

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 3 February 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Shirley Agyeman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718089 or email <mailto:Shirley.Agyeman@wiltshire.gov.uk>

Press enquiries to Communications on direct lines (01225) 713114/713115.

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Membership:

Cllr Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice Chairman)	Cllr Horace Prickett
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Ernie Clark	Cllr Jonathon Seed
Cllr Andrew Davis	Cllr Roy While
Cllr Dennis Drewett	

Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Stephen Oldrieve
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Fleur de Rhé-Philippe	Cllr Jerry Wickham
Cllr Russell Hawker	Cllr Philip Whitehead
Cllr Keith Humphries	

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 16 December 2015.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 2.50pm on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate

Director) no later than 5pm on Wednesday 27 January 2016. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Applications**

To consider and determine the following planning applications:

6a **15/09224/FUL - 212 The Common, Holt** (*Pages 15 - 30*)

The deferred item from the 16 December 2016 meeting.

6b **15/11119/FUL - 221 Church Street, Hilperton** (*Pages 31 - 42*)

7 **Future reports on Appeal Decisions**

Senior planning officer to update on the current status of planning decision appeals

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 16 DECEMBER 2015 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice-Chair), Cllr Trevor Carbin,
Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald,
Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and Cllr Jerry Wickham

109 Apologies for Absence

Apologies for absence were received from Cllr Horace Prickett who was substituted by Cllr Jerry Wickham for this meeting only.

110 Minutes of the Previous Meeting

The minutes of the meeting held on 25 November 2015 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 25 November 2015.

111 Chairman's Announcements

The Chairman gave details of the exits to be used in the event of an emergency.

112 Declarations of Interest

Cllr Pip Ridout and Cllr Jonathan Seed both stated that they were acquainted with Col Linge, a speaker on item 8 – Footpath Diversion, but that this did not preclude them from participating in the consideration of the matter, and that they would do so with an open mind.

113 Public Participation and Councillors' Questions

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

114 **Planning Applications**

The Committee considered the following applications:

115 **14/01659/FUL - Haygrove Farm, Lower Westwood**

The Area Planning Team Leader outlined the report and recommended that the application be approved with conditions with no legal agreement and requested that members consider revising the committee resolution agreed at the area committee on 12 August 2015.

There were no speakers in the public forum.

Cllr Magnus MacDonald spoke as the local member.

Issues discussed in the course of the presentation and debate included: The officer describing the location and topography of the application site in relation to the settlement boundary; the green belt and conservation area status, the size of the proposed replacement building compared to the old agricultural buildings which would be demolished and the planning history of the site.

The officer reminded members that the committee resolution which was made in August was to grant permission subject to a s106 agreement; and the officer presentation largely focused on the use of planning conditions and the statutory tests which must be satisfied. The officer informed members that the s106 could not be fulfilled since officers had received confirmation from the applicant's mortgage lender that they would not be an agreeable party to such an agreement. Members were informed that the mortgage lender had a clear financial and legal stake in the property and that they would need to be party to any legal tie. Without their signature, the s106 could not be fulfilled. Members were reminded of the statutory tests to which all s106s must accord with. The officer informed members of the content of para 203 of the NPPF which directed decision makers to use planning conditions rather than legal agreements (where it is necessary to make developments acceptable). Reference was also made to updated government planning practice guidance.

The officer referenced the conditions which would restrict future occupancy in this case and cited two recent appeal decisions which the Council had successfully defended for cases which centred on the robustness of planning conditions restricting holiday let occupancy. Members were advised that, in officer's opinion, this case did not merit a legal agreement as planning conditions would robustly serve the function of restricting future occupancy, and that maintaining a requirement for a s106 could place the Council at risk for unreasonable behaviour, a likely non-determination appeal and potential costs application.

Cllr Magnus MacDonald moved, subsequently seconded by Cllr Roy While, that planning permission be granted in accordance with the Officer's recommendations as outlined in the report.

In questioning the Area Team Leader, the committee clarified that the mortgage lender was content with conditions to tie the property to a holiday let, but would not enter into any legal agreement; that there was evidence across the County where similar planning conditions had been used to restrict holiday let occupancy which had been challenged and successfully defended at appeal and that the recommended conditions are fully enforceable; and, to avoid an appeal in this case, and potential costs application, the committee were asked to determine the application for approval without a legal agreement.

Having been put to the vote, the meeting:

Resolved to grant permission (without a legal agreement) but subject to the following conditions as recommended:

- 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 take place until samples/details of the materials to be used in the construction of all the external surfaces of the development hereby permitted (including the exact type and colour and manufacturer of the solar PV panels) have been made available to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

REASON: To ensure that the development harmonises with its historic setting and protected surroundings.

