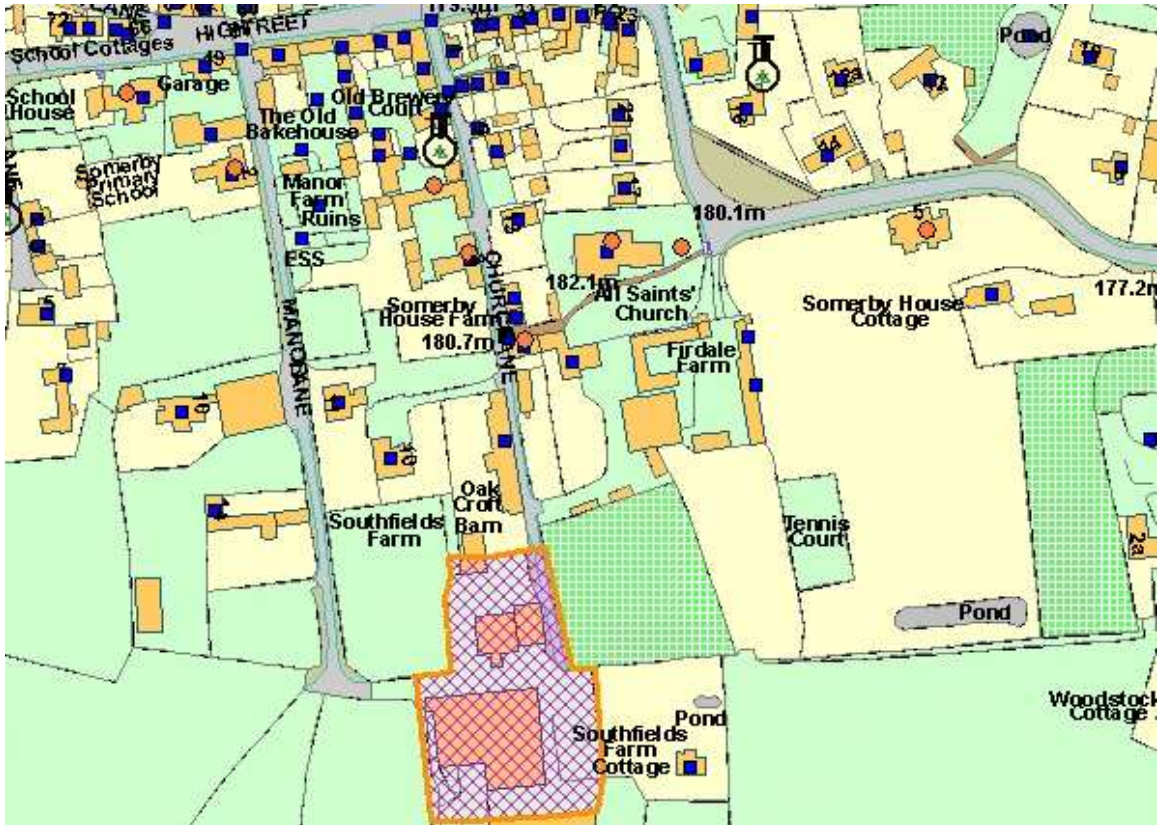


Reference: 16/00146/OUT
Date submitted: 20th April 2016
Applicant: Mr M Barnes
Location: Southfields 10 Church Lane Somerby
Proposal: Outline planning approval for the demolition of livestock buildings and construction of 12 dwellings.



Proposal :-

This application seeks outline planning consent for the demolition of livestock buildings and construction of 12 dwellings.

The site lies to the southern edge of the village of Somerby with a single lane access to the existing farm. This access currently serves as the main access point for farm vehicle and Lorries. To the south of the site there are undulating open fields before reaching a newly constructed farm shed. The site is screened from the village by mature planting.

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

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

- Compliance or otherwise with the Development Plan and the NPPF
- Impact upon the character of the area and open countryside
- Impact upon residential amenities

- **Impact upon highway network**
- **Sustainable development**

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

History:-

01/00653/FUL – Proposed agricultural stock building – approved

14/00034/FUL – Agricultural steel framed building to house cattle – approved

15/00503/FUL – New agricultural livestock building – approved

16/000616/FUL – Construction of new farmhouse and detached domestic garage and extension to existing agricultural building to form milking shed all to be served by existing farm access.

