



*Rural Capital of Food*

# Agenda

<b>Meeting name</b>	<b>Planning Committee</b>
<b>Date</b>	<b>Thursday, 11 January 2018</b>
<b>Start time</b>	<b>6.00 pm</b>
<b>Venue</b>	<b>Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH</b>
<b>Other information</b>	<b>This meeting is open to the public</b>

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

**Edd de Coverly**  
**Chief Executive**

## Membership

<b>Councillors</b>	J. Illingworth (Chair) P. Baguley P. Chandler P. Faulkner T. Greenow J. Wyatt	P. Posnett (Vice-Chair) G. Botterill P. Cumbers M. Glancy E. Holmes
<b>Substitutes</b>	L. Higgins B. Rhodes	A. Pearson

**Quorum:** 4 Councillors

<b>Meeting enquiries</b>	Development Control
<b>Email</b>	externaldevelopmentcontrol@melton.gov.uk
<b>Agenda despatched</b>	Wednesday, 3 January 2018

No.	Item	Page No.
1.	<b>APOLOGIES FOR ABSENCE</b>	
2.	<b>DECLARATIONS OF INTEREST</b> Members to declare any interest as appropriate in respect of items to be considered at this meeting.	1 - 2
3.	<b>SCHEDULE OF APPLICATIONS</b>	
3.1	<b>17/00507/COU</b> The John Dory 2 Rutland Square Barkestone Le Vale	To Follow
3.2	<b>17/00982/OUT</b> Sunny Cottage 2 Pinfold Lane Bottesford	To Follow
3.3	<b>16/00352/OUT</b> Field 3957 Manor Road Easthorpe	To Follow
3.4	<b>17/00397/FUL</b> Land opposite 1 and 10 Station Lane Old Dalby	3 - 36
3.5	<b>17/01047/FUL</b> Dairy Houses 9 Langar Lane Harby	37 - 52
3.6	<b>17/01320/FUL</b> Land at South of Hill Top Farm St Bartholomews Way Melton	To Follow
3.7	<b>17/01044/FUL</b> Cattle Market Scalford Road Melton	53 - 60
4.	<b>URGENT BUSINESS</b> To consider any other items that the Chair considers urgent	

## Advice on Members' Interests

### **COUNCIL MEETINGS - COMMITTEE MINUTES : DECLARATION OF INTERESTS**

Interests need not be declared at Full Council in relation to Committee Minutes which do not become the subject of debate at Full Council (i.e. Minutes referred to solely on a page by page basis when working through the Minutes of each Committee.)

An interest must be declared at Full Council as soon as it becomes apparent that a relevant Committee Minute is to be debated – this applies even if an interest has been declared at Committee and is recorded in the Minutes of that Committee.

### **PERSONAL AND NON-PECUNIARY INTERESTS**

If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

**You must state that you have a personal and non-pecuniary interest and the nature of your interest.** You may stay, take part and vote in the meeting.

### **PERSONAL AND PECUNIARY INTERESTS**

If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room\***. You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Governance Committee.

### **DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

**If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.**

You may not attend a meeting or stay in the room as either an Observer Councillor or \*Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest\*.

### **BIAS**

If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

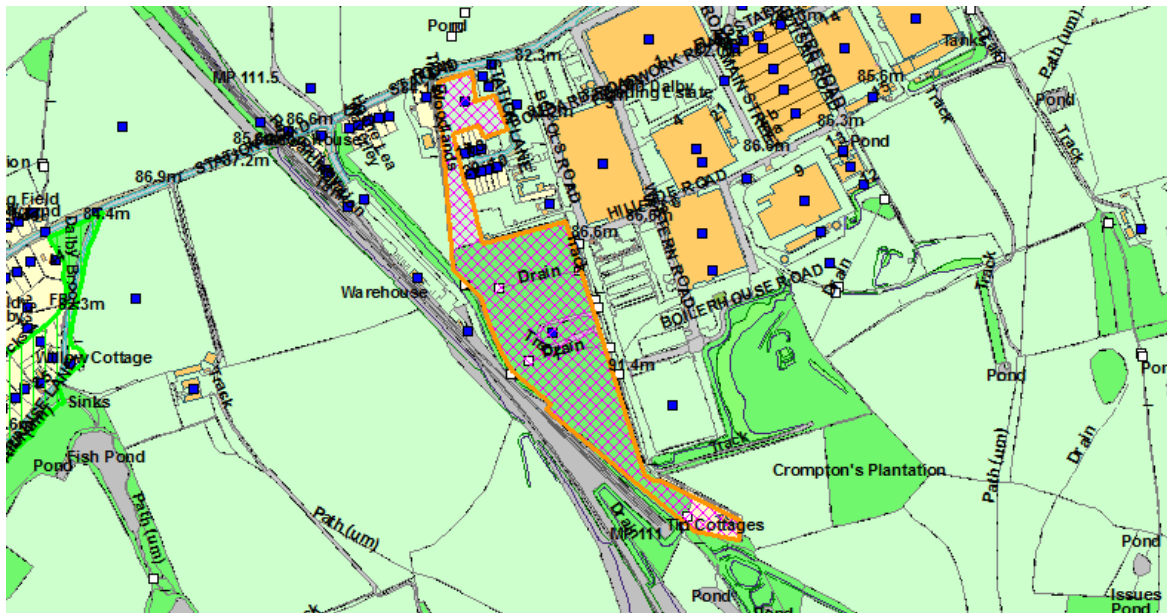
In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.\*

\*There are some exceptions – please refer to paragraphs 13(2) and 13(3) of the Code of Conduct

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COMMITTEE DATE: 11<sup>th</sup> January 2018

**Reference:** 17/00397/OUT  
**Date submitted:** 27.03.2017  
**Applicant:** Mrs Sarah Grey  
**Location:** Land Opposite 1 And 10, Station Lane Old Dalby  
**Proposal:** Residential development of up to 72 dwellings (revised from 80 dwellings), associated infrastructure and landscaping.



**Proposal :-**

This application seeks **outline planning** permission for the erection of up to **72 dwellings (revised from 80)**.

The site occupies land at the northern edge of the village adjacent to an open paddock. The site falls outside of the previously designated village envelope and access to the site is proposed directly from Longcliff Hill. The site is a brownfield site on the edge of Old Dalby.

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

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **The impact of the Local and Neighbourhood Plans**
- **Impact upon the character of the area and open countryside**
- **Impact upon residential amenities**
- **Sustainable development**

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

**History:-**

**07/00594/FUL - Retrospective retention of a fence measuring 105m in length and 2.4m in height to separate land at Station Lane and the Old Dalby Trading Estate. Approved**

## **Planning Policies:-**

### **Melton Local Plan (saved policies):**

**Policy OS2** - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

**Policy OS3:** The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

**Policy BE1** - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**Policy H10:** planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

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

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

### **The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:**

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

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

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

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

**On Specific issues it advises:**

**Promoting sustainable transport**

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

**Delivering a Wide choice of High Quality Homes**

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

**Require Good Design**

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

**Conserving and enhancing the natural environment**

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

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:**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Environment Agency: No objection, subject to conditions</b></p> <p>The previous use of the proposed development site by the Army Base Storage and Distribution Agency presents a risk of contamination that could be mobilised during construction to pollute controlled waters.</p> <p>The Phase 1 Land Contamination Risk Assessment (Castledine and Co Environmental Consultants, February 2017) submitted in support of this planning application provides us with confidence that it will be possible to suitably manage any risk posed to controlled waters by this development.</p> <p>Further detailed information will however be required before built development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed</p>	<p>Noted and the conditions can form part of any final decision.</p>

<p>information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.</p> <p>In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.</p> <p><i>Condition</i></p> <p>1. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:</p> <p>a) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>b) The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>2. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p>	
<p><b>Network Rail: Objection</b></p> <p>With reference to the protection of the railway, Network Rail has concerns in relation to these proposals given their proximity to the Rail and Innovation Development Centre at Old Dalby and we therefore wish to place a holding objection on this application pending the following concerns being addressed;</p> <p><i>RIDC Melton Testing &amp; Trialling Facility</i></p> <p>The proposed site is adjacent to Rail and Innovation</p>	<p>The Rail Innovation and Development Centre and associated test track operate under planning permission 08/00609/FUL. This was subject to a variation of condition application submitted by Network Rail in 2013 which sought to amend the number of passes to:</p> <p>“No more than the following train movements shall pass any specific point along the test track within any one hour period: Monday to Friday: 7am – 8am &amp; 6pm – 7pm No more than 6 passes</p>



<p>Development Centre, Melton. It is a live operational testing and trialling facility and is a strategically important site for the railway industry. It is a key part of existing UK facilities and also part of a new network of centres called the UK Rail Research and Innovation Network to be launched shortly. The site provides a safe operational non-mainline environment for the testing and trialling of new and modified rolling stock, plant, on track machines, infrastructure, equipment and technology and this must not be hindered by any adjacent development.</p> <p>There are future aspirations to further develop the site at Old Dalby and already permission has been granted for three additional sidings very close to the site boundary which must be taken into account. In section 3 of the noise assessment documentation, it is noted that a separate noise assessment should be carried out to take into account intensification of use at the test track and this should include the potential noise emissions from the sidings when fully operational. This should also consider day and night noise levels and our right to undertake engineering works out of hours.</p> <p>The assessment is also based on noise recorded when the 08 Loco was running but doesn't appear to consider multi-customer testing i.e. high speed activities and different rolling stock such as electric and diesel, on track machines and plant and new technology trials such as the test bed for 5G wifi.</p> <p>We have further concerns regarding site safety. Children from the proposed development will most likely be walking to the local schools passed the site entrance crossing over the site entrance is improved with safety signage to make this pedestrian route as safe as possible. We also have concerns regarding the potential impact on the security of the site and therefore have the fencing comments outlined in our general comments below. Additionally, given proposals to include both a wildlife corridor and a recreational space adjacent to the railway boundary and also high voltage overhead line equipment, it is imperative that appropriate warning signage is positioned along the proposed boundary fencing to deter trespass onto railway property and warn of the dangers or operational railway land.</p> <p>Below are some further requirements which must be met. It is recognised that much of the detail here is more appropriate for the reserved matters stage but is nevertheless mentioned here as a reminder of the issues that will need to be taken into consideration.</p> <p><i>Drainage</i> We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into</p>	<p>per hour 8am – 6pm No more than 18 passes per hour Saturday: 8am – 9am &amp; 5pm – 6pm No more than 4 passes per hour 9am – 5pm No more than 8 passes per hour 5pm – 6pm 4 passes”</p> <p>The Noise Assessment submitted by Network Rail (prepared by Parsons Brinkerhoff and attached) in support of the application identified, among others, the following noise-sensitive receptors:</p> <ol style="list-style-type: none"> <li>1. Station House and adjacent properties 2-6 Station Road, LE14 3NE</li> <li>2. 6-12 North View Close and 2-22 Brook Crescent, Asfordby Valley</li> </ol> <p>These properties lie within 40m of the test track.</p> <p>The Parsons Brinkerhoff noise assessment recorded the pass bys for the following train types:</p> <ol style="list-style-type: none"> <li>1. Proposed C395 train (Javelin)</li> <li>2. Existing London Underground trains</li> <li>3. Existing Locomotives</li> </ol> <p>The report concluded: On noise, an assessment was undertaken to determine the change in noise levels between the current and proposed number of passes. The study assesses the current scenario against the proposed. It was seen from the results that the majority of the receptors would be subject to a negligible impact. Station House and nearby residents may be subject to a minor impact.</p> <p>The variation of condition was permitted on 30 Jan 2015.</p> <p>The Rail Innovation and Development Centre and associated test track does not have planning permission to operate outside the following passes and times:</p> <p>No more than the following train movements shall pass any specific point along the test track within any one hour period: Monday to Friday: 7am – 8am &amp; 6pm – 7pm No more than 6 passes per hour 8am – 6pm No more than 18 passes per hour Saturday: 8am – 9am &amp; 5pm – 6pm No more than 4 passes per hour 9am – 5pm No more than 8 passes per hour 5pm – 6pm 4 passes</p> <p>A noise assessment has been submitted with planning application 17/00397/OUT. Section 10 of the report deals specifically with railway noise and draws upon the Parsons Brinkerhoff report. The nearest property on the proposed residential development are some 60m away from the track. The development includes the construction of a</p>
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<p>suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.</p> <p>Water must not be caused to pond on or near railway land either during or after any construction-related activity.</p> <p>The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.</p> <p>The construction of soakaways within any lease area is not permitted.</p> <p>The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.</p> <p>The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.</p> <p>If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.</p> <p><i>Wayleaves and or easements for underline drainage assets</i></p> <p>The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.</p> <p><i>Protection of existing railway drainage assets within a clearance area</i></p> <p>There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.</p> <p>No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the</p>	<p>2m acoustic fence along the western boundary of the site. The Planning Authority has been advised by its Environmental Health Officer (see attached) that <i>“the proposed mitigation scheme should provide sufficient attenuation to bring the interior and exterior spaces within BS8233 noise criteria.”</i></p> <p><b>Conclusions</b></p> <p>The operation of the Rail Innovation and Development Centre and associated test track is restricted by a planning permission which controls the number of passes and hours of operation. These controls are there to protect the amenities of existing residential properties, including houses within 40m of the test track. The layout of the proposed development shows that the minimum distance of the nearest houses to the rail test track to be about 60m. The layout includes the provision of noise mitigation measures to protect those new houses. The LPA has concluded that the proposed mitigation scheme should provide sufficient attenuation to bring the interior and exterior spaces within BS8233 noise criteria.</p> <p><i>10 October 2017</i></p> <p>A further prompt was sent, to which no response has been received.</p> <p><i>23 October 2017</i></p> <p>A message was sent (below) advising Network Rail that as no response had been received to the previous messages, the applicant will proceed to deal directly with the Local Planning Authority on the basis that Network Rail no longer objected to the application.</p>
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assets will require prior consent.  
There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site.

