inadequate and will cause major problems. There is no provision for deliveries or guest parking whatsoever, and the only alternative is for vehicles to park on the side of a busy main road that has no footpath. This is clearly unacceptable, as the risk of an accident is exceedingly high.

Absence of any Play Area for Children

The Melton BC playing space standard for residential development requires that developments of 15 houses or more must be within a one minute walk of a LAP. This development does not comply

Housing Need

This application has only arisen because of the Emerging Melton Local Plan (EMLP) and SHLAA exercise which "requires" 49 additional houses to be built in Somerby Parish by 2036. This is reduced to 33 as 16 houses have been built in 2011-2015. The number of 49 is arbitrary in relation to any known need in the village and, given the record of building in the last five years, will easily be achieved over the 20 year period. Indeed there are agreed applications/outline applications which more than continue the trend.

The Parish Council has provided clarification of its concern regarding the drainage strategy and has advised as follows:

1 The site is at a low chance of flooding from surface water – WRONG it is at highest risk (maps and BGS survey prove)

2 The site is isolated from the larger part of catchment by being atop the local topographical high point - WRONG it's in a dip and will have to drain the considerable amount of water coming

The application is in outline and the site layout would be the subject of reserved matters if outline permission was obtained.

The application is in outline and the site layout would be the subject of reserved matters if outline permission was obtained.

The emerging Local Plan can have limited influence on the decision to be made on this application. The Pre Submission Local Plan is not considered to be sufficiently advanced to form the basis for decision making. The 'numerical' allocation that the Local Plan proposes for Somerby and the sites identified in the Plan are of limited significance

This appears to be a reference to Environment Agency categorisation which is cited in figure 6 and identified by the EA as 'low'.

This is understood to be seeking to describe the relationship with the Soar or Gaddesby Brook catchment area .

<p>from above. The site is 10-15 metres below the high point from where current floodwater drains.</p> <p>3 Water to Station Road – there are two references to Station Road, one re. water draining into it and the other re. pedestrian egress – WRONG – there is no Station Road in Somerby so these peculiar statements would imply that this assessment does not even refer to this site and has probably been cut and pasted from another site assessment and this site has not ever been properly assessed.</p> <p>4 Site area 2.931 hectares – WRONG – it’s 1.09 hectares – again this supports the fact that this assessment does not even refer to this site, which has not been visited</p> <p>5 Figure 7 Extract from LCC flood map for surface water 0.5% AEP - WRONG – site is shown in the wrong location (when put in correct location completely different and higher flood risk</p> <p>6 No test sampling has been done – how can any conclusions therefore be drawn?</p> <p>7 “There is an existing pond to the south of the site which is assumed to drain the surrounding agricultural land”– WRONG – it’s the source of a spring and does not drain the land.</p> <p>8 The subsoil is described as granular, thus aiding ground water recharge – WRONG – soil is mudstone and clay of sandstone, limestone and ironstone.</p> <p>9 The road is described as sloping west to east – WRONG- it slopes the other way.</p>	<p>No references to Station Road were identified in the document.</p> <p>At para 2.02.2 it describes the site area is 1.181 hectares.</p> <p>Noted</p> <p>The drainage strategy itself is developed on the assumption that no infiltration may be possible and therefore attenuated to a 1 in 100 year + 40% climate change standard (para 4.02.3)</p> <p>Noted – clarification has been sought as to whether it is contested that the pond poses a threat of flooding in its own right?</p> <p>Para 3.4.5 states “The BGS website indicates that the site is underlain by the Northampton sand formation comprising of sandstone, limestone and ironstone”.</p> <p>This reference has not been identified. In the document. Appendix C of the FRA/drainage strategy is a topographical survey that shows the fall of the road being from west to east.</p>
<p>Local Lead Flood Authority: No objection, subject to conditions</p> <p>National Planning Policy Framework When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.</p> <p>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. The scheme shall include the utilisation</p>	<p>Noted: The application is in outline form but drainage is considered as a material planning consideration as part of this outline application.</p> <p>There was an initial objection raised by the Local Lead Flood Authority, during the life of the application, amended and revised drainage information has been received including a drainage strategy, the Local Lead Flood Authority have now removed their objection to the proposal subject to appropriate conditions, it is therefore considered that there is no reason to refuse the application on flooding or drainage issues.</p>

