

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	5th November 2014
Application Number	14/07674/FUL
Site Address	Land at 347 Snarlton Lane, Melksham, Wiltshire, SN12 7QP
Proposal	Erection of two new dwellings
Applicant	Mr Jon Sutton
Town/Parish Council	MELKSHAM WITHOUT
Ward	MELKSHAM WITHOUT NORTH
Grid Ref	392074 163840
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

The local ward member Cllr Terry Chivers has asked that should this application be recommended for approval by officers, it should be reported to the Western Area Planning Committee for Members to determine and to consider the following key issues:

- The scale of development;
- The visual impact upon the surrounding area;
- The relationship to adjoining properties; and
- The environmental or highway impacts.

1. Purpose of Report

To identify the material planning considerations; summarise the relevant policy and consultation responses; assessment the planning merits of the application and to make a recommendation to members of the committee.

2. Report Summary

The key planning issues to consider are:

- Principle of development
- Character, appearance and spatial form
- Impact on natural environment; including trees and landscaping, ecology and drainage
- Inappropriate backland development assessment
- Whether there would be a loss of an important visual gap or open space
- Services including water supplies and sewerage treatment.
- Highway safety impacts
- Neighbouring amenity

This application explores and assesses the key issues material to the determination of the application and concludes to make a recommendation for approval of planning permission subject to conditions.

3. Site Description

The application site is part of the residential curtilage of No. 347 Snarlton Lane which appears to be a farmhouse that has become enclosed by housing development. The site has a number of dilapidated outbuildings, areas of concrete hard standing and areas of overgrown brambles and grass.

The site is relatively flat and is located within the town policy limits of Melksham, but is not subject to any detailed relevant planning constraints. Access is from the unclassified Snarlton Lane which terminates approximately 100m to the east.

To the south and west of the application site is residential development that has occurred at Snarlton Lane over a period of many decades. To the north and east, further residential development has taken place within the last 5 years following the Council's approval for a "comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road".

4. Planning History

W/74/00525/HIS	Addition to dwelling
W/04/01895/OUTES	Comprehensive mixed use urban extension comprising residential development of 670 dwellings and associated ancillary facilities and works including local centre, primary school, sports and recreation facilities and distributor road
W/08/02886/REM	Construction of 114 dwellings, highways and associated landscaping
W/08/03471/REM	Construction of 114 dwellings, access and associated landscaping
W/09/03109/REM	Submission of reserved matters pursuant to outline planning permission 04/01895/OUTES for the substitution and amendment of two units, plus amendments as required to satisfy Highway and Building Control queries
W/09/02443/FUL	Variation of condition 03 of permission 08/03471 to allow all windows serving bathrooms and toilets of the proposed dwellings to be obscurely glazed and of a design to allow for opening with exception of Plots 20, 21, 22, 23, 99 and 109 which shall remain obscurely glazed and fixed shut
W/11/02250/PREAPP	Community hall/changing facilities and associated parking
13/03764/PREAPP	Erection of 3 no. detached dwellings

5. The Proposal

As reported above, the 2013 pre-application enquiry considered the potential for erecting 3 dwellings on this site. However, such a proposal was not encouraged; and instead, officers suggested that a one or two house scheme may be worth further exploration.

Following the pre-app, the applicant submitted a 2-house application comprising one 3-bed and one 5-bed property. However, through negotiations, the scheme was further revised to comprise two 3-bed houses with garaging, private rear amenity space, 2 car parking spaces and access provision.

The walls to each unit would be a mix of brick and render with a tiled roof and uPVC window frames and doors. The proposed heights, massing and scale would be comparable to the modern units to the north and east.

The access for the existing dwelling would be moved to the western limits of the site and provide a 3.5 metre wide access to the new dwellings and a total of 7 car parking space for the existing and proposed units plus garaging for the proposed dwellings.

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (WWDP)

C31a: Design; C32: Landscaping; C38: Nuisance; H1: Further Housing Within Towns; U1a: Foul Water Disposal; U2: Surface Water Disposal.

Emerging Wiltshire Core Strategy (eWCS)

CP1: Settlement strategy; CP2: Delivery Strategy; CP3: Infrastructure requirements; CP15: Spatial Strategy: Melksham Community Area CP50: Biodiversity and Geodiversity; CP52: Green Infrastructure; CP57 Ensuring high quality design and place shaping; CP61: Transport and development; CP67: Flood risk; CP68: Water resources.