*Fail Safe Use of Crane and Plant*

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

*Excavations/Earthworks*

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

*Security of Mutual Boundary*

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

*Fencing*

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m

high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged. We note the proposals include a 2 metre high acoustic fence along the residential elements of the site, however, the boundary along the recreational area must be sufficient to prevent trespass and of a height that prevents balls/play equipment passing over the boundary where they could potentially hit and damage overhead line equipment.

*Method Statements/Fail Safe/Possessions*

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

*OPE*

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

*Vibro-impact Machinery*

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

*Scaffolding*

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

*Bridge Strikes*

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption to railway operations. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense. In particular we have concerns that construction traffic may be routed to site via the railway bridge on Station Road (bridge 48) which has limited clearance. The route for construction traffic must be agreed with our Asset Protection Team as part of the method statement outlined above.

*Encroachment*

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

*Noise/Soundproofing*

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. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

*Trees/Shrubs/Landscaping*

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad

<p>leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:</p> <p><u>Acceptable:</u>  Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padius), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"</p> <p><u>Not Acceptable:</u>  Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)</p> <p><i>A comprehensive list of permitted tree species is available upon request.</i></p> <p><i>Lighting</i>  Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.</p> <p><i>Access to Railway</i>  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, the access road to the development centre should remain clear and unobstructed at all times, both during and after construction.</p>	
<p><b>MBC Environmental Health – No objection subject to conditions</b>  Contaminated Land</p>	

The proposed site forms part of the former Old Dalby Army sub-depot. A number of contaminative processes occurred on site that has given rise to ground contaminated including: petroleum/oil/lubricant storage, machine/vehicle repair workshops, electronic repair workshops, fiberglass moulding, solid fuel centralised power generation, rail access etc. Previous phase 1 and phase 2 investigations have identified areas of ground contamination, typically as a product of localised disposal of waste materials including batteries, scrap metal and boiler ash & clinker. Much of this activity probably occurred on parts of the former sub-depot not associated with this particular development site; unfortunately, much of the historic land use intelligence has been lost or is incomplete. Given the absence of information and the Army's clavier attitude towards environmental protection, the land in its current state does pose a risk to human health.

Based on the former land use and evidence of localised disposal, I would agree with the consultant in categorising the site as 'medium' risk. The significantly uncertainty warrant a cautious approach; however, the site should be capable of being remediated for residential end use. I have reviewed the MOD land assessment report and conducted a site walkover.

- Made ground across the whole site with significant deposits of ask, clinker, stones, brick and metal fragments etc.
- Waste deposits at surface level including batteries.
- Former railway intersecting the development site to the south.
- Four unknown concrete structures approx. 1m3.
- Foot print of a former building adjacent to Station Lane – use unknown.
- Fenced compound likely to be the radar compound. MOD report identified buried asbestos and car batteries to the east.
- MOD report identifies former petroleum tank to the south east of the MOWLEM compound bordering the application site.
- MOD report identifies former railway serving the boiler house. This appear to have run immediately south of the radar compound. Evidence of ballast and metal plates with bolt holes.

The applicant is advised to consider the above in their phase 2 and RMS. The MOD report also concluded the existence of limited groundwater contamination on site – the applicant is advised to consider limited groundwater sampling on the eastern aspect of the site adjacent to the existing industrial estate. Given the presence of made ground, greater justification should be given in the

There is a risk to health as a consequence of the previous use of this site. The initial survey results have been deemed satisfactory and there is a further recommendation that additional surveys are conducted. Subject to the outcome of these surveys and appropriate remediation works, it is considered that the land could be developed for housing.

<p>decision not to undertake ground gas monitoring. Finally, as it likely topsoil will need to be imported onto the site, soil importation condition has been attached.</p> <p><i>Conditions</i> No development shall take place until a phase 2 site investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to 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 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' or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.'</p> <p>'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 shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.'</p> <p><b>Noise</b> Disagrees over the correct British Standard for Noise but overall uses the NPPG.</p> <p>Noise, section 'What factors influence whether noise could be a concern?' These factors include:</p> <ul style="list-style-type: none"> <li>• for non-continuous source of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;</li> <li>• the spectral content of the noise, the number of noise events, and the frequency and pattern of occurrence of the noise;</li> <li>• the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and subject to enforcement action.'</li> </ul>	<p>The location of this development is susceptible to noise being close to the railway test line and industrial units. Through surveys conducted, the noise issues seem to be able mitigated through suitable features of fencing and with conditions materials of the finished buildings.</p> <p>There are governmental proposals to build alongside active and inactive railway lines and therefore such locations are in principle considered acceptable to build in and with good mitigation should prove effective in boosting housing supply.</p> <p>This assessment sits within a range of others that on balance against the demand for new housing is deemed to be satisfactory.</p> <p>Should permission be granted, additional information would be requested to be submitted at reserved matters stage in relation to noise mitigation.</p>
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3. Section 6.1 – External noise level-LAeq-Position 1. In relation to the LA10,18hr conversion to LAeq. Can the consultant please indicate which method/equation was used from the DEFRA publication and provide his workings.
4. Section 6.2 – Maximum Noise Levels-Position 1. Maximum noise levels at P1 is quoted as 61dBA. However 77 – 13.9 (as used previously) is 63dBA. Can the consultant please check.
5. Section 8.1 – Position 2-Fan Noise-Subjective Comments. The consultant has provided useful subjective comments. In relation to points 1 & 2 above, the consultant is correct to undertake a frequency analysis of the fan noise and the findings are noted. This was absent from other reports associated with adjacent developments.
6. Section 9.1 – LAeq Results-Position 3. Consultant to confirm this should read ‘Position 2’. The consultant is correct to identify the contribution of the fan noise and to use the LAeq results for the period 08:34:14-16:34:14 of 56dB in the report as this would better reflect real work experiences. Unfortunately the revised 56dB is not used in the report after this point.
7. Section 9.2 – Maximum Noise Levels-Position 3. Consultant to confirm this should read ‘Position 2.’
8. Section 10.0 – Railway Noise-Network Rail Measurement. The consultant has identified the invaluable Parsons Bickerstaff report. In the calculations under this section, can the consultant please confirm where the ambient noise level of 46dB has been derived from? I note that PB used a comparative figure of 51dB. This would marginally increase the total noise level to 55dB from 53.7dB.
9. Section 10.1 – Maximum Levels-Railway Noise. Although the rail noise is confined to ‘daytime’ noise, the consultant is correct to consider the maximum noise levels. In relation to points 1 & 2 above, a disadvantage of BS8233 is the tendency to average-out high energy, short duration noise events. The LAmax of 81dB at the façade position is noted.
10. Section 10.3 – Subjective Comments-Railway Noise. Trains do not always run at high speed. From observations a significant amount of brake squealing from braking/manoeuvring trains.
11. Section 11.1 – External Noise Levels-Western Boundary: noise levels will be under or at the BS8233 maximum recommended level. Not all the dwellings on the master plan would benefit from additional dwelling screening. Those that do not

will still benefit from additional protection from fencing. For the benefit of the LPA, maximum noise levels within exposed gardens will be in order of 70dB (81dB – 11dB for a standard fence). When trains pass the development (up to 192 trains per 12-hr day), noise in external spaces will be likely to interfere with oral communication and cause activity disturbance.

12. Section 11.2 – External Noise Levels-Eastern Boundary. Using the revised figure of 56dB, a marginal but acceptable exceedance of BS8233 maximum recommended levels would occur. The inclusion of a close boarded timber fence is also recommended but reassurance is required that a 1.8m high fence is suitable to give maximum protection to those properties adjacent to the extraction unit.

13. Section 11.4 – Glazing & Ventilation Calculations. The proposed mitigation strategy will be sufficient to bring internal noise levels within those recommended in BS8233. However it is unlikely that trickle vents will provide sufficient ventilation in all circumstances, not least the regulation of thermal comfort during the summer months. The provision of ventilation needs to be considered and in this regard building control Approved Document F (ADF) is applicable. The ADF assumes that windows will be opened for purge ventilation and recognises that this will include thermal regulation. It is unavoidable therefore that when windows are opened for purge ventilation, noise exposure will significantly increase. As continuous ‘whole dwelling ventilation’ rates will need to be achieved on the presumption of windows being closed, the LPA may wish to draw this issue to the attention of the Building Control regulator.

**In summary, the proposed mitigation scheme should provide sufficient attenuation to bring the interior and exterior spaces within BS8233 noise criteria.** However this does not equate to a noise free environment, nor does it mean that no adverse effects will occur.

Notwithstanding the mitigation scheme and compliance with BS8233 significant disturbance from noisy events like train movements can be anticipated. As such this site is likely to be categorised as ‘noticeable and intrusive’ post development. In accordance with the noise exposure hierarchy it is necessary to ‘mitigate and reduce to a minimum’. With this in mind, strongly recommend an acoustic fence on the western boundary to (1) reduce the impact of noise from train movements in gardens and (2) to reduce the impact of noise from train movement in living-rooms, particularly when purge ventilation is

required during summer months.

*Report dated 25 June 2015*

Having found this report from the archives I can see that the proposed site plan for the 2015 application bears no resemblance to the proposed site plan under 17/00397/OUT. It would have been prudent therefore to submit an addendum to this report detailing how the previous recommendations might apply to the 2017 site plan. In the absence of that information I will assume the recommendations remain the same and reflect those above – ie. windows closed and alternative ventilation provided. In that case I would reiterate point 13.

*Conditions*

As the site layout has yet to be finalised and the northern site layout has fundamentally changed since the 2015 application/noise report, a condition is required to submit a mitigation scheme in case there any material changes under reserved matters. Furthermore, given the proximity of the development to existing residential properties, a condition is required to protect residential amenity.

