

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17.04.2013		
Application Number	W/12/02344/FUL		
Site Address	Land Rear Of 4 Sandridge Road Melksham Wiltshire		
Proposal	Erection of bungalow		
Applicant	Mr Barry Clark		
Town/Parish Council	Melksham (Town)		
Electoral Division	Melksham Central	Unitary Member:	Stephen Petty
Grid Ref	390861 164182		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 01225 770251 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

Scale of development

Design - bulk, height, general appearance

Environmental/highway impact

The reasons as raised by Melksham Town Council - Lack of amenity, Over Development, Local Wildlife concerns, setting a precedent.

1. Purpose of Report

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

Neighbourhood Responses - 6 third party representations were received with the concerns cited within section 8 below.

Parish/Town Council Response - Objects for the reasons cited within section 7 below.

2. Report Summary

The main issues to consider are:

Principle of Development

Character and Appearance

Living Conditions and Impact on Neighbours

Highways Safety Interests

3. Site Description

The irregular shaped application site comprises the rear part of the existing residential garden of 4 Sandridge Road - which is a detached single storey bungalow located on the south side of Sandridge Road. The site is within the defined Town Policy Limits and is within a predominantly residential area. At its longest, the plot would extend some 29 metres and at its widest, be some 18.5 metres.

The surrounding area is characterised by a mixture of detached bungalows, semi-detached dwellings and a terrace of six 2-storey properties located along Hampshire Place. The essential form of the neighbouring properties along Sandridge Road and immediately adjoining the site is however predominantly set by single storey detached properties.

There has been recent single storey residential infill development approved to the front of No. 2 Sandridge Road (approved under references 08/01612/FUL, 08/02513/FUL - permissions which were extended by reference W/11/00589/FUL). The approved development has been fully implemented. Further along Sandridge Road, but still within relative close proximity to the site, 4 x 2-storey houses were granted between No's 40-42 Sandridge Road under reference W/09/01745/FUL.

4. Relevant Planning History

There is no relevant planning history applicable for this site.

5. Proposal

Under this revised and negotiated application, permission is sought to erect a single storey hipped roofed bungalow set within the existing rear garden of No. 4 Sandridge Road. The new building would be constructed at an oblique angle to the existing houses along Sandridge Road to avoid window-window conflicts. The house would primarily be suited to people looking for a starter home or a retirement property as it would be modest in terms of its available accommodation of 2 bedrooms and a maximum roof height of some 5 metres and an eaves height of about 2.4 metres. The property would have a proposed footprint of about 76.5 square metres, which equates to about a third of the identified plot. Unlike the host property which has direct vehicular access taken off the existing slip access located to the south-west of Sandridge Road, the rear garden requires a 15 metre access link to be created over a grassed area of land to connect the site with Hampshire Place over land owned and controlled by Selwood Housing.

For the avoidance of any doubt, Selwood Housing have been formally notified as the landowner of part of the application site (i.e. the land which would be needed to form the link access) and they have raised no objection or concerns. It is also understood that the applicant has entered into negotiations with Selwood about agreeing access rights.

Following the initial consultation process which led to a series of local concerns being raised and an objection from the Town Council, the applicant was encouraged to revise the plans to increase the plot size by about 20% to make the plot-house ratio more 3:1. By doing so, the existing beech hedge which dissects the existing garden of No. 4, would be removed and replaced by a 1.8 metre high close boarded fence. Having discussed the revisions with the applicant, the opportunity exists to re-plant another hedgerow.

The proposed development would have UPVC fenestration and would be constructed from reconstituted stonework under a concrete tiled roof to reflect and complement the type of materials found on the host building and the immediate surroundings.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration - C31a (Design); C32 (Landscaping); C38 (Nuisance); C40 (Tree Planting); H1 (Further Housing Development in Towns); H24 (New Housing Design); T10 (Car Parking); U1a (Foul Water Disposal) and U2 (Surface Water Disposal).

Government Guidance - The National Planning Policy Framework (NPPF) and The Noise Policy Statement for England (NPSE)

The Emerging Wiltshire Core Strategy

Strategic Objectives - Delivering a thriving economy; Addressing climate change; Providing everyone with access to decent, affordable housing; Helping to build resilient communities; Protecting and enhancing the natural, historic and built environment; and Ensuring that adequate infrastructure is in place to support our communities.

