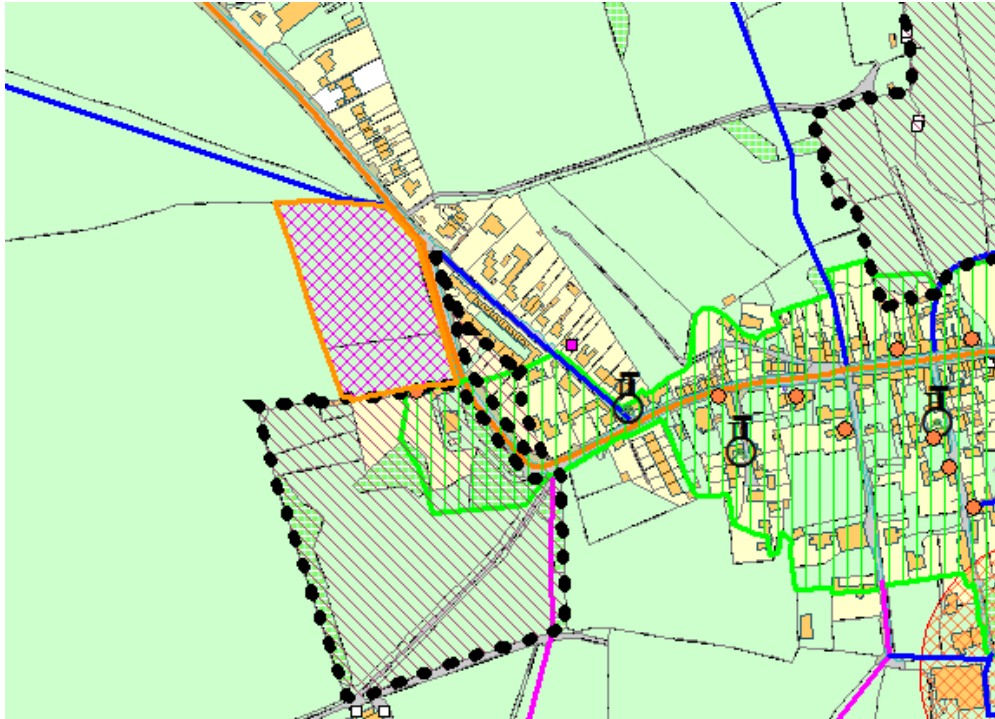


Reference: 16/00615/OUT
Date submitted: 5th September 2016
Applicant: Stimson Developments:- Mr T Stimson
Location: Field No 4564, Burrough Road, Somerby
Proposal: Residential development (outline)



Proposal :-

The application seeks outline permission for a residential development for 31 dwellings on the site. The application is for the consideration of access only with all other matters reserved. The site forms SOM3, a reserve allocated site in the Emerging local plan. The proposal site is located outside the village envelope of Somerby, adjacent to the Conservation Area boundary and The Vinery, a Grade II listed structure.

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

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

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

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

History:-

93/00723/FUL – Proposed erection of 6 stables – application withdrawn.

77/00581 – Proposed Residential Development – Application Refused. This application was refused permission for a number of reasons including:

- due to the size of the development proposed (nearly 5 acres),
- lack of environmental appraisal for the development,
- intrusion on open countryside and adverse affected on appearance of rural village,
- lack of information regarding the disposal of foul or surface water sewage (the site was anticipated to have difficulties); and
- if the site was approved it would set a precedent for further access points off the road, not in the interests of highway safety.

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 H11: planning permission will not be granted for residential development of 15 or more dwellings unless it makes provision for playing space in accordance with the council's standards at Appendix 6 of the local plan.

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

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

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

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

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

Require Good Design

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

Meeting the challenge of climate change, flooding and coastal change

- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the

Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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)

Listed Building and Conservation Area Act 1990

The application site is on the boundary of the Conservation Area and adjacent to a listed building. The Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the setting of Listed Buildings and character of Conservation Areas, under Sections 66 and 72 of the Listed Building and Conservation Areas Act (1990).

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objection, subject to conditions</p> <p>Transport Sustainability Sommerby is supported by a two hourly bus service Monday to Saturday between Melton Mowbray and Oakham. The lack of a minimum hourly bus service reduces the transport sustainability of the village. Despite being a two hourly service, there is a bus stop approximately 150m from the site access, and the site is within a 500m walking distance of a number of other village amenities including a school, shop/post office, church and public house. A doctor's surgery is also located approximately 1km from the site.</p> <p>Site access The site would be accessed via a simple priority junction off Burrough Road at the location of the existing field access.</p> <p>The applicants have undertaken a speed survey over 7 days along Burrough Road. The 85%ile speeds were 34.7mph northbound and 34.4mph southbound. The visibility splays shown on BSP consulting Drawing No. 16167/001 are adequate for the recorded speed of traffic based on the guidance within the 6C's Design Guide (www.leics.gov.uk/6CsDG), however a site visit confirmed that visibility from the access is currently severely restricted to the northwest of the access by the existing hedge and this would therefore need to be removed as indicated on the drawing. The tree to the south of the access as shown on the drawing would also require removal to provide adequate visibility, however this is not recorded as being a highway tree.</p> <p>Internal Layout As the internal layout of the site is not to be determined as part of this application, the residential road layout and parking arrangements have not been checked in detail. The road layouts shown on the submitted Illustrative Masterplan would however not conform to an adoptable standard.</p> <p>Accident history. The 5 year accident history for the Sommerby area has been considered within the Applicants Transport Statement, however this only dates to the end of 2014. There have been two accidents recorded within the area since 2014, one slight on Pickwell Road and one slight on Oakham Road, both were on the outskirts of the village. Despite these two unrelated accidents, the CHA consider that there are no grounds to request any road improvement schemes on the grounds of road safety.</p> <p>Off-site implications The applicant has considered the provision of a footpath along the application side of Burrough Road into the village, however as this would still require pedestrians to</p>	<p>Noted the comments received from the CHA, including the contributions request and requested conditions.</p> <p>Although the CHA have commented on the sustainability of the site, this is for MBC to consider when determining the application.</p> <p>Application 16/00100/OUT referred to has now been granted on appeal with no works (or contribution) required for High Street.</p>

cross the road at the Stilton Cheese Inn and due to the constraints of the highway boundary, the sections of footway which would need to be constructed in the verge would be substandard in width. The CHA consider the proposals to cross pedestrians over at the site access are therefore acceptable.

While the proposed development is for up to 31 dwellings, the applicants have assessed for up to 35 dwellings within the Transport Statement. Trip generation has been calculated using 2011 Census data and the development is expected to generate 30 trips during the AM peak and 26 during the PM peak. Of these trips, 14 trips would be undertaken through the village along High Street during the AM peak and 13 during the PM peak.

