



**Melton
Borough
Council**

Helping people | Shaping places



Planning Committee

26 May 2022

Report of: Interim Assistant Director for
Planning

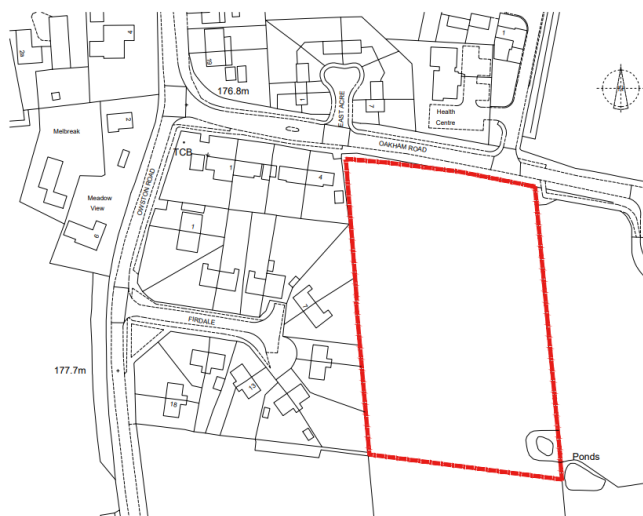
20/00452/REM 32no.dwellings including garages and carparking, new site access and proposed landscaping strategy (reserved matters application relating to 16/00100/OUT)

Field OS 3300, Oakham Road Somerby

Applicant: Taggart Homes

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Leigh Higgins (Somerby)
Date of consultation with Ward Member(s):	9 March 2020
Exempt Information:	No

1 Summary



Planning Report

20/00452/REM 32no.dwellings including garages and carparking, new site access and proposed landscaping strategy (reserved matters application relating to 16/00100/OUT)Oakham Road, Somerby

- 1.1 The application site lies to the south east of Somerby and is currently greenfield with a gated access onto Oakham Road to the north. The site borders residential development to the west and open countryside to the east. In the south east corner of the site is an existing pond with the southern boundary of the site being greenfield and rural in nature.
- 1.2 Outline permission reference 16/00100/OUT was granted at appeal (reference APP/Y2430/W/17/3178569) on 23 April 2018 with all matters reserved.
- 1.3 The proposal includes all matters Access, Appearance, Landscaping, Layout, and Scale in this instance. A Discharge of Conditions application reference 20/00398/DIS is also being considered by the Local Planning Authority in relation to conditions 4 (Landscape Management Plan, 6 (Construction traffic/site traffic management plan), 7 (Construction traffic route), 11 (Surface Water Drainage Scheme), 12 (Management of surface water on site during construction), 13 (SuDS), 14 (STW Clarification), 16 (Pond and wildlife corridor management plan) associated with the outline permission.
- 1.4 The Discharge of Condition does not impede the determination of the Reserved Matters application.

RECOMMENDATION(S)

1. It is recommended that the application is approved, subject to the conditions set out in Appendix C.
--

2 Reason for Recommendations

- 2.1 The application site benefits from outline planning permission for residential development for up to 32 dwellings.
- 2.2 The proposal has been amended following negotiations with the Parish Council and concerns raised during the consultation period and as amended would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, landscaping, layout and scale and would not compromise residential amenity of either existing or future occupants of the area.
- 2.3 The proposal is considered to respond well to the Melton Local Plan and Neighbourhood Plan Policies applicable to this site.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 The application is required to be presented to the Committee due to the number of objections received exceeding 10.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan (MLP) 2011-2036 was adopted on 10 October 2018.
- 3.2.2 The Local Plan Policies remain up to date and consistent with National Planning Policies and guidelines as contained in the National Planning Policy Framework (2021).
- 3.2.3 The Somerby Parish Neighbourhood Plan was adopted in June 2021.
- 3.2.4 The Melton Local Plan and the Somerby Parish Neighbourhood Plan together comprise the Development Plan for the area.
- 3.2.5 Please see Appendix D for a list of all applicable policies.

3.3 Main Issues

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

- Access
- Appearance
- Landscaping
- Layout
- Scale
- Housing Mix
- Flooding/Drainage

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 The site is adjacent to the settlement of Somerby and allocated for residential development reference SOM1 in both the Melton Local Plan and the Somerby Parish Neighbourhood Plan.

4.1.2 SOM1 allocation has an approximate capacity of 27 dwellings, it should be noted that the appeal allowed the principle of residential development of up to 32 dwellings on this site.

4.1.3 The report details material planning considerations such as Drainage, Ecology and Housing Mix as part of the reserved matters and they are reviewed in line with their component Planning Policies at each Reserved Matter section within the report.

4.1.4 Other material considerations are the National Planning Policy Framework (NPPF), the Design SPD, and the Housing Mix and Affordable Housing SPD.

4.2 Principle of Development

4.2.1 The principle of the development of the site for residential purposes has been established as acceptable through the granting of outline planning permission and allocation of the site within both the Melton Local Plan and the Somerby Parish Neighbourhood Plan. The outline approval has a section 106 legal agreement associated with it which remains in place and is not affected by this application.

4.3 Access



4.3.1 Vehicular access into the site is proposed directly from Oakham Road, as a T junction and would meet the design standards set out by Leicestershire Highway Authority in terms of

visibility splays. The internal layout provides sufficient space for vehicles to enter and exit the site safely, with a turning head provided at the southern boundary.

- 4.3.2 69 allocated spaces (including garage/carport spaces) are included in the proposal along with 13 visitor parking spaces, 8 of which are on plot and 5 communal included at various points within the site, provision is made for secure and covered cycle storage provided in rear gardens for properties without garages. Garages are to be used for cycle storage where provided.
- 4.3.3 Pedestrian access into the site will also be via Oakham Road with the proposed access providing footpaths on either side of the new carriageway, connecting into the existing provision on the opposite side of the road, adjacent the Surgery via tactile paving and dropped Kerbs to facilitate pedestrian movements across the junction head.
- 4.3.4 In order to achieve the required visibility splays the village name sign will need to be relocated within the highway, the applicant has agreed that details of the relocation and position are to be subject of planning condition and the details are to be discussed with the Parish Council prior to the works taking place.
- 4.3.5 The proposed access in relation this Reserved Matters submission is considered acceptable and accords with Policy D1 and Neighbourhood Plan Policy CD1 and TI1.

