

18/01517/FUL Land off Hoby Rd, Asfordby

Approval of reserved matters related to access, appearance, layout and scale attached to outline approval 16/00570/OUT for the erection of 70 dwellings and provision of swales/drainage infrastructure/public open space

1. Summary:



The application site comprises of approximately 3ha. of open arable land. To the west it is bounded by the grounds of Asfordby Football club. The River Wreake runs along the south of the site. The land to the east of the site is being developed for residential purposes by Jelson Homes. The village of Asfordby lies further to the east the beyond this development. Red Lodge Farm is located to the North. The

area is rural in character.

This current application is intended to follow on the principles established by the previously granted outline planning permission. This application seeks planning permission for the approval of reserved matters related to, appearance, layout and scale attached to outline approval 16/00570/OUT for the erection of 70 dwellings and provision of swales/drainage infrastructure/public open space.

By way of background a reserved matters application deals with some or all of the outstanding details of the outline application proposal, in this case these reserved matters relate to the following;

- **appearance** - aspects of a building or place which affect the way it looks, including the exterior of the development
- **layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- **scale** - includes information on the size of the development, including the height, width and length of each proposed building.

The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.

Members should also note that the permitted outline permission was accompanied with a s106 agreement which amongst other stipulations required the provision of 40% affordable housing on the site (28 units). This has been subject to negotiations with the developers resulting in a need to vary the previously completed and sealed S106 planning agreement.

2: Recommendations:

It is recommended the application is APPROVED, subject to:

- (i) Completion of a variation to the S106 agreement making for:
 - Revised Affordable Housing Mix adjusting the provision from 28 units to 10 on site (the residual provided for at Burton Rd, Melton Mowbray).
- (ii) Conditions as set out in Appendix B

3: Reasons for Recommendation:

1. The application site is allocated for housing and outline planning permission for the development has been granted. The principle of the access and the number of units proposed were determined at the outline stage.
2. The proposal as revised would result in a form of development that would be sympathetic to the character of the locality by virtue of its appearance, layout and scale and would not compromise residential amenity or be prejudicial to highway safety. For these reasons, the proposal is considered to comply with Policy D1 of the Melton Local Plan which requires all new development to be sympathetic to the character of the area in which the site is located.

4: Key factors:

Reason for Committee Determination

This application is being considered by the Committee in view of its scale and significance as an allocated site in the Local Plan.

The application is also required to be considered by the Committee to enable authorisation to be given to vary the existing legal agreement concluded at the outline application stage with regard the amount of affordable housing provision.

Relevant Policy Context

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Adopted Melton Local Plan (MLP) 2011-2036

The Melton Local Plan was adopted in October 2018 and is the Development Plan for the area. The land is within a Service Centre and is an allocated for residential purposes (Ref ASF3 – Land off Hoby Rd Asfordby). The following policies are relevant;

- **Policy SS1 – Sustainable Development** seeks to secure development proposals which promotes and improves economic, social and environmental conditions in an area;
- **Policy SS2 - Development Strategy** sets out how development will be distributed across the Borough in accordance with a spatial strategy that states that Service centres and Rural Hubs will accommodate up to 35% of new

housing on a proportionate basis;

- **Policy D1- Raising the Standard of Design** requires all new developments to be of high quality design;
- **Policy C1 (A) Housing Allocations** - seeks to ensure that Housing proposals are delivered within the sites allocated within the Local Plan subject to certain requirements;

Asfordby Neighbourhood Plan (NDP) Plan 2017-2036

In October, 2016 Asfordby Parish Council submitted its Neighbourhood Plan to Melton Borough Council. Following a decision by Melton Borough Council to advance the plan to Referendum due to a legal challenge the subsequent draft Neighbourhood Plan referendum was quashed by means of Consent Order endorsed by the High Court. Following this Order, Asfordby Parish Council took the decision to withdraw the Asfordby Neighbourhood Plan on the 14th March 2018.

National Planning Policy Framework (Feb 2019)

The Local Plan has been examined and it has been concluded it is compatible with the original NPPF 2012 version and that there are not considered to be any changes in the subsequent 2019 version that renders the policies applicable to this application to be considered 'out of date'.

Relevant History

The site is allocated for residential development in the Melton Local Plan.

