

**Reference:** 17/01107/FUL  
**Date Submitted:** 04.09.2017  
**Applicant:** Caister Castle Trust  
**Location:** Old School House, 2A Church Lane, Wymondham LE14 2AB  
**Proposal:** Change of Use to form three dwellings including the demolition of the old canteen area



**Introduction: -**

The proposal seeks full planning permission for the change of use of an existing building, formally a school but named a chapel on the Council records into three new dwellings. It is a single storey stone and brick construction in the centre of Wymondham. The site lies to the north of the village hall for the village. The site is also in the Conservation Area.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Compliance or otherwise with the Wymondham Neighbourhood Plan**
- **Impact upon the character of the area**
- **Impact upon highway safety**
- **Impact on amenity of nearby residential occupiers.**
- **Impact on the village hall**

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

**Relevant History:-**

13/00574/FUL Change of use to form three dwellings including demolition of old canteen area. Permitted.

## **Planning Policies: -**

### **Wymondham Neighbourhood Plan**

#### **Policy SD 1**

##### **PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

When considering development proposals, the Plan will take a positive approach that reflects the presumption in favour of sustainable development contained in national and District-wide plans and policies

#### **Policy SD 3**

##### **LIMITS TO DEVELOPMENT**

Development proposals within Wymondham will be supported on sites within the Limits to Development as identified in Figure 2 where it complies with the policies of this Neighbourhood Plan and subject to design and amenity considerations.

#### **Policy H5**

##### **HOUSING PROVISION WINDFALL SITES**

Small residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting all relevant requirements set out in other policies in this plan and the Borough-wide planning policies and where such development:

- Comprises a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Wymondham and Edmondthorpe where the site is closely surrounded by buildings;
- Will not involve the outward extension of the built-up area of Wymondham and Edmondthorpe as defined in Policy SD3 of the Neighbourhood Plan;
- Does not reduce garden space or open space to an extent where it adversely impacts on the character of the area, or the amenity of neighbours and the occupiers of the dwelling

#### **Policy H7**

##### **BUILDING DESIGN PRINCIPLES**

All new development proposals of one or more houses, replacement dwellings and extensions will need to satisfy the following building design principles:

- New development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Areas, and proposals should clearly show how the general character, scale, mass, density and layout of the site, of the building or extension fits in with the aspect of the surrounding area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views;
- New buildings should follow a consistent design approach in the use of materials, fenestration and the roofline to the building. Materials should be chosen to complement the design of the development and add to the quality or character of the surrounding environment and of the Conservation Areas;
- Adequate off-road parking should be provided as a minimum of two car parking spaces for dwellings of three bedrooms or less and three spaces for dwellings of four bedrooms or more, in line with Highways Authority requirements;
- All new housing should reflect the character and historic context of existing developments within the Parish. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context;
- Redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form; Proposals should minimise the impact on general amenity and give careful consideration to noise, odour and light. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient;
- Development should be enhanced by biodiversity and relate well to the topography of the area, with existing trees and hedges preserved whenever possible;
- Where possible, enclosure of plots should be of native hedging, wooden fencing, or stone/brick wall of rural design. Any enclosures that are necessarily removed through the development process should be reinstated in keeping with the original;
- Development of schemes of 10 dwellings or over should incorporate sustainable drainage systems with maintenance regimes to minimise vulnerability to flooding and climate change; all

residential developments should ensure appropriate provision for the storage of waste and recyclable materials; and

- Development should be of a similar density to properties in the immediate surrounding area

### **Policy CF1**

#### **THE RETENTION OF COMMUNITY FACILITIES AND AMENITIES**

Development leading to the loss of an existing community facility or which detrimentally impacts on an existing community facility in such a way that it loses amenity value (including the primary school, village hall in Wymondham and social club in Edmondthorpe, allotments and Berkeley Arms Pub) will not be supported unless it can be demonstrated that:

- There is no longer any need or demand for the existing community facility; or
- The existing community facility is no longer economically viable; or
- The proposal makes alternative provision for the relocation of the existing community facility to an equally or more appropriate and accessible location within the Parish which complies with the other general policies of the Neighbourhood Plan.

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

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

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing developments in the vicinity.