National Planning Policy Framework (2012) (NPPF) and Planning Practice Guidance (PPG)

7. Consultations

Melksham Without Parish Council: No objections “*on the condition that there is an improvement to the site access arrangements which are currently substandard as there is no allowance for turning into the entrance. There needs to be a correct splay, but currently there is a telephone pole preventing this. The Council would like to seek clarification with regard to this being moved and its exact end location. There are concerns over issues during construction with regard to deliveries, construction parking and working hours which need to be agreed prior to the commencement of any development in conjunction with a full and proper bat survey, as residents have seen a lot of bat activity in the area.*”

Council's Highways: No objection subject to conditions.

Wessex Water: No objection and note that no surface water disposal would be allowed to foul sewer.

Council's Ecologist: No objection subject to informatives.

Wiltshire Fire & Rescue Service: Standard advice provided on building control and fire safety matters.

8. Publicity

Public consultation consisted of individual neighbour letters and a site notice: 3 letters of objection were received which may be summarised as follows:

- Potential impact on bats and inadequate survey work for bats;

- Harm to wildlife more generally including nesting birds;
- Highway safety;
- Disruption, trespass and damage to private property during the construction phase;
- Loss of privacy to No. 346 Snarlton Lane from overlooking of rear garden, kitchen and bathroom; and.
- Flooding and surface water drainage concerns.

9. Planning Considerations

9.1 Principle of development

9.1.1 The site is located within the allocated area of the town policy limits of Melksham as defined by policy H1 of the adopted West Wiltshire District Plan – 1st Alteration. This policy sets out that the proposal is acceptable in principle subject to the detailed criteria set out in policy H1 of the local plan and any other material considerations such as the NPPF.

9.1.2 The site appears from historic aerial photographs to be a former farm yard that was adjacent to open countryside, but is now completely enclosed by housing development. The site is considered by officers to be a sustainable location and is an acceptable small scale residential windfall opportunity.

9.2 Character, appearance and spatial form

9.2.1 Officers recognise that to the north and east of the site, there is a relatively high density modern detached housing development. Some of those units though do benefit from larger plots than is typical of modern house building presumably reflecting the fact that they are water frontage properties and would have likely been marketed to reflect this. Between the new build and the application site is a landscaped buffer which ranges from approximately 1 metre to 5 metres in depth and wraps around the northern and eastern boundary of the application site. The new build housing makes an efficient use of land and provides for basic amenities of its occupiers with a degree of overlooking from the upper floor levels.

9.2.2 To the south and west, the spatial character is rather different with a long terrace of properties to the west which benefit from long, but quite narrow rear gardens. Although it is clear that the end of the terrace (property No 346 which adjoins the site benefits from a much larger plot. To the south, there is more of a mix, but essentially detached properties forming a ribbon development along Snarlton Lane, set in generous sized plots.

9.2.3 The spatial character of the general area is clearly mixed, but it is considered that the site, being a backland plot, relates more to the modern housing development to the north and east rather than those properties built along Snarlton Lane. The site is clearly capable of accommodating one dwelling comfortably. Taking on board the above, the second dwelling can on balance, be accommodated without any harm to the spatial character of the area. It would be an efficient use of land and would not be substantively out of keeping with the new build to the north and east.

9.2.4 It is important to stress that this assessment is based on the revised scheme for 2 relatively modest 3-bedroom properties.

9.2.5 The elevation treatments are acceptable and would not be out of keeping with the most recent development in the vicinity. After negotiation both plots are now for well proportioned 3-bedroom dwellings and previously raised officer concerns have been addressed.