- 3 No building works pursuant to the construction of the holiday let accommodation shall commence until all three existing structures identified for demolition on the site have been permanently demolished and all the debris has been removed from the site/landholding.**

REASON: In order to define the terms of this permission and to ensure the site is redeveloped in an appropriate manner respectful to the protected surroundings and neighbours.

- 4 No person/s shall occupy the holiday accommodation for a continuous period of more than 1 month in any calendar year and**

it shall not be re-occupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 5** Notwithstanding Class C3 of the Schedule to the Town and Country (Use Classes) Order 1987 (as amended) (or any order which revokes and re-enacts that Order with or without modification), the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence. In addition, an up to date register of names and main home addresses of all occupiers shall be maintained and shall be made available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

- 6** No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 7** All demolition/construction operations on site shall be restricted to the following hours:
Monday-Friday 08:00-18:00, Saturdays 08:00-13:00 and not at all on Sundays and/or bank Holidays.

REASON: In the interests of safeguarding local and residential amenity.

- 8** Should the solar PV panels become obsolete, they shall be removed from the property within 3 months from the date they cease to be used or function for the purposes of providing renewable energy; and that the roof shall be clad in material to match the northern roof plan hereby approved.

REASON: In order to define the terms of this permission.

INFORMATIVES TO APPLICANT:

- 1. The applicant/developer is advised to duly note that bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for any development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact Natural England's Bat line on 0845 1300 228**
- 2. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.**
- 3. The applicant/developer is encouraged to contact Wessex Water to agree connections to the water supply and mains sewer infrastructure.**
- 4. The applicant/developer is advised to contact the Wiltshire Fire & Rescue Service and to consider the installation / provision of residential sprinklers inside the new property. More information can be obtained from the Fire Authority through contacting them on tel. no: 01225 756500 or via email: planning@wiltsfire.gov.uk**
- 5. The applicant is encouraged to arrange for appropriate literature to be provided to all future visitors to the holiday let accommodation to advise upon the directions to the site and also to raise awareness of the localised highway constraints and limited visibility.**
- 6. The applicant is advised that the development hereby approved is chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy**

116 **15/09224/FUL - 212 The Common, Holt**

The Senior Planning Officer outlined the report recommending that the application be approved with conditions.

Peter Auburn, Alexander Venables and Fiona Drysdale spoke in objection to the application. Dermot Tully, the applicant, and Peter Grist, the agent, spoke in support of the application.

Cllr Trevor Carbin spoke as the local member.

Issues discussed in the course of the presentation and debate included: The officer describing the location of the site and its relationship with neighbouring properties; the orientation of the properties and gardens; the footprint of the existing property in relation to the proposals; the vegetation existing on the site; the views of the neighbours; the size and scale of the proposals in relation to the existing and neighbouring buildings; the topography of the site; the size, location and glazing of the windows in the proposal; the materials proposed to be used; the view of the highways officer; how the proposal compared with other extended properties nearby; as well as outlining the potential impact of the proposals on the amenity of neighbours.

Cllr Trevor Carbin moved, subsequently seconded by Cllr Ernie Clark that consideration of the application be deferred to enable a site visit to take place.

Having been put to the vote, the meeting;

Resolved

To defer the consideration of the application to enable a site visit to take place.

117 **15/04674/FUL - Station Approach, Bradford-on-Avon**

The Senior Planning Officer outlined the report recommending that the application be approved with conditions. The officer also drew the meetings attention to a colour copy of a photomontage produced by the applicant to assist members, but advised that he had not been afforded the opportunity to check the veracity of the image. The officer also drew the member's attention to plans of previously approved proposals on the site.

Janet Repton and Martin Newman spoke in objection to the application. Warren Jones, the applicant, spoke in support of the application. Cllr Gwen Allison spoke on behalf of Bradford-on-Avon Town Council

Issues discussed in the course of the presentation and debate included: The officer describing the location of the site within Bradford on Avon's town centre

and conservation area and its relationship with listed buildings nearby, as well as identifying the size, scale and height of the proposed development. The officer also referenced the extant approved development for the site and drew members attention to some comparisons in terms of building size, scale and design; the planning history on the site was outlined, with particular attention drawn to the reasons for refusing the most recent application for 4 x 3-bed dwellinghouses; the officer outlined the differences between the current proposal compared to the previous applications; the materials proposed for the development; the amount of amenity land to be provided on the site as well as referencing the amount of communal amenity space afforded to a flatted development located nearby; the views of the highways officer and the issues of car parking; the impact of the proposals on the conversation area; the views of the Historic England and the Council's conservation officer; the viability of the site and the proposals; the access of the location to services and public transport; and the applicability of the current core strategy were also all discussed.