*'No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. The scheme must include the final site plan and façade acoustic specifications. The acoustic mitigation scheme shall also include a copy of the approved ventilation scheme wherein 'whole dwelling ventilation' must be achieved on the presumption of windows being closed. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter.*

*The submitted scheme shall have regards to the recommendations set-out in noise assessments Ref: 1856 Old Dalby – Station Road (2016) – Rev B dated 2 March 2017 and Ref: 1856 Old Dalby – Station Road (2015) – Rev A dated 25 June 2015, as prepared by Acute Acoustics Ltd in support of this application and'*

*'In order to minimise noise disturbance to the occupiers of adjacent residential property, construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.*

*07:00 – 19:00 Monday to Friday*

*08:00 – 13:00 Saturdays*

*No works to be undertaken on Sundays or bank holidays'*

**Closing Remarks**

<p>This development is flanked by three significant noise sources: Station Road, ODTT and the Crown trading estate. The site is also subject to ground contamination from its former land use. Whilst the site can be made 'acceptable' through mitigation/remediation, from a public health perspective, it is not desirable to develop this land. It will be necessary for the LPA to balance environmental protection constraints against other factors, both for and against development.</p>	
<p><b>Highways Authority: No objection, subject to conditions</b></p> <p>The proposal is for a development of up to 80 dwellings with associated infrastructure and landscaping on land south of Station Rd between Nether Broughton and Old Dalby.</p> <p>The County Highway Authority (CHA) is in receipt of a manually assessed Transport Statement (TS), which has considered the potential impact of the proposed development based on information obtained from the 2011 Census Data and traffic survey data.</p> <p>There have been a number of recent planning approvals on land within the vicinity of this site details of which are outlined below:</p> <ul style="list-style-type: none"> <li>• LPA ref: 14/00954/OUT: outline application for 15 dwellings</li> <li>• LPA ref: 16/00157/OUT: outline application for 25 dwellings with all matters reserved except access</li> </ul> <p>The CHA was satisfied that subject to appropriate conditions the aforementioned developments were acceptable in highway terms.</p> <p><b>Site Access</b></p> <p>As part of the planning application 14/00954/OUT the CHA supported the provision of a new priority T junction with Station Road to serve the development. The new vehicular access road was 4.8m wide with 2m footways and 6m kerbed radii. To accommodate the additional dwellings being applied for as part of this planning application the permitted site access (LPA reference: 14/00954/OUT) will be widened to 5.5m priority junction with Station Road and is shown on ADC drawing number: ADC1132/003.</p> <p>The Applicant has indicated that all other aspects of the site access will be in accordance with the previously approved site access (drawing ref: ADC1132/002 Rev E) and include 2m wide footways and 6m kerb radii which is in line with the guidance contained in the 6Cs Design Guide (<a href="https://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide">https://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide</a>). The visibility splays are 2.4m x 85m to the east of the</p>	<p>The application is in outline with all matters reserved except access.</p> <p>The site lies in close proximity but not connected to the village of Old Dalby and would be accessed from Station Lane.</p> <p>The indicative layout plan shows a single point of access from this road with cul-de-sac access points to serve the additional dwellings.</p> <p>The Highway Authority have not expressed concern over the suitability of Station Lane leading to the proposed access and have suggested conditions requesting additional details to further ensure its suitability</p> <p>The proposal could be conditioned to be built alongside the previously granted permission and not separated from the approval in order to ensure requested works are carried out accordingly.</p> <p><b>There are considered to be no grounds to resist permission based on highways issues.</b></p>

site access and 2.4m x 81m to the west of the site access which is in line with the requirements contained in the 6Cs Design Guide. The final part of the revised site access works includes two 1.5m wide pedestrian refuges to prevent overtaking. Whilst the CHA has included a pre-commencement condition below a revised drawing could be submitted prior to the determination of the Application if preferred.

Notwithstanding the comments above the CHA considers the principles shown in the site access drawing to be appropriate to provide a safe and suitable vehicular access to the proposed development. Any other minor amendments with regard to the site access e.g. road markings etc. can be dealt with at the detailed design stage to ensure the construction proposals meet current CHA standards.

#### **Internal Layout**

The internal layout as shown on the Illustrative Layout drawing ref: 7208-(08) 001 Rev A (Appendix A of submitted TS) is not being determined as part of this Application.

However the CHA would advise the Applicant that as part of any future Reserved Matters application on the site, the layout will need to be designed in accordance to the standards contained in the 6C's Design Guide. Notwithstanding the housing mix shown on the Illustrative Masterplan the site should include adequate off-street parking on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms to avoid overspill on to the public highway.

#### *Road Safety Considerations*

The Applicant has checked Personal Injury Collision (PIC) data covering the local roads in the vicinity of the site for five years from 2011 to 2015 which did not identify any PICs. The CHA has checked its own database and there have been two PICs in the last 5 years to March 2017. One of the PICs was classified as serious and occurred at the junction of Longcliff Hill and Main Rd Old Dalby in April 2015. The other PIC occurred on Old Dalby Lane to the east of the Brewery in March 2017 and was classified as slight in severity. **Based on the information above the CHA would not seek to resist the Application on highway safety grounds.**

The Applicant has calculated the trip rate on TRICS database and while the trip rates are slightly below what might be expected for a village location, the trip rates compare well with the approved site (LPA ref: 16/00157/OUT).

Therefore based on 80 dwellings which is the

subject of this planning application the Applicant has calculated that the development will generate 49 two-way trips in the AM peak (7 arrivals and 42 departures) and 50 two-way trips in the PM peak (31 arrivals and 19 departures).

The Applicant has used 2011 Census data to ascertain the trip distribution which shows 52% of the trips will arrive / depart via Old Dalby Lane towards the A606 Nottingham Road. The remaining trips (48%) will arrive / depart via Old Dalby village towards A46 Six Hills. When these percentages are applied to the number of vehicle trips generated by the proposed development it results in approx. 25 two-way trips in both directions.

This is below the intervention level (30 or more two-way trips) suggested in Guidance for Transport Assessment and therefore the CHA is satisfied that the proposed impact from this development would not require further analysis at any junctions in the village.

#### *Sustainable Modes of Transport*

The village of Old Dalby is served by public transport with bus services to the larger conurbations of Melton Mowbray and Bottesford. There are no regular services in the peak hours which may restrict the opportunities to use public transport for work journeys. There is however a post office, a pre-school and primary school in the village centre and a large employment site immediately adjacent to the proposed development site, all of which local residents could visit on foot or by bicycle.

Notwithstanding the comments above the CHA would ask the LPA to seek contributions for Travel Packs and Passes to encourage greater Public Transport use.

#### *Conclusion*

**On balance and based on the information submitted the CHA does not believe the impact on the highway can be considered severe in the context of paragraph 32 of the NPPF.**

#### *Conditions*

1. Notwithstanding the submitted site access details to date and prior to commencement of development, a revised vehicular site access drawing including 2m wide pedestrian refuges shall be submitted to and approved in writing by the LPA. The approved scheme shall then be constructed to the satisfaction of the LPA before any dwelling hereby permitted is first occupied. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the

<p>separate consent of the Highway Authority. Once provided, the vehicular access road and visibility splays shall thereafter be permanently so maintained.</p> <p>Reason: To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety.</p> <p>2. 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.</p> <p>Reason: 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 in the area.</p>	
<p><b>Parish Council: Objects</b>  The Parish Council discussed this application for a residential development of up to 80 dwellings, associated infrastructure and landscaping at their recent monthly meeting and are objecting to the plans on the following grounds;</p> <ul style="list-style-type: none"> <li>- Move into open countryside - The location and scale of this proposed development would constitute the creation of a new settlement. Station Lane is separated from Old Dalby by the railway line and an area of separation as included in the draft Melton Local Plan and our own draft Neighbourhood Plan (currently in its pre-submission consultation phase). Although our own NP identifies this area as a reserve site this was to meet a need should previously agreed developments not come to completion and is for a development of considerably less dwellings than this.</li> <li>- Sustainability - Old Dalby does not have the services and infrastructure to sustain this size of development. The school is at capacity if all developments agreed to date come to completion, there is no shop and inadequate transport links (inaccurately described in this application). The lack of services means residents of any new development would be largely reliant on cars to meet day to day needs. In order to view sustainability in any accurate sense the PC believes that applications must be viewed not only individually but also cumulatively alongside all other applications recently agreed to. The PC feels that on both counts Old Dalby is not sustainable for this level of development.</li> </ul>	<p>The development of this site is deemed not to create a new settlement but no new facilities are provided.</p> <p>The Neighbourhood Plan has progressed significantly and the Examiner has proposed that the site is now an allocation (previously a 'reserve site'). This has been accepted by the Parish Council. This therefore has reversed the position and renders the Neighbourhood Plan a factor of significant weight in favour of the application.</p> <p>The development will be an extension to an already approved application reference 14/00954/OUT.</p> <p>More generally, Old Dalby represents a sustainable location for the purposes of housing growth.</p>

<p>- Environmental impact - Local knowledge of this site leads the PC to believe that the land may be contaminated. Investigations undertaken by the MOD some years ago did not cover the entire site and more recent investigations do not include any reference to ordnance. The Parish Council believes that a full Unexploded Ordnance Survey must be undertaken on the entire site before any permissions are granted and, should it be required, a clean up order.</p> <p>- Affordables - Any application for large scale developments should include the full recommended proportion of affordable housing.</p> <p>- Highways - This application, if successful, would result in a unacceptably high volume of cars joining Station Road at one access point.</p>	<p>There is contamination and the application has been supported with reports on this. A subsequent report will need to be done on this, should permission be granted, identifying its detailed nature and the measures required for its remediation.</p> <p>A condition can be imposed to address this specific issue and any subsequent details will need to reflect the needs of the area.</p> <p>The relevant surveys have deduced that there would be no severe impact on the highway network as a result of the development. See also comments of the Highways Authority above.</p>
<p><b>Local Lead Flood Authority: No objection, subject to conditions</b></p> <p>When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk. A plan detailing the size and locations of the proposed surface water drainage features, including invert and cover levels for all structures and outlets should be submitted to demonstrate how the proposals will drain. It has been noted that the plans are missing from Appendix C of the Flood Risk Assessment. Calculations in Appendix D are sufficient and it is considered that the proposed discharge rate of 20.5 l/s is appropriate.</p> <p>The assessment of the existing watercourses gives sufficient evidence that due consideration has been made with regards to the high risk of surface water flooding from the Environment Agency online mapping tool is in fact an acceptable risk to the site. Leicestershire County Council as Lead Local Flood Authority advises the Local Planning Authority that: the proposed development would be considered acceptable to Leicestershire County Council as the Lead Local Flood Authority if the following planning conditions are attached to any permission granted.</p> <p><i>Conditions</i></p> <p>1. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.</p> <p><i>Reason</i></p> <p>To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>	<p>Noted: The application is in outline form but drainage is considered as a material planning consideration as part of this outline application, revised calculations and information can be secured by way of condition should the proposal be approved.</p>



<p>2. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>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 though the entire development construction phase.</p> <p>3. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>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 sustainable drainage system within the proposed development.</p> <p>4. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.</p> <p>Reason To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>	
<p><b>Leicestershire County Council Ecology: No objections following amendments.</b></p> <p>Initial concern over the scheme in terms of the survey not being completed at the optimum time to capture the ecology constraints on site and the survey did not capture the whole site.</p> <p>The Bat Survey was then deemed to be acceptable after further analysis but the botantic survey still lacked detail on the assets that might be within the site. Furthermore, because of the survey updates it was deemed that the site could meet Local Wildlife Site criteria and therefore due a high level of protection from development.</p> <p><b>Improvements have been made to the site layout to safeguard the most sensitive areas which is now deemed acceptable by the LCC Ecology Team.</b></p>	<p>The work that has been undertaken, demonstrates that the site is now compliant with Ecology protection policies and therefore with careful management is acceptable.</p> <p>Through condition and a carefully considered reserved matters application, the development will safeguard the ecology constraints identified by LCC ecology team.</p>
<p><b>Severn Trent Water Ltd: No objections subject to conditions.</b></p>	

