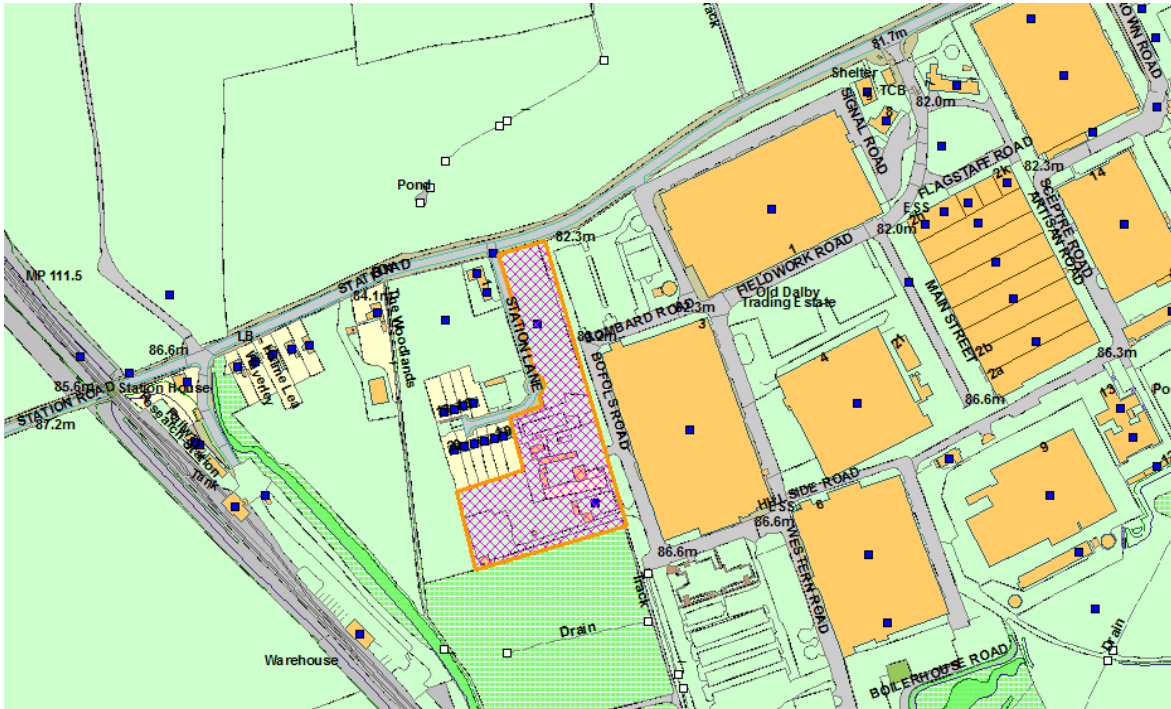


Reference: 16/00157/OUT
Date submitted: 08.03.16
Applicant: Hofton & Son Ltd
Location: Land Off Station Road, Old Dalby
Proposal: Development for up to 25 dwellings



Proposal :-

This application seeks outline planning permission for up to 25 dwellings, 6 would be affordable housing, and associated infrastructure on land falling outside of the village envelope for Queensway, Old Dalby. Access to the site is proposed directly from Station Road. The application site extends to approximately 1.34 hectares, which currently comprises a detached two storey former farmhouse, along with associated redundant outbuildings and stable blocks, hard standing and scrubland.

The application seeks consent for the access only with all other matters relating to layout, scale, appearance and landscape reserved for later approval. An indicative layout plan has been provided to show how the site could be developed should approval be granted.

The application has been supported by a Planning Statement, Design and Access Statement, Noise Report, Contamination Report and Habitat Survey. All of these documents are available to view at the Council.

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

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

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

History:-

There have been a number of separate planning applications for additional units within the boundaries of the industrial estate, they are as follows :

00/00117/REV – An application under the Town and Country Planning Act Schedule 15 section 302 for compliance determination in respect of crown land for B1, B2 and B8 uses of the existing buildings within the confines of the Old Dalby Trading Estate. Consent was granted with conditions relating to specific uses for each numbered building and no outside storage. This established the lawful use of the site prior to its disposal by the Crown into private Ownership.

07/00871/FUL – Planning permission granted for the upgrading of the service roads, security fencing, alteration to the front of unit 2, formation of parking areas.

07/001362/FUL – Planning permission granted for erection of three warehouses with sub-units including associated service yard, parking and landscaping on vacant land within the trading estate.

11/00925/FUL – Planning permission granted for proposed flexible workspace units with associated parking, cycle shelter and bat roost and landscaping with drainage bowl.

14/00954/OUT – Planning permission granted for the development of up to 15 dwellings.

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 H8 – Sets out the requirements for assessing rural exception sites. In exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope. It states that the need is required to be established by the Council, it must be in keeping with the scale, character and setting of the village and would not have an adverse impact upon the community or local environment. The layout, density, siting, design and external appearance, landscaping, access and parking details are in accordance with other policies contained within the plan.

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: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

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.

