

**Item No 02:-**

**19/02113/FUL**

**Yew Tree Farm  
The Street  
Somerset Keynes  
Cirencester  
Gloucestershire  
GL7 6DT**

## Item No 02:-

### Formation of vehicular access with double gates and demolition of garden wall at Yew Tree Farm The Street Somerford Keynes Gloucestershire GL7 6DT

<b>Full Application 19/02113/FUL</b>	
Applicant:	Mr Tim Hodgetts
Agent:	James Slater & Co
Case Officer:	Ben Bendall
Ward Member(s):	Councillor Tony Berry
Committee Date:	11th March 2020
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### Main Issues:

- (a) Impact on the setting of the listed building and curtilage listed wall
- (b) Impact on the Somerford Keynes Conservation Area
- (c) Impact on Highway
- (d) Impact on a protected tree
- (e) CIL

#### Reasons for Referral:

The application has been referred to the Planning and Licensing Committee for determination in accordance with the Council's Scheme of Delegation at the request of the Ward Councillor, Tony Berry, because of the local concerns in relation to an unsafe access being formed.

#### 1. Site Description:

The proposal relates to a Grade II listed building within the settlement of Somerford Keynes. The property is set within a spacious plot to the south of Water Lane and to the east of The Street. The property has a curtilage listed outbuilding adjacent to the dwelling where a wall of natural Cotswold stone was erected between the two buildings in 2013. The boundary wall is also a curtilage listed wall due to the fact it is attached to the listed outbuilding. There is a Yew tree to the side of the dwelling that is the subject of a Tree Preservation Order.

#### 2. Relevant Planning History:

02/02570/LBC and 02/02571 FUL Extensions to existing dwelling, installation of dormer windows and internal works: Permitted 07.06.02

03/00500/LBC and 03/00501/FUL Dry stone garden wall within curtilage of rear garden: Permitted 03.03.03

06/02414/FUL Dry stone wall within curtilage of rear garden: Permitted 23.11.06

10/04428/FUL Formation of new vehicular access and erection of new walls: Permitted: 02.02.11

11/04677/LBC and 11/04116/FUL Formation of new vehicular access and side hung vehicular gate: Permitted 13.2.12

12/00877/LBC and 02/00878/FUL Conversion of existing stable to form annexe to main dwelling:  
Permitted 13.02.12

12/02024/LBC and 12/02023/FUL Installation of side-hung wooden gates at vehicular access and retention of gate piers (Amendment to 11/04116/FUL): Permitted 13.09.12

12/03730/LBC and 12/03729/FUL Erection of fence, wall and gate: Permitted 09.11.12

17/03431/LBC and 17/03430/FUL First floor extension, internal alterations, wall and gate:  
Permitted 01.11.17

### **3. Planning Policies:**

EN1 Built, Natural & Historic Environment  
EN2 Design of Built & Natural Environment  
EN10 HE: Designated Heritage Assets  
EN11 HE: DHA - Conservation Areas  
NPPF The National Planning Policy Framework

### **4. Observations of Consultees:**

Conservation Officer: Comments incorporated within Officers Assessment

Tree Officer: Comments incorporated within Officers Assessment

Highways Officer: No objection

### **5. View of Town/Parish Council:**

Somerford Keynes Parish Council object:

'The original entrance gateway for the 17/18C Yew Tree Farm was on the outside curve of the junction of the Main Street and Water Lane. Whilst acceptable in the 17thC this was a hazard as modern traffic increased in that the sight lines were bad in most directions.

This problem was recognized by the previous owner of Yew Tree Farm who in 2010 proposed moving the access along the Main Street to the South and changing the existing access to a pedestrian only one.

The application in 2010 (Ref: 10/04428/FUL | Decided: 07 Feb 2011) was justified by a report on traffic and sight lines and was supported by Highways, the CDC and the Parish Council. That report is still valid (part shown below) and the application was approved. The whole report can still be read on the CDC website and to revert to the original access arrangement can only add to the hazards of modern traffic and potentially create a dangerous situation.

