

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - Council Offices, Bradley Road, Trowbridge
Date: Wednesday 13 April 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Marie Gondlach (Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713597 or email marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Ernie Clark
Cllr Rod Eaton
Cllr Peter Fuller
Cllr Mark Griffiths
Cllr Malcolm Hewson
Cllr John Knight

Cllr Christopher Newbury
Cllr Graham Payne
Cllr Stephen Petty
Cllr Jonathon Seed
Cllr Roy While

Substitutes:

Cllr Rosemary Brown
Cllr Trevor Carbin
Cllr Andrew Davis
Cllr Russell Hawker
Cllr Tom James MBE

Cllr Francis Morland
Cllr Jeff Osborn
Cllr Fleur de Rhe-Philippe
Cllr Pip Ridout

AGENDA

Part I

Items to be considered when the meeting is open to the public

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 6*)

To approve the minutes of the last meeting held on 23 March 2011 (copy attached.)

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

There were no Chairman's Announcements.

5. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 5.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in

particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Director of Resources) no later than 5pm on Wednesday 6 April 2011. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. Planning Applications (Pages 7 - 8)

To consider and determine planning applications in the attached schedule.

6.a W/11/00286/FUL (Pages 9 - 16)

Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent, Trowbridge, Wiltshire

6.b W/11/00283/FUL (Pages 17 - 24)

Demolition of existing garages and construction of 2 no- 1 bedroom apartments plus 2 parking spaces and 5 off-site parking spaces – Garages, At Chalfield Crescent, Melksham, Wiltshire

7. Urgent Items

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None.

This page is intentionally left blank

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 23 MARCH 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Malcolm Hewson, Cllr John Knight, Cllr Christopher Newbury, Cllr Stephen Petty, Cllr Fleur de Rhe-Philippe (Substitute), Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Trevor Carbin and Cllr Francis Morland

25 Apologies for Absence

Apologies for absence were received from Councillor Mark Griffiths (substituted by Councillor Fleur de Rhé-Philippe) and Councillor Graham Payne.

26 Minutes of the Previous Meeting

The minutes of the meeting held on 2 March 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 2 March 2011.

27 Declarations of Interest

W/10/03506/REM - Reserved matters application for design, external appearance and landscape of 38 dwellings, garages and associated works pursuant to outline planning permission 04/00095/OUT - Land At Blue Hills Devizes Road Hilperton Wiltshire.

Councillor Ernie Clark declared a personal interest as he had chaired the meeting of Hilperton Parish Council when this application had been discussed. Councillor Ernie Clark gave his assurance that he would consider the application with an open mind.

28 **Chairman's Announcements**

There were no Chairman's Announcements.

29 **Public Participation**

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

30 **Planning Applications**

The Committee considered the following applications:

30.a W/10/03506/REM - Reserved matters application for design, external appearance and landscape of 38 dwellings, garages and associated works pursuant to outline planning permission 04/00095/OUT - Land At Blue Hills Devizes Road Hilperton Wiltshire

Public Participation:

- Ms Kate Churchill spoke in objection to the application
- Mr Bailey spoke in objection to the application
- Mr George McDonic spoke in objection to the application

Officers introduced the report which sought approval for reserved matters and in doing so highlighted the fact that the main issues to be considered by the Committee were design, external appearance and landscaping. Permission had been granted on 10 July 2009 to the extant outline planning application 04/00095/OUT which approved the scheme in principal and also the details of access and siting.

During the ensuing debate it was explained that a different legislation protected the badgers present on the site as they were not a European Protected Species. The Committee was reassured that condition 16 in the outline application would not be discharged by this application. The Committee was also reassured that the non material amendments to the outline planning application permission had been subjected to were, indeed, minor alterations to the siting and layout of the scheme.

Members of the Committee recognised the mitigation efforts made by the developer but felt that some of the issues and concerns raised by members of the public could possibly be addressed with some additional conditions and informative with regards to the use of obscure glass for overlooking windows, the future usage of garages and access to the site by builders and developers.

It was therefore

Resolved

That the reserved matters application be approved

For the following reason:

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following conditions:

1 Before the development hereby permitted is first occupied the first floor window in the west elevation of plot 1, shall be glazed with obscure glass only and the windows shall be permanently maintained with obscure glazing at all times thereafter.