4.4 Appearance



- 4.4.1 The proposed dwellings incorporate examples of design found in Somerby Village that would respect the overall character of the village by using a variety of designs and appearances that are found locally within the village. A mixture of materials that compliment both the immediate streetscene and the character of the area more widely are to be used to create a sense of identity to the scheme and also provide a visual break in the development when viewed inside the site.
- 4.4.2 The proposal will be readily seen from public vantage points so it is important that the design as a whole enhances the setting and landscape context of the village. The entrance to the site is an open frontage with green space and planting. The first dwelling that is viewed from Oakham Road is a feature property constructed of stone and whilst set back from the frontage will be orientated North towards Oakham Road.
- 4.4.3 The use of dense landscaping and quality materials will ensure that the development is viewed as a whole along Oakham Road and the neighbouring Firdale Site, with the continuation of residential development assimilating to both its built and rural surrounding context.

- 4.4.4 Key character examples that have been taken from the surroundings are;
- varied ridge and eave heights,
 - pitched porches,
 - feature stone properties with chimneys,
 - a mix of brick and stone properties within the site,
 - Pitched Dormer windows,
 - Stone cills and
 - Front amenity space with varied low boundary treatments.
- 4.4.5 Recommended Condition 10 within Appendix C of this report removes permitted development rights from this proposal, this is considered necessary in this instance to ensure that any future extensions or external changes to the proposed development are submitted to and approved by the Local Planning Authority, this will ensure that the key characteristics taken from Somerby are maintained in this location and the site continues to provide good design as required by both Local and Neighbourhood Polices.
- 4.4.6 During the Design Workshop undertaken a number of samples were presented by the applicant, a mixture of reclaimed red and buff brick were chosen along with a neutral palette of brown and grey for timber and cladding elements of the development.
- 4.4.7 The final details are to be conditioned to be submitted to the Local Planning Authority prior to development reaching Damp Proof Course Level, the final details will be subject to consultation with the Parish Council.
- 4.4.8 The scheme proposes a number of sustainability credentials which include the use of energy efficient solar design or air source heat pump principles where possible, with associated works positioned to the rear or side of properties where they will have less impact visually on the street scene.
- 4.4.9 Dwellings located on private drives will also be fitted with dusk to dawn lighting to frontages and meet any specific ecology requirements on lumens and lighting type if required.
- 4.4.10 Rainwater harvesting will also be considered for the development and irrigation of soft landscape planting.
- 4.4.11 A number of Starling Box, Sparrow Terrace, Bird box, integrated Bat Box are to be built into the fabric of dwelling/garages.
- 4.4.12 Each property has 1 Electric vehicle charging point.
- 4.4.13 The development is considered to accord with Local Plan Policies D1, EN1, ENV12 and Policies CD1 and ENV12 of the Somerby Neighbourhood Plan in relation to its appearance.
- 4.5 **Landscaping**
- 4.5.1 Both hard and soft landscaping details have been provided as part of the application with up-dated plans having been provided through the consideration of the submission following initial objection from both members of the public and the Parish Council.
- 4.5.2 The hard landscaping across the site covering roads, driveways and footpaths comprise a mixture of Macadam, Block Paving of Buff and Brindle colouring along with adoptable,

private and shared roads, the access (spinal) road will be adopted through a Section 38 agreement with Leicestershire Highways Authority and the Private drives will be maintained by a management company.

- 4.5.3 The soft landscaping comprises retention of some of the existing trees and boundary hedges along with replacement trees planted at a ration of 2:1+ 3 per plot in line with the Somerby Neighbourhood Plan requirements. The wildlife buffer and pond area are to be landscaped and maintained in line with the Hillier Ecology Mitigation Strategy. All to be seeded with a native wildflower mix suited to the soil type.
- 4.5.4 Condition 15 of the outline planning permission, specified a minimum 4 metre buffer around the pond along the eastern boundary. The final layout exceeds these minimum requirements with a buffer to the eastern boundary varying between 5-8 metres in width and that around the pond between 6-14 metres. A licence was granted by Natural England in September 2020 and is valid until 2027 and confirms that no further survey work is required to carry out the licensed mitigation on this site and the mitigation has been carried out.
- 4.5.5 Condition 18 of the outline permission requires a number of mature trees to be retained on the site, the layout as now amended would not accord with this condition, additional trees are required to be removed to both provide and allow maintenance of the Filter Drain and Catchwater Ditches which are essential to the development of the site.
- 4.5.6 A planting and maintenance schedule has been provided in relation to Discharge of Condition reference 20/00398/DIS and whilst the removal of these trees (a total of 13 felled) are regrettable a policy compliant planting scheme of 2:1 + 3 trees per plot has been submitted by the applicant which totals over 100 new trees planted within the site along with the retention of 3 existing trees.
- 4.5.7 Should the planting and drainage details considered with the Discharge of Condition be deemed acceptable, a variation to condition 18 of the outline permission would be required and its suitability assessed through any application submitted.
- 4.5.8 The revised planting and landscaping is considered to contribute positively to the setting and character of the development with the additional planting making a strong contribution to public amenity along with contributing to biodiversity in the form of native wildflower mix planting and the additional tree planting. The plans are therefore considered to be acceptable in landscape terms and the objectives of Policy EN1 of the Melton Local Plan and Policy ENV11 of the Somerby Neighbourhood Plan.

4.6 **Layout**



- 4.6.1 Since the submission of the application in April 2020 a number of revisions have been submitted which have significantly altered the proposal, this has been achieved by working with the community and the applicant to secure a good design and the layout has been key to this. Removing a large number of tandem parking spaces and providing the courtyard style to the development ensuring all properties have sufficient private amenity space and the development is cohesive throughout.
- 4.6.2 The image below is the initial layout that was submitted in April 2020



- 4.6.3 A number of courtyard-style features have been included to the revised layout which invites natural light and would make the development feel open and inviting while providing a break in built form and allowing views across the site.
- 4.6.4 The layout provides natural surveillance with frontages of the dwellings facing proposed roads and road junctions. The proposal is also laid out in a manner to ensure that all of the dwellings have parking provision in the form of either garaging or open parking and provision of visitor parking included in the layout. Condition 11 in appendix C removes permitted development rights for garages to ensure that off street parking remains within the site and the total parking provision is not compromised by the conversion of garages to living accommodation,
- 4.6.5 The layout includes water drainage features such as attenuation basins and drainage ponds.
- 4.6.6 Amendments have been made to the Affordable Housing layout with clustering now more evenly distributed and separated into groups of 2, 3 and 5 and pepper potted within the amended layout full details regarding the provision of affordable housing can be found at Section 4.8 of this report.
- 4.6.7 Detention ponds are included within the Layout that have also been amended during the application process, amendments include the increase to the water storage capacity, and full details of drainage are included at Section 4.9 of this report.
- 4.6.8 Overall, the layout is considered to be acceptable and compliant with Policy D1 and EN1 of the Local Plan and Policy CD1 and ENV7 of the Somerby Neighbourhood Plan.
- 4.7 **Scale**
- 4.7.1 Within the development, the submitted details in respect of the dwellings show that those proposed are single and two-storey in height with varying eaves heights. Assessing these

various house and garage types against the existing dwellings in the immediate and wider area, shows that they are all of a scale in-keeping with the immediate and wider local environments. The development is considered to accord with Local Plan Policy D1 and NP Policy CD1 in relation to scale.