**Policy H6** – This policy states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

**Policy C15** – This policy 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 and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

**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.

#### National Planning Policy Framework (NPPF)

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

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside

- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

**Promoting sustainable transport**

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

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

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

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.  
This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:-**

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>Wymondham Parish Council</b> Concerns of:- The original consent contained conditions on sound attenuation and vehicular access which were not implemented. This is seen as an attempt to disregard issues on the previous scheme</p> <p>Long term village hall activities will be impacted by the provision of additional residential properties in this location.</p> <p>Parking issues as the scheme</p>	<p>As the proposal has not commenced, there has been no opportunity or need for the development to start implementing the conditions imposed.</p> <p>Any person who would reside in the properties would hopefully pay full attention to the location in which they are proposed. Furthermore and as highlighted by the MBC Environmental Health team, the Village Hall themselves are controlled by Environmental limits and therefore cannot make noise that would severely compromise amenity. This would be controlled by their current premises licence and EH legislation.</p> <p>Parking has been observed by the Leicestershire County Council and in response to initial comments has been revised to improve this to comply with adopted standards.</p>

<p>Over-developed proposal</p> <ul style="list-style-type: none"> <li>Development is not of an appropriate scale</li> </ul> <p>Following this the applicant provided a response:-</p> <p>It is important to note that the above application is a re-submission of proposals that were previously approved by the Borough Council [Application Ref: 13/00574/FUL] the above application has been supported by an up-to-date Ecology Appraisal and Bat Survey Report. The proposed development remains identical to the previously approved scheme.</p> <p>The Parish Council response identifies that the previous application was approved subject to conditions, which included the provision of details relating to appropriate noise attenuation measures and provision of the necessary visibility splays, and they suggest that failure to address these conditions is ‘interpreted as a deliberate disregard for the serious concerns previously expressed by the Parish Council’. This interpretation is incorrect; the applicant fully appreciates the importance of these issues to the Parish Council and believes that both conditions can be appropriately attached to any new permission granted for the above application.</p> <p>The key concern identified within the Parish Council letter is the relationship between the proposed development site and the Wymondham Village Hall, which is located adjacent to the site’s southern boundary. The Parish Council are concerned that without an appropriate noise attenuation scheme, future residents of the proposed development could not cope with the noise generated by activities at the Village Hall, which would ultimately result in these activities being impeded. As such they consider that the proposals fail to conform to Policy H7 ‘Building Design Principles’ of the Wymondham and Edmondthorpe Neighbourhood Plan specifically <i>‘Proposals should minimise the impact on general amenity and give careful consideration to noise’</i> and Policy CF1 ‘The Retention of Community Facilities. As stated above, our client’s fully appreciate the Parish Council’s concerns and recognise the importance of the Village Hall to the local community, it is considered that an appropriate noise mitigation scheme can be provided as part of the development proposals, which would ensure that</p>	<p>The development proposed is within the confines of the existing development and has been laid out to ensure comfortable living environments exist for its potential occupier. All rooms have been checked against the Government <a href="#">Technical Space Standards</a> and conform to the measurements within. Amenity space has also been provided for the occupants. It is considered that the re-use of this building for residential use is a strong benefit for the scheme.</p> <p>Noted and some points have been explored above.</p>
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the development does not detriment continued use of the Village Hall. We consider that the provision of these details is a requirement for the future developer of the site, and as such inclusion of Condition 3 (Noise Attenuation) of the previous approval as part of any permission granted for the above application would be an appropriate method for dealing with this concern.

Furthermore, the Parish Council have raised concern that the proposed development would exacerbate issues with the local highway network in the vicinity of the proposed site; 'This application would immediately remove some three or four parking places because of the installation of the splays for vehicular access. Parking for visitors to the new properties would further exacerbate these problems. Thus, this application is in direct conflict with Policy T1 (Traffic Management)...and Policy ENV6 (Footpaths)'. We strongly refute the suggested policy conflict; Church Lane does not include any formal parking space, and as such it is incorrect to suggest that the proposed development would remove any parking spaces. Nonetheless, the development does not propose any alterations to the existing footpath and highway network in order to provide access to the proposed site. In respect of vehicular parking, the site includes sufficient space for a minimum of 6 off-street car parking spaces.

With regards to the comments that the proposals represent an obvious over-development of the site; the proposed development would retain the footprint of the existing building and proposes alterations to enable the change of use to form 3no. dwellings. The proposals do not reduce the level of open space on the site and therefore the Parish Council are incorrect to suggest that the application is contrary to Policy H5 of the Wymondham and Edmondthorpe Neighbourhood Plan.

