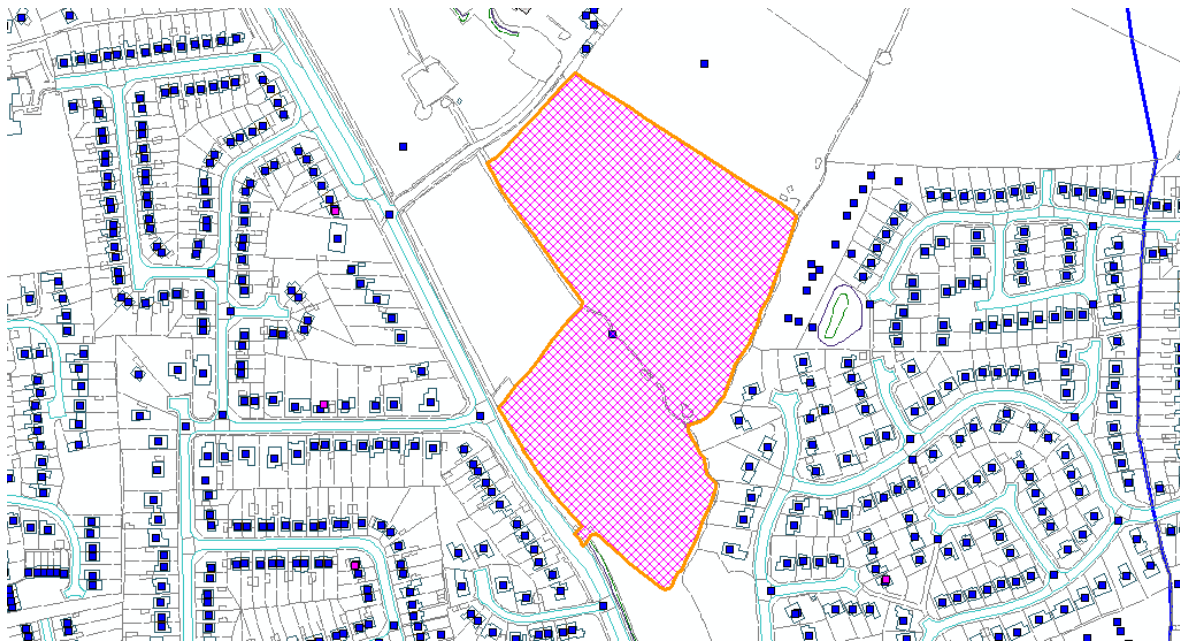


**Reference:** 16/00259/REM  
**Date submitted:** 10.05.16  
**Applicant:** Davidsons Developments Ltd  
**Location:** Field Numbers 5855 and 6071 Nottingham Road, Melton Mowbray  
**Proposal:** Reserved matters application for appearance ,landscaping ,layout and scale of residential development



**Proposal :-**

In January 2015 outline planning permission was granted on appeal for the development of this site with up to 85 dwellings. That permission included the details of the access off Nottingham Road.

This application seeks permission for the details of that development. These include the layout of the site with 51 market dwellings , 34 affordable dwellings and associated open spaces and landscaping .

The site is land on the eastern side of Nottingham Road, Melton Mowbray. The site lies outside the designated town envelope .It is within open countryside abutting the boundary of the town envelope and is currently two undeveloped fields. To the east of the site is residential development off Kipling Road .To the west is Nottingham Road and an established built-up part of the town. To the north and north-east is open countryside and Sysonby Lodge , a grade II listed building.

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

- **Compliance or otherwise with the Development Plan**
- **Impact upon the Character of the Area and Open Countryside**
- **Impact upon heritage assets**
- **Impact upon residential amenities**
- **Road Safety and Transportation**
- **Provision of suitable housing mix**

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

**History:-**

16/00260/DIS      Approved - Discharge condition 16 – Written scheme of archaeological investigation

14/00078/OUT      Approved on appeal - Residential development of up to 85 dwellings with associated infrastructure, access and areas of open space

**Planning Policies:-**

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

**Policy OS2** - This policy restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, **Policy OS2 should be considered out of date when considering the supply of new housing.**

**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 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 C13:** states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

**Policy C15:** states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development  
Policy C16.

**Policy BE11 –** Planning permission will only be granted for development which would have a detrimental effect on archaeological remains of county or district significance if the importance of the development outweighs the local value of the remains. If planning permission is given for the development which would affect remains of county or district significance, conditions will be imposed to ensure that the remains are properly recorded and evaluated and, where practicable, preserved.

