

Reference: 16/00740/OUT

Date submitted: 7.10.2016

Applicant: Ms Siobhan Noble

Location: Water Lane , Frisby on the Wreake

Proposal: Outline application for residential development of up to 22 dwellings (amended application).



Indicative Layout of Proposal

Proposal:-

This application seeks outline planning permission for up to 22 dwelling. The application is in its amended form (Nov 2017; previously 30 dwellings on a larger site) having been amended in quantum, size and shape, seeking to address issues of flood risk from the nearby river. The application is for 22 dwellings; of which 60% will consist of market homes and 40% will consist of affordable housing. All matters, except access, are to be dealt with at the reserved matters stage.

The application is in outline with only access considered at this time. The access is proposed on the eastern boundary of the site, from Water Lane.

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

- **Compliance or otherwise with the Development Plan (Frisby Neighbourhood Plan)**
- **Role of the emerging Local Plan and the NPPF**
- **Impact upon the character of the area and open countryside**
- **Impact upon residential amenities**

- **Impact upon highway and railway safety**
- **Sustainable development**
- **Relationship with railway line**
- **Flood Risk and Drainage**

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

History:-

None relevant

Planning Policies:-

Frisby on the Wreake Neighbourhood Plan

The Neighbourhood Plan constitutes the Development Plan for the area, having received a favourable result at Referendum on 8th May 2018. It becomes the primary policy document being the most recent to acquire Development Plan status.

Policy H2:

Land is allocated for housing development at 3 locations as set down below and as shown on the Limits to Development Map:

- Great Lane – for approximately 48 dwellings;
 - Land South of the Village - for approximately 48 dwellings;
 - **Water Lane – for approximately 22 dwellings;**
- (the limits to development accord with the boundary of the application site).

Policy H3 Limits to Development: Residential development proposals within the Limits to Development as identified in Figure 5 where it complies with the policies of the development plan.

Policy H4 Building Design Principles:

- All new development proposals of one or more houses, replacement dwellings and extensions will need to have regard to the guidance as set out in Appx A Guidelines for Building Design and satisfy the following building design principles:
- Sympathetic designs with varied house types, building widths, styles, details, facing and roofing materials reflecting a varied street scene will be supported. Heritage assets and their setting will need to be preserved and enhanced through the layout, design and detailing of schemes.
- The character, scale, mass, density and layout of the development must have regard to the characteristics of the surrounding area, including external roof and wall materials, and there must be no disruption to the visual amenity of the street scene or wider landscape views, provision must be made for storage of domestic items and paraphernalia.
- Appropriate off-road parking will be required;
- Schemes, where appropriate, should contain a fully worked up landscape proposal. Hedges and native trees must be retained. Plot enclosures should, where possible, be native hedging, wooden fencing or stone/brick wall of local design and allow for clearly defined areas in front of dwellings where they are in good condition and contribute to the amenity of the area;
- Proposals will be encouraged to have regard to the criteria of “Building for Life 12”, to include green spaces to accommodate play areas/benches and promote buffer effects on existing housing where appropriate.

- Sustainable drainage schemes with clearly funded maintenance regimes will be required. The use of sustainable drainage schemes and permeable surfaces should be used in preference to hard surfaces to reduce run off.

Policy H5 Housing Mix: In order to meet the future needs of the residents of the Plan area, new housing development proposals should provide a mixture of housing types specifically to meet local needs in Frisby on the Wreake. Priority should be given to dwellings of 3 bedrooms or fewer.

Policy ENV9 Sustainable Development: Development proposals that are compliant with the aims of a low carbon economy and contribute to mitigating and adapting to climate change including sustainable design, energy generation, drainage and construction techniques and practices will be viewed positively.

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 and H11: 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) and equipped play space.

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

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.

Meeting the challenge of climate change, flooding and coastal change

- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- 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 following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

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>Highway Authority: No objection, subject to conditions (n.b these comments relate to the application prior to its amendment but the amendments do not affect the proposed access arrangements)</p> <p><u>Transport Sustainability</u> The lack of an hourly bus service in Frisby reduces the transport sustainability of the village. The 2 hourly 128 service does run through the village however, with bus stops within a 400m walk from the site. The site is also within walking distance of a number of other village amenities including a school, shop/ post office, church and public house and village hall.</p> <p><u>Site Access</u> Access to the site is proposed off Water Lane. The Applicant has provided site access drawing ref: 22188_08_010_01, which shows a 4.8m wide access road with visibility splays of 43m either side of the access. While the access is located just outside of the 30mph speed limit, on a national speed limit road, the level crossing and bend to the north of the site act as a traffic calming feature to slow down vehicles on the approach to the access. Measured 85%ile speeds over 7 days are 25.0mph southbound and 26.0mph northbound. Based on the recorded vehicle speeds, the CHA is satisfied that the visibility splays are appropriate.</p> <p><u>Off-Site Implications</u> The submitted Transport Statement has assessed the likely impact for up to 30 dwellings.</p> <p>The CHA has studied the submitted TRICS data and consider that while this is lower than the other two recent application sites within the village (16/00491/OUT & 16/00704/OUT), even if the trip rates were calculated using figures from these</p>	<p>There are considered to be no grounds to resist permission based on highways issues.</p> <p>The application is in outline with all matters reserved except access.</p> <p>The indicative layout plan shows a single point of access from Water Lane. Full details of this access have been provided.</p> <p>The application, in its revised form, no longer provides parking to assist with the Village Hall.</p> <p>The Highway Authority has no objection to the proposed access onto Water Lane and the details are considered to be acceptable.</p>

<p>applications, there would not be a significant increase in vehicle movements to and from the site.</p> <p>The 5 year Personal Injury Collisions (PIC) history between 1st January 2011 and 8th September 2016 has been studied for the highway network within the village. While a plan highlighting the actual study area has not been submitted, there is only one recorded PIC (slight) within the village, which occurred in 2012 on Rotherby Lane.</p> <p>Trip distribution has been provided for the site access, with development traffic split based on the percentage of vehicles travelling in each direction through the village, along with a capacity assessment which indicated the junction would operate with sufficient spare capacity. During the PM peak hour, there would be approximately 9 additional trips to the south of the access and 8 to the north.</p> <p>Based on the analysis above, the CHA is satisfied that the proposed number of dwellings would not cause a ‘severe’ impact on the surrounding highway network.</p> <p><u>Internal Layout</u></p> <p>As the internal layout of the site is not to be determined as part of this application, the residential road layout and parking arrangements have not been checked in detail. The road layouts shown on the submitted Site layout plan would however not conform to an adoptable standard.</p> <p>It is noted that the applicants are proposing a 16 space car park for the village hall to assist in alleviating parking issues on Water Lane while it is in use. The CHA would not adopt the proposed car park or access drive and the applicant should consider who will take on the future ownership and maintenance of the area. The CHA would, however support the provision of a car park to assist in alleviating parking issues, subject to it being designed in accordance with the 6C’s Design Guide. Should the car-park and its access drive be provided at the end of a residential road, a turning head would be required at the end of the adoptable highway, prior to the car-park access.</p>	
<p>Network Rail - (NB : comments on amended plans)</p> <p>Comments in response to the original application which still apply. In particular comments from October 2017 regarding the nearby level crossing.</p> <p>Note that the site entrance is approx. 40 metres</p>	<p>The applicants can provide all of the physical safety measures which Network Rail has requested. These are warning signs, “keep clear” painted on the road and providing all residents with safety leaflets.</p>

<p>from level crossing on Water Lane. However, we do note that from the report provided, the developer is willing to commit to the provision of additional mitigation measures outlined in our response to the consultation (copied below for reference) and would strongly reiterate that these measures are essential in the interests of protecting the safety of the railway and crossing users if the development of the site is to go ahead and should be subject to appropriate conditions to secure these measures. Without the conditions, we would find the proposed development to be unacceptable.</p> <p>In order to mitigate against these issues, we require the following measures from the developer.</p> <ul style="list-style-type: none"> • Firstly, that the site entrance is moved as far from the crossing as possible. • It will also be necessary for the Developer to meet the cost of installing signs to Diagrams 770, 773 and 572 (permitted variant including an arrow pointing to the left) in the Traffic Signs Regulations and General Directions 2016, and on yellow backing boards, at the junction of the access road to the development with Water Lane, and facing traffic exiting from the development site to inform motorists of the level crossing hazard ahead, as the existing traffic signs (to Diagrams 770 and 773) on the southern road approach to Frisby level crossing are located 128 metres before the railway. • Additionally, ‘Keep Clear’ signage should be painted on the road outside of the site entrance to allow unimpeded access to and from the site to avoid queueing back over the crossing. • The provision of yellow box markings to Diagram 1045 in the Traffic Signs Regulations and General Directions 2016 between the Vehicular Stop lines at Frisby level crossing as an additional risk mitigation, with the cost of this undertaking and the update of the Level Crossing Ground Plan to highlight the undertaking (in conjunction with an application for a new Level Crossing Order under Section 1 of the Level Crossings Act 1983) being met by the Developer as a condition of Planning Consent. 	<p>The existing field access, which generates some vehicle movements at present, is about 20 metres from the crossing.</p> <p>If the access was sited as far from the crossing as possible, as requested by Network Rail, it would be about 55 metres from the crossing. In order to provide adequate visibility splays the access is proposed to be situated in the centre of the Water Lane frontage, about 40 metres from the crossing.</p> <p>An access in this location would ensure that the safety of road users on Water Lane was not compromised, which in turn would allow the crossing to continue to operate safely.</p> <p>An access at the southern extremity of the site’s frontage to fully satisfy Network Rail, would not be safe in highways terms, with seriously sub-standard visibility towards the village.</p> <p>In this instance, the location of the access 15 metres from the optimum position required by Network Rail is considered to be reasonable.</p>
<p>Office of Rail and Road (ORR) –support comments made by Network Rail</p> <p>We have nothing further to add to the comments provided by Network Rail.</p> <p>We support the comments made by Network Rail regarding the impact on Water Lane Level Crossing.</p>	<p>Noted</p> <p>Network Rail’s comments are addressed in the preceding section.</p>

LCC Archaeology - No objection, subject to conditions securing mitigation.

Recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present;

1. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

2. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).

3. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording.

The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or

Noted, the safeguarding of any important archaeological remains potentially present can be secured by means of a condition.

<p>similar legal agreement between themselves and their approved archaeological contractor.</p> <p>The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work is undertaken to the satisfaction of the planning authority.</p>	
<p>LCC Ecology – No objection, subject to conditions securing mitigation.</p> <p>The ecology survey submitted in support of the application (Ramm Sanderson, July 2016) indicates that the site comprises mainly species-poor grassland, which does not meet Local Wildlife Site Criteria.</p> <p>No protected species were recorded on site and the site was generally considered to have a low potential to support protected species.</p> <p>We welcome the proposed development layout. In summary, we have no objection to this development, provided that the following is incorporated into condition(s) of the development:</p> <ul style="list-style-type: none"> - Layout in general accordance with the Illustrative Masterplan (Rev C). Any amendments should retain buffers to existing hedgerows. -Development to proceed in accordance with the recommendations in the ecological report. - A Precautionary Method of Works with regard to great crested newts to be submitted in support of the reserved matters application. - Ecological surveys are only considered to be valid for a period of 2 years. An updated should therefore be submitted either in support of the reserved matters application, or prior to the commencement of the development, whichever is soonest after June 2018 (2 years since original survey). 	<p>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist, subject to mitigation as proposed.</p> <p>Note that the layout is only indicative. Ecological matters can be addressed at reserved matters stage if outline permission is granted.</p>
<p>Environment Agency (amended plans – comments March 2018)</p> <p>As presented, the submitted amended site plan now shows the development in Flood Zone 1, it does not fall under either of the high risk categories, and therefore we do not wish to comment further on these proposals as our standing advice applies.</p>	<p>The comments of the LLFA are reported below.</p> <p>The Sequential Test National Planning Policy sets out the objectives of the sequential test. “The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding)” and that “The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test” but also that “other sources of flooding also need to be taken into account in applying the sequential approach.”</p> <p>“This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep</p>

	<p>development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”.</p> <p>The Environment Agency’s Flood Maps for planning show the site (in its amended form) to be entirely within Flood Zone 1.</p> <p>N.B : Issues of groundwater and other forms of flood risk are not addressed by the EA and are discussed later in this report</p>
<p>Lead Local Flood Authority: (amended plans – comments March 2018)</p> <p>An updated technical note has been provided to the LLFA, which identifies that a further assessment of the groundwater on site has been undertaken. This monitoring, which was undertaken in February, identifies groundwater at a depth of between 0.62m below ground level (BGL) and 1.8m BGL across 7 monitoring wells across the site.</p> <p>Further to this, we have cross referenced this with the records of flooding that have been reported to the LLFA. This identified that there have been two reported incidents of flooding to the LLFA within Frisby on the Wreake, one of which was due to surface water runoff and the other due to a culverted watercourse. There are no historic reports available of any ground water flooding.</p> <p>The conditions provided by the LLFA through previous correspondence therefore should continue to be applied. However, due to the concerns raised by the Residents Action Group we recommend that an additional pre-commencement condition is applied to the application.</p> <p>No objection subject to conditions:</p> <p>1. <u>Surface Water</u> 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>The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of</p>	<p>Noted</p> <p>The application is accompanied by a Flood Risk assessment incorporating a Drainage Strategy (revised) and additional information relating to ground water testing.</p> <p>The plans include a drainage strategy, to which the comments opposite relate, including criticism of its effectiveness raised in objection expressing concern that it may be compromised by ground water (i.e. that ground water may rise and occupy part(s) of the scheme and reduce its capacity and effectiveness).</p> <p>It is understood that the additional condition proposed (condition 4 opposite) is intended to measure the fluctuations in ground water levels over time and changing weather conditions in order that the detailed drainage scheme can be designed taking into account times when groundwater levels increase.</p> <p>NB: Issues of flood risk from ground water and other sources are addressed later in this report. Flood risk from the nearby River Wreake is addressed above opposite comments from the Environment Agency.</p> <p>The application seeks outline consent and conditions can be imposed to ensure appropriate drainage methods are incorporated within the reserved matters application. Details of future maintenance are also needed.</p>

drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

2. Construction Surface Water Management Plan

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

3. SuDS Maintenance Plan & Schedule

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 on the development, have been submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.

4. Groundwater monitoring (additional condition)

No development approved by this planning permission, shall take place until such time as a detailed but proportionate assessment of groundwater levels has been undertaken, which may include a satisfactory period of site

<p>monitoring. This should be submitted to, and approved in writing by the Local Planning Authority.</p>	
<p>Severn Trent Water Authority:</p> <p>With reference to the above planning application the Company's observations regarding sewerage are as follows.</p> <p>I confirm that Severn Trent Water Ltd has No Objection to the proposal subject to the inclusion of the following condition.</p> <p>Condition The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.</p>	<p>Noted.</p> <p>Drainage conditions can be added to the decision notice.</p>
<p>MBC Environmental Health - Noise</p> <p>Planning guidance on the noise exposure hierarchy is qualitative and deliberately open. It does not specify what assessment method should be used to determine the effect level but does permit reference to existing noise standards/guidance such as BS 8233:2014. However, planning guidance makes no direct association between internal noise level within BS 8233: 2014 and the noise exposure hierarchy with the NPSE.</p> <p>BS 8233: 2014 provides universal quantitative thresholds in terms of 16hr (day) and 8hr (night) noise average. It isn't always a good indicator for high energy, short duration nuisance type noise that would be 'averaged out'. Arguably, rail noise along with aircraft noise are the two most singular loudest noise events likely to be experienced by residents. A noise average level is unlikely to accurately reflect real-world experienced. BS 8233: 2014 it is a generic tool and shouldn't be considered in isolation in such circumstances.</p> <p>The difference between the monitored noise level and modelled noise level is out at ST2 between 12.1dB to 20.6dB. This is perhaps not unsurprising given the short duration of measurement. 15 minutes is scarcely sufficient to validate a model. Nonetheless, the model has been considered verified.</p> <p>The night-time noise averages are greater than the day-time noise averages. This is a rather unorthodox; in the vast majority of situations day-time noise levels would exceed night-time noise levels. Indeed, looking at the isopleths in SK03 & SK04 noise levels to the north of the railway are lower at night but curiously are greater to the</p>	<p>The amended plans locate the site further from the railway with significant separation in the form of an undeveloped field. The relationship of the new houses to the railway compares favourably with others in the area and further afield.</p> <p>Environmental Health recommend a conditional approval. As the application is outline only and the final site layout has yet to be confirmed, further details of the mitigation scheme will be required at reserved matters. However the amended plans suggest that it will be easier to achieve acceptable levels of noise exposure/protection.</p> <p>Mitigation measures in terms of glazing have been proposed to reduce noise levels from the railway line to the north within the BS 8233/WHO guidelines values, without the need for mitigation in the form of any acoustic barriers.</p> <p>It is likely that noise can be controlled and further investigated through conditions of any approval given, and there is therefore no objection to the proposal on noise issues.</p>

south. No explanation has been given.

An existing building located between the railway and Waterstone Lane to the north of the site has been attributed sound barrier qualities. However, looking on Google Maps, the building is nothing more than a holed shack. From the street view, there is direct line of sight through the structure in one place. The attenuation value of this structure is questionable.

There is a significant exceedance of the night-time LAmax noise criteria in table 5.3. This point has been largely glossed over. Predicted single event noise levels at the façade of the nearest proposed dwelling (R01) is a staggering 94dB and 64dB with all windows/doors closed when using typical double glazing. This is undoubtedly from a passing train.

Predicted day-time external noise levels have been shown to fall within noise criteria. However, they are significantly lower than those predicted at the facades. Clearly some form of attenuation has been factored in but no account of this mitigation has been put forward. There are no calculations, not even an isopleth diagram. Where noise modelling software has been used, one would expect an isopleth diagram with the proposed dwelling in situ.