9.3 Impact on the natural environment; including trees and landscaping, ecology and drainage

9.3.1 The Council's ecologist was made aware of the public comments which raised the potential impact on bats and nesting birds in particular. In response, the Council's ecologist has provided detailed comments of the potential impact to ecological interests. The ecologist has advised that the existing buildings "*have limited suitability for roosting bats and nesting birds, so no surveys are required in this instance*". "*Although there are no existing records in close proximity to the application site, there are records of slow worm for the eastern side of Melksham (residential garden)*". To ensure reptiles are not harmed as part of any development, an ecological informative is recommended. It is also recommended that "*the buffer planting should be protected during construction and retained in the long term*". The ecologist further advises that "*although there are existing records of Great crested newt in the wider area around the site, including to the northeast and southwest, the application site has become isolated from these due to the adjacent residential development to the immediate east and northeast (land at Snowberry Lane / Sandridge) and to the south (Clacker's Brook); the site is also isolated from other records due to the presence of the brook and roads, which form barriers to dispersal*". It is therefore "*concluded that great crested newts are unlikely to be present on the application site*".

9.3.2 The expert ecological advice provided concludes that this development proposal would not result in any significant or demonstrable harm to ecological interests, and in accordance with advice given, informatives are recommended. The existing landscaping buffer implemented to protect Snarlton Lane residents from the new housing development to the north would be retained and now conversely would help mitigate this proposed development from impacting significantly on the new build to the north and east. Officers recommend that a condition should be imposed on any permission to require a final landscaping scheme which would provide details of additional planting and protection measures for the existing and retained landscaping. This would also provide further opportunity to help mitigate any impact on No.346 Snarlton Lane – a property/plot, which would be more overlooked once the development is complete than they currently are. However, officers submit that the degree of additional overlooking to No. 346 would not be sufficient to merit refusal of the application for the reasons set out in section 9.8 below.

9.3.3 The foul drainage of the site to the foul sewer would not be objectionable. Whilst the applicant stated an intention to dispose surface water to the main sewer, this has been amended by way of using soakaways following negotiation and taking on board comments from Wessex Water. The local objection on this point is noted. In light of this and the basic nature of the drainage details, a condition is considered necessary and prudent to ensure that final details are adequate.

9.4 Inappropriate backland development assessment

9.4.1 The site is clearly of a backland form; however, the access arrangements are sufficient to avoid harm to the amenity of existing residents in terms of noise, lights and smells from additional traffic driving past them and manoeuvring. Subject to issues of overlooking and

neighbouring amenity being adequately addressed, officers advise that the development of this site in principle need not be considered inappropriate backland development within the meaning of Policy H1.

9.5 Whether there would be a loss of an important visual gap or open space

9.5.1 Whilst the site acts as a visual gap in the street/urban form, it does not substantially add to the public realm. As such and whilst regrettable, its erosion and loss would not be a significant issue. Any concern would be outweighed by the benefit of providing further housing within the established built form and making more efficient use of urban land.

9.6 Services including water supplies and sewerage treatment.

9.6.1 Wessex Water has indicated that connection to their services of foul drainage and water supply would not necessarily be an issue. An informative to encourage early engagement with Wessex Water is highlighted as being prudent.

9.7 Highway safety impacts

9.7.1 Local resident concerns in regards to highway safety are noted and have been carefully considered. The access has been moved to the western edge of the site frontage with Snarilton Road which is an unclassified public highway that terminates some 100 yards to the east. Traffic at this point is likely to be relatively light. It is noted that much of the local concern involves the construction phase and it is acknowledged that access for large vehicles would not be convenient to local residents. However, officers submit that any infill or backland development taking place within relative close proximity to existing occupied dwellings, the construction phase shall inevitably result in a degree of nuisance. It is important to limit the levels of nuisance where possible within the remit of planning. A Construction Method Statement condition which inter alia would limit the hours of construction work and minimising pollution is recommended. It is necessary however to assume that there would be no trespass or damage caused to third party land/property. Such concerns should they transpire, would be civil matters beyond the scope and remit of the planning authority.

9.7.2 Highway officers have assessed the application and raise no objection. A visibility splay of 2m x 30m in either direction has been demonstrated and accepted by the highway officer through negotiation. There is also no highway based objection to the telephone pole remaining (within the western visibility splay). Officers duly assert that this is a relatively lightly trafficked location and the road terminates circa 100m to the east. Officers further advise that any resulting highway impact relating to this 2-house scheme would not be severe as far as the appropriate NPPF test is concerned – whereby paragraph 32 stipulates that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”.

