Committee Date: 11th August 2011

Reference: **11/00432/FUL**

Date Submitted: **06.06.2011**

Applicant: **Mr D Vinden**

Location: **Land Adjacent 2 Park Avenue, Park Avenue, Melton Mowbray, LE13 0JB**

Proposal: **Demolition of existing structure and erection of 2 two bedroomed flats.**

Introduction:-

The proposal seeks planning permission for the demolition of the existing structure and erection of 2 two bedroom flats.

The site previously contained a brick-built outbuilding, although this has been demolished and the site is semi-derelict. To the south is a large residential caravan site and terrace housing to the north-east and south-east, all served from Park Avenue, an unmade road running south from Asfordby Road.
There is a 'residential caravan site' to the south, the subject of an application for the erection of a pair of semi detached dwellings. Permission was recently renewed for a single dwelling on the adjacent site, although the consent for the 2 flats has expired as 'pre-commencement conditions were not discharged before work commenced.

The land is situated between the disused railway line and the River Wreake and falls within flood-zones 3a and 2. The proposal is for the erection of a two storey building, to be attached to the adjacent dwelling, to provide 2 two-bedroom flats, which would be situated close to the road.

The application follows the refusal of an application in May 2011 on the grounds that insufficient information had been provided about the availability of alternative sites. The application is submitted with enhanced information regarding potential alternatives that are assessed below.

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 complex issues involved in reviewing the sequential test.

Relevant History:-
06/00204/FUL– 2 flats – Approved 28.04.2006

10/00597/FUL– renewal of 2 flats – Withdrawn 27.09.2010

11/00113/FUL – erection of 2 two bedroom flats – Refused 26.05.2011

Planning Policies:-

PPS1 - Delivering Sustainable Development - planning authorities should promote more efficient use of land through higher density development and suitably located previously developed land and buildings.

PPS 3 - Housing - amplifies the advice set out in PPS1, and particularly says that housing should be developed in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The priority for development in such locations should be previously developed land, where appropriate. The amended statement has removed residential garden area from the brownfield classification to ensure that the character of the area is not unduly impacted upon. PPS3 also sets out clear advice on determining planning applications, stating that we should have regard to the suitability of a site for housing (including its environmental sustainability) and that we should ensure that proposals are in line with housing objectives and do not undermine wider policy objectives. PPS3 specifically states that "Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities" (Para 23). In relation to market housing PPS3 states that "One of the Government's key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix" (Para 25 & 26)

Planning Policy Statement 25 - Development and Flood Risk - seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. In determining planning applications it states that the Local Planning Authority should have regard to the policies in the PPS; ensure, where appropriate, that applications are supported by site-specific flood risk assessments; apply the sequential approach to sites to minimise risk by directing the most vulnerable development to areas of lowest flood risk; and, ensure that all new development in flood risk areas is appropriately flood resilient and resistant.

East Midlands Regional Plan

Policies 1 and 3 seek to locate new development in sustainable locations that reduce the reliance on the private car.

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.

Policy H6 :- residential development within town and village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Melton is the largest/most sustainable settlement within the District

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Environment Agency – Comments outstanding	The main issue in relation to the proposed development is that the site falls within flood-zones 3 and 2, and therefore under PPS 25 guidance, a sequential and exception test must be passed before permission can be granted. 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. 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. **PPS 25 is clear that the starting point must be that sites within flood-risk zones should only be released if there are no other sites available within a lower flood-risk zone,** and it is for the applicant to supply the Local Planning Authority with sufficient information for them to assess the availability of such sites (the sequential test). **It proceeds to explain that matters within the exception test (the safety of the development, balancing risk against benefits, impact on flooding elsewhere and use of brownfield land) only become relevant if the sequential test is passed.** 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. To be considered deliverable, sites should: • 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 sites which they have considered, and the reasons they consider they are unsuitable or unavailable for the development proposed. Of the sites indicated by the applicant, several are very large 'allocated' sites (often several hectares of land) that will have undue constraints relating to infrastructure provision and affordable dwellings, and developing a small area of such sites is not feasible and **it is therefore agreed that they are unsuitable for the proposed development.** The applicant has provided additional information on the following sites and the following assessment is made:- <u>3 Welby Lane</u> This is a site with extant permission for development including several pairs of semi-detached houses which the applicant has disregarded as 'too large'. The applicant has contacted the owner of the site, who has confirmed that they do not want to sell off the site in small plots. **Accordingly, the site is not available for the development.** <u>152 Burton Road</u> This site had permission for a large detached dwelling (recently renewed) and the owners of the site have stated that they do not wish to sell the site, and wish to pursue the existing permission on the site for a single dwelling. **It is**, **therefore considered to be unavailable.** <u>2 Brook Street</u> This site has permission for 5 terraced buildings, it is within the same flood zone as the application site and the applicant has therefore stated that the site is not sequentially preferable. **It is accepted this is site is within the same flood zone, however development has not yet commenced, although**

