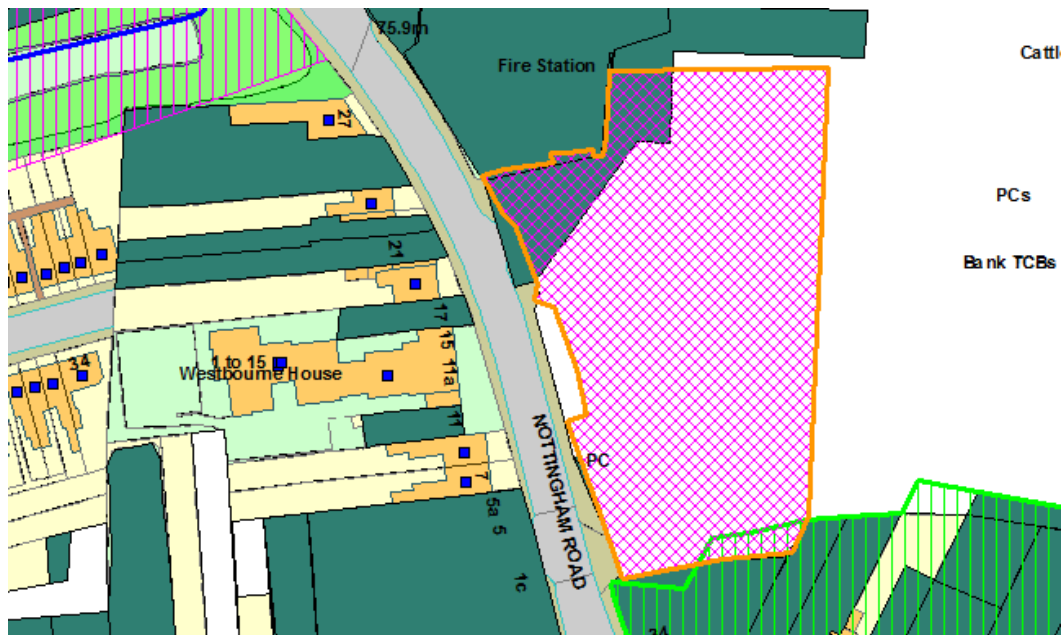


Reference: 17/01044/FUL
Date submitted: 21.08.2017
Applicant: Melton Borough Council
Location: Cattle Market, Scalford Road, Melton Mowbray, LE13 1JY
Proposal: Use of site of former cattle market as a new temporary car park.



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 31st 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 8th 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:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: 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>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.</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>S106 Contribution:- 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>	
---	--

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.

Consideration	Assessment of Head of Regulatory Services
<p>Highway Issues</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"> - 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. - Vehicles were often queuing to get into the entrance sometimes blocking the yellow box outside the fire station. - 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. 	<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>Notification</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>Use of land 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)

Consideration	Assessment of Head of Regulatory Services
<p>Compliance (or otherwise) with Planning Policy</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>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.</p>
<p>Impact upon the Character of the Area and Design</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>Impact on neighbours</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>The (new) Melton Local Plan – Pre submission version.</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"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>New Local Plan Policies 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"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <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>It is therefore considered that it can attract weight but this is limited at this stage.</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 31st 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: 19th December 2017