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

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

Require Good Design

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

Conserving and enhancing the natural environment

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established

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

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

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority:</p> <p>A proposed access is located where there are proposals for a central island to be provided as part of the access arrangements to serve an adjacent development subject of planning applications 16/00102/VAC & 14/00954/OUT. Whilst this may not form part of a reason to resist this development, a condition will need to be imposed covering a revised highway layout to incorporate an alternative location for a central island clear of the proposed site access. Also a footway shall be provided on the southern side of Station Road to connect the site to the central islands being provided as a result of this development and the development on the adjacent site referred to above.</p>	<p>The application is outline with the access for consideration with all other matters reserved. An indicative layout plan has been provided which shows how the proposal could be laid out on the site. It proposes a single point of access from Station Road with two access roads to serve up to 25 dwellings, including an element of affordable housing, sited along the estate road.</p> <p>The proposal would not have severe harm in transport terms and would not have a detrimental impact upon Highway Safety subject to the conditions as requested by the Highways Authority.</p>
<p>MBC Environment Health</p> <p>Noise</p> <p>BS8233 does provide universal quantitative thresholds, it is a generic toll and shouldn't be considered in isolation, not least where a clear noise source has been identified and a specific assessment tool such as BS4141 is available. Reliance upon BS8233 as a test of absolute acceptability is short sighted.</p> <p>Noise from the extraction system would be identifiable, tonal and intrusive, particularly in the external spaces and when windows are opened for ventilation and could generate nuisance complaints notwithstanding compliance with BS8233. It is not true to state that following a BS4141 assessment the proposed solution would remain the same. BS4142 carries equal weight to BS8233 and provides its own quantitative threshold in relation to background noise levels. This would undoubtedly affect the noise attenuation scheme.</p> <p>Environmental Health cannot support an application that would result in development in a 'Zone where complaints are possible'. Post</p>	<p>Old Dalby Test Track is used regularly. Indeed, the line was recently subject to a planning variation – 13/00918/VAC in order to increase the line capacity. This variation permits up to 152 passes in a 12 hr, daytime period. This equated to one pass every 5 minutes. Environmental Health would consider this significant. More information is needed to determine what noise levels (L_{Amax}/SELs) would be expected at the façade of the closest property.</p> <p>BS8233 requires a 16hr (day) and 8 hr (night) noise average. Environmental Health have considered that it isn't a good indicator for nuisance type noise that would tend to be 'averaged out'. Looking at the data set for monitoring position 2, the influence of the industrial complex and the identified extraction units is clear. Between the hours of 8.00am and 17:00pm, the LA_{eq} average is 62.1 dB. This drops off sharply at 18:00 with an LA_{eq} average between 18:00 and 23:00 of 46.2 dB.</p>