<p>of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should</p> <p>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. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.</p> <p>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 on the development, have been submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.</p> <p>Information clarifying the size, location and condition of the Seven Trent Water surface water sewer outfall, and any associated downstream system within the site. Along with details of any remediation measures or alterations required shall be submitted to the Local Planning Authority prior to or as part of the first reserved matters application.</p>	<p>The scheme is that run off would be directed towards the houses west of the site but any reaching the west site boundary would be intercepted by the ditch and directed northwards to the 'front' (Oakham Rd) of the site and thus away from the houses and their gardens (the same approach to be applied to the east side of the site). It would then be stored in the swale at the front of the site and released in a direction away from the site and existing houses only when capacity allows. It would similarly 'intercept' and direct water received from existing housing to the west away from their location. The volume of storage capacity would be calculated based on 1:100 flood event (the national standard for protection) PLUS 40% allowance for climate change.</p>
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<p>In the light of criticism regarding their advice, the LLFA have commissioned a review of the advice provided through consultant engineers which concludes:</p> <p><i>The report confirms that the site will limit discharge to 5.2l/s in the 1 in 100 year plus 40% climate change event which we feel is acceptable</i></p> <p><i>There are still concerns with the use of permeable paving in private drives and that the downstream route of the existing ditch has not been determined. Given this we would request that the applicant revise the drainage drawing to prove that the necessary storage can be accommodated in the SuDS system without relying on the private driveways and indeed prove the downstream route of the drainage ditch.</i></p> <p><i>Ultimately however, given the rates are acceptable and a potential receptor has been identified, I would be comfortable to condition everything, albeit stringently, as part of the detailed design works</i></p>	
<p>Environment Agency</p> <p>Following a review of the planning application, the Environment Agency considers this site to be a low priority, where our standing advice applies and have no comments to make.</p>	<p>Noted, the comments from the LLFA can be found above.</p>
<p>Ecology: No objections subject to condition</p> <p>We are pleased to see that the revised proposals reflect the Great Crested Newt (GCN) mitigation which has recently been discussed; this includes the creation of a significant buffer around the existing pond on site and the known GCN pond immediately adjacent to the site. We note that a ‘wildlife corridor’ is now to be retained to the east of the site, which will allow GCN to move between ponds in the area and will allow sufficient foraging grounds to remain. Therefore satisfied that adequate mitigation for GCN is incorporated into the development.</p> <p>We now have no objection to the development, subject to the following being incorporated into conditions of the development:</p> <ul style="list-style-type: none"> • Final layout to be in accordance with that proposed (P01e). Any changes must retain the buffer surrounding the pond and the wildlife corridor to the east of the site. This corridor must be at least 4 meters wide. • Prior to the commencement of the development a management plan must be submitted for the area surrounding the pond and the wildlife corridor. • Works must be in accordance with the 	<p>Noted: the details required can be included as conditions if permission is granted and would need to be included in any reserved matters application that followed.</p>

<p>mitigation plan contained in the GCN survey by Wildlife Services, May 2016. Further detail of the mitigation, including an identified receptor site for any trapped GCN must be identified in support of the reserved matters application.</p> <p>Ecological surveys are only considered to be valid for two years. Therefore updated GCN surveys will be required for the on-site and off-site pond in spring 2018. These should be submitted in support of either the Reserved Matters application or prior to the commencement of the development, whichever is soonest after the spring 2018 date.</p>	
<p>Neighbouring Authority Response</p> <p>Harborough District Council wishes to makes the following representation comments on applications 16/00146/OUT and 16/00100/OUT.</p> <p>Harborough District Council has concerns about traffic impact from the developments in Harborough District particularly towards Owston, this is echoed regarding 146/OUT by the Parish Council who state that they have an “insurmountable objection to entry and exit via Church Lane.”</p> <p>Owston is generally characterised by unspoilt rural lanes of narrow width suited only to light vehicular use. Intensification of use and associated highway alterations are likely to detract from the amenity and appearance of the Owston environment.</p> <p>Please investigate this aspect carefully with Leicestershire County Council Highways so that a thorough assessment and understanding of traffic impact towards Owston informs any decision that is to be carried out. The proposal obviously raises a number of other issues including housing supply, heritage and countryside impact which Harborough District Council appreciates Melton Borough Council will consider.</p>	<p>The application has been assessed by the Highway Authority who raises no objections to the proposal subject to conditions.</p> <p>Bearing in mind its scale and the destinations likely to be favoured by residents, the traffic flow from the development is unlikely to travel towards Owston in significant quantities.</p>
<p>Developer Contributions: Section 106</p> <p>Highways:</p> <p>See above.</p> <p>Library</p> <p>The proposed development on Oakham Road, Somerby is within 9.5 km of Melton Mowbray Library on Wilton Rd being the nearest local library facility which would serve the development site. The library facilities</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.</p> <p>Noted</p>