16/00570/OUT - Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval) refused in December 2016 for the following reasons:

1. The application site is in a location with poor connectivity and which is poorly related to the built form of Asfordby. Development of the site would have an adverse impact upon the character and appearance of the countryside which contributes the setting of the village, and is contrary to both the Pre Submission Melton Local Plan and Asfordby Neighbourhood Plan (Submission version, August 2016). The Proposal is therefore contrary to the NPPF, particularly paragraphs 50, 56 58, 61 64 and 216. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, including affordable housing, when assessed against the policies in this Framework taken as a whole.
2. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon buried archaeological remains. This is contrary to the NPPF "Conserving and Enhancing the Historic Environment" paragraphs 129-133 which state that it is reasonable to request the developer arrange for an

archaeological field evaluation to be carried out before any decision on the planning application is taken, and policy BE11 of the adopted Melton Local Plan which seek to prevent development if proper evaluation of the archaeological implications has not been undertaken.

The applicants appealed against the refusal decision and following a Planning Inquiry held in August 2017 the appeal was allowed on appeal in May 2018. Members should note that the second reason given for refusal was withdrawn at the Inquiry.

Other Relevant History

18/00200/REM – Planning permission granted for the erection of 120 dwelling houses, associated highway infrastructure and car parking provision. Reserved Matters to include Access, Appearance, Layout and Scale - Landscaping subject to subsequent separate application. (Outline application - 13/00877/OUT) at King Edward VII Upper School, Burton Road, Melton Mowbray

Main Issues

The key issues for this application are considered to be:

- Principle of development
- Impact of appearance, layout and scale upon the character of the area
- Variation to affordable housing provision

Other Issues

- Impact upon residential amenities
- Transportation Matters
- Drainage

5: Report Detail:

5.1 Principle of development

Members will recall that an outline application for 70 units on the site (Ref: 16/00570/OUT) was refused planning permission. This refusal decision was subject to a planning appeal, which was subsequently allowed by the Planning Inspectorate. **The principle of the development along with details of access and numbers were established with this appeal decision.**

Details of access which covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site have already been approved. The site was subsequently allocated for residential development in the Local Plan. **The scheme is considered to be in accordance**

with Policies set out within SS2 and C1 (site allocations) of the Melton Local Plan.

With regard to the acceptability of the submitted reserved matters details, this is addressed below, where the proposal is assessed against the other policies of the Melton Local Plan.

5.2 Impact of appearance, layout, scale upon the character of the existing landscape and surrounding countryside

Policy D1 of the Melton Local Plan requires new development to be of high quality design. In rural areas the revised NPPF requires planning decisions to be responsive to local circumstances and support housing proposals that reflect local need. The NPPF identifies the creation of high quality places and buildings as being fundamental to what good planning should achieve. Good design in turn is viewed as a key aspect of sustainable development. The revised NPPF specifically requires design quality to be considered throughout the evolution and assessment of individual proposals and has sought to strengthen design policy particularly to aid housing delivery. Developments are required to be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping. The revised NPPF states that planning permission should be refused for development of poor design. Just as importantly, the NPPF requires planning authorities to ensure that the quality of approved developments does not become materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Policy ASF3 of the Local Plan which allocates the site makes various requirements of its layout and design including:

- Linkages through to the main part of the village
- Retention of boundary hedges
- Retention of key views
- Limiting development to 2 storey at the edge of the development
- A high quality landscape edge

In assessing this proposal, with regards to layout, the development seeks to build on the illustrative layout plan considered at the outline stage. The site currently forms open agricultural land, the perimeter in part is marked by mature hedging/planting and trees forming an established boundary. This development would have an important impact on the rural character of the area and that the proposals would alter the appearance of the application site.

The applicants view is that the submitted housing scheme is of a sufficient quality, notwithstanding this view, your Officers have sought and secured design changes to the appearance and layout of the scheme which include the following;

- Introduction of dummy chimneys to help break up the roofscapes and individual blocks;
- Provision of diversity to the scheme by introducing a variety of front entrance doors with a variety of styles and colours this;
- Consideration has also been given to the introduction of more and different

- external surfacing materials; and
- More space and consideration given to enhanced planting and biodiversity

The development essentially consists of predominantly two storey dwellings arranged around a main vehicular access point leading to a series of cul de sacs and private driveways. The plot sizes remain largely uniform in terms of scale, design and appearance. The scale development of the development on this an agricultural piece of land is acceptable.

The revised layout follows basic design principles and the current development has attempted to provide an attractive frontage along the street creating a defined street scale. Space has also been designed to allow for enhanced tree planting and general planting which is controlled by condition. On the whole the layout maintains a back to back relationship which allows for adequate levels of privacy for future residents. Each dwelling would benefit from having its own usable sized private garden. With regard to appearance the proposed dwellings would be two storey and of modern appearance and of brick and tiled construction. Care would need to be taken with the materials to be used on the external elevations this is addressed by condition, details of the chimneys and their numbers also need to be controlled by condition.

