

Reference: 13/00448/FUL
Date Submitted: 25.06.2013
Applicant: Melton Mowbray Town Estate
Location: Land adjacent 121 Saxby Road, Melton Mowbray
Proposal: Application for a pair of semi detached dwellings.



Introduction:-

The proposal seeks planning permission for the erection of a pair of semi-detached houses

The application site is located between 121 and 123 Saxby Road, Melton Mowbray. The existing site is an unused grassed area fronting the highway between two dwellings and falls within the town envelope but not within the Conservation Area. It is currently enclosed on all sides by 1.8 metre high close boarded fencing.

Saxby Road is primarily residential but the land to the rear of the site is The All England Sports Ground. It is possible that this land once formed a secondary access point to the sports ground as the rear boundary is gated.

It is considered that the main issues relating to the proposal are:

- **Whether it is appropriate to permit housing on this site as it falls within flood-zone 3a**
- **Whether the applicant has provided sufficient information to assess whether there are sites available at a lower flood-risk (the sequential test)**
- **Whether the exception test has been passed, as to whether the proposed dwellings represent a sustainable benefit to the community that outweighs the flood risk**

The application is presented to the Committee because of the issues involved in reviewing the sequential test.

Relevant History:-

12/00686/FUL – Erection of a pair of semi-detached dwelling houses – Withdrawn 19.12 2012

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1:-

- the form, character and appearance of the settlement are not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the 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.

NPPF: Seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The framework introduces 12 core planning principles with more detailed criteria contained within the 13 chapters. Relevant to this proposal are:-

Chapter 6 – Delivering a Wide Choice of High Quality Homes:- Plan for housing to meet local need, identifying the size, tenure and range of housing that is required in particular, locations reflecting local demand. Resist development on residential gardens where approving development would cause harm to the local area. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Houses in the open countryside should be avoided unless there is a special circumstance such as essential for the needs of a rural worker.

Chapter 7 – Requiring Good Design:- Good design is a key aspect of sustainable development and should contribute positively to making places better for people. Good design goes beyond aesthetics and should address the connections between people and places and the integration of new development into the natural, built and historic environment. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local

distinctiveness. The NPPF advises that poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions should be refused.

Chapter 10 – 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.

It is considered that the NPPF is not in conflict with the provisions of the development plan which seek to restrict housing within existing settlements and to safeguard the character of the area and to not have a detrimental impact upon existing residential amenities.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Environment Agency – Object to this application in the absence of any evidence to demonstrate that the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons:</p> <p>The application site lies within Flood Zone 3a defined by the Environment Agency Flood Map / Strategic Flood Risk Assessment as having a high probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ‘Sequential Test’. In this instance no evidence has been provided to indicate that this test has been carried out.</p> <p>The sequential test has now been submitted and further comments are awaited from the Environment Agency on the Flood Risk Assessment.</p>	<p>The main issue in relation to the proposed development is that the site falls within flood-zone 3a and therefore under NPPF guidance, a sequential and exception test must be passed before permission can be granted.</p> <p>Whilst a flood-risk assessment has been submitted to demonstrate how the effects of flooding can be mitigated, the first assessment must be the sequential/exception tests to demonstrate that it would be appropriate to develop the site.</p> <p>The applicant has submitted information explaining which other sites they have considered, in order to demonstrate that there are no lower-risk sites available. These are addressed below.</p> <p>NPPF paragraph 101 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ‘Sequential Test’. 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. If following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception test can be applied if appropriate.</p> <p>To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available for, and could be developed at the point envisaged.</p> <p>To be considered deliverable, sites should:</p> <ul style="list-style-type: none"> • Be Available –is available now. • Be Suitable –offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.

- **Be Achievable** – there should be no undue restrictions on the development of the site.

The applicant has provided a summary of 15 sites which they have considered using the SHLAA 2012, and the reasons they consider they are unsuitable or unavailable for the development proposed.

