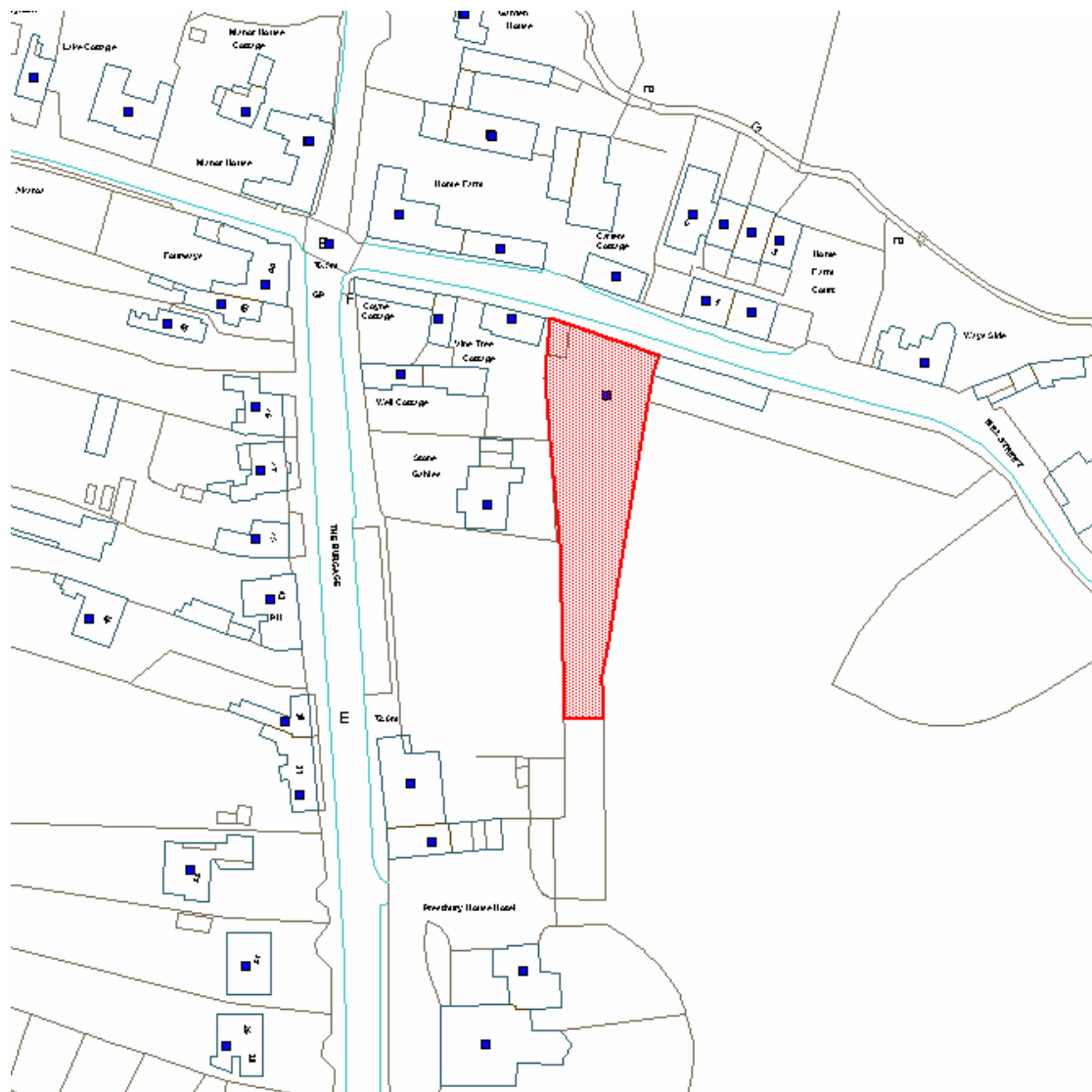


APPLICATION NO: 13/00189/FUL & CAC	OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th February 2013	DATE OF EXPIRY: 9th April 2013
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr S Whitbourne
AGENT:	Roger Ford Surveyors
LOCATION:	Land to rear of Well Cottage, The Burgage, Prestbury
PROPOSAL:	New vehicular access from Mill Street including the demolition of stone boundary wall and rebuild using reclaimed natural stone

RECOMMENDATION: Permit / Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is seeking planning permission and conservation area consent for the creation of a new vehicular access from Mill Street to include the demolition and rebuilding of the existing stone boundary wall.
- 1.2 The application site is located on the south side of Mill Street, close to the junction with The Burgage, and within the Prestbury Conservation Area.
- 1.3 The applicant requires the new entrance to ensure future access to the field in which he keeps his sheep and goats. In a letter to neighbours, in which he explains his reason for the application, he states *“the access to my field/paddock is currently granted by grace and favour from the owners of Capel House next to Prestbury House. In order to reach my sheep and goats (at least twice a day) I have to cross through my neighbour’s rear garden. The granting of this access will shortly finish. My alternative access is via the field adjoining this paddock which belongs to the Church of England. This field I currently rent. When that rental period ends I will have no access to either the paddock or the stables which is why I have applied for access from Mill Street.”*
- 1.4 The application is before planning committee following an objection by the parish council who state *“the proposed vehicular access is inappropriate in the conservation area. It contravenes Policy BE5. The proposal is opposed by the local residents.”*

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 5 Boundary enclosures in conservation areas

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Prestbury conservation area character appraisal and management plan (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison

26th February 2013

I refer to the above planning application received on 12th February 2013 with Plan(s) Nos: MSP.01.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

Prior to the use of the new vehicular access the vehicular access shall be laid out and constructed such that any entrance gates are set back a minimum distance of 5m from the edge of the carriageway and hung so as to not open outwards towards the public highway with splay lines provided from a point 5m back from the carriageway on either side of the driveway extending at 45 degrees to the highway boundary. The width of the access driveway shall not be less than 4.8m and the area in advance of the gate position/splay lines shall be kept free from obstruction and surfaced in a bound material or other approved material and thereafter similarly maintained.