<p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flood</p>	<p>Noted.</p>
<p><b>Developer Contributions: Section 106</b> <b>Waste</b> 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 80 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 = £6,613.00 (to the nearest pound).</p> <p>This would be used to mitigate the impacts arising from the increased use of the Civic Amenity Site associated with the new development (In 2012/13 (latest figures available) the Civic Amenity Site at Melton Mowbray accepted approximately 5,006 tonnes per annum) for example by the acquisition of additional containers or the management of traffic into and out of the Civic Amenity Site to ensure that traffic on adjoining roads are not adversely affected by vehicles queuing to get into and out of the Civic Amenity Site.</p> <p>The developer contribution would be used on project reference MEL009 at the Melton Civic Amenity Site. Project MEL009 will increase the capacity of the Civic Amenity Site at Melton by:-</p> <ul style="list-style-type: none"> <li>• Purchasing a dedicated site vehicle to increase the site's immediate operational capacity.</li> </ul> <p>There are four 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 MEL009</p>	<p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>Please note following the approval of application 16/00184/OUT the contributions that formed part of the agreed Section 106 have been reviewed to take into account the development of up to 28 dwellings not just the initial 20.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
<p><b>Highways</b></p> <p>1. All construction traffic associated with the development does not use unsatisfactory roads to</p>	<p>The approach to the calculation of this contribution is considered acceptable and satisfies</p>

<p>and from the site.</p> <p>2. Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at an average of £52.85 per pack; the actual cost to be confirmed at implementation). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.</p> <p>Justification: To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.</p> <p>3. 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation).</p> <p>Justification: To encourage residents to use bus services as an alternative to the private car.</p> <p><i>Primary School</i> The site falls within the catchment area of Old Dalby Primary School. <b>The School has a net capacity of 147 and 176 pupils are projected on the roll should this development proceed;</b> a deficit of 29 pupil places (of which 9 are existing and 20 are created by this development</p> <p>There are no other primary schools within a two mile walking distance of the development. A claim for an education contribution is therefore justified. In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £232,300.99. Based on the table above, this is calculated the number of deficit places created by the development (19.2) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals <b>£232,300.99</b>.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Old Dalby C of E Primary School.</p> <p>The contribution would be spent within five years of receipt of final payment.</p> <p><i>Secondary School</i> For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater</p>	<p>the requirements of the CIL Regulations set out above.</p> <p>The method of calculating Section 106 education contributions is based on the net capacity of the catchment school and the availability of places at any other primary school within a 2 mile available walking route of the development.</p> <p>It is considered that the request is proportionate with the proposed development and is considered to be necessary and specific to the increase in pupils the proposal would bring and is therefore considered compliant with CIL Regulation 122.</p>
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<p>choice for secondary education.</p> <p>There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field Academy and John Ferneley College.</p> <p>The schools have a total net capacity of 1900 and a total of 1984 pupils are projected on roll should this development proceed; a deficit of 84 pupil places. A total of 4 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have been discounted. This reduces the total deficit for these schools to 77 (of which 63 are existing and 13 are created by this development). A claim for an education contribution in this sector is therefore justified.</p> <p>In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £238,825.63. Based on the table above, this is calculated the number of deficit places created by the development (13.36) multiplied by the DFE cost multiplier (£17,876.17) which equals <b>£238,825.63</b>.</p> <p>This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Long Field Academy and John Ferneley College.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>No further education contributions requested.</p> <p><i>Library</i></p> <p>The proposed development on Station Lane, Old Dalby is within 8km of Melton Mowbray Library on Wilton Rd being the nearest local library facility which would serve the development site. The library facilities contribution would be <b>£2,410</b> (rounded to the nearest £10).</p> <p>It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for study support material i.e. books, etc. It will be placed under project no. MEL012 to account for additional use from the proposed development. There are currently two other obligations under MEL012 (subject to future priorities of the library service).</p> <p><i>Village Hall</i></p> <p>Funds requested for refurbishment and repair of the hall divided by the current applications. For this application this sum is <b>£19,048.00</b></p>	<p>It is considered that these requests are proportionate with the proposed development and is considered to be necessary and specific to the increase population the proposal would bring and is therefore considered compliant with CIL Regulation 122.</p> <p>The approach adopted by the Village Hall and Recreation ground management body is considered acceptable under the applicable CIL regulations as it relates directly to the scale of the</p>
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	development and the increased demand it would generate for the facility.
<b>Affordable Housing</b> The applicant has provided a statement, setting out their position on the affordable housing.	This is subject to continuing review and can be part of a condition to be discharged to confirm a suitable mix in line with NPPF guidance.

**Representations:**

A Site notice was posted and neighbouring properties consulted. To date **3 letters of objection** have been received; the representations are detailed below:

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Character of the area</b></p> <p>Change the character of the area, may overlook my home and impact on my privacy. An additional 80 houses would remove the geographical distinction and visual separation between the Station Rd mini-settlement and the (approximately 10 house) Station Lane mini-settlement. It would see the mini-settlement of 7 houses on Station Rd become the edge of an effective settlement of about 100 houses.</p> <p>To compare, Nether Broughton, according to the Neighbourhood Plan, has approximately 150 properties so the proposed development would bring the mini-settlement of Station Rd to well over half of the size of that village.</p> <p>I fail to see how this expansion could be achieved without detriment to the character of the area.</p>	<p>The area is relatively isolated with very few dwellings in the local area and whilst would remove an element of separation, the overriding principle of cleaning the area up with additional housing with the combination of more houses and ecological improvements are seen to be of great benefit to the scheme.</p> <p>The application poses a windfall allocation that despite being more than allocated for other sites, does pose significant benefits as highlighted in the neighbourhood plan examiner's report.</p> <p>It is acknowledged that the addition of up to 72 dwellings will add a significant amount of housing in what is a large open area where there is around 15 dwellings currently. The site does not form any particular area of character designation and being brownfield does not have an aesthetically pleasing appearance. This application will clear up this site and dedicate a large section of it to ecological improvements which will respect the natural character of the surrounding countryside.</p>
<p><b>Infrastructure Pressure</b></p> <p>Village has no infrastructure to cope with another 80 houses along with all the current applications passed and pending, when is this going to stop.</p> <p>-MBC need to listen to residents and not just councillors about the non existent level of facilities to cope with the amount of housing they are approving without looking into them. People choose to move and live in villages to enjoy the surroundings, not to see new developments popping up. Between Old Dalby and Queensway, we are heading way over the 200 mark if all are approved, totally unacceptable</p> <p>The local infrastructure is unable to sustain any of the current planning consents and this overloads this even more.</p>	<p>The Local Education Authority has advised that the school is at capacity but is capable of expansion in order to accommodate the development. The closest surgery is advertising that is open to new patients. Therefore it is not considered possible to refuse applications on this argument.</p>

Where are the schools, shops, public transport?	
<p><b>Highways</b> The local roads are already in very poor repair and are already dangerous with the amount of traffic and lorries from the current villages and industrial estates.</p>	The Local Highway Authority has reviewed the application and makes no objection subject to conditions.
<p><b>Sustainability</b>  Lack of facilities, parking, regular buses etc.</p>	<p>Old Dalby is considered to perform reasonably well in sustainability terms owing to its community facilities and transport links. <b>Recent decisions made by the Council have described it as a sustainable location</b> for housing for these reasons and there have been no material changes to this position in the interim. <b>It is therefore considered that it could be impossible to refuse the application of the basis of the sustainability of the location.</b> However the site is slightly separate from the main part of Old Dalby and as such this position is less ‘clear cut’ than in other cases in Old Dalby.</p> <p>Sustainability also takes into account economic and environmental factors and it is recognised that the site is ‘greenfield’ without a presumption for development. This is considered to weigh against the proposal. However, the land is not identified by any study or policy as important to the setting of Old Dalby nor is it designated as important countryside, for example through National Park, AONB or any other landscape designation giving it ‘special’ status.</p> <p>Accordingly it does not meet the types of location that the NPPF requires to be protected and accordingly only limited weight can be afforded to this aspect.</p> <p>Furthermore, the site is known to be severely contaminated and the development would bring into use land that would otherwise remain derelict.</p>
<p><b>Environmental Concerns</b> The creation of so many houses would inevitably impede the successful operation of both the rail test track (a national asset) and the industrial estate due to concerns from residents about noise and light. This would be unsatisfactory both for new residents and for the operators of the businesses.</p>	<p>This is a crucial determination point of the location in terms of its setting and the surveys conducted and subsequent analysis has demonstrated that with suitable mitigation there should be no severe impacts to those living nearby.</p> <p>The nearby businesses are subject to environmental protection themselves and are not able to make severe noise that would be deemed unsatisfactory in the area.</p>
<p><b>Other Matters raised</b> When will the Council listen to the concerns of local residents as they have always ignored all objections from residents planning officers and</p>	Each application is determined upon its own merit and in accordance with both local and national policy; objections received have been reviewed and are highlighted within the

highways? What is the council's agenda?	columns above.
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**Other Material Considerations not raised through representations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Planning Policy</b></p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p><b>This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in para 14 which requires harm to be balanced against benefits and refusal only where "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".</b></p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location. A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that 'a supply of 5 years (or more) should not be regarded as maximum.' Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors..."</p> <p>The site is a brownfield site. It also lies within open countryside being located outside of the village of Old Dalby. However the harm attributed by the development is required to be considered against the benefits of allowing the development in this location. The 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.</p> <p><b>The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be</b></p>

	<p><b>some impact upon the appearance of the area and technical matters which require mitigation. The form of development is considered be acceptable and the benefits of the proposal outweigh these concerns. It is therefore considered to be in accordance with the core planning principles of the NPPF.</b></p>
<p><b>The (new) Melton Local Plan – submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017.</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"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● 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</li> <li>● 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).</li> </ul> <p>The Pre Submission version of the Local Plan identifies Old Dalby as a ‘Service Centre’,</p> <p>Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities.</p> <p><b>SS3</b></p> <p>The new local plan seeks to also allow residential development in service centres such as Old Dalby subject to meeting several criteria.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> <li>• Examination for its ‘soundness’ under the NPPF</li> <li>• Examination results to be published and any ‘modifications’ to be the subject of consultation</li> <li>• Further examination to take place into Modifications</li> <li>• Final Inspectors Report and recommendations</li> <li>• Adoption by MBC</li> </ul> <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p><b>It is therefore considered that it can attract weight but this is limited at this stage.</b></p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add limited weight in support of the proposal.</p>
<p><b>Neighbourhood Plan</b></p> <p>The Nether Broughton and Dalby Neighbourhood Plan has now completed its final round of examination by an independent Examiner. This application site was previously a reserve site.</p>	<p>The Neighbourhood Plan is well advanced and is considered to carry significant weight.</p> <p>On the basis of this, the Neighbourhood Plan and its subsequent recommendation carry substantial</p>



<p>The examiner's report has recommended that the site is now an allocated site.</p> <p>The applicable policy of the NP (POLICY S1: LIMITS TO DEVELOPMENT) explains that Development proposals within the Plan area on sites within the Limits to Development, or allocated for residential development (as depicted) will be supported.</p> <p>The site is subject to a specific policy in the NP as follows (following Examination):          "The site at Station Lane, as shown on Figure 4 is allocated for housing, <b>to comprise at least 42 dwellings</b>, but the actual capacity to be determined having regard to the need to safeguard future residents' amenity from noise from the adjacent test track facility and adjoining industrial uses, the need to provide for at least 80% of the units to be three bedrooms or smaller and the need for appropriate open space and landscaping following the completion of the remediation of any contamination on the site and having regard to site viability."</p> <p>POLICY H4: HOUSING MIX - requires that new housing development proposals should provide a mixture of housing types specifically to meet identified local needs</p> <p>POLICY H5: AFFORDABLE HOUSING PROVISION - Development proposals for new housing where there is a net gain of more than ten dwellings should provide at least 25% affordable housing, with a preference towards local occupancy</p>	<p>weight in support of this application.</p> <p>The proposal is in accordance with the Neighbourhood Plan, so far as is possible to assess bearing in mind the level of information available owing to its outline status, and assuming the applicants agree to s106 contributions for school capacity and design constraints relating to layout, house type and noise provisions. <b>It is considered this compliance adds substantial weight in support of the proposal.</b> Significantly, the NP (following Examination) does not impose an upper limit on the capacity of the site and as such the quantity concerned is not considered to abate the weight it attracts. The application is for 'up to' 72 dwellings (as amended) which furthers this compliance.</p> <p>The policies would also apply to subsequent reserved matter applications that may be forthcoming.</p>
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**Conclusion**

Increased housing both market and affordable housing provision remains of the Council's key priorities.