<p>development, should this Authority receive noise nuisance complaints, the test of acceptability would be a BS4142 assessment.</p> <p>Planning permission is not a defence against statutory nuisance. British Standards aside, building a residential unit adjacent to an existing extraction plant is clear conflict of interest that should be avoided at the planning stage.</p> <p>It is anticipated that applicants make all reasonable efforts to identify noise sources and assess their impacts. In this instance the applicant could have contacted Network Rail to establish line utilisation or to make arrangements to attend site when the line was in operation. Alternatively, third party data could have been used to calculate site noise levels during train movements. . To take the position that there isn't a significant impact because it didn't occur during the assessments is not considered reasonable. The Test Track is routinely used and the noise assessment should have been designed to incorporate this noise source.</p> <p>It is clear that the mitigation scheme is based solely upon the generic BS 8233 guidance. The applicant has equated compliance with BS 8233 as being acceptable in planning terms. I am not aware that the NPPF, NPPG, or NPSE makes such a direct association. Non-statutory guidance can and should be considered in the decision making process. In this instance BS 4142:2014 – 'Methods for rating and assessing industrial and commercial sound' should be considered in conjunction with BS 8233 but the following can be considered:</p> <ul style="list-style-type: none"> • WHO 1999 Community Guidelines and 2009 Night Noise Guidelines • AECOM for DEFRA 2013 – Possible Options for the identification of SOAEL and LOAEL in support of the NPSE • URS for DEFRA 20104 – Evidence and Usage of LOAEL, SOAEL etc • CIEH, IOA, ANC 2016 – Professional practice Guidance on Planning and Noise Consultation Draft. <p>The comments relate to specific plant which will impact primarily on the closest proposed dwellings. I am confident that any remaining issues associated with the site can be mitigated and made acceptable. However, it is considered that noise from the existing extraction plant will impart an adverse impact on the residents of the closest proposed dwellings, notwithstanding the proposed mitigation scheme. BS 8233 is a generic assessment and doesn't taking into account absolute noise levels, background noise levels or</p>	<p>Taking the data from the environmental noise assessment on face value, internal noise levels of the most exposed dwellings would only comply with BS8233 when windows are closed and alternative ventilation provided. This is not an ideal situation not least because windows will still need to be opened for purge ventilation.</p> <p>More broadly, the site is situated between an industrial estate, highway and railway line. In noise environment terms is not desirable.</p> <p>Paragraph 123 of the NPPF states</p> <p>“ recognise that development will often create some noise and existing businesses' wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.”</p> <p>Whilst it is acknowledged that the application is in outline stage with only access considered at this time, the application is to establish the principle of the use of the site.</p> <p>In this instance, insufficient noise mitigation measures have been presented to the Local Planning Authority to overcome concerns raised by Environmental Health.</p> <p>As such there is considered to be a fundamental objection to the principle of the development which would have a significant impact on future occupants of the proposed dwellings.</p>
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<p>tonality. I believe the proposed development in its current form, will result in noise nuisance post development.</p> <p>Environmental Health cannot support the application in its current form and could only deal with this matter by condition where there is a reasonable possibility of an acceptable outcome through the performance of such a condition.</p> <p>The LPA and Planning Committee would need to balance public health constraints against the benefits of development in context with national and local planning policy.</p> <p>Contamination</p> <p>Environmental Health are broadly happy with the direction of ground investigation report J15014 by GEA on behalf of the applicant.</p> <p>There are significant limitations to the contaminated land aspect of the ground investigation report. I note the consultants' recommendations for further investigation in section 8.0.</p> <p>Nonetheless, good progress has been made. I agree with the consultants characterisation of the site in that gross contamination is near surface and localised as a product of indiscriminate disposal. I can see no reason why this site could not be remediated and made suitable for residential use – subject to condition.</p>	<p>It is likely that contamination can be controlled and further investigated through condition of any approval given, and there is therefore no objection to the proposal on land contamination issues.</p>
<p>LCC Ecology – No objection subject to conditions</p> <p>We are pleased to see that updated ecological surveys have been submitted to address some of the concerns raised in a previous response.</p> <p>We therefore have no objections to the access road through the northern field, providing that the open space is managed for biodiversity. This should include the retention of the existing grassland (not removal and re-seeding). Enhancement opportunities should be considered, such as the seed spreading of yellow rattle to attempt to control some of the courser grass species.</p> <p>This area should then be managed for its grassland quality, for example, by mowing a path through the site but leaving the rest to grow tall and manage as a meadow. Should planning permission be granted, we would request that this area is included in a biodiversity management plan, required via a condition of the development.</p> <p>We are pleased to see that the updated bat report</p>	<p>It is considered that the proposal complies with the NPPF and subject to the conditions of remaining grassland in northern field to be retained and subject to ecological enhancement and a management plan the proposal is acceptable.</p>

<p>now includes a mitigation plan. This plan is satisfactory and is proportional to the findings of the surveys. W would recommend that compliance with the mitigation strategy is required as a condition of the development.</p>	
<p>Network Rail: No Objection in principle.</p> <p>Noise/Soundproofing</p> <p>The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. The Noise Assessment submitted does not appear to include noise from the adjacent test track and we would suggest that the developer consider this in their assessment. The test track will be used in line with agreed controls/operating hours permitted.</p> <p>Access to Railway</p> <p>All roads, paths or ways providing access to any part of the railway undertaker’s land shall be kept open at all times during and after the development. In particular access to the adjacent Railway Test Track control centre/facilities should remain clear and unobstructed at all times during and after construction.</p> <p>I would advise that in particular the soundproofing should be the subject of conditions, the reason for which can include the safety, operation needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice e.</p>	<p>Comments noted, at present there are existing noise implications from the operational trading estate, additional noise assessment is required before any sound proofing can be considered.</p> <p>Noted.</p>
<p>Severn Trent Water Authority: No objection subject to conditions requiring details of foul and surface water disposal.</p>	<p>Noted.</p>
<p>Parish Council: Objects</p> <p>Cllrs object to this application.</p> <p>Technical Errors and inaccuracies in the application and attached documents</p> <p>1. Old Dalby is described as an ‘urban conurbation’. This is clearly not the case if you look at the definition of both terms i.e. urban meaning “In, relating to, or characteristic of a town or city” (The Oxford Dictionary) and Conurbation” An extended urban area, typically consisting of several towns merging with the suburbs of a central city” (The Oxford Dictionary). Old Dalby is defined by MBC in the emerging Local Plan as a Rural Supporter i.e. “Rural villages which provide some services to meet every</p>	<p>The village of Old Dalby has been identified as a sustainable village, capable of being a ‘rural hub’ and development within the village would be appropriate. However the application site is not within or on the edge of the village of Old Dalby and lies some 700 metres to the east away from the village. Whilst there is a footpath in to the village there is no street lighting. The Highways Authority have not objected to the proposal on highways safety grounds subject to conditions.</p>