The glazing and ventilation strategy is scarcely a strategy at all. SK05 just identifies the calculated average façade sound reduction necessary to bring each dwelling within noise criteria. This is to be achieved using enhanced glazing and alternative ventilation. The most exposed dwellings require a reduction of Rw 50dB. By comparison standard double glazing (windows closed) would achieve circa 30dB.

The results provided in the report are the product of a computer model. Whilst there are advantages to this method, there are disadvantages in that the statutory consultees to the planning process are unable to replicate the results through calculation. The results can only be taken on face value and require a significant leap of faith. This is a disbenefit to the peer-review approach of the planning system. With this in mind, there are a number of issues/irregularities identified above that need clarification.

Nonetheless, using the consultant's findings, the calculated composite façade sound reductions should provide sufficient attenuation to bring the interior spaces within BS 8233: 2014 noise criteria. An average facade sound reduction of 50dB is a tall order but is possible with acoustic glazing & secondary glazing and a ducted

ventilation system. However it is unlikely that ducted ventilation/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 I refer to building control Approved Document F (ADF). 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 Local Planning Authority may wish to draw this issue to the attention of the Building Control regulator.

How BS 8233: 2014 external noise criteria has been achieved is unknown. This is information needs to be forthcoming in a mitigation scheme. Nonetheless it is possible to bring average external day-time noise levels within noise criteria with appropriate mitigation. Given that the land appears to slope down from the railway line, the heights of fencing would need to be carefully justified to ensure they provide intended screening. BS 8233: 2014 does not provide for external maximum noise level criteria.

Taking a common-sense perspective, this is a development next to a 24 hour railway on which trains pass at speed. The Local Planning Authority should be under no illusion that train noise will be very audible, particularly in the external environment. It is not desirable to develop this site in public health terms. The Local Planning Authority will need to balance the benefits of development against public health constraints. If permission is granted, significantly more information would be needed in terms of an acoustic mitigation scheme including façade specifications based upon exterior to interior transmission calculations. I would also advise the development is subject to post-development validation of installed materials.

'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.

<p>The submitted scheme shall have regards to the recommendations set-out in noise assessment A100993, dated 13 December 2016, as prepared by WYG in support of this planning application.’</p>	
<p>Police</p> <p>Comments are based upon the Secured By Design (SBD) criteria and NPPF paragraph 58.</p> <p>Detailed comments relating to width of footpaths, car parking and natural surveillance</p> <p>I would recommend that these homes are built to the highest levels of security and that Secured by Design should be considered.</p>	<p>Noted</p> <p>All of these matters can be addressed when details of layout and design are produced.</p>
<p>Frisby Parish Council: Objects (amended plans; comments Dec 2017)</p> <p>The Parish Council continues to oppose the application on the following grounds:-</p> <p>Flood Risk: Concerns remain regarding flooding - water comes from the 'reservoir'. At the side of the level crossing which is part of the flood defences. This has not been addressed within the flood report provided by the applicant.</p> <p>Access: The access is only 34 metres from the railway line crossing and is not in line with Network Rail recommended distance of 150metres. Road markings do little to mitigate this issue. There is doubt regarding the validity of visual splay measurements. At present this is a manned crossing but will not be in the near future.</p> <p>Parking: There are no benefits to the village with the loss of the VH car parking. Water Lane has a high level of street parking due to the type of housing there, which have no on site parking facilities. The provision of parking behind the much used village hall would have assisted when events cause problems. 2 weeks ago the driver of the gritter lorry had to go into the hall to ask an event attendee to move their car. Emergency vehicles may have similar difficulties.</p> <p>Traffic: Water Lane is a 'rat run', mainly one way traffic due to roadside parking. It is a compromised road providing access from A607 to A46 and will made worse as a result 4000 new houses being built in Melton.</p> <p>Sustainability: Not a 'sustainable' development as further from 5a bus route on the A607.</p>	<p>Noted</p> <p>Please See comments from Network Rail above regarding arrangements relating to the level crossing</p> <p>The Highway Authority is satisfied that the visibility splays are appropriate. The relationship between the site and the level crossing are discussed in detail above.</p> <p>Noted. The Highway Authority consider that Water Lane can accommodate this development. The site would contain parking provision and there is no reason to conclude that the parking arrangements on Water Lane would be exacerbated by the scheme. The location of the houses within the site – set back from the junction with Water Lane – would result is parking on Water lane itself being very unattractive to future occupants.</p> <p>Noted: modelling work associated with the development of proposals for Melton Mowbray did not identify a significant impact on this route.</p> <p>The site is more distant from the bus route than other parts of the village because it is at its northern edge. However the presence (and route) of the bus service is only one aspect to take into account when considering the sustainability of locations. Frisby is considered to have sufficient facilities locally and connectivity to others further</p>

<p>Housing type/mix: The indicative layout states all 3/4 bedroom properties. This is not in line with MBC Local Plan for housing mix and does not recognise the village requirements as discussed at the consultation meeting. Frisby has a surplus of larger house types and it is recognised in recent evidence (HEDNA) that there is an imbalance and need for smaller dwellings and bungalows. Policies in the new Local Plan have been developed to achieve this.</p> <p>8. The new building line is out of the village and will not lead to any integration. - the SHLAA rejected that area on this basis.</p> <p>9. The cumulative effect of this development together with the 96 already permitted (48 subject to a secretary of site call in) would have a negative effect on the character and environment of the village.</p> <p>10. The Frisby Neighbourhood Plan is currently under Examination and does not support Water Lane as a site suitable for development in the village.</p>	<p>afield to be considered a sustainable location.</p> <p>The application is in outline and house types are not specified. The indicative plan shows over 50% of the houses would be smaller house types or bungalows, however this is not binding and house types and mix would be a matter for reserved matters. However the application does commit to 40% affordable dwellings and this would need securing via a s106 agreement, including preference for 'local connections'</p> <p>Noted. The site would link directly to Water lane and would be closer to the centre of the village than other parts of it.</p> <p>The Secretary of state did not call in the application referred to and permission has now been granted. Issues of character and landscape impact are addressed below.</p> <p>This comment was made prior to the result of the Examination and Referendum on the Neighbourhood Plan. The NP now supports the site and it has received approval by a vast majority at Referendum.</p>
<p>Hoby with Rotherby Parish Council (adjacent parish) :Objects</p> <p>The Parish Council has been observing with increasing alarm the number of planning applications being submitted for the village of Frisby on the Wreake.</p> <p>The concern of the Council has been heightened by this latest application at Water Lane, Frisby on the Wreake.</p> <p>Parish Cllrs. are in particular troubled by the lack of consideration to any improvement to the infrastructure in the village. In this case roads, and little or no identification for how traffic would be encouraged to use the A607.</p> <ul style="list-style-type: none"> • Firstly Gaddesby Lane is just that a Lane and would require alteration to it to improve access to the A607. • That cross roads has a history of being dangerous and encouraging more traffic to this junction with no alteration is unsafe. • Quite recently a motorcyclist was killed at this crossroads and the other week the bus stop was run into and destroyed. If people had been waiting at the stop more fatalities no doubt would have occurred. • With poor access to the A607 traffic will 	<p>Noted</p> <p>The concerns of the Parish Council are appreciated and understood. Similar concerns were raised in representations when the Great Lane, Frisby application (16/00491/OUT) was determined recently. At that time this Committee also explored the possibility of improvements being provided to pedestrian safety.</p> <p>Applications in the village continue to be carefully scrutinised by the Highway Authority. In this case they have specifically considered the cumulative impact of the development of this site together with the Great Lane and Leicester Road (16/00704/OUT) sites and have no objection to the proposal. See Highways comments above.</p> <p>It is not considered that the quantity of traffic generated by the development, that would travel through Hoby etc. as detailed, would</p>

<p>go a 'safer' way. Most likely to Rotherby Top (not through the village). This junction is on a bend and not much safer (if at all). At peak times people take risks to get on to the A607 and this part of the road is subject to the same risks as at Frisby Top.</p> <ul style="list-style-type: none"> • Another concern for us particularly from the Water Lane development is that this traffic may not use the A607 at all. But head towards Leicester through Hoby village, which is already busy at peak times, being used as a 'back route' to the A46. • For those travelling to Nottingham they would turn up to Ragdale and increase traffic through that village to get to the A46. • The turn to Ragdale at Hoby with more traffic on it would increase the possibility of an accident with more traffic turning right. Attention to the current priorities of that road would need to be looked at. • Cllrs. don't believe the fragility of our network of small lanes to a cumulative increase in traffic is being considered by this application or any of the others currently being made at Frisby and Asfordby. This must be considered seriously by Highways and MBC, with a need for a serious piece of work relating to cumulative impact on our network of small country roads and lanes, already at a high capacity of usage at peak times in Hoby and Ragdale. <p>Consequently the Parish Council wish to strongly object to this planning application and by definition to those previously received at Frisby by MBC until serious consideration of overall impact to our roads is provided, which Hoby with Rotherby Parish Council currently see know acceptable evidence of at this time.</p> <p>Finally the Parish Council is undergoing a NDP and transport and traffic will be a part of the plan and will feature in a questionnaire which will go out to the residents of Hoby, Rotherby, Ragdale and Brooksby early in 2017. The uncertainty of what the implications and impact might be on our communities if these applications go ahead is proving to be very unhelpful and we look to MBC to address this concern as a matter of urgency.</p>	<p>have a material impact on traffic conditions. Traffic generated from a development of 22 dwellings would be modes in quantity and the routes it would follow would be dispersed, with the main attractors being Melton Mowbray Leicester.</p> <p>Hoby and Rotherby PC has yet to publish a Neighbourhood Plan for consultation.</p>
<p>Developer Contributions: s106</p> <p><u>Highways:</u></p> <p>Travel Packs; to inform new residents from</p>	<p>These comments relate to the application prior to its amendment to 22 dwelling sand changes to the site configuration etc (Nov. 2017). Revised comments have been sought from LCC</p>