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.

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
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<p>Highways Authority: No objection, subject to conditions</p> <p>A negative condition is advised, that no works on the conversion of the farm buildings commence, until such time as a new farm access has been provided onto Owston Road. On that basis the LHA are prepared to accept the development.</p> <p>Conditions</p> <p>1 No development shall commence on the proposed conversions until such time as a new farm access has been provided from Owston Road,</p> <p>2 Proposed parking to be completed prior to occupation.</p> <p>3 Construction traffic/site traffic management submitted to the LPA prior to commencement.</p> <p>4 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</p> <p>5 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.</p> <p>6 Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.</p>	<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 Church Lane via the access currently serving Church Farm.</p> <p>The indicative layout plan shows a single point of access from Church Lane with a cul-de-sac design forming the layout of the additional dwellings.</p> <p>The Highway Authority recognise that existing farm traffic could cause an issue for the additional vehicles on Church Lane, a separate application has been submitted for a new farm building and access point upgraded for the use of the farm traffic.</p> <p>The additional farm building is being considered under application reference 16/00616/FUL, the details of this application are to be determined separately to this current application however the Highway Authority have confirmed the following on this matter.</p> <p><i>“While it is considered the proposed visibility splays are substandard and a crossroads would be formed between the accesses which are generally undesirable to the CHA, there are no proposals to intensify the usage of the relocated access as part of the application and the location offers an improvement to the visibility over the existing location, which had been noted as being poor during a previous site visit.”</i></p> <p>They concluded that on balance, the relocation of the eastern access is seen as a highway gain by the Highways Authority and the proposals would also remove the need for farm traffic to use Church Lane, which would not be able to accommodate traffic from both the development proposed as part of application ref 16/00146/OUT and the existing level of farm traffic.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>
<p>Parish Council: Supports development but objects on certain grounds</p> <p>Somerby Parish Council have considered this application and would approve a development on this site, in principle for the following reasons:</p> <p>This site represents infill and is therefore preferable to building on the edges of the village</p>	<p>Noted – the Neighbourhood Plan has not yet advanced to a position where it can form the basis</p>

<p>as is currently under consideration (indeed this site may be one identified by the Neighbourhood Plan currently being developed).</p> <p>A development here could improve this part of the village for nearby residents which hitherto has been a busy farm yard with all that entails.</p> <p>However, the Parish Council object to the application on the following grounds</p> <p>Access via Church Lane Routing all traffic down Church Lane is unacceptable. The claim that traffic will be reduced overall by the removal of farm traffic is misleading as the applicant has stated that the relocation of the farm is unlikely to take place for a number of years. The increased volume of traffic (cars, oil tankers, delivery vehicles, refuse lorries etc.) on a narrow lane such as this will be intolerable.</p> <p>Over-intensification of the site 12 homes and 35 bedrooms is an over intensification of the site. The number of extra vehicles (which could easily be 24-30 private vehicles) is also unacceptable.</p> <p>Lack of information If a new farm house and associated barns are to be constructed if this application is approved the details of this should be included in this application. This is effectively a wholesale, relocation of the farm.</p> <p>Housing Mix The application does nothing to address the Central Government requirement for a mix of housing. The application does little to help either those less mobile, often said to be elderly but not necessarily so, or the young who are leaving the parish to find affordable accommodation.</p> <p>Flooding There have been recent flooding incidents at the bottom of Manor Lane linked to the drain which flows across the farmyard. This needs investigation and resolution before any application can be decided.</p> <p>Pedestrian Safety Should this development be approved Somerby Parish Council would require a safe pedestrian walkway (pavement) between the site and High Street.</p>	<p>of decision making.</p> <p>The application has been reviewed by the County Highway Authority who raise no objection to the proposal in principal.</p> <p>The number of dwellings is considered appropriate to allow sufficient privacy and amenity space without appearing cramped in form.</p> <p>The Highways Authority recommends a condition that would prevent the housing before the farm is relocated, this fully addressing this concern.</p> <p>The application is in outline and until details are known it is not considered that conclusions can be made on over development.</p> <p>A new farmhouse is being considered under reference 16/00616 the details of which have been made available to both the public and the relevant consultees including the Parish Council.</p> <p>The proposal indicates a mix of 2, 3 and 4 bedroom dwellings of both single and two storey design. This would meet the mix required overall by the Borough. The proposal is in outline form with only access considered at this time, the homes if permitted would need to meet the provisions of Building Regulations which would enable them to be occupied for those less mobile.</p> <p>The application includes a drainage strategy to prevent flooding on the site or elsewhere. Local Lead Flood Authority have been consulted on the application and wish to raise no objections to the proposal, the comments can be found later in the report.</p> <p>There are existing pedestrian links from the site to the Village, the Highway Authority have not requested any improvements to pedestrian access.</p>
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<p>To summarise, whilst we and our parishioners are in favour of the development of 12 houses in the area, we have an insurmountable objection to the entry and exit via Church Lane.</p> <p>We are thus not able to support the application as submitted but could do so if an alternative route, such as off Owston Road, were created.</p>	<p>Owston Road whilst suitable for farm access is not considered practical for the use of vehicles for this development as outlined in the comments of the County Highway Authority.</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>Lead Local Flood Authority The proposed development will be acceptable if the following planning conditions are attached to any permission granted.</p> <p>1. Advice - Surface Water (Condition)</p> <p>To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.</p> <p>2. Advice – Construction Surface Water Management Plan (Condition)</p> <p>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.</p> <p>3. Advice – SuDS Maintenance Plan & Schedule (Condition)</p> <p>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.</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 full 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>Environment Agency</p> <p>The Environment Agency has developed an external consultation list that sets out which planning consultations LPAs should send to us for comment.</p> <p>The list is based on the Development Management Procedure Order 2010 and current planning</p>	<p>Noted, the comments from the LLFA can be found above.</p>