REASON: To ensure a satisfactory means of access is provided in the interests of highway safety.

Parish Council

27th February 2013

Strongly object to the application on the following grounds:

1. The construction of such a large entrance will have a detrimental effect on the established appearance on this historic street, in the conservation area.
2. If we are to take the drawing at face value, there seems little logic in causing so much disruption to provide a single car parking space. Given the applicant lives in a house over a hundred metres that has adequate off-street parking.
3. Mill Street is subject to periodic congestion due to people parking when attending functions held in the Royal Oak, and at races, this new entrance will only add to the congestion.
4. There is strong local opposition.

13th June 2013

The Prestbury Parish Council reaffirms its objection to this application.

- The proposed vehicular access is inappropriate in the conservation area.
- It contravenes Policy BE5.
- The proposal is opposed by the local residents.

Heritage and Conservation

19th April 2013

1. The principle of creating an opening in this wall is acceptable, subject to the detailed design of this opening and proposed gate.
2. This is a semi-rural location and in a typical semi-rural location there are many gateway openings in walls which give access to the land beyond.
3. However the proposed splay to the wall, and extremely wide opening and solid gates all combine to create a suburban appearance. The entrance way being proposed does not look like a field gateway but an entrance to a large residential property and will be alien and modern features.

4. The proposed design of the entrance will be a feature which will not be visually compatible with the semi-rural appearance and character of this part of the conservation area.
5. It is noted in the Conservation Area Appraisal that this Cotswold stone wall has been identified as a key unlisted feature.
6. It is also noted that Local Plan policy BE5 states that boundary enclosures in conservation areas - a) should be preserved in their original form, b) new enclosures should be in an historically appropriate form.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to eight neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, objection has been raised by the neighbour at 1 Home Farm Court, Mill Street.
- 5.2 The objection relates to:
 - impact on streetscene and historic character
 - increase in traffic
 - possible future intentions of the applicant

6. OFFICER COMMENTS

- 6.1 The main considerations when determining this application are impact on the conservation area and highway safety.
- 6.2 Local plan policy BE5 reads:

In conservation areas:
(a) boundary enclosures should be preserved in their original form; and
(b) new enclosures should be in a historically appropriate form.
- 6.3 The text which precedes the policy reads:

Boundary walls and railings are important to the character of the conservation areas. Original walls and railings should be retained or, where new enclosures are proposed, erected in suitable and authentic materials, height and form with appropriate piers, kerbs, finials, copings, etc, subject to retaining reasonable access to the land or buildings so enclosed.
- 6.4 The Heritage and Conservation Officer accepts the principle of creating an opening in the existing boundary wall subject to its detailed design.
- 6.5 As originally submitted, the application proposed a 6 metre wide, recessed entrance with 2 metre high, vertically boarded timber gates which would have been suburban in appearance, thereby appearing as an incongruous feature in this semi-rural location within the Prestbury Conservation Area.
- 6.6 In response to officer comments, the proposed entrance has now been re-designed to look like a typical field gateway which is a common feature in such a semi-rural location. The opening has been reduced in width to approximately 4.5 metres and would have a 3 metre wide, inward opening, 5 Bar gate for vehicular access and a 900mm wide, 5 Bar pedestrian gate alongside.

- 6.7 Any dressing/repairs to the existing boundary wall would be undertaken using the existing Cotswold stone.
- 6.8 Although formal comments have not been received from the Heritage and Conservation Manager in respect of the revised plans, having viewed them, she has verbally confirmed her full support.
- 6.9 The revised proposal is therefore considered to be in accordance with the aims and objectives of policy BE5.
- 6.10 Local plan policy TP1 reads:

Development will not be permitted where it would endanger highway safety, directly or indirectly, by:

- (a) creating a new access, altering an access or increasing the use of an existing access on to the main highway network, or at other points where it would be hazardous to highway users, unless a satisfactory improvement has been carried out; or***
- (b) generating high turnover on-street parking.***

- 6.11 The initial plans proposed entrance gates set back 5 metres from the carriageway in response to pre-application advice from Gloucestershire Highways; indeed, a condition was also suggested to ensure that any entrance gates were set back a minimum distance of 5m from the edge of the carriageway.
- 6.12 However in order to achieve a typical field gateway, it is necessary to locate the gateway at the back edge of pavement. In response to this Claire Tyson, Highways Development Co-ordinator at GCC has stated in an email that *“the standard access condition would recommend that any gates are set back 5m. However, in this instance since the access is off a Class 4 (unclassified) highway and there are unlikely to be any highway safety issues created from cars being unable to pull off the highway to open the gates, then I don’t think the gates need to be set back 5m. As long as the gates are located at the back of the footway (which is the limit of the adopted highway) and are hung so as not to open outwards over the footway then I would have no problem with that.”*
- 6.13 The revised entrance therefore accords with the requirements of policy TP1 and would not endanger highway safety.
- 6.14 Finally, the objector has questioned the applicant’s motives but Members will be aware that the possible future intentions of the applicant should not be borne in mind when considering this application.
- 6.15 The recommendation is to permit the application.

7. SUGGESTED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing No. MSP.01 C received by the Local Planning Authority on 7th June 2013.
Reason: To ensure the development is carried out in strict accordance with the revised drawing, where it differs from that originally submitted.

- 3 The proposed entrance gates shall be hung so that they open inwards into the site, and shall be maintained as such thereafter.
Reason: To ensure a satisfactory means of access is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.

INFORMATIVE

- 1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

Following revisions, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.