<p>first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).</p> <p>6 month bus passes (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 per pass</p> <p>Provision of a pole and flag at bus stop ID 23272 - £150</p> <p>Vehicle routing agreement.</p> <p><u>Waste</u></p> <p>The Civic Amenity contribution requirements are outlined in the Leicestershire Planning Obligations Policy.</p> <p>The County Council’s Waste Management Team makes an assessment of the demands any proposed development would have on the existing Leicestershire County Council Civic Amenity infrastructure.</p> <p>The assessment identifies which site the residents of any proposed development would use. In general, residents use the closest Civic Amenity Site, which for the proposed development would be the Civic Amenity Site at Melton.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton and residents of the proposed development are likely to use this site.</p> <p>£2,480 is requested to improve capacity at this site in line with the scale of the development.</p> <p><u>Library</u></p> <p>No claim required for library services. The proposed development will not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray.</p> <p>No contribution would be required</p> <p><u>Education</u></p> <p>Primary</p> <p>The site falls within the catchment area of Frisby C of E Primary School. The School has a net</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>Noted. It is considered that these measures are necessary and relate solely to the development, thus comply with the Regs.</p> <p>Noted It is considered that the Civic Amenity and Library contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the nearest Civic Amenity Site (Melton Mowbray) to the proposed development.</p> <p>The request for improvements to the civic amenity site have been allocated to specific projects that will increase capacity at the facilities commensurate to the scale of this development, There are not 5 other contributions for these projects and it is therefore considered appropriate for inclusion in a S106 agreement.</p> <p>It is considered that the waste contribution relates appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</p> <p>It is considered that the education contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.</p>
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capacity of 119 and 132 pupils are projected on the roll should this development proceed; a deficit of 13 pupil places. There are currently 4 pupil places at this school being funded from S106 agreements for other developments in the area. This reduces the deficit at this school to 9 pupil places (of which 1 is existing and 8 are created by this development). A claim for an education contribution in this sector 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 £87,112.87. Based on the table above, this is calculated the number of deficit places created by the development (7.2) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £87,112.87.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Frisby C of E Primary School.

The contribution would be spent within five years of receipt of final payment.

A contribution of £87,112 is requested for this sector

Secondary

For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.

There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Feneley College.

The schools have a total net capacity of 1900 and a total of 1980 pupils are projected on roll should this development proceed; a deficit of 80 pupil places.

There are currently 7 pupil places in this sector being funded from S106 agreements for other developments in this area to be discounted. This reduces the deficit at these schools to 73 pupil places (of which 67 are existing and 6 are created by this development). A claim for an education contribution in this sector is therefore justified.

In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £89,559.61. Based on the table above, this is calculated the number of

Noted – these can be incorporated into a Section 106 agreement

It is considered that the Network Rail contribution relates appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement and comply with CIL Reg. 122.

<p>deficit places created by the development (5.01) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £89,559.61.</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 and John Ferneley College.</p> <p>The contribution would be spent within 5 years of receipt of final payment.</p> <p>An education contribution of £89,559 is requested for this sector.</p> <p>Post 16</p> <p>An education contribution is not requested for this sector.</p> <p>Special Schools</p> <p>As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.</p> <p>Network Rail – see above</p> <p>The response from Network Rail includes a request that if permission is granted various mitigation measures are provided. These would need to be included in a section 106 agreement.</p>	<p>The measure requested by Network Rail would require to be secured by means of a S106 agreement because they relate to ‘off site’ works.</p>
<p>Minerals Planning Authority (LCC)</p> <p>This is an application within a gypsum and sand and gravel mineral consultation area. There is not an issue in respect of safeguarding the gypsum resource because British Gypsum has confirmed that they no longer consider the resource workable in this location.</p> <p>However there is a possible sand and gravel resource affected by the proposed development.</p> <p>The National Planning Policy Framework (NPPF) states that minerals are essential to support sustainable economic growth and our quality of life (Paragraph 142). It goes on to say that, since minerals are a finite natural resource which can only be worked where they are found, it is important to make best use of them to secure their long term conservation. The need to safeguard valuable mineral resources is recognised in paragraph 143 of the NPPF.</p>	<p>The Frisby Neighbourhood Plan (2018) is the development plan for the area and, under s38 (5) of the Planning and Compulsory purchase Act 2004, becomes the primary document being the most recent to acquire Development Plan status.</p> <p>As such it effectively supersedes the Plan referred to.</p> <p>The Neighbourhood Plan allocates the site for residential development within the Limits to Development thus overriding earlier safeguards imposed to protect minerals interests.</p> <p>The relationship between the Neighbourhood plan and other planning policy Minerals Plan, NPPF and emerging Local plan) are addressed in greater detail below in the ‘other considerations’ part of the report.</p>

<p>The Development Plan for the area contains policies to safeguard mineral resources and in certain circumstances require the extraction of the mineral in advance of surface development (see Leicestershire Minerals Development Framework Core Strategy and Development Control Policies DPD - Policies MDC 8 and MDC 9). Policy MDC8 indicates that potential developers should be required to demonstrate that the proposed development does not sterilise significant quantities of potential mineral resources.</p> <p>The issue of potential mineral sterilisation by the proposed development should therefore be addressed in any planning application. An assessment of the mineral resource likely to be present both within and adjoining the site should be undertaken. The assessment could initially take the form of a desktop study using data obtained from the British Geological Survey. If the desktop assessment suggests that there are significant mineral resources of potential value that are likely to be sterilised by the proposed development, a site specific intrusive investigation exercise should be carried out which could involve digging pits or drilling test holes.</p>	
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Representations:

A site notice was posted and neighbouring properties notified. As a result **letters of objection have been received from 87 residents, and 4 letters in support;**

Letters of objection from 27 residents, and 1 in support, have been received in response to the amended plans submitted in November 2017 the representations are summarised below.

Representations	Assessment of Head of Regulatory Services
<p>Impact upon Highway Safety & Transportation</p> <p>Local roads can not accommodate the proposal which will exacerbate existing problems of congestion and queuing in and around the village, particularly at peak times.</p> <p>Adverse impact upon highway safety, including increasing hazards for cyclists and pedestrians.</p> <p>Narrow footpaths, so additional traffic would be dangerous for pedestrians and ramblers in the area.</p> <p>2016 survey indicates that Water Lane is the busiest road in the village.</p> <p>Construction traffic would be dangerous.</p> <p>Dangerous accesses from the village onto the A607 Leicester /Melton Road.</p> <p>Will exacerbate existing parking problems in the village, especially on Water Lane where existing properties have limited off-road parking.</p>	<p>It has been demonstrated that the development would not have a severe impact upon either highway safety or the capacity of the local highway network.</p> <p>The development, in its amended form, is limited in scale and accordingly traffic generation will be commensurately limited. It is considered that it will not be material in the context of overall highways conditions.</p> <p>Traffic from the site will disperse and as such mitigate impact in any specific location to very low quantities.</p> <p>The development will not impact physically on these junctions and their increase usage will be limited.</p> <p>The site is 'self contained'; and set back from Water Lane itself and it is not anticipated that it would, add to the demand for parking on Water</p>

Close proximity of access to level crossing could be dangerous.

Consider that access and visibility splays are inadequate. In support of this detailed photographs have been supplied that demonstrate the visibility available from the location of the access to be less than stated by the applicant, and less than acceptable by the Highway Authority. An engineers report has also been submitted questioning the methodology employed for the speed survey and whether of the sightlines stated on the plans can be achieved.

Lane itself and the issues that parking presents.

Noted, please see assessment above, opposite comments from Network Rail.

The Highway Authority has considered the Engineer's report which has been submitted in support of the resident's objection to the application. They advise that:

Speed survey

While the speed survey was not included as part of the submitted documents by the applicants, the County Highway Authority (CHA) requested the data prior to submitting its final highways observations.

As the survey was undertaken over a continuous 7 day period, it would have taken into account differing weather types and the CHA are satisfied there is no need for wet weather correction. While it is appreciated that the survey would not have differentiated between vehicles slowing due to the level crossing and free flow traffic, there is a clear indication that a small percentage of drivers travel between the 31 -35mph bracket. After analysing the data this showed that only 5 vehicles travelling northbound out of a total of 429 vehicles on 23/09/16 fell in the 31-35mph bracket whilst on the same day 54 northbound vehicles travelled between the 26-30mph bracket. The majority of drivers appear to travel in the 21-25mph bracket in both directions over the course of the week and the 31-35mph bracket was not exceeded in either direction for the duration of the survey.