In questioning the Senior Planning Officer, the committee sought some clarification regarding the highways officer's reasoning for their views on the parking provision and specifically about their non-objection to a 4 house development having no parking provision; and that, in their opinion, it would be preferable for a Highway Officer to be present to explain their reasoning. Members also sought clarity on the height of the proposed new building in comparison to the extant and previous permissions; some discussion was also held about the loss of the taxi rank from the site, as well as seeking confirmation from officers that the associated noise impacts from the railway line and the nearby pub had been considered.

Members expressed great concern about the lack of parking for a 4 house development, the design of the building and the overdevelopment of the site.

Cllr Magnus MacDonald proposed, subsequently seconded by Cllr Jonathan Seed, that planning permission be refused.

Having been put to the vote, the meeting;

Resolved

That planning permission should be refused for the following reasons:

- 1. The proposal fails to provide adequate standards of amenity for its future occupiers contrary to Core Policy 57 of the adopted Wiltshire Core Strategy and Paragraph 17 of the NPPF.**
- 2. The proposal fails to provide adequate parking provision for the size and number of residential units proposed which would result in unacceptable parking pressure on the surrounding streets contrary to Core Policy 64 of the Wiltshire Core Strategy.**

- 3. The proposed design/detailing fails to respect the established architectural character of the Bradford-on-Avon Conservation Area, and the setting of the GWR railway station contrary to Core Policy 57 and 58 of the adopted Wiltshire Core Strategy and paragraph 132 of the NPPF.**
- 4. The proposal represents an inappropriate overdevelopment of the site which would not be in keeping with its immediate environs contrary to Core Policy CP57 of the adopted Wiltshire Core Strategy which requires development to create a strong sense of place which is complementary to the locality.**

118 Norton Bavant Path No.4 (Part) Diversion Order and Definitive Map; and Statement Modification Order 2015

The Rights of Way Officer presented the report which outlined the recommendation.

Francis Morland spoke in objection to the order. Col Nigel Linge, Graham Bennett, James Nevitt and Brian Micklam spoke in support of the recommendation.

Issues discussed in the course of the debate included: the location of the diversion, and its relationship to a scheduled ancient monument and site of scientific interest; the current use and access to the land; that a creation order has no objections to it but the diversion order did; the views of those making representations; the impact of the diversion on those using the existing paths; the views of Historic England; the relationship of the proposals to other roads; the topography of the site; the requirements for improved access and gating; the historical evidence of the access; the location of MOD property and ranges; and the impact of the existing route and the proposals on the current land.

In questioning the officer, the committee clarified; that the process for considering a representation as a formal objection was prescribed by regulation and strictly adhered to; the extent to which the current obstruction had affected access, that only one complaint had been received, and that officers had given this a low priority in relation to addressing obstructions in better used locations; the liability for maintenance of a footpath; that it was not within the scope of s.119 of the Highways Act 1980 to retain footpath rights over part of the bridleway route, but that there were other possible options for this subject to the agreement of both the landowner and Wiltshire Council; and what corrections had been brought to the officer's attention by the objector.

Cllr Newbury expressed concern as to whether the regulations with regard to considering a representation as a formal objection where being too rigorously applied.

Cllr Christopher Newbury proposed, subsequently seconded by Cllr Pip Ridout, that the officer's recommendation as set out in the report be approved with the additional recommendation that Mr Wright's representation be considered as a formal objection.

Having been put to the vote, the meeting unanimously:

Resolved

That The Wiltshire Council Parish of Norton Bavant Path No. 4 (part) Diversion Order and Definitive Map and Statement Modification Order 2015 be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation that it be confirmed with the following modifications:

- (i) In paragraph 2 where referring to the rights of Scottish and Southern Energy replace the word "footpath" for "bridleway".**
- (ii) In Part 3 of the Schedule amend the width to read "4 metres from OS Grid ref. ST 90853 44042 to ST 91694 43539 the remainder to be 3.5 metres". Amend approximate length to be "1600 metres".**
- (iii) In the event that Order is confirmed, The Wiltshire Council Norton Bavant 10 (part) Creation and Definitive Map and Statement Modification Order, which has attracted no objections or representations, be confirmed.**
- (iv) That the representation of Mr A Wright be considered as a duly made objection.**

Reason for Decision:

Despite the objection received it is considered, for the reasons given in paragraphs 50 to 58 of the Decision report (please see Appendix D) that "The Wiltshire Council Parish of Norton Bavant Path No. 4 (part) Diversion Order and Definitive Map and Statement Modification Order 2015" continues to meet the legal tests for the making of a Diversion Order under Section 119 of the Highways Act 1980.

Additionally, the legal tests for the confirmation of a Public Path Diversion Order, as set out under Section 119 of the Highways Act 1980, appear capable of being satisfied and no new evidence has been submitted during the formal objection period which would lead Wiltshire Council to no longer support the making of the Order.

Minor errors in the Order may be corrected by the Secretary of State as modifications.