<p>day to day needs locally....” Suitable for development of 10 dwellings or less.</p> <ol style="list-style-type: none"> 2. The bus stop in Queensway is labelled as The Green, Old Dalby. Queensway and Old Dalby are separate wards of our parish; the bus stop and the green mentioned are separated by more than a mile. 3. In some reports’ an hourly bus service is quoted, in other reports’ two hourly. 4. An area described as suitable for recreational cycling includes an 11% hill. 5. Some facilities noted as being in Queensway are actually in Old Dalby. <p>It is the opinion of the PC that the level of inaccuracy and misleading information in the reports actually puts in to question the entire application. However, in addition to such anomalies, the council also objected on the following grounds:</p> <p>Road Access</p> <p>Should access be granted as outlined in this application the result would be three roads in extremely close proximity, a matter of less than 100 metres. This includes Station Lane, the road already agreed in application 14/00954, and this new application. In addition, the new access road would emerge straight onto a previously agreed pedestrian refuge (approved on 16th March ref 14/00954, drawing n: ADC1132/002 REV:E).</p> <p>Existing and approved housing</p> <p>If such a development were allowed it would result essential in a new of 60 houses sited between an industrial site and a railway line.</p> <p>Noise issues related to the close proximity to an industrial site</p> <p>The noise assessments undertaken are outlined in one report were undertaken when the industrial site is far from full capacity and even in these circumstances a number of noise reduction measures are stated as being necessary to ensure an acceptable level of noise. In addition, the report asserts that the industrial site only results in</p>	<p>An updated Travel Plan for the scheme has been received and assessed by both the Local Planning Authority and The Local Highway Authority which has corrected previous inaccuracies.</p> <p>The Local Highway Authority are aware of the relationship to the access proposed within application 14/00954 and have commented on this, they however are satisfied that the proposal would not be detrimental to highway safety subject to conditions.</p> <p>NPPF paragraph 50 advises that in order to achieve housing growth extensions to existing villages or new settlements may be appropriate. Paragraph 54 relates to rural exception sites which encourages some market housing where significant affordable housing will be provided to meet local needs. Whilst at paragraph 55 it advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Giving an example.... where there are groups of smaller settlements, development in one village may support services in a village nearby.</p> <p>Potential noise impact from the proposal has been discussed in detail above and there remains objection to the proposal from Environmental Health.</p>
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<p>day time noise which residents can substantiate is not the case as the industrial site operates on a 24hours basis. It is the felling of the PC that the levels of noise created by a 24 site at full capacity would make this an untenable development.</p>	
<p>Developer Contributions: s106</p> <p><u>Waste -</u></p> <p>The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £2,067 (to the nearest pound).</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 25 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to Indexation and reviewed on at least an annual basis) per dwelling/unit = £2,067. (to the nearest pound).</p> <p>The developer contribution would be used on project reference MEL005 at the Melton Civic Amenity Site. Project MEL005 will increase the capacity of the Civic Amenity Site at Melton by:-</p> <ul style="list-style-type: none"> • New compactor containers 2015. <p>There are no other known obligations from other approved developments, since April 2010, that affect the Melton Civic Amenity Site which may also be used to fund project MEL005.</p> <p><u>Libraries -</u> the above proposal would result in the following service requirements, for which contributions should be sought from the developer:</p> <p>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 Station Road, Old Dalby is within 8.2km of Melton Mowbray Library on Wilton Road, being the nearest local</p>	<p>The County Council consider the contributions requested are justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site and Library (Melton Mowbray) to the proposed development.</p> <p>These contributions are is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the Civic Amenity infrastructure at Melton Mowbray which would arise due to this proposed development.</p>

library facility which would serve the development site. The library facilities contribution would be £680 (rounded up 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 digital services e.g. e-books, tablet provision, etc. to account for additional use from the proposed development. It will be placed under project no. MEL008. There are currently four other obligations under MEL008 that have been submitted for approval.

The Leicestershire Small Area Population and Household Estimates 2001-2004 gives the settlement population for Melton Mowbray at approximately 25,890 people. The library has an active borrower base of 4,976 people. However post code analysis demonstrates that Melton Mowbray Library attracts usage from a much wider catchment of 31,173 through additional borrowers who live outside the settlement area but come into Melton Mowbray for work, shopping or leisure reasons.

The proposed development at Station Road, Old Dalby is likely to generate an additional 33 plus users and would require an additional 78 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.

Education

Primary

The site falls within the catchment area of Old Dalby C of E Primary School. The School has a net capacity of 147 and 140 pupils are projected on roll should this development proceed; a surplus of 7 places after taking into account the 6 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.