Based on the evidence provided it is clear that an absolute minimum of drivers exceed the 30mph limit and the nature of the road does not lend itself to speeding in the vicinity of the site access, regardless of whether the barriers were up or down for the railway line or the time of day. In fact it could be argued that the level crossing is an 'artificial' traffic calming feature and keeps the speeds lower than may be the case otherwise and therefore the CHA is satisfied that recorded speeds are consistently below 30mph in both directions.

Visibility splays

The CHA are happy to base the visibility splays from the site access on the recorded 85%ile speed of the traffic, which in this instance using the **Manual for Streets calculation would be 2.4x 35.2m southbound and 2.4x33.3m northbound and measured 1m** to the carriageway from the edge of the kerb, as stated within the letter from Sanderson consulting.

Based on the information available to the CHA,

<p>Question the validity of the traffic assessment and that the level crossing was closed at the time.</p> <p>Adverse impact of traffic noise and fumes on existing residents</p> <p>Site is not accessible for pedestrians and too far to walk to facilities in the village.</p>	<p>these are achievable within the highway boundary and land under the applicant's control. As part of the site access construction, the applicants would be required to remove the existing fence along the site frontage to provide these splays and any overhanging vegetation from third party land could be cut back to the highway boundary if required.</p> <p>Based on the above the CHA would not reconsider its position with regards to its comments submitted on 22nd February 2017, however we would accept the reduced visibility splays as outlined above.</p> <p>The application indicates that the survey was undertaken over a 7 day period from 22nd September 2016 to 28th September 2016 and collected a weekday average of 772 daily traffic movements (378 northbound and 394 southbound). Best practice advises that a minimum sample of 200 movements should be used in order to obtain speed readings and therefore the survey is considered to be robust. The quantity of traffic movements indicate that the level crossing was not closed to traffic movements when the survey was undertaken.</p> <p>The assessment has been produced in accordance with a recognised methodology and has been scrutinised by the Highway Authority. There may be some impact, but there is no evidence that it would be so severe that mitigation would be necessary.</p> <p>The site is reasonably well related to the village and closer to its core than other parts) and it is possible to walk from the site to a range of facilities.</p> <p>The Highway Authority raises no objections to the development and associated access, subject to conditions.</p>
<p>Noise</p> <p>Surprised by the response to the concerns expressed by MBC Environmental Health. Highlight some comments from Environmental Health which indicate that they do not support the proposal which is also contrary to the NPPF. Specifically refer to Environmental Health concerns about high night time noise levels; poor glazing and ventilation strategy and that the site is next to noisy 24 hour railway.</p> <p>Mitigation would probably be a visible high sound barrier which would have an adverse impact upon the nearby conservation area.</p>	<p>MBC Environmental Health (see full comments above) do have concerns about this proposal but as with all planning decisions accept that the planning authority need to balance the benefits of development against the public health constraints. It is considered that the concern in relation to this issue is assisted by amended plans which position the development significantly further from the railway.</p> <p>Proposed conditions should ensure that adequate mitigation is incorporated into the layout and design of the scheme at the detailed stage. A sound barrier is no longer required.</p>

<p>Notes that while noise on the railway line next to the proposal has been considered no one has considered how this may increase in the future. The line is an important and developing freight corridor between the port of Felixstowe and various parts of the UK. Refer to Network Rail consultation study in August 2016 which outlines their future freight strategy for the UK.</p>	<p>This is draft consultation document which does not represent policies or committed strategies. The precise increase in freight traffic and any associated increase in noise is unknown. Note that freight only represents a proportion of rail traffic using this line.</p>
<p>Facilities</p> <p>Village amenities are not sufficient to meet the needs of this development. In particular the school and local medical practice are at capacity.</p> <p>No leisure facilities in the village.</p> <p>Refer to refusal of permission for a dwelling in Hoby due to poor bus service.</p> <p>Note that the bus service is poor.</p> <p>Question whether new housing helps to sustain local facilities.</p>	<p>Frisby on the Wreake has a range of facilities and access to transport choice into Melton Mowbray.</p> <p>There is capacity for the local school to accommodate this growth (see S106 section above) and the additional population could help to sustain existing services.</p> <p>Frisby village hall supports a range of leisure activities. There are also play areas in the village.</p> <p>Not relevant to this case.</p> <p>There are local bus services and additional development may help to sustain them.</p> <p>It is considered that it does bring benefits in terms of support to local facilities and generation of housing supply and choice, including meeting local needs.</p>
<p>Need for the Housing and Process for Determining this application</p> <p>Question the need for the houses and the development of this site.</p> <p>Need to consider the development of all three possible housing sites in Frisby on the Wreake. Should not make a decision on any individual site in advance of the Borough's Local Plan and Frisby's Neighbourhood Plan. Development of all three sites would overwhelm the village.</p> <p>Would accept 78 dwellings proposed in draft Local Plan, but not total numbers on all three sites.</p> <p>Prefer the development of other sites in the village. This view supported by a village survey in 2016.</p> <p>In this case should not consider each site on its own merits.</p>	<p>The need for new housing is well established and was reconfirmed by the Borough Council's Housing Needs Study which was published in August 2016 and the most recent evidence the HEDNA (Jan 2017).</p> <p>Each application must be considered on its own merits</p> <p>The Development Plan position has moved on from when this comment was made and is addressed below ('other considerations')</p>

<p>Opposed to greenfield development.</p>	<p>The site is a greenfield site where there is no presumption in favour of development however the harm attributed by the development are required to be considered against the benefits of allowing the development in this location.</p> <p>The planning authority must consider all applications which are submitted for determination. This will be on the basis of the merits of the application having regard to the development plan and all other material planning considerations .It is not possible to defer these decisions pending the production of planning policies.</p>
<p>Drainage</p> <p>The objections relating to drainage cover the following points:</p> <ul style="list-style-type: none"> • The development is within flood zone 2 and includes essential washland. • The application has not been subject to a sequential test. • Question the support of the LLFA when half of the site is within flood zone 2. • Consider that there is a potential for groundwater to pose a flood risk. • Would exacerbate existing flooding problems <p>This includes detailed analysis from a local resident who is civil engineering specialist.</p> <p>Potential for groundwater to pose a flood risk</p> <p>Note that during soakaway tests undertaken by the applicants no groundwater was found within 2m of the site surface, but that elsewhere in their report it is stated that some tests could not be undertaken due to rapid groundwater influx. Objector’s survey of a nearby water well indicates that the groundwater is only 0.5-1.5m (approx.) below the surface level and would be even less at the low point of the site.</p> <p>Considers that these tests demonstrate that groundwater levels are extremely shallow and questions the validity of the applicant’s assessment and believes that the site is at flood risk from groundwater. Inability of site to accept soakaways is due to the level of groundwater and not low permeability of clay.</p> <p>Proposed drainage retention by swales, detention and attenuation ponds would ineffective, or compromised, due to the level of groundwater.</p>	<p>The LLFA have assessed the applicant’s flood risk assessment and confirmed that the development would be acceptable subject to conditions. These include analysing and monitoring ground water to ensure designs of drainage features are not compromised. (see comments of LLFA above)</p> <p>The application has been amended in order that it is entirely in Flood Zone 1 and is therefore not deemed to be at risk from fluvial flooding from the nearby River Wreake.</p> <p>The applicant has undertaken ground water testing associated with the amended plans and the objectors have provided a very detailed critique of the results and the implications in terms of flood risk from ‘other sources’ and implications in planning policy. These are addressed in greater detail in the ‘other considerations’ part of this report below.</p>

<p>Character of the area</p> <p>This scale of development on this site would have an adverse impact upon the character of the village, including the conservation area, which abuts part of the site.</p> <p>Note that the site is within an area classified as medium to high sensitivity (Influence study 2015),whereas other areas around the village are less sensitive to residential development</p> <p>Refer to Planning Statement submitted in support of Great Lane development in the village which notes that the Water Lane site occupies an open area outside the conservation area, which is a key characteristic of the area referred to in the Conservation Area Appraisal.</p>	<p>While the site is countryside, it relates well to the village. The amended plans altered the shape of the site and as a result it extends further to the west and protrudes beyond the exiting built form in this direction. However, this accords fully with the allocation in the Neighbourhood Plan, in which such impacts were considered and ‘adjudicated’. The NP is not the development plan for the area with the full weight of the law assigned.</p> <p>The application is in outline with design and layout issues only indicative at this stage. The site is capable of design to allow its integration at this particular village fringe location and help to minimise impact upon the appearance and character of the area.</p> <p>The site is adjacent to, but outside, the conservation area. The development would only partially restrict glimpses of countryside. This would have limited impact upon the character and appearance of the conservation area.</p>
<p>Heritage</p> <p>Development would result in harm to earthworks and loss of ridge and furrow features.</p> <p>Impact upon conservation area.</p>	<p>The County Archaeologist has assessed the proposal and raised no objection subject to conditions.</p> <p>The site is adjacent to part of the boundary of the conservation area, but would have limited impact upon its character or appearance (see above).</p>
<p>Ecology and Wildlife</p> <p>Proposal would have an adverse impact upon wildlife, including the nearby SSSI at Frisby Marsh.</p>	<p>The County Ecologist has no objection to the proposal subject to mitigation.</p> <p>The Frisby Marsh SSSI is to the west of the application site. It is referred to in the applicant’s ecology report. There is no evidence that it would be adversely affected by this development.</p>
<p>Alternative use of the site</p> <p>Frisby Residents Action Group advise that two residents wish to buy the application site at agricultural land value and enhance its conservation and ecological value.</p> <p>Space would also be provided for a community play area.</p>	<p>Noted, but the planning authority have to consider that application which is the subject of this report.</p>
<p>Representation from Frisby Residents Action Group</p> <p>Frisby Residents Action Group (FRAG) submitted</p>	<p>In response to the receipt of that information the LLFA, Environment Agency, MBC Environmental Health, Highway Authority,</p>

