

Date of Meeting	11 June 2014
Application Number	14/03464/FUL
Site Address	Garage Site ,Holbrook Vale, Berryfield, Melksham, Wilts SN12 6EJ
Proposal	Demolition of 14 garages and construction of two 3 bed houses with associated road and parking
Applicant	Selwood Housing Society
Town/Parish Council	MELKSHAM WITHOUT
Ward	MELKSHAM WITHOUT SOUTH
Grid Ref	389398 162246
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The application was called into committee by Councillor Roy While to consider:

- Traffic and Parking
- Loss of Garages
- Access

1. Purpose of Report

To consider the above application and to recommend that the application be approved subject to conditions.

2. Report Summary

The main determining issues relate to the following:

- Principle of the Development
- Affordable Housing / Impact on Housing Need
- Impact on the character and appearance of the area
- Impact on the amenities of adjoining occupiers
- Impact on highway safety and parking

3. Site Description

The application site is located in the south western corner of Holbrook Vale and its access is located between No 8 and 9 Holbrook Vale. The site is currently occupied by 2 garage blocks containing a total of 14 garages. The site is bounded to the north by 9 Holbrook Vale, to the east by 8 Holbrook Vale and to the south and west by open countryside. The site is located within the village policy limits of Berryfield.

4. Planning History

There is no relevant planning history

5. The Proposal

The application proposes the demolition of 14 garages and the erection of two 3 bedroom houses with associated landscaping and parking. The houses would be 2-storey constructed from Ibstock facing brick under Redland brown double roman roof tiles. The proposed residential curtilage would be defined by 1.8 metre high close boarded fencing.

To support the application, an arboricultural assessment has been produced alongside a garage displacement statement.

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004

Policy H2 – Affordable Housing within Towns and Villages; Policy H17 – Village Policy Limits
Policy H24 – New Housing Design; Policy C31a – Design; Policy C32 – Landscaping
Policy C38 – Nuisance; Policy U2 – Surface Water Disposal

Leisure and Recreation DPD 2009

Policy CR1 Footpaths and Rights of Way

National Planning Policy Framework (NPPF) 2012

Draft Wiltshire Core Strategy 2013

Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 3 – Infrastructure; Core Policy 15 – Spatial Strategy: Melksham Community Area; Core Policy 43 – Providing Affordable Housing; Core Policy 45 – Meeting Wiltshire's housing needs; Core Policy 57 – Ensuring high quality design and place shaping; Core Policy 61 – Transport and Development

7. Consultations

Melksham Without Parish Council:- No objections to the building plans, but do recommend that 2 parking spaces are provided for each new property and that provision is made for off street parking to mitigate the loss of on street parking for the current residents.

Wiltshire Council Highways :- No objection, access road in reasonable condition and parking provided for proposed houses, satisfied with garage displacement strategy.

Wiltshire Council Housing Officer:- Supports the application as it is from a Registered Provider of affordable housing and will assist in meeting housing need in the area.

Wiltshire Council Rights of Way Officer:- No objection – A public right of way passes near to the site but it would not be affected by the development.

Wessex Water:- Information provided for the applicant which is included as an informative.

Wiltshire Fire and Rescue:- Provide advice in terms of improving fire prevention in new domestic properties.

8. Publicity

A site notice was erected on the 8th April 2014 and consultation letters were sent to neighbouring occupiers at 7 to 12 Holbrook Vale.

1 letter has been received objecting to the proposal on the following summarised grounds:

- Overlooking
- Loss of privacy
- Loss of an informal overflow car park

- Lack of off street parking in the area
- Design is out of keeping
- The houses are higher than existing
- Narrow access with no room for pedestrians
- Question the need for affordable housing

A petition with 15 signatories was also received objecting to the proposal on the following summarised grounds:

- Traffic and parking – parking is a problem and the loss of the informal overflow parking on the site would exacerbate the problem
- Loss of garages – No opportunity shall exist to rent garages in the local area once these are demolished
- Access – not wide enough to service the additional properties

9. Planning Considerations

9.1 Principle of the development

The proposed development site is classed as 'previously developed land' within the Village Policy Limits of Berryfield and can be considered to be a sustainable location for future housing development in accordance with the NPPF, the West Wiltshire District Plan Policy H17 and emerging Core Strategy Policy 1.