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

Secondary

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

There are two 11-16 secondary schools in Melton

<p>Mowbray, these are The Long Field School and John Fernely College. The schools have a total net capacity of 1900 and a total of 1771 pupils projected on roll should this development proceed; a surplus of 129 pupil places.</p> <p>There are currently no pupil places in this sector being funded from S106 agreements for development in this area to be discounted.</p> <p>An education contribution with therefore not be requested for this sector.</p> <p>Post 16</p> <p>This site falls within the catchment area of Melton Vale Post 16 Centre. The College has a net capacity of 640 and 476 pupils are projected on roll should this development proceed; a surplus of 162 pupil places after taking into account the 1 pupil generated by this development.</p> <p>There are currently no pupil placers in this sector being funded from S106 agreements for these developments in the area to be discounted.</p> <p>There are no other Post 16 Centres within a three mile walking distance of the development</p> <p>An education contribution will not be requested for this sector.</p> <p>Special Schools</p> <p>As this development is less than 250 houses with two or more bedrooms a claim for a Special School contribution will not be made.</p>	
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Representations:

Site notices were posted and neighbouring properties consulted. As a result **22 letters of objection have been received from 20 separate households** the representations are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Impact upon Residents</p> <p>I have concerns that any new residents moving in at the new development could potentially complain about noise from the existing industrial estate. The Noise reports undertaken do not represent a true reflection of the industrial estate as the acoustic report that was undertaken was in very early January when businesses on the estate were not back from the Christmas break and were not back up and fully operational.</p> <p>The application site directly adjoins the industrial site on its eastern boundary, and is very close to an internal access road used by heavy good vehicles (“Bofols Road”) and “Unit 3” which is</p>	<p>Please see comments above from Environmental Health.</p>

currently used for B7/B8 purposes. Indeed, the Site Layout Plan indicates that new housing could be developed adjoining this boundary, with the rears of the properties only c.10m from the internal road and c.15m from Unit 3.

We recognise that layout is a reserved matter but access is not, so any outline permission will be allowing for future reserved matters applications to seek permission for residential dwellings on the plot to the east of "Access Road 2".

We submit that the proposed 2m high fence along the boundary will be incapable of mitigating the noise to a reasonable level for occupiers of the dwellings.

An Environmental Noise Assessment has been submitted in support of the application (BSP Consulting). There are a number of concerns with this:

The survey was undertaken in a 24- hour period Wednesday 06 January through Friday 08 January 2016. However, this was a period when the site was not functioning at anywhere near capacity,. As such, the overall survey and report is flawed.

The monitoring locations are not confirmed as the plan attached to the report relates to another.

Despite the flawed monitoring period the results still show that the level of noise along the eastern boundary (60dB9A) is above the World Health Organisation guideline of 55dB(a). we have doubts that internal noise measurements will be within the 30-35 dB(A) British Standard guidelines.

The report also refers to the "lack of any night time activity" at the industrial estate but this is a flawed assumption because there are no restrictions on hours of operation at Old Dalby Trading Estate. As such, it is possible that night time industrial use could occur.

The NPPF States that:

" The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered"

Having regard to the above, the Environmental Noise Assessment does not provide a sound evidence base to justify the residential development in such close proximity to the industrial uses. At the very least, a noise survey should be refreshed to ensure it its undertaken when the site is working at capacity and details of

<p>the monitoring positions should be provided.</p> <p>Even with an updated assessment. Residential development in such proximity to Old Dalby will be contrary to para. 123 of the NPPF, with potential for “unreasonable restrictions” to be placed on existing businesses because of changes in nearby land use. With respect to the NPPG, it is evident that an “adverse effect is likely to occur” and a good standard of amenity is unlikely to occur.</p>	
<p>Highways Safety</p> <p>The Station Road is narrow for two vehicles, particularly heavy goods vehicles. With 2/3 developments in the immediate area it will generate a large number of children who will have to walk to school on the narrow pavement. Some year ago a child stepped off the pavement in front of a passing car and was killed. With more children it is essential the pavement and the road are widened.</p> <p>The road was never built to take heavy traffic and is too narrow for increased traffic which would result if more planning goes ahead.</p> <p>I have complained before that the footpath from the school to Queensway is a death trap and an accident waiting to happen.</p> <p>I would recommend that a member of your planning team comes to my house any day Monday to Friday between 9.00 and 9.15am just to see for herself/himself the school mums who park across the road from me vying for the best place to park, irrespective of whether they part block our gateways, so they don't have too far to walk to deliver their children. Quite often there is chaos in the road outside my house when a bus is trying to overtake a big lorry and school related parked cars, sometimes both sides of the road which I witnessed recently.</p> <p>The business park traffic is already a major issue, have any provisions been put in place to divert all traffic from Queensway out of the village either via Green Hill or Nether Broughton?</p> <p>The playing field currently does not have adequate access to maintain the grounds or access it correctly to use as a facility, other than for the cricket club currently, it relies heavily on the school for their use of the car park to ease congestion on Longcliff Hill.</p> <p>A new access point is proposed from Station Road. This will lie less than 10m from the Station Lane access to the West, and approximately 20m</p>	<p>The proposed development would be served by a single point of access from Station Road. The development would have 2 access roads formed within the application site. The location of the access offers a clear line of sight to and from Station Road and as such it is considered that drivers will be able to use the access avoiding conflict with other users of Station Road.</p> <p>The Highways Authority is aware of the proximity of the other accesses and has recommended a condition to ensure their individual arrangements do not conflict and can function independently. Accordingly it is not accepted that the junction would be hazardous or result in a severe residual impact.</p>

east of the new access point granted permission under 16/00102/VAC serving a new housing development. This means that three access points from Station Road will lie within 20m of one another, each serving housing developments and creating a major safety hazard along a busy section of Station Road, close to where HGV traffic regularly access Old Dalby and the adjoining "ABRO" industrial site. In our view this will amount to a "severe" impact contrary to para 32 of the NPPF and it also appears to conflict with County Council highway design standards with potential for vehicles to obstruct the visibility splays. It appears that the only means of providing safe access to the site will be from the existing Station Lane.