<p>contribution would be £820 (rounded to the nearest £10).</p> <p>It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for fixtures and fittings to account for additional use from the proposed development. It will be placed under project no. MEL007. There are currently four other obligations under MEL007 that have been submitted for approval.</p> <p>Education</p> <p>Primary</p> <p>The site falls within the catchment area of Somerby Primary School. The School has a net capacity of 49 and 63 pupils are projected on the roll should this development proceed; a deficit of 14 pupil places (of which 6 are existing and 8 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.</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.]</p> <p>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 £90,016.63.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by expanding existing facilities at Somerby Primary School, by building one additional classroom. The contribution would be spent within five years of receipt of final payment.</p> <p>Please note - The Somerby Primary School occupies a very constrained site with limited potential to expand to provide the additional pupil places required. It will only be possible to expand the school to provide one additional classroom, this will generate 30 additional places, this classroom will be used to provide places for pupils coming from housing developments in the village and also to take account of demand arising from basic need (pupils number arising from an increasing birth rate, inward migration to the village). After deducting the basic need requirement for 18 pupils this would leave a balance of 12 additional spaces to accommodate pupils from a maximum of 50 new dwellings within the school catchment area, The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or</p>	<p>Noted</p> <p>The method of calculating Section 106 education contributions is based on the net capacity of the catchment school and the availability of places at any other primary school within a 2 mile available walking route of the development.</p> <p>The contributions sought are considered to be justified, related directly to the proposal and reasonable in all respects and as such comply with CIL Regulation 123.</p>
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<p>enhancing existing facilities at Somerby Primary School.</p> <p>Secondary For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.</p> <p>There are two 11-16 secondary schools in Melton Mowbray; these are The Long Field School and John Ferneley College.</p> <p>The schools have a total net capacity of 1900 and a total of 1971 pupils projected on roll should this development proceed; a deficit of 71 pupil places. A total of 7 pupil places are currently being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the deficit at these schools to 64 pupil places (of which 58 are existing and 6 are created by this development). A claim for an education contribution in this sector is therefore justified.</p> <p>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 £92,598.56.</p> <p>TOTAL REQUIREMENT £182,615.20</p>	
<p>Building Control: Layout appears satisfactory for both Fire and Refuge appliances</p>	<p>Noted.</p>
<p>Severn Trent Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition:</p> <p>Condition The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p>Reason To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk</p>	<p>Noted – such a condition can be attached to any permission granted.</p>

Representations:

A Site notice was posted and neighbouring properties consulted. **92 letters of objection from 75 individuals and 1 letter of support have been received.**

In addition a very comprehensive document has been submitted conveying the concerns of immediate residents to the issues of flooding and drainage. This has been sent direct to Members of the Committee and is summarised below

Also, a petition of 66 signatories from the immediate vicinity of the site has been received, stating as follows:

“There are many reasons for this but in particular we reject the proposal to raise the ‘Finished Floor Level’ of the site by 450mm, draining water off the site. This means draining water towards us which would be completely unacceptable. Flooding is already a major problem in this area at the East end of Somerby and any worsening would endanger dwellings. We have noticed that whenever new building takes place near here existing properties get wetter. Both National and Local policies oblige decision-makers to steer housing development away from areas of flood risk, especially if it would increase flood risk to existing properties. Melton Borough Council are the decision-makers so should refuse this development. They are responsible. If they approve the development after we have explicitly warned them of the risk, then we will hold them morally and legally responsible for any increased flooding and loss of amenity or damage to our existing properties”.