The application represents a vehicle for the delivery of housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Old Dalby is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations **of significant weight in favour** of the application:-

A significant benefit is that this development is proposed on derelict land which according to the NPPF should be encouraged for new development. This development will enable remediation of this site and provide housing to the Melton Borough.

Further positive benefits of the scheme including a large area safeguarded for its ecological importance, surface water management in the form of a sustainable drainage along with significant developer contributions to mitigate impacts upon local services.

The impacts on potential occupiers have been fully considered in light of advice on noise and contamination. The noise impacts specifically have been deemed satisfactory and recognise that the Network Rail operated test track and nearby business have their own operational restrictions.

Following examination of the Broughton and Dalby Neighbourhood Plan, a modification has proposed that The Site at Station Lane should be allocated for housing if to proceed to referendum. This is likely to be part of the Neighbourhood Plan and therefore carries significant weight to approving the site.

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 Neither Broughton and Long Clawson 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 specific concerns raised in representations, particularly the development of the site from its green field state and the impact on the character of the rural village with a detachment from the existing built form of the village.

The application derives support from the emerging Neighbourhood Plan owing to its strong adherence to its content. This is considered to weigh significantly in favour of the application.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a site close to potentially noisy environments – are considered to be of less environmental harm than the impact to potential occupiers.**

**Further improvements through a Reserved Matters application will ensure that the details on design, layout and house type and associated work are achieved to a high standard.**

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

**Recommendation: PERMIT, subject to:-**

**(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**

- i) Contribution for Waste of £6,613.00
- ii) Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at an average of £52.85 per pack; the actual cost to be confirmed at implementation). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge
- iii) 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass (cost to be confirmed at implementation)..
- iv) Contribution for Old Dalby Primary School of £232,300.99
- v) Contribution towards secondary school places of £238,825.63.
- vi) Contribution towards library of £2,410 (rounded to the nearest £10).
- vii) Contribution towards village hall of £19,048.00

**(b) The following conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. The layout shall be in general accordance with drawing ref. (08) 001 REV G received by the Local Planning Authority on 15th November 2017.
3. The development shall not begin until a scheme for the provision of affordable housing and housing mix has been submitted to and approved in writing by the local planning authority. The scheme shall include
  - i) The tenureship of the affordable housing,
  - ii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing, and
  - iii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of

the affordable housing and the means by which such occupancy criteria shall be enforced.

4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
6. No development shall commence, prior to the submission of a Construction Traffic Routeing Agreement has been approved in writing by the Local Planning Authority in conjunction with the County Highways Authority.
7. Notwithstanding the submitted site access details to date and prior to commencement of development, a revised vehicular site access drawing including 2m wide pedestrian refuges shall be submitted to and approved in writing by the LPA. The approved scheme shall then be constructed to the satisfaction of the LPA before any dwelling hereby permitted is first occupied. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority. Once provided, the vehicular access road and visibility splays shall thereafter be permanently so maintained.
8. 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.
9. 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.
10. 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.
11. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
12. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.
13. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
  - a) A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b) The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

14. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
15. Prior to the commencement of development, full details of the boundary fencing and lighting proposed for the development shall be submitted to the local authority and approved in writing.  
Prior to the commencement of development a Method statements shall be submitted to the local authority and approved in writing. This should include details of:-
  - An outline of the proposed method of construction,
  - A risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into.
  - Full details on excavations/piling/buildings, specifically if they are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.
 Please note: Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks.
16. Prior to the commencement of development, full details of the soundproofing afforded to the new properties shall be submitted to the local authority and approved in writing.
17. No development shall take place until a phase 2 site investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to 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 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’ or any subsequent guidance which replaces it and must be undertaken by competent persons. The Local Planning Authority may require further investigatory works to be carried out if the assessment is found to be inconclusive. The results of the investigation(s) shall be provided to and approved by the Local Planning Authority.’
18. No development approved by this planning permission shall be commenced until a remediation method statement, detailing the remediation requirements to protect human health and the environment, has been submitted to the Local Planning Authority. The remediation method statement shall use the information obtained from the site investigation and include details of all works to be undertaken, proposed remediation objectives and remediation criteria. The remediation method statement must be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.’
19. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report. The remediation method statement once approved by the Local Planning Authority shall be implemented in full and written evidence to confirm completion of the work provided and approved by the Local Planning Authority.’
20. If during the development any contamination is identified that has not been considered previously, then other than to make the area safe or prevent environmental harm, no further work shall be carried out in the contaminated area until additional remediation proposals for this material have been submitted to the Local Planning Authority for written approval - this would normally involve an investigation and an appropriate level of risk assessment. Any approved proposals shall thereafter form part of the Remediation Method Statement.’
21. 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 shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.’

22. No development shall take place until an acoustic mitigation scheme has been submitted to and approved by the Local Planning Authority. The scheme must include the final site plan and façade acoustic specifications. The acoustic mitigation scheme shall also include a copy of the approved ventilation scheme wherein ‘whole dwelling ventilation’ must be achieved on the presumption of windows being closed. The approved scheme shall be completed prior to the first occupation of the development and shall be retained thereafter. The submitted scheme shall have regards to the recommendations set-out in noise assessments Ref: 1856 Old Dalby – Station Road (2016) – Rev B dated 2 March 2017 and Ref: 1856 Old Dalby – Station Road (2015) – Rev A dated 25 June 2015, as prepared by Acute Acoustics Ltd in support of this application.
23. In order to minimise noise disturbance to the occupiers of adjacent residential property, construction work, demolition work and deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be with the prior approval of the Environmental Health department of Melton Borough Council.  
 07:00 – 19:00 Monday to Friday  
 08:00 – 13:00 Saturdays  
 No works to be undertaken on Sundays or bank holidays’

### **Reasons**

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The application is in outline only.
3. To ensure that the housing provision is affordable for both initial and subsequent occupiers.
4. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
5. To provide a reasonable period for the replacement of any planting.
6. To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.
7. To provide access to the site for all modes of travel, including construction traffic and in the interests of highway safety.
8. 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 in the area.
9. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
10. 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 though the entire development construction phase.
11. 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 sustainable drainage system within the proposed development.
12. To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.
13. To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework.
14. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of

the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

15. In the interests of protecting the railway network.
16. In the interests of safeguarding the amenities of the potential new occupiers of the houses proposed.
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to the requirements of paragraphs 109 and 121 of the National Planning Policy Framework 2012.
22. In the interests of amenity for the potential new occupiers of the dwellings proposed.
23. In the interests of amenity of those living near to the site.

Officer to contact: **Mr Glen Baker-Adams**

Date: **3<sup>rd</sup> January 2018**

COMMITTEE DATE: 11<sup>TH</sup> JANUARY 2018

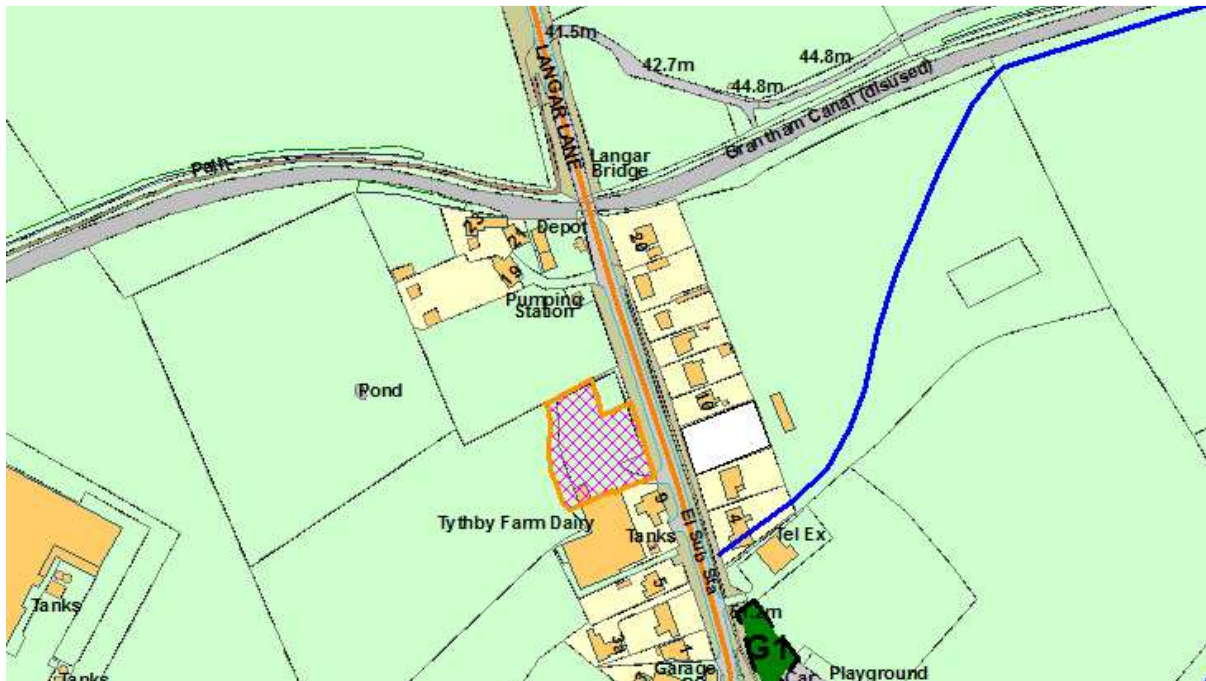
**Reference:** 17/01047/FUL

**Date Submitted:** 28<sup>th</sup> August 2017

**Applicant:** Redmile Developments Ltd

**Location:** Dairy Houses, 9 Langar Lane, Harby, LE14 4BL

**Proposal:** Erection of 5 dwellings (re-locations of Plots 7, 8 and 10 of planning permission 15/00933/FUL and erection of an additional 2 dwellings plots 11 and 12).



**Introduction:** - The application seeks full planning permission to erect 5 dwellings on the brownfield site. Planning permission had been granted under reference 15/00933/FUL for 10 dwellings. This application proposes the relocation of plots 7, 8 and 10 of the original permission and the erection of two additional dwellings. The principle of development on this site has been established through the previous permission. The site forms part of HAR2, a proposed allocated site for the emerging Local Plan.

**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**
- **Impact upon highway safety**
- **Impact on amenity of nearby residential occupiers.**

The application is required to be presented to the Committee due to the level of public interest. Councillor B Rhodes has also requested that the application be determined by the Committee.

**Relevant History:-**

17/00989/NONMAT for Erection of chimney and amendment to first floor, side windows - plot 5 - amendment to application 15/00933/FUL. Approved 23<sup>rd</sup> August 2017.

17/00082/REM for Approval of all reserved matters in respect of Plot 8. Approved 19<sup>th</sup> April 2017.

17/00083/DIS for Discharge of conditions 4 (positions, design, materials and type of boundary treatment) and 5 (parking and turning facilities, access widths, gradients, surfacing and visibility splays etc.) of application 15/00933/FUL Plots 7 and 8 only. Approved 19<sup>th</sup> April 2017.

16/00937/DIS for discharge/Part Discharge of Condition 8 planning Application number 15/00933/FUL in respect of plots 2, 3, 4, 5, 6 external materials. Approved 8<sup>th</sup> May 2017.