It is also noted that the proposed access is in direct conflict with the highway granted permission under 16/00102/VAC, with a new central pedestrian refuge/island proposed on Station Road directly opposite the proposed new point of access. Clearly, the new access cannot be delivered in this configuration. The Highway Authority have noted this conflict in their consultation response but have simply recommended the imposition of a condition requiring full details for a revised scheme of off-site highway works. However, this is not an appropriate condition in this case because access is not a reserved matter so full details must be provided.

We also note that the employment permission granted for the site in 2012 (11/0092/FUL) involved access being taken from Bofols Road and NOT a new access from Station Road.

We object to the proposed internal road configuration which provides for development plots in the south-eastern corner of the site directly adjoining Old Dalby where there are likely be adverse impacts upon residential amenity. If outline planning permission is to be granted this should be for an alternative internal access road layout which concentrates all dwellings to the east of the site with a sufficient distance separation from the Old Dalby estate, this will, therefore require the submission of a revised layout plan.

There would be a lot of additional traffic created through the village. Quite a high percent seem to disregard the speed limit on Main Road (not a wide road) despite traffic parking each side. I have on occasion even had to contact the local bus company to complain about the excessive speeds being driven. Drivers in general often speed past the primary school. The location of the industrial estate and associated traffic exacerbates these

<p>problems.</p> <p>The main northern exit from the village is via Wood hill to the Lawn Lane/Nottingham Lane/Gibsons Lane cross roads.</p> <p>Lawn Lane/Nottingham Lane and Gibsons Lane (a single lane road with passing places) are all in a terrible condition with verges broken down and badly potholed edges caused by large horseboxes en-route to and from the Vale Equestrian Centre and from vehicles used by local farm contractors. With financial cutbacks by the highways and local government who would fund road repairs with all the additional traffic generated by the housing development.</p>	
<p>Impact on facilities and infrastructure</p> <p>At present there are 114 children in the school which has a capacity of 140. With the addition of 103 houses to the immediate area there will be a significant shortfall in places for potential children.</p> <p>The school is already near to capacity and some classes are already at the maximum with year groups sharing teachers and classrooms. If they fill the playground with porta cabins for expansion no outdoor play area for that amount of children.</p> <p>The local surgery at Long Clawson struggles to deal with the existing number of patients. Assuming Long Clawson and Nether Broughton accommodate their share of future development the surgery will be overwhelmed.</p> <p>Having had a very happy social life in Old Dalby Village hall over the past 47 years I am saddened to see the current facilities become inadequate for the village. With the addition of 103 more houses the situation will be critical.</p> <p>There is currently no way the current infrastructure for Old Dalby or Queensway will cope with such expansion.</p> <p>For the current younger generation the village needs facilities both in Old Dalby and at Queensway e.g. tennis courts/football enclosures, indoor leisure facilities, these should be funded by all the people applying for access to implement all these application and be built to a high standard with more than adequate parking.</p> <p>The Village Hall is not large enough and doesn't have adequate parking for hire use if we have such a large increase in housing numbers.</p>	<p>The Education Authority (EA) has been consulted and advises that there is capacity within the school for the number of children anticipated from a development of this scale. The EA estimates there is likely to be around 6 primary aged children generated by this development. The calculation is based on pupils from sites which have secured planning permission.</p> <p>The surgery has not commented on the proposal, and there is no evidence to show that it could not expand its capacity if demand required.</p> <p>Whilst clearly the addition of housing will increase the use of local facilities, no evidence has been produced to demonstrate that their capacity could not cope with such additional demand.</p>