Representations	Assessment of Head of Regulatory Services
<p>Flooding and drainage</p> <p>Topography and Geology. The proposed site occupies a location where the topography and geology combine to direct water onto it and make it difficult for that water to soak or be carried away. We will describe these characteristics in detail. Building there would exacerbate the problem by greatly reducing the already poor natural drainage and deflecting water sideways towards existing homes.</p> <p>Present and Historical flooding. The proposed development site already floods every year and so do the adjacent fields and gardens. Building developments in recent years have every time worsened the problem for existing homes. This is abundantly evidenced by local observation and photography, included in this report. We will explain in detail why this happens by examining local topography and geology, which the Applicant has not done.</p> <p>The site is vulnerable to flooding and floods each year. Environment Agency mapping confirms that the site and surrounding land are prone to surface water flooding, despite the absence of a river or stream nearby. The rest of our evidence, and local experience, strongly suggests that flood risk is actually much higher than this. It already floods every year.</p> <p>The Leicestershire Preliminary Flood Risk Assessment 2011 highlights high flood risk at precisely this site. This document was not taken into account during initial consideration of the site by Melton Borough Council – if it had been, it would have been deemed unsuitable at an early stage. The Applicant has discouraged attention to this document by mapping the proposed site in completely the wrong place.</p> <p>NPPF requires the planning system to steer</p>	<p>Extensive information and comment has been received regarding flood conditions at the site and experiences in the area at present. These include photographs of standing water on the site and of the local system of roadside ditches overflowing onto adjacent fields and the road, and the gardens of properties failing to drain. The key concern is that his situation is already unacceptable and it is contended that the development will exacerbate them further.</p> <p>Drainage</p> <p>The Flood Risk Assessment and takes account of known sources of flooding information and proposes to drain the site through a series of channels that would lead to a swale. This would then release water into the ‘receptor’ drainage system only when capacity allows and then at ‘green filed’ rate which has been calculated based on the size of the site at a 1:100 year event. It is proposed to construct the swale of a capacity based on 1:100 year event plus 40% capacity to allow for climate change – i.e. sufficient to store water in such an event without it overflowing or releasing it into the exiting systems.</p> <p>The LLFA are satisfied with this approach and have recommended approval, subject to conditions. However they have also reviewed their position in the light of comments received and retain their conclusion that approval is appropriate.</p> <p>In addition, the LLFA have received the objections (opposite) based on flood risk and drainage issues and have commented additionally that: <i>“Having looked through the information, it is clear that there are concerns relating to flood risk at the site and indeed that much of the land adjacent to the road is at risk of surface water ponding however, given the likely catchment size contributing to this and the positive drainage proposals within the application and that the final documents appear consistent with</i></p>

development to the locations with the lowest flood risk – this is the site with the greatest flood risk in Somerby. Melton Borough Local Plan is not yet current, but the Draft Plan includes a strategic priority to avoid development in areas prone to flooding. The proposed site (and the residential land adjacent) is provably prone to flooding therefore housing development should not be permitted there.

The experience of the Surgery Close housing development in 2012 has taught us that whilst developers will always produce a Flood Risk Assessment that favours their proposal, the content of that assessment must be viewed critically and with caution.

The FRA and Drainage Strategy contains several inaccuracies and cannot be regarded as reliable.

The approach to drainage favours large ditches and swales rather than infiltration based SUDS. This strategy might reduce risk to the new development but would increase it to existing homes.

Expert opinion doubts that either conventional drainage or SUDS could be effective on the proposed site, because of the topographical and geological conditions described.

British Geological Survey assessment indicates that the proposed site has the worst overall drainage potential, least permeable bedrock, and highest groundwater table anywhere in Somerby. These unalterable factors contribute to the frequency and severity of existing flooding, which is also made more unpredictable by the presence of swelling clay and a perched water table above the site. These hazards are shared by existing homes and the Doctors surgery.

Local opinion as expressed in public consultation confirms that the site floods and is at flood risk, and many local people oppose the planning application specifically for this reason. Very few of these are the same people who signed the 2017 petition; those all live within 100m of the proposed site, these are from all-over Somerby village.

the requirements of the NPPF then we would still condition the detailed design including for an assessment of off-site impact modelling”

Flood risk

The FRA takes account of the geology of the area and recognises that infiltration methods of drainage are therefore unlikely to be appropriate, though their final inclusion would be subject to ground testing (the scheme described above does not rely on them).

The site is remote from any river system and the concern relates to surface water flooding from poor drainage, groundwater and overland flows.

Part of the site is identified as being vulnerable to surface water inundation in the Environment Agency’s mapping, however this would be the part for which the swale referred to above would be located. It is ranked as ‘low’ vulnerability on the EA grading system.

Sequential test

National Planning Policy sets out the objectives of the sequential test . **“The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding)”** and that **“The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test”** but also that **“other sources of flooding also need to be taken into account in applying the sequential approach.”**

“This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”.

NPPG advises the Sequential Test should not apply to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, **or other more recent information, indicates there may be flooding issues now or in the future** (for example, through the impact of climate change).

The site is within Flood Zone 1 however the site includes a small area of ‘low’ flood risk from surface water.