16/00912/DIS for part discharge of condition 8 (Materials plot 1 only) and full discharge of condition 9 (Landscaping plots 1 to 6) for planning application 15/00933/FUL. Approved 31<sup>st</sup> January 2017.

16/00850/NONMAT for Amendments to plots 2, 3, 4 and 5 house types. Approved 6<sup>th</sup> January 2017.

16/00852/REM for approval of all reserved matters of Plot 9 and shared access drive and discharge of Conditions 4 and 5 of 15/00933/FUL in relation to Plot 9. Approved 27<sup>th</sup> January 2017.

16/00720/DIS discharge of condition 22 (i) and (ii) (Remediation Method Statement) of planning application 15/00933/FUL. Approved 31<sup>st</sup> October 2016.

16/00699/FUL for provision of hardstanding for two parking spaces and associated highways works, to side of existing building. Approved 30<sup>th</sup> November 2016.

16/00606/DIS discharge of Conditions 3 Design Code, Condition 14 Drainage Proposals and Condition 15 Traffic Management Plan of 15/00933/FUL. Approved 23<sup>rd</sup> November 2016.

16/00540/NONMAT for Minor material amendments to plots 2, 3, 4 and 5 - house types. Approved on 26 October 2016.

15/00933/FUL for demolition of existing buildings; erection of 10 dwellings; formation of accesses. HYBRID APPLICATION: Plots 1-6 - full planning application, plots 7-10 - outline planning application with all matters reserved apart from access. Approved on 1<sup>st</sup> July 2016 with a Section 106 Agreement for contributions to the village hall fund.

12/00703/EXT for the extension of time limit for implementation relating to Planning Approval 09/00026/OUT for construction of 8 new residential units and change of use to form 1 unit from industrial to residential was approved with a S106 on 30th April 2013

09/00026/OUT for the construction of 8 new residential units, and change of use to form 1 unit from industrial to residential was approved with a s106 on 18th January 2010.

07/01185/OUT for outline consent for the demolition of existing dairy storage buildings and construction of 14 dwellings was refused on the 30th January 2008.

**Planning Policies: -**

Melton Local Plan (saved policies):



**Policy OS1** – allows for development within the town and village envelopes providing that (amongst other things):-

- 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 cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing developments in the vicinity.

**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.

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:
  - o 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
  - o specific policies in this Framework indicate development should be restricted.

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

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

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

On Specific issues it advises:

**Promoting sustainable transport**

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

**Delivering a Wide choice of High Quality Homes**

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

**Require Good Design**

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

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:-**

<b>Consultation Reply</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<p><b>Clawson, Hose and Harby Parish Council</b></p> <p>The Parish Council objects to this application as:</p> <ul style="list-style-type: none"> <li>• Three houses (plots 7, 8 &amp; 10) on the Langar Lane frontage is over intensive development and out of keeping with the street scene;</li> <li>• Parking arrangements for these 3 plots i.e. tandem parking, is unsafe, impractical and will lead to on-street parking on Langar Lane, which is the busy main thoroughfare through Harby;</li> <li>• Plots 11, 12 &amp; 13 are designated as “self-build” so the plans are unlikely to be an accurate representation of what is going to be built. Each plot should be the subject of an</li> </ul>	<p>It is considered that the three dwellings proposed to Langar Lane are appropriate as this would address the street scene. There are both detached two storey properties and bungalows along Langar Lane.</p> <p>LCC Highways have not raised an objection to the proposed development on highway safety grounds.</p> <p>The plots as amended are now not proposed to be “self build” and therefore this planning application considers the design of the proposed dwellings that</p>

<p>individual planning application;</p> <ul style="list-style-type: none"> <li>• There is not enough space around each dwelling on the site for parking, turning, access and amenity use</li> </ul>	<p>were originally going to be self build.</p> <p>It is considered that sufficient space is provided for each plot (see also comment of the HA below).</p>
<p><b>LCC Highways</b></p> <p>Further to the County Highway Authority (CHA) observations dated 12th October 2017 the Applicant has submitted a Construction Traffic Management Plan to the LPA to remove the pre-occupation condition previously advised. In addition the site layout has been redesigned, removing Plot 13 as shown on Red Sky Architects Drawing No. PL-202A, which was published on the Local Planning Authorities website on 20th November 2017.</p> <p><b>Construction Management Plan</b></p> <p>The Construction management Plan is based on a previous submission for the site which was approved as part of the extant planning permission. The proposals indicate wheel washing facilities and off-highway parking will be available for contractors.</p> <p>The Applicant has also indicated School Lane, Dickmans Lane and Boyer’s Orchard will not be used by delivery drivers, which is welcomed by the CHA due to these routes being single track in places.</p> <p><b>The CHA considers the content of the Construction Traffic Management Plan to be acceptable and removes the requirement for the pre-occupation condition. However the CHA would advise the Applicant that all proposals included in the Construction Traffic Management Plan should be implemented upon commencement of the works and remain for the duration of the construction works.</b></p> <p><b>Revised site layout</b></p> <p>It is noted that the revised proposals use the same drawing number as the previously submitted set of plans. The Applicant has removed Plot 13, which were a two bed property and enlarged Plots 11 and 12 from three to four bed properties. The CHA considers that the parking provision for the revised proposals is acceptable.</p> <p><b>Conditions</b></p> <p>1. Notwithstanding the submitted plans, the proposed shared private drive serving Plots nine - 12 shall have a width of a minimum of 4.25 metres and shall be surfaced in a bound material with a 5.5 metre dropped crossing. The driveway access to Plots 7 and 8 shall be surfaced in a bound material and have a 3.7m dropped crossing. Drainage shall be provided so water does not drain into the Public Highway and the accesses once provided shall be so maintained at all times. Reason: To ensure that vehicles entering and leaving the site</p>	<p>Noted.</p> <p>The principle of development has already been established through the grant of the previous planning permission.</p> <p>Any relevant conditions can be included in any approval of the application.</p>

<p>may pass each other clear of the highway, in the interests of general highway safety, to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Red Sky Architects drawing number PL-202A which was published on the Local Planning Authorities website on 20th November 2017. 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 Paragraphs 32 and 35 of the National Planning Policy Framework 2012.</p> <p>3. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 7 metres of the highway boundary unless hung to open away from the highway. Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>4. The development hereby permitted shall be constructed in accordance with the details and timetable as set out in the Construction Traffic Management Plan which was published on the Local Planning Authorities website on 24th October 2017. The Construction Traffic Management Plan shall be implemented upon commencement of the works and remain for the duration of the construction works.</p> <p>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.</p>	
<p><b>Environment Agency</b></p> <p>We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the</p>	<p>Noted.</p>

<p>following:</p> <ul style="list-style-type: none"> <li>• a high risk to the environment</li> <li>• those that are able to offer significant environmental benefit.</li> </ul> <p>We have reviewed the above application and feel that, as presented, the location of the development is within flood zone 1, it does not fall under either of the above categories and therefore we do not wish to comment further on these proposals.</p>	
<p><b>LCC Ecology</b></p> <p>It does not appear that we have been consulted on the previous application on site, but note that the principle of the development has already been established. The ecology survey (Curious Ecologists, June 2015) is satisfactory and no bats were recorded on site. We therefore have no objection to this application, but would recommend that the applicants attention is drawn to the recommendations in the ecology report.</p>	<p>Noted.</p>
<p><b>Severn Trent Water</b></p> <p>I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.</p> <p><b>Condition</b></p> <p>The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p> <p><b>Reason</b></p> <p>To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.</p> <p><b>Suggested Informative</b></p> <p>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 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.</p>	<p>The conditions proposed can be secured by way of condition should permission be granted.</p>
<p><b>Lead Local Flood Authority</b></p> <p>When determining planning applications, Melton Borough Council should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed</p>	<p>Noted.</p> <p>Following discussions with the Agent and the LLFA, the LLFA have agreed that condition no. 4 is not required for the proposed development. The first condition is also repeated by the proposed STW</p>

by a site specific flood risk assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG).

We previously provided a consultation response to this application recommending conditional approval on flood risk and drainage grounds. Subsequently, revised plans have been submitted. However, on review these revisions do not impact on our previous recommendation, which is duplicated below for ease of reference.

**The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.**

**1. Surface Water**

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.

**Reason**

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

**Note to Applicant**

The scheme shall include the utilisation of holding sustainable drainage (SuDS) 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; and the responsibility for the future maintenance of drainage features.

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 return periods.

**2. Construction Surface Water Management Plan**

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.

**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

condition above.

Further conditions are proposed in relation to drainage should permission be granted.

<p>systems through the entire development construction phase.</p> <p><b>3. SuDS Maintenance Plan &amp; Schedule</b> No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.</p> <p><b>Reason</b> 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 sustainable drainage system within the proposed development.</p> <p><b>4. Infiltration Testing</b> No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the FRA has been updated accordingly to reflect this in the drainage strategy.</p> <p><b>Reason</b> To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>	
<p><b>MBC Building Control</b></p> <p>Layout appears satisfactory for both Fire and Refuge appliances</p>	<p>Noted.</p>
<p><b>MBC Policy – Housing</b></p> <p>The total disused building gross floor space area is 1765 m<sup>2</sup> and the gross new site floor space is 1600m<sup>2</sup>. As the disused building gross floor space area exceeds the gross new site floor space area, therefore that they are exempt from the requirement to provide affordable housing under NPPG provisions.</p>	<p>Noted.</p> <p>NPPG makes specific provision to prevent requests for affordable housing on the circumstances pertaining to this site ('Vacant Building Credit').</p>
<p><b>LCC Developer Contributions</b></p> <p><b>Civic Amenities</b> The nearest Civic Amenity Site to the proposed development is located at Bottesford and residents of the proposed development are likely to use this site. <b>The Civic Amenity Site at Bottesford 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.</b></p> <p><b>Education</b> To assess whether there is a claim for an education contribution we look at the current net capacity figure against the average of the two year and four year</p>	<p>Noted all comments made with reference to contributions. Following a re-consultation on amended plans, LCC confirmed that their comments as originally submitted in October 2017 would not be altered.</p>

forecast number on roll figures including housing gain. The catchment school forecast figure includes housing gains from this development.

**Primary School Sector Requirement £0**

The site falls within the catchment area of Harby C of E Primary School. **The School has a net capacity of 105 and 103 pupils are projected on roll should this development proceed;** a surplus of 2 pupil places after taking into account the 4 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 School (11-16) Sector Requirement £0 (See map attached)

The site falls within the catchment area of Belvoir High School and Melton Vale Post 16 Centre. The School has a net capacity of 650 and 635 pupils are projected on roll should this development proceed; a surplus of 15 pupil places. A total of 5 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This increases the surplus at this school to 20 pupil places.

There are no other 11-16 schools within a three mile walking distance of the site. An education contribution will not be requested for this sector.

Post 16 Sector Requirement £0

This nearest school to the site is Melton Vale Post 16 Centre. The College has a net capacity of 640 and 491 pupils are projected on roll should this development proceed; a surplus of 149 pupil places after taking into account the 1 pupil generated by this development.

An education contribution will not be requested for this sector.

**Special Schools £0**

As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.

**Total Requirement: £0**

**Libraries**

No claim from Library Services. Residents of this development would be more likely to use Bingham Library.



