

20/00102/FUL - Former Southfields Farm, Church Lane, Somerby

Erection of 10 dwellings and associated turning head.

Applicant : Mr Day

Corporate Priority:	3: Delivering Sustainable and Inclusive Growth in Melton
Relevant Ward Member(s):	Somerby : Councillor Leigh Higgins
Date of consultation with Ward Member(s):	10 February 2020
Exempt Information:	None

1 Summary

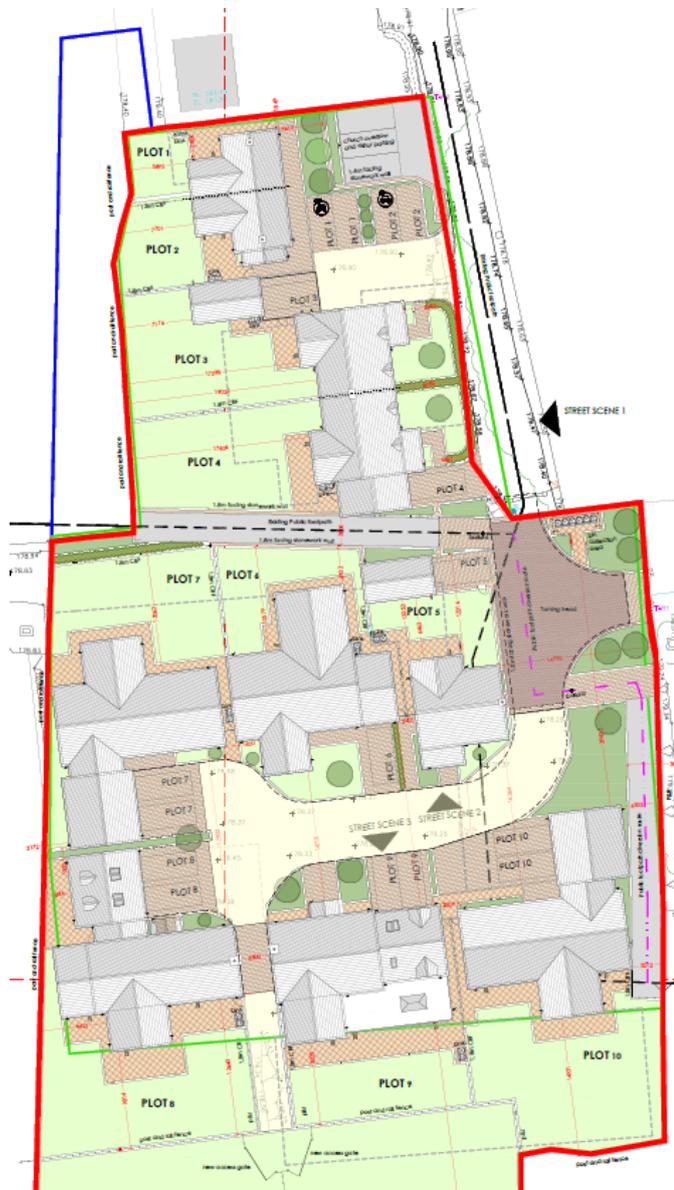
- 1.1 The application site comprises land associated with the Former Southfields Farm, Church Lane, Somerby. The site sits just outside of the Somerby Conservation Area, with the exception of the access drive. There are several listed buildings in the vicinity, to the north of the site along Church Lane, including the grade II listed Burley Cottage, grade II listed Somerby Farmhouse and grade I listed church of All Saints. Public footpath D74 runs across the site is proposed to be slightly re-routed 98G runs across the site. The proposed access for future residents would be from Church Lane only, construction access would be via a temporary access route from Owston Road.
- 1.2 This is a full planning permission for the erection of 10 dwellings. An outline application for the erection of 12 dwellings on the site has been permitted previously and is still extant.

2 Recommendation(s)

- 2.1 **It is recommended that the Planning application is APPROVED subject to conditions and completion of a Section 106 Agreement to secure contributions towards:**
- (i) Primary and secondary education provision.
 - (ii) The Provision of 1 x discount market Home, held in perpetuity and sold at no more than 65% of the open market value

3 Reason for Recommendations

- 3.1 The proposal would represent a sustainable form of small scale residential development that would be considered acceptable under the provisions of Policies SS1 and SS2 of the Melton Local Plan. The site currently benefits from an extant outline permission for 12 dwellings.
- 3.2 The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, design, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. The development would also raise no significant, adverse impact on ecology or archeology grounds that would warrant refusal. For these reasons, the proposal is considered to comply with the relevant policies of the Melton Local Plan and the National Planning Policy Framework, and no harm is considered to arise following the giving of special attention to avoiding harm to heritage assets required by s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



4 Key Factors

4.1 Reason for Committee Determination

4.2 The application is required to be presented to the Committee due to receiving more than 10 letters from separate households , contrary to the recommendation.