It also states that the Sequential test should be applied to all sources of flooding, including development in an area which has critical drainage

	<p>problems, as notified by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere. This site does not fall into these descriptions but part of it does suffer from surface water flooding.</p> <p>The FRA addresses the ‘sequential test’ and concludes that and in Flood Zone 1 (lowest risk) in relation to flood risk from rivers. It recognises the risk from surface water on part of the site and explains that because it is ‘low’ that it meets with the above objectives.</p> <p>In addition. The part of the site on which surface water vulnerability has been identified coincides with the part to be used for drainage and not where houses are proposed.</p> <p>It is considered that the information available identifies the site as having no risk from flooding (i.e. from rivers) and that it is ‘low’ from surface water flooding and as such the extent to which it has met the requirements of the Sequential approach are satisfactory. Specifically it satisfies the main criteria regarding flood zones and has taken into account other sources of flooding, i.e..surface water, as required by NPPG.</p> <p>It is also necessary to demonstrate that flood water will not pose excessive risk to the development, safe ingress and egress can be created and the development will not increase risk of flooding elsewhere.</p> <p>The FRA demonstrates safety and flooding protection by:</p> <ul style="list-style-type: none"> • Maintaining floor levels at least 450mm above the existing topographical levels. • Ingress and egress routes for pedestrians being available from the property to Oakham Road. • Dry means of escape exists for residents. <p>On the basis of the above, and the advice from the LLFA, it is considered that this can be achieved.</p> <p>The applicant has responded to criticisms made of the FRA and Drainage Strategy, advising that:</p> <ul style="list-style-type: none"> • The photographs of standing water is to be expected due to the limited porosity of the site and would be handled by the drainage scheme. • The drainage scheme would assist water flowing across and down the site and assist in preventing it affecting adjacent development by directing water into the new drainage system • The spring/pond does not pose a difficulty but it will require a drainage system. • Flooding takes place at present due to poor maintenance of ditches and culverts in the vicinity. These will be enhanced by the development. • Geological documents are no substitute for
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	<p>ground testing and the latter will determine if any infiltration is feasible.</p> <ul style="list-style-type: none"> • The NPPF/NPPG guidance on the sequential test relates to river and the sea. Surface water is a different source to be considered. • Both the EA and LCC documents identify part of the site vulnerable to surface water but not to overland flows of water. • Incorrect naming references were removed from earlier versions • Vegetation and other debris is impeding the current system of ditches and these will be cleared if the development proceeds, ensuring they will function better. • The incorrect identification of the site in the surface water map is immaterial to the report, which addresses surface water appropriately. • Topographical surveys demonstrate the road along the frontage slopes from west to east. • The reference to ‘granular’ geology was deleted from earlier versions. It is recognised that the site may not accept infiltration and the drainage scheme does not depend on this approach. • The report addresses feasibility, appropriate for an outline application. A fully worked up drainage scheme would be necessary at reserved matters stage.
<p>Highways and Traffic</p> <p>A survey found that over 50% of the cars travelling into Somerby past the site exceed 40 miles per hour. This means that the road planned for the site will need an improved visibility splay to reduce the chances of an accident. To create proper visibility for vehicles, a number of existing established trees would be lost and a major amount of hedgerow lost.</p> <p>The restricted speed signs would need moving further out of the village. New residents should use Owston Road</p> <p>Additional cars dangerous to pedestrians in High St.</p> <p>Vehicles would be disposed to use High St as the route towards Leicester etc and cannot accommodate additional use.</p> <p>It is filled with parked cars and is effectively single track without opportunity for vehicles to pass one another.</p> <p>The Primary School is located on High St and the additional traffic would pose a hazard to school children.</p> <p>The proposed development will introduce at least 60 new cars to the village. The High Street cannot</p>	<p>The application has been reviewed by the Local Highway Authority who accepts that subject to condition it is possible to access the development without increasing risk road and highway users.</p> <p>The site is fronted by a hedge and verge which would provide adequate visibility.</p> <p>Noted</p> <p>High St issues: The HA has advised that the traffic impact would not amount to one that could be described as severe. Clarification has been sought and will be reported.</p> <p>The proposal is in outline with only access considered at this time, indicative layout plans have been submitted to the Local Planning Authority which show parking allocated on site for the development.</p>