119 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 5.45 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 718089, e-mail <mailto:Shirley.Agyeman@wiltshire.gov.uk>

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	3 February 2016
Application Number	15/09224/FUL
Site Address	212 The Common, Holt, Trowbridge BA14 6QN
Proposal	Two storey rear extension
Applicant	Mr N Tully
Town/Parish Council	HOLT
Electoral Division	HOLT AND STAVERTON – Councillor Trevor Carbin
Grid Ref	386681 162310
Type of application	Full Planning
Case Officer	Jennifer Allen / Jonathan James

Reason for the application being considered by Committee

Cllr Trevor Carbin requested that this application be reported to the area committee (should officers be minded to support it) to allow members to determine the following matters:

The scale of development, the design - bulk, height and general appearance, the visual impact on surrounding area, and the relationship to adjoining neighbours.

1. Purpose of Report

Members will no doubt recall that this application was deferred by the Western Area Planning Committee at 16 December meeting to allow for an elected member site visit to take place. Following the cancellation of the 13 January committee meeting, the member's site visit was scheduled for 13:30 on 3 February.

This report outlines the key planning considerations for the elected members to consider.

2. Report Summary

The report outlines the officer's recommendation for permission whilst addressing the concerns raised by third parties.

3. Site Description

The site is located within the Limits of Development (LoD) of Holt, which is a designated large village as defined within the Wiltshire Core Strategy (2015). The site is accessed off the B3107, the main road through the village, and is located on the north-west side of the road leading to Melksham.

The area surrounding the site is predominantly defined by two storey detached Victorian design dwellings set back from the road side with some elevated above the road level. There is a mix of styles and types of properties along The Common ranging from bungalows to detached two storey dwellings and these are also finished in a variety of materials. Properties are primarily constructed from bath stone although there are some examples of render and brick in the vicinity.

Whilst the roof of the host property is finished in slate, there are examples of pan-tiled and concrete tiled roofs nearby.

To the rear of the properties there are various extensions some finished in bath stone, reconstituted (imitation) bath stone and others in render. The properties to the north-west side have typically long rear gardens; however the gardens do not run in a conventional format resulting in some gardens being located behind other/neighbouring properties.

The application site property is elevated above road level with the driveway running along the side of the property leading to a double garage located to the rear. The garage is single storey and finished in render. The dwelling is a detached two storey unit, with an asymmetrical roof design that creates a two storey facade to the front elevation and a one and half storey facade to the rear. The property has been extended in the past by a single storey lean-to located to the rear of the property.

The host dwelling is set at a slight angle to the road and has a long rear garden which replicates the width of the dwelling and driveway combined and runs in a northerly direction away from the dwelling, which results in the garden running behind the neighbours' property (No. 213). Within the garden there are a number of trees, the majority of which are located at the end of the garden. However there are three trees located along the north-east boundary of the site close to the host dwelling. The boundaries of the site are defined by fences approximately 2 metres in height with a hedge along the rear boundary with trees beyond.

4. Planning History

- | | |
|----------------|--|
| W/82/00638/HIS | Alteration, improvements and erection of double garage – Approved with conditions; |
| W/97/00240/OUT | Three houses and garages at 211-212 The Common Holt – Application withdrawn; |
| W/97/01210/OUT | Erection of two detached houses with two single garages plus one single and one double garage together with associated access drive on land to the rear of 211/212 The Common, Holt – Application refused. |

5. The Proposal

The application seeks planning permission for the erection of a two storey rear extension. The extension would replace the existing single storey lean-to and extend it by approximately a further 500mm beyond the existing footprint. Off the northeast corner of the dwelling it is proposed to create a two storey element that extends approximately 2.8 metres creating an infill to this corner and an overall extension that runs the width of the property. The extension would have two gables perpendicular to the main roofline; one with a ridge height that matches the main roof and one slightly lower. The extension would be finished using bath stone at ground floor level and oak cladding around the first floor with slate roof tiles. The first floor windows would be large with "Juliet" balcony's serving the enlarged bedrooms to the rear. The proposal would not increase the number of bedrooms.

6. Planning Policy

National Planning Policy Framework 2012 namely: Section 7 Requiring Good Design; and Section 11 Conserving and enhancing the natural environment

Wiltshire Core Strategy 2015: Core Policy 1 - Settlement Strategy; Core Policy 2 - Delivery Strategy; Core Policy 7 - Spatial Strategy: Bradford on Avon Community Area; Core Policy 50 - Biodiversity and Geodiversity; and Core Policy 57 - Ensuring high quality design and place shaping

7. Summary of Consultation Responses

Holt Parish Council - No representations received to date of recommendation.

Ecology - No objection subject to a planning informative.

Tree and Landscape Officer – No objection. Provided a verbal response after visiting the site confirming that the trees are not worthy of Tree Preservation Order as do not meet the criteria for protection. The applicant has however confirmed having no intention to remove the trees.

