

Reference: 14/00996/OUT
Date submitted: 23.12.14
Applicant: Westleigh Partnerships Ltd
Location: Land West Of Bowling Green, Leicester Road, Melton Mowbray
Proposal: Public Open Space



Proposal :-

This application seeks outline planning permission for an area of Public Open Space to be used in connection with an adjacent development to the south for the construction of around 54 dwellings and circa 1360sqm (GEA) of B1 (a) Office land (14/00995/OUT – also under consideration at this Committee). The site consists of a parcel of land which is 00.17 ha and is considered to be greenfield land, not having been previously developed which lies within the town envelope for Melton Mowbray.

The application seeks consent for the principle of the site as public open space only, all other matters relating to layout, scale, appearance and landscape are reserved for later approval.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**

The application is required to be presented to the Committee due to its connection with the adjacent development to the south which is also under consideration.

History:-

12/00611/DIS – Approval granted for the discharge of the materials planning application approval 10/00190/EXT (07/01012/OUT)

12/00594/VAC – Approval granted to vary conditions in relation to landscaping imposed on the outline consent to allow the development to be phased.

12/00335/DIS –Approval granted to discharge conditions 4, 6 (landscaping) 7 (drainage),12,13,14 (highways) ,19 (bus stop) and 22 (trespass fencing) relating to Planning Application Approval 10/00190/EXT (07/01012/OUT)

12/00334/REM – Reserved Matters Approval for development to provide buildings for B1 use within a Business Park setting. (Outline approval 10/00190/EXT)

10/00190/EXT – extension of time granted for development to provide buildings for B1 use within a Business Park setting, 16th August 2010.

07/01012/OUT – Outline consent for access only granted for development to provide buildings for B1 use within a Business Park setting.

05/00977/OUT – Withdrawn – outline application for a development to provide buildings for B1 use was withdrawn.

90/00059 – for the erection of an association football clubhouse to serve adjacent pitch facilities at Leicester Road Recreation Area was taken to appeal for failure to determine. The appeal was allowed and permission granted in October 1990.

86/0003/OUT - Approved for proposed DIY Warehouse, Public House and Restaurant was granted planning permission on 30 April 1986

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 - allows for development within the Town Envelope providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

Policy R1 – Allocates 1.9ha land at Leicester Road, Melton Mowbray for recreational purposes.

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.

On Specific issues it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider how the site will be accessed should the residential development not take place.</p>	<p>Noted - It is unlikely that the application will be pursued without the adjacent housing development as it is solely to provide public open space for the neighbouring houses in accordance with Policy H11.</p>
<p>Environment Agency: No objection in principle to this application for public open space in Flood Zones 2 and 3, however the situation should be reviewed with the adjacent application in mind (14/00995/OUT) and further consideration given to the use of the public open space for above ground surface water storage. This</p>	<p>The application is supported by a Flood Risk Assessment and the Environment Agency are satisfied with the findings and have no objection to the proposal.</p>

<p>would make good use of the space for surface water storage and habitat and enable the Agency to review the position of the adjacent site (planning ref. 14/00995/OUT).</p> <p>Following the additional information that has been provided by Westleigh Partnerships Ltd, the Environment Agency accept that the public open space would not be suitable for use as part of the drainage strategy pertaining to this development. It would therefore be suitable for the open space to be implemented as originally intended.</p>	
<p>LCC Ecology: We note that this is the proposed area of open space for planning application 14/00995/OUT. The ecology survey of this site (FPCR, August 2014) identifies the grassland as being relatively species rich, although it does not meet Local Wildlife Site criteria. There appear to be no detailed plans for this area at the moment, but it should be designed to retain this habitat, particularly to maintain a buffer for a substantial wildlife corridor between the proposed housing and the railway line.</p>	<p>It is considered that the proposal would not have any adverse impact upon any protected species. The County Ecologist has no objection to the proposal and details of buffer zones can be looked at in more detail at the Reserved matters stage.</p>
<p>Network Rail: No comments received to date</p>	<p>Noted</p>

Representations:

Site notices were posted and neighbouring properties consulted. As a result **1 letter has been received**. The representation is detailed below.