## Representations:-

A site notice was posted to advertise the application and 12 neighbours consulted by letter. During the application process, some residents have started to move in to the properties on the site which already has the permission. As a result, 8 representations of objection have been received for the application.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>Drainage</b></p> <ul style="list-style-type: none"> <li>• Driveway was part of drainage strategy – this has not been implemented.</li> <li>• Drainage strategy has not been implemented and now proposed to be changed - object as this affects our property.</li> </ul>	<p>Noted.</p> <p>LLFA, EA and STW have all been consulted on the application, with comments above in the consultations.</p>
<p><b>Highways</b></p> <ul style="list-style-type: none"> <li>• Increased traffic on access road and does not allow access for emergency services.</li> <li>• Lack of footpaths and increased traffic will create a safety issue.</li> <li>• Tandem parking will lead to on street parking – visibility problems.</li> <li>• Insufficient parking provision.</li> <li>• Access road is too narrow.</li> <li>• Large number of vehicles use Langar Lane – safety concerns for cyclists, horse riders etc.</li> </ul>	<p>The Highways Authority has been consulted on the application and have raised no objection to the proposed development, subject to the inclusion of conditions. Therefore it is considered that the proposed development is satisfactory on highway safety grounds, including parking provision, access and layout.</p> <p>MBC Building Control have also been consulted on the application and consider that the proposed access and layout is satisfactory for emergency and refuge vehicles (see above).</p>
<p><b>Design and residential amenity</b></p> <ul style="list-style-type: none"> <li>• Double garage for plot 11 and single garages for plots 7 and 8 will surround my boundary, resulting in a loss of light to my garden.</li> <li>• Plot 11 garage – proposed to be 1.2m from fence and a height of 4.49m, plot 11 dwelling is 7m from garden boundary and height of 8.93m – outlook will be brick walls – imposing and affecting light and loss of what was previously approved.</li> <li>• Intensive development.</li> <li>• Cramped streetscene.</li> <li>• Reduction in green space – suburban, not rural.</li> <li>• Limited space and inappropriate location for bin storage.</li> <li>• Need more green space.</li> <li>• Three houses proposed on Langar Lane dominate the streetscene.</li> <li>• Small/ non-existent gardens.</li> <li>• Properties 7, 8 and 10 are taller than others on site.</li> <li>• Too high, too large, too imposing.</li> <li>• Out of character.</li> <li>• Take away rural atmosphere.</li> <li>• Already overcrowded site without the additional proposed properties.</li> </ul>	<p>The application has been amended since its original submission, which has resulted in the removal of one of the properties. This was due to concerns relating to the amenity of the neighbouring occupiers of the new dwellings (in phase 1 of the development).</p> <p>Plot 11 will be located to the rear of two of the completed dwellings on the first phase of the development, however these will face the side elevation of the property of plot 11, where there are no windows proposed above first floor.</p> <p>It is considered that the height of the proposed garages are appropriate. The garages have been designed to have a roof pitch angle to match that of the dwelling, which is considered to be good design.</p> <p>Melton Borough Council do not have minimum garden size requirements. It is considered that the size of gardens proposed are adequate for the corresponding size of properties.</p> <p>A street scene elevation drawing was submitted with the application. Whilst the proposed dwellings along Langar Lane will be slightly taller than plot no 9, they will be lower than nos. 7 and 9 Langar Lane. There is also a change in land levels which has been demonstrated on the street scene drawing.</p>
<p><b>Housing Mix</b></p> <ul style="list-style-type: none"> <li>• Housing needs well met by allocations in emerging neighbourhood plan – increase in</li> </ul>	<p>The site is an allocated site in the Emerging Local Plan, due for examination late January 2018 (HAR2).</p>

<p>no. of dwellings is not a benefit.</p> <ul style="list-style-type: none"> <li>No social housing proposed (over 10 dwellings)</li> <li>Hope not seen as an easy assist to housing numbers.</li> </ul>	<p>Planning permission has also been granted for development on this site under 15/00933/FUL – therefore it is considered that the principle of development on this site has already been approved.</p> <p>The site benefits from the Vacant Building Credit (due to the previous dairy building on site and its subsequent brownfield status) and therefore no affordable housing provision is required for the development (see Policy Officer comments above).</p>
<p><b>Compliance with plans</b></p> <ul style="list-style-type: none"> <li>Developer has changed plans several times.</li> <li>Concern development won't be carried out in accordance with the details.</li> <li>Plans are only outline and could be changed at a later date.</li> </ul>	<p>The application is for full planning permission and therefore it is considered that the proposal present is what will be constructed.</p> <p>If the development is not carried out in accordance with any approved plans, the Council can consider taking enforcement action.</p>
<p><b>Other matters raised</b></p> <ul style="list-style-type: none"> <li>Profit requirements should not be considered – if plots cannot be sold, purchase price should be reduced and not used as an excuse to add dwellings.</li> <li>Little evidence plots have been marketed adequately.</li> <li>Lack of information regarding remediation – current works have been disruptive to road surfaces.</li> <li>In relation to phase 1 of the development - tarmac has been laid where previously proposed greenery.</li> <li>Site being over developed for financial reasons – without consideration to road safety, aesthetics or long term benefit to the village.</li> <li>Creeping numbers – consider what was applied for originally and was previously refused.</li> <li>Concerns over developer and construction – safety, state of road, lack of concern for residents.</li> <li>Want site to be completed ASAP.</li> <li>Additional noise.</li> </ul>	<p>The issues raised here are not considered to be material planning considerations, such as the conduct of the developer and previous actions.</p> <p>There is no restriction as to when works need to be completed for this development and therefore it is not possible to demand that a development is completed by a certain date.</p>

**Other Material Considerations Not Raised In Representations:-**

Other Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by 'Focussed Changes') was submitted for Examination on 4th October 2017.</p> <p>The NPPF advises that:</p> <p>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The site has been allocated for developing in the Local Plan, submitted for Examination.</p>

<ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● 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</li> <li>● 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).</li> </ul> <p>The Pre Submission version of the Local Plan identifies Harby as a ‘Service Centre’,</p> <p><b>The emerging Local Plan allocates the wider site for housing with an estimated capacity of 10 houses.</b></p>	<p><b>The proposal is in accordance with the emerging local plan (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</b></p>
<p><b>S106 Agreement</b></p> <p>It is proposed that a contribution will be made of £3,000 to the village hall fund. This is in addition to the £15,000 already allocated under planning ref 15/00933/FUL for phase 1 of the development.</p>	<p>A draft section 106 has been prepared for the application including the contribution as required for the village hall.</p>
<p><b>Neighbourhood Plan</b></p> <p>The CHH Neighbourhood Plan has successfully completed Examination and is proceeding to Referendum.</p> <p>The site is allocated in the neighbourhood plan as NPHAR2 (with an indicative maximum of 10 dwellings)</p> <p>NP POLICY H5: HOUSING MIX is applicable New housing development proposals should provide a mixture of housing types specifically to meet identified local needs in the villages of Harby, Hose and Long Clawson. Priority should be given to dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people, including 2 and 3 bedroom bungalows and dwellings suitable for those with restricted mobility;</p> <p>NP POLICY H7: HOUSING DESIGN is considered to be applicable and requires development to</p> <ul style="list-style-type: none"> <li>● the design should enhance and reinforce the local distinctiveness and character of the area in which it is situated,</li> <li>● show how the general character, scale, mass, density and layout of the site, or the building/s/extension fits in with the character of the surrounding area;</li> <li>● enjoy appropriate garden space;</li> <li>● not disrupt the visual amenities of the street scene nor harm any significant wider landscape views</li> <li>● be designed to respect and respond positively</li> </ul>	<p>Members are invited to conclude on the question of weight that can be assigned to the emerging Neighbourhood Plan. It is considered reasonable to conclude that at its present stage, with only the Referendum to complete, the Neighbourhood Plan should carry substantial weight.</p> <p>The proposal is in accordance with the CHH Neighbourhood Plan. It is considered this compliance adds substantial weight in support of the proposal, the site is allocated within the neighbourhood plan and allows for a mix of housing types with bedrooms ranging from 2 to 4 and the majority being of 3 bedroom which is of a size that would meet the mix as set out opposite</p> <p>The plans and information submitted show a design suitable for the location that would harmonise well amongst those of existing using warm red brick with ashlar stone plinth and having red clay pantile roofs.</p>

<p>to the visual character and the architectural massing of the neighbouring area.</p> <ul style="list-style-type: none"> <li>• adequate off-road parking should be provided</li> <li>• minimise the impact on general amenity and give careful consideration to privacy, noise and light, and include appropriate provision for the storage of waste and recyclables</li> <li>• within new residential layouts provision should be made for wildlife</li> <li>• incorporate sustainable design and construction techniques to meet high standards for energy and water efficiency;</li> <li>• incorporate sustainable drainage systems</li> </ul>	
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**Conclusion:-**

A significant benefit is that this development is proposed on brownfield land which according to the NPPF should be encouraged for new development. This development will enable remediation of this site and provide housing within the Melton Borough.

The site for development has been identified in both the Emerging Local Plan and the Clawson, Hose and Harby Neighbourhood Plan, which is also a factor in favour of this application. The principle of development on this site has already been established through the previous permissions granted.

However concerns have been raised by nearby occupiers in relation to the proposed development, including impact on neighbour amenity, highway safety and the proposed number of dwellings on site. It is considered that the proposed development would not be harmful to the amenity of neighbouring occupiers to a degree to warrant the refusal of the application. Additionally, LCC Highways have raised no objection to the proposed development on highway safety grounds. Whilst this proposed application does increase the number of dwellings on the site by two, it is considered that this would not be significant enough to warrant the refusal of the application.

**In conclusion it is considered that, on the balance of the issues, there are benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.**

**Recommendation: - PERMIT, subject to :-**

- (a) **The completion of an agreement under s 106 for the quantities set out in the above report to secure:**
  - (i) Contribution to the village hall fund.
- (b) **Conditions:-**
  1. The development shall be begun before the expiration of three years from the date of this permission.
  2. The development hereby permitted shall be carried out in accordance with drawings numbered: PL-001a, PL-203, PL-204, PL-205, PL-209, PL-210, received by the Local Planning Authority on 21<sup>st</sup> August 2017 and PL-206a, PL-207 and PL-202A, received by the Local Planning Authority on 20<sup>th</sup> November 2017.

3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding the submitted plans, the proposed shared private drive serving Plots nine - 12 shall have a width of a minimum of 4.25 metres and shall be surfaced in a bound material with a 5.5 metre dropped crossing. The driveway access to Plots 7 and 8 shall be surfaced in a bound material and have a 3.7m dropped crossing. Drainage shall be provided so water does not drain into the Public Highway and the accesses once provided shall be so maintained at all times.
5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Red Sky Architects drawing number PL-202A received on 20th November 2017. Thereafter the onsite parking provision shall be so maintained in perpetuity.
6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 7 metres of the highway boundary unless hung to open away from the highway.
7. The development hereby permitted shall be constructed in accordance with the details and timetable as set out in the Construction Traffic Management Plan which was published on the Local Planning Authorities website on 24th October 2017. The Construction Traffic Management Plan shall be implemented upon commencement of the works and remain for the duration of the construction works.
8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
9. No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.
10. 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.
11. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Officer to Contact:** Mrs J Lunn

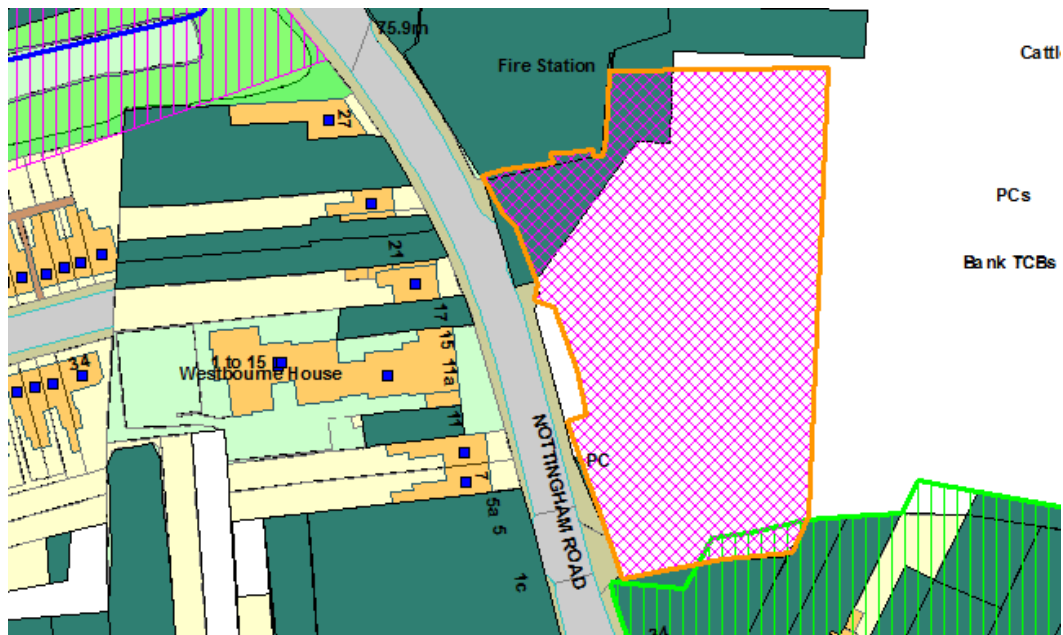
**Date:** 21.12.2017

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# Agenda Item 3.7

Committee Date: 11<sup>th</sup> January 2018

**Reference:** 17/01044/FUL  
**Date submitted:** 21.08.2017  
**Applicant:** Melton Borough Council  
**Location:** Cattle Market, Scalford Road, Melton Mowbray, LE13 1JY  
**Proposal:** Use of site of former cattle market as a new temporary car park.