The CHA is also aware of application reference 16/00100/OUT for up to 32 dwellings to the east of the village on Oakham Road. While the application is yet to be determined by the Local Planning Authority, the CHA did not request any improvements to High Street as part of this application within its observations dated 16th March 2016. The CHA consider that similar traffic levels would be generated by both developments and overall it is unlikely that over 30 additional vehicle trips would be generated along High Street during the peak hours.

While the CHA is aware of concerns regarding the flow of traffic along High Street, it would be difficult to justify any improvement scheme based on the volume of traffic generated by the proposed development, even when taking into consideration the application on Oakham Road.

S106 Contributions:

1) To comply with Government guidance in NPPF the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

a) **Travel Packs**; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at **£52.85 per pack**).

b) **6 month bus passes, two per dwelling** (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) **£350.00 per pass**).

c) New raised and dropped kerbs to allow level access to the westbound bus stop on High Street (opposite The Field); to support modern bus fleets with low floor capabilities. At **£3263.00** per stop.

Conditions

1. Site to be served from single point of access in accordance with drawings, details to be submitted. Access to be provided fully prior to first occupation.

2. Proposed development to comply with LCC

<p>design standards including parking, access widths, turning facilities, gradients, visibility splays etc. (to also include traffic calming measures).</p> <p>3. Construction management plan to be submitted.</p> <p>4. If access is to be adopted, no gates to be erected. If to remain any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as not to open outwards.</p> <p>5. Existing access to become redundant and closed prior to first occupation and reinstate existing crossings.</p> <p>6. Before the development hereby permitted is brought into use, the existing hedge fronting the site shall be removed. Any new or replacement hedge shall not be set with, nor allowed to grow to a height exceeding 0.6 metres above the level of the adjacent carriageway and thereafter shall be so maintained.</p> <p>7. Existing tree to south of access site to be removed prior to development. Any new or replacement tree shall not be set within the visibility splays shown on the site access drawing.</p> <p>NB: In order to provide the visibility splays detailed above the impact on the roadside hedge could be significant in Planning terms. It will be necessary to remove the mature roadside hedge over a length of 59 metres to the north of the site access.</p>	
<p>Parish Council: Objects</p> <p>Somerby Parish Council object to the development on several grounds:</p> <ul style="list-style-type: none"> • Directly adjacent to the Grove and Grade II Listed Vinery – agree with Archaeology concerns and The Gardens Trust. • Have concerns regarding the balancing pond immediately adjacent to the Listed Building (which is part subterranean) – risk of damage. Nothing to demonstrate how seepage/ damage can be precluded. • Need for balancing pond shows surface water flooding is anticipated and drainage strategy relies highly on permeable paving and infiltration as prime methods of draining the site. Their use is debatable given Jefferson report on Geology and Hydrogeology and any testing and used in evidence is insufficient. • No response to concerns raised in December – not sufficient to deal with at reserved matters – too important and need to demonstrate that seepage/flooding/damage cannot occur for objection to be removed. • Archaeological trial trenching is too important to be included at reserved matters – needs to be 	<p>MBC Conservation Officer has provided comments as below.</p> <p>The LLFA have not objected to the proposed development, subject to the inclusion of conditions.</p> <p>See Archaeology comments in relation to the application. They have confirmed that the trial trenching can be carried</p>

<p>resolved at outline.</p> <ul style="list-style-type: none"> • Development of the site affects the setting of the Listed Building, overall character of the Conservation Area and distinctiveness of the village. • Village gateway will worsen. <ul style="list-style-type: none"> • Do not accept the lack of objection from Highways. • Somerby High Street is crowded and permanently single lane. Have been accidents as a result. • Ludicrous to say that development won't worsen the problem and that a proper traffic survey is not required. • Speed survey is misleading, Just under 50% exceeding the speed limit – some by significant amounts. • Increased visibility will help entrance and egress, but shows problem of pedestrian traffic. • People leaving the site to go into the village will have to cross the road – unacceptable. How will this be safe with the speeding? <ul style="list-style-type: none"> • Glib to say statutory undertakers will cope when there are so many problems – especially with sewage and drainage. <ul style="list-style-type: none"> • Somerby is a Service Centre in the Melton Local Plan – does not carry much weight. <ul style="list-style-type: none"> • MBC unable to provide evidence of employment opportunities. New residents will need to commute. This is opposed to the NPPF policy on sustainability. • Position re 113 bus cannot be ignored. Second most heavily subsidised route in county and under threat. Solutions being considered but may result in no public transport. • Allocation and housing for Somerby is 44. 25 already built and 20 granted outline permission. Site is reserve and not necessary. • Unneeded houses in location with no employment, unlikely to have public transport in the future, dangerous location and adversely affected heritage asset. Other more suitable sites are available in the Borough. Somerby should fill allocation with small sites. 	<p>out after any outline approval but prior to the submission of reserved matters.</p> <p>LCC Highways have not objected to the application (see comments above). It would not be prudent to refuse an application on highways grounds with a lack of highways objection. In the recent appeal decision for 16/00100/OUT Oakham Rd, the Inspector considered concerns raised by the Parish Council and others regarding the proposed scheme's potential effect on highway safety and parking on High St, and potential conflict with the emerging neighbourhood plan (amongst several issues). He concluded that individually or collectively that they would amount to reasons to justify withholding planning permission.</p> <p>No evidence has been provided to substantiate this concern.</p> <p>Please see comments below regarding the emerging Local Plan. The site is a reserve allocation site and it is considered that Somerby is a sustainable location where residential development would be acceptable.</p> <p>In the recent appeal decision for 16/00100/OUT Oakham Rd, the Parish Council presented a similar argument regarding the sustainability of Somerby based on its services, facilities and access to employment. However the Inspector concluded <i>“that the services and facilities available [in Somerby] are capable of serving basic day to day needs of residents living in Somerby and in nearby settlements”</i> and proceeded to grant permission under the presumption in favour of sustainable development (as required by NPPF para 14). This is a very recent decision and circumstances have not significantly changed and as such it is considered sustainability issues could not be sustained as a reason for refusal.</p> <p>The 113 bus is still in operation.</p>
<p>MBC Conservation Officer</p> <p>Conservation has scrutinised the comprehensive heritage impact assessment (Jonathan Biggadike December 2017) and is able to respond in the most relevant paragraphs concerning the justifications for development. Conservation considers that the application for 34 units</p>	<p>Noted comments received.</p>

does not address the level of mitigation required for the scheme to adequately integrate into the village of Somerby, thereby resulting in harm to the fringes of the Conservation Area. The indicative layout submitted as part of the outline application would result in **less than substantial harm to the setting of the Grove and Vinery. However the principle issue is considered to be the wider impact on the character of the conservation area.** If the scheme could be reduced in the number of units that would allow for a lower density scheme, with dwellings located close to the street frontage, the development would represent holistic growth of the village. At present the density of the scheme .

A response is stated for the following paragraphs in the heritage impact assessment:

The hedgerow on the northern boundary only requires gapping up in a few relatively short sections (see figures 11 &12). It would then provide a continuous and effective boundary limiting medium length views into the site from the public right-of-way.

