

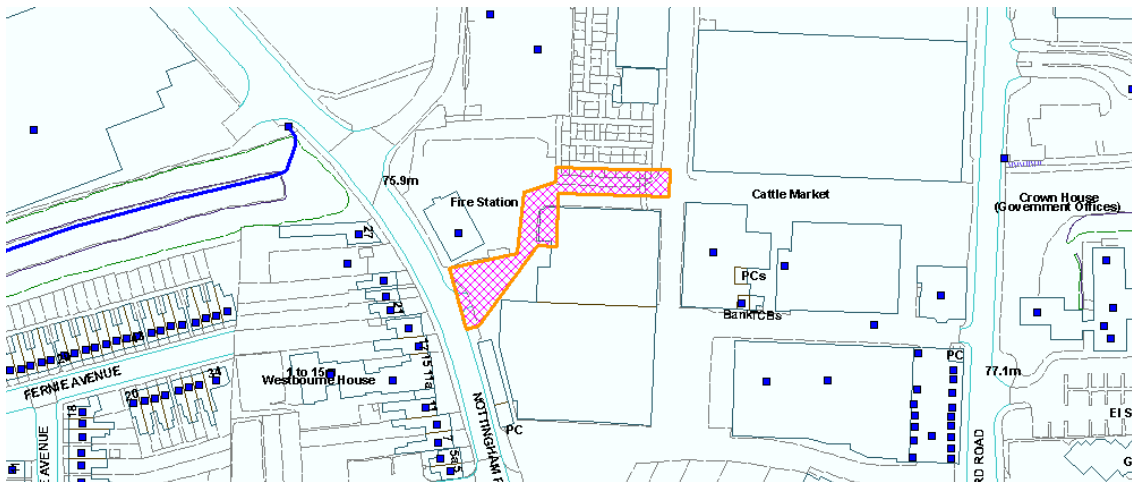
Reference: 16/00004/FUL

Date submitted: 14th January 2016

Applicant: Melton Borough Council – Mr David Blanchard

Location: Cattle Market, Scaford Road, Melton Mowbray

Proposal: Creation of a temporary access for the Cattle Market. Works include widening an existing access and demolition of a small lean to brick building (3m x 4m).



Introduction:-

The application relates to enabling works to support the approved planning application for a new cattle building, auction rings and associated infrastructure at Melton Mowbray Market. The Planning Committee approved the original application in October 2015 (reference number 15/00576/FUL).

To allow the works to proceed, temporary measures are required to enable the Cattle Market to remain open and functioning during the construction works. At present all traffic enters the market at Gate 7 to the north of the Fire Station, and exits at Gate 9. During the building works and following completion, the routes between Gates 7 and 9 will be removed, due to the requirement to separate the cattle and the general public. As such, this application proposes to widen access and create a temporary access at Gate 8 to the south of the Fire Station to allow traffic to still exit via Gate 9 during construction. This will also require removal of part of a building to allow for vehicle tracking. Two cattle grids are also proposed to prevent animals escaping to the highway. On completion of the works all large vehicle access and egress will be made via Gate 7.

It is considered that the main issues relating to the application are:

- **Impact upon highway safety**

The application is presented to the Committee for determination as the application is proposed by the Council.

Relevant History:

15/00576/FUL Alterations to Melton Mowbray Market to form new livestock building and associated facilities – Approved October 2015

There is no other recent, relevant history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1, BE1

OS1 states that planning permission will only be granted for development within the town envelope where:

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The development would not have a significantly adverse effect upon the historic built environment or nature conservation features including trees;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It 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 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. Every effort should be made to respond positively to wide opportunities for growth.

On Specific issues relevant to this application it advises:

Promoting Sustainable Transport

Paragraph 32 of the Framework advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Assessment. Plans should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. Safe and suitable access to the site should also be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of a development are severe.

Furthermore, Paragraph 34 advises that decisions should ensure that developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Requiring good design

The Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 the NPPF goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The 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 paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No Objections</p> <p>Amended plans were submitted to clarify the Gate Numbers so that they correspond with the signage on Nottingham Road. Following the submission of the amended plans the Officer advised that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions and contributions as outlined in their report (on file).</p> <p>This recommends a number of conditions relating to the application for a temporary access and egress during construction works for the new cattle buildings as approved under reference 15/00576/FUL.</p> <p>The Officer advises that notwithstanding the details submitted in the supporting documentation, Gate 9 is not currently in use (situated just North of the Nottingham Road / Asfordby Road / Wilton Road junction). This application seeks to bring that gate into use as the temporary egress for vehicles during construction. The Highways Authority has no objection to Gate 9 being used on a temporary basis, and understands that Gates 8 and 9, as indicated on plan SK004 will be permanently closed as per condition 9 or planning permission 15/00576/FUL once construction is finished and the amended buildings under the main planning application are brought into use.</p> <p>The Off-Site implications of the proposal may be significant as Gates 8 and 9 will be brought back into use; however as this will be a temporary situation, the Highways Authority is willing to accept the temporary situation.</p> <p>Conditions proposed relate to the removal of gates, and the set back of any new gates / barriers / bollards. The temporary access shall comply with the County Council design standards document, appropriate surface water</p>	<p>Noted.</p> <p>The proposals have come forward due to the requirement to keep the Cattle Market functioning whilst the previously approved facilities are being constructed.</p> <p>This application proposes to widen the access and create a temporary access at Gate 8 to the south of the Fire Station to allow traffic to still exit via Gate 9 during construction.</p> <p>The applicants considered using Gates 1, 2 or 3 for access or egress during the period of construction (which are located on the Scalford Road), however this would allow for large vehicles to travel from west to east over the site which is currently open to the general public and is heavily populated on Market days (Tuesday). This is when the majority of lorries would be using the site, therefore the option was discounted as it carried a considerable health and safety risk to the public.</p> <p>It is noted that the proposals are not ideal, however the economic impact to the town caused by closing the market during construction is considered to be significant, and the harm caused by the temporary use of Gates 8 and 9 onto Nottingham Road for access and egress is not considered to be so significant to warrant a refusal.</p> <p>Subject to the conditions proposed by the Highways Officer, it is therefore considered that the proposal meets the overall objectives of policies OS1 and BE1 of the Melton Local Plan, and the relevant sections of the NPPF.</p>