4.3 Relevant Policies

4.3.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.

4.3.2 No inconsistency with the NPPF has been identified that would render Local Plan policies 'out of date'.

4.3.3 Please see Appendix E for a list of all applicable policies.

4.3.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

4.3.5 There is no 'made' Neighbourhood Plan which covers the application site. Comments have been received that the proposal conflicts with a number of Policies within the Neighbourhood Plan. The draft Somerby Neighbourhood Plan is currently subject to 'Regulation 16' Consultation with consideration of the responses, Examination and Referendum to follow and therefore limited weight can be attributed to this in the determination of this application.

4.4 Main Issues

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

- Principle of development; compliance with Development Plan Policies.
- Impact upon the character of the area and heritage assets
- Impact upon residential amenities
- Impact upon highways and parking
- Impact on ecology
- Impact on flood risk
- Implications on infrastructure

5 Report Detail

5.1 Position under the Development Plan Policies

5.1.1 The site lies adjacent on the edge of the village of Somerby. Somerby is defined as a Service Centre within the Melton Local Plan and therefore Policies SS1-SS2 apply. These two policies reflect the presumption in favour of sustainable development within the National Planning Policy Framework (NPPF) and sets out the strategy of delivering housing across Melton borough through identifying the most suitable locations for new housing within a settlement hierarchy, devised from sustainable 'credentials'.

5.1.2 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.

5.2 Principle of Development

- 5.2.1 The site benefits from an extant outline permission for 12 dwellings. Policy SS2 provides support to sustainable development within Service Centres and Rural Hubs: i.e. that housing needs will be met by 'planning positively for the development of sites allocated within and adjoining the Service Centres and Rural Hubs by 2036, **and** by encouraging small scale residential development where it would represent sustainable development under Policy SS1 above **or** would enhance the sustainability of the community in accordance with Policy SS3'.
- 5.2.2 Policy SS2 is therefore applicable for small scale development in Service Centres and Rural Hubs and Policy SS3 provides a further opportunity for small scale development in Service Centres and Rural Hubs, as well as being applicable to Rural Settlements. Policy SS3 is therefore not considered to be applicable to this application.
- 5.2.3 The supporting text in the Local Plan states that for windfall sites, schemes of up to about 10 dwellings may be appropriate within or on the edge of Service Centres, schemes of up to about 5 dwellings for Rural Hubs, and schemes of up to about 3 dwellings for Rural Settlements.
- 5.2.4 Windfall sites are an important element of housing supply and calculations on the likely amount of windfall housing as a realistic proportion of overall delivery is estimated through the Local Plan process but there is no ceiling for windfall housing provision.
- 5.2.5 The NPPF nor Local Plan does not seek to place an upper limit on development quantities and each application must be considered on its own merits. Within the glossary of the NPPF 'windfall' sites are defined as 'Sites not specifically identified in the development plan'.
- 5.2.6 This development would result in the erection of 10 dwellings and is sited on the edge of (adjacent to) a Service Centre. It is for these reasons that the proposal is considered to fall under the provisions of small scale development under the provisions of Policies SS1 and SS2 of the Melton Local Plan.
- 5.2.7 Policy HR2 of the Somerby Neighbourhood Plan states that development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development where they comply with the other policies of the Development Plan and subject to character and design, amenity and relevant environmental policies. Outside the Limits to Development, development will be carefully controlled **in line with local and national strategic planning policies**
- 5.2.8 .The application site is predominantly within the limits to development of Somerby, only the gardens of Plots 8, 9 and 10 and the paddock area is outside. Given that only limited weight can be given the Neighbourhood Plan and the site is predominantly within the limits to development. The smaller part that is outside are adjacent to the settlement are in line with Policy SS2 of the Local Plan Therefore it is considered that the application is acceptable in principle in terms of the NP.
- 5.2.9 A suitable housing mix is being proposed as per the requirements of Policy HR3 and by virtue of the housing mix and one Starter Home would meet the provisions of Policy HR4 of the Neighbourhood Plan.
- 5.2.10 The scheme provides a good mix of dwellings for the area and includes two bungalows and a starter home property.

- 5.2.11 The development would not meet the threshold for affordable housing or provision under Local Plan Policies however, Paragraph 64 of the NPPF states where there are major developments (10+ dwelling), planning policies and decisions should expect at least 10% of the homes to be available for affordable homes ownership. One dwelling within this development (10%) is being provided as a starter home property (plot 1) which is considered acceptable by the Council's Housing Policy Officer.
- 5.2.12 Comments have been received regarding the development being outside of the village envelope, however there is no village envelope within the Melton Local Plan and as stated above, Policy SS2 sets out the development strategy for the Borough and states that Service Centres will accommodate 35% of the housing requirement by allocated residential sites **and** by encouraging small scale development.
- 5.2.13 Comments have been received that there are a number of houses for sale in the village, thus indicating that no further development is needed. This is not a material consideration in the determination of this application, given that Policy SS2 allows for small scale development and sets no upper limit.
- 5.2.14 As such, the principle of development is considered to be acceptable subject to satisfying all other material planning considerations; which are assessed below against the other relevant policies of the Melton Local Plan.
- 5.2.15 In addition, the site benefits from an extant outline permission for 12 dwellings. That further establishes the principle of development.