<p>accommodate this and on Oakham Road the layout is also poor; it is awkward to enter the main carriageway from Oakham Road, East Acre or Surgery Close, and will become more so if a fourth junction and additional 60+ cars are added. The additional burden would not be sustainable.</p> <p>7 accidents which has caused damage to walls, fences and hedges all over public footpaths and its staggering how no one has been injured or killed. The picturesque High St is now cluttered with cars and it can take 10/15 minutes to do 100 yards so why do we want to increase that and thus reduce safety and increase cost of repair!</p> <p>The development has inadequate parking spaces for the 60 to 90 cars that residents will have and no provision for visitors meaning they will have to park on a dangerous stretch of road.</p> <p>We have a lot of cyclists and horses on the roads, which are already hazardous.</p>	<p>A minimum of two parking spaces is indicated for each dwelling with additional parking allocated for visitors.</p>
<p>Sustainability</p> <p>The village does not have the infrastructure to support a development of this size</p> <p>A limited post office operates for 2 days per week and the bus service is insufficient and under threat of discontinuation.</p> <p>There are not enough amenities to sustain more houses, the school is full and the surgery is very busy.</p> <p>Somerby is not a Secondary Service Centre and it does not meet the criteria and therefore a development of this size is too large and is not sustainable.</p> <p>The development is much too large in scale, Somerby should be classified (by the councils own definition) as a rural supporter, and so developments of more than 5 houses should not be permitted.</p> <p>The shop itself is small scale and is open for limited hours during most days particularly evenings and at weekends when most residents would require the service.</p> <p>Somerby is considered to be akin to a Rural Supporter Settlement and as such only small-scale growth should be permitted in order to allow the settlement to retain the extremely limited services and facilities it currently has.</p> <p>Most major services are at least 7 miles away.</p>	<p>Somerby is considered to perform reasonably well in sustainability terms owing to its community facilities, access to services and transport links.</p> <p>It is therefore considered that it would be impossible to defend a refusal of the application on the basis of the sustainability of the location.</p> <p>However, sustainability also takes into account economic and environmental factors and the site is 'greenfield'</p> <p>The Pre Submission version of the Local Plan identifies Somerby as a 'Service Centre',</p> <p>Based on the presence of essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements.</p>

<p>Primary School full</p>	<p>The Education Authority has advised that the school can be expanded in capacity to accommodate demand from this development</p>
<p>Housing Mix</p> <p>Housing mix is not correct for village</p> <p>There appears to be not enough 2 or 1 bed properties on this proposed site for single people wanting to buy or local elderly people looking to downsize and stay in the village. This needs to be re-addressed and re-assessed.</p> <p>There are already 7no. 4 and 5 bed houses for sale in the village and have been on the market for over 12 months. The realistic need is for more 2 bed and 1 bed properties required for this site.</p> <p>The number and type of houses does not reflect the needs of a village community.</p> <p>The development has very clearly defined "affordable" housing which is biased against those residents.</p> <p>The village has a good number of homes already for sale and many of these have been on the market for over a year. This development is targeting more of the same mix, however, this is not meeting the needs of the village with a focus on returns rather than the community.</p> <p>Somerby Parish does not need any large scale housing developments, the existing stock, whilst Somerby is a desirable location, sells in excess of the national average 13 weeks and rental property again is taken up in a time period above the national average (Rightmove statistics).The newest addition to the Somerby affordable housing stock (NCHA built) even had a tenant subletting a property to their own aspirations criteria not NCHA's.Somerby over the last 20 years has built over 40 houses providing houses at all levels and has achieved this with infill developments on no more than 8 units,this policy has been very effective and should be encouraged by MBC.This will help Somerby maintain its character and allow improvements to its infrastructure in a managed and cost effective manner</p>	<p>The proposal does not identify a mix of houses and is in 'outline' with such details reserved. An element of affordable housing could be secured by way of a Section 106 Agreement, and a mix of smaller dwellings including those of 2 and 3 bedrooms could be required through a condition.</p> <p>The need for new housing is well documented and one of the key objectives of the NPPF is to 'boost housing supply'. Housing supply in the Borough is calculated at 245 per year but delivery has fallen significantly short of this in recent years.</p> <p>One of the main reasons the NPPF advocates a boost in housing supply is because of market affordability issues. Melton has the highest income /house price ratio in Leicestershire and a continuing high demand for affordable housing of all types (rented, intermediate, assisted purchase etc).</p>
<p>Character of Area</p> <p>The site is a green field which would be lost. The whole rural nature of the village will be affected. The riding stables, horses, hunting and walking will be affected by the building of more houses.</p> <p>Outline planning for a new house in open</p>	<p>The Proposal only considers Access at this stage.</p> <p>As yet no materials or details of design have been submitted to the Local Planning Authority for consideration, details of these can be secured by way of condition to be submitted prior to the commencement of the development should the</p>