<p>policy. This has been implemented as we are receiving a large amount of planning applications that:</p> <ul style="list-style-type: none"> • Are very low risk and do not warrant a response • Are not within our remit or; • Where Flood Risk Standing Advice applies <p>We do not necessarily need to provide a bespoke response to each of the consultation categories on the above list, however the list will help us to focus our resources on providing advice where it has the most impact on the environment and it is hoped that it will be beneficial to LPA's by providing clarification on when to consult us, saving time and resources.</p> <p>We have reviewed the application we have no detailed comments to make.</p>	
<p>Access Officer, Leicestershire County Council: No objection subject to condition.</p> <p>Thank you for bringing the above planning application to my attention. As stated in the application, Public Footpath D74 runs through the site from Church Lane southwards and to Manor Lane.</p> <p>I note that the application is for outline permission only and also that it is suggested that the footpath could be diverted around the perimeter of the development.</p> <p>The proposed footpath route on the indicative layout appears to be a reasonable suggestion consequently there is no objection to the application as it should not be detrimental to the public's use and enjoyment of the Right of Way; however as there is a need for detailed discussion on the treatment of the Public Footpath , it is recommended that such provision is dealt with as a reserved matter and a condition added should the application be approved.</p>	<p>Noted. Details of footpaths can be secured by way of condition should the application be approved.</p>
<p>Ecology: No objections subject to condition</p> <p>Recommend that clarification is sought from the ecologist requiring the requirement for an EPS licence. It may be that the applicant is prepared to accept a condition requiring Great Crested Newt (GCN) fencing to be installed at a certain time of year and accepts that the mitigation may not be required if GCN were found not to be present.</p> <p>Confident that the impacts of proposed development on GCN can be mitigated for, should planning permission be granted.</p>	<p>Noted: Details relating to the submission of surveys and GCN fencing can be secured by way of condition should the application be approved.</p>