The scheme as amended takes the form of a modern housing estate arranged around a standard engineered estate road required by the Highway Authority and seeks to reflect the adjacent Phase 1 Jelsons Homes development which is currently under construction. This revised scheme seeks to respect the visual relationships of its immediate locality. The proposed housing would need to be viewed in the context of the existing village of Asfordby. It is concluded that the proposal as revised has been largely designed to fit in its surrounding context. **The principle of residential development has been previously accepted and the proposal with safeguarding conditions would not detract from the principles previously agreed. The layout is considered to accord with Policy D1 and the relevant parts of ASF3.**

In addition to the housing, the layout plan indicates an area for the sustainable attenuation works/ponds/swales to be provided. This area also offers an opportunity to enhance the site and provide opportunities for biodiversity improvements. The details of its appearance and design can be controlled by conditions.

Whilst landscaping does not part of the current reserved matters proposal for consideration, the applicants have accepted the need to provide enhanced landscaping and boundary treatment including the provision of good quality street trees to prevent the scheme looking sparse and urban in form.

5.3 Affordable Housing

Members should also note that the completed s106 which accompanied the outline

permission included the provision of 40% affordable housing on the site (28 units).

Whilst this scheme was being progressed, the applicant Jelson Homes were also running a concurrent reserved matters application at the former King Edward School site in Melton Mowbray.

The affordable housing requirement for that site was however, (under Local Plan policy) only 10%. As part of the Borough Council's negotiations with the developer they were asked to consider providing more affordable housing units on the Melton Mowbray site in exchange for a commensurate reduction in affordable units at the application site. This negotiation was primarily seeking to deliver affordable housing to the area of greatest need.

The applicants subsequently agreed to increase the affordable housing provision at King Edward from 12 to 30 units with an equivalent reduction at Asfordby from 28 to 10. The King Edward element (including the necessary variation to the s106) was approved by the Committee on 25 April 2019. The reason for this were that the demand is greater in Melton Mowbray and because localized demand in Asfordby is currently being met by the adjacent site that provides 30 dwellings with a priority to Asfordby residents (or those closely connected).

The existing s106 specifies that provision on this site would comprise 60% Affordable Rented or Social rented and 40% 'Intermediate' which includes Starter Homes and affordable Home Ownership. However under the NPPF at least 10% should be affordable home ownership which means that the entirety of the 40% share (7) will need to be of this form. Negotiations and flexibility of this nature accord with the ambitions conveyed in the recently adopted Affordable Housing and Housing Mix SPD.

As well as seeking reserved matters approval for the current application the developers also therefore need to seek Committee's agreement to vary the s106 for this site to reduce the affordable provision here to enable it to be re-directed to Burton Rd, Melton as per the decision of the 25 April.

Other Issues

5.4 Impact upon residential amenities

It is considered the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to ensure the amenity of future occupiers and of neighbouring properties should not be compromised.

5.5. Transportation Matters

Details of access were agreed at outline stage. The applicants would continue to propose to utilise an existing vehicular access located off Holby Rd adjacent to Ashford Rd Football Ground and a cottage known as Red Lodge. This would operate as the main point of access. The proposed revised internal access arrangements would lead to two key roads being provided within the site to serve the proposed development. Road one would run in a north – south direction and form a

cul de sac form of development. However this element would also provide for a pedestrian and cycle to link to the adjacent development currently under construction. Road Two would run in an east to west direction and provide a vehicular link to the earlier phase.

Discussions are taken place with the Local Highway Authority on the reserved matters details and they have not raised any significant concerns to prevent permission being granted. I would not wish to deviate from this highway position. The County Councils Access Officer to seeking to control details of signage and access to the footpath during the construction phase, there are sufficient safeguards on conditions attached at outline stage to address concerns. They point out that they intend to add an unrecorded footpath which crosses the site as a public footpath. The improved connectivity would not necessarily alter the fact that the site is isolated from key facilities. The requirement to provide a continuous footpath has already been conditioned. I do not support the idea that the footpath should be tarmaced and that landscaping should be provided away from the path. This would not help provide a rural setting to the site and conflict with the organic softer approach your planning officers are pursuing for the site. Details of surfacing treatment for all footpaths have been conditioned. The developer is prepared to discuss other issues directly with the Access Officer, without the need to impose unnecessary or unreasonable conditions.

5.6 Drainage/Foul Water

The observations of Severn Trent Water are noted, a condition was attached at outline stage to deal with surface water drainage. A condition requiring details of foul water drainage is proposed.

