

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No. 5

Date of Meeting	20 th June 2103
Application Number	E/2012/1459/FUL
Site Address	The Wickets, Dragon Lane, Manningford Bruce, Pewsey SN9 6JE
Proposal	New Vehicular Access
Applicant	Mr John Palmer
Town/Parish Council	MANNINGFORD
Grid Ref	413691 159176
Type of application	Full Planning
Case Officer	Victoria Cains

Reason for the application being considered by Committee

The application has been brought back to committee to update Members on the outcome of their previous resolution to defer and delegate the planning application back to officers to negotiate a new location for the access.

1. Purpose of Report

To consider the recommendation that the application be approved subject to conditions.

2. Report Summary

This application has already been considered once by Members at the Planning Committee meeting on the 25th April 2013. At this committee, Members resolved to defer and delegate to request officers to negotiate an amended location further north for the proposed access.

Officers have gone back to the applicant with the member's request, but the applicant has confirmed that he does not wish to alter the proposed position of the new access and has therefore requested that the application be determined as originally submitted. The detailed reasons for this are set out in Section 9 of the report below.

The main issue therefore to consider is whether the application as it stands is acceptable.

3. Site Description

The application site lies within the village of Manningford Bruce, at Dragon Lane and within the wider landscape designation of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site can be located by taking a left hand turning towards the village (signposted) when heading in an easterly direction on the A345 towards Pewsey. Dragon Lane can be found approximately 1.2 km (0.7 miles) on the left hand side of the road.

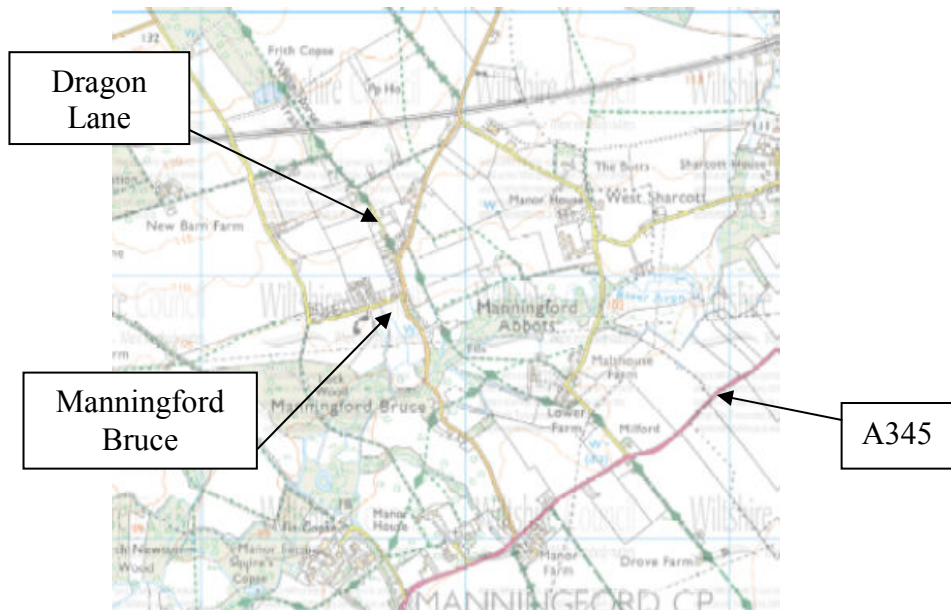


Plate 1: Location Plan (not to scale)

The application proposes a new access into the field adjacent the property known as The Wickets. The field does not form part of the residential curtilage of The Wickets and is a separate parcel of land that appears to have last been in some form of agricultural use (although this was presumably some time ago).



Plate 2: Plan showing application site

4. Planning History

There have been 3 historic applications for residential development within the field (K/79/0786 for 7 dwellings was refused; K/85/0311 for a single dwelling was refused and K/32271 was also refused and dismissed at appeal). There is no planning history relating to a vehicular access and the previous refusal reasons related to the principle of development, visual impact within the AONB and the increase in traffic movements associated with the increase in dwelling numbers.

