

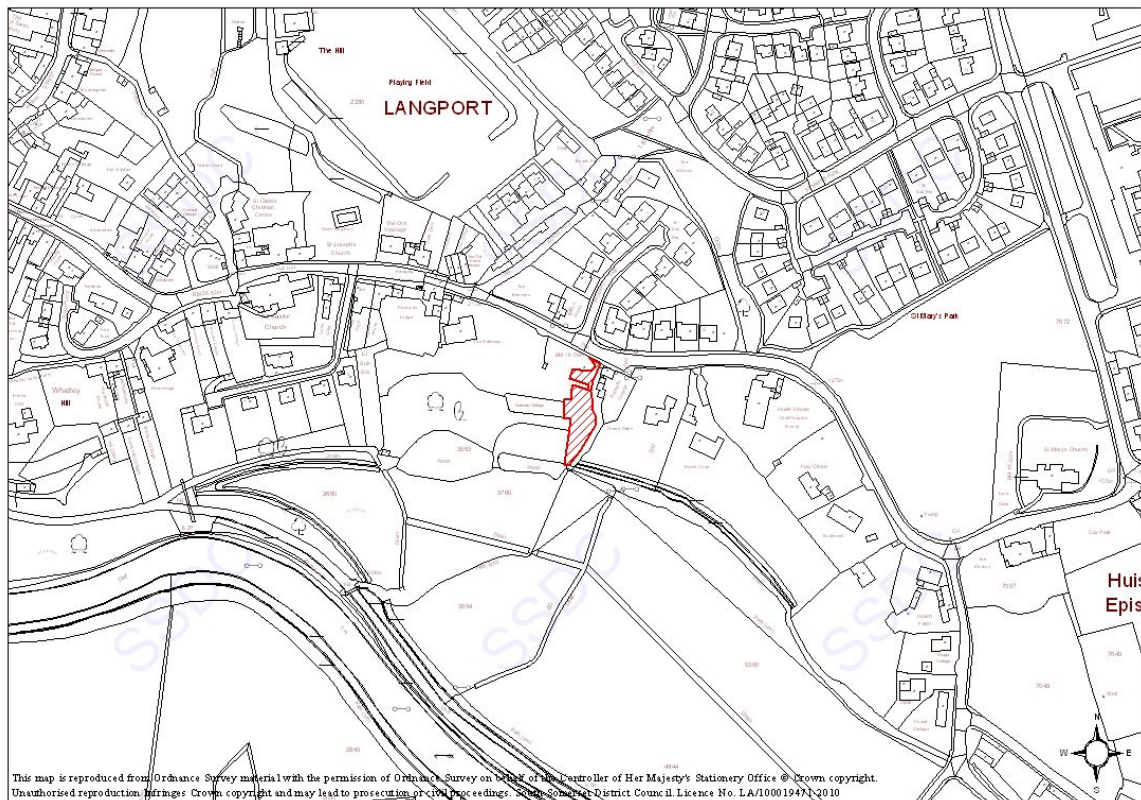
**Officer Report On Planning Application: 09/04096/FUL**

<b>Proposal :</b>	Alterations to wall to form new vehicular access and parking area (GR 342419/126671)
<b>Site Address:</b>	The Gateway Cottage The Hill Langport
<b>Parish:</b>	Langport
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Mr Roy Mills (Cllr)
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	23rd December 2009
<b>Applicant :</b>	Mr C Chapman
<b>Agent: (no agent if blank)</b>	DB & Paul Chartered Surveyors 27/29 St Cuthbert Street, Wells, Somerset BA5 2AW
<b>Application Type :</b>	Other Householder - not a Change of Use

**REASON FOR REFERRAL TO COMMITTEE**

This application has come before the Committee at the request of the Ward Member, with the agreement of the Chairman, so that the concerns of the Town Council and neighbours can be discussed.

**SITE DESCRIPTION AND PROPOSAL**



The application proposes the introduction of a new entrance into the boundary wall of The Gateway, a Grade II listed house, to provide car parking for Gateway Cottage. Gateway Cottage is situated to the south-east of the main house and currently has no vehicular access so is reached via a very steep narrow lane which is a public right of way. The application proposes the opening up of the boundary wall to provide a gated entrance with an area of car parking to be formed within the walled garden.

The site is situated with the conservation area and development area of Langport.

## **HISTORY**

09/04281/LBC: Alterations to wall to form new vehicular entrance and parking. Associated listed building application, also considered on this agenda.

There is no other planning history relating to Gateway Cottage itself, although permission was granted for the rebuilding of the boundary wall running along the right of wall towards Gateway Cottage in 1995 (ref. 950896).