<p>detailed information and analysis relating to drainage, noise, highway safety and rail safety. In addition, they provided legal advice on the sequential test for flooding,</p> <p>FRAG question the suitability of new dwellings in this noisy location.</p> <p>FRAG questioned the applicant's speed survey, consider that visibility is dependent upon land outside the applicant's ownership and are not satisfied that the proposed access would be safe.</p> <p>FRAG expressed concerns about proposals to increase rail traffic on this line, consider that the proposed vehicular access is too close to the existing level crossing and highlight the need to consult the ORR.</p> <p>FRAG present information to demonstrate flood risk and that the Sequential Test should be applied</p>	<p>Network Rail and the Office of Road and Rail (ORR) have been re-consulted. These comments are included in the report above but are compiled here for ease of reference</p> <p>MBC Environmental Health advise that: in this instance, a suitable living environment should be achievable with the application of a rigorous assessment and robust mitigation. Admittedly, the applicant's mitigation strategy requires significant work but this can be dealt with by condition.</p> <p>The Highway Authority states that :</p> <ul style="list-style-type: none"> • The HA is satisfied that the speed survey provided by the applicants offers an accurate reflection of vehicle speeds in the vicinity of the site access and has been undertaken in an acceptable location for an acceptable amount of time. As previously advised, the CHA does not consider any further speed surveys are required; • The HA is satisfied that the previously advised visibility splays in relation to the recorded 85%ile speeds provided by the applicant are acceptable, and based on the information available from a desktop exercise by the HA it is considered these splays are achievable through land under the applicants control or within the highway boundary; • The visibility splays above were measured appropriately from a 2.40m setback distance from the edge of the carriageway to a 1.0m offset distance into the carriageway. <p>Network Rail advise that :</p> <ul style="list-style-type: none"> • There are no plans at present to increase the number of passenger or freight trains on the Leicester to Peterborough line • The minimum distance from a level crossing to the location of an access road to/from a development should ideally be 150 metres to prevent road traffic 'blocking back' onto the railway, i.e. being stationary on the crossing for no less than 5 seconds..... if the distance stated therein cannot be achieved then it must be as near as practicable to the 150 metres benchmark • the risk solution would not be an automatic barrier crossing in the truest sense of the term, i.e. in the form of those currently provided nearby at Kirby Bellars (near Asfordby), Brooksby and Rearsby, but one provided with full barriers (as currently provided at Frisby) (see also detailed comments from Network Rail above). <p>This issue is addressed in greater detail in the 'other considerations' part of this report below.</p>
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Comments on amended plans	
<p>Traffic and Road safety</p> <p>The access is unaltered and concerns relating to traffic and the proximity of the level crossing are not alleviated. Network rail have stated that ideally any access road would be at least 150m from the level crossing.</p> <p>The distance from the existing level crossing to the 'centre' of the proposed new access road being only 34 metres, the distance from the existing level crossing to the 'near' side of the proposed new access road, is 31 metres.</p> <p>The road here is on a sharp bend making visibility over the railway almost impossible. Residents and Network Rail have voiced their concerns that traffic queuing behind vehicles waiting to turn right into the new housing estate could become stranded on the crossing. This will become even more dangerous when the crossing becomes unmanned as planned in the next few years</p> <p>A yellow hatched box on the road beside the access will leave the turning clear when traffic is stationary, it will not help at all once traffic is moving. Right turners will still have to stop and give way to on-coming traffic making the potential for traffic stopped and queue on to the crossing behind them.</p> <p>Traffic levels are high and include a number of HGV's from national operators. The development would add approx. 33 more cars plus deliveries etc.</p> <p>Measured at 1.8m from the kerb (rather than the required 2.4m to avoid trespass), at a height of 1.2m the visibility splay to the south is only 33m. For a 30mph road (which Water Lane is) the Highways Agency manual for streets requires a visibility splay of 43m. The 6 Cs advice often followed by LCC is a requirement of 43m (see previous correspondence on this matter from FRAG).</p> <p>Concern about the cumulative affect of the increased traffic on all the village roads and in particular Water Lane. It is a narrow village road which is used by existing residents to park their vehicles.</p> <p>A traffic survey in September 2016, the junction of Water Lane and Main Street is a pinch point for traffic with the highest numbers of traffic seen across all sites surveyed with up to 500 vehicles through the junction. Concern about the cumulative effect of more development and traffic on already very congested roads.</p>	<p>As stated, the proposed access arrangements are unaltered from the submission prior to amendment and the assessment carried out above therefore remains applicable (save that traffic flow would be reduced as the site is reduced in size and number of houses, from 30 to 22.</p> <p>The comments from Network rail, whilst 'disappointed' that the access is a short distance from the crossing, do not object to it and propose a series of safety measures to mitigate potential conflict between road users and the level crossing. These have been specified in detail by Network Rail and can be secured by means of a S106 agreement.</p> <p>The concerns regarding the required sightlines at the junction with Water Lane and their achievability have been the subject of specific additional advice from the Highways Authority.</p> <p>They advise that sightlines of 2.4x 35.2m southbound and 2.4x33.3m northbound and measured 1m to the carriageway from the edge of the kerb are appropriate in view of prevailing traffic conditions (speed) and that theses are achievable within the highway boundary and land under the applicant's control.</p> <p>As part of the site access construction, the applicants would be required to remove the existing fence along the site frontage to provide these splays and any overhanging vegetation from third party land could be cut back to the highway boundary if required.</p> <p>Within this context it is considered that traffic generated by a development of up to 22 dwellings would not have a significant effect on overall traffic conditions.</p>
<p>Flood Risk and sequential test</p> <p>The field and proposed access is situated on flood</p>	<p>The amendments result in the development</p>

<p>zone 1 and 2. Sequential testing is required and there are numerous alternatives not exposed to flood risk.</p> <p>The area is vulnerable to flooding and existing houses have specially designed foundations as a results</p> <p>Residents struggle to get home insurance in the area due to flood risk</p> <p>The 'raft' foundations proposed would deflect surface water to exiting properties nearby</p> <p>Whilst the proposed housing will now be on flood zone 1 land, the access road continues to be in an area with the highest category of surface water flood risk. There is precedent for refusing planning permission in this situation (Watermead Parish Council v Aylesbury DC). In this instance, only the car park of the proposed development was in a flood zone but a sequential test was required.</p> <p>The NPPF is clear that sequential testing should be applied to ALL forms of flooding</p> <p>The siting of the new houses is still in an area at great risk of groundwater flooding. The water table was only 0.5m below the surface on 17 March 2017 (see hydrological measurements by Nicholls Coltman). The British Geological Survey mapping shows the land as having a high content of clay which will inhibit drainage. Measurements made by MEC for the developer were done after a spell of many months of unusually dry weather and are therefore atypical. Building here, as the developer acknowledges, is likely to put the new housing at risk. This is why they have proposed raising the floor levels by 300mm.</p>	<p>being entirely within Flood Zone 1 and therefore not deemed to be at risk from fluvial flooding from the nearby River Wreake.</p> <p>Detailed representations have been submitted regarding ground water and other forms of flooding which are addressed in the 'other considerations' part of this report below.</p>
<p>Planning Policy</p> <p>The site lies outside the limits to development of Frisby</p> <p>The development is contrary to the Neighbourhood Plan which had overwhelming support. The Committee should take this into account.</p> <p>The MBC Local plan has allocated that the village should accept the building of 68 new houses over the next 20 years. To date, permission for 96 houses in Frisby has so far been given. We feel that the character of the village is in danger of being destroyed.</p> <p>The examiner of the Neighbourhood Plan rejected the villages' choice of an extension to the current Great Lane site solely on the grounds of Landscape sensitivity. This was a very odd thing to do as this area to the south of the village is considered the landscape least sensitive to housing. In 'The</p>	<p>The Neighbourhood Plan (NP) is the development plan for the area, following successful Referendum. The site accords with its content and permission should therefore be granted unless material considerations indicate otherwise.</p> <p>The Neighbourhood Plan is more advanced than the Local Plan and, with Development Plan 'status' far outweighs the Local Plan and the preparatory work associated with it (i.e. findings of the SHLAA and the draft housing allocations arising from it). The formulation of the NP took account of landscape sensitivity and impact alongside other factors and the NP allocates the site despite the landscape issues described opposite. Landscape impact (in terms of the land occupied by the proposed site, as opposed to detailed design issues) is therefore considered to be integral to the NP allocation rather than a</p>