drainage, provision of turning facilities, in accordance with the plans, and the submission of a traffic / site traffic management plan prior to the commencement of development.	
Ward Councillor: No representation received to date.	Noted.

Representations:

25 neighbouring properties were consulted about the application, and a site notice was posted adjacent to Gate 8 on Nottingham Road (to the south of the Fire Station). All properties were notified of the submission of amended plans that clarified the gate numbers from Nottingham Road. To date, no letters of representation have been received.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Impact on the character of the area	<p>The proposals all take place within the designated town envelope for Melton Mowbray. As such, saved policies OS1 and BE1 of the Melton Local Plan as stated above are relevant.</p> <p>The demolition of a small lean-to brick building measuring approximately 3m x 4m is not considered to have any negative impact upon the streetscene, or the character and appearance of the area. The building has is only visible within the Market site, and is not considered to contribute to the overall site. Its loss is not considered to be harmful in any way.</p> <p>The proposals to temporarily alter the access and egress to the site via Gates 8 and 9 whilst not ideal, will ensure that the market can remain open during construction works. Subject to the imposition of conditions, it is considered that the temporary access can accord with policies OS1 and BE1 of the Melton Local Plan in terms of the provision of a satisfactory access.</p>
Planning Policies and compliance with the NPPF	<p>The NPPF places great importance on sustainable development, and the Cattle Market is closely related to the town centre where there are alternative modes of transport available to prevent people having to rely solely on the private car. Users of the temporary access and egress will be farmers coming to trade at the market who have no alternative other than to use lorries / tractors / trailers to transport animals to market. In this respect the proposal is considered to meet the overall objectives of the NPPF in promoting sustainable development.</p> <p>The saved policies OS1 and BE1 of the Melton Local Plan allow for development where a safe and satisfactory access can be provided. It is considered</p>

	that the access and egress proposed here whilst not ideal is only temporary, and will not cause any undue safety issues over the term of its use. As such, the proposal is considered to accord with these policies.
Impact on residential amenity	The new egress will be opposite some residential dwellings on Nottingham Road, and in this respect there may be some, minimal impact upon residential amenity on market days when Gate 9 would be in use during the construction period. The use will be limited primarily to market days, and will be during the day, not into the evening. In this respect the impact upon residential amenity is considered to be minimal and time limited. As such, the proposal is not considered to have a negative impact upon residential amenity, and accords with the requirements of saved policies OS1 and BE1 of the Melton Local Plan.

Conclusion

The application seeks to create a temporary access and egress to the Cattle Market site from Nottingham Road during construction works to allow the market to continue to function during this time. Whilst not ideal, subject to conditions as proposed by the Highways Officer, the temporary access and egress in this location is preferable to the Scalford Road entrance / egress to the site. The demolition of a small building to allow for vehicle tracking is considered appropriate and will not harm the character and appearance of the area or the streetscene.

As such, the proposal is considered to meet the objectives of policies OS1 and BE1 of the Melton Local Plan, and the relevant sections of the NPPF. Accordingly the proposal is recommended for approval.

RECOMMENDATION: Permit, subject to conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be built in accordance with the approved amended plans submitted to these offices on 15th February 2016 numbered SK001 and SK004
3. Before first use of the development hereby permitted, the existing gate to the vehicular access numbered gate 8 shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 15 meters behind the highway boundary and shall be hung so as not to open outwards.
4. All details of the proposed temporary access shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include access width of 4.5m, surfacing, signing and lining, and visibility splays and be submitted for approval by the local planning authority before development commences.
5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
6. Before first use of the development hereby permitted, turning facilities shall be provided, as indicated on drawing SK004, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained during construction of the replacement buildings, until the permanent replacement cattle buildings come into use as per application 15/00576/FUL.

7. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the original plans being inconsistent with gate numbering.
3. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
4. To ensure a satisfactory access in the interests of highway safety.
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
6. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
7. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems

Officer to contact: **Mrs Sarah Legge**

Date: 26th February 2016