Representations	Assessment of Head of Regulatory Services
Melton Mowbray Town Bowls Club - support the Application as presented.	Noted

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Impact upon Residential Amenity	<p>The application is in outline with only the principal of the area being used as Public Open space being considered at this stage.</p> <p>The neighbouring uses are predominantly employment and community uses. Immediately to the west of the site is Mill House formerly a garden nursery and a parcel of agricultural land which currently has outline planning permission for 50 new dwellings (ref:12/00717/OUT). Immediately to the north of the site lies the railway line. The site is screened by the mature landscaping and is sufficiently set apart so that the proposal will not have detrimental impact upon residential amenities.</p> <p>It is considered that the proposed buildings will not have a detrimental impact upon neighbouring properties and is compliant with the local plan policy OS1.</p>
Impact on Character and Appearance of the	The site is set well back from Leicester Road and

<p>Area</p>	<p>lies to the north of the proposed residential development (14/00995/OUT) and is immediately adjacent to the railway line to the north.</p> <p>No details of the layout of the public open space or the associated play equipment have been submitted for consideration at this stage.</p> <p>It is considered that development of the proposal site will support the existing character of the area.</p>
<p>Planning Policies and compliance with the NPPF</p> <p>The application is required to be considered against the Local Plan and other material considerations.</p> <p>Policy H11 - requires developments of 15 or more dwellings to make provision for playing space in accordance with standards</p> <p>Policy R1 - Allocates 1.9ha land at Leicester Road, Melton Mowbray for recreational purposes</p>	<p>The site is considered to be in a sustainable location with good access to local facilities and linkages to the wider range of facilities within the town, and in this respect performs well against the NPPF definition of ‘sustainable development’ from an accessibility point of view. The site is however ‘greenfield’ and the NPPF encourages the re-use of brownfield land, but there is no prohibition on the use of Greenfield land. In Melton’s circumstances, there is insufficient brownfield land to meet supply and Greenfield locations are required to satisfy demand.</p> <p>The proposed public open space would be in association with the adjacent housing development and would ensure compliance with Policy H11.</p> <p>The application proposes to use the land for public open space which would incorporate a Local Area of Play.</p> <p>It is considered that the provision of a public open space in this location would be in accordance with the policies of the Melton Local Plan.</p>

Conclusion

The application seeks outline consent for an area of Public Open Space to be used in connection with the adjacent development to the south for the construction of around 54 dwellings and circa 1360sqm (GEA) of B1 (a) Office land (14/00995/OUT – also under consideration at this Committee). The proposal is located within flood zones 2 & 3, however there is no objection from the Environment Agency and the proposal would provide the necessary public open space provision for the adjacent housing development to the south in accordance with Policy H11 of the adopted Local Plan. Accordingly the proposal is recommended for approval.

Recommendation: PERMIT, subject to 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 no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external

appearance of the equipment and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.

3. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the equipment 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.
4. 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.
5. Development shall not begin until all trees and hedgerows to be retained have been securely fenced off in accordance with details first submitted to and approved in writing by the local planning authority. There shall be no alteration to ground levels, no compaction of soil and no storing of materials within those fenced areas. Any service trenches within the fenced areas shall be dug and backfilled by hand and any root with a diameter greater than 50mm shall be left unsevered
6. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of the landscape 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.
7. The final layout of the proposal shall incorporate a buffer zone between the proposed housing to the south and the railway line to the north, to provide a substantial wildlife corridor.
8. The proposed development shall include provision for play space in accordance with the standards set out in the adopted Melton Local Plan. The space shall be provided prior to any of the dwellings on the adjacent site are first occupied and shall be maintained in perpetuity for its designated use.

The reasons for the conditions are:-

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 enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features.
5. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.
6. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public and nature conservation
7. In the interest of ecology and to provide net biodiversity gains in accordance with NPPF para. 109
8. To comply with local plan policy H11 and ensure the right level of provision is provided.

Officer to contact: **Mrs K McMahon**

Date: 17 August 2015