

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE			Report No. 6 (8)
Date of Meeting	29 th April 2009		
Application Number	N/09/00321/FUL		
Site Address	The Tanyard, 1 Dark Lane, Malmesbury		
Proposal	New vehicular access and driveway		
Applicant	Mr M. Lehrer The Tanyard 1 Dark Lane Malmesbury SN16 0JD		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Mr Thomson
Grid Ref	392781 187294		
Type of application	Full Application		
Case Officer	Celine Le Boedec-Hughes	01249 706668	celine.leboedec- hughes@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the request of Councillor Thomson to assess the impact of the development on road safety and visibility.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

This application is for the creation of a new vehicular access and driveway. The site lies within a residential area of Malmesbury, within the Conservation Area and Area of Outstanding Natural Beauty (AONB). The key points to consider when determining this application are as follows:

- Implications on DC Core Policy C3
- Impact of the development on the Conservation Area (Policy HE1)
- Impact of the development on the Area of Outstanding Natural Beauty (Policy NE4)

3. Site Description

The development site occupies a corner plot on Dark Lane and Foxley Road. The area is predominantly residential and the property is located within the Conservation Area and Area of Outstanding Natural Beauty.

4. Relevant Planning History

Application Number	Proposal	Decision
05/02680/FUL	Creation of vehicular access	Withdrawn

5. Proposal

This application is for the creation of a new access and driveway off Foxley Road, Malmesbury.

6. Consultations

Town Council – Object to the proposal for the following reasons:

- Highway safety
- Flooding
- Conservation of trees
- Traffic issues

Highway Officers raise no objections to the application subject to conditions being attached to any permission granted.

Environment Agency – No adverse comments

Landscape Officer – Comments awaiting

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Two letters of objection have been received.

Summary of key relevant points raised:

- Highway safety
- Flooding
- Impact on trees

8. Planning Considerations

The planning history for the site shows that an application for the creation of an access was submitted in 2005 and later withdrawn. The access in the 2005 application was further north and under the canopy of an existing tree. As such, the application was considered to have an adverse impact on the existing landscape.

Impact of the development on the Conservation Area, AONB and flood zone

The property has an existing vehicular access off Dark Lane. The proposal seeks to create an additional access off Foxley Road. The existing boundary is partly a natural stone wall and partly timber fencing. The applicant is proposing to remove part of the existing timber fence to create the access and then re-instate a stone boundary wall along part of the boundary line. The entrance gates and pillars are to be set back into the site to provide the necessary visibility splays.

The proposed development is considered to be a traditional way of introducing a vehicular access off a road with the end walls and pillars curving into the site. Such a development, whereby part of the existing boundary is to be replaced with a stone wall can only be an enhancement to the character and appearance of the Conservation Area. The plans submitted show that all existing vegetation (predominantly mature trees) fronting onto Foxley Road is to remain as existing and the proposal will, therefore, preserve the character and appearance of the area. The Landscape Officer has been consulted and comments are awaited.

The proposed access is to be created in a residential part of the AONB and although it will be visible to all users of Foxley Road, it would be difficult to argue that the proposal would have an adverse effect on the natural beauty of the landscape.

It is noted that the site is located in a Flood Zone 2/3 on the basis that a river runs along the southern boundary of the development site. The Environment Agency has been consulted and has noted that the proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee and therefore has no comment to make on this application. This is on the grounds that the proposed development will not lead to a more vulnerable development.

Impact of the development on highway safety

The proposed development has been considered by Highway Officers who raise no objection to the proposal subject to conditions being attached to any permission granted. The view is that motorists will generally be travelling at speeds of 20mph or less at this particular point along the Foxley Road and that the distance from the bend to the access is marginally greater than the sight distance round the bend and for this reason it is considered that the access will not constitute an unacceptable risk to highway safety.

9. Conclusion

The proposal, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the Conservation Area or Area of Outstanding Natural Beauty and will not be detrimental to highway safety. On this basis, the proposal accords with Policies C3, HE1 and NE4 of the North Wiltshire Local Plan (2011).

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposal, by virtue of its siting, scale and design, will not be harmful to the character and appearance of the Conservation Area or Area of Outstanding Natural Beauty and will not be detrimental to highway safety. On this basis, the proposal accords with Policies C3, HE1 and NE4 of the North Wiltshire Local Plan (2011).

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 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. The natural stonework to be used for the new boundary wall shall match that of the existing wall, in terms of type, colour, size and bedding of stone, coursing, type of pointing and mortar mix, unless otherwise agreed in writing by the Local Planning Authority prior to works commencing.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan (2011).

4. Notwithstanding the information shown on the approved plans, no development shall commence on site until details of the materials to be used for the gate piers has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the completed development and to comply with Policy C3 and HE1 of the North Wiltshire Local Plan (2011).

5. Any entrance gates erected shall be hung to open away from the highway only.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

6. Notwithstanding the information shown on the submitted plans, prior to being brought into use, the driveway for the first 5m from the edge of the carriageway shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

7. The development hereby permitted shall not be brought into use until the visibility splay shown on the submitted plan 08-23-04B has been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan 2011.

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.

- Drawing number 08-23-01 (for site location plan purposes only) received by the local planning authority 24th February 2009.
- Drawing number 08-23-01A, 08-23-04B and 08-159-05 received by the local planning authority 6th April 2009.

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

North Wiltshire Local Plan 2011:- C3, HE1 and NE4

Appendices:	None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 2.02• 2.25• 4.02• 4.03• 4.04• 4.07• 5.01