On the contrary, the proposed development site is within the centre of Wymondham and does not reduce the garden space or open space on the site, so as to result in any impact on the character or amenity of the neighbouring properties. The scheme has given significant consideration to the character, scale, mass and density of the site layout and the existing building in proposing conversion to form 3no. dwellings; it provides a good opportunity to re-use an abandoned building to provide a range of housing types in a central village location. As such, we consider the proposed development to conform to Policy H5 of the Neighbourhood Plan.

We consider that the submitted proposals

<p>represent sustainable development; the proposals seek to make effective use of previously developed land, to provide three new dwellings in a location with comparatively good access to local services and facilities. The scheme has been sensitively designed to consider any potential site constraints, and as such we believe it should be considered positively in the context of the Presumption in Favour of Sustainable Development.</p>	
<p><b>LCC Highways – following amendments</b></p> <p>Church Lane is an unclassified road with a speed limit of 30mph. There have been no personal injury collisions reported to the police within the vicinity of the new access within the last five years.</p> <p><b>The applicant has submitted a revised site layout drawing, this layout addresses the LHA’s previous concerns about the width of the access and the tight parking layout.</b></p> <p>Two car parking spaces for each dwelling have been shown for each dwelling and this is considered acceptable for the sites use and location.</p> <p>There will be sufficient room within the site to allow vehicles to turn, so that they can enter and exit in a forward gear.</p> <p><i>Conditions</i></p> <p>1. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Plans Drawing No. 4208/AG/16/003 have been implemented in full.</p> <p>Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012</p> <p>2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Plans Drawing No. 4208/AG/16/003. Thereafter the onsite parking provision shall be so maintained in perpetuity.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework</p>	<p>The Highway Authority have scrutinised the proposals twice and with amendments, now represents a scheme that does present a severe danger to highway safety. Conditions have been imposed to ensure that suitable parking arrangements can be provided.</p>

<p>2012.</p> <p><b>MBC Environmental Health</b> <i>Noise</i></p> <p>There appears to be misunderstanding of public health legalisation concerning noise nuisance. Whilst it is entirely appropriate for the development construction to reflect the local acoustic environment, it is not intended that mitigation should be used to counter excessive noise from a local venue. Wymondham is a rural, residential village and Church Lane is overwhelming residential. Thus the expectation for residential amenity at the development site is no different to that of any other proximate residential unit.</p> <p>Under statutory nuisance legislation the Village Hall would be expected to use ‘best practical means’ both materially and operationally to minimise noise. Furthermore, the Village Hall premises licence (2013) requires that:</p> <p>‘Music and speech from regulated entertainment is not to be audible at the boundary of nearby residential properties after 23:00’.</p> <p>Notwithstanding the above, there may be occasions where limited noise breakout does occur and this should be reflected in the acoustic provisions of the development. Under the circumstances, a noise assessment and objective limits such as those in the 13/00547/FUL decision notice are unnecessary and overly onerous. Those universal objective limits are unlikely to be exceeded in Wymondham and any noise assessment would only serve to identify that fact. In the applicant’s letter to the LPA dated 4 January 2018 the applicant has demonstrated their willingness to submit a mitigation scheme.</p> <p>The scheme should incorporate double glazing and trickle ventilators on the exposed facades. This will allow for short term internal ventilation with windows closed. Secondary glazing and alternative ventilation may need to be used if the building has listed status. The scheme need not be in form of a formal report, a statement of fact regarding the fabric of the building and proposed mitigation measures will be satisfactory.</p> <p><b>CONTAMINATED LAND</b></p> <p>I have conducted a site walkover of the exterior grounds. The site is largely hardstanding but there are several raised areas of soft soils. These soils constitute ‘made ground’ but are likely to have derived from on-site spoils. No examination of the interior was possible. Site history was requested from the agent in order to establish possible former contaminative use;</p>	<p>This has been captured in part in the response to the representations made by the Parish Council.</p> <p>The Village Hall is constrained at present owing to its proximity to existing residences and would be subject to abatement measures if noise complaints were made and were substantiated. Therefore it is not considered that the proposal would introduce any significantly greater constraint, nor can it be demonstrated that it would impede the activities of the Village Hall.</p> <p>Noted and conditions will apply to any subsequent permission.</p>
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<p>however this information has not been forthcoming. The risk of significant harm to end-uses from contaminated land is considered to be low but more information is needed. Conditions are recommended and are on the report below.</p>	
<p><b>LCC Ecology</b>  <i>Following changes to the originally submitted information</i>  The mitigation details contained in the updated report are satisfactory and we would have no objections to this development, provided that a condition is added to any permission granted requiring the mitigation plan to be followed. This should be something along the lines of:  - All works must only proceed in accordance with the bat mitigation plan contained in Table 1 of the Protected Species Report (Brindle &amp; Green, August 2017, Rev 1 Jan 2018).</p> <p>We would also recommend that a Note is added to any permission stating:  - The applicant must be aware that their ecologist has indicated that an Protected Species Licence is required for this development. It is the applicants' responsibility to liaise with their ecologist to ensure that this is in place prior to the commencement of works.</p>	<p>Noted and conditions/notes will form part of any consent.</p>

