

## **PLANNING APPLICATION 9/2014/1141**

### **Land at Jawbone Lane, Kings Newton**

Melbourne Civic Society OBJECTS to this development for the following reasons:

Housing development on this scale on this site is contrary to saved policies in the approved Local Plan and contrary to proposals in the draft Local Plan which has now been subject to scrutiny by an Inspector at the recently completed Public Enquiry.

The Draft Local Plan makes adequate provision to meet all the housing needs allocated to South Derbyshire within the Derby Area Housing Market Area, and development on this site, and on the site to the north which is to be the subject of a separate submission, would constitute a strategic housing allocation in the wrong place and would therefore prejudice the successful implementation of the new Local Plan.

In addition, the application has a number of fundamental flaws, namely

1. The use of Jawbone Lane as its principal access is unacceptable in the manner proposed. The Lane itself, especially at its northern end, is very narrow and has very restricted visibility at its junction with Main Street, which is potentially hazardous. At the moment it is very lightly trafficked and a well-used leisure route for cyclists and walkers. The developer makes no provision to safeguard their amenity and safety, for example by closing the northern access and providing an alternative access to Main Street. In practice, the northern junction is likely to be the main route for traffic entering and leaving the site wishing to access job opportunities in Derby, East Midlands Airport, Nottingham and Leicester, and the increased traffic will greatly increase the likelihood of serious traffic accidents. The southern access to Huntingdon Court/Station Road is confusing and equally likely to be detrimental to highway and pedestrian safety. The impact of the proposed development on highway safety and amenity is therefore unsustainable.
2. The effect of increased traffic flows into and out of the village across Swarkestone Causeway will lead to further delays, hazards to vehicles and cyclists, and potential damage to the Ancient Monument itself. The Causeway is one of the principal reasons why Melbourne is not a suitable site for strategic housing developments in the draft Local Plan, and speculative housing developments of the kind now proposed are unsustainable and contrary to NPPF policies.
3. The proposed 69 houses is far in excess of the Council's SHLAA capacity assessment of 49 houses, and the indicative layout is evidence of a developer wishing to maximise the number of dwellings at the expense of adequate amenity space. Gardens are minuscule, and privacy and residential amenity generally are well below acceptable standards for new residential communities. Detached homes are crammed close together, and there is no variety to accommodate larger families needing more garden space. Although in outline, the indicative layout demonstrates that the number of dwellings is grossly excessive. 69 new homes on this site would fail to meet the requirements for quality development set out in the National Planning Policy Framework (NPPF) paragraphs 17 and 64, and paragraph 64 in particular suggests refusal of permission for sub-

standard layouts. This number of new dwellings is excessive, the layout is sub-standard, and permission should be refused.

4. The site is subject to excessive noise levels from low-flying aircraft, and the developer's noise assessment has been carried out in conditions and at a time which do not reflect real conditions. Noise measurements were taken when the wind was westerly and planes were coming into land over Kegworth and taking off on noise preferred routes to the north and south of Melbourne, and not directly overhead. Maximum noise levels are experienced when the wind is easterly and aircraft are flying low over the site to land at EMA. A new noise assessment, in accordance with the specification set out in the attached technical Annex A, would be required before any application is given serious consideration. If that is not forthcoming permission should be refused on the grounds that new residents would suffer both amenity and health losses from excessive noise conditions, contrary to the guidance given in paragraph 123 of the NPPF.

5. New housing development recently completed to the south of Station Road has led to serious flooding in Station Road and within that development proper. This application proposes foul and surface water drainage into the same sewers which have recently overflowed, and the submission makes no allowance for this situation and proposes no remedies to prevent a recurrence. Indeed, this development would exacerbate drainage problems already subject to a full technical appraisal which has not yet been carried out. In the meantime, permission should be refused on drainage grounds.

6. The Parish Council has resolved to prepare a Neighbourhood Development Plan (NDP) under the provisions of the Government's Localism Act. Any such Plan will involve extensive consultation with local residents and lead to specific housing proposals in accordance with the new Local Plan. In the meantime, any consideration of this application would be premature and likely adversely to affect the NDP's outcome. Indeed, if permission were granted there would be little point in preparing such a Plan because there would be more than sufficient housing approvals to meet all housing need targets before the end of the Local Plan period in 2028.

7. Melbourne is not a key service village that can accommodate new housing developments on the scale proposed in this and other speculative development applications, and the long-term effects on Melbourne's schools, health facilities and services would seriously detract from the character and amenity of the community.

It is the Society's view that the South Derbyshire Local Plan is now in an advanced state and that any consideration of this application having regard to S47 of the NPPF (relating to a five-year supply of available housing land) is no longer relevant. Indeed, the latest (December) Housing Land Availability assessment by the Council suggests that the 5 year supply has now been achieved. Permission should be refused on sound planning grounds for the reasons set out above.