Neighbouring Authority Response	
<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>These comments were forwarded to the County Highway Authority for comment and they responded as follows</p> <ul style="list-style-type: none"> • Within its highways observations dated 30th June 2016, the CHA advised a condition that no development associated with application reference 16/0146 shall commence until an a new farm access to Southfields Farm has been provided on to Owston Road. Once the access has been provided, no farm traffic associated with Southfields Farm shall use Church Lane. Since the submission of these observations, the applicants have addressed the access to the farm as part of application reference 16/00616/FUL. The CHA advised approval subject to conditions on 6th March 2017. • While the CHA was doubtful that Church Lane could have accommodated traffic from an additional 12 dwellings as well as traffic from Southfields Farm, on the basis that an alternative access to the farm could be provided for all farm traffic, the proposals were considered acceptable. The application also presented the opportunity to remove the necessity for large, slow moving vehicles from using a road which is somewhat substandard to cater for modern farming vehicles and equipment. • Due to the small scale of development, neither of the two sites (16/00146/OUT or 16/00100/OUT) were required to submit a Transport Statement or detailed trip distribution analysis. As part of application reference 16/00615/OUT for up to 31 dwellings within Somerby, the applicants did however calculate up to 30 trips would be generated by a development of 35 dwellings in the AM peak and 26 during the PM peak. The CHA consider application 16/00100 would generate similar levels of traffic, with application ref 16/00146 generating less. The majority of these trips would most likely disperse in the directions of Melton, Oakham and Leicester meaning any additional development traffic through Owston would be minimal and could not be classed as severe. Any development traffic which does travel through Owston is likely to use Somerby Road/ Long Lane/ Whatborough Road, which is a classified C road and considered suitable to accommodate any

	<p>additional traffic generated by the two developments. Due to the limited number of possible destinations to the west of Owston and in relation to the strategic road network, the CHA consider it is unlikely development traffic would disperse off the main road and through Owston on to the narrower single track roads.</p> <ul style="list-style-type: none"> • The CHA has not advised conditions for any highway works in the vicinity of Owston as part of either development. <p>The character of the area is a village surrounded by open countryside, the proposal is in outline with only access to be considered at this time, the existing site is that of a farm yard, there are a number of agricultural buildings that will be removed as part of this proposal, the site is by very nature a working farm and is therefore not as attractive as possible. Any reserved matters application would detail the layout and materials to be used within the development, the submission and assessment of these details would take into consideration there siting within this location and the impact this would have on the rural landscape.</p>
<p>Developer Contributions: Section 106</p> <p>Highways:</p> <p>No contributions requested.</p> <p>Waste</p> <p>The nearest Civic Amenity Site to the proposed development is located at Somerby and residents of the proposed development are likely to use this site. The Civic Amenity Site at Somerby will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.</p> <p>Library</p> <p>No claim from Leicestershire Library Services due to the closes library to the development being Oakham Library.</p> <p>Education</p> <p>Primary</p>	<p>S106 payments are governed by Regulation 123 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>Noted</p>

The site falls within the catchment area of Somerby Primary school. The School has a net capacity of 49 and 62 pupils are projected on the roll should this development proceed; a deficit of 13 pupil places (of which 10 are existing and 3 are created by this development). There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be discounted.

There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified.

In order to provide the additional primary school places anticipated by the proposed development the county Council would request a contribution for the Primary School sector of £34,845.15

The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Somerby Primary School.

The Contribution would be spent with five years of receipt of final payment.

Secondary

For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.

There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Ferneley College.

The schools have a total net capacity of 1900 and a total of 1973 pupils projected on roll should this development proceed; a deficit of 73 pupil places.

A total of 7 pupil places are include in the forecast for these schools from S106agreements for other developments in this area and have to be discounted. This reduces the total deficit at these schools to 66 pupil places (of which 64 are existing and 2 are created by this development). A claim for an education contribution in this sector is therefore justified.

In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £35,752.34.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at John Ferneley

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>College and Long Field Academy.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>Post 16</p> <p>The nearest school to the site is Melton vale Post 16 Centre. The College has a net capacity of 640 and 455 pupils are projected on roll should this development proceed; a surplus of 185 pupil places after taking into account the 1 pupil generated by this development.</p> <p>There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area.</p> <p>An education contribution will not be requested for this sector.</p> <p>Special Schools</p> <p>As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.</p> <p>TOTAL REQUIREMENT £70,597.49.</p>	
<p>Affordable Housing</p> <p>Total dwellings – 12</p> <p>Affordable Housing contribution at current Local Plan level – 4.8 dwellings (40% of total)</p> <p>Affordable/intermediate/social rented – 3 (c. 80%) Intermediate housing – 1 (c. 20%)</p> <p>Evidence from our recently commissioned Melton Borough Housing Needs Study by JG Consulting, shows a need for a split of 80% rented and 20% intermediate housing.</p> <p>The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing.</p> <p>Due to the small number of properties on this site, there is no inclusion of Starter Homes.</p> <p>The Housing Needs Survey of Somerby carried out by Midlands Rural Housing in March & April 2016, identified a need over the next 5 years for both affordable housing and market housing.</p> <p>The housing mix recommendations from both the Melton Borough Housing Needs Study and the Somerby Housing Needs Survey have been used in conjunction as the evidence base for my recommendations</p>	<p>Noted. This configuration can be incorporated into a condition if permission is granted.</p>

