

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>9<sup>th</sup> August 2017</b>
<b>Application Number</b>	<b>17/05123/FUL</b>
<b>Site Address</b>	<b>Wildings, Hazelbury Hill, Box, Corsham, SN13 8LB</b>
<b>Proposal</b>	<b>Formation of additional car parking space</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Mcalpine</b>
<b>Town/Parish Council</b>	<b>BOX</b>
<b>Division</b>	<b>BOX AND COLERNE – Cllr Brian Mathew</b>
<b>Grid Ref</b>	<b>382957 168382</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Rose Fox</b>

### **Reason for the application being considered by Committee**

The application was called in for committee determination by Councillor Mathew to consider the impact of the car parking space on the character and appearance of the locality, the relationship to adjoining properties, and highway impact.

#### **1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

#### **2. Report Summary**

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

- Impact on character and appearance of the area (AONB and Greenbelt)
- Highways and Drainage
- Impact on residential amenity

Box Parish Council objects to the application and 8 objection letters have been received from members of the public.

#### **3. Site Description**

The application site is situated within the settlement boundary and built up area of Box. It is situated at the south end of Hazelbury Hill, on the south eastern edge of the village. The main road ends in front of this property, although from reviewing highway plans a narrow highway continues past the property and leads into a footpath/bridleway to the south east. The local area is characterised by detached dwellings which vary in form and design.

The application site comprises a detached single dwelling, which is set back from the road at a higher level than Hazelbury Hill. At present there is vehicular access to The Wildings via a gated access which slopes upwards to the property.

The part of the site relevant to this application is land at the front of the property, just off Hazelbury Hill. This land is part of the curtilage of the property and was until recently covered in foliage.

The site is situated within the Green belt and Cotswold Area of Outstanding Natural Beauty (AONB).

#### **4. Planning History**

16/01236/FUL - Proposed Side & Rear Extension – Approve with Conditions

#### **5. The Proposal**

The proposal is a part retrospective application for the formation of an additional car parking space at the entrance of The Wildings, Hazelbury Hill, Box. The application has been made further to enforcement investigation as some groundworks had been undertaken to create a level area for the car parking space without planning permission. A cotswold stone retaining wall with 900mm close boarded fence is proposed to the rear and western boundary, which have not been constructed at present and the groundworks do not appear to be complete.

#### **6. Planning Policy**

National Planning Policy Framework:

- Paragraphs 7, 14, 79 and 115
- Section 7- Requiring good design
- Section 9- Protecting Green Belt land
- Section 11- Conserving and enhancing the natural environment

Wiltshire Council Core Strategy (formally adopted 20th January 2015):

- Core Policy 51- Landscape
- Core Policy 57- Ensuring high quality design and place shaping

#### **7. Consultations**

Box Parish Council – “Objections. It is felt that this is unnecessary as there is adequate parking on site. It changes the character of the landscape contrary to Core Policy C51 and affects the amenities of the neighbouring properties”

Highways – “I note the proposal is for the formation of an additional car parking space. The current access to the property is shared and the new parking space will be located level with the adjacent highway next to the property drive. In order to create the off-road parking space, a rockery and boundary hedgerow would need to be removed to allow room for the proposed wall with some significant groundworks to excavate land. I also note from a recent site visit that there is a ditch that runs alongside the boundary of the property which can sometimes cause an increase in surface water to run down Hazelbury Hill. As a result of the work that has already started, this surface water has now become more apparent which could have a detrimental effect on Highway safety. Furthermore, as the proposal will affect the adjacent Highway during the work, the applicant is required to contact the Area Highway Engineer prior to commencement.

However, I do not believe that this would be sufficient grounds for refusal and I therefore recommend that no Highway objection is raised, subject to conditions”

A Senior Highways Officer has also reviewed the application and confirms that he is satisfied that the surface water condition can be amended but the applicant needs to submit full details of how they ensure no run-off and how water is treated to outfall. It is also considered that a condition to require full details of the retaining structure /wall and fence/ barrier are submitted, prior to development.

## 8. Publicity

The application was advertised by site notice and neighbour notification letter.

Representations have been received from 8 local residents, raising a number of concerns which can be summarised as follows (for the Committee's assistance, some commentary from the Case Officer, in italics, has been provided where the issue is not addressed within the Planning Consideration section of the report):