4.8 Housing Mix

- 4.8.1 The Section 106 agreement attached to the outline planning permission requires 37% affordable housing therefore a total of 11 affordable homes on this site. The application is only for the reserved matters of access, layout, scale, appearance and landscaping and the Section 106 agreement cannot be revisited.
- 4.8.2 Condition 3 of the outline approval which requires the reserved matters to provide for a mix of types and sizes of dwellings informed by the local needs identified in the Melton Borough Housing Needs Study (August 2016) in relation to Somerby Ward.
- 4.8.3 During the application process the housing mix has been revised to more closely reflect the Policy C2 indicative housing mix and to include 2 x bungalows. Although Policy C2 requires the inclusion of a single one bedroom dwelling, the development as proposed makes no such provision. A single two-bedroom dwelling has been provided however which, in consultation with the Housing Policy Officer, has been agreed as acceptable given the evidence of an absence of demand for one bedroom homes in this location.
- 4.8.4 The tables on the next page demonstrate the proposed housing mix and its compliance with Policy C2 of the Melton Local Plan

Policy C2					
MARKET					
HOUSING TYPE	Required Mix		Manually Rounded	Proposed	Discrepancy
1 bed	5.0%	1.05	1	0	-1
2 bed	30.00%	6.30	6	7	+1
3 bed	45.00%	9.45	10	10	0
4+ bed	20.0%	4.20	4	4	0
	Total	21	21	21	
Policy C2					
AFFORDABLE					
HOUSING TYPE	Required Mix		Manually Rounded	Proposed	Discrepancy
1 bed	15.0%	1.65	2	2	0
2 bed	55.0%	6.00	6	6	0
3 bed	30.0%	3.30	3	3	0
4+ bed	0.0%	0.00	0	0	0
	Total	11	11	11	

- 4.8.5 The proposed Housing Mix is considered to comply with Policy C2 of the Melton Local Plan and Policy HR3 of the Somerby Neighbourhood Plan and is acceptable for this development.
- 4.9 **Flooding/Drainage**
- 4.9.1 A number of concerns have been raised during the public consultation period from members of the public, the Parish Council and initially from the Lead Local Flood Authority (LLFA) these concerned the following matters;
- Detention Basin storage capacity
 - Detention Basin Edge levels
 - Loss of volume storage to groundwater
 - Outflow levels and relationship with northern roadside ditch
 - Conflict with retained trees
 - Water hazard
 - Hydraulic Design
 - Severn Trent Outfall
 - Climate change allowance
 - Micro Drainage Modelling
- 4.9.2 A number of amendments and detailed drainage strategies and supporting documents have been submitted to address these concerns.
- 4.9.3 Following the Design Workshop attended by the Agent and the Parish Council where drainage was discussed in depth and clarification sought from the agent
- The proposed filter drain to the southern boundary and catchwater drains to the eastern and western boundaries will all fall within the responsibility of the private Residents Management Company to maintain as opposed to an embedded management structure. Through separate covenant and mechanisms outside of planning a management obligation will be formed for the maintenance and upkeep of the private communal areas of the development including SuD's infrastructure, drainage features, and shared permeable drives and landscaping etc.,
 - Where drainage features enter private areas of the development, then an Easement will be entered into the legal transfer to allow access by Maintenance Company of any private areas that require maintenance to allow for continued site wide operation of the drainage features as identified within the drainage strategy plan.
- 4.9.4 These details are beyond the remit of planning and will form a separate legal obligation outside that of the Town and Country Planning Act, however for the purpose of the Reserved Matters application the comments along with the submission of a detailed drainage strategy do conform to the requirements of the Melton Local Plan, the Somerby Parish Neighbourhood Plan along with the National Planning Policy Framework.
- 4.9.5 The Parish Council have confirmed in their last comment that they are still undecided with regards to flood risk and drainage this comment is noted and further discussions can be facilitated through the determination of the Discharge of Condition application in the way that the Design Workshop was used to clarify and explain details further.

- 4.9.6 Final details with regards to the mechanisms of Drainage in particular are being fully explored through Discharge of Condition application reference 20/00398/DIS.
- 4.9.7 No objections have been received from the LLFA following the submission of additional drainage information, and it is considered that the Reserved Matters proposed are acceptable and will not increase flood risk elsewhere in the village in line with Policy EN11 of the Melton Local Plan and guidance contained within the Somerby Parish Neighbourhood Plan and the National Planning Policy Framework.

5 Consultation & Feedback

- 5.1 A site notice was posted on 20 May 2020 and advertised in The Melton Times, 32 letters of objection have been received from 28 separate households. Details are contained within Appendix B.

6 Financial Implications

- 6.1 No financial implications have been identified.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 No legal or governance issues have been identified.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

- 8.1 Planning Permission 16/00100/OUT
- 8.2 Planning Appeal APP/Y2430/W/17/3178569
- 8.3 Discharge of Condition application 20/00398/DIS

9 Appendices

Appendix A: Statutory Consultation Responses

Appendix B: Summary of Representations received

Appendix C: Recommended Conditions

Appendix D: Applicable Development Plan Policies

Report Author:	Louise Parker , Planning Development Manager
Report Author Contact Details:	01664 502375 lparker@melton.gov.uk
Chief Officer Responsible:	Paul Feehily , Interim Assistant Director for Planning
Chief Officer Contact Details:	01664 502418 pfeeihily@melton.gov.uk

Appendix A : Summary of Statutory Consultation Responses

Below is a summary of the final comments received following amended plans received by the Local Planning Authority, for comments received prior to this please visit

<https://pa.melton.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q958F8KOGGZ00>

Parish Council:

Comments received on 4th May do not raise any material planning considerations to be included in this report.

Comments received on 24 April following the Design Workshop attended by the Applicant and the Parish Council,

Thank you to all those who attend the 13th April meeting, Cllr Harris and I were impressed by both the preparation and the expertise in the room.

The Parish Council discussed the meeting later that day. Although we and residents have multiple concerns about the proposal, in strict planning terms most of them have been sufficiently addressed that they no longer amount to planning objections. Indeed some of them have been addressed very well indeed.

The one possible exception is flood risk and drainage. On this the Parish Council is not yet decided. Two things to say with specific reference to the meeting.