Core Policies - Core Policy 41 - Sustainable construction and low-carbon energy; Core Policy 45 - Meeting Wiltshire's Housing Needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable Transport; Core Policy 61 - Transport and Development

7. Consultations

Town Council - Objects on the grounds that the development would lack sufficient external amenity space and would be over development of the site. Highways concerns are also raised about additional traffic being generated/travelling along Hampshire Place - which is narrow and used by residents and visitors of properties at Hampshire Place. Concern was also raised about a precedent being established for other properties along Sandridge Road taking access onto/ off Hampshire Place. The development may impact on ecology interests and asks that Natural England are consulted.

Highways - No objections raised. The access link off Hampshire Place should be surfaced in a consolidated material (not loose stone or gravel) and a scheme to avoid discharging surface water from the site should be conditioned.

Wessex Water - No objection raised, subject to informatives being attached to any permission.

Natural England - If there are any ecological interests affected by this development, relevant surveys should be sought and be duly considered.

Wiltshire Wildlife Trust - Report that reptiles were previously recorded in the surrounding area.

Wiltshire Fire and Rescue Service - Request a financial contribution amounting to £76:13 to finance hydrants and water supplies for fire fighting and additional / enhanced fire and rescue service infrastructure.

8. Publicity

The application was advertised by site notice and neighbour notifications. Expiry date: 14 March 2013

Third Party Representations - 6 third party representations were submitted raising the following concerns:

- The proposed drive/access to the site would result in loss of privacy and overlooking;
- It would also result in the loss of parking provision at the existing terminus of Hampshire Place;
- If granted, construction vehicles and building works would cause significant disruption, noise and reduced air quality;
- Further increased car traffic along Hampshire Place will only make matters worse;
- Existing / future parked cars along Hampshire Place may cause obstruction/ hazards (which would be especially concerning in the event of an emergency).
- Concerns are also raised about a precedent being created for other properties along Sandridge Road developing their gardens in a similar manner.
- The piece of ground at the end of the row of houses is currently a relatively safe area for local children to play on while being close enough to be properly supervised. Previously, attempts have been made by the householders whose property adjoins this land to purchase it to extend their garden, but they were told that it had to stay as public amenity land. Since this no longer seems to be the case as Selwood Housing are prepared to grant access across it to the proposed new property, maybe another small slice could be used, as part of this project if planning consent is to be granted, to provide a number of parking spaces. This would ease parking and alleviate any possible access problems for refuse collection and emergency services vehicles along this narrow road.
- One local resident has provided documented evidence of a land transaction application submitted by previous owners of No's 4 and 6 Sandridge Road dating back to 1996 which sought to form a larger development site for residential development indicates that the West Wiltshire District Council Housing Committee turned down the land transaction request to create a vehicular

access onto Hampshire Place - on the basis that the access would cross over open space which forms part of the Hampshire Place estate and that local residents of Hampshire Place use the approach road for parking. Any increase in traffic generated by the further housing could present problems.

- There is an alleyway which links Sandridge Road and Hampshire Place which is well used on a daily basis. The alleyway allegedly links with Hampshire Place dangerously, according to one local resident - who raises a surprise that there has never been a serious accident. Any additional traffic generation is cited as a potential risk.

9. Planning Considerations

9.1 Principle of Development

The NPPF places an importance on the planning system to deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account a divergent need and demand and seeking to improve choice.

Paragraph 49 of the NPPF makes it explicitly clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". In this particular case, the site is located within the established Town Policy Limits and can access all the Town's amenities and services in a sustainable manner, including making use of the public transport links. Making efficient and sustainable use of land is still an over-arching planning requirement; and, it is recognised that the form and density of a site's surroundings are material considerations.

Under Policy H1 of the West Wiltshire District Plan - 1st Alteration, proposals for new housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement local vernacular.

Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

9.2 Character and Appearance

The neighbouring properties along Sandridge Road are characterised by a mixture of detached bungalows, semi-detached dwellings and terraced 2-storey properties - along Hampshire Place. The essential form of properties adjoining the application site is set by single storey detached properties, and it is duly noted that the applicant intends to retain this principle built form.