## ANNEXE A

### **Noise Assessment – Application 2014/1141 – Jawbone Lane Melbourne**

We consider that the noise assessment accompanying this application is flawed and incomplete, in that it only measured noise when aircraft were not overflying the site (the quiet conditions), rather than when aircraft fly directly overhead (the noisy conditions). In the latter conditions noise levels are considerably higher. Thus the assessment of acoustic insulation is based on false data. It may be that the noise consultants do not understand the local impact of operational procedures at East Midlands Airport (EMA), or perhaps the intention was to avoid presenting data for the noisy condition.

When landing or taking off, the normal operational procedure is for aircraft to fly into the wind. So with a westerly wind, aircraft take-off from EMA to the west, towards Melbourne, and follow well defined noise preferential routes to the north or to the south of Melbourne. The northerly route is about 1 mile from the proposed site, and the southerly route is over 1 mile away. Thus, in westerly winds, this site is not overflown by aircraft and the impact of aircraft noise is not great.

In easterly winds, landing aircraft approach from the west, in line with the EMA runway, and fly directly over the site. All landing aircraft follow the same route, overflying this site at low altitude, and the site is much noisier (the noisy condition).

We note that the noise assessment supporting this application was carried out on a day with westerly winds – the quiet condition at this site. We also note that the noise assessment report selectively quotes the World Health Organisation (WHO) guidelines, notably omitting recommendations on noise levels outside bedrooms: for completeness, we quote the full table of WHO noise recommendations below, though some situations are not relevant to this site.

The average night noise level measured at the site was 52-53 LAeq(8hr), with a maximum noise level of 73-75 dB LAmax. Both these values exceed the WHO recommendations for noise outside bedrooms (see WHO table below). And this was in the quiet condition.

When aircraft are landing over the site in easterly winds we know that it is much noisier, though noise levels have not been measured. We expect that, when measured, day time noise at the site may exceed 55 LAeq (16hr) – the level identified by WHO as causing serious annoyance, in daytime and evening. Night noise may be expected to be similar to day time levels and will exceed recommended WHO night noise levels by a considerable amount.

We consider that the noise assessment report is flawed and should not be relied upon to support this application. The noise measurements at this site need to be repeated for the noisy condition which occurs:

- In an easterly wind when aircraft are landing over the site
- On a week day – since there are fewer night freighters at weekends
- In summer because passenger traffic at EMA is seasonal and higher in summer months

The whole noise assessment report then needs to be revised on the basis of noise measurements in the noisy condition.

Specific environment	Critical health effect(s)	LAeq [dB]	Time base [hours]	LAmx, fast [dB]
Outdoor living area	Serious annoyance, daytime and evening	55	16	-
	Moderate annoyance, daytime and evening	50	16	-
Dwelling, indoors	Speech intelligibility and moderate annoyance, daytime and evening	35	16	45
Inside bedrooms	Sleep disturbance, night-time	30	8	
Outside bedrooms	Sleep disturbance, window open (outdoor values)	45	8	60
School class rooms and pre-schools, indoors	Speech intelligibility, disturbance of information extraction, message communication	35	during class	-
Pre-school bedrooms, indoors	Sleep disturbance	30	sleeping-time	45
School, playground outdoor	Annoyance (external source)	55	during play	-
Hospital, ward rooms, indoors	Sleep disturbance, night-time	30	8	40
	Sleep disturbance, daytime and evenings	30	16	-
Hospitals, treatment rooms, indoors	Interference with rest and recovery	#1		
Industrial, commercial shopping and traffic areas, indoors and outdoors	Hearing impairment	70	24	110
Ceremonies, festivals and entertainment events	Hearing impairment (patrons:<5 times/year)	100	4	110
Public addresses, indoors and outdoors	Hearing impairment	85	1	110
Music through headphones/earphones	Hearing impairment (free-field value)	85 #4	1	110
Impulse sounds from toys, fireworks and firearms	Hearing impairment (adults)	-	-	140 #2
	Hearing impairment (children)	-	-	120 #2
Outdoors in parkland	Disruption of tranquillity	#3		

Specific environment	Critical health effect(s)	LAeq [dB]	Time base [hours]	LAmx, fast [dB]
and conservation areas				

#1: as low as possible;

#2: peak sound pressure (not LAmx, fast), measured 100 mm from the ear;

#3: existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low;

#4: under headphones, adapted to free-field values

**Source** - Guidelines for Community Noise, Edited by Birgitta Berglund , Thomas Lindvall, Dietrich H Schwela, World Health Organization, Geneva, 1999. Available at:

<http://www.who.int/docstore/peh/noise/guidelines2.html>