1. A catchwater drain on the west side of the site is absolutely essential. Without it we are convinced (based on expert advice) that flooding would be caused to existing homes. We await the promised detail on how it would be designed, and maintained for the life of the development (nothing less). The design must include details of how and where it would discharge/empty. Two suggestions intended to be helpful:

- We see no reason why it couldn't discharge into the Oakham Road ditch, as it would only be carrying water which presently goes there anyway.

- We see no need for a catchment ditch on the east side as there is a ditch there already

2. We noted the reliance the Case Officer intends to place on the advice of the LLFA. We have serious reservations about that. The LLFA will be commenting on Conditions 11-14 and none of those mention 'flood risk elsewhere' at all. Therefore we must turn to the NPPF (especially para 167), the Planning Practice Guidance, Local Plan Policy EN11 (especially the first sentence) and the standing advice for the LLFA. All of these are explicit that at the determination stage it is the LPA who are responsible for ensuring flood risk is not increased elsewhere. We cannot read them any other way.

A petition was signed long ago in 2017 by every household within 100m of the site expressing expectation of flooding from any large development there, and they would consider MBC responsible if it happened. A petition doesn't carry much weight in planning but it is striking that we find ourselves still considering the extent of MBC's responsibility 5 years later.

Comments received on 28th March 2022

Pedestrian access to the site: Crossing points to the existing footway on the northern side of Oakham Road would be satisfactory to us if they are satisfactory to LCC Highways, as there is no space for a footway on the southern side.

Mixed vehicular/pedestrian access within the site: The proposal for the shared-surface spurs does not accord with MLP Policy D1 (e) and (i), SNP policy CD1 (e) or LCC Highways Guidance, and would be dangerous.

LCC Highways specified that the shared-surface spurs should have a corridor width of 7.5m with 2 x 1.35m service margins. The plans show them only 4.0 to 4.5m wide and with no service margins. This would be unsafe for mixed vehicular/pedestrian use, especially given the length of them (up to 40m) and that bins would have to be taken to RCP's along them.

Visitor Parking: SNP Policy TI1 does not intend parking spaces within private curtilage to count as 'visitor parking'. However, as the total number is 13 (8 'on plot' and 5 communal), and recognising the constraints on the site, this would be acceptable to us.

Appearance

The proposal has been improved and we appreciate the amended materials document. Reasonable effort has been made to accord with SNP policy CD1 and Appendix 8. We would recommend the following to more closely represent the village vernacular:

- Natural Welsh blue/grey slate and/or clay pantiles (not slate effect).
- Treated timber boarding as opposed to wood effect.
- We would prefer to see some variety in window type; casements are fine but if some houses had casements with additional glazing bards and some with sash windows it would provide more variety and better represent the local examples cited in the SNP design appendix.
- Dormers could be designed to more closely replicate the detailing of examples cited.
- Assurance that the brick colours chosen are close matches to the historical vernacular and not to the more modern brighter examples (such as those opposite in Surgery Close).
- Stonework closely matches local ironstone, including coursing and mortar.
- Street lighting is 'not yet taken into account' but artificial lighting is material to appearance.

Whilst noting the mention of lighting in the sustainability Statement, we would like to see demonstration of accord with MLP Policy EN1 (6), SNP Policy CD1 (g) and (m), and SNP Policy ENV12. Further information is required to enable assessment against these policies.

Landscaping: The treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

Banks, terraces and other earthworks: the proposed detention basins, ditches, and extensive made ground (achieving FFL's up to 1.2m higher than existing ground levels) are 'banks, terraces or other earthworks' therefore to be considered under Reserved Matters. We object that these features, taken together, would increase flood risk to existing properties, including homes.

Trees: the number of new and replacement trees now accords with SNP policy ENV11 although we note that 'planting and maintenance details are still to be confirmed'. However, we think the trees along with boundaries would conflict with the Filter Drain and Catchwater Ditches which are essential to the prevention of increased flood risk to existing properties, including homes.

Additionally, felling of the existing mature trees would be in breach of Condition 18 of the Outline Permission. The Arboricultural survey does not say they need to be felled; it says one needs to be felled and some of the others need work. That is what should happen.

Layout

Aesthetically the layout is good, for example incorporating courtyard-style features. However, parts of it are incompatible with drainage features essential to the prevention of increase of flood risk to existing properties, including homes. Therefore, this layout would increase flood risk elsewhere.

Scale: No objections on this matter

Flood Risk and Drainage (as affected by Landscaping and Layout)

The LLFA give advice but the determination is for MBC. In the present case the LLFA say little about flood risk to any land outside the proposal site, but they do give their standing advice:

"When determining planning application, the local planning authority should ensure flood risk is not increased elsewhere...."

This accord well with MLP Policy EN11 (minimizing the risk of flooding):

'Melton Borough Council will ensure that development proposals do not increase flood risk and will seek to reduce flood risk to others'.

If MBC cannot ensure this proposal will not increase flood risk, they must refuse it.

Existing topography

The proposal site is approximately 1.15ha. In its undeveloped state it has a very slight fall of about 0.5m from south down to north, to the existing ditch along Oakham Road. However, it is part of a larger field of approximately 2.85ha. Rising more steeply up to the south. For the whole of the field the fall is about 9.0m south down to north. No expertise is required to know that water flows downhill, so it drains south to north into the ditch along Oakham Road. Indeed, the Drainage Strategy relies on this fact.

The proposal makes calculations based on run-off of 5.2litres/second for the proposal site. By scaling, the rest of the field would add 7.7 litres/second, for a total of 12.9 litres/second. All of it flows north to the Oakham Road ditch. This has serious implications for the proposed changes:

Proposed changes to topography (Landscaping)

The proposal would use many hundreds of tons of material to artificially build up the ground to elevate the floors of the new houses, and the terraced parts of their gardens, up to 1.2m above existing ground levels/. Thus most of the development would be on a new 'hill' at the bottom of the field. We object to this because it would increase flood risk to existing properties by two mechanisms.

1. Surface water from the larger, higher part of the field could no longer flow through the proposal site. It would have to flow around the 'hill' including towards existing homes to the west.

2. Surface water from the 'hill' would be shed down towards those same homes.

MBC have in their possession reports from Pick Everard dated 29 Jan 2018, 23 Feb 2018 and 02 Sept 2020. They provide expert confirmation that this increase of flood risk to existing homes would occur.

