

Date of Meeting	03 February 2016
Application Number	15/11119/FUL
Site Address	221 Church Street, Hilperton, Wiltshire, BA14 7RG
Proposal	Creation of new vehicular access with dropped kerb (Resubmission of 15/05477/FUL)
Applicant	Mrs Heidi Hart
Town/Parish Council	HILPERTON
Electoral Division	HILPERTON – Councillor Ernie Clark
Grid Ref	387254 159114
Type of application	Full Planning
Case Officer	Katie Yeoman

Reason for the application being considered by Committee:

Cllr Ernie Clark requested that this application be called-in for the elected members to determine should officers be minded to refuse permission. The expressed key issues identified by Cllr Clark for members to consider are:

The environmental or highways impacts and car parking

1. Purpose of Report:

To consider the above application and to recommend that planning permission be refused.

Hilperton Parish Council Response – No objections.

Neighbourhood Responses – 13 letters of support received which are summarised in section 8.

2. Report Summary:

The main issues are:

- Impact on the surrounding area including the heritage assets and their settings
- Highway safety impacts
- Drainage issues

3. Site Description:

The application site is located on the eastern side of Church Street (which is currently classified as the B3105) within the village of Hilperton and within the Hilperton Conservation Area. A number of Grade II listed buildings are located within 50m of the site – which relates to an area of unauthorised hard standing used for parking located adjacent to the host

property at 221 Church Street, Hilperton. The paved parking area is bounded by a low retaining wall and a small area of grass planting.

The submitted application form indicates that the works were carried out in April 2015 however the drop kerb has not been implemented. The photograph below illustrates the unauthorised development which the applicant seeks to regularise.



Prior to the works, the external appearance of the property comprised a pedestrian access path linking the property to the public pavement abutted by a low retaining wall and area of hard landscaping, as illustrated in the photograph below:



4. Planning History:

W/06/00918/FUL Erection of chimney – Approved with conditions

15/05477/FUL Application to create new vehicular access with dropped kerb to serve new block paved parking area formed to the side of the dwelling, enclosed by brick wall (retrospective alterations) – Refused on 27 July 2015 for the following reason:

“The site has insufficient frontage to the north (right) to enable the access to incorporate the necessary visibility splays which are essential for the safe use of the access and the interests of highway safety. Regularising or authorising the construction of the vehicular access off the classified highway would be contrary to adopted Wiltshire Core Strategy Core Policies CP57, CP60 and CP61”.

5. The Proposal:

Retrospective planning permission is sought for the retention of the hard standing area used for parking, including the retaining wall and soft landscaping. The unauthorised parking paved area measures approximately 4m in width and can accommodate two cars. The application also seeks permission to drop the pavement kerb fronting Church Street. A retrospective planning application (15/05477/FUL) for the retention of the hard standing and retaining wall was refused planning permission in July 2015. This decision was based on highways safety concerns relating to insufficient visibility.

6. Local Planning Policy:

Local Context: Wiltshire Core Strategy (the development plan) relevant policies - CP29, CP57, CP58, CP60, CP61

Wiltshire Local Transport Plan (LTP3) Car Parking Strategy 2011- 2026 relevant policy PS6

National Planning Context and Legislation: The Planning (Listed Building and Conservation Areas) Act 1990 Section 66: General duties as respects listed building in exercise of planning functions and Section 72: General duties as respects Conservation Areas in exercise of planning functions

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

7. Summary of consultation responses:

Hilperton Parish Council - No objection raised (note: the Parish Council also had no concerns relating to the previous application).

The Council Highway Authority – Recommends that permission be refused. This application is a resubmission of 15/05477/FUL which was refused due to insufficient visibility. Since that decision, it is acknowledged that the Hilperton Relief Road has opened and as a consequence, less traffic may well travel through the centre of the village of Hilperton. Whilst it is appreciated that the B class road may be re-classified, the concerns raised about the

insufficient visibility remain in place and, it should also be noted that the speed limit will for the foreseeable future remain the same at 30mph.

The supporting case which accompanies the application is duly noted and it is acknowledged that there are other vehicle accesses along Church Street with similar visibility to that which has been created at No. 221. However, officers would argue that this does not mean that as a Council, we should allow another unsuitable sub-standard vehicle access off Church Street.

Manual for Streets guidelines specifies that visibility splays should be provided at 43 metres in both directions from a point 2.4m measured back from the carriageway edge. Whilst this may just be achievable to the left (in a southern direction) when exiting the site parking area this is not possible to the right (in a northern direction). As illustrated by the photographs on a previous page, the host property wall directly abuts the footway and therefore pedestrian intervisibility with emerging vehicles and visibility of oncoming vehicles is completely obscured by the building.