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents  
Regional Spatial Strategy September 2001:  
VIS1 Expressing the Vision  
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:  
Policies:-  
STR1 Sustainable Development  
STR5 Development in rural centres and villages  
8 Outstanding Heritage Settlements  
9 The Built Historic Environment

South Somerset Local Plan 2006:  
Policies:-  
ST2 Development Areas  
ST5 General Principles of Development  
ST6 The Quality of Development  
EH1 Conservation Areas  
EH3 Changes of use of Listed Buildings and Alterations to Listed Buildings  
EH12 Areas of High Archaeological potential

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

Also relevant are the requirements of PPS5 Planning for the Historic Environment .

## **CONSULTATIONS**

**Langport Town Council** (in response to original plans):-

'Although Langport Town Council can see the benefit of removing parked vehicles from this area of The Hill they are unable to support this application for the following reasons:

1. The proposed alterations to the listed wall will have a detrimental effect on the street scene, particularly the approach to the Hanging Chapel.
2. Councillors do not consider that the proposals will allow safe access on to the road.
3. There is no guarantee that the vehicles using the proposed parking provision will not be replaced by other vehicle parking in this area.
4. It is the view of the Council that the proposed parking area could be accessed via the existing access to the property without the introduction of another access on to this road.'

**County Highway Authority:-**

'At present the property does not benefit from any off road parking facilities. As a consequence vehicles in connection with the site are forced to park on the highway. This not only interrupts the free flow of traffic but also adds to the hazards for all road users. With this in mind a proposal to provide off street parking would be seen as beneficial to the Highway Authority. However, this is on the basis that adequate visibility can be achieved.

It is clear that vehicle speeds are relatively low due to the 20mph speed limit and vehicles needing to slow down in order to negotiate the pinch point under the hanging chapel. Whilst the Highway Authority are satisfied that adequate visibility can be achieved to the east, it is noted that the visibility splay to the west is drawn to the centre line of the carriageway and not the nearside carriageway edge. However, it is noted that the proposed access will be located in close proximity to the estate road junction of Orchard Vale and such it is unlikely that vehicles will be parked on the northern carriageway at this point. As a consequence, it is unlikely that vehicles approaching from the west will be forced to encroach on to the nearside.

As a result, given the benefits achieved by creating the off road parking facility in this location I would advise you that from a highway point of view there is no objection to the proposal.'

In the event of permission being granted the CHA recommend that the conditions be imposed.

**Conservation Officer:-**

No objections, subject to conditions.

**Development Control Archaeologist at Somerset County Council:-**

Advises that there are limited or no archaeological implications to the proposal and they therefore have no objections.

**Rights of Way Officer:-**

No objection but would like to see the corner of the highway between the two existing kerbs improved. (Officer note: this part of the highway is not within the control of the applicant).

**Rights of Way Group, Somerset County Council:-**

Confirm that there is a public right of way recorded on the Definitive Map that abuts the access of the proposed development. With the proximity of the proposed access so close the public footpath the health and safety of users of the right of way must be taken into consideration during works on the proposed development. The application will be responsible for putting right any damage to the right of way resulting from the construction works. Advise that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority to do so.

**Area Engineer, Technical Services Department:-**

No comments.

## REPRESENTATIONS

8 representations were received in response to the original plans: 2 in support with 6 responses objecting to the development. The supporting response(s) make the following comments:

1. The worst obstructions on the road are the parked cars so anything that keeps cars off the road either side of The Chapel ought to be supported.
2. Believe that genuine concerns about noise and light pollution could be addressed.

The objectors make the following comments:

1. Query the statement that the right of way can be used for vehicular traffic, it is not suitable for vehicular traffic. It is misleading to suggest that the new development would stop vehicular movements from the right of way
2. Concerns about conflict between new access and pedestrians and users of right of way.
3. Concerned about potential hazards from extra access onto road which is used as a rat run.
4. Proposed entrance will spoil the integrity of the wall and therefore harm the conservation area and the setting of the listed building. Electric gates are not keeping with the area and the entrance is unbalanced with one straight wall and one curved wall.
5. Proposal could result in potential and likely increases in noise and light pollution due to additional traffic flows and gravel area.
6. Suggest the existing entrance be used with a new driveway formed within the walled garden.

7. Suggest that new entrance should be made opposite Orchard Vale.

In response to the amended plans, 5 further letters of objection have been received. They reiterate the above concerns with particular concerns being raised about the impact of the development both upon the wall and the area generally.