(i) Land at 5 Welby Lane – Flood Zone 1. This site is 0.6ha, which is larger than required for the development. It already has outline planning permission for the construction of 8 dwellings, and the cost of £290,000 is prohibitive to such a small development. **It is agreed that this site is not suitable for the development proposed.**

(ii) Land at King Street – Flood Zone 1. This is a former pub with consent to convert or demolish. If demolished, the site could be appropriate for development, but the costs involved in purchasing the land and demolishing the existing building make this an unviable option. **It is agreed that this site is not suitable for the development proposed.**

(iii) Land at the Uplands – Flood Zone 1. This site is owned by a third party and an application has been made for the development of five two and three bedroom homes which utilises the entire site. In light of this it would be impractical to partition a section of the site and apply for alternative planning permission. **It is agreed that this site is not suitable for the development proposed.**

(iv) Land adjacent to 27 Ankle Hill – Flood Zone 1. This site is an appropriate size for the development in question, but is already subject to a third party development application. The costs of buying the land before development would be prohibitive. Finally, the development would not be in keeping with the surrounding dwellings. **It is agreed that this site is not suitable for the development proposed.**

(v) Land at Thorpe Satchville Road – Flood Zone 1. This site is too far from the amenities of Melton Mowbray, and as designated pasture land is not appropriate for development. **It is agreed that this site is not suitable for the development proposed.**

(vi) Beeby's Yard, Burton Street – Flood Zone 2. The site is much larger than the proposed site and it is unlikely that a partial sale of the site could take place. The site would require demolition of the current buildings and so would not be viable within

the budget of the proposed development at Saxby Road. This site is sequentially less favourable than the proposed site. (Identified on the SHLAA as '0019/MBC/SHLAA'). **It is agreed that this site is not suitable for the development proposed.**

(vii) St. Mary's Hospital, Thorpe Road – Flood Zone 1 (borders Flood Zone 2). The site is much larger than the proposed site and it is unlikely that a partial sale of the site could take place. Conversion of the existing buildings is preferred at this site, which would not be viable for the proposal. Taking these factors into account the site is not sequentially more favourable than the proposed site. (Identified on the SHLAA as '0101/MBC/SHLAA'). **It is agreed that this site is not suitable for the development proposed.**

(viii) Land off Saxby Road – Flood Zone 1. The current ownership of this land is unknown and is much larger than the proposed site. It is unlikely that a partial sale of the land could take place. The site is also situated in an industrial area rather than a residential area as the proposed site is. This land is therefore not sequentially more favourable than the proposed site. **It is agreed that this site is not suitable for the development proposed.**

(ix) Dee Close, Melton Mowbray – Flood Zone 1. The current ownership of this land is unknown and it is unlikely that a partial sale of the land could take place. The land is currently used for recreational use and any buildings at the site would reduce the recreational value of the area. This location is not sequentially more favourable than the proposed site. **It is agreed that this site is not suitable for the development proposed.**

(x) Six Elms, 55, Asfordby Road – Defended Flood Zone 3. This site is much larger than the proposed site; due to the size of the development proposal the land at Asfordby Road would not be best utilised compared to a development proposal of a larger scale. The land at Asfordby Road is for sale for £500,000; this would make the project financially unviable when transaction costs are taken into account for the sale of the currently owned land at Saxby Road and purchase of this site. This site also lies within defended flood zone 3; a breach of the defences in this location could result in a greater flood hazard than fluvial flooding at the proposed site. For these reasons this site is sequentially less preferable than the proposed site. (Identified on the SHLAA as '0018/MBC/SHLAA'). **It is agreed that**

this site is not suitable for the development proposed.

(xi) Land fronting Dieppe Way, Scalford Road – Flood Zone 1. The site currently contains allotment gardens and residential development of this site will reduce the recreational quality of the site. The site is also much larger than the proposed site and it is unlikely that a partial sale of the land could take place. Developing a large piece of land with the proposed building will not make best use of the land. For these reasons this site is sequentially less preferable than the proposed site. (Identified on the SHLAA as '0021/MBC/SHLAA,'). **It is agreed that this site is not suitable for the development proposed.**

(xii) 36-42 Thorpe End – Flood Zone 2. This site is closer in size to the proposed site (only 3 times larger), but is still too large for the proposed development. Development of this site would include demolition of the current buildings at the site, whereas this is not necessary at the proposed site. The extra cost of demolition would make the project unviable at this site and so it is sequentially less preferable than the proposed site. (Identified on the SHLAA as '0026/MBC/SHLAA'). **It is agreed that this site is not suitable for the development proposed.**

(xiii) Silverdale, Scalford Road – Flood Zone 1. The site is much larger than the proposed site and it is unlikely that a partial sale of the site could take place. Development of this site would include demolition of the current buildings at the site, whereas this is not necessary at the proposed site. The extra cost of demolition would make the project unviable at this site and so it is sequentially less preferable than the proposed site. (Identified on the SHLAA as '0105/MBC/SHLAA'). **It is agreed that this site is not suitable for the development proposed.**

(xiv) Hamilton Drive – Flood Zone 1. The land at Hamilton Drive is for sale on rightmove.co.uk for £250,000. The plot is semi-developed and the current building at this site would not suit the proposed development. Demolition of the existing building and construction of the proposed development would make the project financially unviable. This site is sequentially less preferable than the proposed site. **It is agreed that this site is not suitable for the development proposed.**

(xv) Land rear of 88 Dalby Road – Flood Zone 1.