MBC aims to encourage the holistic growth of a village through the process of allocating sites on the fringes of a conservation area, not to create artificial separation from the historic core of the settlement. The submitted heritage impact assessment advocates a high density enclosed scheme with detached garages that is screened from the street frontage. The scheme would be detached from the core of the village by way of screening – as the HIA states ‘limiting medium length views’. This is considered contrary to the stated aims of mitigation required through the allocation process. If the scheme was reduced in numbers it could relate to the linear form of the village and would not require additional screening to limit views into the site.

The proposed use of the existing access is logical in that it avoids the loss of any of the existing vegetation and maintains an adequate separation distance from the Grove and its curtilage. It is also a natural point at which to subdivide the site, reflecting the historical subdivision of the field. It would also create an open space which preserves the most sensitive and important part of the setting of the adjacent vinery within the application site. Note the principal setting, from within the Grove’s curtilage would remain unaltered.

Conservation acknowledges the present site layout respects the immediate and wider setting of the adjacent listed buildings and non-designated heritage assets by virtue of the open parcel of land within the submitted scheme. However the principle issue of setting to the adjacent listed buildings are not considered to be the principle aspect of harm, which relates to the wider issue of incongruous growth on the fringes of the conservation area. Furthermore the open parcel of land would be the only green space within the development leaving a lack of amenity space for the new dwellings.

The Conservation Officer notes that he considers the proposed development would have “less than substantial harm” on the setting of the Grove and the Vinery, but is concerned with the impact the development would have on the Conservation Area.

As the development is for outline permission with all matters reserved except for access. Therefore it would be possible to amend the proposed development, including the proposed number of dwellings and density.

<p><i>Given the sensitivity of the open space as a setting for the vinery and the linear range it should remain as uncluttered as possible so as not to obstruct close-up and medium length views. It should therefore be considered more as an amenity space than say, for example, an equipped play area.</i></p> <p>As stated above, there is no provision for a children’s play area or additional amenity space. If the scheme was reduced in numbers this would allow for the retention of the green infrastructure adjacent to the listed building range and an additional area for recreation.</p> <p><i>The grain and pattern and development in the immediate vicinity is unquestionably varied, but it is still possible to read and understand the phasing and evolution of the village. There is no reason why a carefully designed scheme using traditional forms and materials could not form a natural extension to the village.</i></p> <p>As stated above, the HIA identifies a ‘natural extension’ to the village while advocating screening to affect the appearance of an enclosed / detached settlement.</p> <p><i>The conservation officer’s proposition of a line of high-quality dwellings facing out to Burrough Road is workable, although it would not be closely mirrored on the opposite side of the road. To maintain the hedge boundary would require these dwellings to be serviced from the rear with perhaps a narrow corridor of amenity space in front including a footpath beside the hedge.</i></p> <p>The impact of the revised layout could be mitigated by a reduction in the number of dwellings proposed.</p> <p><i>The arrangement of dwellings around the proposed open space could be rearranged to create a better sense of enclosure, reducing the leakage of views into the site</i></p> <p>This is contrary to the proposal for a ‘natural extension’ to the village.</p> <p><i>Garaging and car parking should be located as discreetly as possible in these 2 areas. The use of local stone and timber windows on the principal elevations of each of these blocks would be merited to complement local vernacular traditions.</i></p> <p>It is noted from the indicative site layout that car parking would be achieved with detached garages – the least discreet option available to resolve the issue of parking. Stone and timber windows on the principle elevations would be an issue that could be challenged at reserved matters.</p>	<p>A play area could be added to the scheme and would be required under Policy H11 of the Melton Local Plan (1999).</p>
<p>Local Lead Flood Authority</p> <p>The application is for a residential development of 35 dwellings within the Somerby area of Leicestershire. Drainage and flood risk details have been submitted by the</p>	<p>Noted comments received, following the submission of further information, as requested by the LLFA.</p>

<p>applicant.</p> <p>The LLFA advises that permeable paving should not generally be used as attenuation and storage in private driveway areas, as there is no guarantee that it will be adequately maintained and not removed through the duration of the development by individual homeowners. Evidence will be required to confirm that the permeable paving will be protected, adequately maintained (including by whom) and not removed for the lifetime of the development.</p> <p>Furthermore, the LLFA will require that access will be guaranteed at all times for essential maintenance operations for all infiltration and sustainable drainage (SuDS) structures, including details of the organisation and funding mechanism.</p> <p>Alternatively provide a surface water drainage strategy that does not utilise attenuation and storage in private areas.</p> <p>The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.</p> <p>1. Surface Water</p> <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>2. 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.</p> <p>3. SuDS Maintenance Plan & Schedule</p> <p>No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>Informative notes also included.</p>	<p>Should permission be granted, the conditions as requested should be included in the decision notice.</p>
<p>Environment Agency</p> <p>We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the following:</p> <ul style="list-style-type: none"> • a high risk to the environment • those that are able to offer significant environmental benefit. <p>We have reviewed the above application and feel that, as presented, the development is in Flood Zone 1, it does not fall under either of the above categories, and therefore we</p>	<p>Noted comments received. The LLFA have been consulted on the application and have provided comments as above.</p>

<p>do not wish to comment further on these proposals as our standing advice applies.</p>	
<p>LCC Ecology</p> <p>The ecology survey submitted in support of the application (Scarborough Nixon, June 2016) is satisfactory. No habitats of value were recorded and no evidence of protected species was found on site. No further surveys are required at this stage, but we would request that the applicant is required to follow the recommendations in the report.</p> <p>However, there are concerns with the proposed layout. There appears to be no buffer between the existing hedgerows and the proposed plot boundaries. This is likely to cause the gradual erosion of the hedgerows over time as they are managed and removed in a piecemeal manner, which is likely to result in the loss of the green corridor and may have landscape implications. We would therefore recommend that the hedgerows are buffered by a 5m buffer from the plot boundaries.</p>	<p>As the application is for outline permission, the layout is indicative at present and any subsequent reserved matters submission could be designed to take into account the comments received from Ecology.</p>
<p>Developer Contributions: Section 106</p> <p>Civic Amenities</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>Future developments that affect the Civic Amenity Site at Somerby may result in a claim for a contribution where none is currently sought.</p> <p>Libraries</p> <p>The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 3rd December 2014). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area.</p> <p>The proposed development on Burrough Road, Somerby is within 8.8km of Melton Mowbray Library on Wilton Rd being the nearest local library facility which would serve the development site. The library facilities contribution would be £910 (rounded to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for ICT infrastructure to account for additional use from the proposed development. It will be placed under project no. MEL003. There are currently four other obligations under MEL003 (subject to change due to the future of the library service).</p>	<p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>Noted</p>

The proposed development at Burrough Road, Somerby is likely to generate an additional 44 plus users and would require an additional 104 items of lending stock plus reference and audio visual material to mitigate the impacts of the proposed development on the local library service.