5.3 Impact upon the character of the area and heritage assets

- 5.3.1 The land currently comprises an open parcel of land formerly associated with Southfields Farm which was demolished following the approval of the previous outline planning permission. The application site is neither public open space nor is it identified as an important green space and the land has no designation registering a specific importance.
- 5.3.2 It should also be noted that the site used to comprise a number of unsightly farm buildings. It was stated within the previous outline permission that the development of dwellings on the site would enhance the overall appearance of the site given the existing buildings on the site (which have now been demolished).
- 5.3.3 Given the siting of the land at the end of Church Lane, it is not considered that the land is readily visible from within most parts of the village. The site is however visible from Church Lane, Manor Lane and the footpaths that run through and adjacent to the site.
- 5.3.4 It is considered that a well designed development of ten dwellings would not result in harm to the character of the village, loss of any key feature adversely affect 'gateway' views or long distance views.
- 5.3.5 The Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study, Final Report, (September 2015) states that the application site sits within LCZ4: Somerby South. The report assesses landscape sensitivity over number of criteria, and arrives at the judgement that the overall landscape sensitivity of this area to residential development is medium, due to the open character of the landscape with eroded cultural pattern.
- 5.3.6 There is opportunity to accommodate some sensitively designed development in proximity to the existing settlement edge, which takes into consideration the existing, generally well integrated edge character of the historic settlement form. Development is

orientated with internal roads and parking located away from the edges of the application site so as to reduce the potential for lit development edges, respecting the rural edge location of the application site.

- 5.3.7 The development is considered to be of an appropriate scale and density to create a more 'porous' landscape edge and is considered to be well-integrated into the existing built form. Overall it is considered that the development proposals would integrate the new housing within the landscape framework at this edge of the settlement site.
- 5.3.8 The site is relatively flat with levels slightly sloping down from north to south which further reduces any potential impact the development may have on the character of the area.
- 5.3.9 The site sits on the edge of the Conservation Area and would ensure the development relates to the existing built form and character of Church Lane by means of Plots 1-4 facing towards Church Lane with a 'courtyard' cluster at the southern end of the development. Plots 1-4 would follow the traditional stone linear character of buildings on Church Lane.
- 5.3.10 A mix of building types have been used across the site to ensure a degree of local vernacular and characteristic is present within the development. The courtyard aspect is proposed to replicate the farm yard developments associated with agricultural land such as this, whilst also assimilating the development in to the adjacent countryside to the south.
- 5.3.11 The scale of the buildings is considered acceptable in terms of the visual impact of the development, with the inclusion of bungalows and garages with traditional dormers above. A high level of design detailing is also proposed throughout the development such as stone plinths, chimneys, headers, cills, dental courses and timber clad elements on the bungalows to represent the barns previously on the site.
- 5.3.12 Landscaping is proposed throughout the site consisting of hedging, low level planting and tree planting. The use of stone boundary walls are proposed on the boundaries where visible by the public to ensure the development doesn't have an adverse visual impact upon the character of the area. Soft and low level landscaping proposals such as hedging are proposed to front gardens. Full landscaping details can be secured by condition.
- 5.3.13 The development would consist of a mix of materials that would be reflective of the materials in the local area. Materials can be the subject of a condition to ensure that the development is built out in the manner that it has been proposed.
- 5.3.14 It is not considered that lighting would be excessive given that the proposal comprises a small residential development of ten dwellings. Lighting would be similar to that of the adjacent and existing residential properties and would not appear unduly out of character with the wider setting. In addition, driveways and parking would be contained within the internal courtyard to prevent excessive shining of headlights onto the land to the south.
- 5.3.15 The proposed development is considered to be in line with the provisions of Policy CD1 of the emerging Neighbourhood Plan by virtue of incorporating the following design principles, density and infrastructure is minimized towards edges with the countryside; existing countryside boundary features are retained or replicated; the scale of roads are 'rural' in nature; adequate provision for waste storage and suitable and safe means of access for collection are provided; design, materials and skylines reflect the local

vernacular; lighting infrastructure sympathetic to the character of the villages and the countryside; ecologically sound construction; use of environmentally sustainable building materials.