## CONSIDERATIONS

It is considered that the main planning considerations with regard to this proposed development are:

1. Impact of the proposed development upon the wall of a listed building and the conservation area.
2. Impact of the proposed development upon highway safety.
3. Impact of the proposed development upon neighbouring residential amenity.

1) Impact of the proposed development upon the wall of a listed building and the conservation area.

The application proposes an opening at the end of the wall to provide an access with parking area for the dwelling known as 'Gateway Cottage' which at present has no vehicular access or parking. The opening would be 3 metres wide, but would require some alteration of the eastern part of the wall and the removal of a small amount of wall on the western side to facilitate improved visibility splays.

The existing wall forms an important part of the street scene within the locality however it is considered that this is a relatively modest opening that will not have a significantly adverse impact upon the integrity of the wall. There would still be a 26 metre length of unbroken wall and as such it is considered that the street scene would not be adversely affected. The proposed access has been carefully designed to respect the existing street scene at the same time as providing suitable visibility for cars entering and leaving the site. It is considered that the alternative solutions suggested in the letters of representation would have a greater impact than the solution proposed in the application.

Appropriate conditions can be imposed requiring; details of the new gates and surfacing; and the submission of appropriate samples and a sample panel to ensure that the new walls will blend in with the existing.

As such, it is considered that the proposal will not result in an adverse impact upon the listed wall and will preserve the character and appearance of the conservation area.

2) Impact of the proposed development upon highway safety.

The new entrance has been designed so as to provide an acceptable level of visibility onto this 20mph street. The entrance has been set 3 metres back from the roadway edge and will incorporate new electronically operated gates to allow easier access into the site. The County Highway Authority has confirmed that they have no objection to the application subject to the imposition of appropriate conditions. As such, the proposal is considered acceptable in terms of its impact upon highway safety.

3) Impact of the proposed development upon neighbouring residential amenity

There is a residential property adjacent to the site and concerns were raised regarding possible noise problems due to the shingles proposed for the surfacing. The plans have been amended in response to concerns about possible noise and a rolled hoggin surface is now proposed. This is a bonded surface that will not generate as much noise as gravel. The height of the walls will ensure that the neighbouring property is protected



from light spillage from cars entering and leaving the site at night. A condition can be attached to control external lighting at the site.

### Summary

This proposal has required compromise from both the Highways Authority and the Conservation Officer to achieve what is considered to be an acceptable solution. On balance, it is considered that the proposal has taken account of the importance of the listed wall and its location within the conservation area at the same time as recognising the need to provide acceptable levels of visibility.

## **RECOMMENDATION**

Approve

01. The proposals will satisfactorily respect the character of the listed wall and preserve the character and appearance of the conservation area as well as having an acceptable impact upon highway safety. As such, the development is in accordance with policies ST5, ST6, EH1, EH3 and EH12 of the South Somerset Local Plan 2006 and advice contained within PPS 5 'Planning for the Historic Environment.'

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. No approval is granted hereby to the type and colour of the materials proposed in the application or specified on the submitted plans for the construction of the drive. The works hereby permitted shall not commenced until the surfacing materials of the access drive and turning and parking areas have been approved in writing by the Local Planning Authority and such areas properly drained, consolidated and surfaced in accordance with those approved details.

Reason: in the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

03. No work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: in the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

04. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s). In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only

be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

Reason: in the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

05. No work shall be carried out on site unless details of all making good of the existing structure abutting the walls to be demolished have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority

Reason: in the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

06. No work shall be carried out on site unless details of the design, materials and external finish for the new gates have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

07. No means of external illumination/lighting shall be installed without the prior express consent of the Local Planning Authority by the submission of a planning application.

Reason: In the interests of residential amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan 2006.

08. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

09. Any entrance gates erected shall be hung to open inwards and shall be set back in accordance with the details shown in drawing number 4746W - 02 Rev F.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

10. The gradient of the proposed access shall not be steeper than 1 in 10.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

11. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason:- In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

12. The works hereby permitted shall be carried out in accordance with the following approved plans: 4746W - 03 received 14/10/2009 and 4746W - 02 Rev F received 28/04/2010.

Reason: For the avoidance of doubt and in the interests of proper planning

**Informatives:**

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset County Council at The Highways Depot, Houndstone Business Park, Yeovil BA22 8RT, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
  02. The applicant is advised that there is a public right of way recorded on the Definitive Map that abuts the access of the proposed development at the present time (footpath L20/8). With the proximity of the proposed new vehicular access being so close to the public footpath, the health and safety of walkers, wheelchair users and cyclists must be taken into consideration during works to carry out the proposed development. South Somerset District Council under an agreement with the Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians, wheelchair users and cyclists. South Somerset District Council or Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority to do so.
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