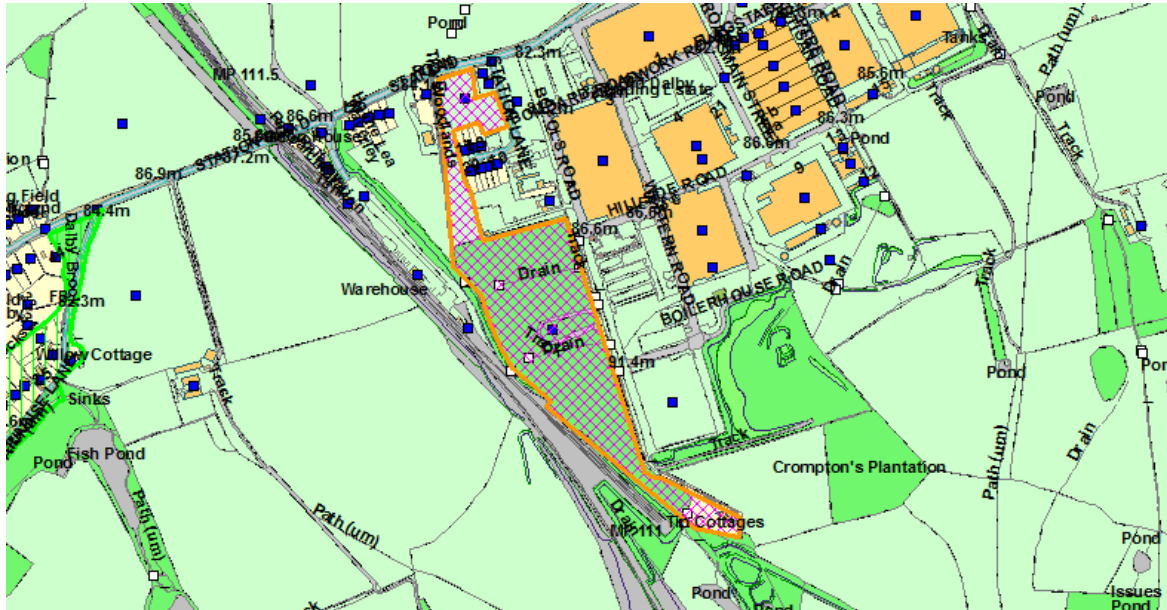


Reference: 17/00397/OUT
Date submitted: 27.03.2017
Applicant: Mrs Sarah Grey
Location: Land Opposite 1 And 10, Station Lane Old Dalby
Proposal: Residential development of up to 72 dwellings (revised from 80 dwellings), associated infrastructure and landscaping.



Proposal :-

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

The site occupies a brownfield site, east of the village of Old Dalby and west of an industrial estate. The site is also located to the east of the railway test track. It is former MOD land of 5.65 hectares.

The application is in **outline with only access** considered at this time. This main access point is off Station Road in the form of a 'T' junction.

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:

Consultation reply	Assessment of Head of Regulatory Services
<p>Environment Agency: No objection, subject to conditions</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 information prior to the granting of planning</p>	<p>Noted and the conditions can form part of any final decision.</p>

<p>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>Network Rail: Objection</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 & Trialling Facility</i></p> <p>The proposed site is adjacent to Rail and Innovation Development Centre, Melton. It is a live operational</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 & 6pm – 7pm No more than 6 passes per hour 8am – 6pm No more than 18 passes per</p>

<p>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 suitable drainage systems, the details of which are to</p>	<p>hour Saturday: 8am – 9am & 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"> 1. Station House and adjacent properties 2-6 Station Road, LE14 3NE 2. 6-12 North View Close and 2-22 Brook Crescent, Asfordby Valley <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"> 1. Proposed C395 train (Javelin) 2. Existing London Underground trains 3. Existing Locomotives <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 & 6pm – 7pm No more than 6 passes per hour 8am – 6pm No more than 18 passes per hour Saturday: 8am – 9am & 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 2m acoustic fence along the western boundary of</p>
---	--

<p>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 assets will require prior consent.</p>	<p>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>Conclusions</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>
--	--

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 leaf deciduous species should not be planted