<p>Influence study' commissioned by the council in 2015. This area of the village was graded LCZ3, the lowest grading, and being of only medium sensitivity.</p> <p>The Great Lane extension would be built approximately 40m out into open countryside, whereas the proposed Water Lane development would extend approximately 150m into open countryside, with the base of the development being directly adjacent to the village conservation area.</p> <p>MBC's own SHLAA assessment recognised this issue and the LP allocation is curtailed accordingly: <i>"The original site area submitted in the SHLAA process was a larger site extending further west. The chosen site (i.e. eastern part of field) is adjacent to existing residential development. It is considered that the eastern part of the site is more in line with the existing built form of the settlement in this location and would not have a detrimental visual impact. Therefore the site has been reduced to limit the visual impact on the character of the village, limiting development to the eastern part of the land"</i></p> <p>The planning department recently suggested rejection of a site in another rural hub, Ab Kettleby (17/01098/OUT) because the proposal extended out into open countryside (much less than the Water Lane proposal).</p>	<p>consideration that weighs against it.</p> <p>The circumstances of this example are substantially different as there is no Development Plan allocation. The position in Frisby is more advanced than in Ab Kettleby</p>
<p>Infrastructure The school is at capacity and cannot be expanded</p> <p>The Applicant's documents including traffic data, education requirements, surface water and sewer capacity, are all out of date as they do not take into account the effects of the other 99 new homes being built in the village.</p>	<p>The revised application was submitted in November 2017 when resolution had been concluded on other sites in the area. Consultees, including infrastructure providers, have been able to make their comments in the knowledge of the earlier decisions.</p>
<p>Noise Noise exposure remains an issue</p> <p>Network Rail are planning a 150% increase in freight along this line.</p> <p>Houses would need considerable sound insulation and there would need to be a large ugly sound barrier bordering the Railway.</p> <p>Complex mitigation measures including insulation and special glazing and sound barriers will be necessary to mitigate noise from the railway line. Indeed, residents will not be able to open their windows for ventilation due to noise.</p>	<p>It is considered that the concern in relation to this issue is assisted by amended plans which position the development significantly further from the railway.</p> <p>Proposed conditions should ensure that adequate mitigation is incorporated into the layout and design of the scheme at the detailed stage. A sound barrier is no longer required.</p>
<p>House Type and mix The type of houses suggested in the plan, 3 and 4 bedroom houses are not suitable. If there must be housing then one or two bedroom cottages and</p>	<p>The application is in outline and house types are not specified. The indicative plan shows over 50% of the houses would be smaller house types</p>

<p>bungalows would be more in keeping with the area. there are already more than enough 3 & 4 bedroom houses in Frisby</p>	<p>or bungalows, however this is not binding and house types and mix would be a matter for reserved matters. However the application does commit to 40% affordable dwellings and this would need securing via a s106 agreement, including preference for 'local connections'</p>
<p>Conservation Area The new development would be adjacent to a conservation area. It is important that the conservation areas are protected.</p>	<p>The development would not physically affect the Conservation Area but is adjacent, so will affect its setting.</p> <p>The configuration in the revised plan results in less impact on the street scene of Water Lane as the built form would be located in a position recessed from the frontage. It would not interfere with key views from the Conservation area and its 'recessed' nature would also mean that appreciation of the Conservation Area when approaching from the north would be limited, with no obstruction of views and the development sufficiently distant (set back) to avoid competing with the Conservation Area. More widely within the Conservation area, the development would not be visible.</p>
<p>Landscape The dwellings would protrude into the open countryside</p> <p>The site is an LCZ2 i.e. medium/high sensitivity according to the MBC Landscape Sensitivity Study 2015</p> <p>The amended plans put all the dwellings behind other properties and out into open countryside, no longer contiguous with the present houses on Water Lane</p>	<p>Please see comments above in relation to planning policy.</p>
<p>Transport and transport sustainability LCC definition of sustainable public transport is for bus/train service to be at least hourly and accessible less than 0.8km walk away. There is a stop for the 128 service which runs between Melton and Leicester only from 07.05am to 18.05 towards Melton every two hours and from 07.35 to 18.45 towards Leicester. The service accessible from the stop on the A607 above Frisby is 1.25 km away. The developer fails to acknowledge any of this. This is clearly not a sustainable site in transport terms</p> <p>There is an omission in the application document entitled 'Revised Transport Assessment' in that the only bus stops mentioned (page 11 paragraph 4.8 and shown on the map in Appendix E on page 29)8 are the two on Main Street, there is no reference to the stops in Water Lane itself</p>	<p>These issues are not considered to have changed since raised in earlier representations and comments above remain applicable.</p> <p>The site is more distant from the bus route than other parts of the village because it is at its northern edge. However the presence (and route) of the bus service is only one aspect to take into account when considering the sustainability of locations. Frisby is considered to have sufficient facilities locally and connectivity to others further afield to be considered a sustainable location.</p>
<p>Procedural/Legal MBC would be liable if it were to approve a permission that was then the cause of a road, rail or flood disaster.</p>	<p>Noted – the scrutiny afforded by the planning application is important is assessing risk and future liability.</p>

<p>The impact of dealing with these issues would affect council tax payers and the workload of future MBC staff.</p>	
<p>Letters of support</p>	
<p>The development would have a positive impact upon the village, helping to sustain existing facilities.</p> <p>It has easy access onto the A607, with much traffic not having to drive through the village.</p> <p>Good pedestrian links to the village.</p> <p>The fields which would be developed are in agricultural use and are not used for walking and the site is not open to many views.</p> <p>Considered to be the best site for new housing.</p>	<p>Noted.</p>

Other Material Considerations not raised through representations:

<p>Consideration</p>	<p>Assessment of Head of Regulatory Services</p>
<p>Housing type</p> <p>The configuration and mix of housing.</p>	<p>Housing Mix: Although in outline, the application would provide a range of house types and sizes to meet local needs.</p> <p>Affordable Housing</p> <p>The application proposes 40% affordable units, details of which would follow at reserved matters stage.</p> <p>This exceeds the proportion which is identified by the most up to date evidence (the SHMA 2014 and Housing needs Study 2016) and identified within the Draft Local Plan.</p>
<p>Planning Policy</p>	<p>The neighbourhood plan for Frisby has been examined and was subject to a referendum in May 2018</p> <p>This referendum was successful in the majority of those that voting agreeing the plan should be made as part of the development plan for Melton alongside the local plan.</p> <p>The neighbourhood plan is now considered to have full weight by acquiring ‘Development Plan Status’ under s3 of the Neighbourhood Planning Act 2017.</p> <p>Decisions therefore must follow the terms of the Plan unless there are material considerations to indicate otherwise.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council</p>

	<p>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 Neighbourhood Plan.</p>
<p>Frisby Neighbourhood Plan</p> <p>POLICY H1: HOUSING PROVISION Planning permission will be granted for a minimum of 78 new dwellings in Frisby on the Wreake during the period 2017 – 2036 through the development of the allocation sites set out in Policy H2 and windfall sites within the Limits of Development as set out in Policy H3.</p> <p>POLICY H2: HOUSING ALLOCATIONS Land is allocated for housing development at 3 locations as set down below and as shown on the Limits of Development Map:</p> <ul style="list-style-type: none"> • Great Lane – for approximately 48 dwellings; • Land South of the Village - for approximately 48 dwellings; • Water Lane – for approximately 22 dwellings. <p>Policy H4 Building Design Principles:</p> <p>Policy H5 Housing Mix:</p> <p>Policy ENV9 Sustainable Development</p>	<p>The application is in full accordance with the provisions of the Neighbourhood Plan in terms of the extent and use of the site as set out in policies H1, H2 and H3.</p> <p>The application is in outline and accordingly it is impossible to conclude whether it will be in accordance with the other applicable policies. Conformity can be secured by means of conditions and the content of s106 and the policies will be applicable for the consideration of reserved matters applications.</p> <p>It is therefore considered that the application is in full accordance with the Plan, so far as can be concluded bearing in mind its outline status, and that the decision should therefore be to grant permission, unless other material considerations are present that detract from this position.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The new local plan has now completed examination where modifications are currently being made to be put forward to the examiner.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and • the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater 	<p>Whilst the Local Plan has it remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract significant weight</p> <p>The proposal is in partial accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</p> <p>It is considered that the emerging Local Plan carries significantly less weight than the Neighbourhood Plan and that the former provides ‘primacy’.</p>

