

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	11 August 2010		
Application Number	N/10/02147/FUL		
Site Address	Land adjoining 75 Parklands, Malmesbury, Wiltshire, SN16 0QJ		
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.

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 requiring the provision of contributions towards public open space.

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 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.

6. Consultations

At the time of preparing this report the consultation period has yet to expire.

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 – comments waited.

Drainage Engineer – comments waited.

Archaeological Officer – comments waited.

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. Further comments waited.

Wessex Water – no objection.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation. The consultation period had not expired at the time this report was produced.

Two 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. The concerns of residents and the local member have been put to them and a response is awaited.

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.

Contributions are required off-site towards nearby public open space via Policy CF3 and a legal agreement is in the process of being progressed.

The requirement for a contribution towards education is not known at present and no objection has been raised in respect of the impact on education at this juncture.

9. 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.

9. Recommendation

DELEGATE to the Area Development Manager for approval subject to a legal agreement to secure the provision of an off-site open space contribution and potentially an education contribution for completion by 16 August 2010

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 there from 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.

POLICYC3

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

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;