<p>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 Pados), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatat “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 line (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>MBC Environmental Health – No objection subject to conditions <i>Contaminated Land</i> The proposed site forms part of the former Old</p>	<p>There is a risk to health as a consequence of the</p>

<p>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.</p> <p>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.</p> <ul style="list-style-type: none"> • 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. <p>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 decision not to undertake ground gas monitoring.</p>	<p>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>
---	---

<p>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>Noise 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"> • for non-continuous source of noise, the number of noise events, and the frequency and pattern of occurrence of the noise; • the spectral content of the noise, the number of noise events, and the frequency and pattern of occurrence of the noise; • 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.' <p>3. Section 6.1 – External noise level-LAeq-</p>	<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>
---	---

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 LAm_{ax} 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 are 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

This development is flanked by three significant

<p>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>Highways Authority: No objection, subject to conditions</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"> • LPA ref: 14/00954/OUT: outline application for 15 dwellings • LPA ref: 16/00157/OUT: outline application for 25 dwellings with all matters reserved except access <p>The CHA was satisfied that subject to appropriate conditions the aforementioned developments were acceptable in highway terms.</p> <p>Site Access</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 (https://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide). The visibility splays are 2.4m x 85m to the east of the site access and 2.4m x 81m to the west of the site</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>There are considered to be no grounds to resist permission based on highways issues.</p>

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 separate consent of the Highway Authority. Once

<p>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>Parish Council: Objects</p> <p><i>Initial Response received on 4th May 2017</i></p> <p>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.</p> <p>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.</p> <p>Environmental impact Local knowledge of this site leads the PC to believe</p>	<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>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><i>Additional Response received on 9th January 2018</i> Cllrs agreed that, during the process of establishing our NP (now through its examination phase, approved by the PC and agreed to carry significant weight) it has been acknowledged that the site of this application is appropriate for a ‘suitable’ development plan (see NP policy H2 below);</p> <p>POLICY H2: HOUSING ALLOCATION – Station Lane, Old Dalby.- The site at Station Lane, as shown in Figure 4, is allocated for housing, to comprise at least 42 dwellings, 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>Cllrs agreed unanimously, however, that this application does not present a plan that meets the requirements and spirit of the NP and therefore wish to object to this proposal.</p> <p>The following objections were identified by the PC;</p> <ol style="list-style-type: none"> 1. Although the reduction of the number of dwellings proposed from the previous 80 to 72 does address the need outlined in the NP (policy H2) that future residents be safeguarded from “noise from the adjacent test track facility and adjoining industrial uses” this application does not meet all of the remaining requirements of this policy including the need for appropriate space. Although the 	<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>The various consultations with bodies that have expertise in their respective fields of noise have deduced that the impacts on the potential occupiers from noise will be acceptable subject to strong mitigation measures taking place.</p> <p>The area of land that is proposed for this site is quite large and can accommodate the houses</p>
---	--