The Sequential Approach to Flood Risk

The Planning Practice Guidance (Flood Risk and Coastal Change) 2014 says:

“addressing flood risk in individual planning applications:

Developers and applicants need to consider flood risk to and from the development site, and it is likely to be in their own best interests to do this as early as possible, in particular, to reduce the risk of subsequent, significant costs being incurred. The broad approach of assessing, avoiding, managing and mitigating flood risk should be followed'. (para 029)

If MBC follow the sequential approach, they will avoid flood risk by refusing development on an artificial hill built above existing homes. If MBC decided not to follow the sequential approach (contrary to the Planning Practice Guidance) but instead to manage and mitigate, instead of avoiding, then significant drainage features would be necessary to do so. We discuss those features next.

Existing ditch, East Boundary: This substantial existing ditch/watercourse forms the east boundary of the proposal. As nothing else is said, we assume the developer has acquired riparian ownership of the near bank, and MBC should therefore ensure their Drainage Strategy provides for its future maintenance. In the present plans it does not. Pick Everard 02 Sep 2020.

'There is an existing ditch on the east side however no reference is made to responsibility for this and no proposals given for its maintenance.' (para 4.5)

Catchwater Ditches (west and east) and Filter Drain (South): If new houses are to be built on an artificial hill above existing homes (which we oppose) then drainage features along these three boundaries would be absolutely essential to mitigate the risk to those properties. Without them, the proposal would cause them to flood. MBC are in possession of abundant advice to this effect, from both neighbouring residents and independent experts, including the following from Pick Everard 02 Sep 2020:

"The land south of the development site falls towards the site and its runoff runs across the site towards the ditch to the north"(para 3.5)

"The central area of the site is shown to be raised above current ground levels. As there is no ditch to the west side runoff in that direction will drain over land onto adjacent ground.... Due to the absence of a ditch on the west side flooding is expected there which consists of residential gardens on Firdale and Oakham Road.' (para 4.5)

'The proposed runoff to the west of the site needs to be addressed as flooding of the adjacent land, which consists of residential gardens, is expected.' (para 5.0)

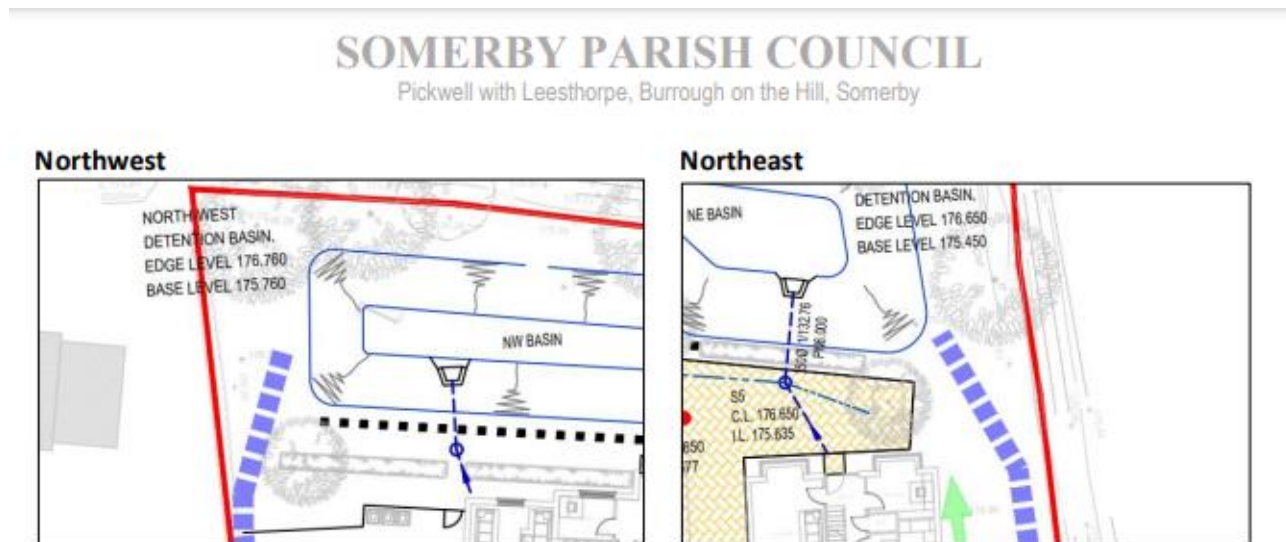
The application proposes to deal with the above with the Filter Drain and Catchwater ditches, but this proposal lacks detail and would be ineffective as drawn. We discuss this next.

Design of Catchwater Ditches: we are not given the dimensions or fall of the Catchwater Ditches, or any calculation of the amount of surface water they would have to carry. We calculate 7.7 litres/second, in addition to anything running off the artificial hill of the development itself.

Without these two pieces of information, it is impossible to assess their likely effectiveness. A mere dotted line is not enough information, there is no hydraulic design.

Cross section C-C (drawing 500) contains no measurements but approximately illustrates a Catchwater Ditch about 0.75m wide and 0.5m deep. That would be insufficient; the existing ditch on the east boundary is about four times that cross-section and overflows regularly. MBC are in possession of photographs and expert reports providing this.

Destination/outfall of Catchwater Ditches: It is not shown how or where the Catchwater Ditches would empty. Their north ends (thick blue dotted line) are drawn like this:



The dotted lines just stop. There is no outfall. The Catchwater Ditches would certainly fill, but there is no mechanism for them to empty other than by overflowing.

- They could not enter the Detention Basins because they would be below them, if they did somehow enter those basins, they would need increased capacity.
- It is agreed and established (by Pick Everard and in the Applicant's Drainage Statement) that the ground is unsuitable for a ditch to drain by infiltration, drainage by infiltration.
- If they were to discharge into the existing ditch to the north, calculations would be required to demonstrate downstream capacity in the event of heavy rainfall events. Pick Everard 23 Feb 2018.

“By channelling runoff directly to the ditch to the north of the site the extent of flooding downstream will be exacerbated” (para 3.7).

The Catchwater Ditches would fill up quickly in heavy rain (as the much larger existing ditch to the east already does) the overflow onto adjacent land, including gardens. To avoid this, they would require sufficient capacity and a managed outflow. Neither are demonstrated in the plans.

Maintenance and maintenance access: The LLFA have provided MBC with their standing advice: “it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained **in perpetuity** before commencement of the works.”

This accords well with MLP policy EN11 (minimising the Risk of Flooding). Planning applications exceeding one hectare should:

“Demonstrate that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place.”

The Filter Drain and Catchwater ditches are ‘mitigation measures’. We ask MBC to follow the standing advice of the LLFA and their own policy EN11.

The Applicant offers a maintenance schedule for the Detention Basins and Pervious Pavements, but not for the Filter Drain or Catchwater Ditches. It is not said who would carry out this work (in perpetuity) how access would be secured. Approval cannot be given until this is assured for the lifetime of the development.