Education

The site falls within the catchment area of Somerby Primary School. The School has a net capacity of 49 and 59 pupils are projected on roll should this development proceed; a deficit of 10 pupil places after taking into account the 7 pupils generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area.

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 £84,209.11..

This contribution would be used to accommodate the capacity issues created by the proposed development by expanding existing facilities at Somerby Primary School, by building one additional classroom.

The contribution would be spent within five years of receipt of final payment.

Please note - The Somerby Primary School occupies a very constrained site with limited potential to expand to provide the additional pupil places required. It will only be possible to expand the school to provide one additional classroom, this will generate 30 additional places, this classroom will be used to provide places for pupils coming from housing developments in the village and also to take account of demand arising from basic need (pupils number arising from an increasing birth rate, inward migration to the village). After deducting the basic need requirement for 18 pupils this would leave a balance of 12 additional spaces to accommodate pupils from a maximum of 50 new dwellings within the school catchment area,

Any housing developments which come forward in excess of the 50 new dwellings will yield pupils that based on current forecasts will exceed the capacity of the school, In those circumstances the County Council would expect that the developers meet the cost of school transport to the nearest available school with places and if

necessary the cost of expanding the school through S106 contributions.

**Secondary School (11-16) Sector Requirement
£86,520.66**

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 1970 pupils projected on roll should this development proceed; a deficit of 70 pupil places. A total of 7 pupil places are currently being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the deficit at these schools to 63 pupil places (of which 58 are existing and 5 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 £86,520.66. Based on the table above, this is calculated the number of deficit places created by the development (4.84) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £86,520.66.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Long Field School and John Ferneley Academy.

The contribution would be spent within 5 years of receipt of final payment

Post 16 Sector Requirement £0

This nearest school to the site is Melton Vale Post 16 Centre. The College has a net capacity of 640 and 445 pupils are projected on roll should this development proceed; a surplus of 195 pupil places after taking into account the 1 pupil generated by this development.

There are no other Post 16 schools within a three mile walking distance of the development.

There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be discounted.

An education contribution will therefore not be requested for this sector.

Total Requirement: £170,729.77

<p>Severn Trent No Objection to the proposal subject to the inclusion of the following condition.</p> <p>Condition</p> <p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p>Reason</p> <p>To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p>Informative also included.</p>	<p>Noted requested condition.</p>
<p>The Gardens Trust Although the garden of The Grove is not itself included by Historic England on their register of Parks and Gardens, The Gardens Trust have recently been instrumental in helping to get the very rare survival of its Messenger Greenhouse on the northern boundary listed as Grade II. As you can see from the description of the glasshouse taken from the Register, the outbuildings and garden are specifically mentioned:</p> <p><i>Vinery built in 1914 to the design of Messenger and Company Ltd.</i></p> <p>Reasons for Designation <i>The early C20 Messenger vinery at The Grove is listed at Grade II for the following principal reasons: *Architectural interest: it is a very good example of an early C20 glasshouse designed and built by Messenger and Company Ltd, one of the most successful and highly regarded glasshouse manufacturers of the C19 and early C20; *Degree of survival: it is exceptionally well-preserved, retaining its ventilation, watering and heating systems, including the Quorn boiler (although no longer in situ) which is one of only two such boilers known to survive; *Rarity: it is a rare survival of a vinery on a small domestic scale, and a rare extant Messenger glasshouse as only about 5% of those erected are thought to survive; *Historic context: it forms part of a small estate, described in White's "History, Gazetteer, and Directory of Leicestershire and Rutland" (1846) as "a neat mansion with tasteful grounds". The house, outbuildings and garden, though not designated, form a characterful historical context for the vinery.</i></p> <p>Therefore the statement in para 28 of the Design and Access statement: "the dwelling and its outbuildings are not listed" needs to be amended. The garden has always been characterise by its tree plantings (hence its name) and comparing it to a pre-1912 map, is very largely</p>	<p>Noted comments raised by The Gardens Trust.</p> <p>MBC's Conservation Officer has also been consulted on the proposed development (comments below).</p> <p>The Greenhouse to the South of the application site was Listed after the submission of the application. subsequently a heritage assessment was submitted for consideration.</p> <p>As the application is for outline permission, the layout is not for consideration at present and mitigation could be carried out to reduce any impact on the setting of the Greenhouse.</p>

<p>unchanged. Many of the trees within the Grove's garden are veteran and covered by TPOs. In particular a veteran Cedar and Pine will have very long roots and the tree survey does take this into account. The mass of trees is very prominent from every view into the garden and Conservation Area.</p> <p>The new development would be visible in every one, including the un-walled view across the garden from the avenue, and as such would have a detrimental effect on the setting and significance of the heritage asset. The Gardens Trust is also concerned that the balancing pond shown amongst the documents will received the run off from all new houses and the road. The pond is at the lowest point in the field, and flooding from this would seep into the subterranean rooms of the listed Vinery and result in substantial harm to the designated heritage asset.</p>	
<p>LCC Archaeology</p> <p>Thank you for sending us the Archaeological Desk-Based Assessment (ULAS report 2016-171), Geophysical Survey Report (Stratascan report J10682) and updated Heritage Statement (Mike Sibthorp, January 2017). We have also considered the Objection Statement (Marrons Planning, October 2016) and its associated appendices, and historic photographs submitted to us by local residents. Further to our previous comments (copied below), these documents have provided useful additional information regarding the archaeological and heritage implications of the proposed development.</p> <p>The application site lies to the immediate north of The Grove estate complex, with a range of outbuildings forming the southern boundary of the site. These buildings include the exceptionally well-preserved Grade II Listed Messenger Vinery, which is a rare example of a surviving early 20th century Messenger glasshouse, and service buildings for stock, storage and accommodation, with a milk-separating room.</p> <p>The main house in its current form is thought to date to the early 19th century, but it contains elements that are 17th century or earlier, so it is likely that an earlier house was largely rebuilt in the early 19th century. Both the Listed Vinery and the main house include subterranean/basement rooms.</p> <p>Existing and former (now infilled) openings from The Grove complex into the application site are evident, and documentary evidence indicates that the application site was previously part of the estate complex. It is unclear whether this association extends back to the original construction of The Grove, but it does appear to have been the case at the time that the Vinery and the Grove Stud stable complex were constructed (1914 and 1912 respectively).</p> <p>We have concerns regarding the impacts of the proposed development on the settings of the Listed Vinery, the historic Grove estate complex, the Conservation Area and</p>	<p>Noted the comments received for the application. The possibility of carrying out Archaeological surveys had been raised with the Agent and Applicant.</p> <p>The site is used to house horses from time to time and the Applicant was concerned that digging up the field could pose a safety issue to the horses. LCC Archaeology were contacted and advised that it would be possible to carry out investigative works on the site after a decision had been made (if granted). This would be possible by investigating the site in portions and taking into account that the layout had not been finalised and could be designed if necessary to avoid the harm to any archaeological remains.</p> <p>On balance, it is considered that as there is a potential solution to the issues raised by LCC Archaeology, it would not be appropriate to refuse the application on this basis.</p> <p>MBC Conservation Officer has been consulted on the application and has provided comments (above).</p>