<p>The Scouting facility on Queensway will not be large enough or have sufficient parking with such an increase in housing, again a new facility should be incorporated at the cost of the people applying for these application.</p>	
<p>Sustainability Issues</p> <p>There are proposals that total 103 houses to be built in Old Dalby at this present time. This is NOT sustainable. The local facilities and infrastructure are already strained and there are no plans within this proposal to contribute anything towards the local amenities, including the local school.</p> <p>Do not believe the village can sustain the growth. There are already two other planning applications passed, 15/0017/OUT and 14/00954/OUT, meaning up to 54 houses being built and the occupiers using the village facilities and roads. The bus service is limited and under threat of being discontinued.</p> <p>Object to the application as the proposed planning is unsustainable. 54 houses already passed. Another 49 in Old Dalby and a further 34 in Nether Broughton at planning stage. The local infrastructure and limited amenities are already at breaking point.</p> <p>Old Dalby has no shop, the pub has just re-opened but for how long.</p> <p>The Council needs to protect the village from unsustainable growth.</p>	<p>Though by no means ‘optimum’, the site is considered to perform reasonably well in terms of access to facilities and transport links; those in the immediate vicinity and the added benefit of a modest range of additional services in Old Dalby and Nether Broughton nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.</p> <p>Recent decisions made by the Council and on appeal by the Secretary of State with particular reference to Land North of Old Dalby Lane, (West of Marquis Road) have described it as a sustainable location for housing for these reasons and there have been no material changes to this position in the interim. It is therefore considered that it could be impossible to refuse the application of the basis of the sustainability of the location.</p>
<p>Inaccurate Documents</p> <p>The major supporting document, as evidenced in your web page is so incorrect as to be considered not trustworthy.</p> <p>You show a Travel Plan, Project 1532, from BSP consulting, 12 Oxford St, Nottingham, NG1 5BG, so incorrect that it must be challenged.</p> <p>Its purpose appears either deliberately to mislead you, or it is so inept, that its value/weight must be disregarded of any value.</p> <p>Introduction 1.2 “Old Dalby is an existing urban conurbation”. FACT; Old Dalby village has 204 Dwellings, per the Melton BC Electoral Register 2014. You classify Old Dalby in the “Support village” in the putative new Melton Plan. I am sure you can look up the dictionary definition of “Urban” and “Conurbation” to see this attempt to mislead you.</p> <p>5.7 illustration 4, shows a “Walking Isochrones, claiming to be a mix or urban and rural land”. It</p>	<p>An updated Travel Plan for the scheme has been received and assessed by both the Local Planning Authority and The Local Highway Authority which has corrected previous inaccuracies.</p>

<p>shows a country scene, with a few villages. 5.19 Bus Stops; The illustration of what is incorrectly called “Old Dalby Green”, is in fact that of the Bust Stop/Shelter at Queensway, some 1 ½ miles away.</p> <p>There are other details in this so-called Professional support document that I wish to challenge at the Planning committee Meeting, should this Application get that far.</p>	
<p>Incremental Development</p> <p>The current creep of small building proposals seems to go against the local area plan policy which states development (homes in rural Support Villages) will be delivered through small unallocated sites of 5 dwellings or less which must enhance sustainability. Seems developers are taken advantage of the fact the local area plan is not not agreed.</p> <p>We feel that developers are taking advantage of the current lack of a Local/Neighbourhood Plan and the relaxation of some national planning policies to propose a number of housing developments in our village.</p> <p>I object because there is no agreed Plan and creeping planning application with no strategic overview appear to be allowing entirely unsuitable developments for a conservation area village.</p>	<p>The NPPF requires that where the Local plan is out of date applications should be determined under its policy provision. This is the current circumstance and application submitted must be determined accordingly.</p>
<p>Policy Compliance</p> <p>Policy EM9 of the Melton Local Plan provides in principle support for additional industrial development within the confines of an existing industrial estate (subject to detailed criteria) and the “Emerging Options” Local Plan specifically identifies Old Dalby as an employment site which should be safeguarded (having regard to the 2015 Employment Land Study). These adopted and emerging policies are relevant because it is likely that existing units will wish to deliver additional and/or replacement industrial units on the site in the future.</p> <p>Whilst we are not objecting to the proposals, as we appreciate increase in building needs to take place, we are concerned about the lack of facilities to accommodate this increase in housing, initially 93 houses in total with possibility of expanding onto SHLAA area on the map to almost double.</p> <p>If the proposal of housing development is increased from 20 on the SHLAA application, how much further will this be allowed to increase as this could result in a further 100 houses. Is there any provision in place to prevent such a huge expansion on the village, in comparison to</p>	<p>Should a planning application be received for the expansion of the existing industrial business, then this will be determined upon its own merits. Policy EM9 is not considered relevant to the application for residential development in this instance.</p> <p>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 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>Longcliff Close when that was developed with 22 houses this could be 4/5 times the amount of houses.</p> <p>Old Dalby is recognised as a small rural village in both the current and emerging Local Plans. It has been acknowledged therefore that although it can expect some appropriate development it does not have the infrastructure for the expansion envisaged in this application, particularly when considered with others recently passed. This application tries to whitewash the impact the development will have on the local community, the lack of services, traffic and road safety.</p>	<p>The Council cannot demonstrate a five year land supply and as such housing policies are deemed out of date.</p> <p>Several appeal decisions have confirmed that the Local Plan’s Village Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take precedence.</p> <p>However this on its own is not considered to weigh in favour of approving development where harm is identified, such as being located in an unsustainable location or indeed being positioned on land where potential harm could be caused to future occupiers.</p>
<p>Other Matters</p> <p>Our borough councillor Mr Joe Orson will have to declare a vested interest in the Longcliff Hill development. We the residents of Old Dalby, will not be represented at the planning meeting when a decision is to be made on the above application. This is grossly unfair. Is there any way a substitute representative could be appointed for the duration of the application please?</p> <p>How many of the houses within the application will be housing association and what scrutiny is available to ensure that these are offered to people with existing links to Old Dalby, rather than the general public who are not interested in village life, but just want a house at low cost.</p> <p>I do not believe that the land is sustainable as a residential location at this moment in time. This land is more suited industrial use and could form part of the overall development plans for the area and sustain employment and revenue and investment. That would be a more suitable use for the site.</p> <p>Stop building so many houses.</p> <p>We want to keep Old Dalby as a village and not expand into an Urban Sprawl.</p> <p>Old Dalby is a rural community and building so many houses on land that was previously outside the village envelope will change the whole character of the village. Since our Borough Councillor has declared an interest, he does not take any part in the discussion of these plans. Therefore we do not have representation at MBC’s planning committee meeting. For this reason we feel that we, as individual villagers, must speak up to defend our heritage.</p>	<p>Noted.</p> <p>There is a housing shortage nationally and the borough of Melton is no different. Historically the Borough has failed to provide housing and is not in a position to demonstrate a 5 year land supply. Between 2011-2016, 502 new homes were built, based upon the requirements of the Strategic Housing Market Assessment 245 per year are needed, i.e. 723 more than delivered.</p> <p>From sites currently under construction or with valid planning permission the Council can demonstrate a deliverable supply of approximately 2.5 year s. The most recent evidence indicates that there is need for 37% of new homes to be “affordable” (90 per year).</p> <p>It is considered that the site will remain separate from and physically detached from Old Dalby by the test track and intervening fields. As such the character of Old Dalby will not be affected by the development.</p> <p>Section 106 payments are govern by Regulation 122 of the Community Infrastructure Levey (CIL)</p>