5.6 Conclusion

The previous outline planning permission effectively established the principle of the nature and form of the development proposed. Despite some deficiencies to the layout and appearance of the scheme, taking the proposal as a whole, it is considered that the revised proposals have been designed to be reasonably sympathetic to the local character and would result in the creation of a pleasant neighbourhood and forms a natural extension to the adjacent development, with a mixture of dwelling types being provided subject to conditions securing further details. **The details relating to the layout, scale and external appearance are considered acceptable. It is considered that the proposal would comply with Policy D1 of the Melton Local Plan which requires new development to be of high quality design where siting and layout must be sympathetic to the character of the area and the aims and objectives of the revised NPPF.**

The development is considered acceptable for the following reasons;

- The principle of residential development is supported on policy grounds and the site has been allocated in the Local Plan for housing;
- The development would deliver local housing need; and
- It would deliver increased affordable housing in Melton Mowbray.

Consultation & Feedback

Surrounding occupiers were notified and site notices posted.

No representations received

Financial Implications:

Legal costs for preparing the variation to the S106 Planning Agreement (to be borne by the applicant)

Background Papers:

Planning Application File 16/00570/OUT - Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval) and subsequent appeal decision

Appendices:

A: Summary of Statutory Consultation responses
B: Planning Conditions
C: List of Planning Policies

Report Timeline:

Assistant Director Approval

19th August 2019

Report Author: Reddy Nallamilli - Development Management

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Appendix A : Summary of Statutory Consultation responses

LCC Archaeology

Refer to the archaeological conditions attached at outline stage.

LCC – Lead Local Flood Authority

Sufficient details have been submitted to support the reserved matters.

LCC Ecology

Sufficient details have been submitted to support the proposal and applicants should be reminded of their obligations to the ecological conditions attached at outline stage.

LCC – Highway Authority

Requested further plans to ensure the internal road work met with their adoption standards

LCC – Access Officer

No objections to the revised layout plan. Suggest conditions requiring details of how access to the footpath will be managed during construction and signposted and designed.

LCC – Developers Contributions

No comments to make

Severn Trent Water

Condition requested to deal with surface water and foul water drainage.

Environment Agency

No formal comment to offer.

Appendix B : Summary of conditions

1. The reserved matters hereby granted shall be completed strictly in accordance with the following approved plans and details;
 - ASF02.400.Planning Layout
 - ASF_PL2_PL_001 Coloured Layout
 - ASF02.402.Location Plan Location Plan

- ASF02.401.Street Street Scenes
- House Types - Private Development
- JDB202C_R01_PD_OP
- JDB203C_R01_PD_OP
- JDB204C_R01_PD_OP
- JS201C_R01_PD_AS
- JS203C_R01_PD_AS
- JS203C_R01_PD_OP
- JS210C_R01_PD_AS
- JS210C_R01_PD_OP
- JD311C_R01_PD_AS
- JD311C_R01_PD_OP
- JD311G_R01_PD_OP
- JD311V_R01_PD_AS
- JD313C_R01_PD_AS
- JD320C_R01_PD_AS
- JD320G_R01_PD_AS
- JD320V_R01_PD_AS
- JD320V_R01_PD_OP
- JD326C_R01_PD_OP
- JD326V_R01_PD_AS
- JD331C_R01_PD_AS
- JD331C_R01_PD_OP
- JS306C_R01_PD_AS
- JS306C_R01_PD_OP
- JS306G_R01_PD_AS

- JS306G_R01_PD_OP
- JS310C_R01_PD_OP
- JS310V_R01_PD_AS
- JS310V_R01_PD_OP
- JS318C_R01_PD_AS
- JS318C_R01_PD_OP
- JS322C_R01_PD_AS
- JS322C_R01_PD_OP
- JS325C_R01_PD_OP
- JT306G_R01_PD_AS
- JT318C_R01_PD_AS
- JD407G_R01_PD_AS
- JD408C_R01_PD_AS
- JD411C_R01_PD_AS
- JD421G_R01_PD_AS
- JD421G_R01_PD_OP
- JD425C_R01_PD_OP
- House Types - Social Development
- JDB203C_R01_PD_OP
- JS297C_R01_HA_AS
- JS297C_R01_HA_OP
- JS394C_R01_HA_OP
- JS399C_R01_HA_AS
- JS399C_R01_HA_OP
- Garages
- GS01C-01