8. Publicity

The application was advertised by site notice/neighbour notification. Expiry date: 19 October 2015. The following is a summary of the points raised:

5 letters of objection have been received. The comments and concerns relate to:

- Proximity of extension
- Loss of privacy to gardens and amenity areas
- Loss of natural daylight into dining room, kitchen and garden room
- Loss of light to gardens
- Greater sense of enclosure and the feeling of hemmed in.
- Roof height causing overbearing
- Unacceptable visual impact on surrounding neighbours
- Materials out of keeping with Victorian property
- Reference to the draft Holt Neighbourhood Plan Policies H3.1 and P20 & 21 in H2.1(a) – Backland development/un-neighbourly development
- Impact on trees
- Impact on ecology
- Impact on highway safety
- Reference to neighbouring site 221 Melksham Road planning application 15/01668/FUL committee decision
- Overbearing
- Plans not sure a true representation of the situation on the ground.
- Request Planning committee site visit

9. Planning Considerations

Principle of Development - 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.

Policies CP1 and CP2 are strategic policies in delivering required development in sustainable locations. This proposal is considered a minor application for a two storey extension to an existing dwelling. Core Policy 7 clarifies that Holt is a large village and that the site falls within the Limits of Development of this village.

Core Policy 57 of the Wiltshire Core Strategy states that *“A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.”* The policy outlines a number of criteria to address. Officers submit that this is the main policy which this development should be assessed against.

Core Policy 50 relating to biodiversity also merits some consideration given the potential ecological impacts.

Design and Visual Amenity - The proposed extension has been designed to be a modern addition to what is a modest Victorian detached property. The proposal utilises the existing two storey layout and would enhance the living space of the two first floor rear bedrooms to make them more usable and allow views across the large garden. Officers submit that the development would not represent a disproportionate addition to the dwelling as it would have only a slightly larger footprint than the existing built form.

The ground floor would be finished in bath stone/reconstituted stone, as per its existing form. The enlarged second storey extension would be finished in natural oak cladding and the roof finished in slate. Both the slate and stone are recognised materials used generally within the area and are acceptable. The natural oak cladding is not a recognised material predominantly used within the village/immediate surroundings; however, it does offer a more sustainable option and would create an interesting contrast to the typical traditional materials used within the area. Bath stone tends to have a warm honey colouring; however through weathering this can lose its natural hue. The oak, if allowed to weather naturally, would in time develop a silvery colouring that would soften the development against the natural stonework of the host dwelling.

The second storey element would create a modern but acceptable contrast to the existing dwelling that would respectfully demonstrate its evolution as a dwelling but maintain the predominant Victorian character to the front elevation.

The proposed development is a subservient rear extension offering only fleeting glimpses from the road, as such, it is considered that the timber cladding would reduce the impact of the proposal over time and consequently would not harm the character of the area. A planning condition is recommended to cover the exact materials to be approved prior to work commencing to control the finished look of the development including the finish to the timber cladding.

Residential Amenity - Concerns have been raised by local residents at the potential impact on their properties and their amenity space from the proposed development. Objections have been raised from the owner/occupiers of 209, 210, 211 and 213. The concerns raised are that there would be direct overlooking of their gardens and an overbearing impact on their properties to a point that would lead to a loss of light to certain openings.

The two properties located directly either side of the proposed extension are numbers 211 and 213. Property 210 forms a semidetached unit to 211 and lies to the southwest of this dwelling. Property 209 lies again to the southwest of No. 210. As described above, the layout of the gardens along this street mean that the gardens start to run behind that of the neighbouring properties, for example the garden of No. 209 runs behind 210, the garden to 210 runs behind 211 and so on (reference site location plans below).



OS Plan down load from SAMS



Extract from applicants Site Location Plan

The proposed extension extends off the rear of No. 212 and would enhance the size of the existing bedrooms that face the rear garden at present. Directly behind the host dwelling is an existing large single storey double garage which would provide a degree of screening from any potential overlooking from the rear elevation of No. 212 over any neighbouring properties gardens. No. 209 is displaced from the application site by two dwellings and No. 210 is displaced by one dwelling. As such, the potential for any degree of impact is minimal; equally so with the rear amenity space of 210, it is therefore considered that the concerns raised about loss of privacy to these two properties amenity space, would be inconsequential and it would not substantiate a robust reason for refusal.

Following a direct line of sight from the rear elevation of the proposed extension to the boundary of No. 211, there would be a distance of approximately 15.5 metres. Bearing in mind that there is a large double garage directly in between the rear elevation and site boundary it is again considered that there would not be a significant detrimental impact on the privacy of the neighbouring garden to justify a refusal. With regards to garden space of No. 213, this area of land angles away from the proposed extension and there would be no direct overlooking from the proposed development into the amenity area of that property.