Representations:

A Site notice was posted and neighbouring properties consulted. **21 letters of objection, 7 letters of support and 3 Neutral letters have been received;** the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Highways and Traffic</p> <p>New residents should use Owston Road</p> <p>Most households have 2 or more vehicles plus visitors coming 24/7 this would be disruptive to existing residents.</p> <p>Additional cars dangerous to pedestrians.</p> <p>Church Lane used as racetrack</p> <p>Church Lane would become dumping ground for cars.</p> <p>Obstructions to driveways would occur.</p> <p>Church Lane is very narrow single carriageway and already has problems with traffic.</p> <p>Lane used by horses with no passing bays</p> <p>The possibility of 48 cars up and down Church Lane a day seems ridiculous</p> <p>The application shows a picture of a central heating oil tanker struggling to negotiate the lane. This is not an agricultural vehicle, its delivering oil to a property. There would be a need for many tankers to supply the potential new development making a misery of the fact that the development is reducing heavy traffic.</p> <p>Access to the site is questionable</p> <p>Using a single track road is certainly a hazard and then turning onto Somerby High Street which is practically a single track road with all cars parked on it this will cause further dangers</p> <p>The application over estimates the volume of existing farm traffic and under estimates the potential increased volume from 12 further homes.</p> <p>Firdale Farm approved planning application will increase traffic onto Church Lane also.</p> <p>Church Lane has inadequate pavement areas to</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 from Church Lane without increasing risk road and highway users.</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>A minimum of two parking spaces is indicated for each dwelling with additional parking allocated for visitors.</p> <p>Passing bays are secured by condition should the application be approved.</p> <p>The removal of farm traffic would be a benefit to Church Lane.</p>

<p>guarantee the safety of pedestrians at best.</p> <p>The information provided by the applicant on traffic flows on Church Lane is fundamentally incorrect farm usage of the lane is limited to approximately 10 journeys per day (agricultural and domestic)</p> <p>It is impossible for cars to pass each other at several points along Church Lane, the only way to pass along most portions of the lane is to mount the pavement</p> <p>A professional and independent survey of traffic along Church Lane should be conducted.</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>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>Primary School full</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 could be impossible to refuse the application of the basis of the sustainability of the location.</p> <p>However, sustainability also takes into account economic and environmental factors and it is recognised that the site is ‘brownfield’ having a presumption for development. This is considered to weigh in favour of the proposal.</p> <p>The Pre Submission version of the Local Plan identifies Somerby as a ‘Service Centre’,</p> <p>Service Centres are villages that act as a local focus for services and facilities in the rural area. They have the 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. These villages should have all four of the Essential services and a range of important and other facilities.</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>The proposed development does nothing to meet the needs of local residents who require 1-2</p>	<p>The proposal identifies a mixture of 2, 3 and 4 bedroom houses, an element of affordable housing is to be secured by way of a Section 106 Agreement, the proposed mix of smaller</p>