**Representations:-**

A site notice and advertisement in the Melton Times was posted to advertise the application and six neighbours consulted by letter. As a result, six representations of objection have been received for the application and one letter of support.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>Topic</b>  <i>Impacts to Village Hall</i></p> <ul style="list-style-type: none"> <li>A. Evening activities generate noise - disco, community celebration; if this becomes an issue it will have an adverse impact on community life and economic viability of the Village Hall. MBC should ensure a noise mitigation scheme is in place so there is no adverse impact on the activities of the Village Hall. ref Policy CF1.</li> </ul> <p><i>Parking/Highways Impact</i></p> <ul style="list-style-type: none"> <li>Church Lane is a cul de sac especially busy when the Village Hall has events. Parking provided for in the proposals does not provide for visitors who will seek to park on Church Lane; the proposal takes away a couple of on-street parking spaces (relevant as currently some residents park on the street); taken together this could restrict access to the Village Hall, particularly for elderly and disabled residents. Policy CF1 is again relevant.</li> </ul>	<p>As comments above illustrate, the village hall will still be able to function when the houses proposed are in occupation. Any potential occupier, will be aware of the location in which they are living in and will need to demonstrate that an impact to public health is being demonstrated as a cause of this development. The Village Hall itself will also need to ensure it keeps within its own parameters (licence) regardless of whether the houses are built.</p> <p>The full situation of the road is noted but with the additional of three new properties, the movements along this road are deemed not demonstrate a severe danger to highway safety. The parking requirements have been deemed satisfactory by LCC.</p>

<p>Traffic flows: Church Lane is a cul de sac with no curb on one side: in addition to residential properties and Village Hall it accesses the Church, regularly used for events attracting large numbers - weddings, funerals, christenings etc. Some existing residents park cars on the road. Church Lane can become congested. More regularly parked cars cannot be accommodated without effecting access for emergency vehicles, general utility and amenity for existing residents. Policy T1, first bullet point - is relevant: if there are only two parking spaces per dwelling the impact on traffic flows in this small and busy street may be severe.</p> <p>The parking requirements in Policy H7 call for adequate parking with minimum of two car parking spaces for dwellings of three bedrooms or less. In this location adequate parking would be 3 parking spaces for each of the three bedroom dwellings.</p> <p><i>Design and Impact upon amenity.</i></p> <ul style="list-style-type: none"> <li>Final bullet point: "Development should be of a similar density to properties in the immediate surrounding area". The reference to density in the context of this policy is to residential properties. There are no properties in this area or cluster of properties of similar density to that proposed; the issue being the creation of one bedroom property and two 3 bedroom properties in close proximity. Note Policy H4 (Housing Mix) calls specifically for dwellings of 2 or 3 bedrooms. In sum these proposals will not minimise the impact on local amenity as required by Policy H7 but maximise it through inadequate parking provision, impacting negatively on the Village Hall and inappropriately dense housing. They thus fail to meet the requirements of Policy H7.</li> </ul> <p><i>Neighbourhood Plan</i></p> <ul style="list-style-type: none"> <li>A Neighbourhood Plan ensures local priorities and knowledge determine the interpretation of this. Our Plan is NOT emerging: it has passed referendum, overwhelmingly, and its policies must be applied.</li> </ul>	<p>The building is already in-situ and as this proposes a change of use with little external works it is deemed the character of the area is unlikely to change significantly in terms of density.</p> <p>The NP is now the Development Plan for the area and has the weight of law. Assessment of this proposal must take into account in full the relevant Neighbourhood Plan policies that are applicable to this application.</p>
<p><i>Letter of Support</i></p> <p>Proper road access to the Church must be maintained at all times for hearses, wedding cars and large vehicles such as fire appliances and ambulances. Many vehicles park in the road, on the pavement and turn-round at the church gate already with the result that turning a vehicle can be difficult or impossible. Any extra parking on the road in the future would lead to more problems. On-site parking for six cars is we believe the</p>	<p>Noted.</p>