REASON: In the interests of residential amenity and privacy.
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

2 The development shall be carried out as specified in the approved Arboricultural constraints plan reference ABBEY17434-01 and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C32 and H8B

3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C32 and H8B

4 This approval relates to the following plans and documents:

Drawing : 1378-100 received on 05.11.2010
Drawing : 1378-115 A received on 05.11.2010
Drawing : 1378-101 G received on 23.03.2011
Drawing : 1378-102 received on 23.11.2010
Drawing : 1378-111 received on 05.11.2010
Drawing : 1378-112 received on 05.11.2010
Drawing : 1378-113 received on 05.11.2010
Drawing : 1372-114 A received on 17.11.2010
Drawing : 1378-109 received on 05.11.2010
Drawing : 1378-110 received on 05.11.2010
Drawing : 1378-105 received on 05.11.2010
Drawing : 1378-106 received on 05.11.2010
Drawing : 1378-107 received on 05.11.2010
Drawing : 1378-108 received on 05.11.2010
Drawing : 1378-117 received on 05.11.2010
Drawing : 1378-118 received on 05.11.2010
Drawing : 1378-119 received on 09.02.2011
Drawing : 3016/SK02 C received on 25.03.2011
Drawing : ABBEY17434-01 received on 05.11.2010
Drawing : ABBEY17434-10 sheet 1 of 2D received on 25.03.2011
Drawing : ABBEY17434-10 sheet 2 of 2D received on 25.03.2011

TREE REPORT dated 03.09.2010

LANDSCAPE SPECIFICATION dated October 2010

DESIGN AND ACCESS STATEMENT dated October 2010

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008) (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interests of highway safety.

6. Before the dwellings on plots 3-6 inclusive are first occupied, the rear facing second floor rooflights shall be glazed with obscure glass and shall be maintained as such thereafter.

REASON: To protect the amenity of nearby properties.

Informatives:

1 Your attention is also drawn to the conditions imposed on the outline planning permission reference 04/00095/OUT and dated 10 July 2009.

2 This approval shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the 9 July 2009.

3 The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.

4 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. Furthermore it is an offence to kill or injure reptiles. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

5 The developer is advised that the Environment Agency would expect the surface water drainage system of the site to incorporate elements of sustainable drainage where possible. These techniques include soakaways, infiltration trenches, permeable pavements, grassed swales, attenuation ponds and rainwater harvesting. The variety of sustainable drainage techniques available means that virtually any development should be able to include a scheme based around these principles. More information can be found in the CIRIA SUDS Manual (C697) or at <http://www.environment-agency.gov.uk/business/sectors/36998.aspx>

6 To avoid undue disturbance to local residents in Norris Road, Hanewell Rise and Stourton Park, the developer is requested to consider the use of the existing access from Devizes Road as the main access for construction vehicles and associated traffic movements.

Councillor Ernie Clark asked for his abstention vote to be recorded.

31 **Planning Appeals Update Report**

The Planning Appeals Update Report for February 2011 was received.

Resolved:

To note the Planning Appeals Update Report for February 2011.

32 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.00 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Agenda Item 6

WESTERN AREA PLANNING COMMITTEE

13 April 2011

Planning Applications for Determination

Item No.	Application No.	Location	Parish	Unitary Councillor
1	W/11/00286/FUL	Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces - Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire	Trowbridge	Helen Osborn
2	W/11/00283/FUL	Demolition of existing garages and construction of 2 no- 1 bedroom apartments plus 2 parking spaces and 5 off site parking spaces - Garages At Chalfield Crescent Melksham Wiltshire	Melksham (Town)	Stephen Petty

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.04.2011		
Application Number	W/11/00286/FUL		
Site Address	Land Adjoining 43 Crawley Crescent Trowbridge Wiltshire		
Proposal	Demolition of existing triple garage and erection of three bedroom house and formation of two in-curtilage parking spaces		
Applicant	Mr Michael Howard		
Town/Parish Council	Trowbridge		
Electoral Division	Trowbridge Lambrok	Unitary Member:	Helen Osborn
Grid Ref	384288 157698		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Helen Osborn has requested that this item be determined by Committee due to:

- * Scale of development
- * Visual impact upon the surrounding area
- * Relationship to adjoining properties
- * Design - bulk, height, general appearance
- * Environmental/highway impact
- * Car parking
- * Other: "Impact on the area, loss of amenities, loss of street car parking"

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses
15 objections. 1 support.