The south Filter Drain: would run through 6 private gardens. No maintenance plan is offered. It is unlikely that 6 separate households would be willing or able to maintain it in perpetuity. If a management company is to do it, access would be impracticable. The drain would also cross the Newt Pond buffer zone; the opinion of LCC Ecology should be sought on this.

The west Catchwater Ditch: would run through 9 private gardens and some undefined land. Again, it is unlikely that 9 separate households could maintain it in perpetuity, and if a management company is to do it, access would be impracticable; gardens would be private property and there would be boundary features such as fences or hedge; these would not be compatible with a Catchwater Ditch.

The east Catchwater Ditch: would run the length of the Wildlife Corridor. The plans for the Newt Pond buffer zone and the Wildlife Corridor do not include this ditch, which would require maintenance, certainly using machinery. The opinion of LCC Ecology should be sought on this mixed use.

Maintenance Access and Riparian Ownership

Maintenance requires access. This has been discussed before with reference to the west boundary, and MBC have received expert advice in their report from Pick Everard 29 Jan 2018.

“if the proposals include installing a new ditch on the west side of the site, then amendments would be required to the site layout to accommodate the new ditch as the current layout has insufficient space for a new ditch.

A new ditch to the western side of the site would be within the site boundary and would need to include a development-free edge on both banks to allow access for maintenance and inspection. The ditch and both banks would need to be within the site boundary and be clearly identified as being with the ownership of the development such that no riparian ownership is created for properties in Firdale or for no 4 Oakham Road. The width of development-free edge on the western side of any new ditch would need to be sufficient for undertaking maintenance without trespassing on the land on the Firdale side. If the ditch was to be a private ditch owned by development, then the width of the development-free edge on the western side could be the minimum for safe access which in practice would depend upon the dimensions of the ditch but 1m would probably suffice. If however the ditch is to be the responsibility of the Lead Local Flood Authority then any future structures in the gardens of properties ins Firdale and no 4 Oakham Road would need consent if proposed within proximity of the ditch. This proximity could be up to 8m although it can be reduced by agreement.”

The effect of these constraints would be to reduce the developable width of the site by up to 10m and the length by 5 to 10m as shown marked on the plan in Appendix O.” (para 5.2.4)

MBC have **Appendix O** in their report from Pick Everard. It shows the area rendered undevelopable by the need to separate any new ditch from neighbouring properties, and provide maintenance access. The undevelopable area is 3.5m to 10m wide against the west boundary.

Cross Section C-C on (drawing number 500) shows the proposed Catchwater Ditch on the boundary with existing gardens. This would be unacceptable as it would:

- Impose riparian ownership on 7 residential properties on Firdale and Oakham Road.
- Reduce permitted development rights inside their boundaries.
- Affect ground stability on their boundaries
- Render maintenance of the west Catchwater Ditch impossible without trespassing.

We agree with Pick Everards expert advice. There must be a minimum of 3.5m of undeveloped land along the west boundary to accommodate the necessary Catchwater Ditch and maintenance access. This land could not be private gardens and there is no space for it in the present layout.

A real ditch is not a blue dotted line, it takes up space on the ground, and there is no space in the proposed landscaping and layout for effective and properly maintained ditches where drawn.

Detention Basins

We are surprised by Chave Planning's note that the size of the Detention Basins (called attenuation ponds) is increased. The applicant said in their amended plans published 18 Oct 2021 that there was 'no scope for enlarging or deepening either of them'. We question what has changed.

We are unable ourselves to validate the new design of the basins or accompanying Micro drainage calculations, and await the response of the LLFA. However, if they are correct, they are a welcome improvement because of the lower maximum water levels (below existing ground levels in the NW basin and only slightly above it in the NE basin). Relying strictly on these lower maximum water levels, we no longer say that the NW basin would increase flood risk to existing homes.

The basin cross-sections in Drawing 507 appear to conflict with Drawing 504, and indeed with the 'Detention Basin Part Section' at the top of Drawing 507 itself. Clarification is sought please, or confirmation that we misunderstand (which is quite possible).

Groundwater and Depth to Groundwater

The Site Investigation (SI) relies solely on the FRA by Farrow Walsh from September 2016 which assessed 'Low quantifiable risk from groundwater flooding'. However, that was before the investigations by Nicholls Colton (2017) and Delta Simons (2019) measured very shallow depths to groundwater on the site. There is no reason to assume that the depths found by those investigations are as shallow as it ever gets.

On 22 Sept 2020 it was confirmed in a phone conversation with the author Paul Huteson that the Nicholls Colton and Delta Simons reports were **not** taken into account in the conclusions of the SI concerning flood risk. They are however taken into account by Pick Everard 02 Sept 2020;

"Reports of monitoring and investigation undertaken separately by Nicholls Colton (2017) and Delta Simons (2019) indicate shallow groundwater has been recorded on the site' (para 3.4)

"The proposals take no account of the shallow groundwater indicated in reports of investigations by Nicholls Colton and Delta Simons. In particular there is no account taken of groundwater in the design of the detention basins and the volume of these will therefore be deficient as groundwater levels above the invert levels of the basins will reduce the volume of storage available.' (para 4.4)

(Correct to note, of course, that this last opinion was made before the amended design of the Detention Basins 07 Mar 2022.)

The SuDS manual at 8.3 (High groundwater levels) and 22.3 (Detention Basins) states:

'If SuDS are constructed below the maximum likely groundwater level, then groundwater can potentially enter the SuDS component and reduce the storage capacity.'

(This would apply to any new ditches, not only the Detention Basins.)

'Historic records of groundwater level should be checked to ensure that during periods of high groundwater, the storage capacity of the detention basin is retained'.

We see no evidence that high groundwater has been accounted for in the landscaping or proposed drainage features in the proposal.

Other Policy Matters

Housing Mix and Affordable Homes

The proposals in Chave Planning's covering letter of 04 Mar 2022 accord with MLP policies C2 and C4 and SNP Policies HR3 and HR5. If MBC confirm to us that this is a formal, binding part of the proposal we will no longer object in these policy areas.

Ensuring Energy Efficient and Low Carbon Development (MLP), Building Design Principles (SNP) and Biodiversity Protection in New Development.

The Sustainable Report 06 Dec 2021 (Published 07 Mar 2022) addresses many concerns and considerations not previously mentioned by the Applicant. Improvements include air-sourced heat pumps, EVCP's and integral bird boxes. This is very welcome. As presented, they would accord with MLP Policy EN9, and SNP Policy CD1 (g), (h), (i), (j) and SNP Policy ENV14.