- 5.3.16 The proposed development would not be considered to interrupt the important view SV7.3 within Policy ENV9 due to the existing buildings on Manor Lane screening the development. The proposal will only be viewed against the backdrop of the existing village from important view SV7.2. As such, the development is not considered to significantly adversely impact on the perceptual experience of these important views as designated within the Neighbourhood Plan. Soft landscaping is proposed throughout the development in line with Policy ENV11 of the Neighbourhood Plan.
- 5.3.17 As stated, the application site sits on the edge of the Conservation Area of Somerby. Although not present at the site the removal of the previous agricultural buildings and their replacement with a sympathetically designed development is considered to bring positive benefits upon the character of the area and the adjacent Conservation Area. The development would include materials and local design features that can be found present in the vicinity.
- 5.3.18 By virtue of the scale and layout of the development proposed, from the public footpaths to the south, the development would be viewed against the existing dwellings in the village and would not significantly interrupt views of the spire of the Grade I listed church. The application site also sits lower than the fields to the south.
- 5.3.19 There are a number of listed buildings on Church Lane itself however these are separated from the site by the existing dwellings on Church Lane and as such, the development have a neutral impact upon the setting of these listed buildings.
- 5.3.20 In addition, the site benefits from outline planning permission for the erection of 12 dwellings. Although the previous application was outline only, this current application is considered to be an improvement on the permitted scheme, given the reduction in number of units would result in a less dense and cramped form of development.
- 5.3.21 Overall it is considered that the proposal on the edge of the village would be acceptable and not have a detrimental impact upon the character of the surrounding area. Furthermore, it is **considered that the development would have a neutral impact upon the conservation area and the nearby listed buildings given the nature, scale and design of the development and the separation distances to the listed buildings. In addition, minor benefits are had by the re-development of this former farm site. The proposal is therefore considered to accord with the relevant policies of the Melton Local Plan, emerging Neighbourhood Plan and satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

5.4 Impact upon Residential Amenities

- 5.4.1 The application site sits at the southern end of Church Lane. No 12. Church Lane borders the application site to the north however the dwelling sits away from the boundary and is separated by their existing driveway and garage. Plot 1 would be sited with the side elevation adjacent to the garage and driveway of no. 12 and as such would not introduce significant overbearing or loss of light impacts to this property by virtue of the separation distances to the private garden areas and habitable windows of this property.
- 5.4.2 To the east is Southfields Farm Cottage however this property is separated from the site by existing screening and also the existing driveway serving this property. The private

garden area of this property is also sited away from the application site. As such, by virtue of the separation distances and layout of the proposed development, the proposal would not introduce any significant adverse overlooking, overbearing or loss of light impacts upon this property.

- 5.4.3 No other residential properties in the vicinity would be significantly impacted by the proposal as the site is surrounded by paddock land to the west and open countryside to the south.
- 5.4.4 Sufficient separation distances are also proposed between all plots so as to protect the residential amenity of the future occupiers of the properties in respect of overlooking impacts. Sufficient private and useable amenity space are available to all plots.
- 5.4.5 The diversion of the public footpath is very minor in comparison to the existing dedicated route and due to the separation distance is not considered to result in any additional privacy impacts upon the surrounding properties.
- 5.4.6 It is not considered that the vehicles using Church Lane would result in noise or disturbance issues upon the occupiers of the existing properties on Church Lane. Construction traffic would access the site via a temporary route from Owston Road. Details of this can be submitted in a construction management plan via condition which will detail methods to ensure the development is run smoothly without excessive disturbance those living in close proximity to the development site. Hours of operation are to be conditioned in line with the recommendations of the Council's Environmental Health Officer to protect the occupiers of the adjacent properties. Again, the reduction in the number of units from the permitted scheme and that the agricultural buildings have already been demolished would result in less impacts upon adjacent properties during construction.
- 5.4.7 **The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

5.5 Highway Safety

- 5.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.
- 5.5.2 Access to the site for the occupiers of the development would be via Church Lane only. In the first instance, it should be noted that a significant consideration was given within the determination of the previous application in respect of highway safety and the use of Church Lane for vehicles. The outline planning permission approved the development of 12 dwellings.
- 5.5.3 Church Lane which is a single track adopted unclassified road, subject to a 30mph speed limit, with a maximum of 20mph allowed during school drop off and pick up times. The carriageway width is 3.6m at the junction with restricted visibility. Notwithstanding the above, the existing access had been used extensively by the previous farm vehicles as well as other existing dwellings. The proposal will also see a net reduction in trips as previously permitted under in 16/00146/OUT, being for 10 dwellings rather than 12.

