Highway Development Control Consultation Response

Planning Application Ref: PL/2023/05040

Site Address: Fox House, Tetbury Hill, Malmesbury, SN16 9JW

Proposal: Discharge of conditions 5, 6 & 7 of planning application PL/2022/03589 (Demolition of two existing extensions and a garage. Erection of flat roof extension and carport, with a new access point onto Tetbury and associated landscaping).

Date of Consultation Response: 14/07/2023

I refer to the above planning application dated 22/06/2023 seeking discharge of conditions 5, 6 and 7 relating to application PL/2022/03589.

The conditions are detailed as follows:

5 No part of the proposed new access development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.
Reason: In the interests of highway safety.

6 The completed development hereby permitted shall not be first brought into complete use until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.
REASON: In the interests of highway safety.

7 No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the completed development. No later than one month after the first occupation of the completed development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.
REASON: In the interests of highway safety.

With regard to condition 5, plans have been submitted detailing the access with a gate set back 5m from the public highway, the footway provision to the frontage allows for the 2m set back required for the visibility splay in this location and therefore I can discharge this condition as the entirety of the visibility splay is within public highway and a betterment to the existing situation.

Condition 6 seems to require the surfacing and access to be provided, which no evidence has been provided other than plans stating the use of cobbled setts for surfacing. I do not believe therefore that this can be discharged yet it requires the access to be in place in order for surfacing to be provided. This also requires a S184 licence which is recognised on the plan submitted.

The part discharge of condition 7 relates to the plans being submitted and approved, I believe the plans submitted are sufficient to part discharge as they detail the stopping up of the existing access with a fence installed in the location of the existing access.

If you have any queries regarding the above advice, please contact:
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