

Date of Meeting	2 nd March 2022
Application Number	20/11035/FUL
Site Address	20 Bargates, Box, Wiltshire SN13 8LT
Proposal	Proposed new driveway entrance to replace existing, with alterations to the existing driveway layout.
Applicant	Hayley Breen Home Architect on behalf of Mrs Louise Rainbow
Town/Parish Council	Box Parish Council
Electoral Division	Councillor Mathew
Type of application	Householder Development
Case Officer	Gabrielle Brownrigg

Reason for the application being considered by Committee

The application has been called to the Northern Area Planning Committee by Councillor Mathew so as to allow consideration of the proposed highway safety concerns as raised by the Parish Council.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the planning permission be granted.

2. Report Summary

This report will examine the proposed development and explore the process by which the appropriate conclusion has been reached. It will set out the public benefits which will be obtained as a result of the application and the various impacts which may occur.

The key issues in considering the applications are as follows:

- Principle of Development
- Green Belt
- Design, Scale and Materials

- Impact upon nearby Heritage Assets
- Impact on Residential Amenity
- Landscape Considerations
- Highway Safety

The Parish Council have raised an objection to the proposal as they have concerns over the potential impacts on highway safety.

Objections on safety reasons. It is felt that it would be more logical to move the existing access to come out onto Bargates. The garden is large enough to have a turning space. It is felt that the access out onto Quarry Hill is more dangerous than out onto Bargates because of the speed and increased volume of traffic down Quarry Hill.

One (1) representation letter of support has been received.

3. Site Description

The site is a semi-detached residential property, situated in an established area of built form and an area with a consistent architectural vernacular. Properties in this location are typically set back from the road, with boundary treatments being predominantly hedging and stone walling. Quarry Hill to the east is characterised with mature hedging and large swathes of stone walling, to the west walling and hedging are prevalent, however appear in a more broken manner with driveway entrances, flank walls and on street parking.

The property is within the settlement boundary of Box village but falls just outside of the Conservation Area. The site is covered by the West Wiltshire Green Belt and the Cotswold Area of Outstanding Natural Beauty (AONB).

In 2019, permission was granted for extensions and alterations to modernise the dwelling (19/00669/FUL - Proposed render to external walls of existing house, new roof to existing porch and new extended roof to existing bay window. New powder coated aluminium framed windows & doors to replace existing white uPVC – Approve with Conditions). The garage was approved in 1998 (N/98/02008/FUL - Extension to dwelling & erection of garage extension/garage - Approve).

This site is not covered by any ecological designations.

4. The Proposal

The proposal seeks permission for the stopping up of the existing drive access and relocation to create a new access point to the southern boundary.

The proposal seeks permission for the alteration to the existing driveway layout. The development would necessitate the removal of a portion of hedging to the southern boundary and stop up the existing entrance on the eastern boundary vis the planting of new hedging to match the existing to the south-eastern boundary. Materials proposed for surfacing would be

tarmac, within Bargates there are a number of differing driveway surfaces which include block paved, gravel, concrete, tarmac and loose scalping's/stone.

The proposal would involve removing a section of hedging from the southern boundary which would measure approximately 4.0m(w) to create a new access, which would also involve a new dropped kerb. This would require a separate permission to be obtained from the highway department. The driveway works would also include the laying of new tarmac and alteration of parking layout to join the new access to the existing garage and create two parking spaces and turning. The existing gate to the eastern boundary and approximately 7.6m of tarmac are to be removed, the existing access would be permanently stopped up with the planting of matching hedging.

5. Local Planning Policy

Core Policy 51 – Landscape, Core Policy 57 - Ensuring High Quality Design and Place Shaping, Core Policy 58 - Ensuring the Conservation of the Historic Environment of the Wiltshire Core Strategy 2015 (WCS).

6. Consultation

Box Parish Council: Objection.

Objections on safety reasons. It is felt that it would be more logical to move the existing access to come out onto Bargates. The garden is large enough to have a turning space. It is felt that the access out onto Quarry Hill is more dangerous than out onto Bargates because of the speed and increased volume of traffic down Quarry Hill.

Council Highway Engineer: No objection subject to conditions and informative's:

The application seeks permission to reposition the existing Driveway onto Bargates so that the access is now from Quarry Hill, with the internal layout rearranged to provide two parking spaces and turning within the curtilage. The applicant has stated that the current situation provides no turning and requires vehicles to reverse out of the existing driveway.

Quarry Hill is a C class section of public highway subject to a speed limit of 30mph. Visibility splays of 2.4m x 70m have been demonstrated on the site plan (20BAR/13) from the proposed access, the splays required to safeguard the visibility are not quite this level of provision, the nature of the road and the speed limit would require a splay to be provided to standards set out within Manual for Streets. This would be 2.4m x 43m minimum splay, which is achievable, the splay would be required to be kept clear of any obstructions over a height of 900mm. The driveway will be required to be constructed for at least the first 5m in a consolidated material and any gates should open inwards within the site curtilage.