- Trees and hedges have been removed (application form incorrect) – *Whilst some trees and foliage has been removed, this did not require planning permission. As this happened prior to the planning application, it does not need to be included within the application form.*
- Harm to amenity of Hazelbury Cottage (property to the west overlooking land in question)
  - Loss of outlook - previously overlooked foliage and the proposal detracts from outlook
  - Noise disturbance – concern over noise from cars (engines and car doors) in close proximity to dwelling
  - Impact on privacy – additional footfall outside kitchen windows
- Harm to the character of the area/AONB at entrance to the village by a public footpath – modern/urban feel to proposal, out of keeping with rural ambiance, objection to fencing which appears suburban
- Ground water and highway safety – Trouble spot for ground water due to underlying geology. Can cause sheet ice in winter which is a highway safety issue. The additional hardstanding is leading to additional run-off onto Hazelbury Hill.
- Access is required over a byway/bridleway – *Highway records show that the highway continues past the application site before leading into a footpath/bridleway.*
- Harm to condition of road and bridleway from car access – *The single car parking space is not likely to result in an adverse number of vehicular trips which would be harmful to the highway*
- Potential obstruction of bridleway – *Only the submitted plans may be considered, which propose a car parking space on private land which would not obstruct the highway.*
- Concern in relation to land ownership – *A title plan has been submitted and the red line reduced in size in accordance with the title plan boundary.*
- Appearance that the byway is a vehicular access – *It appears from the highway ownership plans that the highway continues further before turning into a footpath/bridleway*
- Questions need, given the property has existing parking – *There is no planning policy which limits the maximum number of parking spaces associated with a dwelling.*
- Additional parking should be located off existing drive – *No policy requirement for this.*
- If fencing was replaced with hedging this would significantly reduce the visual impact

## **9. Planning Considerations**

### Impact on character and appearance of the area (AONB and Green Belt)

The application site is situated within both the Cotswolds AONB and Green Belt. Paragraph 115 of the NPPF and Policy CP51 of the Wiltshire Core Strategy applies great weight to conserving and enhancing landscapes and scenic beauty in the AONB, whilst Paragraph 79 of the NPPF sets out that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open.

Whilst some concerns have been raised by local residents and the parish that the proposal would be harmful to visual amenity and the AONB, given the application is for a single parking space within the curtilage of a dwelling within a Large Village (which has a settlement boundary), it is not considered it would result in adverse landscape impacts that would warrant refusal of the application. It would not adversely harm the openness of the Green Belt, or the setting of the AONB.

Please note that the removal of trees and foliage does not require planning permission (the site is not in the Conservation Area and there is no TPO) so it is only the groundworks that required permission. Consequently, if the application were to be refused, the Enforcement Officer would only be able to enforce against the breach of planning control and not the reinstatement of landscaping.

### Highways and Drainage

The Highways Officer has visited the site and the concerns raised were restricted to surface water drainage potentially having a detrimental effect on highway safety. However, this is an existing drainage issue and whilst the proposal may make this more visible, it does not mean that the proposal would worsen the existing surface water run-off, particularly if the surfacing used were to be permeable. In any event, the Highways Officer does not believe there would be sufficient grounds for refusal and recommends no objection subject to conditions.

To address the run off concerns, it is proposed that a condition is applied to secure details of the surfacing and confirmation that the hardstanding is permeable. This would be applied in lieu of a condition for a surface water drainage strategy in view of the small scale of the proposed development. Full details of the retaining structure /wall and fence/ barrier will be conditioned as requested in the interests of highway safety.

### Impact on residential amenity

A number of concerns have been raised in relation to harm to the residential amenity of Hazelbury Cottage, the property directly west of the land in question. Loss of outlook has been raised; however whilst a view of foliage has been lost, this would not be to the detriment to the property and the loss of a view is not a material planning consideration. Concern has been raised in relation to noise disturbance from cars (engines and car doors) in close proximity to the dwelling. It is not considered that the single car parking space would result in adverse noise affects and this is a standard arrangement within a residential area. Impact on privacy has also been raised in respect of additional footfall outside the kitchen windows. The proposal is for a car parking space on the other side of the highway. Given the windows overlook the public highway which leads to a public footpath, is not considered

these windows relate to a private space, and therefore the proposal would not result in harm to privacy.

No neighbouring properties would suffer loss of daylight, sunlight or privacy as a result of the proposed car parking space. There would be no adverse effects on neighbour amenity.

## **10. Conclusion**

Overall, it is considered that the proposed car parking space represents sustainable development in accordance with Core Policies 51 and 57 of the WCS (Jan 2015); and Paragraphs 7, 14, 79 and 115 and Sections 7, 9 and 11 of the NPPF, and is acceptable in planning terms.

## **RECOMMENDATION**

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

Proposed Plan, Dwg No: 0091/15/A, Dated: 24 May 17;

Existing Plan, Dwg No: 0091/15/B, Dated: 23 Jun 17;

plans as received by the LPA 26/05/17; and

Site Location Plan;

plan as received by the LPA 19/07/2017.

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

- 3 The gradient of the access way shall not at any point be steeper than 1:15 for a distance of 10 metres from its junction with the public highway.

REASON: In the interests of highway safety.

- 4 The land subject to this planning permission shall not be used for the parking of cars until full and complete details of the intended surfacing has been submitted to and approved in writing by the Local Planning Authority. Such details shall include confirmation and proof where required that the surfacing is permeable. The development should not be brought into use until the parking space has been

consolidated and surfaced in accordance with the approved details

REASON: So as to ensure that the development is carried out in a manner that is suitable to its location and that the surfacing materials to be used will assist with appropriate surface water drainage.

- 5 Notwithstanding the approved drawings, no works shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

Full details of the retaining structure /wall and fence/ barrier

The works shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

- 6 INFORMATIVE TO APPLICANT:

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

- 7 INFORMATIVE TO APPLICANT:

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

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

- 8 INFORMATIVE TO APPLICANT:

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

- 9 INFORMATIVE TO APPLICANT:

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