<p>other Listed and non-designated historic buildings in the vicinity, including both visual impacts and other impacts resulting from a change in use of the land from horticultural/equestrian to residential (including noise, lighting, etc.). In addition, we have concerns about potential physical impacts of the development on the Listed Vinery and historic Grove estate resulting from changes in the hydrology of the site. Both the Vinery and The Grove house contain subterranean/basement rooms, which could be affected by changes in water levels and drainage.</p> <p>We do not feel that sufficient information has been submitted to fully ascertain the potential impacts of the proposed development on designated and non-designated Heritage Assets in the vicinity. We also recommend that advice is sought from your Conservation Officer and Historic England regarding these potential impacts.</p> <p>The submitted Geophysical Survey indicates the presence of features of potential archaeological interest (labelled as “Uncertain” in Fig. 5) but also includes a lot of “noise” in the results, which could be masking the presence of more discrete features such as are often associated with prehistoric sites or early Medieval settlement. We recommend that an archaeological trial trench investigation is necessary prior to determination of this application to ascertain whether the proposed development will impact significant archaeological remains.</p> <p>This information should be submitted to the Planning Authority before any decision on the planning application is taken, so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate. Without the information that such an evaluation would provide, it would be difficult in our view for the Planning Authority to assess the archaeological impact of the proposals.</p> <p>Should the applicant be unwilling to supply this information as part of the application, it may be appropriate to consider directing the applicant to supply the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, or to refuse the application. These recommendations conform to the advice provided in DCLG National Planning Policy Framework (NPPF) Section 12, paras. 128, 129 & 135). Should you be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential is given future consideration.</p>	
<p>MBC Housing Policy Officer</p> <p><i>Total dwellings – 31</i></p> <p><i>Affordable Housing contribution – 12 dwellings (40% of total)</i></p> <p><i>Affordable/intermediate/social rented – 5 (c. 40%)</i></p>	<p>Noted the comments received. These have been based on 31 dwellings (as applied for in the application).</p> <p>Any affordable housing provision would be dealt with by a S106 agreement to ensure that an appropriate mix of affordable housing is provided, to meet the Ward and</p>

Intermediate housing – 7 (c. 60%)

Evidence from the HEDNA, 2017 and Melton Borough Housing Needs Study, 2016 show a need for a split of 80% rented and 20% intermediate housing. The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing.

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. The conclusion shows a need for affordable rented (40% of total) and shared ownership (or intermediate housing) (60% of total).

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 below:

The housing mix table from JG Consulting’s findings:

	1-bed	2-bed	3-bed	4+ bed
Market	5%	30%	45-50%	15-20%
Intermediate	15-20%	50-55%	25-30%	0-5%
Social/affordable rented	30-35%	35-40%	20-25%	5-10%
All dwellings	15%	30-35%	35-40%	15%

As this site is in Somerby and so is classed as being in a rural area, the mix for the market housing would more specifically need to be in accordance with the percentages outlined in figure 6.6 and figure 6.7. The mix for the affordable housing, would need to be in accordance with the percentages outlined in figure 6.9 and figure 6.10.

Estimated Size of Dwellings Needed 2011 to 2036 – Market Housing – by ward

	1-bed	2-bed	3-bed	4+ bed
Somerby	4.8%	39.6%	45.1%	10.5%

Estimated Size of Dwellings Needed 2011 to 2036 – Affordable Housing – by ward

Borough needs.

	1-bed	2-bed	3-bed	4+ bed
Somerby	13.7%	46.7%	31.2%	8.4%
<p>In light of the figures in the above tables, my recommendations for the <u>affordable housing mix</u> are as follows:</p> <p>Affordable/intermediate/social rented:</p> <p>2 x 2 bed/ 4 person houses</p> <p>2 x 3 bed/5 person houses</p> <p>1 x 4 bed/6 person house</p> <p>Total: 5</p> <p>Intermediate housing:</p> <p>1 x 1 bed/2person house</p> <p>3 x 2 bed/4 person houses</p> <p>2 x 3 bed/5 person houses</p> <p>Total: 7</p> <p>My recommendations for the <u>market housing mix</u> are:</p> <p>2 x 1 bed houses</p> <p>2 x 2 bed bungalows</p> <p>4 x 2 bed houses</p> <p>6 x 3 bed houses</p> <p>3 x 3 bed bungalows</p> <p>2 x 4 bed houses</p> <p>Total: 19</p> <p>A local connection cascade would need to be applied on this application.</p> <p>I recommend for the affordable housing to meet the HQI standards and the market housing (up to 3 bedroom properties) to meet the National Space Standards.</p>				

Representations:

A Site notice was posted and neighbouring properties consulted. Objections from 58 households have been received for the application, which have been summarised and assessed below:

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<p>Flooding and drainage</p> <ul style="list-style-type: none"> • Flooding from the field to High Street (existing problem). • Surface water flooding has caused an accident. • Flooding from adjacent fields, undersized sewers. • Permeable paving – increase risk of flooding • Existing road gullies are well spaced apart and not emptied regularly. • No supporting information to suggest how an increase in flooding may be avoided. • Drainage report is inaccurate – carried out at driest times of the year. • Bedrock under site is dense limestone lying over impervious clays – therefore water run off is very quick. • Proposed balancing pond is at the lowest point of the site – close to the busy road and could result in overflowing. • “Combined sewer” at this end of the village is already overloaded and undersized. • Effect of surface water, drainage and balancing pond on water table not adequately represented and are at odds with independent report. • Will surface drainage arrangements be able to cope with current heavy rainfall in an area that already fails to deal with it effectively, even after 20% increase due to climate change? • Proposed pond accident in the making (child safety). • 3 x 1.5m percolation test holes insufficient in number and duration to assess permeability of the whole site and too shallow to discover height of water table. • Soakaways instead of balancing pond would not solve the problem. • Flooding and hydrostatic pressure on existing structures should be avoided. • Current scheme wouldn’t meet NHBC standards re soakaways (or similar insurance). • The Vinery, Grove and Watertower have below ground chambers and therefore at risk of flooding. Use of SUDs is inappropriate. • Permeable paving and infiltration system will leave sub-surface water level to remain high and result in a continuous flood risk. • Volume of water run off to pond will be substantial. • Drainage strategy does not address flooding elsewhere. • Drainage strategy is unclear. • No information on flow rates and capacity of foul drainage. 	<p>No objection has been raised by statutory consultees in relation to the application when considering flood risk and drainage. Conditions have been requested which will help with the mitigation of flood risk, including SUDS.</p> <p>Following the initial submission of the application, further information has been submitted in relation to flood risk and drainage.</p> <p>The application site is in Flood Zone 1 and is not at high risk of flooding. The flood map for planning does not indicate that the site is susceptible to surface water flooding, flooding from rivers or flooding from reservoirs.</p> <p>The LLFA have raised no objection to the proposed development, subject to the inclusion of conditions (as above). They have accepted the information that has been submitted in support of the application. In addition to this, Severn Trent Water have also not raised an objection to the proposed development.</p>
<p>Highways and Traffic</p>	<p>Leicestershire County Council Highways as the</p>