<p>the weight that may be given).</p> <p>The Pre Submission version of the Local Plan identifies Frisby on the Wreake as a 'Rural Hub', in respect of which, under Policy SS2, three sites and a reserve site are allocated for residential development in the village. Part of the application site is identified as FRIS2. Note that the application site includes an additional area of land to the west of the allocation.</p> <p>Policy FRIS2: states development at FRIS2 will be supported provided that :</p> <p>It is demonstrated by means of a noise assessment that noise from the railway to the north of the site can be adequately mitigated.</p> <ul style="list-style-type: none"> • local educational capacity is available, or can be created through developer contributions to meet the needs of the site. • flood mitigation measures have been put in place and the drainage infrastructure is available to accommodate the surface water from the site. <p>The local plan allocates 22 dwellings on this site. Note that the application site extends further west than the local plan allocation and proposes a development of up to 30 dwellings.</p>	<p>All of these matters have been satisfactorily addressed, so far as is commensurate to the status of the application as 'outline'.</p>
<p>Flood Risk and the application of the 'Sequential test'</p> <p>NPPF para 100 explains: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:</p> <ul style="list-style-type: none"> • applying the Sequential Test.....(other criteria also listed) <p>National Planning Policy sets out the objectives of the sequential test. (para 101): "The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding. The flood zones as refined in the Strategic Flood Risk Assessment for the area provide the basis for applying the Test</p>	<p>The site is within Flood Zone 1 Please see comments from the Environment Agency above.</p> <p>However, it is considered necessary to consider whether these are sufficient to trigger the needs for the sequential approach, facilitated by a Sequential Test.</p> <p>The applicant has sought to address other sources' of potential flood risk by undertaking bore hole testing to establish the depth of ground water. This took place on 30th January 2018, with 4 installations across the application site, and an additional 3 installations in the land to the north of the application site within the same field.</p> <p>The results showed ground water fluctuating during the sampling period (2nd – 20th Feb 2018) from a maximum of 1.5m m deep to 0.7m within the application site. From this the applicant concludes that, taking into account that site levels will be raised a minimum 300mm above existing ground level, groundwater at its worst case is circa 1.0m below the minimum proposed ground levels at</p>

but also that “other sources of flooding also need to be taken into account in applying the sequential approach.”

“This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible”.

Paragraph 103 of the NPPF requires that when determining planning applications, local authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by site-specific flood risk assessment following the Sequential Test and if required the Exception Test.....”

Para 104: “For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test”.

NPPG advises the Sequential Test should not apply to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea), unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change). The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test.

It also states that the Sequential Test should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere.

the site., and stating “*unequivocally that there are no groundwater flooding concerns at the site*”

However detailed information from local residents has challenged this report and its findings. It has addressed the flood risk from ‘other sources’. This is a very detailed document which is available for inspect from officers. The main points are summarised as follows:

- The applicants have failed to follow the approach set out in national policy to:
Step 1 Appraise Risk
Step 2 Avoid Risk
Step 3 Manage Risk
The applicants have missed out Step 2.and proceeded directly to (c).
- measurement on site of ground water is inconclusive as it is a ‘snapshot’ in time. It is not reflective of a variety of ground conditions and certainly does not address risk over a period of time, to which PPG advice on the sequential test relates.
- This site is affected by groundwater, surface water and reservoir flood risks. All of these risks are acknowledged as being present by the applicants.
- British Geological Survey Groundwater Flooding Susceptibility mapping indicates that the whole of the Application site is affected by a Potential for Groundwater Flooding at Surface and the SFRA indicates that there is a $\geq 25\% - \leq 50\%$ chance of groundwater flooding
- The SFRA mapping indicates that parts of the site, in particular near the junction of the access road and Water Lane, are in an area where there is a 1: 100 risk from surface water.
- The Environment Agency Flood Risk from Reservoirs map indicates that parts of the site are at risk from reservoir flooding (in the event of failure), with flood depths of up to 300mm. An isolated area of the access road may be affected by flood depths of up to 2m.
- The ground at testing was not during a ‘worst case scenario’ as claimed. It was carried out during a period of relatively dry weather when river levels were low, and certainly not during a flood event. The measurements were taken during a period that the river was occupying only approx... half of its ‘typical range’ of depth.
- The river is critical to this site. Ground water levels are connected to it laterally and fluctuate in accordance with its depth.
- The applicants own measurements are cause

	<p>for concern because they show ground water (measured) at 0.7m from the surface. This in itself is a flood risk to construction.</p> <ul style="list-style-type: none"> • Drainage features (attenuation ponds etc.) will be at least 1m deep and as such they will be inundated with ground water and lose capacity. • the FRA states that finished floor levels that are being raised 300mm, rather than the entire site; <p>The site is an allocation in a Development Plan and has been the subject of a sequential test (along with all other prospective housing allocations) as part of the formulation of the Local Plan. As stated opposite, the origin of the argument that a Sequential Test should be applied is citation of national policy within the NPPF. However, the Examination of the Neighbourhood Plan considered this as one of the 'basic conditions' which has to be satisfied if it is to be accepted ('made'): "has the Plan had regard to the national policies and advice contained in the guidance issued by the Secretary of State". The Examination result, and subsequent acceptance by MBC to proceed to Referendum, is considered to be clear indication it has been independently adjudicated as satisfying the NPPF</p>
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Conclusion

The development is in strong accordance with the Development Plan for the area (the Frisby Neighbourhood Plan) and as such permission should be granted unless there are material considerations to indicate otherwise.

It is also in partial accordance with the emerging Local Plan, which is considered to be a material consideration adding weight in favour of approval.

A series of material considerations have been raised such as concerns regarding access, the proximity of the railway, infrastructure issues and general sustainability arising from its location and access to public transport but, with the benefit of advice from the appropriate bodies, none of these are considered to be so significant as to indicate that the decision should be contrary to the development plan.

Flood risk is of serious concern. Whilst the site is within flood zone 1, this relates only to flood risk from rivers and considerable detail has been submitted to illustrate that the site is susceptible to flood risk from flooding from other sources. However the site has been included in the sequential test undertaken to formulate the Local Plan and is now an allocation in the development plan for the area (itself examined to ensure it had sufficient regard to national policies) and under NPPF policy and PPG guidance, the sequential test need not be applied.

The alternative view would be to regard the absence of a sequential test to be a material consideration to balance against the Development Plan and consideration of whether it is sufficient to justify a departure from it under s38(6). It is considered that, if this approach was taken, when taken 'in the round' bearing in mind all other considerations (including the level of risk, that flood protection measures are proposed and the conditions recommended by the LLFA) it is insufficient to justify such a departure.

In conclusion it is considered that, on the balance of the issues, the issues raised are not sufficient to indicate a departure from the development plan (the Frisby Neighbourhood Plan) or the emerging Melton local plan is justified.

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 the improvement of a civic amenity site
- (ii) Contribution to primary and secondary education
- (iii) Contribution to sustainable transport options
- (iv) Contribution to railway crossing safety measures
- (v) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs

(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 "external appearance of the building(s) and landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.
4. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
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. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. 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.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

8. 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. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
9. No development, approved by this planning permission, shall take place until such time as details, in relation to the long term maintenance of the sustainable surface water drainage system on the development, have been submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
10. No development approved by this planning permission, shall take place until such time as a detailed but proportionate assessment of groundwater levels has been undertaken, including a satisfactory period of site monitoring. This should be submitted to, and approved in writing by the Local Planning Authority.
11. Prior to any approval of the layout or surface water drainage the applicant shall demonstrate that the phase 2 ground investigation identified within the Flood Risk Assessment have been carried out and that the results have been incorporated into the site layout and surface water drainage for the site.
12. No development approved by this planning permission shall take place until such time as details in relation to the finished floor levels as detailed within the Flood Risk Assessment have been submitted to and approved by the Local Planning Authority.
13. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
14. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (9).

15. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
16. The site shall be served by a single point of vehicular access as shown generally from Water Lane on the submitted detailed MEC Geomatics drawing 2218_06_170_01.1, the full details of which shall first have been submitted to and approved by the LPA in consultation with the CHA before development commences. The approved junction shall then be provided fully in accordance with the approved plans before any dwelling hereby permitted is first occupied.
17. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing, lining and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
18. Any existing vehicular access that currently serves the land north of the site from the public highway, shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA within one month of the new access being brought into use.
19. 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.
20. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
21. All development to be in accordance with the GCN mitigation strategy.
22. All Works shall be in accordance with the recommendations of the Phase 1 Habitat Survey & Protected Species Assessment.
23. The Protected species surveys to be updated in support of the either the reserved matters application, or the commencement of works if either of these occurs after January 2018. (Protected species surveys should only be considered valid for a period of two years).
24. A management plan must be completed and submitted. This should include the areas of semi-natural vegetation required for GCN mitigation.
25. Before development commences an acoustic mitigation scheme shall be 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.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.

3. To ensure that the housing needs of the borough are met.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
5. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
6. To provide a reasonable period for the replacement of any planting.
7. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
8. 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.
9. 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
10. To ensure that the drainage arrangements account for groundwater flood risk.
11. To ensure that the development is appropriately designed to account for groundwater flood risk and that any risks are appropriately mitigated.
12. To ensure that the proposed flood risk mitigation measures are accurately incorporated into the final design and properties are protected from flood risk.
13. To ensure satisfactory archaeological investigation and recording
14. To ensure satisfactory archaeological investigation and recording
15. To ensure satisfactory archaeological investigation and recording
16. To 17: To ensure a satisfactory form of development and in the interests of highway safety.
- 18 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.
19. And 20 to ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
- 21 To 24. To ensure satisfactory provision is maintained for the protection of Protected Species.
25. In order to control noise in the interest of residential amenity.

Officer to contact: **Mr J Worley**

Date: 17th May 2018

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