This site is much larger than the proposed site and it is unlikely that a partial sale of the site could take place. The site would require improved access if it were to be developed whereas the land at Saxby Road already has good access. For these reasons this site is sequentially less favourable than the proposed site. (Identified on the SHLAA as '0020/MBC/SHLAA'). **It is agreed that this site is not suitable for the development proposed.**

On the basis of the analysis above, it is considered that the proposed development has passed the sequential test, and it has been shown that no other sites are available in areas of lower flood-risk that could accommodate the development. It is therefore appropriate to release the current site for housing at this time.

The exception test should only be considered if the sequential test is passed. As it is considered that the development passes the sequential test, it is appropriate to move on to apply the exception test.

NPPF paragraph 102 states that The exception test requires any development to demonstrate that it would provide wider sustainability benefits to the community that outweighs the flood-risk, as well as demonstrating that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this respect, the applicant points out that the proposed development of the site at Saxby Road provides wide sustainability benefits for the community, through provision of small scale low cost homes, supporting local infrastructure and reducing crime and congestion.

The impact on local flood risk has been assessed and found to be negligible. The development will incorporate the use of innovative sustainable drainage techniques to ensure that there is no increase in run off following the construction of the development. Numerous sites have been examined, and it has been demonstrated that there are no sequentially preferable sites available in lower flood risk areas.

The proposal fulfils the two conditions of the exception test and can therefore be deemed appropriate in accordance with the criteria for determining planning applications as detailed in paragraph 102 of the National Planning Policy Framework.

<p>LCC Highways - No objections have been received by the highways Authority as ample parking and turning facilities will be available.</p> <ul style="list-style-type: none"> • Visibility appears adequate • Drop kerb existing <p>Recommend approval with conditions</p> <p>PADHI +: HSE do not advise against the proposed deve</p> <p>MBC Environmental Health - No objection in principle to this application but concerned about traffic noise generated on the Saxby Road and the impact this may have on the occupiers of the properties.</p> <p>In the event of the application being approved recommend a condition be imposed to the effect that the applicant demonstrate prior to commencement of the development that noise levels within the dwellings will not exceed World Health Organisation Guideline values for both inside the dwelling generally and specifically inside the bedrooms. Similarly the applicant should demonstrate that the vibration generated by the heavy goods vehicles will not adversely affect the structure of the proposed development.</p>	<p>This has been accepted in relation to other sites in similar locations, and it is considered that the development passes this requirement of the exception test. Conditions as advised by the Environment Agency with regards to the floor levels of the properties can be applied to any approval issued to ensure a safe form of development</p> <p>On the basis of the information provided by the applicant it is considered that the development passes both the sequential test and the exception test and therefore complies with the NPPF.</p> <p>Noted</p> <p>Noted</p> <p>Noted, however, the site is in a predominantly residential area and Saxby Road is not considered to be an exceptionally noisy road, therefore it is not considered that the suggested conditions are necessary.</p>
--	---

Representations:

A site notice was posted and seven neighbouring properties were consulted. One representation was received.

Considerations	Assessment of Head of Regulatory Services
<p>Melton Mowbray And District Civic Society - Within the Borough there are increasing numbers of elderly people and people with a disability. The plans for these houses do not appear to have the flexibility required to be able to meet the housing needs of a wide section of society, including people with disabilities and older people. The main</p>	<p>The development would contribute to the Borough Council's housing supply requirements whilst meeting sustainability objectives.</p> <p>As the site is located within the town envelope the site is considered to be in a sustainable location and the development complies with the requirements of</p>

<p>bedroom is on the second floor and main living accommodation is on the first floor. The design which provides off-street parking for two vehicles for each property gives priority to vehicles rather than to people. Because of the proposed parking provision there is very little external amenity area.</p>	<p>NPPF for efficient use of land and mix of dwelling types and smaller households.</p>
--	---

Other material considerations (not raised through consultation or representation)