## Proposal :-

Full planning permission is sought at the existing Cattle Market, Scalford Road which sits within the Town envelope close to the town centre. The application proposes to use part of the cattle market as a temporary car park until December 31<sup>st</sup> 2019.

**It is considered that the main issues for consideration of the application are:-**

- **Application of Development Policies and NPPF**
- **Impact upon Highways**
- **Impact upon Residential Amenities**
- **To consider the contribution request from Leicestershire County Council for highway monitoring work (SCOOT).**

The application is presented to Committee as the application is a development proposed by the Council requiring contributions for highway works.

## **Relevant History:**

15/00576/FUL - Alterations to Melton Mowbray Market to form new livestock building and associated facilities Permitted on 8<sup>th</sup> October 2015

Various applications have been approved for other parts of the facility for modifications of the buildings, including change of use of some buildings for the purpose of car boots, antique fairs, exhibition and dance hall.

## **Planning Policies:-**

### **Melton Local Plan (saved policies):**

**Policy OS1** - allows for development within the village envelope provided that the form, character and appearance of the settlement are 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 cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity.

**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** - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

### **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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- proactively support sustainable economic development to deliver business and industrial units,
- promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land



**On Specific issues relevant to this application it advises:**

**Building a strong competitive economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does **everything it can** to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- **Significant weight** should be given to the need to support economic growth

**Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority:</b> No Objection subject to conditions</p> <p><i>Summary:</i> The County Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions and contribution as outlined in this report.</p> <p>The County Highway Authority (CHA) provided initial highway observations in September 2017. The Applicant has now provided further clarification on the issues raised and the revised CHA observations are outlined below.</p> <p>The Applicant is seeking permission to use the temporary car park for 18 months and that the vehicles that will use this car park (if approved by the LPA) are currently using other car parks in the area. The Applicant believes there will be parking for approx. 50 cars at any one time however the temporary car park will be for traders only and will not be open to visitors to the cattle market or other commuters / visitors to Melton Mowbray town centre.</p> <p>One option for access to the site will be via the previous northern access point on Nottingham Road which is 4.4 metres wide. The CHA would have concerns that if the Applicant used this site access only then vehicles entering the site (including vehicles toeing a livestock trailer) would come into conflict with vehicles exiting the site. This would result in them having to wait on busy A-road and</p>	<p>The application site relates to the existing livestock market in Melton town centre located to the north of Norman Way, east of Nottingham Road, and west of Scalford Road. The proposal seeks to use the site for a temporary car park on land that is not currently performing any substantial function.</p> <p>It has been agreed that the entrance point will be that to the north of the site and exit to the south for safe entry and egress to be had.</p> <p><b>The Highways Authority has no objection to the proposal and it is considered that the impacts will not be severe and a refusal could not be substantiated in this instance.</b></p> <p>The contributions requested are considered appropriate and justified in the interest of encouraging sustainable travel and comply with CIL Reg. 122. The requests are relevant to the specific development which attracts visitors to the site and will assist in encouraging sustainable travel and use of public transport.</p> <p>Applying CIL Reg. 123(3) the contributions will not be pooled and will be spent to serve the development as requested by the Highways Authority. The requests are suitable for inclusion in a S106 agreement.</p>

cause unnecessary delays and possible dangers to other highway users. On that basis the CHA would prefer the Applicant to use the northern access as the entrance to the site and the southern access as the exit to the site.

The Applicant has confirmed that each of the two entrances has a gate and these will be kept open during the operating hours which will prevent vehicles queuing on the highway to gain access to the site. The gates will be locked at all other times.

The CHA has received advice from the LPA that the lawful use of the site is still a cattle market and therefore the site is still classed as 'active' so the previous level of activity on the site could be resumed.

However notwithstanding the comments above the CHA has identified some measures which will help alleviate the temporary impact of the proposed development. The SCOOT system coordinates the operation of traffic signals in an area and provides a proactive approach to managing fluctuations in traffic throughout the day including the AM and PM peak hours.

The requirement for contributions to SCOOT validation at the junctions mentioned above is set out below in the section titled contributions/obligations.

*Conditions*

1. The existing northern vehicular access to the site shall be the assigned entrance to the development hereby permitted and the southern vehicular access to the site shall be the assigned exit only.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

2. The existing northern and southern vehicular access gates to the site shall be hung to open away from the highway and remain open during operational hours.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

<p><b>S106 Contribution:-</b>  In order to mitigate the impacts of the development on the local highway network, the following contributions are sought through a S106 Agreement.</p> <p>1. A contribution of £1,500 towards the SCOOT validation for the Sainsbury's site access / Nottingham Rd, Norman Way / Wilton Rd and Norman Way / Scalford Rd strategic junctions in Melton Mowbray town centre.</p> <p>Justification: To help mitigate the impact from this development on the strategic network in Melton Mowbray town centre.</p>	
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**Representations:**

A site notice and press notice was posted and neighbouring properties consulted. As a result three letters of correspondence has been received to date and summarised below.

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Issues</b></p> <p>This plan does not give any indication of the traffic flow into and out of the proposed temporary car park but I was informed that the gate nearest the fire station on Nottingham Road is to be used. This gate has only ever been in occasional use since the 1980s until it was altered for use during the new build. Living nearby I made the following observations during this recent use.</p> <ul style="list-style-type: none"> <li>- Vehicles pulling trailers regularly rode over the kerb when turning into the entrance from the Nottingham direction this despite the entrance having been altered part way through the construction work.</li> <li>- Vehicles were often queuing to get into the entrance sometimes blocking the yellow box outside the fire station.</li> <li>- Vehicles waiting to turn into the entrance from the town direction blocked traffic heading towards Nottingham. Since the building of the Supermarket Nottingham Road has become very congested, particularly on Tuesdays and during the winding up of the car boot sale on Sundays. Whilst this gate would be acceptable as an exit from the temporary car park I think it will cause traffic build-up problems if used as the entrance.</li> </ul>	<p>The site access arrangements have been fully considered by the Leicestershire County Council who has concluded that the best entrance will be the northern gate and the exit will be the southern to prevent unnecessary waiting.</p>
<p><b>Notification</b></p> <p>As Feoffee of Melton Mowbray Town Estate the charity/land owner of 9 acres of land that make up Melton Mowbray Cattle Market, I cannot find any notification from MBC to the Town Estate with regards to change of use for the above application.</p>	<p>It is recognised that the Council is a leaseholder for this site and the issues of ownership are not a planning consideration. The length of the lease means that the landowner does not require notification under the provisions of planning</p>

<p>Please can you check your files to see whether any notification letter was sent to the Town Estate.</p>	<p>legislation.</p> <p>There has been additional concern about traffic but this has been addressed sufficiently in the relevant section above.</p>
<p><b>Use of land</b>  4 food events on the Livestock are paying events so control of public access to the event area is vital. The boundary treatment of this car park with the rest of the Cattle Market site is extremely important so as not to allow unhindered access of the public onto the site during paying events.  Also a significant part of the site is currently used by exhibitors to the event free of charge. Loss of this facility during events will significantly affect our ability to attract high quality exhibitors.</p>	<p>Control of the use of the land and access would remain with the Cattle Market operators.</p>

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Compliance (or otherwise) with Planning Policy</b></p>	<p>The NPPF is a material consideration which postdates the local plan and is supportive of economic development. In terms of its promotion of economic growth, the NPPF requires that planning should do “everything it can” to encourage economic development and advises that “significant weight” should be assigned and as such it is considered to weigh substantially in favour of the proposal.</p> <p>The change of use provided that the correct access and egress points as stipulated would not create a severe impact upon the highway network. There is anticipated to not be a significant increase in traffic generation from the proposal</p> <p>It is considered that the facilities the proposal will provide will be of assistance to the long term sustainability of the cattle market, an important asset to the Borough and this commands significant benefits.</p> <p><b>The proposal is considered to comply with the local plan policies OS1 and BE1 which are considered to be in compliance with the NPPF in protected the character of areas, respecting neighbouring residents with no server impacts upon highway matters.</b></p>
<p><b>Impact upon the Character of the Area and Design</b></p>	<p>The land in which the application is proposed is already laid as a hard surface suitable for parking. The further alterations to create the parking area are deemed to not materially impact on the character of the area.</p>
<p><b>Impact on neighbours</b></p>	<p>There are small amount of properties over the</p>

	<p>road from the proposed site that should not be unduly impacted by the development. The use of the site will continue at its normal times and therefore will not cause an undue level of increased traffic to impact severely on neighbour amenity.</p>
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4<sup>th</sup> October 2017.</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"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● 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</li> <li>● 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).</li> </ul> <p><b>New Local Plan Policies</b> Policy D1 – Raising the Standard of Design All new developments should be of high quality design. All development proposals will be assessed against all the following criteria including not compromising residential amenity and be sympathetic to area (amongst others).</p> <p>EC5 Melton Mowbray Town Centre Focussing on town centre for economic growth and specifically relevant to this application:- 5. 5. Make adequate provision for car parking where possible and appropriate.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> <li>• Examination for its ‘soundness’ under the NPPF</li> <li>• Examination results to be published and any ‘modifications’ to be the subject of consultation</li> <li>• Further examination to take place into Modifications</li> <li>• Final Inspectors Report and recommendations</li> <li>• Adoption by MBC</li> </ul> <p>There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p><b>It is therefore considered that it can attract weight but this is limited at this stage.</b></p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add limited weight in support of the proposal.</p>

**Conclusion**

The application seeks consent for a car park for a temporary period where a contribution has been required

**RECOMMENDATION:- PERMIT, subject to:-**

**(a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**

A contribution of £1,500 towards the SCOOT (Split Cycle Offset Optimisation Technique)\* validation for the Sainsbury's site access / Nottingham Rd, Norman Way / Wilton Rd and Norman Way / Scalford Rd strategic junctions in Melton Mowbray town centre.

(\*A tool for managing and controlling traffic signals in urban areas)

**(b) The following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The use hereby permitted shall cease and the land be restored to its former condition on or before 31<sup>st</sup> December 2019 in accordance with a scheme of restoration work which shall be submitted to the Local Planning Authority at least 3 months prior to the afore indicated date and agreed in writing by the Local Planning Authority, unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.
3. The development hereby permitted shall be carried out in accordance with drawings received by the Local Planning Authority on ^IN and the subsequent information expressed in the email of

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The use is not one the Authority wish to see retained on a permanent basis because the local authority will need to review whether there is any cumulative impacts of the proposed car park.
3. For the avoidance of doubt.

**Officer to contact:** Mr G Baker-Adams

**Date:** 19<sup>th</sup> December 2017