<p>I understand there is a Community Infrastructure Levey which can be used to improve amenities when developments occur. Can you please tell me if this would apply to Old Dalby should the application be successful?</p> <p>All applications should as part of the planning conditions pay for things like the move and build of a new school, village hall, leisure facilities to cope with such changes and this should not fall on the registered charities to fund this.</p>	<p>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. – Details of requested payments can be found above. No submissions have been made for the facilities referred to or a new school.</p>
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Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Housing Type</p> <p>The configuration and Housing Mix provided</p>	<p>Housing Mix:</p> <p>Although in outline, the application proposes a range of house types and sizes, including bungalows and some smaller units. These are considered to reflect identified needs, particularly the smaller and single storey units.</p> <p>Affordable Housing:</p> <p>The application proposes a 37% affordable contribution and is considered the requisite amount as identified by the most up to date evidence (the SHMA 2014).</p> <p>Details of units would follow at a reserved matters stage.</p>
<p>Planning Policies and compliance with the NPPF</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. 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. The Council cannot demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location.</p> <p>The site is classified as a greenfield site, given its involvement to a natural state over time. It also lies within open countryside designation being located outside of the village of Old Dalby however the harms attributed by the development are required to be considered against the benefits of allowing the development in this location outside of any sustainable settlement. The</p>

	<p>provision of affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with the promoting housing growth however the potential impact upon future occupiers in terms of unacceptable noise nuisance is considered to weigh in favour of a refusal.</p> <p>Whilst the proposal would provide some housing in the Borough and would contribute to the 5 year land supply, the form development is considered to from an unacceptable site in terms of noise pollution from nearby operating industrial units and the limited benefits the proposal are not considered to outweigh these concerns. It is therefore considered to be contrary to the core planning principles of the NPPF.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and is entering a period of consultation from 8th November – 19th December.</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 states that outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside. This location does not satisfy any of the locations described.</p>	<p>Whilst clearly the Local Plan has progressed by advancing to Pre-submission stage, it remains in preparation and as such can be afforded only limited weight. This is also tempered by the fact that the consultation period has just commenced and as such it is too early to conclude whether objections will be present.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is contrary to the emerging local plan in terms of its scale and location which it is considered add to the factors that balance against the granting of permission.</p>

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 deficient in terms of housing land supply more generally and this would be partly addressed by the application,

Affordable housing provision remains one of the Council's key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. The location is considered to be a reasonably sustainable location where primary education and other services can be accessed, and has been concluded as appropriate for residential development in previous application and appeal decisions.

Though by no means 'optimum', the site is considered to perform reasonably well in terms of access to facilities and transport links; those in the immediate vicinity and the added benefit of a modest range of additional services in Old Dalby and Nether Broughton nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the development of the site in close relation to an operating industrial unit, and the lack of mitigation measures submitted to the Local Planning Authority, to ensure a satisfactory noise environment for future occupants of the site.

Recommendation: Refuse on the following ground;

1. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed dwellings would experience a satisfactory noise environment and as such it would be contrary to paragraph 123 of the NPPF ("avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development") and the associated Noise Policy Statement for England. The provision of affordable and market housing units are not considered to offer significant public benefits that outweigh the potential noise impact that future occupants of the development would experience and accordingly the application is recommended for refusal.

Officer to contact: **Ms L Parker**

Date: 26 October 2016