The new access will require a licence to work in the highway and the old access will be required to be stopped up.

I would not wish to raise an objection to the proposals in relation to highways subject to the following conditions and informative:

VISIBILITY - No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 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 either side of the access from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway. REASON: In the interests of highway safety.

SURFACING - The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, 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

INFORMATIVE - The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

7. Representations

A total of one (1) letter was received in support of the application. Main issues raised:

- *Does not agree that a new entrance and drive will increase the danger on Quarry Hill.*
- *There are already 6 vehicle accesses onto the road within a short distance of the proposed entrance, three of which are road junctions. In addition, there is also a layby a short way up the hill where vehicles are regularly reversing onto Quarry Hill.*
- *The present entrance opens immediately onto the junction of Bargates/Quarry Hill and even pulling out forwards this is blind to any traffic travelling from the A4 direction and turning left into Bargates.*

8. Planning Considerations

Principle of Development

The proposal occurs within the built area of Box, which is defined as a large village under CP1 and CP2 of the WCS. The proposal is for a proposed new driveway entrance to serve an existing dwellinghouse. The access is to replace the existing access arrangements. The proposal demonstrates that the existing access is to be stopped up permanently.

Development which is ancillary to an established residential dwellinghouse is established as acceptable in principle, but the details of which must be considered against national and local policy. Those details are considered in the sub-sections below.

Development in the Green Belt

The property is situated within the Green Belt where national policies indicate proposals in such locations should be strictly controlled and not be disproportionate to the host building. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 6.87 of the supporting text to CP51 Landscape states that applications for development within the Green Belt will be determined in accordance with national planning policy.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to confirm that when considering planning applications, the said “very special circumstances” will not exist unless it is clearly outweighed by other considerations.

Paragraphs 149 and 150 set out exceptions to new buildings and development which are inappropriate in the Green Belt. Sub paragraph (b) to paragraph 150 identified engineering operations as not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land within it. It is considered reasonable to regard the creation of a new access as a form of engineering operation.

In this particular instance, works are proposed for the insertion of a new driveway access point, which involves the removal of small portion of existing hedge boundary and the alteration of the existing tarmac driveway. No new buildings are proposed in this instance, due to the minor nature of the proposed works and being created within an established existing residential property, the proposal is not considered to be inappropriate development within the Green Belt and is therefore acceptable.

Design, Scale and Materials

The proposal seeks permission for the alteration to the existing driveway layout. The development would necessitate the removal of a small portion (approx. 4m) of hedging to the southern boundary and stop up the existing entrance on the eastern boundary via the planting of new hedging to match the existing to the south-eastern boundary. A new portion of tarmac is proposed to create the hard landscaping for the new entrance, whilst a higher quality approach such as block paving would be preferred, within Bargates there is a number of

differing driveway surfaces which include block paved, gravel, concrete, tarmac and loose scalping's/stone. Tarmac is considered to be suitable and acceptable in this instance.

The totality of development and works is considered to be relatively limited in extent and would be visually *read* in conjunction with the locality, which is already characterised by vehicular accesses, driveways and breaks in the frontage hedging and walling. In this context, the proposals would not be unduly out of character.

Therefore, the proposal is considered to be acceptable in scale, design, detailing and appearance in relation to the locality and would not have any appreciable impact on the wider character of the area. The proposed scale, materials for the new entrance and driveway alterations would therefore comply with CP57 of the Wiltshire Core Strategy.

Heritage

20 Bargates is not a listed building nor considered to be a designated heritage asset and is not located within a conservation designation. It is noted that the immediate boundary of Box Conservation Area adjoins the western boundary of the dwelling. The dwelling is located in proximity to Grade II Listed Pear Tree Cottage, which neighbours the site on the western boundary.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) as well as giving special attention to preserving or enhancing the character or appearance of the conservation area (s.72).

Paragraph 195 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 (including any development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 of the Wiltshire Core Strategy ensures that Wiltshire's important areas of heritage are protected and enhanced in order for them to continue to make important contributions to Wiltshire's environment and quality of life. These heritage assets include but are not limited to listed buildings and conservation areas. Development in, or near to, these heritage assets is required to be sensitive to the landscape and character, therefore providing development that is considerate and complementary to the historic context.

The proposal is for the relocation of the driveway access. Due to the relatively modest nature of the development and works in a location where such features are ubiquitous, the proposal is considered to present an entirely expected format to the street scene and would not adversely impact upon the setting of the listed Pear Tree Cottage or the character and appearance of the nearby conservation area.

During the life of the application, the applicant has confirmed that the new hedging to be planted to *stop up* the existing access is to match the existing. This can be adequately controlled via condition so as to ensure its implementation.