The problem is simple: the present arrangement is dangerous. It was built in an era when nothing moved faster than a walking pace and there was time to react to oncoming carthorses. The existing crossover straddles the give way markings at the head of Water Lane, ensuring that however one exits the drive one will be wrongly positioned to deal with traffic. Not only that, but as one pulls out there are three different directions from which vehicles can come, and only from one of these directions is there any worthwhile warning of a vehicle's approach.

The Parish Council strongly recommends that this application is refused in the interest of highway safety'.

## 6. Other Representations:

### 1 Third Party General Comment:

"Due consideration of the highway safety should be taken into consideration as the access is formed onto a road junction. It is noted that the access did exist previously without any incident of an accident that the neighbour is aware of. If approved, there are concerns in relation to the existing access adjacent to Glendaron being used for infill residential development which would be opposed."

### 6 Third Party objections received comments are as follows:

- i) Highway access and parking.
- ii) Impact on Conservation Area.
- iii) Impact on the Listed Building.
- iv) Increased sight lines.
- v) Increased vehicular movement.
- vi) Vehicles exceed the speed limit when passing the site.
- vii) Loss of general amenity.
- vii) No public benefit.
- viii) Impact on the adjacent Yew Tree which is the subject of a TPO.
- ix) Unsafe access to children, adults, push chairs, wheel chair users.
- x) This entrance was closed ten years ago, the Planning Officer and owner considered it to be too dangerous.
- xi) Traffic volume has greatly increased and vehicles travel much faster.
- xii) There are more pedestrians with young children that could come into conflict with the proposed access.
- xiii) Cars regularly park along The Street.
- xiv) A hedge has been planted above the corner wall reducing visibility.
- xv) This corner is more dangerous for emerging and passing vehicles as well as pedestrians than it was 10 years ago.
- xvi) The Council should uphold the previous decision.
- xvii) A new entrance has been formed to this property for safety reasons.
- xviii) A justification for the other vehicular access was that the visibility splays from the proposed access were insufficient to vehicles exiting the site to oncoming traffic from all 3 directions.
- xix) Cotswold District Council and Gloucestershire Highways agreed with this approved a new access and required the existing entrance be stopped up and permanently abandoned.
- xx) The current application wishes to reverse that decision and reopen the previous access.
- xxi) Vehicles parked in that courtyard would detract from the property.
- xxii) There is no practical, logical or aesthetic reason for permitting the application.
- xxiii) The property already has parking space for several cars.
- xxiv) This application would be further urbanisation in a rural setting.
- xxv) The hard standing and gravel removal required would be detrimental in this flood prone village.
- xxvi) The application would necessitate removal of shrubs/greenery for line of sight.
- xxvii) The previous application deemed the closure of the access permanent and conditions have not been complied.
- xxviii) If permission is granted the new entrance should be closed permanently and that the footpath kerb be reinstated.
- xxix) vehicle exiting the site are unable to manoeuvre on site to allow vehicles to exit the site in a forward moving gear requiring vehicle to. xxx) reverse onto the carriageway or alternatively stop in the road and reverse into the property, both would be dangerous.
- xxxi) The verge/footway has never been reinstated as required by condition attached to the decision which involved its closure.
- xxxii) Highways have not objected to this planning application for the reason that there has not been any fatalities, hopefully the planning committee has a more responsible view on safety.
- xxxiii) When the previous application to form a new access a transport assessment stated there was inadequate sight lines.

xxxiv) There have been near misses adjacent to the proposed new access, when exiting Water Lane and turning left.

xxxv) There is no street lighting in the village and the approach from Water Lane is often gloomy due to the high Barn walls on one side and tall trees abutting the opposite side of the road.

xxxvi) The suggestion by Highways that a white line be painted near the kerb " to aid in pedestrian safety" is a tacit admission that the junction is already a danger to pedestrians.