<p>Considerations</p>	<p>Assessment of Head of Regulatory Services</p>
<p>Application of Planning Policy Seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system.</p> <ul style="list-style-type: none"> • an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; • a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and • an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. <p>The saved policies OS1 and BE1 allows for development within the town envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of</p>	<p>As the site is located within the town envelope it is considered to be in a sustainable location and the development complies with the requirements of NPPF for efficient use of land, prioritising brownfield land and mix of dwelling types and smaller households.</p> <p>Being within Melton and reasonably close to the centre, it meets the locational requirements.</p> <p>The greatest ‘local need’ in Melton is for 2 bedroomed units, and as such the proposal is considered to be appropriate and therefore meets the identified local needs.</p> <p>The development lies in the town envelope for Melton Mowbray.</p> <p>The proposal is therefore considered to be acceptable in terms of the NPPF and Policies OS1 and BE1</p>

<p>the development is in keeping with the character of the 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.</p>	
<p>Design</p>	<p>The dwellings are two storey with the principal bedroom and en-suite bathroom/shower within the roof space to maximise available space. The design includes a shared drive through to the rear car parking facilities, which is enclosed by a pair of full height timber gates giving a solid appearance to the frontage. Hence the ground floor space is narrow to include the entrance hall and staircase and a small bedroom/study. The principal living area with kitchen is therefore is on the first floor. There is a balcony overlooking the sports ground to the rear and the rear roof slope includes a pitched dormer window and rooflight.</p> <p>The footprint measures 9.4 m x 7.9 m giving an area of 74.6 square metres. The ridge height is 8.5 m and eaves height 4.8 m. The roof is in a half hipped format with two rooflights on the front slope, the properties on either side have hipped roofs.</p> <p>The design is generally simple and continues the form of the existing dwellings and will not look out of character within the street scene.</p>
<p>Street scene:</p>	<p>Saxby Road is primarily residential and includes a variety of housing styles and sizes. Dwellings are primarily in blocks of terraces or semi detached. Parking provision is generally on street although some properties do have off road spaces.</p> <p>The blocks of dwellings on either side of the development site (117 – 121 and 123 – 129) were probably constructed in the 1950's and are in contrast to the primarily older properties in the street. They are constructed in pale red brick under a hipped tile roof set back behind a modest front garden.</p> <p>The proposed dwellings will be similar in roof height, scale and half-hipped design. Matching the neighbouring properties and it is therefore considered not to adversely impact upon the street scene.</p>

Amenity:	<p>There are residential properties to both sides of the development plot both of which have two windows in their gable ends which abut the plot.</p> <p>The blank side walls of the new dwellings will be a maximum of 1 metre from the side wall of No 121 and a maximum of 2.1 metres from the side wall of No 123.</p> <p>The upper floor single casement windows appear to be serving the landings at the top of the staircase whilst the much smaller ground floor window possibly a downstairs toilet or utility facility. As such it is likely that neither are habitable rooms.</p> <p>To the rear is the All England Sports Ground which the rear windows etc will look out over</p> <p>It is considered that no appreciable loss of amenity would result from the proposal.</p>
-----------------	---

Conclusion

The application seeks planning permission for the erection of a pair of semi-detached dwellings in the town envelope. It is considered that the proposal has been designed to have no impact on adjoining properties, is appropriate in design to the streetscene and is acceptable in terms of highway safety. Located in the town envelope the development is therefore considered to be in a sustainable location and meets the requirements of the NPPF and also provides housing to meet identified housing need.

Therefore, the main consideration for Committee is whether the sequential test has been passed and whether it is appropriate to release a housing site within flood-zone 3a. The applicant has provided information of available sites and why such sites have been discounted, and the proposal is considered to have passed both the sequential test and the exception test as defined within the NPPF.

RECOMMENDATION:- Permit, subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be undertaken strictly in accordance with Drawing No 6536P – 01(Revision B), scale 1;100, dated September 2012.
3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
4. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
5. No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 600 mm in height above the level of the adjacent carriageway. Any existing such obstruction shall be removed or reduced in height to a maximum of 600mm above the level of the adjacent carriageway before building works commence and shall thereafter be permanently so maintained.

6. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
7. The car parking and turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before either dwelling is occupied and shall thereafter be permanently so maintained.
8. Before first occupation of either dwelling, the proposed access drive shown on the submitted plan, shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
9. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
10. Before the dwellings are first occupied, the proposed cycle parking shown shall be provided and made available for use and once provided shall be maintained and kept available for use in perpetuity.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians in the public highway
5. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
7. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
8. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
9. In the interests of pedestrian safety.
10. In the interests of the sustainability of the development and to encourage alternative transport choice.

Officer to Contact: Richard Spooner

18th October 2013