5. The Proposal

This application proposes to create a vehicular access into the field for the purposes of maintaining the land. The agent for the applicant has stated that “*currently the main access is restricted from the wider property due to planted hedging and flowerbeds and its location (NW extremity of the plot). An additional access is required that would not replace the current driveway, but increase the ability to access the whole of the property*”. The scheme proposes the access only and does not seek any further development within the field – e.g. a track or hardstanding.

The scheme has been amended during its consideration through a reduction in its size (the opening being reduced from 10 to 8 metres in length and its depth being reduced from 7.5 to 5 metres) and the inclusion of a soakaway sump.

The access would be formed by excavating an area of bank to create the hardsurfaced access. A new mixed native hedge will replace the existing hedge that is to be lost and a soakaway is proposed to deal with the matter of increased surface water run-off.

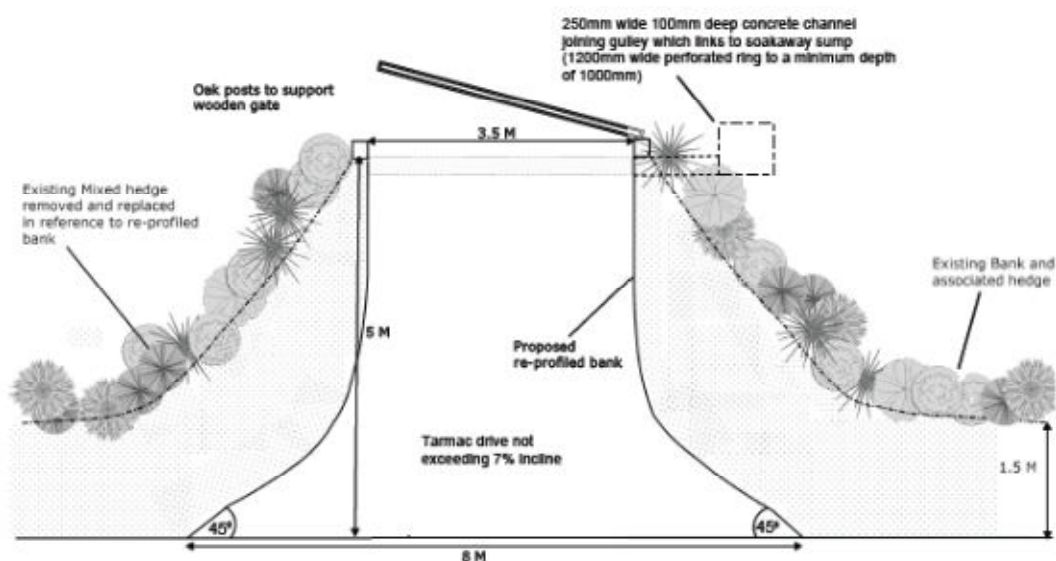


Plate 3: Proposed access details (not to scale)



Plate 4: Photograph of Dragon Lane (application site is on right hand side of picture)



Plate 5: Photograph of application site (access to Fairfields, the neighbour opposite, can be seen on the left hand side of the photograph). The access is proposed almost opposite the northern entrance to Fairfields (top end of photograph)

6. Planning Policy

The development plan for the area comprises the Kennet Local Plan 2011. The key local plan policy is PD1 “Development and Design”. The National Planning Policy Framework (NPPF) is also relevant.

In due course the Wiltshire Core Strategy will replace the Kennet Local Plan as the statutory local plan for the East Wiltshire area. The Wiltshire Core Strategy Pre-Submission Document went out to public consultation in February 2012 and the Wiltshire Core Strategy was presented for examination in July 2012. However, it is not expected to be adopted until late 2013. Because the document is not in an advanced stage of preparation, it does not yet carry significant weight when making planning decisions.

7. Consultations

Wiltshire Council Highways: No objection subject to conditions regarding visibility, the gradient and surfacing of the access, the position of gates and the method of surface water disposal. The highways officer was specifically reconsulted on the matter of encroachment onto the neighbours land opposite and the following comment was received “*A long vehicle such as say a range rover with a horsebox would probably need to slightly encroach upon the opposite side of the lane. But more normal vehicles eg private cars , or a tractor not towing anything would not find it essential to do so. On balance, given the limited likelihood of any encroachment, I would not wish to amend my previous observations*”.

Wiltshire Council Land Drainage Engineer: No objection.