xxxvii) The previously imposed condition for the reinstatement of the kerb has not been carried out and Highways have commented that if this condition had been complied with, then they would have objected to this application

xxxviii) There are no yellow lines in the vicinity and there is plenty of additional parking available on the main road next to the property

xxxix) The site notice of the applications should have been displayed on the gate of the property next to the pavement where it would be accessible

xl) Access is unnecessary

## **7. Applicant's Supporting Information:**

Drawings and Design and Access statement

## **8. Officer Assessment:**

Proposal and Background

The proposal would involve the opening up and removal of a section of curtilage listed boundary wall which was granted permission in 2011 to be closed up with matching natural Cotswold stone walling and to insert two traditional 5 bar timber gates within this opening. The proposal would also involve the opening up and removal of a section of modern walling which was erected in 2013 between the dwelling and outbuilding. It was contended by the former applicant in the 2010 application reference (10/04428/FUL) that the access was unsafe.

In considering the 2010 application, it was acknowledged by Officers that the revised access to the south of the property would provide enhanced visibility onto the carriageway. It would also allow for vehicles to manoeuvre on site to enable them to leave the property in a forward moving gear onto 'The Street' which is a classified road.

During the determination of the 2011, application the Parish Council objected to the closing off of the access point that would be formed by this application for the following reasons:

"1 The junction at which the current entrance/exit to the property stands is not a busy one, therefore it is not considered that the entrance/exit is dangerous.

2 The proposed new entrance will break up a stretch of dry stone wall and pavement surrounding a listed building. This wall makes a positive contribution to the appearance of the village, and is one of the few continuous lengths of dry stone wall still existing. To break it up will detract from the appearance of the property, with little benefit except to the applicant.

3 The barn belonging to the property is currently let to a tenant, who uses the existing entrance/exit to enter the courtyard for parking. If they are no longer able to use the courtyard, there is a concern that they will park on the road, again detracting from the amenity of this area of the village."

In the case of the current application, planning permission is required because the proposed works relate to the formation of the vehicular access by works to the listed wall within the curtilage of a listed building.

### **(a) Impact on the setting of the listed building and curtilage listed wall**

Yew Tree Farmhouse is a Grade II Listed Building which dates from the late C17/C18. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

The barn, which sits adjacent to the farmhouse, was converted to ancillary domestic use in the early C21. The building is considered to be a curtilage listed building due to its age (pre 1948), its location within the site and its associated ancillary use in connection with the main Yew Tree Farmhouse. The removal of the modern wall between the 2 buildings and a section of boundary walling that forms part of a curtilage listed wall erected in 2011 are also subject to the legislation quoted above.

Cotswold District Local Plan Policy EN1 states that new development should conserve the historic environment by ensuring the protection and enhancement of heritage assets and their settings, and that the design of proposals should complement the character of the area.

Cotswold District Local Plan Policy EN10 reiterates the National Planning Policy Framework (NPPF) concern that great weight should be given to the conservation of designated heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

Section 16 of the NPPF requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that harm to, or loss of its significance (from its alteration or destruction or from development within its setting), should require clear and convincing justification.

Paragraph 196 of the NPPF states 'that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works'.

The proposal would involve the loss of some natural Cotswold stone walling to the curtilage listed boundary wall. This would form an opening within it at 4 metres in width and 1.031 in height to facilitate the creation of wider access. In this particular instance, Officers consider that the proposals are not harmful to the curtilage listed wall. This is on the basis that the section of walling in isolation is not historic fabric and that an opening existed previously in this location. The proposed two new gates would be centrally opening onto the site and of a traditional 5 bar type gate at 1.372 metres in height. The proposed gates would be 4 metres in width and open inwardly onto the property. When not in use, the gates would maintain a defined boundary to this elevation that are of an appropriate design, height and material.