<p>bedroom houses – both for first time buyers and those wishing to downsize.</p>	<p>dwelling including those of 2 and 3 bedrooms are considered appropriate for this location and will aid both first time buyers and those wishing to downsize from existing larger dwellings.</p>
<p>Character of Area</p> <p>There is no mention of Street Lighting within the application if you refer to the Fringe Sensitivity Study this says that developments with lit settlement edges should be avoided when on the edge of open countryside. This proposed development is on the edge of open countryside.</p> <p>Neither does the proposed development meet the criteria set by the Fringe Sensitivity Study either in design, Size, Lighting or its use of building materials.</p> <p>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 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>Quiet residential area should not be turned into housing estate.</p> <p>It would be an eyesore to see vehicles parked on the lane</p> <p>The application is also in the setting of grade 1 listed church, which has not been taken into account.</p> <p>On a whole the application has not addressed Somerby village heritage.</p> <p>The applicant asserts that courtyard developments are common place in Somerby. This is incorrect,</p>	<p>The Proposal only considers Access at this stage, however the location of the site and the area is considered to respond well to the existing built form not appearing detached from the core of the village.</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 application be approved.</p> <p>In determining the appeal for the wind turbine the Inspector considered that the landscape was sensitive to change however the presence of a turbine would introduce an alien feature out of keeping with the landscape whereas an agricultural building is traditionally more expected and supported by local and national planning policies.</p> <p>Noted.</p> <p>Under s72 of the Listed Buildings and Conservation areas Act 1990 special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. The site is close to the existing Somerby Conservation area within proximity to the Church, it is considered that a suitable design can be achieved in this location to ensure that the proposed dwellings would conserve the existing heritage assets, should the application be approved it is considered that the proposal would enhance the overall appearance of the site given the current buildings in situ.</p> <p>The proposal subject to conditions requiring samples of materials to be submitted at Reserved Matters Stage is capable of development without significantly adversely impacting on the wider area.</p> <p>Noted - the application requires assessment based on the current surrounding environment.</p>

<p>there are 3 and all of these are re-uses of historic buildings not new developments.</p> <p>The applicant asserts that there has been significant development along Church Lane since Southfields Farm was built this is incorrect. Most buildings along Church Lane are older than or contemporaneous with the farm.</p> <p>Parking areas and turning circles are completely out of character for a village they are more akin to suburban development.</p> <p>Farm traffic and buildings are recognised as a typical characteristic of rural villages.</p> <p>An application to expand the Somerby Conservation Area has been submitted in April 2016 to Melton Borough Council which includes the site and beyond. The development should not be considered until the Conservation Area expansion is revisited.</p>	<p>Noted – the application requires assessment based on the current surrounding environment.</p> <p>The proposal can be subject to conditions requiring layout to be submitted at Reserved Matters Stage</p> <p>Noted</p> <p>Noted – the application requires assessment based on the current legal and policy framework, and cannot be postponed until a future one is established.</p>
<p>Flooding</p> <p>Instances of flooding have occurred in this area, and therefore it would seem imperative that a detailed application should be made.</p> <p>The location of the proposed development is subject to regular flooding given the paucity of drainage. This should be investigated and independently reported upon before any application is considered.</p>	<p>An initial objection was registered from the Lead Local Flood Authority, the applicant has submitted a number of investigative surveys including revised drainage strategies.</p> <p>All of the submitted information has been assessed by the Local Lead Flood Authority who have now removed their objection to the development and raise no objection to the proposal subject to conditions.</p>
<p>Residential Amenity</p> <p>Building of such houses along with deliveries of building material, construction traffic would be nightmare to residents.</p> <p>Those residents with only a front garden would have privacy invaded</p> <p>Would result in a detrimental impact upon the amenities of residents whose dwellings immediately abut Church Lane and/or open out immediately onto it (including the disabled access to the Church), by virtue of noise, disturbance and highway safety and potential damage to property.</p>	<p>Whilst only indicative the layout submitted within the planning application demonstrates that sufficient boundary treatments to proposed and 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>Other Matters</p> <p>There is already an application for 32 houses an Oakham Road Somerby. This would meet approximately 20 years housing allocation requirement for the village. This application should be considered in this light Due to the Oakham Road application as yet undetermined no decision should be reached on the Southfield</p>	<p>Each application is determined on its own merit, the development is not connected to that of Oakham Road and it is therefore unreasonable to withhold the determination of the application until such a time that the Oakham Road proposal is determined.</p>

