

Area North Committee – 24 July 2013

## Officer Report On Planning Application: 13/01829/FUL

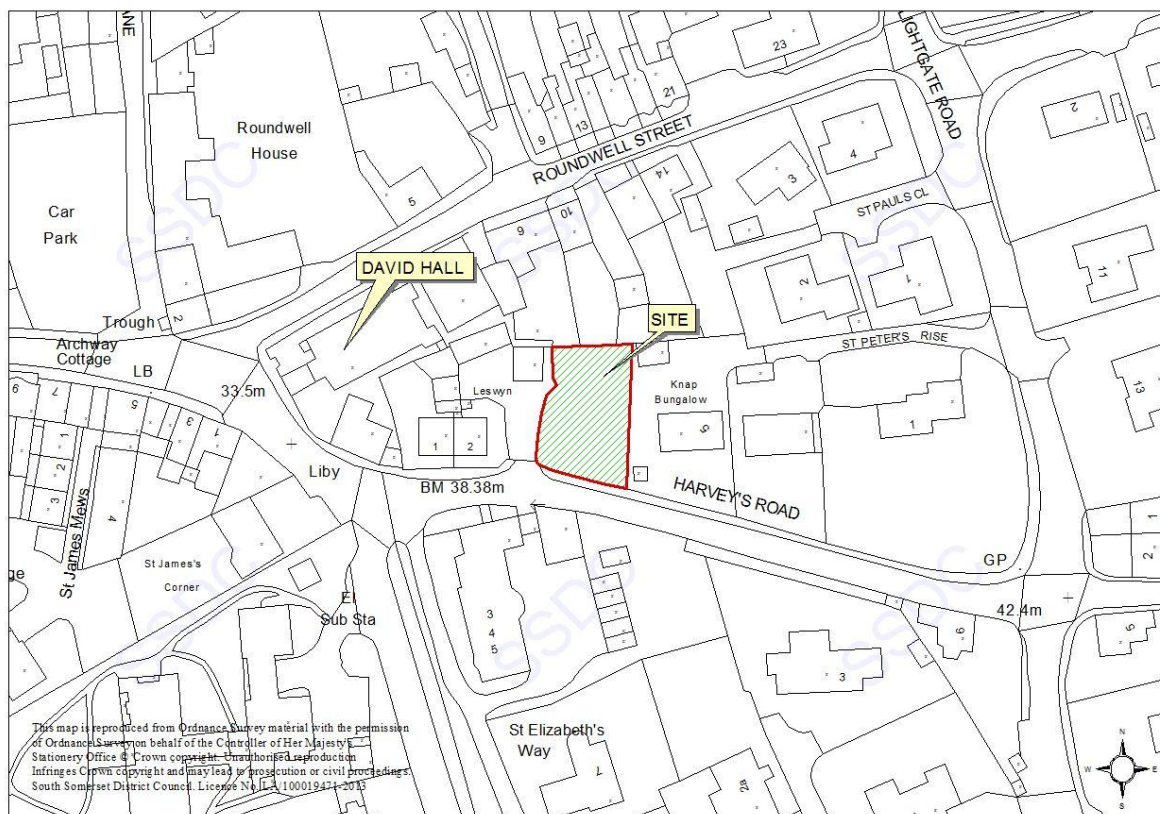
<b>Proposal :</b>	Demolish existing roadside boundary wall and railing and formation of vehicular access with provision of a vehicular turn table. (GR 343466/116856)
<b>Site Address:</b>	The Old Bank, Knapp Hill, South Petherton
<b>Parish:</b>	South Petherton
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr P A Thompson Cllr B R Walker
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	3rd July 2013
<b>Applicant :</b>	Mr I Beaufoy
<b>Agent: (no agent if blank)</b>	J Wratten, The Waggon Shed, Flaxdrayton Farm, South Petherton TA13 5LR
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASONS FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee at the request of the Ward Members, with the agreement of the Area Chair. It is felt that the application should be given further consideration by members, to allow the identified highway safety issues to be fully debated.

### SITE DESCRIPTION AND PROPOSAL





The property is brick built detached house on the north side of Knapp Hill, which is a classified 'C' road. The property is set back from the road with a small front garden with the roadside boundary formed by an attractive stone wall and pillars with railings attached. This wall covers the majority of the frontage, with the rest comprising a mix of paving slab and hedging. There is no vehicular access at present with a small pedestrian gate to the west of the site. The topography of the site changes to the east, where the ground is built up above road level. The site is surrounded by high density residential development of varying designs and material finishes. It is also located within but at the edge of the local conservation area and there are a few listed buildings nearby.

The application is made to provide a vehicular access off Knapp Hill and excavate the site to provide a level surface for vehicle parking. Due to limited space for parking and turning, a turntable is proposed.

## HISTORY

86139: Erection of additions and improvements to form kitchen, bedroom, bathroom and garage - Conditionally approved.

922292: Formation of a vehicular access and parking area - Refused

12/02941/TCA: Notification of intent to fell 1 no. Yew Tree and 1 no. Silver Birch Tree, within a conservation area - permitted.

