

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	5th November 2008
Application Number	08/01952/FUL
Site Address	Kingsmead Mill, Mill Lane, Little Somerford
Proposal	Construction of bridge on access road to provide flood alleviation
Applicant	Mr A. Craven Walker
Town/Parish Council	Little Somerford
Grid Ref	409492 190302
Type of applications	Full Application

Reason for the application being considered by Committee

This application has been submitted to the committee for decision under the scheme of delegation in force after the 8th April 2002 because five or more letters of objection have been received.

Summary of Report

This application is for the construction of a bridge on the access road to provide flood alleviation. The site is located outside the village of Little Somerford falls within the open countryside and the Braydon Forest. The key points to consider are as follows:

- Implications on DC Core Policy C3.
- Implications on Policy NE12 (Braydon Forest) and NE15 (Landscape Character of the Countryside).

Officer Recommendation

Planning Permission be GRANTED subject to conditions.

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Proposal and Site Description

This application is for the construction of a bridge on the access road which leads to Kingsmead Mill (Grade II listed). The bridge is required for flood alleviation purposes.

The development site is located on an access lane, between Kingsmead Mill and Kingsmead Lodge, within the open countryside and the Braydon Forest and outside the village of Little Somerford.

The bridge is to be constructed on an unclassified road within a Flood Zone 3. The plans submitted show that the bridge is to incorporate three arches and that the road level is to rise slightly to accommodate the bridge.

Planning History		
Application number	Proposal	Decision
	There is no planning history relevant to this proposal.	

Consultations

Parish Council objects to the proposal for the following reasons:

- Inadequate flood risk assessment to third parties
- Impact of the proposal on flooding downstream
- Against any permanent stopping up or restriction of use of the access road
- Any temporary closure of the access road should be kept to a minimum

County Highways note that whilst there is no objection to the principle of this proposal, the area where the bridge is to be constructed is currently public highway. Officers state that the applicant should be aware that no work may be undertaken without the express permission of the highway authority unless highway rights have been extinguished.

The Environment Agency has no objections, in principle, to the proposed development subject to conditions being attached to any permission granted. The Environment Agency is, however, currently considering additional information which has been submitted by the Parish and final comments are awaited.

Wessex Water has commented on the application but has raised no objections.

Representations

Eight letters of representation have been received from local residents. The following concerns have been raised:

- Closing of public right of way in unacceptable
- Access land should not be in private ownership
- Inadequate flood risk assessment submitted
- Adverse impact on land located downstream (especially road between Little and Great Somerford)
- Bridge is excessive in size
- Area around proposed bridge is water meadows therefore they are supposed to flood

An additional six letters of objection have been received but disregarded as these representations solely refer to the closing of the public highway which is not a planning matter and does not form part of the proposal.

Planning Considerations

Principle of the development

The proposal seeks to build a bridge on the access road which leads to Kingsmead Mill for flood alleviation purposes.

The development site is located in open countryside and within the Braydon Forest and therefore Policy C3, NE12 and NE15 are of relevance when determining this application. The site is also located within a Flood Zone 3 therefore the recommendations of the Environment Agency need to be given weight.

Impact of the development on the countryside and Braydon Forest:

The proposed bridge is to be constructed on land which forms part of the Braydon Forest designated land. However, the bridge is to be sited along an existing access road and will not affect any woodland protected under Policy NE12 of the North Wiltshire Local Plan (2011).

With regards to the impact of the proposed development on the landscape character of the countryside, it is considered that the proposed bridge is a feature that would be in keeping with the surrounding area and would conserve and enhance the distinctive characteristics of this part of the open countryside setting.

The plans show that the bridge is to incorporate three arches fronting onto the fields located either side of the access drive. A 1m high parapet wall is proposed to run parallel to the road. The applicant is also proposing to change the ground levels to allow the water to flow and also raise the road level slightly to accommodate the new bridge.

Details on the application form state that the bridge is to be built with natural coursed stone. It is suggested that a sample panel of the external appearance of the development be conditioned.

The applicant has also been requested to submit an elevation drawing of the bridge as viewed from the lane, together with a plan showing where the proposed road is to meet with the existing road level. These details are still awaited.