The proposed works are considered to respect the curtilage listed wall as there would be no loss of historic fabric to it. The section of wall to be removed between the dwelling and outbuilding would reinstate the open historic layout of listed buildings. Thereby preserving the curtilage listed wall and setting of the listed buildings, in accordance with the objectives of Cotswold District Local Plan Policy EN1, EN2, EN11 and Sections 12 and 16 of the NPPF and Sections 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

### **(b) Impact on the Somerford Keynes Conservation Area**

Yew Tree Farmhouse is within the Somerford Keynes Conservation Area. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may

possess, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Policy EN2 of Cotswold District Local Plan (Design of the Built Environment) requires development that respects the character and distinctive appearance of the locality.

Policy EN11 of the adopted Cotswold District Local Plan (Historic Environment): Designated Heritage assets - Conservation Areas states that development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of their siting, scale, form, proportions, design, materials and the retention of positive features;
- b. Include hard and soft landscape proposals, where appropriate, that respects the character and appearance of the Conservation Area;
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Areas;
- d. Have regard to the relevant Conservation Area appraisals (where available);

Section 12 of the NPPF (Achieving well-design places) makes it clear that the Government attaches great importance to the design of the built environment. The consistent high quality standard of design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Again, Section 16 of the National Planning Policy Framework requires Local Planning Authorities to take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The erection of the proposed gates, removal of a section of modern walling within the curtilage of the property and a section of modern curtilage listed boundary wall would reinstate a historic site arrangement at the property. The proposed works are considered to thereby preserve the special character and appearance of the Somerford Keynes Conservation Area in terms of the proposed siting, scale, form, proportion, design, materials and the retention and reinstatement of positive features at the property. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990' and in accordance with Local Plan Policies EN2, EN10 and EN11 and Sections 12 and 16 of the NPPF.

### **(c) Impact on Highway**

Local Plan Policy INF4 (Highway Safety) states that development will be permitted that:

- a) Is well integrated with the existing transport network within and beyond the development itself, avoiding severances of communities as a result of measures to accommodate increased levels of traffic on the highway network;
- b) creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoids street clutter;
- c) Provides safe and suitable access and includes designs, where appropriate, that incorporate low speeds;

The proposed formation of a new vehicular access onto an unclassified road does not require permission in itself, as these works can be permitted development. Water Lane, onto which the proposed access would be formed is an unclassified road. The proposed access in this instance, however, falls under planning control as the works would facilitate a new vehicular access by

breaching the boundary wall which is within the curtilage of a listed building and the highway safety is therefore a material planning consideration.

The Highways Officer has undertaken a site visit and confirmed that the access to be formed would not cause an adverse impact on the safe use of the carriageway. This is on the basis that there was a previous vehicular access at this position in the boundary wall. This access was historically operated without incident for a period in time that exceeds the 9 years which it has since been closed. Furthermore, there is an existing drop kerb crossover onto the public footpath which still remains. This is a material consideration in highway terms when assessing the re-opening of this access onto the carriageway. It has been suggested that it would be beneficial to have a white line marked along the road side boundary of the kerb onto 'Water Lane' to aid road users onto the carriageway. This would need to be carried out as a gesture of goodwill by the Applicant as the Highways Officer's current opinion is that it could not be enforced. Nevertheless, the Highways Officer is also considering further information that has been provided by objectors regarding existing vehicular movements as a material change in circumstances to when the access was previously used. An update will be provided at the Committee meeting of the Highways Officer's further considerations.

#### **(d) Impact on protected trees**

Local Plan Policy EN7 states that 'where natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance trees of high landscape, amenity ecological or historic value'.

The proposed breach in the boundary wall would be adjacent to an existing Yew Tree that is the subject of Tree Preservation Order. The Council's Tree Officer is satisfied that the proposed works would not adversely impact on this tree. The proposed works are therefore considered to accord with the objectives of Cotswold District Local Plan Policy EN7.

#### **(e) Community Infrastructure Levy (CIL)**

The proposed development would not be CIL eligible as the works do not relate to the physical formation of buildings or extensions and as such would not be CIL liable.