<p>application until it happens.</p> <p>There is no mention in the application that a survey for the presence of bats has been made. Bats are frequently seen at the southern end of Church Lane and there is evidence of badger activity.</p> <p>By removing farm traffic from Church Lane and not replacing with cars, the village has an opportunity to improve and enhance village amenities by providing better access to the footpath bringing trade to the village including the pub and shop.</p> <p>Not informed directly about application and application not advertised correct</p> <p>ly</p> <p>Farm traffic could be re-routed without the 12 houses.</p>	<p>The Council's Ecology advisors have assessed the proposal and raise no objection in terms of bats, no survey has been requested by Ecology in this instance, bats are protected by wildlife legislation and therefore should any bats be found the developer is duty bound to contact the relevant authorities and report the matter.</p> <p>Introducing new development into the village will assist the village economy and would support existing services and could assist in leading towards the provision of additional services.</p> <p>Neighbours who share a boundary with the application site were notified by letter of the proposal, there was also a site notice posted at the entrance to Church Lane ensuring that all persons passing Church Lane would be aware of the planning application. The application was also advertised in the Melton Times.</p> <p>The existing farm traffic could be re-routed without the additional dwellings, however the application is to be assessed on the information presented to the Local Planning Authority.</p>
<p>Matters of Support raised</p> <p>The only access to this farm to deliver animal feed regularly, for the cattle, is becoming a major issue down Church Lane or Manor Lane.</p> <p>We need to deliver using large lorries, for load size economy and fuel efficiently, and are not able to manoeuvre articulated vehicles down those tight lanes.</p> <p>Concerned about how narrow the lane is and do not want to damage other properties on the way to the farmyard.</p> <p>The turning at the top of Church Lane off Main Street is always difficult if parked cars are in the way.</p> <p>The application will drive further revenues for local business in the village including the shop and the pub – and provide greater support for the school. The current farmyard is no longer suitable for modern day farming and is outdated and inaccessible for agricultural vehicles.</p> <p>A new farmyard outside the village would give the business a chance to develop and grown, hopefully creating more opportunities for</p>	<p>These comments are noted.</p>

<p>ancillary agricultural business in the community.</p> <p>The application involves a brownfield site created by the modernising of a farming operation. Such essential schemes have provided the majority new village houses in thousands of locations both in Britain and Europe. There are a variety of solutions to the increase of car and service traffic in Church Lane and I believe that these can be explored in a sensible dialogue and an equitable result achieved before a full application.</p> <p>The village farm has outgrown the existing site with all modern farm equipment now growing in size, making access to and from the unit with large vehicles very difficult. I personally have had difficulty doing my job delivering machines to the farm with parked cars on the lane.</p> <p>This application as it would make use of a brown filed site would remove farm traffic from the village. It would also keep the village a viable place to live helping to keep the school, shop and pub going.</p>	
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Housing type</p> <p>The configuration and Housing mix provided</p>	<p>Housing Mix: Although in outline, the application proposes a range of house types and sizes, including bungalows and some smaller units. These are considered to reflect identified needs, particularly the smaller and single storey units.</p> <p>Affordable Housing</p> <p>The proposed affordable housing requirement is considered the requisite amount as identified by the most up to date evidence (the Housing Needs Study 2016).</p>
<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 pan 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</p>

	<p>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 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 within the terms set by the NPPF. 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>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 	<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 more advanced the preparation, the greater the weight that may be given);</p> <ul style="list-style-type: none"> ● 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>Service centres are villages that act as a local focus for services and facilities in the rural area. They have the 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. These villages should have all four of the Essential services and a good range of important and other facilities.</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.

The Borough whilst being able to demonstrate a 5 year housing land supply is deficient in terms of housing land supply more generally and this would be partly addressed by the application.

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 assessed. It is considered that there are material considerations **of significant weight in favour** of the application.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage along with developer contributions to mitigate impacts upon local services.

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.

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 limitations to the sustainability of the location – 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 towards education provision.
 - (ii) Contribution to maintenance of open space.
 - (iii) 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 take place until a scheme for treatment of the Public Footpath has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Such a scheme shall include provision for diversion, surfacing, width, structures, signing and landscaping.
8. No development shall commence on the proposed conversions until such time as a new farm access has been provided from Owston Road, fully in accordance with details that shall first have been submitted to and approved by the LPA. Once this access has been provided, no farm traffic associated with Southfields Farm shall use Church Lane.

9. Before occupation of any dwelling hereby permitted, the proposed public parking provision, passing space and shared turning head shown shall have been provide, hard surfaced and made available for the use of users of Church Lane. The passing space and turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
10. 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.
11. 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.
12. 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.
13. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
14. No development approved by this planning permission shall take place until such time as a detailed 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), construction details, 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 be modelled as both free flowing and surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

15. 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.
16. 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 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.

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. In the interests of highway safety.
9. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
10. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
11. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
12. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
13. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.).
14. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
15. 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.
16. 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.

Officer to contact: **Ms Louise Parker**

Date: 9th April 2017