Subject to the imposition of planning conditions, the proposal is not considered to adversely impact or cause any harm to designated heritage assets and therefore would meet with the requirements of policy CP58 to the Wiltshire Core Strategy as well as section 16 to the NPPF.

Impact upon amenity

Permission is sought for the moving of an existing residential access with the existing garage at the curtilage not being moved or changed. A mere change to the location of an access from one frontage to the other would not alter the operation of the site as a single dwellinghouse. Indeed, neither the location of existing access or the proposed would be particularly close to the boundaries of the nearest neighbours and, in any event, the locality is firmly characterised by such domestic accesses. The proposal does not result in a net increase of accesses serving the dwelling.

Due to the location of the proposed driveway entrance is not considered that the parking proposals would result in an unacceptable impact upon the amenity of neighbouring impacts upon the neighbouring properties in terms of overlooking, overshadowing and privacy impacts.

In the context of the nature and layout of the development, there is considered to be no detrimental impact upon the amenities and living conditions of the neighbouring properties, thereby complying with the relevant provision of CP57 of the Wiltshire Core Strategy.

Highways and parking

The proposal is not increasing the dwelling size nor adding a bedroom. The current access is positioned on the junction of Bargates and Quarry Hill. The current parking arrangement does not allow for turning within the property and as stated by the applicant requires vehicles to reverse out of the existing driveway.

The Council's Highway Engineer raises no objection subject to the application of appropriate and reasonable conditions in relation to surfacing and visibility splays being demonstrated and maintained. The applicant has stated that the current situation provides no turning and requires vehicles to reverse out of the existing driveway, if the new proposal is approved, turning within the development would be achievable which in turn would allow vehicles to exit the property in a forward gear.

During public consultation concerns have been raised by the Parish Council in relation to safety concerns. To overcome their objection the Parish Council offered an alternative in that they perceive the garden to be large enough to have a turning space due to the fact that that the access out onto Quarry Hill is perceived to more dangerous than out onto Bargates because of the speed and increased volume of traffic down Quarry Hill. However, there is no evidence that this is in fact the case and the Council's Highway Engineer has not raised any

safety concerns in respect of the proposal before the LPA. There is no evidence before the Local Planning Authority which should result in a different view being taken and therefore, subject to the appropriate splays being achieved and conditions imposed, the proposal to relocate the access onto Quarry Hill is considered to be acceptable.

The development will necessitate a dropped kerb to be installed. And crossing the highway verge. Such features do not require planning permission but will require the applicant to separately seek a licence to work within the public highway via the Highways Act 1980 (as amended). There is no reason why this planning application cannot be determined in advance of that licence being sought from the Council acting in its capacity as the Highway Authority since it a separate consenting regime.

Subject to the imposition of planning conditions, there are considered to be no adverse impacts upon parking at the site, residual impacts on the road network or highway safety. For these reasons, the proposal complies with the requirements of policies CP57, CP60 and CP61 to the Wiltshire Core Strategy as well as section 9 of the NPPF.

Landscape

The application site is located entirely within the Cotswold AONB. As required by CP51 of the WCS due consideration must be given to the potential impacts upon the character and setting of the AONB.

In this instance, the proposed relocation of the driveway access point is located within the built-up form of the village of Box which contextualises the appearance of the driveway entrance. As such it is not considered that the relation of the driveway is detrimental to the special character of the AONB and is therefore acceptable when assessed against policy CP51 to the Wiltshire Core Strategy. Additionally, Core Policy 57 indicates that proposals should relate positively to its landscape setting by ensuring that important views into, within and out of the site are retained and enhanced. It is considered that this proposal also complies with CP57.

9. Conclusion

The proposal is appropriate in location, scale and design and would not harm the AONB and wider area including the Green Belt, conservation area or nearby heritage assets. Accordingly, the proposals are considered appropriate development and would not harm the character or openness of the Green Belt. The application does not cause any significant material harm that would justify a refusal of planning permission.

Subject to the imposition of planning conditions, the proposed development and works are considered to meet with the requirements of policies CP1, CP2, CP51, CP57, CP58, CP60 and CP61 of the Wiltshire Core Strategy and relevant provisions of the NPPF.

10. Recommendation

That Planning Permission and be GRANTED, 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Design and Access Statement Dated 8th December 2020
Existing Site Plan 20BAR/11
Location Plan 20BAR/00
Proposed Site Plan 20BAR/12
Proposed Site Plan 1:500 20BAR/13

Received – 10.12.2020

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved drawings.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 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 either side of the access from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 5 The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, 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

INFORMATIVE TO APPLICANT:

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

INFORMATIVE TO APPLICANT

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

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.

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.

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.

INFORMATIVE TO APPLICANT

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.