### **9. Conclusion:**

Officers consider that the removal of the recently constructed natural Cotswold stone wall within the site, which is not of historic interest, and the removal of a recently rebuilt section of curtilage listed boundary walling would be unharmed to the listed structure and the setting of the listed building. The proposed works and associated opening up of the site to reflect its historic layout are considered to preserve the special architectural and historic interest of the listed building and the character and appearance of the Somerford Keynes Conservation Area in accordance with the objectives of Cotswold District Local Plan Policies EN1, EN2, EN10, EN 11 and Sections 12 and 16 of the NPPF and Sections 16(2) and 72(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990

### **10. Proposed conditions:**

1. The development shall be started by 3 years from the date of this decision notice.

**Reason:** To comply with the requirements 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 granted consent shall be implemented in accordance with the following drawing numbers 17-092A-101 and 17-092A-100.

**Reason:** For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.



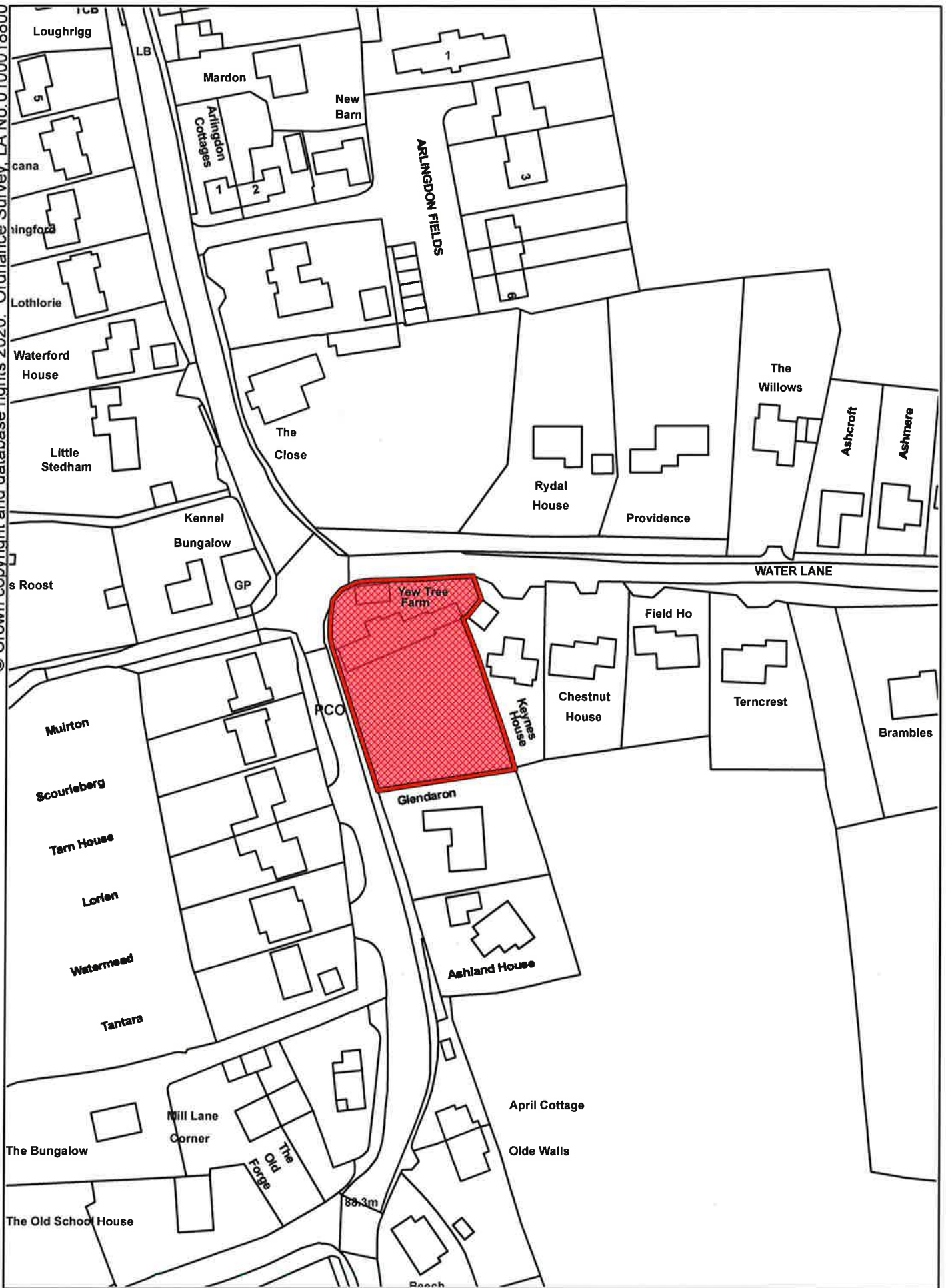
3. Prior to the insertion of the treatment of the gates hereby approved, a samples of the proposed finish shall be submitted to and approved in writing by the Local Planning Authority and only the approved finish shall be used and shall be permanently retained as such thereafter.