- 5.5.4 Further information has been provided by the applicant regarding the previous use of Church Lane for many different vehicles including as follows - lorries, small eight wheelers, six wheelers, milk tankers, diesel and feed lorries delivering goods, gas and fuel lorries.
- 5.5.5 The proposed development includes provision of a turning head which would allow all vehicles (not limited to the ones serving the development) to manoeuvre at the end of Church Lane and travel in a forward gear. This would result in an improvement to the existing highway situation.
- 5.5.6 Concerns have been raised regarding the access for emergency vehicles. As Church lane has been used for lorries and farm traffic in the past, it is not considered that emergency vehicles would not be able to access the site. Although the road does not meet the required (modern) standards, further information has been provided to demonstrate that it would be possible for a fire appliance to access the site. The typical width of a fire appliance is 2.3m which would be able to pass the narrowest section of the road (approximately 2.75m). In addition, access has already been permitted previously.
- 5.5.7 Given the extant permission on the site, no concerns are raised regarding the use of Church Lane as the access point for the development.
- 5.5.8 Sufficient parking provision is provided for each plot and additional spaces are also proposed for the visitors and overflow for the church. As such the development would be in line with the requirements of Policy TI1 of the Neighbourhood Plan.
- 5.5.9 Construction traffic is proposed from a temporary access from Owston Road which would be considered acceptable and further details can be included within a construction traffic management plan which is to be submitted via condition.
- 5.5.10 It is also proposed to divert a public footpath which runs through the site. No concerns are raised to the diversion of this. Concerns have been raised regarding the use of Manor Lane by vehicles access the development. This is not the case as a bollard is proposed at the entrance to the footpath which connect Church lane and Manor Lane. This will prevent / deter vehicles from driving down Manor Lane. LCC Public Rights of Way request that the footpath is constructed using tarmac to ensure protection to users of the public right of way.
- 5.5.11 The diversion of the public footpath is not considered to result in a significant change or rural appearance of the footpath given the existing nature of the site and the proposed diversion route. As such, the development is considered to be in line with the provisions of Policy ENV13 of the Neighbourhood Plan.
- 5.5.12 Comments have been received that the use of Manor Lane would alleviate traffic impacts upon Church Lane. Manor Lane does not form part of the access to the site and the Local Highway Authority confirm that there would be no objections to the proposal subject to the imposition of conditions for using Church Lane only.
- 5.5.13 **As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the policies D1 and IN2.**

5.6 Ecology

- 5.6.1 A Great Crested Newt (GCN) Assessment (CBE Consulting, April 2016) has been submitted in support of this application. This is now nearly 4 years old and would not usually be considered acceptable in support of an application.

- 5.6.2 An updated Great Crested Newt Assessment (CBE Consulting, April 2020) has been submitted in support of the application. This accepts that GCN have been found in Pond 3, close to the site since the previous site assessment was completed. The survey also assesses Pond 4 (within 35m of the site boundary) as having some suitability to support GCN. Considering the size, position, quality of Pond 4 and surrounding garden area, the likelihood of a medium or high population level being present is negligible.
- 5.6.3 Mitigation measures are proposed in the form of exclusion fencing erected under license based on pond 4 being used for foraging by a low population of GCN. This mitigation has been provided and is to be secured by condition.
- 5.6.4 The application site falls within a 'Swift Alert Area' as there are recent records for breeding swifts close to the site. Swifts are a local Biodiversity Action Plan (BAP) species. This development provides the opportunity to install some swift nest boxes to provide additional nest sites for this species and to help achieve the aims of the BAP. 3 swift nest boxes should be installed on a suitable elevation of at least 3 of the new dwellings and details of their location are to be secured by condition.
- 5.6.5 **Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon ecological matters.**

5.7 Flood Risk/Drainage

- 5.7.1 A drainage strategy and SUDs statement has been supplied with the application. The application site sits within Flood Zone 1 being at low risk of fluvial flooding. There is a very low risk of surface water flooding across the site.
- 5.7.2 Foul is proposed to connect into the public combined water sewer, which will be subject to a formal sewer connection approval under separate legislation. Surface water is proposed to discharge to a watercourse..
- 5.7.3 The LLFA has indicated that the general drainage strategy is suitable, subject to further information to ensure that there are no undue flooding issues caused by the development elsewhere. A series of conditions will be included that will need to give further detail on any sustainable method of drainage to ensure that flooding is not an issue for this site nor existing issues exacerbated elsewhere.
- 5.7.4 **Subject to conditions and further technical information the proposal complies with policy EN11 and EN12 of the Local Plan and ENV16 of the Neighbourhood Plan.**

5.8 Contamination

- 5.8.1 The farm buildings and yard that previously occupied the site were covered in concrete slabs and therefore the risk of contamination is low.
- 5.8.2 Notwithstanding this, agricultural farms can be associated with fuels, oils, lubricants, solvents, sheep dips, made ground, pesticides, manure heaps / slurry pits and poor waste handling practices – disposal of materials by burning and burial. Exposure to these materials can, in certain circumstances, be harmful to human health. It is therefore important that where these materials exist or said processes have occurred they are identified, investigated and remediated as appropriate.
- 5.8.3 As such, a Phase 1 contaminated land investigation should be undertaken and submitted prior to commencement of development. This is to be secured by condition.

5.9 Archaeology

5.9.1 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies partly within the historic settlement core of Somerby (HER ref: MLE 8617). It lies approximately 110m to the west of medieval village earthworks (MLE22781), which was trenched in 2018 and found a 9th-11th C field system and 11-13th C settlement activity. Although the application area has had modern farm buildings recently demolished, there is still the potential any archaeological remains could have survived beneath the farm.