## 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

decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

#### Relevant Development Plan Documents

South Somerset Local Plan 2006:  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EH1 - Conservation Areas  
 EH5 - Development Proposals Affecting the Setting of Listed Buildings

#### Policy-related Material Considerations

National Planning Policy Framework (March 2012):  
 Chapter 4 - Promoting Sustainable Transport  
 Chapter 7 - Requiring Good Design  
 Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Strategy (March 2012)

South Somerset Sustainable Community Strategy (2008-2026):  
 Goal 3 - Healthy Environments  
 Goal 4 - Services and Facilities  
 Goal 8 - High Quality Homes

## **CONSULTATIONS**

**Parish Council:** No comments received.

**SSDC Technical Services:** No comment.

**County Highway Authority:** The proposal is seeking the formation of an off road parking area for the dwelling which currently does not have any vehicular access or off street parking.

It is noted from the Design and Access Statement, that planning permission was previously sought and refused in 1992, one of the reasons being highway safety, in terms of restricted visibility and turning. For the purpose of this latest application I have set out the Highway requirements considered applicable today, given the last application was 21 years ago, which should be clearly denoted as part of any submitted planning application:

1. An access/parking area should be positioned to meet the highway perpendicular as to achieve the best position for entering and exiting the highway and the provision of essential visibility splays.
2. The gradient of the access shall not be steeper than 1 in 10.
3. The new access shall have no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 43m either side of the access to the nearside edge.

Visibility splays need to be located within the application site and/or highway land. They

cannot encroach onto/over third party land.

4. The proposed access (or drive) shall incorporate pedestrian visibility splays on both its sides to the rear of the existing footway based on co-ordinates of 2.0m x 2.0m.

5. The access/parking/turning area shall be properly consolidated and surfaced, not loose stone or gravel and appropriate drainage installed to prevent any loose material or water discharging onto the adjoining public highway.

If soakaways are intended to be installed to prevent the run off of surface water, they will need to be constructed in line with BRE365 and must be a minimum of 5m from any structure including the highway.

6 The Somerset Parking Strategy sets out the following parking provision, in Zone B, which is considered appropriate in this location:

#### C3 Flats and Homes

1 bedroom units 1.5 car spaces per dwelling

2 bedroom units 2 car spaces per dwelling

3 bedroom units 2.5 car spaces per dwelling

4+ bedroom units 3 car spaces per dwelling

It is essential that the appropriate number of spaces are provided, otherwise the turning area could become parked on. Clarification of the number of bedrooms would be required.

7. The proposal derives access onto Harvey's Road, which is a classified highway therefore in addition to parking a segregated turning area (based on SCC standards) is also considered essential in this location to enable all parked vehicles to enter and exit the highway in forward gear. SCC turning diagrams are available upon request. However it would appear that the site is not of an appropriate size to enable this to be incorporated.

8. The principle for accepting turn tables in lieu of an appropriately sized turning area has not been established in Somerset. Vehicle turn tables bring with them a maintenance liability issue that cannot reasonably be controlled by a planning condition. As such it is the Highway Authority's view that independent parking/turning facilities to an appropriate size must be available and easy to use by all occupants. Physically operating a turn table is unlikely to be an attractive option in times of inclement weather or for those who are unable to operate the mechanism and cannot be reasonably enforced.

10. Any entrance gates would need to be set back a minimum distance of 5m from the highway this is to enable vehicles to pull clear of the highway whilst gates are opened/closed and as not to cause an obstruction/hazard to other users of the highway in this location. It would also need to be ensured that the siting of any gates do not impact upon (the size) of any parking/turning area.

To conclude, whilst removing parked vehicles from the public highway, is usually welcomed by the Highway Authority, it is essential that off road parking areas meet the design criteria considered appropriate, otherwise it will lead to other highway safety issues being introduced, which will be detrimental to highway safety.

The property has never had off street parking and this is now the second application whereby it has not been demonstrated that the highway requirement can be met. It is noted that this property is located centrally within South Petherton whereby there are and

has always been alternatives for those who do not have off street parking.

Taking the above into consideration I would recommend refusal of the application for the following reasons:

- The proposal is contrary to ST5 of the South Somerset Local Plan and the NPPF, as it has not been demonstrated that the proposed access to the Harvey's Road can incorporate the necessary visibility splays which are essential in the interests of highway safety.
- The site cannot accommodate adequate parking and turning facilities to enable vehicles to enter and leave the highway in forward gear, which is essential to highway safety. The proposal is therefore contrary to ST5 of the South Somerset Local Plan and the NPPF.

