

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	26 January 2011		
Application Number	N/10/02147/FUL		
Site Address	Land adjoining 75 Parklands, Malmesbury		
Proposal	Erection of five new dwellings with associated parking and amenity space (including demolition of existing garages)		
Applicant	Westlea Housing Association		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Simon Killane
Grid Ref	392266 187661		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	Tracy.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Simon Killane to consider the scale of development, visual impact, residential amenity, design and appearance, environmental/highway impact and car parking.

At the Committee on 11 August 2011, the application was delegated to the Area Development Manager to grant planning permission subject to a legal agreement to secure provision of an off-site open space contribution and potentially an education contribution.

Following the meeting the applicant in accordance with Council requirements has submitted a private and confidential open book appraisal of the development. The appraisal has been independently assessed by Savills and confirms the development is unviable without open space and education contributions and is significantly unviable with them.

This application is brought back to Committee in light of these events.

1. Purpose of Report

To consider the proposed redevelopment of the site to provide five new dwellings and recommend the application be DELEGATED to the Area Development Manager for approval subject to a legal agreement securing the scheme as affordable housing.

Malmesbury Town Council object to the development and seven letters of objection have been received.

2. Main Issues

The main issues in determining this application are:

- implications for Policies C3 and H3
- impact on the character and appearance of the area
- impact on residential amenity
- impact on highway safety/parking
- impact on sewage and drainage

3. Site Description

The application site currently comprises a single block of eleven garages with associated hardstanding which is used for parking and by the community bus. The garages are surrounded by residential development and served via access from Parklands. Numerous residential properties have rear pedestrian accesses with one property having a vehicular access.

Currently, two of the garages are unused.

The site slopes downwards to the east (nos. 40 and 93 Parklands).

4. Planning History

The application site has no relevant planning history.

5. Proposal

The proposal is for the erection of five affordable dwellings with associated parking and amenity space on land adjoining 75 Parklands, Malmesbury.

The existing block of 11 no. garages will need to be demolished to facilitate this development. Two of the garages are currently vacant with six let to local residents and three to residents outside the area. Given the proximity of other garaging nearby, less than 100 metres from this site, the applicants propose that existing residents' parking can either be accommodated on the nearby site or parking provided to the front of their properties where possible.

Only tenants outside of the area will be displaced.

The dwellings proposed are all two storey in height and will provide three two bed and two four with timber weatherboarding.

Access to the scheme is via Parklands as existing with the dwellings sited at opposite ends with Plots 1-3, a terrace of three two bedroom dwellings sited gable end to the rear (south) of nos. 76-79 Parklands (between 9.7 metres and 14.7 metres) and to the rear (west) of 83-85 Parklands (at least 25.8 metres). The gable end of this terrace would also be sited north of nos. 89-93 Parklands (some 17.6 metres at its closest).

There are windows proposed in the side elevations of these properties, but these serve non-habitable rooms and can be conditioned to be obscure glazed within limited opening.

Window to window distances between the rear of the new dwellings and 82 to 85 Parklands with habitable windows is approximately at least 24 metres.

Opposite this proposed terrace, across a parking courtyard would be the semi-detached four bedroom dwellings. The plots would be surrounded by nos. 40-46a Parklands, with the gable end of Plot 4 adjacent no. 75 and the side elevation of Plot 5 to the rear of 40-42 Parklands some 21 metres distance.

No windows are proposed in the side elevation of Plot 4 which adjoins no. 75 and the only windows proposed in the side elevation of Plot 5 relate to a kitchen door at ground level and an obscure glazed bathroom window at first floor.

Window to window distances between the existing and proposed is approximately at least 29 metres distance.

The development facilitates existing rear accesses to nos. 89-93 Parklands via an alleyway. Other existing public accesses across the site are also maintained.

Additional information provided by the applicant confirms the site has 11 garages. The surrounding Westlea owned hardstanding areas serve as a means of access from the highway to the hammerhead to these garages. Additionally the site affords pedestrian access to a number of rear gardens, these rights are to be preserved. Any use of this private land for additional car parking is unauthorised and no rights exist. A specific budget exists to provide on plot parking where possible to properties.

Westlea are aware that the open blue bus has been using the site for some time. Though no official arrangement exists with Westlea they are now in discussion with this charity with a view to making alternative arrangements for agreed access to the adjoining parklands garage site. Westlea's Communities team are also considering a charitable donation of £6,000 in support of this local enterprise.

6. Planning Policy

Policies C3 and H3 of the North Wiltshire Local Plan 2011 are relevant in the determination of this application.

7. Consultations

Malmesbury Town Council – objects on grounds of privacy and overlooking with minimal room between houses; loss of 8-10 parking spaces and displacement of parking; security and safety from alleyways; loss of the community “Blue Bus”; poor consultation.

Malmesbury and St Paul Without Residents' Association – objects on grounds of privacy and overlooking; loss of up to 10 parking spaces and displacement of parking; loss of garaging; impact on local sewerage and surface water run off; security due to alleyways; loss of the community “Blue Bus”; proposal contrary to Policy C3 I, iii, iv of the Local Plan.

Highways Engineer – no objections subject to conditions.

Environmental Health Officer – no objections subject to conditions.

Drainage Engineer – no objections subject to conditions.

Archaeological Officer – co comments

Senior Premises Officer (Education) – acknowledges Malmesbury has a pressure point in terms of education and is considering whether education contributions are required in respect of this development given that it is below the normal development threshold of ten units and for affordable housing. Disappointment is expressed at the current position.