5.9.2 The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains. As such, an appropriate programme of archaeological mitigation should be submitted to the LPA by means of a condition.

5.9.3 **Overall, subject to conditions based on the advice of expert advisors, it is not considered that the application would have an adverse impact upon archaeological matters to warrant refusal.**

5.10 Climate Change Considerations

5.10.1 The applicant has submitted a sustainability statement to demonstrate how the proposal includes sustainability credentials and design techniques to ensure an energy efficient and low carbon proposal as well as the need to mitigate and adapt to Climate Change, in line with Policies EN8 and EN9 of the Local Plan.

5.10.2 The following is proposed by the applicant to demonstrate this –

- Locally selected and produced (for example from Leicestershire and Nottinghamshire) facing materials are to be used.
- The design layout combines the existing constraints of the site with general principles on orientation and passive design techniques.
- Plan form of each property has been designed to allow for cross ventilation, internal spaces have been organised to either benefit from solar gain or insulate from cold northerly aspects.
- Modern methods of construction are to be used to ensure better construction of junctions to avoid leakage and heat loss.
- The landscape and drainage scheme involves water features through storm water detention through the use of attenuation crates.
- The development seeks to utilise air source heating throughout the scheme.
- Space for homes offices could be provided within snugs and smaller bedrooms
- Electric vehicle charging points are provided for each property.

5.10.3 **As such it is considered that the applicant has demonstrated how the need to mitigate and adapt to climate change has been considered, in accordance with Policy EN9 of the Melton Local Plan.**

5.11 Infrastructure

Requests for financial contributions are requested from Leicestershire County Council as follows:

Primary School Sector Requirement £43,776

The site falls within the catchment area of Somerby Primary School. The School has a net capacity of 49 and 61 pupils are projected on the roll should this development proceed; a deficit of 12 pupil places, of which 9 are existing and 3 are created by this development.

Secondary education Requirement: Based on 10 dwellings with two or more bedrooms at a charge of £6,257.66 per home equals £62,576.60. This is a contribution towards the cost of expansion of secondary provision in Melton Mowbray, within the catchment of which the development is located. In order to provide the additional secondary school places required, the proposal is to extend John Ferneley College by 200 places and to build a new secondary school (11-16) To extend John Fernley by 200 places would cost £3,575,234 (based on the cost multiplier of £17,876.17 per pupil place) and require 1.22ha of land at a cost of £904,020 (based on a land value of £741,000 per ha). To build a new 650 place secondary school would cost £18,567,000, and require 5ha of land at a cost of £3,705,000.

The contributions are supported with information explaining the basis for their calculation, their need and their relation to the development concerned. It is considered all are compliant with the requirements so for the Community Infrastructure Regulations (Reg 122).

5.12 Other issues

Comments have been received regarding the setting of a precedent and potential for further development / expansion of the application proposal. First and foremost, each application is considered on its own merits and will be determined against the national and local plans which are in place at the time of determination.

6 Impact on Infrastructure

- 6.1 A Section 106 Agreement relating to contributions towards education is proposed in line with the requests outlined above. The impact of the development on local infrastructure can be mitigated and the benefits of the proposal enhanced.

7 Consultation & Feedback

- 7.1 A site notice was posted and neighbouring properties consulted. As a result, 28 objections have been received.

8 Financial Implications

- 8.1 The recommendation proposes a s106 agreement collecting developer contributions for various aspects (see above for details).

Financial Implications reviewed by: N/A

9 Legal and Governance Implications

- 9.1 The application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.
- 9.2 The application engages the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

9.3 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Legal Advisor (Planning)

10 Background Papers

16/00146/OUT Demolition of livestock buildings and construction of 12 dwellings.

11 Appendices

- A: Summary of Statutory Consultation responses
- B: Summary of representations received
- C: Recommended Planning Conditions
- D: Informatives
- E: List of applicable Development Plan policies

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Appendix A : Consultation replies summary

Parish Council:

The Councillors voted to approve this application and the following positive comments were made:

- Courtyard developments are an element in existing character and design, so this proposal is a good design
- During Neighbourhood Plan consultation there was expressed support for housing development (if any) to consist of small sites of 10 or less

However, the following comments reflect some concerns:

- The outline planning had conditions relating to construction traffic on Church Lane and the High Street. It is important that these conditions are applied to what appears to be a new application.
- We are very concerned about the additional traffic coming on to High Street and the width of the road. However, clearly the entrance cannot be changed. It would be interesting to see if the "back" entrance (via Owston Road) could be used as an alternative entrance to the development, once completed, for oil deliveries etc. Could this also form a condition of the planning?
- The outline planning made provision for two parking spaces for visitor/Church use and it would be good if these could be integrated into the new plans.
- The Neighbourhood Plan consultation disclosed strong support for affordable homes in Somerby Parish. When the MLP set the threshold for affordable housing of 11, that was the lowest threshold permitted by the NPPF 2012. This is presumably why the applicant now proposes 10 houses when they have outline permission for 12. The NPPF 2019 permits a threshold of 10 to be set. Nonetheless the threshold in the MLP is 11, so the applicant is not mistaken. However I would argue that with outline permission for 12 houses the applicant, by choosing to build less, does not make most efficient use of the land in terms of housing density and therefore housing provision. Would MBC refuse less than 12 on these grounds?
- In Somerby large enough developments must normally include a 40% affordable element. On or near the threshold, compromise is not forbidden; for example the developer might be asked to provide a 20% affordable element i.e. 2 houses.
- It is unclear who would own and manage/maintain the rewilded paddocks after the houses are sold. The paddocks are a positive in the proposal. Could a condition prevent a further planning application on them?

Environment Agency:

There are no environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Severn Trent:

No comment – notes to applicant.

Historic England:

On the basis of the information available to date, we do not wish to offer any

comments.

Leicestershire Fire and Rescue Services:

Leicestershire Fire and Rescue Service do not consult on plans or provide direct comment on access facilities for new domestic building developments.

LCC Highways:

No objection subject to conditions.

LCC Archaeology:

No objection subject to conditions.

Lead Local Flood Authority:

No objection subject to conditions.

LCC Developer Contributions Education:

Request for contributions based on 10 houses with 2 or more bedrooms and 0 dwellings with one bedroom:

Primary pupils generated 3

11-16	1.67
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Post 16	0.33
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Based on 10 dwellings with two or more bedrooms at a charge of £6,257.66 per home equals £62,576.60 plus the primary contribution of £43,776.00.

Total Requirement - £106,352.60

LCC Developer Contributions Libraries:

No claim from Leicestershire Library Services due to the closest library to the development being Oakham Library.

LCC Developer Contributions Waste:

The HWRC 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.

LCC Ecology:

No objection subject to conditions.

MBC Environmental Health:

No objections subject to conditions.

MBC Building Control:

No comment in relation to the above application.

Designing out Crime Officer:

Comments/recommendations received.

Appendix B : Summary of representations received

Neighbours:

Objections have been received from local residents on the following grounds:

- Church Lane not a suitable access, too narrow, poor visibility
- Unacceptable intensification of Church Lane
- Outside village envelope
- Potential future expansion
- Drainage impacts including foul waste
- Potential privacy impacts resulting from the movement of the footpath
- Impact upon setting of Grade I listed Church and other listed buildings in the vicinity
- Conflict with relevant Policies of Neighbourhood Plan
- Proposal does not demonstrate knowledge of surrounding area
- Pedestrian safety on Church Lane
- No access for emergency, refuse and delivery vehicles
- Inadequate housing mix
- Light pollution/impact upon surrounding countryside
- Use of footpath by vehicles access Manor Lane inappropriate
- Poor treatment of public footpath
- Poor design out of keeping with surrounding area
- Potential to use Manor Lane for vehicles as a 1 way system
- Church Lane not suitable for construction traffic
- Is 1 starter home enough
- Site working hours should be limited to prevent impact upon neighbours
- Use of Manor Lane for access is unacceptable
- Footpath inappropriately wide and unnecessary hard surfaced
- No need for additional houses

Appendix C: Recommended Conditions

1. The development hereby permitted 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 the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

8056-03-001 P2 Location Plan

8056-03-004 P3 Proposed Plots 1 and 2 Plans and Elevations
8056-03-005 P4 Proposed Plots 3 and 4 Plans and Elevations
8056-03-006 P4 Proposed Plot 5 Plans and Elevations
8056-03-012 P2 Proposed Garage Plans and Elevations
P20010-HWA-ZZ-XX-DR-C-5001 Proposed Drainage Strategy Layout
received by the Local Planning Authority on 28th January 2020

8056-03-002 P2 Proposed Block Plan
8056-03-003 P5 Proposed Site Plan
8056-03-007 P6 Proposed Plot 6 Plans and Elevations
8056-03-008 P6 Proposed Plot 7 Plans and Elevations
8056-03-009 P6 Proposed Plot 8 Plans and Elevations
8056-03-010 P7 Proposed Plot 9 Plans and Elevations
8056-03-011 P6 Proposed Plot 10 Plans and Elevations
8056-03-013 P4 Proposed Street Scene Elevations
received by the Local Planning Authority on 7th April 2020

Reason: To ensure a satisfactory form of development in accordance with Policies SS1 and D1 of the Melton Local Plan.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies SS1 and D1 of the Melton Local Plan.

4. Notwithstanding the submitted information, no development above ground level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme and a hedgerow management plan, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance and to ensure that the work is carried out within a reasonable period and thereafter maintained in accordance Policies SS1 and D1 of the Melton Local Plan.

