

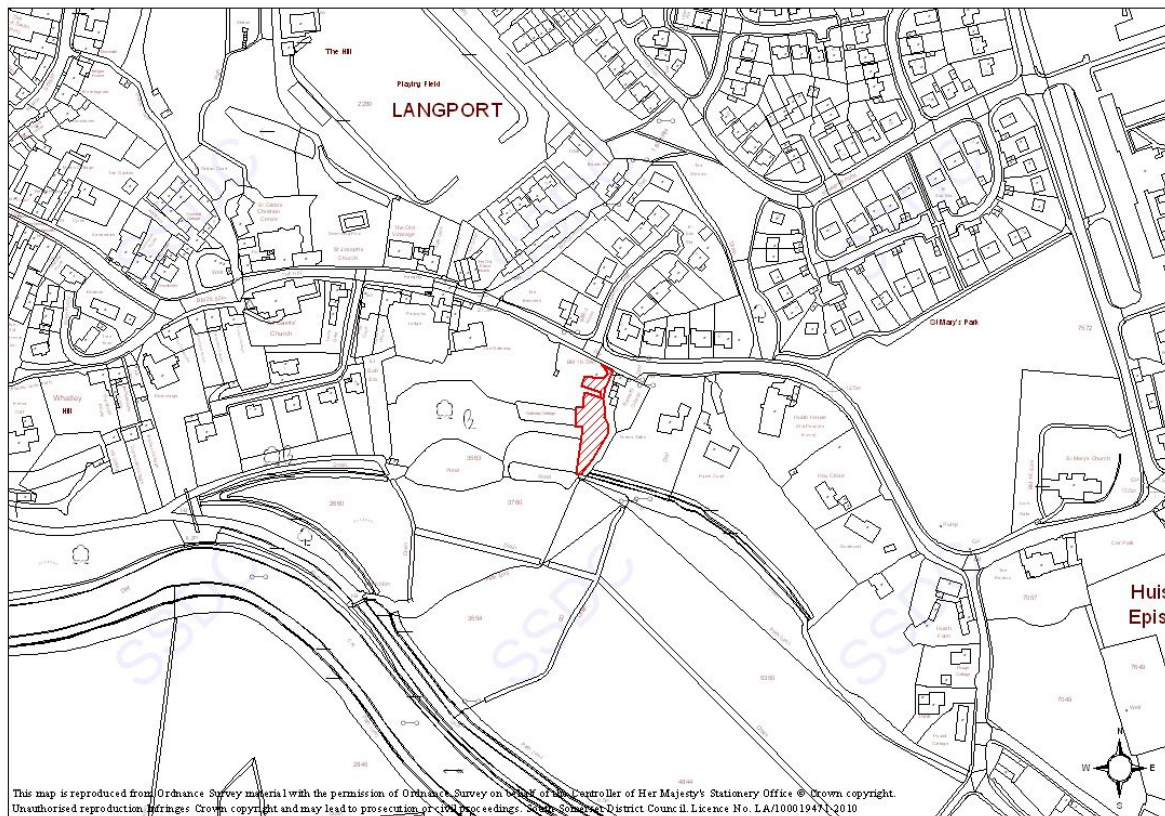
**Officer Report On Planning Application: 09/04281/LBC**

<b>Proposal :</b>	Alterations to wall to form new vehicular access and parking (GR 342419/126671)
<b>Site Address:</b>	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 Christopher 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 LBC Alteration

**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**



This is a listed building application relating to 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**

09/04096/FUL: Alterations to wall to form new vehicular entrance and parking. Associated planning 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 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a 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'

PPS5: Planning for the Historic Environment is applicable. This advises that 'there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including scheduled monuments, 14 protected wreck sites, battlefields, grade I and II\* listed buildings and grade I and II\* registered parks and gardens, World Heritage Sites, should be wholly exceptional.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application:

Somerset and Exmoor National Park Joint Structure Plan  
Policy 8 - Outstanding Heritage Settlements  
Policy 9 - Historic Environment

South Somerset Local Plan (Adopted April 2006)  
EH1 - Conservation Areas  
EH3 - Changes of use of Listed Buildings and Alterations to Listed Buildings  
EH12 - Areas of High Archaeological potential

## 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.'

### **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.

### **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 in 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**

The application proposes an opening at of 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.

### 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**

That Listed Building Consent be granted.

01. The proposals will satisfactorily respect the character of the listed wall and preserve the character and appearance of the conservation area, 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 works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) 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. 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. 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  
Informative

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