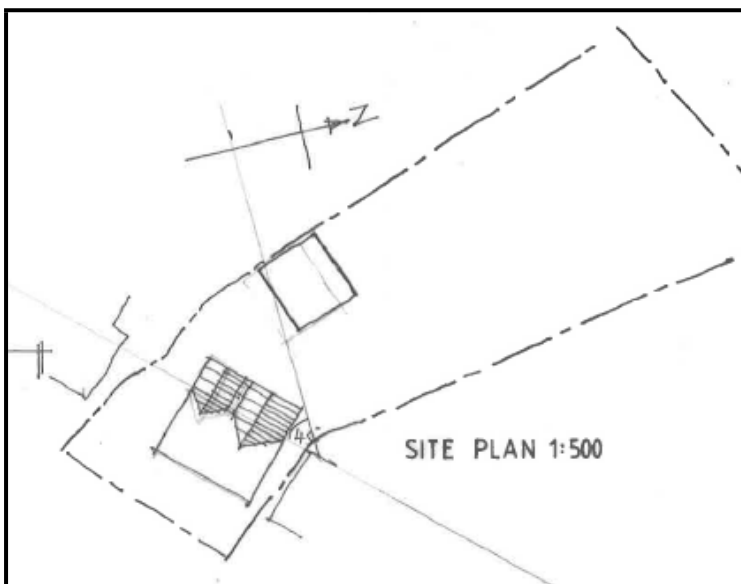
No. 212 has three windows facing out over the applicants garden serving two bedrooms and a bathroom. With this existing arrangement in mind, officers submit that the proposed development would not result in a situation substantially different to what exists at present. It is therefore concluded that overlooking from the rear elevation is not grounds for refusal.

Turning to the side elevations, the proposal would create a new window in either side elevation for two bathrooms. Both of these windows are recommended to be conditioned to be obscure glazed. The window to the north-east elevation, facing No. 213, would be directly opposite the one and half storey element to the rear of No. 213 and would not create any overlooking of the neighbouring property or its amenity area. Turning to the elevation facing No. 211, there is existing first floor bedroom window. Also there are existing windows and openings facing towards the application property including at first floor level overlooking into the amenity area of the applicants dwelling.



No. 211 to the rear of the photo

Officers duly submit that the proposed extension would not create any greater level of harm than what exists at present. Overbearing concerns have also been raised by neighbours. Officers have considered the separation distances between the host property/proposed extension and neighbouring properties (No's 209 and No 210) and submit that there would be no significant impact to warrant a refusal.



Plan showing the 45 degree rule

The proposed two-storey extension adjacent to No. 213 would create the biggest change to the built form. Planning guidance offers a general rule of thumb in determining potential impacts on neighbouring properties in these circumstances. With reference to the above plan a line has been taken from a point representing the location of the windows within the neighbouring property at an angle of 45 degrees to the elevation of the dwelling. The general rule of thumb is that if it intersects with a development proposal, then there is the potential for harm. It would then require further assessment on the degree of harm. On reviewing the case it can be seen that the proposed extension accords with the 45 degree test. On balance it is considered that any potential for harm would not be significant to justify a reason for refusal in this instance.

With regards to the potential for impact on No. 211, whilst the owner's outlook would be altered by having a larger structure facing the side door, the outlook would be through the door and not through a window opening. There is no right to a view across third party land and officers would respectfully ask the committee to recognise that within urban locations such as towns and villages, some properties are located close to neighbours and to a certain extent an individual's private outlook may pick up on neighbouring extensions when looking outwards. However, it is important to record that the primary openings of the dwelling at No. 211 are found to the front and rear elevations and would remain unaffected by the proposed development.

In summary, having regard to overshadowing, the orientation of the dwelling and the neighbouring properties, there exists at present a degree of overshadowing of the amenities of the neighbours and site. The two storey extension would result in a minimal increased overshadowing for a certain part of the day. It would not however be significant and not would it adversely harm the enjoyment of the amenities or facilities of the surrounding properties to justify a refusal. Due regard has been given to garden orientation and the separation distances between the proposed extension and the site boundaries (whilst acknowledging the slope of the roofs project away from the boundaries); and officers duly submit that the proposed extension would not result in an oppressive form of development and nor would it cause adverse overbearing impacts on the occupiers of the neighbouring dwellings.

Officers acknowledge that reference has been made to another case along this street. It should be remembered that all planning applications should be dealt with on their own merits. However, since it has been referenced, the planning application at 221 Melksham Road was for a single storey rear extension which was refused by the planning committee. The application was taken to appeal and the decision was overturned by the planning inspectorate under reference APP/Y3940/D/15/3097738 on 28 September 2015. The main issue discussed was the impact of the proposal on the amenity of the neighbours. The inspector found that the proposal would not result in an undue loss of outlook or loss of privacy as a result of the boundary treatments and the separation distances involved. As such reference to this case does not warrant a reasonable reason for refusal in this instance.