Parish/Town Council Response
Objection.

2. Report Summary

The main issues to consider are:

- * Planning history
- * Material changes in circumstances
- * Impact on the street scene
- * Impact on highway safety
- * Impact on neighbouring amenity

3. Site Description

The application site is located in a residential area of Trowbridge within the town policy limits and can be described as part of the garden and garaging area for 43 Crawley Crescent.

The property 43 Crawley Crescent is a detached dwelling with integral triple garage fronting the road, the property is located at the head of a cul-de-sac adjacent to an estate footpath linking Crawley Crescent with Bridge Avenue.

4. Relevant Planning History

06/01296/FUL - Demolish existing triple garage and erection of three bedroom house and formation of two in curtilage replacement parking spaces – Permission on 09.06.2006

06/02873/FUL - Two storey rear extension @ 43 Crawley Crescent – Permission on 14.11.2006

07/01106/FUL - Revised roof design to previously approved extension @ 43 Crawley Crescent - 06/02873/FUL – Permission on 30.04.2007

W/09/00147/FUL - Erection of summer house @ 43 Crawley Crescent – Permission on 17.02.2009

5. Proposal

This is a resubmission of an expired planning permission from 2006 reference 06/01296/FUL for the demolition of the existing triple garage of 43 Crawley Crescent, the erection of a detached 3-bedroom property and the formation of 4 parking spaces; two to serve 43 Crawley Crescent and two to serve the proposal.

The proposed property would be located directly adjacent to the existing property, set back approximately five metres from the front building line. The proposed property would mirror the form of the original part of 43 Crawley Road and would be 8 metres by six metres with a height of 7.1 metres to the ridge and sloping to 4.6 metres at eaves.

Two parking spaces would be accommodated at the front of the proposed property and two in front of the existing property, the driveway would be shared.

6. Planning Policy

West Wiltshire District Plan 1st Alteration

C31a Design

C32 Landscaping

C38 Nuisance

H1 Further housing in towns

SPG on house alterations and extensions

SPD on New Housing Design

National guidance

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG13: Transport

7. Consultations

Trowbridge Town Council

Object: "This development would, by reason of its length, size, mass, form, siting and orientation be overdevelopment and detrimental to the character of the area and the street scene contrary to policy C31a of the adopted local plan and to the neighbouring amenity, contrary to policy C38. PPS3 as revised in June 2010 removes these types of development from the classification as brown-field and therefore this is a material change from previous applications for this site."

Highways

No objection subject to conditions.

Wessex Water

No objection subject to conditions.

8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 11 March 2011

15 letters of objection were received and 1 letter of support (it is noted that this is from a party which appears to be connected to the application).

Summary of points raised in objection:

- * Parking issues, including blocked drives exacerbated;
- * High volumes of traffic exacerbated;
- * Parking and highway issues will be dangerous for children;
- * Car parking spaces are less than standard in dimensions and inadequate in number;
- * Inaccurate and scant details submitted;
- * Access would be inadequate;
- * If rented out then it is likely to be for multi-occupancy, which has a higher demand for parking;
- * Represents an over-development of the site, harmful to the street scene;
- * There has already been a substantial 2-storey extension on this site;
- * Concerned that the site will be divided up into flats;
- * If another house would have been suitable the original builders of the estate would have built one in 1978;
- * Every house in the estate has a garage and driveway and the estate has an open and spacious feel which this would be out of keeping with;
- * Proximity of another dwelling and garden would harm amenity;
- * Adjacent footpath would be darker;
- * Can the drainage and sewerage system cope;
- * Concern over disruption (builders lorries) and length of construction phase;
- * The existing gateway and site is an eyesore;
- * Running a business from 43 Crawley Crescent, which is illegal;
- * Result in a decrease in property value for neighbours;
- * Coalition government has changed the planning position regarding building on 'brownfield' sites;
- * Did not have adequate opportunity to comment on the previous approval;
- * Letters of objection on the previous application went missing; and
- * If approved would expect upgrading of boundary fencing and landscaping/screening.