Officers also note there is also insufficient space within the site for turning provision, and therefore vehicles would be required to either reverse onto or off of the parking area, which could increase the level of hazard.

The application is unacceptable in highway safety terms and should be refused. The site has insufficient frontage to the right, leaving the unauthorised site access being unsatisfactorily laid out which fails to incorporate the necessary visibility splays which are deemed essential in the interest of highway safety.

8. Publicity:

The application was subject to individual neighbour notifications and a site notice (which was displayed adjacent to the site on 17th November).

13 letters of support were received citing the following:

- There is no record of any accidents involving either traffic or pedestrians in this part of Church Street despite numerous properties with driveways with similar visibility splays.
- The parked cars along this road should sufficiently slow down oncoming vehicles.
- Lack of parking provision in the village.
- Sympathetic and unobtrusive design that doesn't detract from the historic nature of the area.
- The opening of the relief road and downgrading of Church Street should reduce the traffic flow.
- Sufficient visibility splays.

9. Planning Considerations

9.1 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.2 The Principle of development - The application site is located within Hilperton's limits of development where there is a presumption in favour of sustainable development.

9.3 Impact on the surrounding area including the heritage assets and their settings - The application is located within the Hilperton Conservation Area therefore careful consideration has been given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in the exercise of any functions, with respect to any buildings or other land in a Conservation Area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.4 The application site is also located within 50m of a number of Grade II listed buildings. On this basis, due regard must be given to Section 66 of the Planning (Listed building and Conservation Area) Act 1990. This sections states that the local planning authority has a duty to pay 'special regard' to the desirability of preserving the building or its setting.

9.5 Paragraph 126-141 of the NPPF also sets out the Government's planning policies relating to the protection of heritage assets and how they can be applied.

9.6 Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (which includes development affecting the setting of a heritage asset).

9.7 The significance of this part of the Conservation Area stems from the historical interest of the properties lining Church Street. The properties consist of low density two-storey detached, semi-detached and small rows of terraced properties. There is variation in the way the buildings are positioned within their plots with some directly fronting the back edge of the pavement whilst others are set back behind short front gardens and low walls.

9.8 The application site is located within 50m of a number of Grade II listed buildings (found at No's 110, 112, 209, 210, and 215 Church Street). With the exception of No. 209 and 210 Church Street, the buildings were constructed in the early 19th century comprising Limestone ashlar fronts and slated roofs with varying architectural details.

9.9 No's 209 and 210 Church Street were originally two houses however, it is now one house located at the end of a terraced row. The buildings were constructed in the late 17th century consisting of rendered rubble stone, a double roman tiled roof with an axial brick stack. The property is set back behind a low wall and front garden. The significance lies in the historical interest of the buildings.

9.10 In accordance with NPPF paragraph 132, the local planning authority must consider the impact a proposed development would have on the significance of a designated heritage asset; and that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through the alteration of its setting. Furthermore, NPPF paragraphs 133 and 134 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset.

9.11 In this particular case, the works undertaken serve an existing residential property within a built up area of the village where the presence of paved driveways are prevalent. It is noted that the unauthorised development has introduced a materially different form of enclosure created by the new stepped brick retaining wall. The work has resulted in some excavation / engineering operations also, but in the opinion of officers, the essential character of the Conservation Area has not been harmed. The materials used appear respectful to the immediate site context and surrounding area. On this basis, officers submit that the development is respectful to the character and appearance of the Conservation Area, listed buildings and their associated settings and there is no policy conflict as far as heritage matters are concerned.

9.12 Highway impacts – As referenced above, this application is a resubmission of 15/05477/FUL which was refused in July 2015. The refusal was solely based on highway grounds as the development proposal could not incorporate the necessary visibility splays in the interests of highway safety.

9.13 In an attempt to overcome the refusal reason, the applicant commissioned an engineering consultant to review the highway impacts. The 6.5 page report (dated 14 September 2015) evaluates accident data for Church Street and Hill Street and it logically assumes the volume of traffic going through the village will decrease following the opening up of the Hilperdon Relief Road and considers the future reclassification of the 'B class' Church Street in due course.