It is fully recognised that Paragraph 56 of the NPPF stresses that "great importance" should be attached to requiring good design to make positive changes to existing built environments. Paragraph 60 stresses the importance of promoting and reinforcing "local distinctiveness". Paragraph 64 clearly states that "permission should be refused for development of poor design..." In this case, the site forms part of the defined curtilage of an existing residential property which benefits from a relatively large rear garden which is physically split into two distinct parts, created by the dense beech hedge. The site could potentially be accessed via Hampshire Place. Access arrangements are rather unusual in this particular case as the applicant/owner of the site does not have direct access onto the public highway network, and has instead initiated discussions with Selwood Housing as the owners of the strip of land which separates the application site and Hampshire Place, to arrange access rights to the plot. It is understood that an in principle agreement has been reached with Selwood. Procedurally, Selwood Housing had to be formally notified by the applicant through the completion of

Certificate B of the planning application form. For the avoidance of any doubt, Selwood Housing have raised no objection to the proposal.

Notwithstanding the limited plot size, the Council accepts that starter homes for people trying to get onto the housing ladder or downsize may not want or be able to afford a property with a large garden. National and Local Plan Policy is clear in stressing the importance of providing a mix of house types and sizes to satisfy an ever increasing diverse range of housing needs and aspirations. It was this guiding principle which in part led the Council to approve planning permission for a single storey bungalow on a similarly sized parcel of land which previously formed part of the residential curtilage of No. 2 Sandridge Road.

The proposed single storey bungalow may be modest in terms of its architectural design and appeal, but the site requires any infill to have a low profile in order for it to merge into the surroundings and not have any overbearing impact on its neighbours.. The proposed low profile and choice of materials would respect and reflect the style and character of surrounding properties and it would not appear as an obtrusive development within the immediate environs. The hipped roof would keep the roof bulk to a minimum and this feature is not out of keeping with this part of Melksham. The eaves and ridge height are acceptable in terms of keeping the new property low-key. There are no objections raised in relation to the proposed fenestration treatment.

The proposed development would result in the loss of some garden ground associated to No. 4 Sandridge Road, but it would still have sufficient amenity ground remaining, if the proposed bungalow is approved and built. Crucially, and in respect to both the NPPF and adopted local plan policies, this one house development would on balance, integrate sufficiently well into the built urban form without causing any material detriment. It is recognised that there is some concern locally about a precedent being created, however, as Members will be fully aware, each application must be tested on its own merits and should future infill development proposals come forward in the months/years ahead, they will have to be assessed on their own merits against the relevant policy criterion that may then apply.

9.3 Living Conditions and Impact on Neighbours

Officers recognise that not everyone seeks to have a large garden, and in recognition of the diverse housing needs within Wiltshire, this particular modestly scaled residential infill opportunity would appear to be most suited for people wishing to get onto the housing ownership ladder or as a retirement home. With a plot-house ratio of approximately 3:1, the proposed development would afford future occupiers with sufficient external amenity space. Both the NPPF and the Adopted District Plan are silent when it comes to garden sizes. The West Wiltshire District Council adopted Supplementary Design Guidance is rather out-dated and does not reflect the evolving Policy Guidance. In the past where the Council refused applications and seemingly placed significance upon the SPG guidance, planning inspectors dealing with appeals were minded to place more emphasis upon what harm would be caused.

On the basis of the above, the proposed 2-bed bungalow would have adequate internal and external space which would be a welcome addition to the housing stock available to buy.

In this area of Melksham, there are public parks located relatively close by and even though the proposed bungalow would have a limited amount of external amenity ground, it would have some and, in reality would not appear that different in terms of garden provision to the bungalow which was granted permission in 2008 and 2011 at the front of No. 2 Sandridge Road.

By virtue of its single-storey form and its low level eaves height, sited obliquely from existing dwellings and with no habitable window directly facing a neighbouring habitable window, the proposed development would not demonstrably or detrimentally affect neighbouring amenity; and there would be no substantive level of overlooking or loss of privacy as a consequence of this development.

9.4 Highways Safety Interests

No objections have been raised by the highway authority on road safety grounds. Provision of the access across the strip of privately owned land from Hampshire Place is a matter for negotiation between the applicant and the landowner and is not a planning consideration. From discussions held

with the applicant, it would appear that access rights have been agreed in principle and that it would be enshrined within a private legal agreement following any grant of planning permission.

Officers submit that the estate would not be demonstrably affected by the consolidated 15 metre strip of land - which could in effect be constructed using something like grasscrete which would merge well with the surrounding land. As noted above, a planning condition is recommended to cover the exact means by which the access link shall be formed.