The proposal is considered to be in accordance with Policy C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

Impact of the development on residential amenities:

A number of local residents are concerned that the proposal will have an adverse impact on land and property located upstream and downstream from the development site, and that an inadequate flood risk assessment has been submitted.

The flood risk assessment document submitted by the applicant has been taken into consideration by the Environment Agency who has raised no objections to the proposal subject to conditions and informatives being attached to any permission granted. The Environment Agency is, however, still considering additional information which was submitted by the Little Somerford and Great Somerford Parish Councils and their comments will form part of a 'Late Observation' report.

The bridge is to be located away from any residential properties and therefore the structure itself will have no adverse visual or amenity impact on local residents.

The proposal is considered to be in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Impact of the development on the highway:

Local residents are concerned about the closing of the public right of way and state that the existing access drive should not be in private ownership. These concerns have been taken into consideration but appear to be based on various assumptions which do not form part of these proposals.

The application form states that a temporary diversion of the footpath/bridleway will be required during the construction of the bridge, in cooperation with Wiltshire County Council. The applicant would need to apply for an order under Section 116 of the Highways Act prior to works commencing. None of the documents submitted refer to a permanent stopping-up of the highway or to the fact that the access drive is to become private ownership. In any case, these are separate matters which do not fall within the remit of this current application.

County Highways have raised no objections to the proposal and the development is therefore considered to be in accordance with Policy C3 of the North Wiltshire Local Plan (2011).

Conclusion

The proposal, by virtue of the siting, scale and design of the proposal, will have no harmful impact on the landscape character of the open countryside and no adverse effect on land or property located either upstream or downstream of the development site. As such, the proposal accords with Policies C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

Recommendations and Proposed Conditions / Informatives

Planning Permission be GRANTED subject to the following conditions:

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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the Local Planning Authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. No development shall take place until a sample panel of the external stonework has been made available on site to be inspected and approved in writing by the Local Planning Authority. No development shall take place until such approval has been given in writing. The external stonework shall be in accordance with the approved plans and shall match the approved sample in respect of type, colour, size and bedding of the stone, type of pointing and mortar mix.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

4. There shall be no storage of any materials including soil within that part of the site liable to flood as shown as Flood Zone 3 on the Environment Agency's flood map.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Drawing No. 01/P2 and 02/P3 date stamped 12th September 2008.

Drawing No. 03/P2 date stamped 1st September 2008.

Flood risk assessment date stamped 13th August 2008.

2. You are advised that this planning permission does not override any interests that third parties may have regarding civil matters such as ownership, covenants or private rights of way. Before any works are carried out which affect land outside your ownership you should ensure the necessary consents

have been obtained from all persons having an interest in the land.

If you intend carrying out works in the vicinity of the site boundary you are also advised that it may be expedient to take your own independent advice with regard to the requirements of the Party Wall Act, 1996.

3. It appears the proposal involves works which will affect the highway and/or its verge. Before commencing such works, you must obtain the separate consent of the Highway Authority. Please contact The Director of Environmental Services, Wiltshire County Council, County Hall, Trowbridge, Wilts, BA14 8JD.

4. A public footpath/bridleway is affected by this proposal. A planning permission does not authorise the stopping up or diversion of the footpath/bridleway. There is a statutory procedure for this which can be lengthy. Please write in the first instance to The Head of Administration to the Council, North Wiltshire District Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER, quoting the reference number of the planning permission.

5. The applicant's attention is drawn to the contents of the attached letter from Wessex Water dated 29th September 2008.

6. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Sherston Avon, designated a 'main river'.

7. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

8. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, NE12 and NE15

Reason for Decision

The proposal, by virtue of the siting, scale and design of the proposal, will have no harmful impact on the landscape character of the open countryside and no adverse effect on land or property located either upstream or downstream of the development site. As such, the proposal accords with Policies C3, NE12 and NE15 of the North Wiltshire Local Plan (2011).

Appendices:	None
Background Documents Used in the Preparation of this Report:	1.20, 2.02, 2.24, 2.25, 4.02, 4.04, 4.07