Trees - The site contains three field maples along the eastern boundary of the site and additional trees are located the end of the garden. The three field maples would be close to the proposed extension due to the extension extending half a metre beyond the existing footprint. The Council's tree and landscape officer has been out on site to assess these trees and has determined that although the trees have a certain localised amenity value, they are not worthy of

protection as they do not meet the TPO criteria. The applicant has expressed an intention to retain the trees in any case and there is no reason to suggest otherwise.



As can be seen in the image above the branch of the nearest Maple is to the left, the proposed extension would extend beyond the rear elevation by approximately half a metre, this would still leave the rest of the existing patio area stretching into the garden. With due regard to the position of the existing patio area and the nearest tree, it is unlikely that the tree root system would be impacted by the proposed development. It is therefore considered that the additional footprint would not adversely impact on the trees.

Ecology - Concerns have been raised by local residents that there may be bats in and around the site and that the proposed development could impact on them. Consequently the Council's ecology team were consulted, who after reviewing the case, raised no objections. They have identified that there is no specific mention of a bat roost within the property and that the presence of foraging bats in the garden around the trees is not necessarily indicative of a roost within the property itself.

The Council's Ecologist considers there to be a low risk of roosting bats. The slate roof appears to be well-maintained and there are few slipped or raised tiles for bats to potentially gain access into the roof void. It is considered unlikely that the rarer bat species (horseshoe bat) would occur at the site due to the characteristics of the property. The proposed extension would be on the north-facing side of the property where there is less likelihood of a significant bat roost being located due to a lack of sunlight and lower temperatures.

Whilst there may be small numbers of common species of bats such as Pipistrelle, Brown long-eared or Serotine bats, present within the area, provision for these species as mitigation could be relatively easily accommodated into the design or through alternative methods, for example by providing a bat box (that does not require planning consent). As identified above there is every intention that the trees would remain undamaged and would continue to provide natural vegetation for any species within the area.

With due regard to the scale of the development proposed, a minor two storey domestic extension, officers submit that it would be unreasonable to require the applicant to submit a bat survey prior to the determination of the application as this would be disproportionate. It is considered that an informative could be attached to any grant of approval. On balance, the proposed development would be acceptable and would accord with the relevant criteria of Core Policy 50 of the WCS (2015) and the NPPF.

Other Considerations - During the consultation process, a number of representations were received most of which have been dealt with above. Reference has been made to the emerging Holt Neighbourhood Plan. This document has just finished the consultation process with local residents; however, until the plan has gone through a referendum it will remain un-adopted for planning purposes and does not have full weight in terms of outlining and considering the material planning considerations.

The policies that have been quoted from the draft “Neighbourhood Plan” (H3.1 and H2.1) refer to “new housing” development within the village, which this application is not. The proposal is for an extension to an existing residential property within the village. It is considered that the extension would respect the character of the area and the use of materials would contribute to the character of the dwelling without being pastiche. There does not appear to be any reference within the Neighbourhood Plan restricting minor householder development.

Highways – Highway safety concerns have been raised from the construction traffic that the development may likely generate. The proposal would not create any further additional bedrooms and it would remain a four bedroom property. Also the proposed development would not impact on the existing parking and turning areas associated with the proposed development. It is therefore considered that there would be no impact on highways safety from the proposed development. Whilst it is acknowledged that there would be an increase in traffic movements to and from the site during the course of constructing the extension, this would be only for a temporary period and would not result in a significant impact on highways safety; and it is not grounds for refusal.

Conclusion - Whilst the extension would be of a different character and appearance from the existing dwelling and the surrounding area, there are no planning policies that require a traditional design approach. It is considered that an acceptable contemporary solution to the issue of achieving additional accommodation whilst minimising the impacts on the surrounding area would be acceptable.

A judgement must be made whether a proposed extension would result in a significant reduction in the level of amenity that an occupier of an adjoining property could reasonably expect to enjoy in a particular neighbourhood. Following a detailed appraisal of the potential impacts, officers submit that the extension would not result in an adverse loss of privacy or create a significant overbearing impact to warrant a reason for refusal.

Considering the proposal and policies contained within the Core Strategy, it is considered that the proposed development complies with the criteria of CP57 and CP50 of the Wiltshire Core Strategy; and planning permission is therefore recommended subject to conditions.