Summary of points raised in support:

- * No building lorries have been to the site since 2008, only 3 general deliveries all year;
- * 43 Crawley Crescent is their home; and
- * No intention to convert to flats – its unviable.

9. Planning Considerations

This application is identical to that which was approved in 2006 by the Council. Since that time there have been no changes to the local plan policies, however there have been quite recent changes to national guidance in PPS3 on housing and PPG13 on transport that are relevant to this case.

The changes to PPS3 have been referred to by Trowbridge Town Council and some of the public in their objection and may be summarised as changing the definition of brown field land so as to exclude gardens from this definition and remove the minimum housing density requirements in favour of ensuring development is in keeping with its surroundings. The changes to PPG13 are that new residential housing schemes no longer have set maximum parking standards and allow Council's to set their own minimum parking standards. At this time no formally adopted details of minimum parking standards have been set.

In addition to these policy changes there are some known changes to the physical circumstances on the site that have come to officer's attention, namely the erection of a large 2 storey rear extension to, and a detached garden summerhouse at 43 Crawley Road.

The application site is within the town policy limits and therefore the principle of further housing development is acceptable subject to set criteria set out in Policy H1, and this makes reference to other relevant policy and therefore C31a and C38 need to be considered. This is the same situation as when the now expired planning permission in 2006 was granted and deemed to accord with the policy requirements of H1, C31a and C38.

It is noted that Policy H1 states that "priority will be given to proposals for the reuse of previously developed land"; this does not exclude the more efficient use of land within the town policy limits that meets the set criteria A-G. It was assessed in 2006 that the proposals met these policy requirements and therefore it is not considered reasonable to reach a different conclusion now unless there has been a demonstrable change in the physical circumstances on the site. After careful consideration it is not considered that the known changes, including the erection of a summer house and substantial 2 storey rear extensions at 43 Crawley Road, would mean that the Council would have reached a different decision when considering this matter in 2006.

The proposal has attracted no objection from the Council's highway officer. It is noted that the maximum parking standards have been removed and that 43 Crawley Road is now a large dwelling. However given the location of the development within a town relatively well served by public transport and facilities that are accessible by foot and bicycle then 2 spaces per dwelling is reasonable. The concerns of local residents and the photographic evidence produced showing that there is on street parking in the vicinity do not outweigh this consideration.

It is noted that the highway officer has suggested very slightly different conditions to those imposed on the 2006 permission. In the interests of consistency the same conditions previously imposed should be re-applied, however since this is not an extension of time, and the permission has expired some reasonable level of flexibility can be applied and the conditions are varied to reflect this. They have also suggested an informative, and this carries no weight and is merely instructive so its addition to the decision notice is considered helpful.

In terms of the density, design and layout of the proposals, it has to be acknowledged that the density of the scheme is slightly greater than is characteristic of the area. However, despite removing minimum densities in PPS3 the need for making efficient use of land remains. The design and layout of the scheme and the impact on neighbours has not changed since 2006 and if it was deemed acceptable then, then it must also be concluded to be acceptable now.

The application has been subject to consultation with Wessex Water and they have raised no objection to the proposals.

Material samples for the roof and wall have been submitted as part of the application and they are considered to be characteristic of the locality and acceptable. Therefore there is no need to restate the condition in regards to materials. Furthermore details of the hard surfaces and boundary treatments have been stipulated; however it is unclear if this is intended to be a comprehensive landscaping scheme. As such the landscaping condition is restated.

In summary the proposals are identical to those approved in 2006. It is accepted that there have been some changes to planning policy and the physical conditions on the site in the interim. However none of these are considered to be sufficient to reasonably justify refusing the application now. The Council needs to be consistent in its decision making, in order to be reasonable. In this case the current material circumstances are not so different so as to conclude that the application would now be demonstrably harmful to any acknowledged planning interests, over and above the situation as it was in 2006. On this basis planning permission is recommended subject to conditions.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscape setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 3 The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

- * The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- * All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- * The scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- * The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 4 Before the development is first used, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

REASON: In the interests of highway safety.