## REPRESENTATIONS

The application has been advertised by site notice and in the local press for the requisite period. The following responses have been received:

- One local resident has objected to the proposal on the grounds that Knapp Hill is very narrow and the proposed access will be on a blind bend. Also being the main access into the village it is used by lorries and tractors so an access at this point will be potentially dangerous.
- Seven neighbouring residents have written to support the proposal, citing the limited availability of on street parking and problems caused by residents parking onto Knapp Hill, which is narrow. A few of the letters refer to the comment about the site being on a blind bend and suggest that the road is straight at the point the access is proposed. It is also suggested that a traffic calming system should be considered for Knapp Hill

## CONSIDERATIONS

The proposal is made for the provision of a vehicular access off Knapp Hill and the provision of a parking and turning area. A similar proposal was made in 1992, however this was refused on grounds of highway safety, as the site could not accommodate safe turning facilities or appropriate levels of visibility. It was also considered that the removal of the wall and railings, along with the provision of a waiting bay would be detrimental to the character of the area. This new application differs in that the works appear more sensitive to the sites setting and also it is argued that turning can be provided by a turntable, with access to two dedicated parking spaces. The main considerations in this case will still be the impact that the proposal will have on the character and appearance of the locality, which is within the conservation area, and also the impact on highway safety.

### Highway Safety

At present there is no vehicular access to the site, with the nearest local parking available on Knapp Hill itself and close by in South Street. There are also possibilities to park within walking distance in the village centre and within local car parks. The County Highway Authority note that the proposed access is onto a classified road and have

raised objections on two main grounds; one being the lack of visibility splays (pedestrian and vehicular) that could be achieved and also concerns about the use of turntables to provide turning provision.

Firstly in regard to visibility, the Highway Authority will require any vehicles to enter and exit the site in a forward gear as the highway is a classified road. Furthermore, the highway standards require clear visibility 43m in both directions, as well as pedestrian visibility splays being provided. Due to the limited width of the site frontage and the presence of a fine stone wall and railings to the west and high hedging to the east, there is not the ability to provide a meaningful level of visibility splay, let alone to the degree required by the Highway Authority. For this reason, it is considered that the proposal will be detrimental to highway safety.

The site is limited in size and it would not be possible to provide parking for two vehicles, as required by the County Parking Strategy and also a safe turning area to allow vehicles to enter and exit in a forward gear. In this case, the applicant has attempted to address this issue by proposing a turntable within the site, allowing two vehicles to park and then turn. Despite this, the Highway Authority have raised objections to the use of a turntable as they deem them to be an inappropriate manner of providing turning facilities within site. While, it is clear that a turntable could provide turning in a limited space, concerns are raised in relation to their long-term maintenance and the likelihood of them being used, particularly in times of inclement weather or where the occupier is unable to or has difficulty in operating the mechanism. There are also concerns about whether any conditions could be imposed that could reasonably be enforced. For these reasons, the Highway Authority take the view that an independent parking and turning facilities should be provided.

The applicant's agent has contested both of these reasons for objection, suggesting that the Local Planning Authority should be able to rely on the occupier's integrity for maintaining the required turning facilities. In regard to the visibility, it is clear that providing such a splay as required is not possible but also that it would be unrealistic for such level to be provided without damaging the integrity of the village setting. The presence of other similar accesses are also referred to, as is the consideration of whether a sub-standard access should be deemed acceptable as it will improve the existing situation in respect to potentially dangerous parking. These points are acknowledged but it is still considered that the Highway Authority's view should be supported in this case. As turntables are not accepted as appropriate solutions, it is deemed that vehicles will potentially be entering or exiting the classified highway in a reverse gear, necessitating manoeuvring on the highway. Also the visibility will be so substandard that this could cause severe harm to highway safety. While the occupiers of this property would be able to park off road if the proposal is approved, this will still not stop other residents parking on Knapp hill, potentially creating a situation where vehicles are parked on the highway, in conjunction with a substandard access, exacerbating the present situation further. It is therefore considered in this case that the provision of a new access at this point will not lead to an improvement over the existing situation.

### Historic Context

The previous application was also refused on the grounds that the works to remove an area of wall and railing and also provide a waiting bay would have an adverse impact on the character and setting of the local conservation area.

In this case, the proposal includes the removal of a section of boundary, part of which is wall and railings, the rest of which is less attractive slabs and hedge. The proposal does not include a separate waiting bay and the wall will be made good with a pillar to match

the existing openings. This limited intervention, while not allowing the necessary visibility splays is proposed in a sensitive manner that is not considered to lead to any adverse harm to the character of the area.

### Conclusion

Despite the consideration that the proposed works will not detrimentally impact on the setting and appearance of the conservation area, it is deemed that as a result of the lack of visibility able to be provided and the inappropriate nature of the turning facilities, the proposed development will have an unacceptable impact on highway safety. For these reasons, the recommendation to Members is to refuse permission.

## **RECOMMENDATION**

Refuse

### **FOR THE FOLLOWING REASONS:**

01. The proposed development is unacceptable as it has not be demonstrated that the proposed access onto the adjoining classified road can incorporate the necessary visibility splays which are essential in the interests of highway safety. The proposal is therefore contrary to saved policy ST5 of the South Somerset Local Plan 2006 and the provisions of chapter 4 of the National Planning Policy Framework.
  02. The site cannot accommodate adequate parking and turning facilities to enable vehicles to enter and leave the highway in forward gear, which is essential to highway safety. The proposal is therefore contrary to saved policy ST5 of the South Somerset Local Plan 2006 and the provisions of chapter 4 of the National Planning Policy Framework.
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