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It 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:**

#### **Promoting sustainable transport**

- all developments that generate significant amounts of movement to be supported by a Transport Assessment or Statement; development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.
- Developments that generate significant movements are located where the need to travel will be minimised and use of sustainable transport modes can be maximised.

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

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

#### **Require Good Design**

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

#### **Conserving and enhancing the natural environment**

- Contribute to and enhance the natural and local environment.
- Aim to conserve and enhance biodiversity

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><b>LCC Highways – Highways &amp; Transportation – raised concerns about details of the layout and requested that they be addressed by the submission of an amended plan.</b></p>	<p>The Highway Authority was concerned about some aspects of the detailed layout. These were the size and location of some of the parking spaces; the width of a private drive; the width of one footway and the need to widen some bends to improve forward visibility .</p> <p><b>The applicants have submitted amended plans which address all of these points and the final comments of the Highway Authority will be reported at the committee meeting.</b></p> <p>It should be noted the details of the site access from Nottingham Road were approved with the principle of development and the Highway Authority’s comments only relate to the internal road layout.</p>
<p><b>LCC Highways – Access Officer Requests footpath link</b></p> <p>Development of site could provide an opportunity to improve pedestrian links between Nottingham Road and Scalford Road. It could also provide a link to public footpath E17 which runs northwards between the application site and John Fernerley College.</p> <p>These would increase the sustainability of the site and help to reduce the need for car journeys.</p>	<p>The detailed layout of the site has been designed to accommodate east –west pedestrian and cycle routes so that the provision of any possible future longer term links outside this site would not be precluded.</p>
<p><b>LCC Archaeology</b></p> <p>Applicant must comply with archaeological condition attached to outline planning permission .</p>	<p>Noted</p>
<p><b>Severn Trent Water Authority</b></p> <p>No objections subject to compliance with outline conditions .</p>	<p>Noted</p>
<p><b>MBC Housing Policy Officer–</b></p> <p><b>Housing Mix:</b> The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of</p>	<p>The 51 market houses are a mixture of house types and sizes. There are 3,4 and 5 bedroom detached houses and 3 bedroom semi-detached houses.</p> <p><b>It is considered that the market housing mix is acceptable .</b></p>

<p>shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>Paragraph 50 of the National Planning Policy Framework states that we should plan for a supply of housing that meets the needs of our population, both now and moving into the future. The development of this site would provide an opportunity to meet identified local need.</p> <p><b>Affordable Housing:</b> This application offers a 40% affordable housing contribution.</p>	<p>Saved policy H7 of the Melton Local Plan requires affordable provision ‘on the basis of need’ and this is currently 40%. This proportion has been calculated under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>The affordable housing is a mixture of 2 and 3 bedroom houses , 2 bedroom bungalows and 1 bedroom apartments.</p> <p><b>The submitted layout indicates the provision of 34 affordable dwellings ,which is 40% of the total number of dwellings on the site.</b></p>
<p><b>Melton Mowbray Town Area Committee</b> The application was considered at the committee meeting on 25<sup>th</sup> July 2016 .</p>	<p>Comments awaited – will be reported at the committee meeting</p>

**Representations:**

Site notices were posted and neighbouring properties consulted. As a result **9 letters of objection have been received from 7 separate addresses**, the representations are detailed below.

Representations	Assessment of Head of Regulatory Services
<p><b>Traffic generation and road safety</b></p> <p>The site will generate additional traffic which will exacerbate existing problems of congestion . There is a need for bypass before any more housing development is approved.</p> <p>The additional traffic will have a detrimental impact upon road safety in the area in general and upon children walking to nearby schools in particular.</p> <p>The new junction with Nottingham Road is proposed in a dangerous location .</p>	<p>The principle of development ,together with associated traffic generation and the detailed design of the vehicular access have already been considered in the determination of the outline planning application .</p> <p>Concerns about the need for strategic road improvements are understood, but it was considered that in this case the scale of development would not generate sufficient traffic to make such improvements necessary.</p> <p>The details of the new junction were assessed and approved with the outline application. They are</p>

