

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	30.11.2011		
Application Number	W/11/02194/FUL		
Site Address	Land Rear Of 12 Lavender Close Melksham Wiltshire		
Proposal	Change of use of land from grass verge to hardstanding for use as access		
Applicant	Mr Colin Ward		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham South	Unitary Member:	Jon Hubbard
Grid Ref	391122 163167		
Type of application	Full Plan		
Case Officer	Mr Philip Baker	01225 770344 Ext 01225 770286 philip.baker@wiltshire.gov.uk	

Reason for the application being considered by Committee

With officers minded to accept this application, Councillor Hubbard has requested that this item be determined by Committee due to:

- Relationship to adjoining properties
- Environmental or highway impact
- Car parking

1. Purpose of Report

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

Neighbourhood Responses

3 letters of representation were received.

Parish Council Response

Object

2. Report Summary

The main issues to consider are:

Site servicing
Impact on neighbours and immediate surroundings

3. Site Description

The application site is a section of Longleaze Lane, which is adjacent to the rear gardens of 12 and 14 Lavender Close on their north-west elevation.

To the north of the site lies Longleaze Lane and beyond that the entrance to no. 85 Spa Road, Melksham.

To the north-east lies the entrance to the garage of no.8, Wiltshire Crescent, Melksham.

To the east of the site is the garden for no. 14, Lavender Close, Melksham.

To the south of the site lies the garden of no. 12 and 14 Lavender Close.

To the west of the site lies the entrance to Spa Road, Melksham.

Access to the site is on land, which is not owned by the applicant and certificate D of the application form has been duly completed with press advertisement notices in the Melksham Times duly issued.

4. Relevant Planning History

None

5. Proposal

The proposed entrance is to be 2.8 metres wide, with splays extending to 9 metres wide and a depth of 3.1 metres. There is an aco drain, that will be installed on border with Longleaze Lane to ensure no water goes onto the highway.

Access to the site is on land which is not owned by the applicant and certificate D of the application form has been duly completed with press advertisement notices in the Melksham Times duly issued.

6. Planning Policy

Government Guidance

PPG13 - Transport

West Wiltshire District Plan - 1st Alteration 2004

C31a - Design

C38 - Nuisance

U2 - Surface Water Disposal

T10 - Car Parking

7. Consultations

Melksham Town Council

Objection received 6/9/2011

concerns regarding this application i.e access to the site is off Longleaze Lane, a private road, which has not been adopted by the local Highway Authority and is maintained by residents of the lane. There is an issue with rights of access to this site, which is currently being investigated by local residents.

Car park opposite the proposed access to this site, which may cause difficulties,

It is understood refuse lorries often have difficulty getting down this lane, due to parking problems, which will be exacerbated by this application.

The Town Council objected to this application on the following grounds:

- * Will set a precedent for similar applications
- * Exacerbate existing parking problems

Highways Authority

No objection subject to appropriate conditions

The proposed vehicular access is off a private lane, therefore the applicant would need permission from the land owner for vehicular rights of access.

Refuse vehicles will not enter new private drives, but do historically drive down/collect from private drives. In the past, when there were not the same rules on the size of private drives, the collection situation was probably more flexible.

There are no parking restrictions on Long Leaze and as there are no known owners, parking is informal. There will only be a parking demand if the properties backing onto the Lane have pedestrian access to it. Not many of the properties do have such an access.

Long Leaze is not subject to a Section 38 Adoption Agreement.

8. Publicity

The application was advertised by site notices / press notice / neighbour notification.

Expiry date: 23rd September 2011

Summary of points raised:

3 letters of representation was received raising the following points:

- Concerns regarding congestion caused by parked cars at the entrance to the lane
- Concerns regarding the entrance of refuse and recycling lorries to the lane
- This is a private road with no legal right for vehicular access to any other property than those already granted
- Disruption to existing road from additional traffic and construction

9. Planning Considerations

In July this year a proposal was submitted for a new vehicle access and parking space off of Longleaze Lane to 12 Lavendar Close . The formation of the access to the lane which was unclassified and the creation of hardstanding within the residential curtilage were permitted development, however, the gate which measured over a metre in height associated with the access required permission. The application was subsequently permitted.

This application requires the area of land (splay) on longleaze Lane from the access of 12 Lavendar Close to be changed to hardstanding to allow a vehicle to enter and leave the site. The Council's Highways Authority has no objections as the lane is deemed to be of a sufficient width to allow two cars to pass each other and no highway safety issue would be raised. Longleaze Lane currently serves the additional properties of no. 85 Spa Road and no. 8 Wiltshire Crescent.