9.2 Affordable Housing / Impact on Housing Need

The West Wiltshire District Plan Policy H2 requires affordable housing on sites of two or more within Village Policy Limits. However, the emerging Core Strategy Policy 43 requires affordable housing on sites of 5 or more. As the Core Strategy is at such a well advanced stage (and this particular policy has not been substantively criticised by the Core Strategy planning inspector) it is considered appropriate to apply the emerging Core Strategy policy to developments of housing within villages. As such, under the current policy approach, in this particular case, the Council would not require an element of affordable housing on this site. Notwithstanding the above, housing colleagues have responded in support of the application as it is made by a Registered Provider and likely to benefit affordable housing provision in the area.

9.3 Impact on the Character and Appearance of the Area

Holbrook Vale is a cul-de-sac of two storey semi detached and terraced dwellings. The first floor of these houses is located within a mansard roof. The ground floor of the majority of houses is faced with render but there are houses faced with brick and pebble dashing.

The proposed pair of semi detached dwellings would be two-storey with a standard pitch roof. The proposed materials are considered appropriate and in keeping with the local environs.

The proposed houses would be sited behind the building line of existing properties on Holbrook Vale and officers consider that the proposed built form would not adversely impact on the character of the area or the street scene.

9.4 Impact on the Amenities of Existing and Future Occupiers

The proposed houses would have the same orientation as properties No 1 to 8 Holbrook Vale, although they would be set back further in the plot than the neighbouring pair of semi detached properties (No's 7 and 8 Holbrook Vale). The houses would be located 7m from the boundary shared with No 8 and it is noted that no windows are proposed in the gable elevations. Officers consider that the relationship of the proposed houses with the neighbouring property at No 8 would not result in a substantive loss of neighbouring amenity.

The proposed houses would look towards the rear gardens of No's. 9 – 12 Holbrook Vale with the front elevations being some 9m from the side boundary. Officers assert that No 9 benefits from a wide rear garden – which would result in the proposed front elevation being some 15m from the flank elevation of No 9. There is also a single storey garage on the boundary with the application site. Overall, it is considered that the proposal would be sufficiently distant from neighbouring occupiers and would not result in unacceptable levels of overlooking or loss of privacy for the occupiers of No 9 Holbrook Vale.

9.5 Impact on Highway Safety and Parking

The proposal results in the loss of 14 garages. The applicants have submitted supporting information setting out the occupancy of the existing garages and advising that existing tenants have been provided alternative accommodation in the locality.

As part of the application, on-site parking has been provided for the proposed houses in line with the Council's minimum parking standards. Officers consider that the proposed development would have an acceptable impact on transport and parking.

9.6 Impact on a Public Right of Way

The proposal would not impact on the neighbouring right of way. Whilst at present, walkers may take a shortcut through the site, it is not a formal access to the right of way.

9.7 Trees

An arboricultural assessment has been assisted with the application which advises that no specific tree protection measures are required for the proposed development.

9.8 Other

The sites existing use could potentially give rise to contamination and therefore a precautionary condition is proposed.

10. Conclusion

The proposed development would provide two units of housing within the village policy limits which would not have an adverse impact on the amenities of adjoining occupiers or the character and appearance of the area. Officers further advise that the proposals are compliant with policy and planning permission is recommended subject to conditions.

RECOMMENDATION: Approve 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 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.

3. 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) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft surfacing materials;
- i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

4. 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.

5. No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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.

7. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:

- i) provide an updated risk assessment for chemical contamination
- ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) remediation validation works

Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

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

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 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 eastern elevation above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

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

3729/01 Rev A received 28/03/2014

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

Informatives

Informative 1

There is a low risk that bats may roost at the development site, potentially in trees and hedgerows. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bats Conservation Trust website www.bats.org.uk.

Informative 2

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Informative 3

A public water main is shown on record plans within the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water for further advice on this matter.

Building over or within 3 metres of an existing water mains sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Informative 4

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system