Manningford Bruce Parish Council: Objects.

“The proposal envisages the provision of a completely new entrance, which will require the removal of hedging and low banking and development of a sloping tarmac driveway leading to a wooden gate. The house itself is situated at the northern end of an estate of

approximately one acre, mainly lawned with some landscaping. The Design Brief accompanying the application states that the objective is to provide vehicular access to land currently separate from existing access arrangements. The site is situated within the North Wessex Downs Area of Outstanding Natural Beauty and is outside the village defined limit of development. Dragon Lane is a narrow single track road approximately 2 metres in width for the most part.

“During the course of the visit to the site, it was noted that the existing entrance constructed during the building of this relatively new property approximately 3 years ago, provides unrestricted access to the remainder of the property. The applicant's claim that part of the estate is a separate entity from the remainder requiring separate vehicular access arrangements could therefore not be supported. This proposed development would also have a detrimental visual impact on the neighbourhood and tend to aggravate movement within Dragon Lane. Neighbouring properties have expressed their opposition to this development. For reasons given above, Manningford Parish Council objects to the application.”

8. Publicity

Letters from 2 neighbouring properties have been received. The comments received are summarised as:

- As the lane is narrow and the bank high the entrance needs to be very wide. Our entrance opposite [Fairfield] is a full 13 metres wide and theirs will need to be wider still given the height of the bank. The rather sketchy drawing shows an entrance that seems to be narrower than ours, which will not be enough to allow proper access without swinging vehicles onto our driveway.
- The current drawings are too vague given the restricted space and permission should not be granted until more detailed drawings, to scale, are done, and the issue of turning circle and access can be properly addressed.
- The second issue is that this application is for a new vehicular access point from Dragon Lane. This surely encourages more traffic along the lane. The lane is only 2 metres wide at this point and is even narrower further down. Should we really be adding extra vehicular access here? I would like to see firm assurances that this new entrance will not increase the traffic on the lane, and that the access to the field will not be for extra activity but will supplant existing activity.
- How are they going to complete the work without driving earthmoving equipment onto our [Fairfield – opposite] driveway? The lane is only 2 metres wide at this point and they need to move a considerable amount of earth one way or another.
- There is the issue of drainage and water runoff. Dragon Lane has no drainage ditches and existing runoff washes down the lane and into the centre of the village, which only has small drainage runoff pipes along the road (supporting photos to follow by post). The works will punch a large hole in the earth bank on the east side of the lane, so promoting extra runoff from the large field behind. Surely the bank needs to be kept in order to contain the runoff.
- There is an alternative. They could use the land inside the boundary to provide access to the large field area from the existing entrance. A paved or gravel section could run parallel to the boundary to the field from the existing entrance. This would preserve the bank and reduce runoff, and would not require work to be done on the lane itself. It would not even take any more land to build than the current proposal, as the new entrance would need to be very large and intrude well into the field as per point 1. The existing wide entrance could then be used to provide vehicular access. Using the existing entrance would also reduce the amount of traffic turn-ins on the lane.

- As this site has been adequately managed for the last 3 years without vehicle access, one can only be very worried and speculate as to what future plans there are for this site if planning is granted.
- The design statement says the access will be tarmac. Visually this is not in keeping with other accesses in the immediate area which are either gravel or compacted soil and grass. Dragon Lane has a downward gradient, which in wet weather causes a stream of water all the way to the end. It carries silt and debris and flows naturally down the side where the site is. If tarmac is used there is a possibility that ground water from the site would add to the quantity of the flow especially as the site is 1.5m above the lane. The use of gravel would act as a natural soakaway for the surface water.
- Also of concern is the fact that this is the second pending planning application within a short area of the lane (see E/2012/1119/FUL). They are on the same side, both are for vehicle access and both require the removal of hedgerow. If planning is subsequently granted, the character of this ancient lane will be changed significantly.
- We note the drainage proposals on the amended plans but the success and efficiency of these is unproven until put into use. This will be of little comfort to those whose homes may subsequently be affected should they not work. The solution is not to have the access at all.
- The change in measurement of access width and length in no way mitigates the visual impact on the lane.