- 5 Before the development is occupied, properly consolidated and surfaced driveway and parking spaces (not loose stone or gravel) shall be constructed to the satisfaction of the Local Planning Authority and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

REASON: In the interests of highway safety.

- 7 The ground floor window on the northern elevation of the dwelling hereby permitted, located adjacent to the footpath, must be such that it does not open outwards.

REASON: In the interests of highway safety.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans:

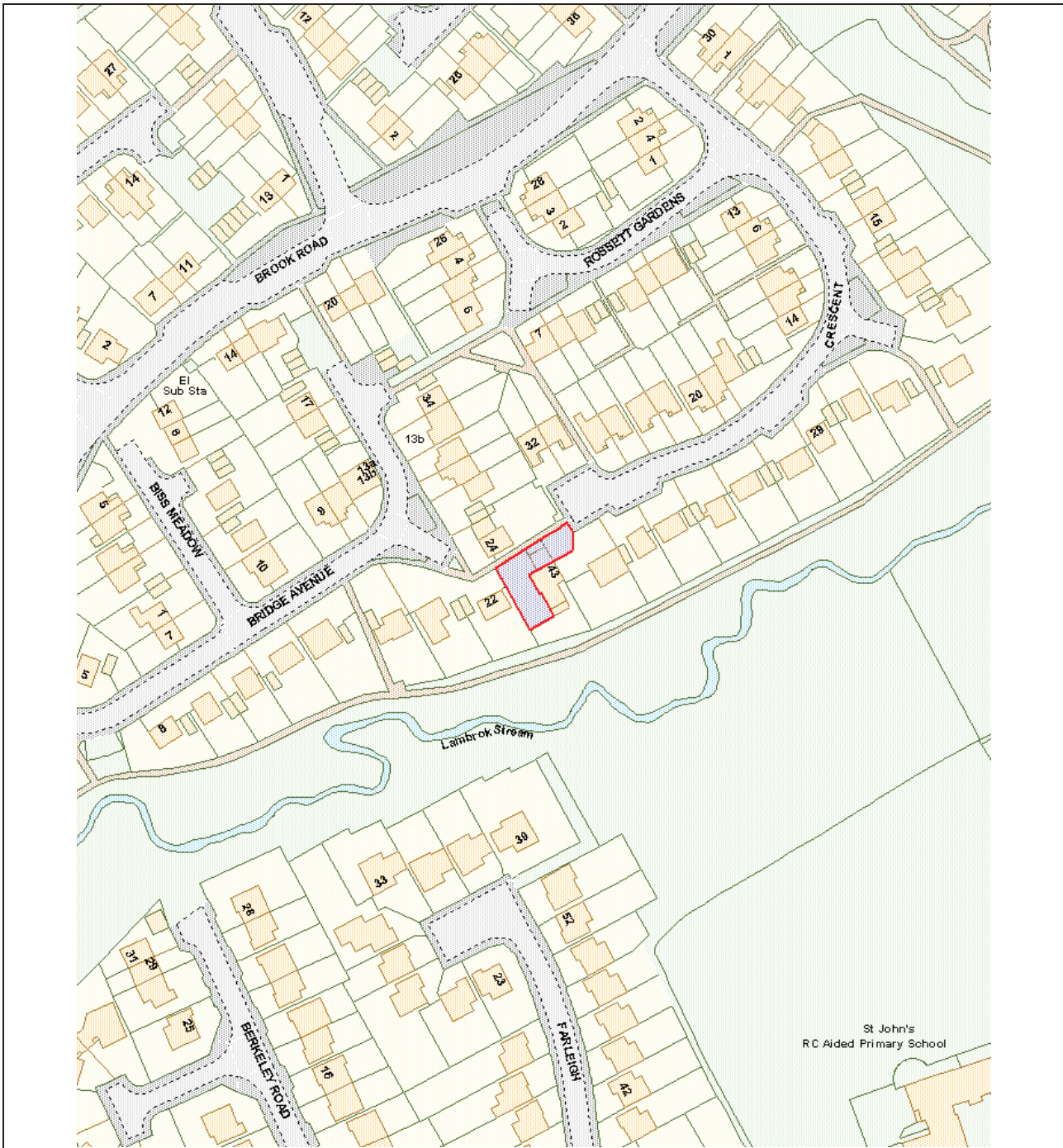
- Drawing: location plan dated 27 January 2011
- Drawing: site plan dated 27 January 2011
- Drawing: Existing site plan 34/01C dated 27 January 2011
- Drawing: Existing elevations 34/02C dated 27 January 2011
- Drawing: New site plan 34/03B dated 27 January 2011
- Drawing: New elevations 34/04A dated 27 January 2011
- Drawing: 43A Floorplans 34/05 dated 27 January 2011
- Design statement dated 27 January 2011