	shown on the submitted layout plan and are considered by the Highway Authority to be acceptable.
<p><b>Layout</b></p> <p>The proposed layout is different from the scheme which was granted permission on appeal.</p> <p>The trim trail shown on the original layout has been removed.</p> <p>It is a profit led layout.</p>	<p>An indicative layout was submitted with the outline planning application .It was not a formal part of the application and had no status .</p> <p>The scheme submitted with this application differs from the indicative layout, because detailed assessment of site levels and drainage has determined the final design. It is a well conceived layout which takes advantage of the landscape setting.</p> <p>Adequate open space and landscaping would be provided .</p>
<p><b>Residential Amenity</b></p> <p>The development would result in a loss of privacy for neighbours.</p> <p>The proposal would create a dominant and oppressive environment to the detriment of neighbours and future occupiers of the development .</p> <p>Loss of views and outlook.</p>	<p>The development will change the outlook of neighbours. But generous back to back distances of at least 45m should ensure that there is minimum loss of privacy and is well in excess of the normally accepted distance of about 21m.</p> <p>The layout shows acceptable standards of amenity space and privacy for residents of the new dwellings.</p>
<p><b>Infrastructure</b></p> <p>There is insufficient infrastructure to support this development and local schools are over subscribed.</p>	<p>Technical infrastructure such as roads and drainage must meet the requirements of the relevant statutory undertaker. That infrastructure has been designed in accordance with those specifications and improvements provided where necessary .</p> <p>The outline planning permission is subject to a Section 106 agreement, to ensure that contributions are made to those services where mitigation has been identified as being necessary . This includes the Police, libraries, civic amenities and transportation facilities.</p> <p>There was no request for a contribution to education.</p>
<p><b>Character of the Area</b></p> <p>Adverse impact upon the character and appearance of the area and negative impact upon the countryside.</p>	<p>The application site is located in the open countryside as defined in the Local Plan.</p> <p>The development of 85 dwellings would have an ‘urbanising’ effect on land that is currently undeveloped and in the designated open countryside. Due to the scale of development proposed it is inevitable that the character of the</p>

	<p>area would be altered from its existing form. <b>It is considered this impact should be considered in the balance of ‘harm’ against benefits</b> described in the Planning Policy section below.</p> <p>The detailed layout indicates that the density of the proposal is in a similar range to that of the surrounding area and as an ‘edge of settlement’ location would not be out of keeping with the surrounding form of development.</p> <p>This layout also shows that the area of potential ecological interest would be preserved as open space.</p> <p>The site lies on the edge of the urban area of Melton. When approaching the town from the north the site would be viewed against an urban backdrop with the existing residential development to the south and east of the site. The development would also be assimilated into the town because of the extent of housing on the opposite side of Nottingham Road. This existing development extends further north, away from the town ,than the boundary of the current application site.</p> <p>When approaching the town along Nottingham Road it is considered that the proposal will be afforded a similar view to the existing and due to existing development to the west will not appear to protrude beyond the existing built form.</p> <p>When approaching the development from the south, leaving the town on Nottingham Road, again it is considered that the proposal will be read in the context of the existing residential development .</p> <p>The green corridors along Nottingham Road are incorporated into the design with the retention of significant trees to create an attractive soft edge to the gateway into the development and along Nottingham Road.</p> <p>It considers that over time the development would secure landscape benefits through the provision of new areas of structural landscaping and open spaces .</p> <p>The proposed location, on the edge of the built settlement, and enclosed by development to the west, which extends further north than the proposal, and mostly enclosed to the east and south by existing properties is considered to have <b>limited harm</b> to the open countryside. The application has been well designed with the with green corridors, public open spaces and amenity spaces which enhance the proposal.</p>
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	<p><b>The approval of the outline planning permission has accepted that the harm to landscape is limited by the surrounding built form. It confirmed that development could deliver a well designed layout and landscaping and that this must be balanced against the benefits of the scheme.</b></p>
<p><b>Drainage</b></p> <p>The layout shows a water retention basin which would be a lake on occasions.</p> <p>The development would have an adverse impact upon water courses and drainage which run through adjoining properties.</p>	<p>That is the purpose of the retention basin which is part of a SUDs scheme.</p> <p>The details of the drainage are subject to approval by the relevant undertakers, who will ensure that it satisfactorily drains the site, with no adverse impact upon neighbours.</p>
<p><b>Heritage Assets: Setting of listed building</b></p> <p>Adverse impact upon setting of the adjacent listed building .</p>	<p>The grounds of Sysonby Lodge ,a Grade II Listed 19<sup>th</sup> century hunting lodge lie immediately northwest of the application site.</p> <p><b>It is considered that the development would not have an adverse impact upon the setting of this listed building.</b></p> <p>This is due to the orientation of the listed building, which looks west towards Nottingham Road, and the mature ,dense trees and shrubs within the grounds of the lodge ,including screening along the eastern boundary of the listed building .</p> <p>It is noted that additional planting and an open area is proposed within the development site, on the boundary with the listed building, which would help preserve the setting of Sysonby Lodge.</p>