5. The development shall be implemented in accordance with the proposed ground levels of the site and proposed finished floor levels of the buildings as detailed on Proposed Drainage Strategy Layout P20010-HWA-ZZ-XX-DR-C-5001 Rev. P02 received by the Local Planning Authority on 16th June 2020.

Reason: To ensure that the development has a satisfactory appearance and to safeguard the amenities of neighbouring properties in accordance with Policies SS1 and D1 of the Melton Local Plan.

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on approved 8056-03-003 P5 Proposed Site Plan received by the Local Planning Authority on 7th April 2020 has been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policies D1 and IN2 of the Melton Local Plan and the National Planning Policy Framework 2019.

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in full in accordance with approved 8056-03-003 P5 Proposed Site Plan received by the Local Planning Authority on 7th April 2020. 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 Policies D1 and IN2 of the Melton Local Plan.

8. Prior to the first occupation of any dwelling on the site, details of the proposed bollard to be placed on the public footpath (between Plot 4&5) shall be submitted to and approved in writing by the Local Planning Authority. The bollard shall be installed on the site in accordance with approved details prior to the first occupation of any of the dwellings on the site. Thereafter the bollard shall be so maintained in perpetuity.

Reason: To deter vehicles from using the public right of way network and to avoid conflicts with other uses in accordance with Policy IN2 of the Melton Local Plan.

9. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the area in accordance with Policies D1 and IN2 of the Melton Local Plan.

10. No development shall take place until a phase 1 / desktop study investigation

and risk assessment has been submitted to and agreed in writing by the Local Planning Authority. The investigation shall assess the nature and extent of any contamination on the site and identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The phase 1 / desk top study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced and the development shall take place in accordance with the approved investigation and its recommended measures controlling/removing contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

11. In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration prior to being imported onto the site. Only the soil approved in writing by the Planning Authority shall be imported onto and used on site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

12. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Paragraph 170, 178 and 179 of the National Planning Policy Framework.

13. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other

than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy EN3 of the Melton Local Plan.

14. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, in accordance with EN11 and EN12 of the Melton Local Plan.

15. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase, in accordance with EN11 and EN12 of the Melton Local Plan.

16. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term management and maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and thereafter the long term management and maintenance of the surface water drainage system shall be carried out in accordance with the approved details

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in accordance with EN11 and EN12 of the Melton Local Plan.

17. The development shall be carried out in accordance with the GCN mitigation plan Rev. 01 received by the Local Planning Authority on 10 June 2020 and the mitigation measures outlined in the email dated 12 May 2020 which was received by the Local Planning Authority on 19th May 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy EN2 of the Melton Local Plan.

18. No development above ground level shall take place until a plan showing a minimum of 3 swift boxes should be provided to the Local Planning Authority for approval. Thereafter these should be included and retained within the development in perpetuity.

Reason: To ensure satisfactory mitigation for wildlife species and their habitats that are known to exist on site to accord with Policy EN2 of the Melton Local Plan.

19. No external related construction activities shall take place outside the hours of 07:00 to 19:00 Mondays to Fridays or between 08:00 to 13:00 hours on Saturdays. No such operations shall take place at any time on Sundays or Bank/Public Holidays.

Reason: To secure the satisfactory development of the site and no adverse impact upon residential amenity of neighbouring properties, in accordance with Policy D1 of the Melton Local Plan.

20. The window on the first floor, north facing elevation of plot 8 (indicated as serving an en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupiers of the dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

21. The window on the first floor, east facing elevation of plot 8 (indicated as serving an en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupiers of the dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

22. The 2 windows on the first floor, west facing elevation of plot 9 (indicated as serving a bathroom and en-suite) shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the future occupiers of the dwellings from potential overlooking in accordance with Policy D1 of the Melton Local Plan.

Appendix D: Informatives

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide.
2. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
3. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
4. More information regarding swift boxes can be found at <https://www.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-and-rutland-environment-records-centre-lrerc>
5. The drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
6. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens),

long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change.

7. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
8. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
9. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).
10. The contaminated land investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority. The written report is subject to the approval in writing of the Local Planning Authority.
11. The applicant must be aware that their ecologist has stated that an European Protected Species Licence is required for this development. It is the applicants responsibility to liaise with their ecologist to ensure that this is in place prior to the commencement of the development. All licence conditions should then be adhered to.

Appendix E : Applicable Development Plan Policies

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C2 Housing Mix
- Policy C4 Affordable Housing
- Policy IN2 Transport, Accessibility and Parking

- Policy IN3 Infrastructure Contributions
- Policy D1 Raising the Standard of Design.
- Policy EN1 Landscape
- Policy EN2 Biodiversity
- Policy EN6 Settlement Character
- Policy EN8 Climate Change
- Policy EN9 Energy Efficient and Low Carbon Development
- Policy EN11 Minimising the risk of Flooding
- Policy EN12 Sustainable Drainage Systems
- Policy EN13 Heritage Assets