<p>number of dwellings proposed is less the density is now far greater, this is particularly evident when comparing this proposal to the already approved smaller development adjacent to this site. The PC believes the density of this proposal to be in contravention to NP policy H6;</p> <p>POLICY H6: HOUSING DESIGN - Development proposals are encouraged to have regard to the following building design principles to a degree that is proportionate to the development:</p> <p>a) It is of a density, size, scale, massing and height that reflects Broughton and Old Dalby's character and that of its rural settlements giving an impression of space, pleasant street scenes and an inclusive road layout with short cuts linking existing roads together; and</p> <p>2. Cllrs are of the opinion that the housing mix does not meet identified needs in the parish, particularly with regards to the need for bungalows identified is NP policy H4;</p> <p>POLICY H4: HOUSING MIX - New housing development proposals should provide a mixture of housing types specifically to meet identified local needs. The provision of dwellings of 1, 2 and 3 bedrooms and to homes suitable for older people including bungalows and dwellings suitable for those with restricted mobility including those with disabilities or special needs requiring support in the community, will be supported.</p> <p>3. The proposed play area is situated at the far end of the development, outside the Limits to Development identified in the NP. Cllrs are of the opinion that best practice would be to situate this facility in a more central location where it is accessible to all dwellings. This element of the design would appear to be another result of the attempt to fit so many dwellings on the site by compromising the "need for appropriate open space and landscaping" outlined in NP policy H2 (above).</p> <p>4. Concern was expressed with regards to the trench work undertaken as Cllrs are aware that the soil in this area is deep clay. It is believed that this soil type will pose problems in relation to drainage.</p> <p>Cllrs agree that whilst this site is suitable for development this application does not present an appropriate plan. The attempt to fit so many dwellings on the site results in too many compromises and the PC is of the opinion that 42 dwellings, a number supported by the NP, is more suitable to this area. The NP argues that 42 dwellings is the number required to address the contamination issues on this site and also asserts that the site should be developed with good quality design principles.</p>	<p>proposes well with sufficient amenity space. In addition a large amount of the development is to remain safeguarded for ecological importance and overall recreational purposes for those living on site.</p> <p>The housing mix is to form part of a condition where it will need to reflect the local needs of the area.</p> <p>The application is at outline stage at present where through a further reserved matters stage, the play area could be moved.</p> <p>Drainage has been found to be suitable by the LLFA and through further condition discharges will ensure drainage issues will be resolved.</p> <p>There is quite a lot of work required on the site to clean it up to make it suitable for residential occupation and therefore the amount of dwellings proposed reflects the viability of the site.</p> <p>The development will enable remediation of a large area of neglected brownfield land which has been seen as a strong reason to approve developments. A successful reserved matters scheme will hopefully provide further improvements in line with the parish concerns</p>
---	--

<p>The PC would ask that the developer please look at this site again and come back with a proposal more suited to the size of the plot that follows the policies and guidelines of the Broughton and Old Dalby Neighbourhood Plan.</p>	<p>highlighted here.</p>
<p>Local Lead Flood Authority: No objection, subject to conditions</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>Reason To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</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</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>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>Leicestershire County Council Ecology: No objections following amendments.</p> <p>The recent botanical surveys of this application site indicate that it comprises a species-rich grassland, meeting the Local Wildlife Site criteria. By definition LWS's are of County level importance, and are priority local BAP habitats for conservation. The loss of this area of LWS-quality grassland would be significant. We would therefore object to this application based on the loss of a Local BAP Priority Habitat that meets out Local Wildlife Site criteria. This is in accordance with paragraph 118 of the NPPF and Policy EN2 of the emerging Local Plan.</p> <p>To confirm, we would have no formal objection to this application, provided that the final development is in accordance with Rev G of the masterplan. This would allow part of the site to be lost to development, but would compensate by bringing the remaining habitat into a good management regime. All areas marked as 'Managed Habitat Area' must be retained for their habitat value, which is likely to result in no public open space (either formal or informal) for this development. This would also require no significant regrading of the land although the removal of rubbish/rubble on site would be acceptable provided that the works were completed with care, under a method statement.</p> <p>It should be noted that these comments are all made on the understanding that a detailed contaminated land assessment of the site has not been completed. I understand that this should be completed prior to the reserved matters application and, based on the results of this, our comments may be revised and some public access may be possible. However, we would defer any detailed comments on this until we</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 conditions and a carefully considered reserved matters application, the development will safeguard the ecology constraints identified by LCC ecology team.</p>

<p>have seen the results of the assessment.</p> <p>We would therefore recommend that, if planning permission is granted, the following be incorporated into condition(s) of the development:</p> <ol style="list-style-type: none"> 1. Development to be in accordance with the illustrative layout (Masterplan Rev G). 2. All areas marked as ‘Managed Habitat Area’ on Masterplan Rev G must be retained for their habitat value. <p>Note: This makes it entirely likely that there will be no opportunity for public access in these areas, based on other site constraints such as contaminated land.</p> <ol style="list-style-type: none"> 3. Before development commences, a biodiversity management plan for all retained and created habitats including SuDs, to be submitted and approved by the LPA. 4. The SuDS to be designed to maximise benefit to wildlife. 5. Landscaping plans to be submitted and agreed. 6. An updated survey for the presence of badgers on site should be completed if the development does not commence before July 2019 (two years since previous survey). Should evidence of badgers be recorded, a mitigation plan must also be submitted. <p>Additionally, we would recommend that the following is forwarded as a Note to Applicant:</p> <ol style="list-style-type: none"> 1. Should the plans change to propose the removal of the buildings at the south of the site, further Barn Owl surveys and mitigation will be required in advance of the demolition. <p>Improvements have been made to the site layout to safeguard the most sensitive areas which is now deemed acceptable by the LCC Ecology Team.</p>	
<p>Severn Trent Water Ltd: No objections subject to conditions.</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>Developer Contributions: Section 106 Waste</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity</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</p>

