

## PLANNING & LICENSING COMMITTEE

22 NOVEMBER 2022

### ADDENDUM REPORT

Report no.	Item no.	Application no.	Applicant	Parish
186/2022	1	2021/1450/FUL	MR GILES GILBEY	SEATON

#### Correction to the Report

The Agent on the committee report was incorrectly stated as Jason Edwards, this should read Angus McLeish.

#### Updated Highway Authority Comments:

I am satisfied from a number of comments made that the 'existing' access has not been used for many years. The access was certainly not evident in 2009, some 13 years ago.

Whilst it may have historically been used as a field access some decades ago, and it may be the case that the access now in place is potentially in the same location as the very historical one, the LHA remains concerned about the safety of this access and the proposed use of it. There appears to have been no attempt to address the concerns raised in the initial highway comments or any speed survey to demonstrate that shorter visibility splays would be appropriate and that these can be accommodated within the site edged red and the public highway. The latest plan, 22831/01C has not addressed the highway issues. The access would need to be around 7 metres wide to accommodate a horse box and a standard family car for a distance of between 12-15 metres. It is likely the stable would attract at least 4 vehicular movements daily, maybe more.

In summary, the LHA remain of the strong view that this application should be refused on highway safety grounds.

In addition, works have been carried out in the public highway, which had not been applied for or approved by the Local Highway Authority, which should have been done under Section 184 of the Highways Act 1980. The placement of loose material as has been done is not acceptable to the Local Highway Authority, only bound material would be acceptable following the approval of a S184 licence for a contractor with the appropriate streetworks accreditation and insurance.

**Additional Comments:**

One representation received stating:

I've lived locally all my life (55 years) and I can remember the old garage, workshop and the access being there (where it is now) when I was a boy. More recently I remember the rusty old gate (maybe 5 years ago) being open whilst weeds were being cleared and burned.

Additional Images have been provided by Seaton Parish Council:

Google Earth: 1999



Google Earth:2021



July 2021



January 2022



Street View 2021



Street View 2022



Conservation Areas – Seaton  
Article 4 Directions – Seaton

Inset Map 45 - Seaton



Report no.	Item no.	Application no.	Applicant	Parish
186/2022	2	2022/0459/FUL	MS SHAUNA DONALDSON	SOUTH LUFFENHAM

### Consultee Comments:

**Highway Authority**, the development, would be within the part of the land, which is controlled by the local authority Highway, it is recommended a planning condition and the following information as below:

### Condition:

Prior to construction of the car parking spaces a S278 Agreement must be entered into and completed with the Highways Authority – please contact [highways@rutland.gov.uk](mailto:highways@rutland.gov.uk)

### Informative

#### Parking

The site block plan indicates 2 car parking spaces, however these sit within the public highway and therefore can not be allocated to the application dwelling. As such, they are not expressly approved under this planning consent. Consent for the works to the parking spaces can be granted under a S278 Agreement however they still would remain open to the public use and not be allocated.

### Penalty for Depositing on the Highway - Section 148, Sub-Sec C Highways Act 1980

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways and verges). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

### Removal of Deposits on the Highway – Section 149 Highways Act 1980

If anything is so deposited on a highway as to constitute a nuisance, the Local Highway Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Highway Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order. In the event that the deposit is considered to constitute a danger, the Local Highway Authority may remove the deposit forthwith and recover reasonable expenses from the person who

made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period

The additional comments about discrepancies in submitted plans have been clarified and the proposal should follow plans as below:

- 2109 AB1000C Site Location and Proposed Site Layout,
- 2109 AB1205H Block Plan,
- 2109 AB1201E Proposed Ground Floor Plan, (revision received 14.11.2022)
- 2109AB1202 D Proposed First Floor Plan, (revision received 14.11.2022)
- 2109 AB1401D Proposed North Elevation,
- 2109 AB1400D Proposed South Elevation,
- 2109 AB1403E Proposed West Elevation,
- 2109 AB1402D Proposed East Elevation,
- 2109 AB1404D Section X-X, and relevant details on the application form.

**Officer Comments:**

- the highway's issue has been addressed in the committee report, and a condition is recommended to conform the planning policy objectives and in the interests of residential amenity.
- the plans have been appropriately amended and revisions apply as above.

<b>Report no.</b>	<b>Item no.</b>	<b>Application no.</b>	<b>Applicant</b>	<b>Parish</b>
<b>186/2022</b>	<b>5</b>	<b>2022/0924/FUL</b>	<b>MR &amp; MRS BAINES</b>	<b>RIDLINGTON</b>

### **Correction to the Report**

The Agent on the committee report was incorrectly stated as Jason Edwards, this should read Tom Runcorn.