<ul style="list-style-type: none"> • Limited vision from The Grove buildings – more accidents. • Don't need more traffic through the village. • Existing parking problems on High Street. • Proposed site is between two very bad bends. • Concerns over safety at access point – 2 bends in road and fast traffic. • There have been fatal accidents on Burrough Hill Road. • Potential for pedestrian accidents. • Horses owned by number of villagers and riding school who all use the roads. • Tractor and school bus restricts traffic. • Access point show at busiest and most risk section in whole village. • Traffic survey shows the majority of cars exceed the speed limit at this point by 50%. • There is an existing farm access route – there is no right of way and is speculating with adjoining owner giving rise to more potential for large agricultural vehicles. • Visibility splay required cannot be achieved. • Site is not accessible in accordance with BS8300. • Slopes and distances excessive if in a wheelchair. • “The Field” may end up as a rat run to bypass the immediate area. • Traffic survey was carried out in half term – approximately 75% of vehicles exceeded speed limit – at normal times this is significantly higher. • No details on access to surrounding fields – various landowners and public footpaths – disruption to usage. • Increase in regional and national cycling events – traffic is a danger to this. • Could have 250+ car movements leaving the site – village and entire system is not designed for that number. • No radar speed survey results available. • Present calming measures do not have a calming effect – from traffic data. • Community speed checks always resulted in high number of referrals to the Police. • Proposed crossing alongside entrance would be high risk. • Any fencing and trees will make visibility more dangerous than the existing. • Is the crossing to include beacons/ traffic lights? 	<p>Highway Authority have raised no objection to the proposed development, subject to the inclusion of conditions.</p>
<p>Sustainability</p> <ul style="list-style-type: none"> • Somerby has enough new houses being built. • Drs Surgery is very busy. • School won't be able to cope – is already very full. • Somerby is only a small village with very few amenities. • Bus service so infrequent – most residents must drive – increase use of private cars. • No infrastructure to support the proposed numbers – small village store open limited hours, very limited post office – 2 mornings per week, poor bus service (currently under threat). 	<p>A request has been made by Leicestershire County Council for S106 contributions for Education and Libraries (see above).</p> <p>In developing the emerging Local Plan, Somerby has been classed as a “Service Centre” and is considered to be a sustainable location for development. The site is also a proposed Reserve Site for allocation (see below for further assessment).</p>

<ul style="list-style-type: none"> • Bus service is unsuitable for the community and not integrated into the local transport system. • Nearest town/place of employment is 7 miles away – therefore car travel is essential (also increase pollution). • Increase village by 10%. • No evidence development will do nothing to enhance of benefit residents of Somerby. • Increase in carbon footprint. • Highways response acknowledges reduced transport sustainability due to not having minimum hourly bus service. • Somerby not size of a Service Centre, should be a rural hub and site sizes reduced accordingly. • Residents are more likely to go to Oakham or Whissendine for services. • Somerby does not conform to the definition of a service centre (waste and recycling centre given a point as a civic amenity – however require a car to access and other Borough residents would also use). 	<p>In the recent appeal decision for 16/00100/OUT Oakham Rd, the Inspector concluded “<i>that the services and facilities available [in Somerby] are capable of serving basic day to day needs of residents living in Somerby and in nearby settlements</i>”. This is a very recent decision and circumstances have not significantly changed and as such it is considered sustainability issues could not be sustained as a reason for refusal.</p> <p>S106 contributions as requested by LCC will help with the provision of extra capacity for the school (see comments above).</p>
<p>Housing Mix/ Design</p> <ul style="list-style-type: none"> • Two storey dwellings will be very prominent behind hedges and trees. • Lack of any detail on outline application regards to building design, materials – unacceptable on such an important site. • No demand for such large housing numbers – currently 5 properties for sale in Somerby not sold for months. • No evidence or assurance of “good design” or examples given. Indicative layout of typical suburban cul-de-sac. • Gross over development – does not sit well with the existing housing or streetscene. • Large urban style development unnecessary to achieve the 49 needed in 20 years – records show gradual growth more than that in last 20 years. • No provision for public space – due to size and location, surely this is needed? • No details of services (which are minimal) and how these will be overcome. • Common design and layout. • Developers inconsistent in their proposals saying there will be bungalows on the northern edge to preserve the view down Burrough Road, yet their own feasibility plan shows two bed terrace and three bed detached houses, which we assume are not bungalows to North and East edges of the site. 	<p>The application is currently for outline permission only with access for consideration. The layout as submitted is only indicative and could be amended.</p> <p>Any development on site would need to provide a mix of housing in accordance with the Local Plan. This would include a mix of tenure and type of dwelling.</p>
<p>Character of Area</p>	<p>Comments from Melton Borough Council’s</p>

