

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	05 October 2016
Application Number	16/06542/FUL
Site Address	40 The Street Hullavington Wiltshire SN14 6DU
Proposal	Creation of a new vehicular access onto a classified road
Applicant	Mr C Rawlinson
Town/Parish Council	HULLAVINGTON
Electoral Division	BY BROOK – Cllr Baroness Scott
Grid Ref	389403 181971
Type of application	Full Planning
Case Officer	Alex Smith

Reason for the application being considered by Committee**1. Purpose of Report**

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

The application has been called into planning committee by Cllr Baroness Scott on the following grounds and for the Committee to consider

- Environmental or Highways Impact

2. Report Summary

The application was advertised by site notice and neighbour consultation. This resulted in 8 consultation responses in objection and 0 in support. In addition Hullavington Parish Council has also objected to the proposed development.

The main issues in the consideration of this application are as follows:

- The principle of development;
- Impacts to Highways Safety;
- Impact to Visual Amenities of the Surrounding Area.
- Impact to Listed Buildings

3. Site Description

The application relates to No.40 The Street, Hullavington, an approximate 3,100 square metre plot of land containing a two storey residential property, with paddocks to the rear. The existing site is accessed via a vehicular crossover in the north-eastern corner of the site and provides access to a gravelled parking area and the L-shaped dwelling. Adjacent the southern elevation of the dwelling is a vehicular access which provides access to the land to the south of the dwelling, which contains a cluster of outbuildings.

Planning Permission was granted in 2013 under application reference N/12/03951/FUL for the demolition of these outbuildings and the erection of a stables building. This consent was granted on 29th January 2013 and came with a condition which required development to commence within 3 years of the date of permission. The stables building at the site has not been completed in accordance with the approved plans, however, the applicant forwarded photographs to the Council on 28th January 2016 which showed that a foundation had been dug and filled for the proposed building. Therefore, the development has commenced within 3 years from the date of consent and the consent contained no pre-commencement conditions which were required to be discharged. As such, the permission remains a material consideration in the determination of this application.

The front (eastern) boundary of the site faces onto highway of The Street and is bounded by a stone wall which runs the length of the frontage at an approximate height of 2 metres.

The western side of the highway of The Street provides a footpath along the front of the application site. The eastern side of the highway of this section of The Street is not provided with a footway, as this terminates in front of No.51 The Street when travelling south.

The site not located within a Conservation Area, however, buildings to the north and southeast of the site are Grade II Listed Buildings. The site is located within the framework boundary of the Large Village of Hullavington.

4. Planning History

N/12/03951/FUL - Demolish Existing Stables & Store and Erect New Stables/Barn - Approved

5. The Proposal

The application seeks planning permission the creation of a new vehicular access onto a classified road. It should be noted that the application specifically relates to only the creation of the crossover from the classified road and the associated hardstanding only. The plan shows that a section of the stone wall would be removed to facilitate the creation of the crossover. However, Section 3.(1) of The Town and Country Planning (Demolition - Description of Buildings) defines the demolition of the whole or any part of any gate, fence, wall or other means of enclosure, as not constituting development. Therefore, the removal of this section of wall does not require planning permission and is not included in the proposed development.

The proposed crossover would be located 7.9 metres from the southern boundary of the site and would measure 4 metres in width. The Supporting Statement outlines that the crossover would provide access to the stables, which are yet to be erected within the site. The proposal also shows the creation of a new gate at the entrance to the site, this would measure less than 1 metre in height and would form permitted development under Schedule 2, Part 2, Class A permitted development rights.

It is noted that the Plans show that there was a previous vehicular entrance into the site, where a section of wall has been rebuilt. The Parish Council have contested that this was where a section of wall collapsed and was rebuilt and no vehicular access was in this location. The section of wall which has been rebuilt is sited further to the north of the existing and would not impact the determination of this proposal, which needs to be considered on its own merits.

6. Planning Policy

Wiltshire Core Strategy adopted January 2015
Core Policy 57 - Ensuring High Quality Design and Place Shaping

Core Policy 60 - Sustainable Transport
Core Policy 61 – Transport and Development

National Planning Policy Framework
Paragraph 7 – Three Dimensions of Sustainable Development
Paragraph 14 – Presumption in Favour of Sustainable Development
Paragraph 17 – Core Planning Principles
Paragraph 32 – Highways Impacts

7. Consultations

Hullavington Parish Council: Strongly objects to the development on the following grounds:

- The existing entrance has sufficed for many years as the previous owners had horses and used that as access.
- Residents of the village, who were born in Hullavington and have lived here all their lives, several of them being over 75 years of age, have stated that there was never another access to the property and that the wall fell down in the early 1960's and was rebuilt, the rebuild is clearly visible to this day.
- The road (C33) is used by heavy farm machinery all year and there is an increasing number of heavy vehicles coming through Hullavington as it would appear to be being used as a rat run for a short cut from the M5 to the M4 motorways.
- It is considered that this proposal does not improve visibility but reduces it in what is one of the danger spots in the village, being on a double bend and having a footpath on that side of the road only which is used by everyone in the village to go about their daily lives.
- In the previous application 12/03951 the Planning Judgement stated: "The application seeks permission to demolish the existing stable and store and erect new stables/barn for residential purposes"
- It is also noted in the current application that on the revised proposed elevations, it refers to 42 The Street and not 40. When the village was renumbered several years ago - we believe by Royal Mail - they allowed a street number where there was room for any possible future development. The numbers jumped, in this case from 40 to 44 The Street. This could mean that instead of stables a dwelling could be substituted instead of stables.

Case Officer Comment: The issue relating to the number of the dwellings, provision of a future residential property and the description of development for the previous application at the site do not form material planning considerations in the determination of this application not being a part of the proposed development.