<p>minimum for three houses; the plan shows only five. There is very limited space for delivery vans, removals vans or lorries. These problems should be addressed for both the short-term building phase and for the long-term use of the road.</p> <p>Support in principle for the demolition of the buildings which are an eyesore and re-development of the site for private housing</p>	
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**Other Material Considerations Not Raised In Representations:-**

Other Considerations	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) was submitted for Examination on 4th October 2017.</p> <p>The NPPF advises that:</p> <p>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Pre Submission version of the Local Plan identifies Wymondham as a ‘Service Centre’, Policy SS3 seeks to also allow residential development in service centres such as Old Dalby subject to meeting several criteria.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The site has been allocated for developing in the Local Plan, submitted for Examination.</p> <p><b>The proposal is in broad accordance with the emerging local plan (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</b></p>

**Conclusion:-**

A significant benefit is that this development is the conversion of a building no longer in use. This is well supported in planning policy and meets sustainable development criteria in the re-use of buildings and not introducing new materials which require a lot of power to produce. This development will enable remediation of this site and provide housing within the Melton Borough which is required to meet housing requirements.

Concerns have been raised by nearby occupiers in relation to the proposed development, including impact on the village hall, highway safety and the density of dwellings on site. It is considered that the proposed development will not impact significantly on the functions of the village hall as proposed residents would be aware of the surroundings and complaints would need to be justified considering environmental health guidelines. Furthermore, the village hall itself has various other controls over noise that will need to be considered by those within this building and is already constrained by its proximity to several residences.. In any case, the applicant

is willing to provide further mitigation if required. Such comments have been confirmed by the MBC environmental health team. LCC Highways have carefully considered the application and raised no objection to the proposed development on highway safety grounds.

In conclusion it is considered that, on the balance of the issues, there are benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. The proposal is also viewed to conform to the neighbourhood plan policies. 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 the following conditions:-**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Plans Drawing No. 4208/AG/16/003 have been implemented in full.
3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Plans Drawing No. 4208/AG/16/003. Thereafter the onsite parking provision shall be so maintained in perpetuity.
4. All works must only proceed in accordance with the bat mitigation plan contained in Table 1 of the Protected Species Report (Brindle & Green, August 2017, Rev 1 Jan 2018).
5. Prior to the commencement of development hereby permitted, a schedule of materials will be submitted for approval by the LPA. The development should be in full accordance with these details.
6. No development shall take place until a phase 1 / desktop study 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 phase 1 / desk top study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. 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' and must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority.
7. Whilst the risk of significant harm to end users and the environment is considered to be low, the removal of existing site materials could lead to the disturbance of previously unidentified contamination. To address this issue a 'watching brief' will be maintained during the site clearance works. The watching brief will implement a series of actions as follows:
  - General removal of topsoil and subsoils should be undertaken in a manner that limits exposure of soil to surface water runoff and allows visual and olfactory observation of all materials by a competent, designated clerk of work or equivalent.
  - The event that visual or olfactory evidence indicates a potential concern, then all excavation works will cease to ensure that potentially unknown sources of contamination from the ground or groundwater are not mobilised further.
  - The clerk of works will contact the appointed consultant to determine what steps can be taken to isolate the material pending further investigation. This may include, but not limited to, excavation and storage of small volumes of soils in a designated quarantine area. The LPA will be informed

and an appropriate course of action will be agreed. The scope of any proposed remedial works will be agreed with the LPA prior to work commencing.

8. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.
9. Prior to occupation of the change of use hereby permitted, a noise mitigation scheme shall be submitted and approved by the LPA. The development should be in full accordance with these details.
10. Approved Plans Condition

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.
3. To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.
4. In the interest of protecting ecological assets in line with Local Plan Policy C15 and NPPF paragraph 109.
5. To ensure a satisfactory design can be achieved in line with Local Plan Policy BE1 and NPPF paragraphs 58 and 59.
6. To ensure the development site is removed of contamination which could be potentially harmful to the potential occupiers of the development in line with 109, 120 and 121 of the NPPF.
7. To ensure the development site is removed of contamination which could be potentially harmful to the potential occupiers of the development in line with 109, 120 and 121 of the NPPF.
8. To ensure the development site is removed of contamination which could be potentially harmful to the potential occupiers of the development in line with 109, 120 and 121 of the NPPF.
9. In the interest of safeguarding the amenity of the potential occupiers in line paragraph 123 of the NPPF.
10. For the avoidance of doubt.

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

**Date:** 19.01.2018