<ul style="list-style-type: none"> • Removal of hedge for visibility will have a devastating effect on Conservation Area. • Landscape – previous reason for refusal. • Degrade landscape between Somerby and Burrough and the historic entrance to Somerby. • Development will change and spoil the character of the village. • Suggested screening of trees and pond are inconsistent with historic appearance. • Approach not holistic or comprehensive. • Loss of countryside for inhabitants. • Council recently stated that development of field 4564 off Burrough Road would have adverse visual impacts that would require mitigation – however outline application only proposes to locate certain smaller dwellings to the Northern edge of the site and attenuation pond near the Grove – this will offer little by way of mitigation of its adverse visual impacts. • Previous concerns raised over impact on cultural heritage and heritage assessment needed and mitigation measures needed – assessment only makes reference to heritage considerations in context of national planning policy and comment on views from the site to the Conservation Area and The Grove. Little/ no appreciation of significance of Somerby’s cultural heritage, special character, townscape quality and historic landscape setting. • Fields part of historic setting of the village and used for grazing horses for past 100 years. • No specific information regarding agricultural land quality – Grade 2 – best and most versatile and is scarce in the Borough and should be afforded a high degree of protection. • Rural site, not urban as stated in application. • Least dense part of the village. • Field is on edge of village, not built up area. • Development would not integrate with the village. • No support for building in the rural area. • Damage views from various locations including Burrough Road, Burrough Road footpath and over parklands from Newbold Lane. • Not just a piece of land – homes, memories, vistas, heritage, emotions. • Houses have to be in the right places – this is not the right place (is a little village, not like Melton or Leicester). • Irreversible changes to intrinsic character of rural environment. • Not in keeping with this end of Somerby and nearby building. • Currently attractive and distinctive setting. • Screening would obscure key heritage views. • Other nearby historic buildings contribute to the setting of the Conservation Area and The Grove. • Ironstone wall – defines the Conservation Area – key entrance feature. • Cumulatively detrimental to the character of settlement. • Conclusion of fringe sensitivity study incorrect (LZ1) 	<p>Conservation Officer have been received for the application (see above). He is primarily concerned with the impact the development would have on the wider village and Conservation Area rather than the setting of The Grove.</p> <p>Any details in relation to screening and boundary treatments would be submitted at reserved matters stage.</p> <p>The site is a ‘reserve’ allocation site and would have been assessed during the consideration of sites for the emerging Local Plan, including the impacts of the development on the character of the area and wider landscape.</p> <p>As the application is for outline permission only, no detailed drawings have been provided for the proposed development. Therefore at present it is difficult to assess the impact the proposed design of the development would have on the character of the village.</p>
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<p>and did not include entrance to Somerby and adjacent Conservation Area.</p> <ul style="list-style-type: none"> • Photos do not follow the Historic England advice regarding zones of Theoretical Visibility. • Least populated area of the village due to the nature of properties and elongation of Burrough Road. • Area of proposed development in 2nd darkest rating in England Light Pollution and Dark Skies criteria. • Proposed screening with trees confirms developers believe that the development needs to be screened and therefore by definition should not be built on this site. • Development will not be screened by hedge (following highways comments and recommended condition removing hedge and restricting height of any replacement hedge). What is to stop plants/shrubs being planted and preventing visibility again? Also what privacy would there be if only a 0.6m high boundary is allowed? Even if properties moved back – view of fencing along back gardens will be ugly and spoil views of the setting of the Grove and entrance to the village. • Barnwell Manor Case – will always be a strong statutory presumption against development where harm is caused to the character of the Conservation Area – must attach considerable weight. 	
<p>Residential Amenity</p> <ul style="list-style-type: none"> • Loss of amenity – light pollution – proposal is opposite a private observatory – if it goes ahead any lighting should be of a design to reduce light spill and glare to an absolute minimum. • Development obscures views to Tilton on the Hill from out property. • Loss of light to property. • Detrimental to residents quality of life (<i>not explained</i>) • Loss of light to existing dim rooms in watertower and stables (TPO trees reduce light). • Site overlooks water tower. • Site of proposed development higher than the existing nearby properties. 	<p>As the application is for outline permission only, it is not possible to carry out a full assessment of the impact the development would have on residential amenity (for example overlooking).</p> <p>There is no right to an individuals view (however wider landscape impacts can be considered).</p>
<p>Ecology</p> <ul style="list-style-type: none"> • Tree survey states no trees on site – incorrect – major trees on rear boundary. • Trees make a major contribution to the village and Conservation area. • Reduce birds and wildlife. • High density development close to trees on boundary – trees threatened. • No evidence applicant has taken into account protected species of bats roosting nearby. • No Ecological assessment submitted for the application – fails to accord with paragraph 118 of the NPPF. • Need assessments for bats, birds, newts and badgers. • Root systems of mature trees at the Grove are likely to be on application site – high risk of damage. • No account taken of bat roost found at 96 High Street 	<p>LCC Ecology have been consulted on the application (see comments above) and are satisfied with the documents which have been submitted as part of the application.</p> <p>There are no TPO trees on the site.</p> <p>An Ecology Report has been submitted as part of the application.</p>

(Within 100m)	
<p>Adjacent Listed Building/ Heritage</p> <ul style="list-style-type: none"> • Development will damage the adjacent Grade II building – no assessment has been carried out. • Should conserve for future generations. • Balancing pond will increase risk of damage to adjacent listed building – harm the floors, foundations and historic walls. • Heritage assets that would be directly impacted barely addressed e.g. no mention of Grade II listed vinery at the Grove despite proximity. • Planning, Listed Building and Conservation Area Act – statutory duty of the Council. • Development would be harmful to the setting of the listed building and conservation Area. • Ancient site in South West corner of paddock of historical importance. • No Archaeological assessment. • Development would harm the garden and orchard setting of The Grove – highly prominent and noise will affect the original and tranquil character. • The Grove is only one of three historic Somerby estates – relatively intact with original outbuildings, gardens and spatial relationships. • Development will harm setting of the Listed Building – contrary to the NPPF. • Site is a major zone of influence to understand the significance of The Grove. • Development would lead to substantial harm and total loss of significance of heritage asset and harm is not outweighed by substantial public benefits as there are other sites in the village for additional housing. • Modern housing development by historic building will ruin the setting/ suburbanisation. • Ironstone boundary is supporting wall for Listed Building. • Conflict with NPPF and neither sustains or enhances the significance of the heritage asset, contribute to the setting of the village or Conservation Area. • Stables at The Grove are 19th Century, historically a high quality equestrian centre and nationally renowned. • Equestrian history is important to Somerby (and today). Policy EC8 – Sustainable Tourism – detrimental to Somerby’s historic “sense of place”. • Site was previously part of The Grove landholding. • No evidence Historic Environment Record has been consulted or assessed using appropriate expertise (in accordance with Paragraph 128 of the NPPF). • Location of the proposed new road will have an adverse impact on outbuilding structure from surface water run-off, pollutants and traffic vibration. 	<p>The adjacent listed building was listed after the submission of the application, therefore details of this was not included in the original submission. Subsequently, additional information has been provided as part of the application.</p> <p>MBC Conservation Officer has been consulted on the application and has provided comments (see above).</p> <p>As the application is for outline permission with access for consideration, no design details have been submitted for consideration. Therefore it is possible to design the development taking into account the setting of the adjacent Listed Building.</p>
<p>Planning Policy</p> <ul style="list-style-type: none"> • Proposal is contrary to policy OS2 – site is outside the 	<p>The application site is outside of the village</p>