**Other Material Considerations, not raised through representations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policy</b></p> <p>The site lies outside the designated town envelope for Melton Mowbray .It is within open countryside abutting the boundary of the town envelope.</p>	<p>The principle of the development has been accepted by the appeal decision which granted outline planning permission. There has been no material change in policy or circumstances since that decision.</p> <p><b>The only matters to be considered at this stage are the appearance ,landscaping ,layout and scale of residential development.</b></p>



## **Conclusion**

The outline planning permission was granted on appeal on the basis that the advantages were judged to outweigh the disadvantages, particularly the contribution that the development would make to housing supply, both in the market and affordable sectors. There has been no material change in policy or circumstances since that decision and , therefore, the principle of the development must be accepted.

This development brings forward a reasonable mixture of housing to meet identified needs and provides the full 40% of affordable housing.

The detailed layout shows a well designed development laid out around a central landscaped area which incorporates a SUDs scheme. It has strong, landscaped frontage to Nottingham Road which respects local character and layout. There is generous space around the site to sustain wildlife habitats and provide good levels of privacy and amenity for neighbours and the occupiers of the new dwellings.

It is recommended that the submitted details should be approved.

### **Recommendation: RESERVED MATTERS APPROVAL subject to the following conditions:**

1. The proposed development shall be carried out strictly in accordance with the following drawings:
  - i. Revised Planning Layout 1073-100 (dated 16th June 2016)
  - ii. Materials Plan 1073 -01 ( received 15th April 2016)
  - iii. Landscape Proposals GL0531 01 & GL0531 02 ( received 20th April 2016)
  - iv. All Proposed House and Garage Types received 15th April 2016
2. Notwithstanding the details submitted, the proposed access road serving the site shall be designed and constructed in accordance with Leicestershire County Council standards for adoption, as contained in its design guidance "6Cs Guide" (Htd) at [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd).
3. 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 and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences.
  - a. Note: Your attention is drawn to the requirement contained in the Highways Authority's current design guide to provide Traffic Calming measures within the new development.
4. Before first occupation of any dwelling within the site, a footway shall have been provided to the satisfaction of the Highway Authority from existing footways on Nottingham Road to the point of the new access to serving the site off Nottingham Road.
5. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway, unless another method has been agreed in writing with the Local Planning Authority , which will ensure that Nottingham Road is kept clean of deleterious material.
6. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority together with measures that the developer will take to ensure compliance with the approved route by contractors, including the nature and circumstances for the use of enforcement penalties if necessary. During the period of construction, the developer shall advise all contractors and suppliers of the agreed route for construction vehicles of particular sizes, and to erect signage to direct vehicles exiting from the site
7. For the period of the construction of the development, vehicle parking facilities shall be provided within the

site and all vehicles associated with the development shall be parked within the site.

The reasons for the conditions are:

1. For the avoidance of doubt
2. To ensure adequate visibility at the access junction
3. To ensure that the highways are constructed to an acceptable standard.
4. In the interests of pedestrian safety.
5. In the interests of the safety of road users
6. In the interests of the safety of road users and the amenity of neighbours.
7. In the interests of highway safety and the amenity of neighbours.

Officer to contact: **Mr P Reid**

**Date: 10<sup>th</sup> August 2016**