<p>facilities. The increased need would not exist but for the proposed development.</p>	<p>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>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>Noted</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>Noted</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"> • Purchasing a dedicated site vehicle to increase the site's immediate operational capacity. <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>Noted</p>
<p>Highways</p>	
<p>1. All construction traffic associated with the development does not use unsatisfactory roads to and from the site.</p>	<p>The approach to the calculation of this contribution is considered acceptable and satisfies the requirements of the CIL Regulations set out above.</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</p>	

<p>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. The School has a net capacity of 147 and 176 pupils are projected on the roll should this development proceed; 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 £232,300.99.</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 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</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>
---	---

<p>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 £238,825.63.</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> 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 £2,410 (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> Funds requested for refurbishment and repair of the hall divided by the current applications. For this application this sum is £19,048.00</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 development and the increased demand it would generate for the facility.</p>
<p>Affordable Housing The applicant has provided a statement, setting out their position on the affordable housing.</p>	<p>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.</p>

Representations:

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

Representations	Assessment of Head of Regulatory Services
<p>Character of the area</p> <p>Change the character of the area, may overlook my home and impact on my privacy. An additional 80 houses would remove the</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</p>

<p>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>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>Infrastructure Pressure</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>Where are the schools, shops, public transport?</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>
<p>Highways</p> <p>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>	<p>The Local Highway Authority has reviewed the application and makes no objection subject to conditions.</p>
<p>Sustainability</p> <p>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. Recent decisions made by the Council have described it as a sustainable location for housing for these reasons and there have been no material changes to this position in the interim. It is therefore considered that it could be impossible to refuse the application of the basis of the sustainability of the</p>

	<p>location. 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 ‘brownfield’ and considered in high regard for development purposes provided adequate mitigation is provided. 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>Environmental Concerns 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>Other Matters raised When will the Council listen to the concerns of local residents as they have always ignored all objections from residents planning officers and highways? What is the council’s agenda?</p>	<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 columns above.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policy</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 pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p>

	<p>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”.</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>The proposal would provide both market and affordable housing in the Borough and would contribute to land supply. There would be 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.</p>
<p>The (new) Melton Local Plan – 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</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>also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan 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>SS3</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>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>Neighbourhood Plan</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>All the responses to the Neighbourhood Plan have been addressed and this site being now an allocation within it.</p> <p>The Parish Council has accepted the recommendations of the Examiner’s report has 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, to comprise</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 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. It is considered this compliance adds substantial weight in support of the proposal. 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</p>

<p>at least 42 dwellings, 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>reserved matter applications that may be forthcoming.</p>
---	--

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 has been accepted by the PC as 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 adjacent to noisy environments 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. This should be designed to maximise benefit to wildlife.
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'

24. All areas marked as 'Managed Habitat Area' on Masterplan Rev G must be retained for their habitat value. This makes it entirely likely that there will be no opportunity for public access in these areas, based on other site constraints such as contaminated land.
25. No development shall take place until a biodiversity management plan for all retained and created habitats including SuDs has been submitted to and approved by the Local Planning Authority
26. An updated survey for the presence of badgers on site should be completed if the development does not commence before July 2019 (two years since previous survey). Should evidence of badgers be recorded, a mitigation plan must also be submitted.
27. The development hereby permitted to be in accordance with the illustrative layout (Masterplan Rev G).

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 through 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.
24. In the interest of protecting ecologically sensitive environments and features
25. In the interest of protecting ecologically sensitive environments and features
26. In the interest of protecting ecologically sensitive environments and features
27. For the avoidance of doubt.

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

Date: **19th January 2018.**