REASON: For the avoidance of doubt and in the interests of proper planning.

Informative(s):

- 1 The construction works will result in activities being carried out on or immediately adjacent to a public footpath. As such, the applicant will need to consult the Area Highways Manager at Melksham (Tel. 01225 702649) before the development commences to discuss the works affecting the public footpath.

Appendices:	
Background Documents Used in the Preparation of this Report:	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	13.04.2011		
Application Number	W/11/00283/FUL		
Site Address	Garages At Chalfield Crescent Melksham Wiltshire		
Proposal	Demolition of existing garages and construction of 2 no- 1 bedroom apartments plus 2 parking spaces and 5 off site parking spaces		
Applicant	Selwood Housing Society Ltd		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham Central	Unitary Member:	Stephen Petty
Grid Ref	391062 164258		
Type of application	Full Plan		
Case Officer	Mr James Taylor	01225 770344 Ext 5169 james.taylor@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Stephen Petty has requested that this item be determined by Committee due to:

- * Relationship to adjoining properties
- * Environmental/highway impact
- * Car parking
- * Other: Due to local public interest and at the request of Melksham Town Council.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

Neighbourhood Responses

3 letters of objection from 2 parties received.

Melksham Town Council Response

Objects.

2. Report Summary

The main issues to consider are:

- * Extant planning history
- * Character of the area
- * Design
- * Neighbouring amenity
- * Highway safety
- * Loss of / displacement of parking
- * Impact on rights of way

3. Site Description

The application site is in two parcels. Firstly it comprises a block of 5 flat roofed lockup garages and surrounding land located on the north side of Chalfield Crescent which is residential garden space.

Secondly it includes an area of open land adjacent to the footpath some 33m to the west of the first site. This is public open space.

The site is located in a residential area characterised by two storey dwellings with red brick elevations under concrete tiled roofs.

4. Relevant Planning History

W/10/03343/FUL - Demolition of existing garages and erection of 2 two bedroom apartments –
Withdrawn on 07.12.2010

W/09/02712/FUL - Two storey side extension and single storey rear extension @ 8 Chalfield Crescent
– Permission on 16.10.2009

08/00217/OUT - Demolition of existing garages and construction of 2no. 2 bedroom apartments –
Permission on 30.10.2008

07/03604/OUT - Demolition of existing garages and construction of two 2 bedroom apartments –
Withdrawn

5. Proposal

This is a full planning application for the erection of a 2-storey building to facilitate 2x one-bedroom apartments, one on the ground floor and one on the second floor. The development would be sited on land used for local residents garaging and part of the adjoining property's garden.

The building would be approximately 8 metres in length and 7.6 metres in width. The site is uneven but the height above ground would be approximately 8.1 metres at ridge level. In addition the proposal includes a single storey lean-to on the side elevation.

The proposal details parking for 2 cars within the site, an enclosed rear amenity area of approximately 70 sq.m. and an open frontage. The proposal includes a bin storage area, 2x garden sheds and solar PV panels to the roof of the south elevation.

In addition the proposal includes the provision of hard standing on land to the west for up to 5 vehicles to compensate for the lost parking provision with the demolition of the garage block. Further the proposal details the creation of off-road tandem parking for 10 Chalfield Crescent which is immediately to the west of the site and currently has no off-road parking provision.