However, we do have reservations due to the use of phrases like 'where possible', 'as practically realistic' and 'it has been anticipated that....' we need to be sure the stated aspirations will be realised. If MBC confirm to us that these aspirations are a formal, binding part of the proposal (for example that they would be conditioned, especially air-sourced heat pumps) we will have no objection in this policy area.

CONCLUSIONS

Much is improved in the amended plans and we have made it clear where we no longer have major objections (parking, numbers of trees, housing mix, affordable housing and sustainability in construction).

However, most of our objections around flood risk to existing homes remain. The landscaping of elevated, artificial ground above those homes would increase flood risk to them, and the layout of the proposal does not accommodate and maintain the drainage features necessary to mitigate that risk. It leaves no space for them. This opinion accords with expert advice received by both MBC and SPC and the numerous rear neighbours who have objected on ground of flood risk.

The proposal therefore does not accord with the standing advice of the LLFA or MLP Policy EN11 and should be refused.

Housing Policy Officer: The proposed housing mix now complies with Policy C2. The number of 4 and 5 bedroom properties totals to 4.

The mix of house types should be a mix of houses and bungalows to meet the evidenced housing need. The local plan emphasises how the Borough will see an increase in the elderly population over the Local Plan period and the number of people with restricted mobility will increase. For this reason, policy C2 encourages bungalows to be included in the mix of housing, for a development of 31 dwellings, at least 6 dwellings is considered to be a reasonable amount to meet the housing needs of these households.

The regulation 16 version of the Somerby Neighbourhood Plan also supports smaller dwellings and bungalows for elderly people and people with impaired mobility. It cites the report 'A Detailed Investigation into the Housing Needs of Somerby' (Midlands Rural Housing 2016, their supporting document 3) and how it indicates that smaller family homes, homes for the elderly and homes for young people are needed. This survey found that 71% of respondents were in support of a small number of homes to meet local people's needs, 31% believed there was a lack of small starter homes and small homes and bungalows for the elderly and disabled. The survey states how the continued availability of a smaller number of 4+ bedroomed dwellings would help ensure that the needs of growing families and homeworkers continued to be addressed.

Melton Local Plan Policy C3: National Space Standards and Smaller Dwelling

The dwellings proposed for both the open market and affordable housing are 2 bedroom/4person; 3bedroom/5 person and larger 4 and 5 bedroom properties. The internal size of the dwellings satisfy policy C3.

Melton Local Plan Policy C4: Affordable Housing

The s.106 agreement for the outline application (16/00100/OUT) secured 37% of the dwellings as affordable housing. The application is now for 32 dwellings and therefore, 37% now equates to 12 dwellings. The plan still shows only 11 dwellings.

The Section 106 states for 65% of the affordable housing to be rented and 35% to be intermediate, or other wise agreed with the Council.

The requirement for affordable housing on this site is only 12 dwellings and so is a low amount and may not attract interested from registered providers. Therefore, I recommend for approval to be given with flexibility in the tenure to allow for the homes to either be all shared ownership if they cannot be sold with a split of affordable housing for rent and affordable home ownership or alternatively, if they cannot be sold to a registered provider, for the homes to instead be sold directly to Purchasers as Discounted Market Sale. To ensure these properties are affordable, they would need to be sold at no more than 65% OMV (Open Market Value) (in accordance with the Housing Mix and Affordable Housing SPD), the discount to be held in perpetuity form one buyer to the next and sold to people who are in need of affordable housing.

The proposal for the affordable housing is 2 x 1 bedroom maisonettes, 6x 2 bedroom/4 person dwellings and 3 x 3 bedroom/5 person dwellings.

A local connection cascade would also need to be applied to all of the affordable housing, which allows for any dwelling let or sold, to be offered as a priority to households with a local connection. The affordable dwellings are now in one small cluster of 5 dwellings and 3 clusters of 2 properties. The change is welcomed.

The further one dwelling required to meet the required 37% affordable housing is recommended to be a 3 bedroom dwelling.

Affordable housing plots 18 and 19 are off a private road. I recommend for these to be affordable home ownership rather than rented due to the extra cost which will need to be paid to a management company.

LCC Highways: The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National

Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in the report.

LCC Lead Local Flood Authority (LLFA): Amended plans have been submitted regarding this application seeking reserved matters approval for access, landscaping, appearance, layout and scale as part of the approval of application reference 16/00100/OUT. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the application documents as submitted are sufficient for the LLFA to support the approval of the reserved matters.

LCC Ecology: The applicant has provided further information on great crested newts, which has addressed my earlier comments. I understand that a GCN licence had been applied for and issued, and that licensed mitigation had been undertaken. In this case, there is of course no need for further surveys, and I have to accept that the narrow buffer was considered adequate by Natural England. No further action is needed.

LCC Archaeology: Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 194-195).

Designing out Crime Officer: Parking in curtilage reduces the potential for problems with access of emergency services. Permeability is not a problem due to the single vehicle access to the site. Gable end windows to view these areas are recommended. Lighting should accord with BS5489 and CCTV should be considered. Recommendations for door and window sets and bin/cycle storage recommended.

Appendix B: Summary of representations received.

- Terrible location to build on
- Flooding
- Lack of parking
- Volume of traffic
- Traffic danger due to location
- Poor people ghetto in corner of development
- No bus
- Ugly houses
- Do not fit with existing properties
- Should remain a green field
- No leisure amenities
- Houses are not needed
- Pure case of greed versus need
- Old trees are being cut down

- New properties higher than existing
- Drainage feature won't work
- Out of character
- Drawings are wrong
- Too many large houses
- Not enough smaller houses
- No bungalows
- Not enough parking and no visitor parking
- Tandem parking will not work
- Detention basin is dangerous
- Health and Safety risk assessment failure
- No benefit to the village
- School can not accommodate new houses
- We don't need any social housing build in Melton
- No infrastructure
- Developer doesn't live in the village
- Put houses into the towns
- Ruining historical village
- The application raises more questions that it gives detailed information about the design
- No turning circle on plans
- Plans do not show allocated bins
- High number of 4/5 bedroom houses
- Already 21 houses for sale in village 67% are 4/5 bedroom and 33 % are 1/2/3 bedroom
- No bungalows
- Ditch no longer provided
- No solar panels
- Bins have to be piled up at the entrance of the private roads
- Rowan Trees will not survive due to flooding
- Site not big enough for ditch and trees
- Ditch to the west does not have any specified capacity or dimension
- Higher risk of flooding towards existing homes.
- Protective ditch won't be built
- Attempt to camouflage the still unaddressed issues to the site
- No consideration for the future of building environmentally more sustainable houses and living in a more sustainable way.