Wessex Water – no objection.

7. Publicity

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

Seven letters of objection have been received on the following grounds:

- Loss of parking
- Highways impact
- Loss of light to gardens
- Loss of privacy

- Security and safety from alleyways
- Loss of the Blue Bus
- Access already limited from emergency vehicles
- Impact of construction traffic
- Bungalows or new gardens better

8. Planning Considerations

Principle of development

The application site lies within the framework boundary of Malmesbury, thus the principle of residential development is supported subject to other relevant policy considerations.

Impact on the character and appearance of the area

The existing site is poor in appearance but due to the single storey nature of the garages does provide a sense of openness.

Notwithstanding this, due to the prevailing residential character of the area, the loss of the garages and associated hardstanding is not of sufficient character to warrant retention.

The proposed development will take the form of a pair of semi-detached properties (similar to nos. 74 and 75 Parklands) and a terrace of three dwellings (also in the vicinity of the site but not adjacent). All dwellings will be two storeys in height comparable with the existing housing and are proposed to be constructed of materials which compliment the surrounding area.

Impact on residential amenity

The siting of the dwellings and their design has been carefully considered by the applicants. The scheme does generate some window to window distances between 9.7 metres and 19.5 metres, but, in these instances, the new windows will serve bathrooms and can be conditioned to be obscure glazed with limited ventilation stays.

In terms of habitable windows, distances of at least 25 metres are achieved.

In light of the nature of the windows, these distances are considered to be acceptable and would not result in the loss of privacy.

It is also considered that due to the scale and siting of the development, the development would not have an unacceptable overbearing impact on the residential amenity of adjacent properties.

Objections have been received in respect of security and safety due to the provision of alleyways which facilitate existing and proposed rear accesses across the site.

The applicant has devised the scheme in conjunction with Wiltshire Police and specifically the Architectural Liaison Officer and is confirmed to meet Secured by Design standards.

Impact on highway safety/parking

The site is owned by the applicant and only those residents with consents to use the garages are entitled to park on the site. Residents with existing pedestrian and vehicle accesses are secured via this scheme.

The applicant has confirmed that residents using the garages can and will be transferred to the existing garages nearby and where the potential exists, to have off-street parking provided to the front of their properties. At the time of writing this report, additional residents have been successfully transferred.

A similar application at Avon Rise, Luckington (07/00369FUL) was allowed at appeal. The Inspector accepted that not all the garages were in use and due to the cul-de-sac nature parking was capable of being accommodated on street and would not be harmful to highway safety.

As the nearby garages are within the control of the applicant, a condition could be imposed whereby the development does not commence until such time as residents have been transferred to other nearby garaging or off-street parking is provided.

For the reasons above, the Highways Engineer raises no objections to the proposed development, having regard to all the facts such as emergency and refuse access, subject to conditions.

Impact on foul and surface water drainage

Wessex Water, who are responsible for the infrastructure in the vicinity, have been consulted in respect of this application and raise no objections.

Other matters

Westlea have confirmed in writing that they were not aware of the use of the application site by the community bus. However, they are keen to facilitate this and offer the use of the other garage site nearby to avoid its loss. A contribution is also to be made. The importance of the community project is acknowledged, however, these matters are not material planning considerations against which the development could be determined.

It arose during the course of the application that there was limited capacity at primary school level in the town and as such a contribution was required in accordance with Policy C3 of the Local Plan 2011 which seeks to ensure that development does not overload existing services. The required contribution towards education was in the region of £31,000 with £11,000 towards open space.

The applicant has demonstrated via an open book appraisal which has been independently assessed by Savills. Savills confirm the scheme is not viable with or without the contributions to public open space and education. Accordingly, it is not considered reasonable to pursue contributions in respect of these matters given the benefits of the delivery of affordable housing. However, in lieu of such contributions it is considered necessary to secure the provision of affordable housing via a legal agreement otherwise no justification exists for the absence of contributions to open space and education.

10. Conclusion

The proposed development by reason of its scale, design and siting would not result in any detrimental impact on highway safety or the appearance of the area, nor would it be detrimental to the privacy and amenity of adjacent residents.

The scheme will deliver five new affordable dwellings in Malmesbury and this is considered to be an important benefit in lieu of contributions towards education and open space.

9. Recommendation

DELEGATE to the Area Development Manager for approval subject to a legal agreement to secure the provision of the scheme as affordable housing:

For the following reason:

The proposed development by reason of its scale, design and siting would not result in any detrimental impact on highway safety or the appearance of the area, nor would it be detrimental to the privacy and amenity of adjacent residents. The proposal thus accords with Policy C3 of the adopted North Wiltshire Local Plan 2011.

And subject to the following conditions:

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 commence on site until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting therefrom has been removed from the site. Such demolition shall not occur until such time as those garages leased to "surrounding residents" have been successfully relocated, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the character and appearance of the area [and neighbouring amenities].

POLICY C3

3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY-C3

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (b) finished levels and contours;
- (c) means of enclosure;
- (d) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY-C3

5. 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 C3

6. No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

POLICY C3

7. 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICY C3

8. The window(s) in the side elevation at first floor of Plots 1, 3 and 5 shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

POLICY C3

9. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

- Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning

Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 2.10; 4.02; 4.04; 4.06; 5.01; 5.03; 6.01;