<p>countryside where the location is not identified should not be considered as part of an outline application given the decision on landscape and heritage contained in appeal decision on land at Southfields Farm.</p> <p>The appearance of the entrance to the village from Oakham will change.</p> <p>The design and layout will be out of character with Somerby.</p> <p>Though outside, the development will affect the Conservation Area.</p>	<p>application be approved.</p> <p>The site is on the edge of Somerby and would be visible, particularly on an approach from the east. Whilst boundary hedges and frontage trees would offer some ‘softening’ opportunities, it will inevitably be readily visible.</p> <p>The immediate area contains other modern development opposite and inter war style estate adjoining to the west. Within this context it is nor considered that the development would appear either intrusive nor would it be harmful to character.</p> <p>The site is separated from the Conservation Area and closest heritage assets by intervening development and would not be viewed in the same context. It is therefore considered it would not be harmful to the character and appearance of the Conservation Area or the setting of any listed buildings.</p>
<p>Residential Amenity</p> <p>Existing residents would have privacy invaded</p> <p>Would result in a detrimental impact upon the amenities of residents whose dwellings immediately abut and overlook the site from the adjacent development.</p> <p>This development will add greatly to light pollution in a rural area.</p>	<p>Whilst only indicative the layout submitted within the planning application demonstrates that sufficient separation distances to existing dwellings can be achieved to ensure that there will not be any significant detrimental impact upon occupants of existing dwellings.</p> <p>There are no proposals for lighting beyond those normally present in residential areas.</p>
<p>Other Matters</p> <p>Ecology – the site provides habitat to a wide range of wildlife that would be lost. Great Crested Newts (GCN) – Two ponds are mentioned, Pond A just inside the site and Pond B just outside it. The planning application points out that Pond B is the GCN breeding pond but not that they are barely 4m apart – as habitat they are inseparable.</p> <p>A Barn Owl is seen using that field on a regular basis and smaller Owls nest locally</p> <p>The 2015 Biodiversity Survey points out the presence on the boundaries of the proposed site of mature ash and oak and regenerating elm trees. By my count, there are seven. It says these should be retained if possible, and according to the Leicester, Leicestershire and Rutland Biodiversity Action Plan (2010 -15) “Mature and veteran trees are a priority habitat”. Therefore these trees should be retained. MBC should require guarantees from the proposer on how this will be done, because if they aren’t cut</p>	<p>The site contains a pond which is identified as a habitat for Great Crested Newt. The indicative site layout shown it can be protected by a ‘buffer zone’ and the Council’s ecological advisors have recommended conditions to secure their protection. These can be applied as conditions.</p> <p>The trees are at the perimeters of the site and do not require removal to accommodate the proposals. Conditions can be applied to require their retention and protection during development.</p> <p>There is no evidence provided to demonstrate that</p>

<p>down groundworks and foundations will surely sever half of their roots.</p> <p>Safety and Protection Objectives – More housing in Somerby will increase the likelihood of crime, we are served in Somerby by a Police response teams from across the Midlands, at one incident in Burrough on the Hill the response team was from Northampton. This policy will lead to potential serious injury or death.</p> <p>Environmental Objectives – The design layout for the new development does not reflect the layout and style of the village, more housing increases pollution, the natural environment will not be protected, the “brand” will be destroyed by a large development. The rural character of the Borough will be destroyed. Developments of this type in conjunction with the climate changes severely enhance the dangers of flooding not only in Somerby but also downstream. Maintenance work will increase and so will Council Tax Bills to fund said maintenance along with the carbon footprint.</p> <p>Sewerage capacity would need increasing to accommodate an increased number of properties; the electricity supply is becoming overloaded and frequently we suffer power cuts; there is no mobile phone coverage or fast broadband, which would make these unattractive to potential home-workers; there is no gas to the village, so people would be dependent on deliveries of fuel by road (adding to traffic congestion).</p> <p>Since September 2008 we have had 41 power cuts/outages. Since January 1st 2015 we have had 18 which means 41% of outages have been in the last 15 months. This information is from Western Power Distribution.</p> <p>This development would go against many of the proposals being suggested for our neighbourhood plan. As we have only just begun to formulate our NP, this should be taken into consideration.</p>	<p>more housing will increase the incidence of crime.</p> <p>The development is modest in scale (up to 32) and compares to 22 on the adjacent development which occupies a similar area.</p> <p>The immediate area contains other modern development opposite and inter-war style estate adjoining to the west. Within this context it is nor considered that the development would appear either intrusive nor would it be harmful to character.</p> <p>The sewerage authority have not raised objection to the development.</p> <p>Noted. No background has been provided and it is unclear whether the development would exacerbate these instances.</p> <p>The Neighbourhood Plan has not been published for consultation and has not reached a stage where it can form the basis for decision making.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policy</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p>