9.14 In support of the application, the applicant's consultant acknowledges the existence of designated (albeit time restricted) on-street parking marked along Church Street less than 10m away from the unauthorised paved area at No. 221 in a northern direction. On monitoring the parking restrictions, the applicant's consultant reports that the enforcement of such controls are not "rigorous" or "observed". It could of course be argued that the availability of dedicated parking along Church Street weakens any justification associated to having an on-site allocation, especially set out parking provision which is considered hazardous. Notwithstanding any alleged 'less than robust' parking enforcement, the parking time restrictions currently imposed are however duly noted. Although with the future reclassification of Church Street, it is not known whether the parking restrictions would remain unchanged. The Council's highway authority reports that *"it is not possible at present to assess the full effects of the downgrading of the classification of Church Street. Not all signing is yet in place and the new traffic arrangements will need to be in place for about 6 months before it can be assumed that traffic patterns have settled. At some time in the future there will be an assessment of the waiting restrictions to see if any relaxation is possible"*.

9.15 The consultant's accident data analysis for Church Street examines the southern stretch of carriageway from the site to its junction with Trowbridge Road/Devizes Road to the Hill Street junction with Greenhill Gardens to the north. The accident review comprised the period 1 May 2010 until 30 April 2015, during which four injury accidents (with slight injuries) were recorded. One of the reported accidents related to a cyclist injured at the Church Street/Devizes Road roundabout junction when a car failed to give-way. In another reported case, two lorries clashed wing mirrors at the bend of Church Street/Hill Street near the Whaddon Lane junction. Separately, a van upon stopping on Hill Street and reversing into Oriol Close collided with another car resulting in slight injuries. In a fourth reported incident,

having stopped at temporary lights on Hill Street, a car collided with a motorcycle after failing the check that the road was clear before manoeuvring. The fifth reported accident recognised by the applicants' consultant related to an accident at a private drive brought about by the failure of a driver to check that the road was clear for such a manoeuvre.

9.16 Although the above reported accidents/incidents did not occur immediately in front of, or as a consequence of the unauthorised works at 221 Church Street, it is argued that the accidents relate to driver error. However, when poor visibility is added to the equation, the risk of an accident or road traffic hazard would be increased. In this particular case, the restricted visibility relates to on-coming traffic which makes exiting the constrained parking even more of a concern. It is also worth remembering that the reported accident analysis fails to evaluate or consider near misses or the difficulties experienced by road users/pedestrians brought about by inadequate accesses. Whilst, it is accepted that in some cases, reduced requirements can be considered on lighter trafficked roads, in this particular case, the lack of sufficient visibility for on-coming traffic and pedestrians is of considerable concern.

9.17 There is no evidence that pedestrian flows are low as argued by the applicant's engineering consultant. Pedestrians walking to the nearby public house, to the church, the village hall and the local school could all walk past the host property. Furthermore, the reduction in large vehicles through the area following the opening of Elizabeth Way could also make walking a more attractive option for local residents within the village.

9.18 It is also acknowledged that as part of the applicant's supporting case, the applicants' consultant has reported on other localised private accesses which allegedly fail to *"provide visibility splays to the back of footway to/from pedestrians"* and it is argued that *"in Hilperton...pedestrians use footways with caution [given that] the majority of private drives...do not have pedestrian visibility splays"*. The accesses referred to in the consultant's report have been reviewed by the highways authority and they have identified them as all being long standing arrangements. There are no recent approvals on record for either new accesses or footway crossings; and because of any long standing existing substandard accesses found locally, pedestrians may well be aware of them but this would not be the case were a new substandard access be introduced. From the information outlined in the consultant's report it is clear that the available visibility from the unauthorised access at 221 Church Street is substandard. Officers would furthermore argue that the existence of long standing substandard accesses should not be used as a justification for the introduction of another / more substandard access(es) which would, in the opinion of officers, consequentially introduce an unacceptable increased risk for highway users.

9.19 Drainage - The application site is located within Flood Zone 1, an area with the lowest risk of flooding. The unauthorised access/parking area is served by an installed ACO drain at the front of the paved area which should be sufficient to reduce surface water run off entering the public highway.

10. Conclusion (The Planning Balance) – Following the refusal of application 15/05477/FUL, officers acknowledge the submission of additional supporting material which has accompanied this application which has been freshly appraised in liaison with the Council's highway authority. As reported, officers remain concerned about the inadequate visibility – which has not been overcome. It is furthermore noted that given the site constraints,

the applicant cannot provide a safe access to the highway network contrary to the adopted Wiltshire Core Strategy.

RECOMMENDATION: Refuse for the following reason:

1. The site has insufficient frontage to the north (right) to enable the access to incorporate the necessary visibility splays which are essential for the safe use of the access and the interests of highway safety. Regularising or authorising the construction of the vehicular access off the classified highway would be contrary to adopted Wiltshire Core Strategy Core Policies CP57, CP60 and CP61.