RECOMMENDATION: Approve subject to 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 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area

- 3 No paint or stain finish shall be applied to the external timber cladding unless otherwise agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such in perpetuity.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or roof light, other than those shown on the approved plans, shall be inserted in the side elevations and roof slope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 5 The window(s) in the side elevation(s) serving en-suite bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 4 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 6 The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/drawings: Existing site plan, elevations and floor plans and Proposed site plan, elevations and floor plans all received on 16 September 2015

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

Planning Informatives:

1. There is a risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the particular proposals for the site, the Council considers that if bats were found, mitigation

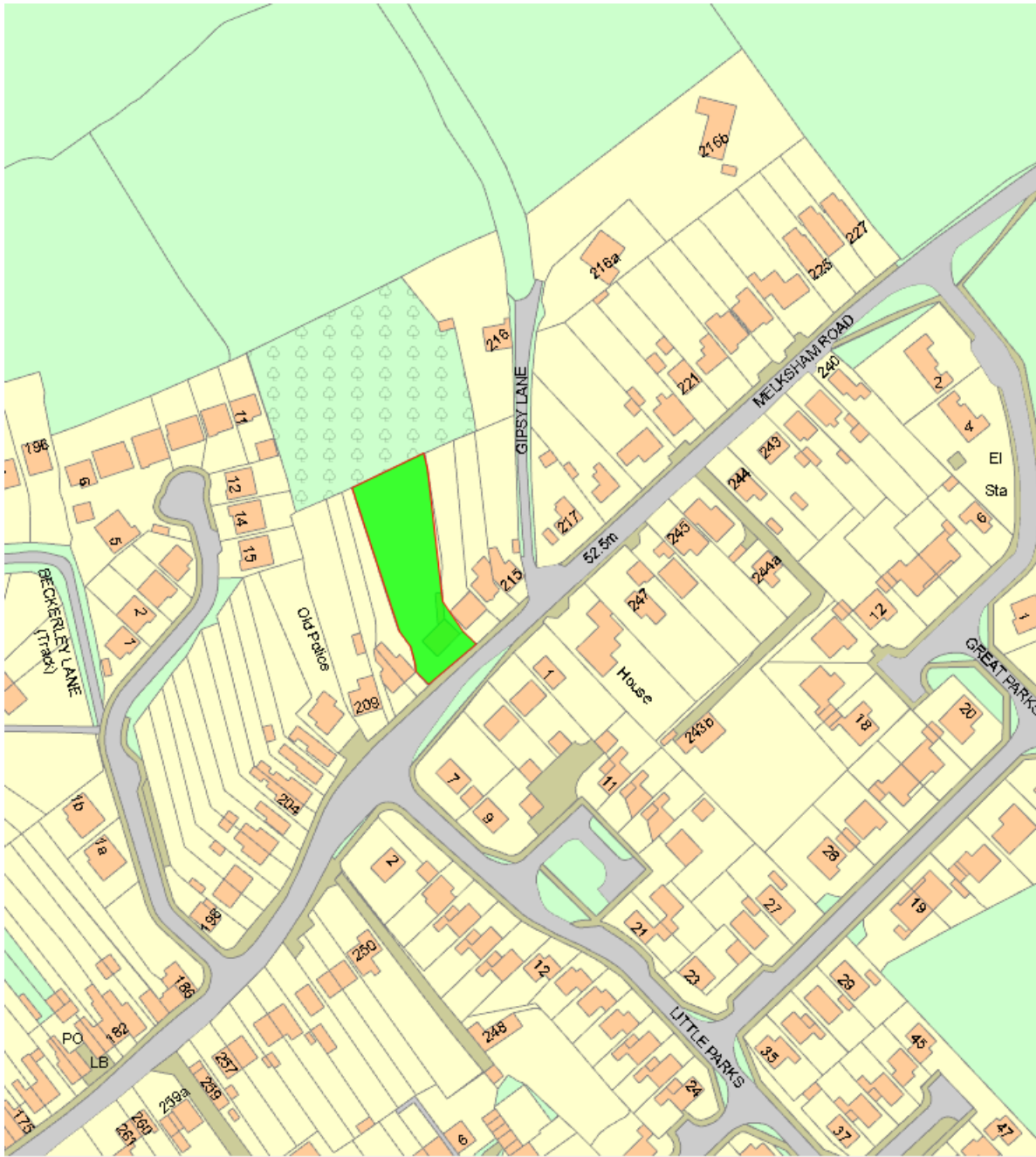
would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work (e.g. a building assessment to search for evidence of roosting bats internally and externally, which can be carried out any time of year, and inform the need for further bat emergence / re-entry activity surveys). If bats or evidence of bats is found at any stage of development, the applicant is advised to follow the advice of a professional ecologist or to contact the UK Bat Helpline on 0345 1300 228 (homeowners and churches) or visit http://www.bats.org.uk/pages/natural_england_roost_visits.html for more information

2. 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.

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Report No. 2

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 Hilperston 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 Oriel 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 would 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.



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Item 2 - 15/11119/FUL - 221 Church Street, Hilperton



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