The materials for the application site will be tarmac and the area will be drained by an aco drain. Visually, it would not be uncharacteristic of the surrounding area and further down the lane there are a mixture of entrances to properties.

This is a private lane and as such there are no parking restrictions. The Council are unable to restrict useage of the lane as it is private.

The proposal complies with policy and planning permission should 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 not be bought into use until the vsibility splay as shown on the approved plan has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 3 The development hereby permitted shall not be first brought into use; until splays have been provided on both sides of the access to the rear of the existing footway based on co-ordinates of 2.4m x 2.4m. The access shall be kept free of obstruction above a height of 600 mm; at all times.

REASON: In the interests of highway safety.

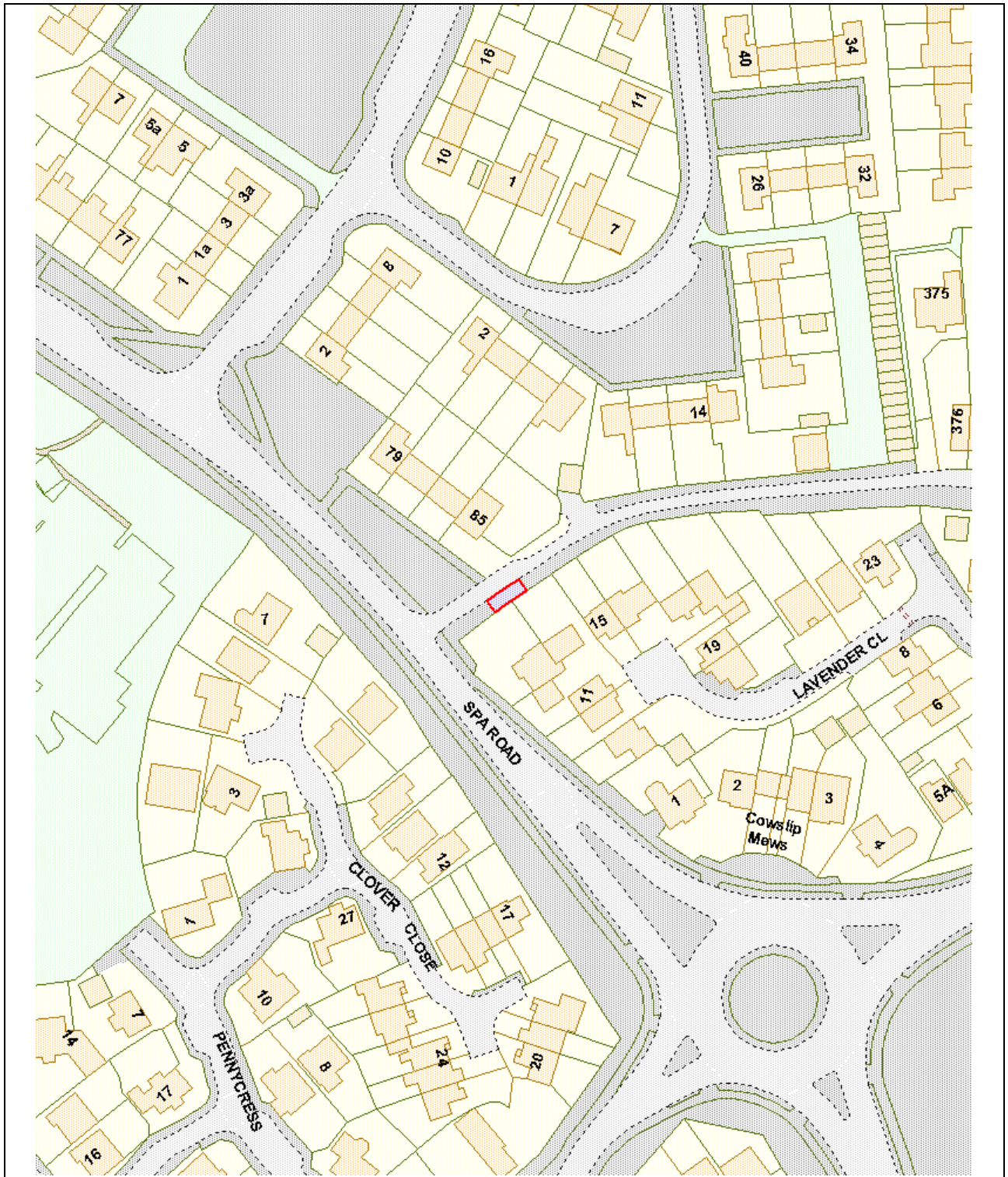
West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 4 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Location plan received on 3/8/2011
AH2011/CoU13 received on 3/8/2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority

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



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