9. Planning Considerations

At the Regulatory Committee on the 25th April 2013, Members resolved to delegate the application back to officers to approve subject to the receipt of amended plans securing the relocation of the access further along Dragon Lane towards the Wickets, opposite the allotments. This would reduce the impact upon occupiers of Fairfields.

However, the agent has contacted the case officer and stated that the applicant requests a decision be made on the application as originally proposed. A short statement behind this decision has been provided:

"We welcome member efforts to improve the application (as proposed at 25th April Planning Committee) but note that the design of the access proposed has already been developed in close liaison with Wiltshire County Council's officers to ensure acceptability in highways, design/appearance and drainage terms. Furthermore, any access effect on Fairfields has not been raised as a concern by Wiltshire County Council's highways officers during the application's progression through two separate stages of consultation.

The applicant is however happy to provide the assurance that no plant or vehicles using the access, either during construction or whilst in operation, will impinge or interfere with the current access arrangements at Fairfields. Dragon Lane is no wider further to the north and just as access vehicles would not traverse the opposite bank of the lane here, we see no reason why such vehicles would go beyond the lane limits onto land at Fairfields when entering/leaving the access proposed.

In summary, the applicant's preferred location for the access is that currently identified at the approximate midpoint of frontage onto Dragon Lane. We therefore invite members to make a decision on the application as it is proposed and on its individual merits.

I can also confirm that any vehicle using the access will be no larger than a typical 4x4".

Members therefore need to determine whether the application is acceptable or not as it was originally submitted and whether the relocation of the access to the north is necessary to make the scheme acceptable.

It is your officer's view that whilst the relocation of the access further north may have been considered desirable and would have removed the concerns of the neighbour at Fairfields opposite regarding the use of his driveway, it is not an essential amendment required to make this application acceptable. The highways officer is satisfied that the vehicle type the applicant wishes to use can satisfactorily use the access without being prejudicial to highway safety and without needing to use any land within the ownership of the neighbour. It was advised that only a long vehicle such as say a range rover with a horsebox may need to slightly encroach upon the opposite side of the lane but more normal vehicles eg private cars or a tractor not towing anything would not find it essential to do so. As the scheme is acceptable in highway safety terms, the matter of needing to use land within the neighbours ownership is a private matter and not a planning matter. The applicant is aware of this physical restriction on the type of vehicles which can use the access he proposes and is satisfied with this as only a 4x4 type vehicle is to be utilised. Your officers are therefore of the view that the scheme is acceptable in terms of highway safety and it is not considered reasonable or justified to refuse the scheme because the applicant is unwilling to relocate the access further to the north.

As reported previously and considered by Members, the scheme is also considered acceptable in terms of visual impact, neighbour amenity impact and increased surface water run-off.

10. Conclusion

In conclusion, it is your officers' opinion that the new access is acceptable visually within the context of other vehicular accesses and it will not give rise to any highway safety implications nor any increase in surface water run-off. The scheme is therefore considered acceptable and a grant of planning permission is recommended.

RECOMMENDATION

That planning permission be GRANTED for the following reason and subject to the following list of conditions:

The Council is required to give a summary of the reasons for this decision and its conditions, and a summary of the development plan policies and proposals relevant to the decision and its conditions. These are set out below:

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework, policy PD1 of the Kennet Local Plan 2011 and policy C8 of the Wiltshire & Swindon Structure Plan 2016.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the environmental conditions of the area.

- 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 a scheme of 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;
 - b) full details of any to be retained, together with measures for their protection in the course of development; and
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the new access 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.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 The access hereby permitted 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 2 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the nearside edge of the carriageway 25 metres to the north-west and 25 metres to the south-east 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 gradient of the access hereby permitted shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

- 6 The development hereby permitted shall not be first brought into use until the first 4.5 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 The gates shall be erected in accordance with the details shown on approved plan number NA/JP/cp08 (received on the 25th February 2013). The gates shall be set back 5 metres from the edge of the carriageway and shall open inwards only, in perpetuity.

REASON: In the interests of highway safety.

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

Plan ref: Location plan, Date received: 26th November 2012;

Plan ref: NA/JP/cp06, Date received: 4th February 2013; and

Plan ref: NA/JP/cp08, Date received: 25th February 2013.

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