**Reason:** To ensure that the development will be constructed of materials that are appropriate to the building which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Local Plan Policy EN2, EN10 and EN11 and Section 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Sections 12 and 16 of the National Planning Policy Framework.

**Informatives:**

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

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### YEW TREE FARM SOMERFORD KEYNES

Scale: 1:1250

Organisation: Cotswold District Council

Department:

Date: 28/02/2020

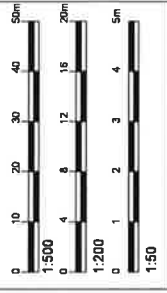
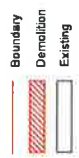


**COTSWOLD**  
DISTRICT COUNCIL



- NOTES:
1. All dimensions to be taken in preference to scaled dimensions.
  2. Large scaled drawings to be taken in preference to small dimensions.
  3. Critical dimensions to be taken from site.
  4. If in doubt, the contractor must seek clarification from the architect.
  5. The contractor must seek clarification from the architect.
  6. The contractor must seek clarification from the architect.
  7. The contractor must seek clarification from the architect.
  8. The contractor must seek clarification from the architect.
  9. The contractor must seek clarification from the architect.
  10. The contractor must seek clarification from the architect.

Rev ID	Rev Date	Rev By	Comment
			For Planning and LBC



CLIENT:  
Dr Timothy Hodgetts

TITLE:  
Proposal  
Restoration of double gate

SITE:  
Yew Tree Farm  
Somerset Keynes  
Cirencester  
GL7 6DT

**JAMES SLATER & CO**  
 ARCHITECTS & PLANNERS

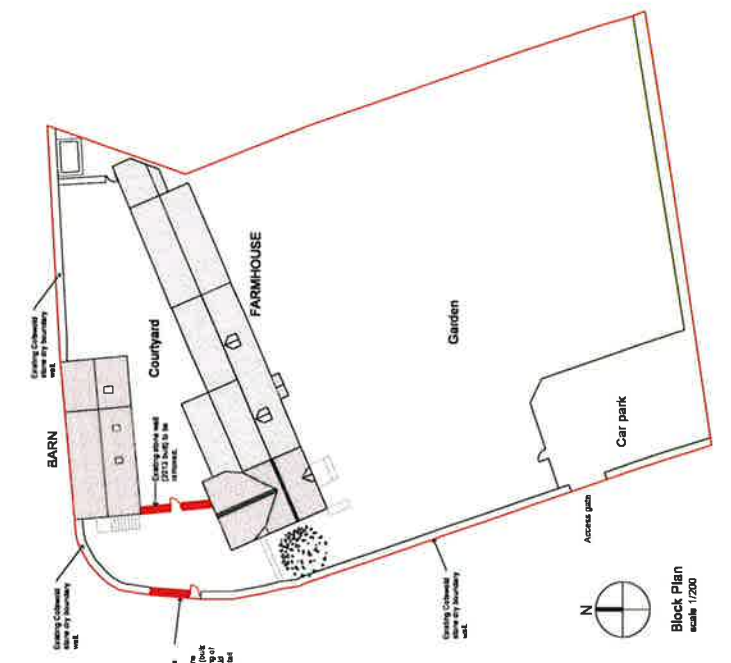
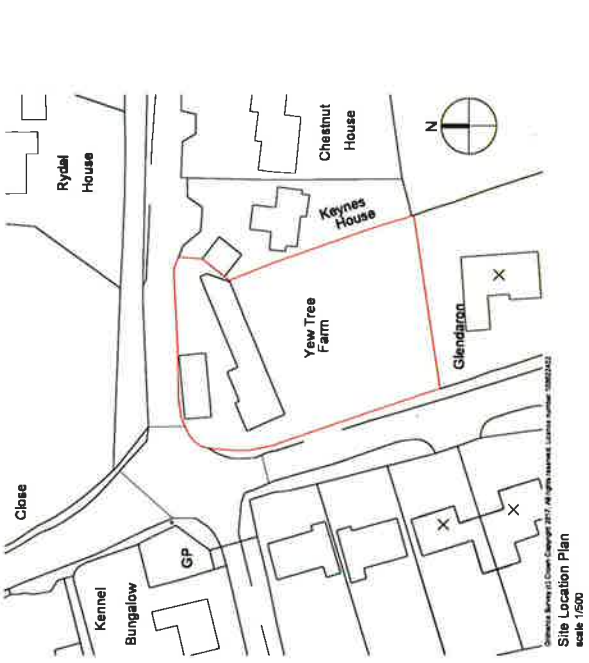
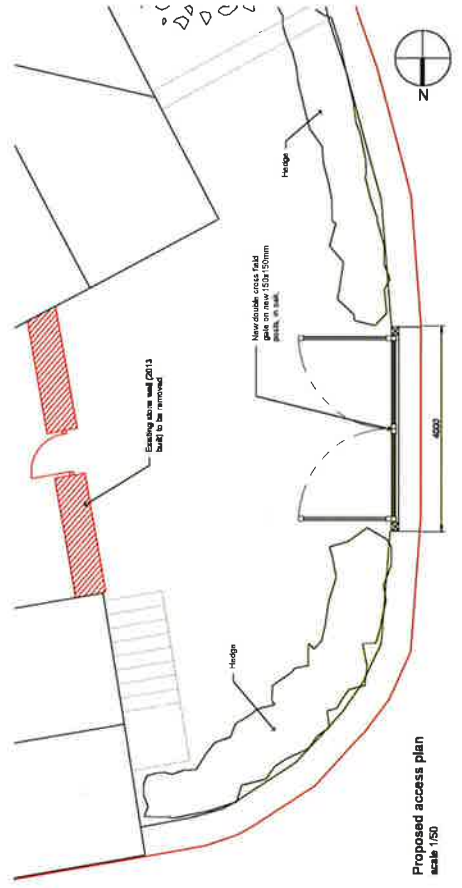
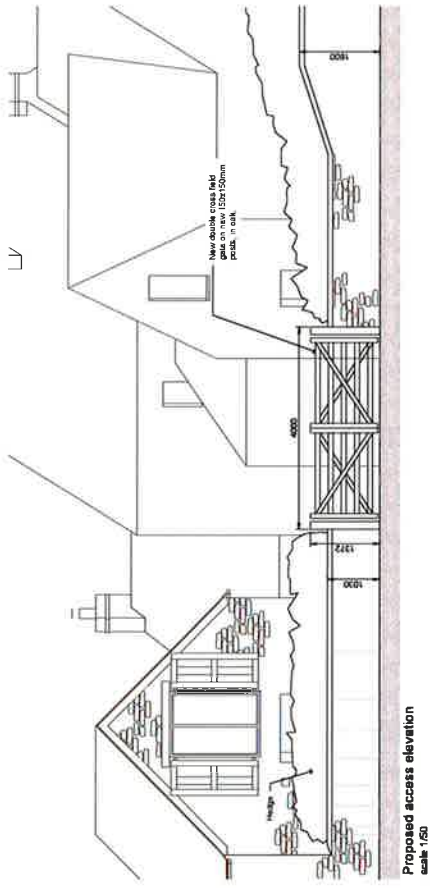
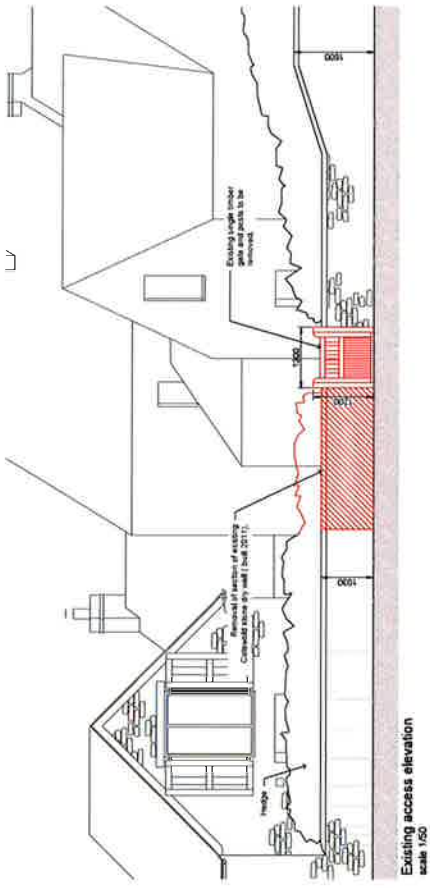
19 Dyer Street  
Cirencester  
Gloucestershire  
GL7 2PP  
Tel: 01285 650686  
Fax: 01285 644212  
www.jameslater.co.uk