- Not fulfilling local housing needs, sustainability and environmental requirements.
- identical to previously refused application 16/00100/OUT
- This is not a smaller in-fill development that would be suitable for the village.
- The proposed swale ditch is very close to properties holding thousands of litres of water, when it is full it will be considerably above ground floor level putting houses at risk of flooding.
- root damage will be caused to existing hedgerows
- removal of all the old and existing trees on the site
- Development should be designed to fit the surrounding and village habitat.
- Plans show a narrowing of the main road adjacent to development entrance that will cause a curve/bend in the current village road.
- Past road modifications to Oakham Road have not been successful
- Should be an easement of land to the west side to allow maintenance to the existing boundaries.
- Drainage system needs to be capable of handling surface and excessive flood water.
- Doctor surgery is already at breaking point and cannot cope with the current local population.
- Oakham Road already struggles with excessive car numbers, speeding and accidents. Adding further houses to the village will only increase the problem.
- Pathing in the village is narrow and poor.
- Village should maintain being a rural village with open green areas.
- Local budgets are not there to cope with an increased village population.
- Terrible effect of noise and disturbance from work so close to neighbours backing up to proposed site.
- Cars travel down Oakham Road at approximately 60 miles plus an hour.
- Visibility poor and dangerous for exiting existing drives.
- Current plan suggestions for toilet blocks and work staff facilities e.g. storage containers and compounds are not supported adjacent our boundary.
- People living on High Street will want to move if this goes ahead
- Bolt this development onto the Oakham Road Bypass 5 miles away or Leicester Road Melton
- It is bad enough new houses are being built at the bottom of Church Lane all greed and no benefit to anyone in the village apart from the owner.
- The person wanting this development doesn't even live here so has no interest in the village.
- Neighbourhood Plan requires large developments not only to replace any trees cut down but also to plant new trees at 3 per new house.
- Potentially 93 motor vehicles added to the village this cannot be allowed to happen.
- Bad option for the community. Far too many dwellings for a village.
- Conventional foundations might not be suitable because of groundwater
- Pile-driving might work but would be horrendously noisy to put in,

- Are the white buckets on the field supposed to trap crested newts
- We've seen a report by Pick Everard Consulting which says flooding onto our land is expected from this development. We knew that already. Locals have been telling you for years, you can't just ignore them.
- When we flood the developer will be long gone, we will hold the Council responsible for allowing it to be built.
- The outline permission had a ditch along the west side of the field to protect Firdale and Oakham Road from flooding.
- The proposal would be 10 feet from our garden which is too close.
- Somerby is in danger of becoming a town
- Density of the site is too high
- Rural development is supposed to assist people getting onto the housing ladder from within the local community how does building a 5 bed house in excess of 3000sqft at a selling price of £250 per sqft assist that need.
- The local community has repeatedly met and said to our elected council officers, MBC and LCC councillors and staff that we are not against development but it needs to be smaller in scale and therefore reducing the impact on the village and its residents.
- Is it Groundhog Day – this development and all its incarnations was, is and always will be entirely unsuitable and unsustainable for Somerby.

Appendix C : Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004

2. The proposed development shall be carried out strictly in accordance with the following documents and drawings;
 - 716-1-100F - Proposed Site Layout Plan
 - 716-2-A01A - House Type A
 - 716-2-B01A - House Type B1
 - 716-2-B02A - House Type B2
 - 716-2-C01A - House Type C
 - 716-2-D01A - House Type D1
 - 716-2-D02A - House Type D2
 - 716-2-D03A - House Type D2 v1
 - 716-2-D04A - House Type D2 v2
 - 716-2-E01B - House Type E1
 - 716-2-E02A - House Type E1 v1

- 716-2-E03A - House Type E2
- 716-2-F01A - House Type F
- 716-2-G01B - House Type G
- 716-2-H01B - House Type H
- 716-2-H02A - House Type H v1
- 716-2-I01A - House Type I
- 716-2-J01A - House Type J
- 716-2-K01 - House Type K
- 716-2-K02 - House Type K v1
- 716-2-L01 - House Type L1
- 716-2-GA1A - Garages
- 716-ESS - Electric Substation
- 716-2-200B - Proposed Street Elevations
- 10-5143-500J - Proposed Drainage Layout
- 10-5143-504B - Private Drainage Details Sheet 1 of 2
- 10-5143-505B - Private Drainage Details Sheet 2 of 2
- 10-5143-507A - Proposed Detention Basins Sections
- 10-5143-300D - Section 38 Agreement Works Adoptable Highway
- 10-5143-TR-005 - Proposed Tracking Routes - Agricultural Vehicle (Tractor & Trailer)
- 10-5143-TR-004 - Proposed Tracking Routes - Agricultural Vehicle (Tractor)
- 10-5143-TR-003B - Proposed Tracking Routes - Refuse Vehicle
- 1919.1.1E - Landscape Layout Plan & accompanying Tree Planting Schedule 21.02.22

Reason: For the avoidance of doubt.

3. No development shall progress above damp proof course level until details and representative samples of the materials to be used in the construction of the external walls and roof have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance.

4. 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.

Reason: To provide a reasonable period for the replacement of any planting.

5. No development shall commence on site until all existing trees 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. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. 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 un-severed.

Reason: To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing 716-1-100 Rev F have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

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

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

8. Prior to the commencement of above ground level works associated with the development approved, full details and specifications of all solar panels, air source heat pumps and electrical vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout Plan drawing number 716-1-100 Rev F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reason: To preserve the character of the area and retain good design in accordance with Policy D1 of the Melton Local Plan.

11. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of

private motor vehicles and not for any other purpose including living accommodation or any trade or business.

Reason: To provide satisfactory off-street parking at the site and retain good design in accordance with Policy D1 of the Melton Local Plan.

Appendix D : Applicable Development Plan Policies

Melton Local Plan

C2 – Housing mix

C3 – National Space Standard and Smaller Dwellings

C4 – Affordable Housing

EN1 – Landscape

EN2 – Biodiversity

EN7 – Open Space, Sport and Recreation

EN8 – Climate Change

EN9 – Ensuring Energy Efficient and Low Carbon Development

EN10 – Energy Generation from Renewable and Low Carbon Sources

EN11 – Minimising the risk of flooding

D1 – Raising the standard of design

Somerby Parish Neighbourhood Plan

HR3 – Housing Mix

CD1- Building Design Principles

ENV7 – Settlement Character

ENV10 – Biodiversity and wildlife corridors

ENV11 – Trees, hedgerows and green verges

ENV12 – Dark skies and tranquillity

ENV13 – Footpaths and bridleways

ENV14 – Biodiversity protection in new developments

ENV15 – Renewable energy infrastructure

TI1 – Traffic, road safety and parking