Any damage caused to Hampshire Place by construction vehicles would need to be remedied by those parties involved. However, this particular matter is not a planning issue and it cannot influence the determination of the application. The Hampshire Place roadway is admittedly not in the best of condition, however, it serves six properties and officers cannot raise an objection to it serving one more.

9.5 Environmental Considerations

All relevant environmental considerations have been reviewed through the consultation process and the case officer's appraisal. The removal of the beech hedgerow within the site has the potential to disturb birds, however providing any hedgerow removal is undertaken outside of the bird nesting season and that all works proceed with caution, ecology interests should not be detrimentally affected. Appropriate conditions and informatives are necessary to cover boundary treatment and hedgerow removal.

9.6 Developer Contributions

The request received from Wiltshire Fire and Rescue Service for a financial contribution totalling £76:13 has been fully considered, however it does not meet the reasonable tests enshrined with saved District Plan Policy I1 which requires all requests for financial contributions to be both necessary and reasonable. Any planning obligation must also meet strict tests, none of which are satisfied in this particular case. In the absence of any adopted CIL, the costs associated with setting up and delivering a s106 agreement would far exceed the £76 being sought here, which adds to the unreasonableness of the request.

10. Conclusion

The proposed windfall development is located within the defined urban area of Melksham and is considered a sustainable location. The proposal would make a modest contribution to meeting local housing need and would accord with the stated national and local plan policies. It would not cause any significant harm to the character of the area nor would it demonstrably affect residential and road safety interests. Subject to conditions, this proposal is recommended for permission.

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. In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development which shall make a modest windfall residential contribution towards meeting a growing and diverse housing need within the Town and wider Wiltshire. In reaching its decision to grant permission, the Council took into account the relevant impacts upon neighbours, highway safety and other material considerations.

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 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.

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

- 3 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - Policies C31a and C38

- 4 No development shall commence until a plan indicating the on-site provision of 2 car parking spaces and a turning area has been submitted to and approved by the local planning authority. The parking and turning space shall be provided before the dwelling is first occupied and shall thereafter be retained and remain available for such uses for the lifetime of the development.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10 and in accordance with Wiltshire Council's Car Parking Strategy.

- 5 The development hereby permitted shall not be occupied until the access to the site formed off Hampshire Place 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 and to prevent the displacement of loose material along Hampshire Place.

- 6 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained and to prevent surface water spillage onto the adjacent land and road.

- 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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the western gable of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

- 8 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 those Orders with or without modification), no development within Part 1, Classes A-E and G shall take place on the dwelling/house hereby permitted or within its curtilage (other than the erection of a shed with a size of 10 cubic metres or smaller).

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 enlargements.

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 9 No development shall commence on site until details of the height, design, external appearance and decorative finish of the means of enclosing the new property boundary have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 10 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 18.02.2013

BLOCK PLAN – received on 18.02.2013

SITE PLAN – received on 18.02.2013

ELEVATION AND FLOOR PLAN - Drawing No. 2 of 2 received on 21.12.2012

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.

Informative(s):

- 1 The applicant should contact Wessex Water's Developer Service to agree points of connection to the public water and sewer networks. Wessex Water's new connections team can be contacted on the following telephone numbers: 01225 526222 for water supply and 01225 526333 for waste water disposal.
- 2 In view of the site's potential reptile and amphibian habitat, care should be taken when clearing the ground prior to development commencing, and if evidence of specially protected species is found, work should stop immediately and contact should be made with the Council's Ecology team led by Jon Taylor on 01225 718 276 or Natural England.

Grass snakes, smooth newts and various other species of reptile and amphibian are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000. Great Crested Newts and their habitat (aquatic and terrestrial areas) are protected under the 1981 Wildlife and Countryside Act and the Countryside and Rights of Way Act 2000 and are also deemed European Protected Species. If evidence of great crested newts is found during works, work should stop immediately and Natural England must be contacted on 0300 060 2065 for advice on the best way to proceed. Where they are present a license might be necessary to carry out the works.

It should be ensured that work (including site clearance work) does not disturb nesting birds. Birds can nest in many places including buildings, hedgerows, trees, and open grassland. Nesting birds are protected under the 1981 Wildlife and Countryside Act. The main nesting season lasts approximately from March to September, so any work to the site should take place outside these dates if at all possible.

- 3 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. 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 Wiltshire Council's Ecology team on 01225 713303 or via email louisa.kilgallen@wiltshire.gov.uk

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