<p>village envelope in open countryside and is not covered by the limited exceptions.</p> <ul style="list-style-type: none"> • Site was put forward for inclusion of the new Local Plan but other alternative deliverable sites have been assessed and are preferred. • Application is seeking to pre-empt the new Local Plan – fails to fully address the real constraints. • Site does not meet recent housing needs survey – no reference made to this. • Need not demonstrated, Local Plan still under consideration. • Conflicts with Parish housing needs survey and Melton Local Plan. • Somerby housing needs survey 2015 – identified a need for 10 market dwellings and 10 affordable dwellings. • Confident that the Local Plan allocations can be met. • No information on ratio of affordable housing against market – is higher than the national average and should be detailed as to what standard it is working to. • Application contrary to NPPF Paragraph 131-133. • Old Local Plan and draft recognise the importance of best and most versatile agricultural land as a natural asset. • Unable to demonstrate 5 year supply – development should be considered in presumption of sustainable development. Proposal does not represent sustainable development and impacts would outweigh benefits. 	<p>envelope. Policy OS2 is considered to be out of date when considering the development in accordance with the NPPF. The application site has also been assessed against the requirements of the emerging Local Plan (see below).</p> <p>The application site is a “Reserve Allocated Site”. Consideration of the application in relation the emerging Local Plan has been given below.</p> <p>Application reference 16/00100/OUT has been granted permission at appeal. This application relates to SOM1.</p>
<p>Other Matters</p> <ul style="list-style-type: none"> • Person who wrote the Design and Access Statement did not do correct traffic assessment. • One of the 5 reasons for refusal given in 1997 application “would form an intrusion into the open countryside and its development for residential purposes would have an adverse effect on the appearance of this attractive rural village.” • Previous reasons for refusal stronger now than before. • Previous refusal has not been mentioned. • Much smaller sites that can be developed over the next 5 years in the village that would not harm the village character. • Need to evaluate application with the other pending applications in the village. • Roads out of Somerby can be blocked due to heavy snowfall. • No consideration given to alternative and better uses for the site. • No consultation with local residents. • Expect more open process but applicant doesn’t engage in any discussions. • Field sold with agreement to remain a field. • Pre-app response fails to mention previous refusal – what has changed since then? • No demand, want or need for such large scale development – why can’t we have small developments of 3-5 homes more suitable to setting? • Only applications in Somerby which have least impact 	<p>The given reasons for refusal of the previous application have been given above. As the site is a reserve allocated site, it is considered that the principle of development is acceptable on this site, subject to an appropriate design.</p> <p>The application needs to be assessed in accordance with the proposal that has been submitted.</p> <p>The Borough Council has carried out its statutory consultation requirements.</p>

<p>on rural setting and environment should be approved.</p> <ul style="list-style-type: none"> • Reputational damage to tourist offer. • Little focus on if 31 houses are viable – decent homes cost to build – seems a large percentage of affordable houses will not actually be delivered and just a paper exercise to raise value of land. • No stable electricity – significant number of power cuts, informed investment to ensure supply reliability and aid restoration of power. Any increase in need is not allocated – investment is needed to allow more usage. • Within 1 mile of Burrough Hill Fort – Ancient Iron Age Settlement and Scheduled Ancient Monument. • Site is eligible for EU rural development funding. • Additional cost to local funds e.g. highways, MBC, utilities. • Solar gain not covered by applicant. • Request made in April 2016 to extend the Conservation Area has not been responded to. 	<p>It is not considered that this development would have a significantly detrimental impact on the tourism of the village or local area.</p> <p>Utility capacity would be a requirement of the development to resolve with the relevant providers.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policy</p> <p>The NPPF advises that 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.</p> <p>The NPPF recognises that housing should meet the needs of present and future generations (para 10). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need.</p> <p>The NPPF seeks to boost the economy and house supply to meet local housing needs. 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 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 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.</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</p>

<p>The (new) Melton Local Plan</p> <p>The emerging Local Plan has been through Examination in Public and commenced a six week consultation period on 10th May 2018 on main modifications to the plan.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan identifies Somerby as a ‘Service Centre’ and as such is considered to be a sustainable location for new development.</p> <p>The site is ‘reserve allocated site’ for residential development in the emerging Local Plan.</p> <p>Policy SS1 –Presumption in favour of Sustainable Development: when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Specific policies in that framework indicate that development should be restricted.</p> <p>Policy SS2 –Development Strategy: Provision will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton Borough.</p> <p>Development will be distributed across the Borough</p> <p>Policy C1 (B): Reserve Sites</p>	<p>which require mitigation.</p> <p>The Local Plan has progressed through examination stage and the Main Modifications are currently out for consultation.</p> <p>Paragraph 216 of the NPPF states due weight should be given to relevant policies in emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).</p> <p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>The site is a reserve allocation, SOM3, in the emerging Local Plan. The assessment for this site states: <i>The site is located at the north-western edge of the village relatively close to the existing Primary School and slightly detached from the rest of the services of the village. It is off a well-connected road with a bus stop nearby. Site adjacent to the Conservation Area.</i></p> <p>There are two proposed allocated sites in Somerby – SOM1 and SOM2. Permission has recently been granted at appeal at SOM1 under reference 16/00100/OUT. As the Local Plan is yet to be adopted, it is considered that it would be premature to permit this current application, taking into account Policy C1. One of the two allocated sites has been granted permission and the Local Plan will be covering a period up to 2036 and therefore there is still opportunity for development on SOM1 to be forthcoming and for an application to be submitted for SOM2. At present, it is not considered that it can be demonstrated that the allocation for Somerby will be unmet and the need for the ‘reserve site’ triggered.</p>
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<p>Proposals for new housing development on the reserve sites listed in this policy and identified on the Policies Map will be permitted where:</p> <ol style="list-style-type: none"> a) it helps to meet the identified housing requirement and development needs of the settlement; and b) it will secure the sustainability of the settlement; and c) it is demonstrated that a) and b) above cannot be achieved through allocation under Policy C1(A) and other permissions granted. <p>Where proposals on reserve sites are submitted, assessment will be carried out taking into account the following:</p> <ol style="list-style-type: none"> i. the degree to which the allocated requirement is unmet within settlement; ii. the likelihood that the allocated sites and outstanding permissions in the relevant settlement category (Melton Mowbray or Service Centre) will be delivered; and iii. evidence of the extent of community support through allocation of reserve sites in Neighbourhood Plans and/or bespoke approaches to measuring support. <p>Policy SOM3(as a reserve site): Development of the site reference SOM3 will be supported provided:</p> <ul style="list-style-type: none"> • Local educational capacity is available, or can be created through developer contributions, to meet the needs of the site; • a heritage assessment is provided with impacts assessed and suitable mitigation measures identified. This should pay particular attention to the effect of the development proposal on the Conservation Area, the setting of adjacent listed buildings and potential archaeological interests. 	
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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 is considered to have a sufficient supply of deliverable housing sites in line with current planning guidance, with the most recent evidence pointing to approx. seven years.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage system.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state, the impact on the character of the rural village and Conservation Area and the impact the development would have on the setting of the Listed Vinery. In addition to this, the application site is a proposed reserve allocation and permission should only be granted on this site should development not be forthcoming on the two proposed allocated sites in the village. The emerging Local Plan has been through Examination in Public and is currently preparing main modifications. At present it is considered that the emerging Local Plan can be afforded significant weight.

In conclusion it is considered that, on the balance of the issues, it is considered that granting the proposed development on this site would undermine the emerging Local Plan, which is now at an advanced stage.

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 in this case that this application should be refused permission for the given reason below.

Recommendation: REFUSE, for the following reason:

The application site is a "reserve allocation" in the emerging Local Plan. In the opinion of the Local Planning Authority, it is considered that there is still opportunity for the housing allocation of Somerby to be met prior within the plan period of the emerging Melton Local Plan (2011-2036) and it has not been demonstrated that there is no likelihood that allocated sites SOM1 and SOM2 would not be delivered. In the opinion of the Local Planning Authority, it is considered that the proposed development would be contrary to Policy C1 (B) of the emerging Local Plan.

Officer to Contact: Mrs J Lunn

Date: 5th June 2018