6. Planning Policy

Wiltshire and Swindon Structure Plan 2016
DP1 Priorities for Sustainable Development
DP2 Infrastructure
DP3 Development Strategy
DP4 Housing and Employment Proposals
DP7 Housing in Towns and Main Settlements
DP8 Affordable Housing
DP9 Reuse of Land and Buildings
T5 Cycling and Walking

T8 Transport Provision for New Developments
C10 Green Space at Settlements
RLT1 Recreation, Sport and Leisure

West Wiltshire District Plan 1st Alteration (2004).

C31a Design
C32 Landscaping
C38 Nuisance
H1 Further Housing Development Within Towns
H2 Affordable Housing Within Towns and Villages
H24 New Housing Design
T10 Car Parking
T12 Footpaths and Bridleways

Supplementary Planning Guidance on Affordable Housing
Residential Design Guide
Leisure and Recreation DPD

National guidance
PPS 1: Delivering Sustainable Development.
PPS 3: Housing
PPG 13: Transport.
PPG17: Planning for open space, sport and recreation

Circular 05/05: Planning Obligations.
Circular 06/98: Planning and Affordable Housing.
Circular 11/95: Use of Conditions in Planning Permissions.

7. Consultations

Melksham Town Council

Objection: "The town Council's previous objections still stand i.e. loss of amenity green space and garaging with the consequence there could be conflict between residents parking their cars near the smaller green area and children using this facility. Policies R2 and C31a apply. The problem of on street parking being exacerbated by this proposal, making the narrow access road to Chalfield Crescent even less accessible for larger vehicles Policy T10. Sewerage – the system is not coping with current usage, this new development will exacerbate the problem. Policy U1a applies."

Highways

No objection subject to condition:

"The proposal is to demolish a row of five lock-up garages, provide five general-purpose parking spaces on Chalfield Crescent as replacements and erect 2 one bedroom apartments along with two associated car parking spaces. Two parking spaces are also proposed in tandem form with a new access for the adjacent property at 10 Chalfield Crescent. The additional traffic movements associated with the proposed dwellings would not be considered to have a material impact on the surrounding highway network. Accordingly, I wish to raise no highway objection."

Sport England

No comment.

Wessex Water

No objection.

Environment Agency

Wish to make no comment.

Drainage Engineer

No comments received on this scheme. However previously commented on similar withdrawn scheme in December 2010 as follows: "The developer will be required to work out a solution for

disposal of surface water on site at this location. It is most likely that soakaways will be their only option here. Tests will be required to check suitability of ground conditions. The same will apply for the provision of parking spaces. Surface water from these parking spaces should not be allowed to pass onto the highway.”

Leisure Manager

No comment received.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 11 March 2011

3 items of correspondence from 2 parties received. Summary of points raised:

- * Illegal on-street parking problems will be exacerbated (photos as evidence provided)
- * Highway safety as a narrow road and on-street parking will be restrictive
- * Loss of open space and play facility, leading to potential damage to cars, conflict and strain on police resources and litigation against the Council.
- * Sewerage system cannot cope with existing use and problems will be exacerbated.
- * Has a survey been done of the potential health hazard and what checks have been implemented to prevent overload.
- * Only one property in Chalfield Crescent in association owned.

It is noted that 5 parties objected to a similar withdrawn scheme at the end of 2010 raising similar points.

9. Planning Considerations

9.1 The site is located within the town policy limits of Melksham and has extant outline planning permission (ref: 08/00217/OUT) for the erection of 2x two-bedroom flats, with approved details of access and siting. Since the granting of outline consent there has been material changes to policy in that garden space is no longer defined as previously developed land. Part of this site is garden land and therefore the presumption that the site may be suitable for further housing development is diminished and more careful attention should be had to the impact on the character of the area. However this is a detailed issue and it is considered that in principle development of this site, subject to impact on the local environment, remains acceptable and a sustainable option. Indeed this is a proposal which would result in the creation of more needed affordable housing, this is a major positive.

9.2 It is the detail of the development that has been of significant concern on this site hence the withdrawn full planning application in December 2010. This revised application has attempted to address the concerns and has been subject to negotiation and discussion between the agents and the Council's officers. The scale of the development has been reduced to be more in keeping with the indicative details submitted with the extant outline planning permission, albeit when detailed up this means only 1 bedroom units can be accommodated within the site.