	<p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>The site is a brownfield site. It also lies on the edge of the village but within close proximity to open countryside. However the harm attributed by the development is required to be considered against the benefits of allowing the development in this location. The provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with the promoting housing growth.</p> <p>The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be some impact upon the appearance of the area and technical matters which require mitigation. The form of development is considered be acceptable and the benefits of the proposal outweigh these concerns. It is therefore considered to be in accordance with the core planning principles of the NPPF.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and was subject to consultation which ended on 16th December 2016. It is due to be reported to Council before formal submission.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p>

<p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan identifies Somerby as a ‘Service Centre’,</p> <p>The site is ‘allocated’ for residential development in the Pre Submission Local Plan</p>	<p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add modest weight in support of the proposal.</p>
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Conclusion

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

Affordable housing provision remains of the Council’s key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application represents 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. Somerby is considered to be a reasonably sustainable location where primary education and other services can be accessed. It is considered that there are material considerations of **significant weight in favour** of the application.

Though by no means “optimum”, the site is considered to perform reasonably well in terms of access to facilities and transport links: those in the immediate. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the impact on the character of the rural village being on the edge of the settlement and surrounded by open countryside and the loss of a greenfield site. However the site is not protected by any landscape designation (e.g. AONB, Green Belt etc) and as such this is of very limited ‘harm’ under the NPPF.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site and sub optimal sustainability – are considered to be of limited harm.

This is because, In this location, the site benefits from a range of services in the immediate vicinity and nearby which mitigate the extent to which travel is necessary and limits journey distance, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

Recommendation: PERMIT, subject to:-

(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:

- (i) Contribution for the improvement to library facilities.
- (ii) Contribution towards education capacity in primary and secondary sectors
- (iii) Contribution to maintenance of open space
- (iv) Provision of Travel Packs, 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer);
- (v) New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- (vi) Information display cases at 2 nearest bus stops at t £120.00 per display.
- (vii) Bus shelters at 2 nearest bus stops at t £4,908.00 per shelter.
The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs

(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 "external appearance of the buildings, Layout, Scale and Landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.
4. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. 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.
6. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
8. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
9. The car parking and any turning facilities shown within the curtilage of, or serving each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
10. Before any dwelling is first occupied, a proposed footway shall be provided from the site access along Oakham Road, with appropriate dropped crossing points on either side of Oakham Road in

accordance with details that shall first have been submitted to and approved by the LPA before development commences.

11. Notwithstanding the details submitted, all details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
12. Any existing vehicular access that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.
13. 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. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change.
14. 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.
Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
15. 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 on the development, have been submitted to, and approved in writing by, the Local Planning Authority.
Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
16. Information clarifying the size, location and condition of the Seven Trent Water surface water sewer outfall, and any associated downstream system within the site. Along with details of any remediation measures or alterations required shall be submitted to the Local Planning Authority prior to or as part of the first reserved matters application.
17. The final layout retain the buffer surrounding the pond and the wildlife corridor to the east of the site. This corridor must be at least 4 meters wide.
18. Prior to the commencement of the development a management plan must be submitted for the area surrounding the pond and the wildlife corridor.
19. Works must be in accordance with the mitigation plan contained in the GCN survey by Wildlife Services, May 2016. Further detail of the mitigation, including an identified receptor site for any trapped GCN must be identified in support of the reserved matters application.

20. No development shall commence on site until all existing trees and hedgerows that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To ensure that the housing needs of the borough are met.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
5. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
6. To provide a reasonable period for the replacement of any planting.
7. In the interests of amenity, desirability, safety and security of users of the Public Footpath.
8. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
9. In the interests of the safety of road users.
10. In the interests of pedestrian safety, and to encourage walking as an alternative to the use of a car for journeys to and from the site.
11. To ensure a satisfactory form of development and in the interests of highway safety.
12. In the interests of the safety of road users.
13. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
14. 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 through the entire development construction phase.
15. 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 sustainable drainage system within the proposed development.
16. To ensure that appropriate management of incoming surface water flows from the existing surface water sewer is retained through the development process and throughout the lifetime of the development.
- 17– 19, To ensure adequate protection for Great Crested Newt.
20. In order to protect trees in the course of development.

Officer to contact: **Mr J Worley**

Date: 18th April 2017