The application was advertised by site notice and neighbour consultation. This resulted in 8 consultation responses in objection and 0 in support:

These objections can be summarised as follows:

- Harm to highway / pedestrian safety;
- The paddock to the rear is being promoted as a SHLAA site and the intention is to use the access to service this;
- No existing stables within the site;
- Section of wall which was rebuilt never formed a vehicular access;
- Existing access was used by previous residents for horses to enter the paddocks to the rear;

- Harm to visual amenity through the loss of the wall;
- Unacceptable visibility splays provided;
- The paddock to the rear of the domestic curtilage is no longer in their ownership.
- Site Notice was removed from the site;

Highways Officer: The Highways Officer raised an initial objection to the development, due to a lack of detail over the visibility splays which would be available from the access. The applicant submitted a plan which showed the visibility splays and following this the Highways Officer removed their objection to the development.

Tree Officer: No objection

8. Publicity

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- No existing stables within the site;
- Section of wall which was rebuilt never formed a vehicular access;
- Existing access was used by previous residents for horses to enter the paddocks to the rear;
- Harm to visual amenity through the loss of the wall;
- Unacceptable visibility splays provided;
- The paddock to the rear of the domestic curtilage is no longer in their ownership.
- Site Notice was removed from the site;

It is noted that a consultation response has advised that the site notice was removed from the site before the end of the 21 day consultation period. However, the adjoining neighbours have also been consulted, therefore, the statutory requirements relating to public consultation have been met.

9. Planning Considerations

Principle of Development

The application seeks planning permission for the creation of a vehicular crossover into the application site. The Wiltshire Core Strategy contains no policies which limits the principle of such development, subject to compliance with Core Policies 60 & 61. Therefore, no objection is raised to the principle of development.

The applicant has submitted the application as they consider the existing access into the site to be substandard for the proposed stables and wish to have a separate access for them. Planning Permission reference N/12/03951/FUL which granted the stables came with a condition which only allows the use of the stables for private purposes and not for a commercial use.

The existing stables at the site have not been erected. Therefore, it is considered appropriate for a condition to be attached to any approval to require the stables to be erected and occupied prior to development commencing on the access. This would ensure that an unwarranted access onto the public highway is not provided without the required need being in place and the existing access would allow for construction vehicles to access the site to build the stables.

A number of residents have objected on the grounds that the land to the rear of the application site is being promoted for residential development and this is an attempt to gain access to it. However, the application needs to be considered on its merits and the plans show that the access is required for the proposed stable and the above referenced condition would ensure compliance with this.

Impact to Highways and Pedestrian Safety

The Highways Officer reviewed the initially submitted plans and raised an objection to the development, as they considered that the visibility splays being available would result in severe harm to highway safety and would not be acceptable.

The applicant submitted a plan to show the visibility splays on 18th August 2016 and this has been considered by the Highways Officer. The plans show that 43m visibility can be achieved to the right to a point 1m into the carriageway which is acceptable. However, this can only be achieved from a point about 1.8 metres back from the carriageway edge. From this same point visibility to the left can easily be achieved because of the bend in the road. Given the fairly low traffic volumes at this location, the Highways Officer does not consider that this small reduction from 2 to 1.8 metres from the edge of the carriageway is sufficient to justify a refusal on highway grounds.

Similarly the forward visibility that can be achieved is approximately 25m which is only slightly short of the desired requirement for approximately 25mph, as outlined in the Manual for Streets guidelines. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Due to the village location and vehicular activity in this location, the Highways Officer considers that the provision of such a visibility splay may be detrimental to highway safety, but not to an extent which could be considered as severe. Therefore, they consider the impacts of the development to be acceptable in highway terms.

The proposed development would cross the pedestrian footpath on the western side of The Street. However, this would be similar to all vehicular crossovers which access sites over footpaths and would not be considered to harm pedestrian safety.

Impact to Visual Amenities of the Surrounding Area

The proposed development seeks the creation of a vehicular crossover only. This would be limited to the creation of a vehicular crossover through a dropped kerb and hardstanding and would have an acceptable impact on the visual amenities of the surrounding area.

Whilst the loss of sections of the attractive stone wall is regrettable, this does not form part of the application as it does not form development and does not require consent.

The proposed development would result in the loss of three trees adjoining the boundary. These trees are low quality specimens and are not protected by a TPO. Therefore, the Tree Officer has raised no objection to their loss. It is not considered that their removal will result in significant harm to the character and appearance of the locality such that consent ought to be refused.

Impact to Listed Buildings

The buildings directly to the north and southeast of the application site, Nos. 36 & 61 The Street respectively, are Grade II Listed Buildings. However, the proposed crossover is not considered to harm their setting and is acceptable in this regard.

10. Conclusion

The proposed development is considered to comply with the Policies of the Wiltshire Core Strategy and National Planning Policy Framework and would have an acceptable impact to highway safety and the visual amenities of the surrounding area.

RECOMMENDATION

Approval, subject to the following conditions:

RECOMMENDATION

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

Site Location Plan and Block Plan - 1000 - Received 5th July 2-16

Proposed Site Plan - 3001 - Received 5th July 2016

Proposed Site Access and East Elevations - 3020 - Received 5th July 2016

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

- 3 No development shall commence until the stables approved under application reference N/12/03951/FUL have been completed in accordance with the approved plans and occupied.

REASON: To prevent the creation of an unnecessary vehicular access onto a classified road and in the interests of highway safety.

- 4 The access hereby approved shall not be brought into use until visibility splays have been provided between the edge of the carriageway and a line extending from a point 1.8 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the right and left and so that forward visibility of 24 metres can be achieved in the forward direction. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.9 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 5 INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

- 6 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before

commencement of work.

7 INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

8 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.