9.3 Further the detailed design has been amended and the siting subtly revised to facilitate a reasonable separation at the rear of the site and reflect the established building line of the street scene. The porch has been moved to the side elevation in order to create a design that is both legible and addresses the street scene.

9.4 Whilst this proposal would result in a more dense form of development in the area generally it is of an acceptable detailed design which is sympathetic to the area and generally accords with the indicative details of the extant outline approval. Furthermore in terms of its impact on amenity it has been detailed so that it would not have a greater impact than could have been anticipated when approving outline planning permission in 2008 and the detailed floorplans have been designed so as

to avoid overlooking at the rear from habitable rooms. One window of the proposal, at the rear first floor level, serves a bathroom and the other serves a kitchen within the open plan reception space.

9.5 Now that the scheme has been detailed in full it has been realised that only one-bedroom apartments can be accommodated. Given that this is a town location and that the flats would be small it is considered acceptable to provide one space per unit. This has the benefit of allowing a better quality development within the street scene to be created with landscaping to the frontage. It is noted that the site remains adaptable enough though to provide at least one further space if necessary in the future.

9.6 Further the proposals, albeit in a small way, would help alleviate on-street parking problems by providing 2 car parking spaces for 10 Chalfield Crescent which currently has no on-site parking provision. The parking provision lost with the demolition of the existing garages would be compensated for by the creation of 5 parking spaces on a small area of open space. It is noted that the highway officer has concluded that they have no objection subject to conditions, which are recommended by your officers albeit slightly amended.

9.7 There are no other planning considerations that are of significant concern. The loss of the small amount of recreation space is regrettable however in light of the planning history and the adopted DPD on Leisure and Recreation it is not considered to amount to grounds for refusal. The concern raised by local residents and Melksham Town Council is noted, however the open space lost is relatively small and has limited use. Furthermore the creation of parking adjacent to the larger green space is not considered to present a demonstrable risk to users of the green space and any concern can be in part addressed by conditions.

9.8 The other concerns raised in the public consultation have been noted and given due consideration, however it is not considered that they raise any reasonable grounds to refuse the application. Wessex Water has raised no objection to the proposals so it is very hard to substantiate grounds for refusal on the basis of inadequate sewerage infrastructure. The alleged potential for anti-social behaviour and damage to cars parking next to the open space is beyond the planning system to reasonably control as is illegal parking. Therefore for the reasons detailed above it is concluded that the proposals would not result in any demonstrable harm to planning interests and in light of the planning history, then a full planning permission may be granted.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing : 3051/010 A received on 11.02.2011

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure that the development can be adequately drained and surface water does not go onto the public highway.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.
- 4 The parking areas for the apartments indicated on the approved plans together with the means of access thereto shall be consolidated and surfaced (not loose stone or gravel) and marked out in accordance with the approved plans before the premises are occupied and shall be maintained as such thereafter.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.
- 5 The 5 parking spaces for general use indicated on the approved plans together with the means of access thereto shall be consolidated and surfaced (not loose stone or gravel) and marked out in accordance with the approved plans before the demolition of the existing garage block and shall be maintained as such thereafter.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.
- 6 The parking area for 10 Chalfield Crescent indicated on the approved plans together with the means of access thereto shall be consolidated and surfaced (not loose stone or gravel) and marked out in accordance with the approved plans before the premises are occupied and shall be maintained as such thereafter.
- REASON: To ensure that an adequate area for parking and/or servicing is available in the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.
- 7 Before the demolition of the existing garage block and the 5 parking spaces for general use are first brought into use a suitable barrier shall have been provided between the spaces and the adjacent footpath to the north east. Details of which shall be submitted to and approved in writing by the local planning authority prior to its installation.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy T10.
- 8 The development hereby permitted shall not be occupied until splays have been provided on both sides of each access to the rear of the existing footway based on co-ordinates of 2m x 2m. The splays shall be kept free of obstruction above a height of 0.6 metres at all times.
- REASON: In the interests of highway safety.
- POLICY: West Wiltshire District Plan 1st Alteration (2004) Policy T10.

Informative(s):

- 1 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway

Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Appendices:	
Background Documents Used in the Preparation of this Report:	



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Tel: 01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD www.wiltshire.gov.uk

MSA: 100022961

This page is intentionally left blank