<ul style="list-style-type: none"> • GD01C-01 • GP01C-01 <p>Reason: For the avoidance of doubt.</p>
<p>2. Prior to the commencement of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority in writing for approval. Sample panels of the proposed surfacing materials (Brickwork and tiles) at a least a metre squared (showing where appropriate the proposed coursing, method of pointing and colour of mortar) shall be erected on for consideration and subsequent approval. The panels shall be retained on site until the completion of the works. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To protect the visual amenities of the locality and comply with Policy D1 Adopted Melton Local Plan (MLP) 2011-2036 and comply with the aims and objectives of the NPPF.</p>
<p>3. Prior to the commencement of the development hereby permitted, details of the design, appearance, positioning and numbers of chimneys to be used in the construction of the individual dwellings of the development hereby permitted shall be submitted to the Local Planning Authority in writing for approval. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To protect the visual amenities of the locality and comply with Policy D1 Adopted Melton Local Plan (MLP) 2011-2036 and comply with the aims and objectives of the NPPF.</p>
<p>4. Prior to the commencement of the development hereby permitted, details of a soft and hard landscaping scheme shall be submitted in writing to the Local Planning Authority for written approval. The scheme shall include the following;</p> <ul style="list-style-type: none"> a) Fully annotated planting plans showing the locations of individually planted semi – mature trees (which shall include Tilia Cordata Greenspire and Tilia Cordorta Rancho, shrubs and hedging. Other information shall include planting schedules, noting species, plant sizes and proposed numbers and densities, method of cultivation and details of the proposed planting implementation programme; b) Surfacing treatment of the pedestrian circulation areas and paths; c) A five year aftercare scheme for the landscape management plan and maintenance which provide a replacement tree o f the am species an size as that originally planed within a period of 5 years fro its da of planting, is uprooted, removed or is destroyed or dies or in the opinion of the Local Planning Authority becomes seriously damaged or defective; d) Details of the sting, appearance and design of bird/bat brick/boxes to be

<p>incorporated in to the development;</p> <p>e) Details of the layout, design, biodiversity enhancement, boundary treatment and planting for the swales/drainage infrastructure.</p> <p>Reason: To protect the visual amenities of the locality and comply with Policy D1 Adopted Melton Local Plan (MLP) 2011-2036 and comply with the aims and objectives of the NPPF.</p>
<p>5. The approved landscaping details agreed in Condition 5 above shall be implemented in full no later than the end of the first planting season available after the development hereby permitted being bought into first occupation.</p> <p>Reason: To secure the satisfactory development of the site and comply with Policy D1 Adopted Melton Local Plan (MLP) 2011-2036 and comply with the aims and objectives of the NPPF.</p>
<p>6. Prior to the commencement of the development hereby permitted, details of the disposal of foul water drainage shall be submitted to the Local Planning Authority in writing for approval. The development shall be implemented in accordance with the approved details.</p> <p>Reason: To secure the satisfactory development of the site and comply with Policy D1 Adopted Melton Local Plan (MLP) 2011-2036 and comply with the aims and objectives of the NPPF.</p>
<p>7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order 2015 or any Order amending, revoking and/or re-enacting that Order, with or without modification. No extension or alterations relating to Class A, B, C & E of Part 1 of Schedule 2 or Part 2 Class A of Schedule 2 shall be erected without the prior written consent of the Local Planning Authority.</p> <p>Reason: To secure the satisfactory development of the site, protect residential amenity and comply with Policy D1 Adopted Melton Local Plan (MLP) 2011-2036 and comply with the aims and objectives of the NPPF.</p>

Appendix C : Applicable Development Plan Policies

Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy
- Policy C1 (A) – Housing Allocations
- Policy C2 Housing Mix - seeks to manage the delivery of a mix of house types, tenures and sizes to balance the current housing offer;
- Policy C4 Affordable Housing Provision - seeks to ensure that the provision

of affordable housing is made against an application of more than 10 dwellings;

- Policy EN2 – Biodiversity & Geodiversity seeks to achieve net gains for nature and seeks habitat creation as part of all new development proposals;
- Policy EN3 – Green Infrastructure Network seeks to deliver, protect and enhance green infrastructure;
- Policy EN8 – Climate Change states all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered:
- Policy EN9:- Energy Efficiency/ Low Carbon developments required to demonstrate how carbon emissions have been reduced;
- Policy EN11 - Minimizing Flood Risk seeks to ensure development proposals do not increase flood risk and will seek to reduce flood risk to others:
- Policy EN12 – Sustainable Drainage Systems seeks to ensure that properties are not at risk from surface water flooding allowing for climate change effects.
- Policy IN2: Transport, Accessibility and Parking
- Appendix 1 Policy ASF3
- Affordable Housing and Housing Mix SPD (July 2019)