9.7.3 The negotiated 2-house scheme satisfies the minimum parking standards of two spaces per dwelling. 3 parking spaces are shown for the existing dwelling and there is adequate space for turning for each property. The local concern raised about the access drive's width is noted, however it is not considered to be sufficient grounds to justify a refusal as the resultant impact would not be severe. In any event, officers recognise that with a minor tweak made to the final landscaping, this could be resolved by way of condition. On the basis of the above, officers advise that there are no highway grounds to justify a refusal.

9.8 Neighbouring amenity impacts

9.8.1 Officers recognise that the proposed development would result in a degree of overlooking to existing properties/land. However, there would be acceptable separation distances with in excess of 10 metres provided to residential boundaries and over 21 metres between habitable room windows. The Council has adopted guidance on house alterations and extensions that sets these as benchmark distances. Whilst such guidance is not strictly applicable here given that the SPG relates to house alterations and extensions, it nevertheless provides a useful guide on how to avoid significant harm from overlooking within an existing built-up area.

9.8.2 Officers recognise that the house illustrated on plot 2 would have 1 habitable room window at first floor which would look in the general direction of No. 346 Snarilton Lane. However due to the orientation of the properties and the separation distance, there would be limited overlooking. Plot 1 would also have only 1 first floor habitable room window facing No. 346 Snarilton Lane. Again due to orientation and separation distance this would cause only limited overlooking. On this basis, it is not assessed that there would be significant demonstrable harm. Furthermore it is noted that the overlooking would affect rear garden ground, kitchen and bathrooms. Kitchens and bathrooms are not classed as habitable rooms; and whilst not strictly required, carefully designed/planned landscaping could help reduce any perceived issue.

9.8.3 It is noted that no other objections have been received with regard to overlooking. Nevertheless, the potential impacts to all the other neighbouring properties have been assessed. It is noted that the occupants of No. 36 Goldfinch Road have objected but limited their concern to the impact on bats without any mention of overlooking or indeed loss of light. Officers report that the proposed housing on plots 1 and 2 would result in some overlooking to the existing dwelling at No. 36 Goldfinch Road. However, it is assessed that the orientations submitted provide a compromise resulting in some limited harm to the amenities of existing and future occupiers. Even without a received written representation, the scheme would not result in significant demonstrable harm to residential amenity.

9.8.4 The garden spaces to each of the units are on balance, acceptable with sufficient private amenity space being provided for the proposed houses.

10. Conclusion

10.1 Through negotiation, a revised acceptable form of development is proposed. Any residual concerns raised above are not considered sufficient to merit refusal of the application; and that they need to be weighed against the benefits of allowing a housing development that makes more efficient use of land within the identified town policy limits of Melksham. The NPPF sets an unashamedly pro-growth agenda and this is a material consideration in the determination of this application because this is a sustainable form of development in a sustainable location; and as such, should be encouraged. There is no demonstrable breach of the relevant development plan policies or the policies of the NPPF; and as such, it must be recommended for permission.

RECOMMENDATION: Permission subject to 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 and immediately adjacent;
- 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 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 first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

6. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, 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.

7. No part of the development hereby permitted shall be first 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.

8. No part of the development shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

9. No development shall commence on site (including any works of demolition), until a Construction Method statement, which shall include the following:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding;
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction;
- g) A scheme for recycling / disposing of waste resulting from demolition and construction works;
- h) Hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the demolition/construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detrimental to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

Topographic survey received 8 August 2014;
Proposed site plan received on 21 August 2014;
Elevations Plot 1 received on 21 August 2014;
Floorplans Plot 1 received on 21 August 2014;
Elevations Plot 2 received on 21 August 2014;
Floorplans Plot 2 received on 21 August 2014;
Location Plan received on 30 August 2014;

Access visibility play received 24 September 2014;

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

INFORMATIVES:

1. Further information on connection to Wessex Water infrastructure can be obtained from their New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

2. There is a low risk that great crested newts / reptiles / badgers could occur on the application site. Great crested newts and all reptiles are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of amphibians/reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles/amphibians until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or a Council Ecologist (01225 713875 / 718182).

Badgers are protected under the Protection of Badgers Act 1992 mainly for welfare purposes. If works are carried out in close proximity to a known badger sett, then a licence may be required. Please see Natural England's website for further information.

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species:

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/faq.aspx>