	conditions relating to the development have been discharged. The development could potentially be accommodated on this site, however the flood risk would be the same as the site which the application seeks approval for. Hartopp Road This 0.27ha site has been discounted by the applicant due to the loss of a community facility, but could accommodate the development. Whilst this reasoning could be challenged, the site is now fully redeveloped and **it is accepted it could not be developed for the proposal** Beeby's Yard The site does not have planning permission and is similarly required to address the sequential test. To date, this issue has not been resolved and it is not guaranteed that permission will be obtained. **It is accepted that the site is not available for the development proposed.** 177 Nottingham Rd The site has a recent permission for a bungalow, on which work is due to start shortly. **Accordingly, the site is not available for the development proposed.** 241 Nottingham Rd The applicant has contacted the owner who has advised that they intend to proceed with the development of the site for a bungalow for which permission exists. **It is therefore accepted that the site is not available for the development proposed.** 46 Rudbeck Avenue This site has permission for 2 terraced dwellings. This form of development differs from the application and it is considered it **could not accommodate the development as proposed.** Former Police Station, Leicester Rd, MM This site could accommodate the development but has been discounted by the applicant not being available for purchase (although no confirmation of this has been provided) and applicant cannot afford site, although this is not an issue as the consideration is whether the development (not the applicant|) could be accommodated at the site. However, this site is quite large and has permission for 24 dwellings and is **unlikely to be suitable for the development proposed.** The applicant has discounted several other sites for various reasons including the following:-

	1. The site is within the same flood zone as the application site, and is therefore not sequentially preferable. 2. 'site being Greenfield', therefore Brownfield is more preferential 3. The site has already been developed 4. 'the site is not available for purchase or developable within 5 years' **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. PPS25 advises that 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. The exception test requires any development to demonstrate that it would provide a sustainable benefit to the community that outweighs the flood-risk, as well as meeting requirements relating to safety, overall flood risk and Brownfield site use. In this respect, the applicant points out that the development is close to the town centre, which would allow for transport modes other than the car, and that a de-graded site would be improved. 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. **The site is 'brownfield' in nature and 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.** **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 PPS25.**

Representations:
A site notice was posted and eight neighbouring properties were consulted. No representations were received.

Other material considerations (not raised through consultation or representation)

Considerations	Assessment of Head of Regulatory Services
Application of Planning Policy **Planning Policy Statement 1: Delivering Sustainable Development** identifies sustainable development as the core objective which underpins planning; and, that planning should promote sustainable and inclusive patterns of development. The guidance requires councils to ensure the provision of sufficient, good quality new homes in suitable locations, whether through new development or the conversion of existing buildings. **Planning Policy Statement 3: Housing** sets out the national policy framework for delivering the Government's housing objectives. With regard to the effective use of land, PPS3 states that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed including land and buildings that are vacant or derelict. It goes on to state however that there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed **PPS 3** states that development should seek to address any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. **OS1** supports the principle of development in the town envelope subject to certain criteria.	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 PPS 1 and 3 for efficient use of land, prioritising brownfield land and mix of dwelling types and smaller households. Being within Melton and reasonably close to the centre, it meets the locational requirements of the Regional plan and the Core Strategy. Whilst the greatest 'local need' in Melton is for 2 bedroom houses, the modest 2 bedroom flats proposed, when considered in conjunction with the existing approval for a modest dwelling adjacent to the site, and outstanding application for two small 3 bedroom dwellings at a neighbouring site, it is considered to be an appropriate 'mix' and therefore meets the identified local needs are advocated by PPS 3 and the Core Strategy. The development lies in the town envelope for Melton Mowbray. **The proposal is therefore considered to be acceptable in terms of PPS1, PPS3 and OS1.**
Visual Appearance	The proposal is a simple design that continues the form of the existing dwellings and will not look out of character in the street scene. The redevelopment of this degraded site is considered to be a visual improvement in the area.

Highway Safety Consider parking and access issues	The site is close to the town centre, which will encourage modes other than the car, although Park Avenue is suitable to cater for the level of development proposed. PPG 13 indicates that developers should not be compelled to provide more parking than they wish to provide, unless the development would exacerbate a known problem. There are no parking restrictions on the highway, and no current problems. The proposal is to provide two small 2 bedroom flats with a total of 3 parking spaces (one per flat and one visitors space) which is considered to be appropriate for a development of this size. **The proposal is considered to be acceptable in terms of highway safety, and conditions will ensure that parking and access is provided in line with highways safety standards.**
Amenity of neighbours	Due to the orientation of the building in relation to existing properties and their gardens, **it is considered that no appreciable loss of amenity would result from the proposals.**

Conclusion

The application seeks planning permission for the erection of a 2 two bedroom flats 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 PPS1 and PPS3 and also provided 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-zones 2 and 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 PPS25.

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. 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.

3. The proposed car parking facilities shown shall be provided, hard surfaced and made available for use before each property is first occupied and shall thereafter be permanently so maintained.

4. No walls, fencing or planting shall be erected or allowed to grow on or adjacent to the front boundary of the property that exceeds a height of 0.6 metres above the level of Park Avenue. Any existing such obstruction shall be permanently removed before development commences.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted

3. To ensure that adequate off street parking facilities are made to reduce the possibility of on street car parking.

4. To ensure adequate visibility is provided out of the accesses on to Park Avenue in the interests of the safety of users of Park Avenue.

Officer to Contact: Mrs Sarah Legge **28th July 2011**