RICS  
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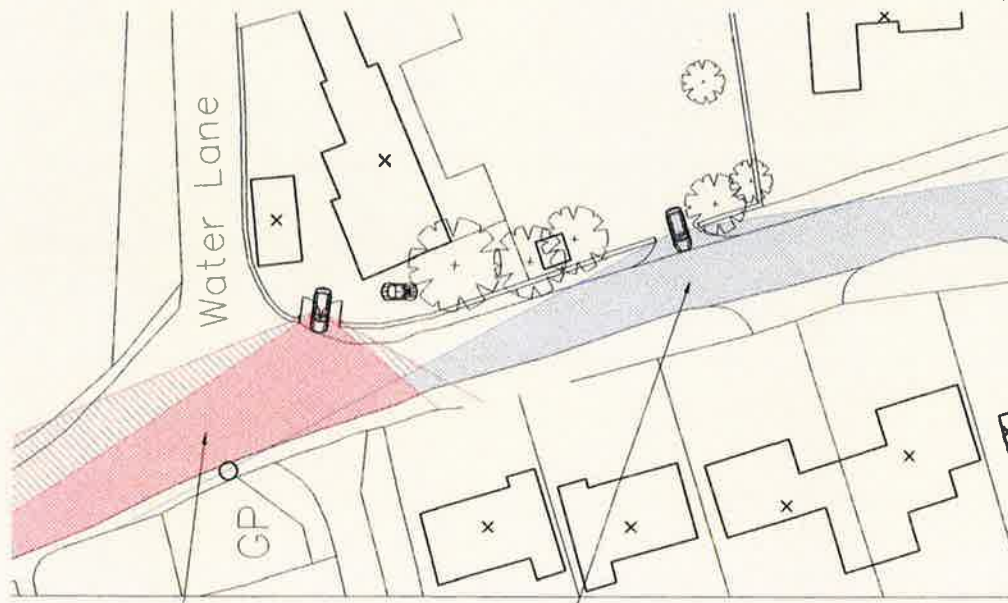
DATE: May 2019  
DRAWN: GB  
CHECKED: GB  
REVISION: REV. 1

17-052A-101

*NOT TO SCALE*



**VISIBILITY SPLAY**  
FROM 10/04/28/FULL



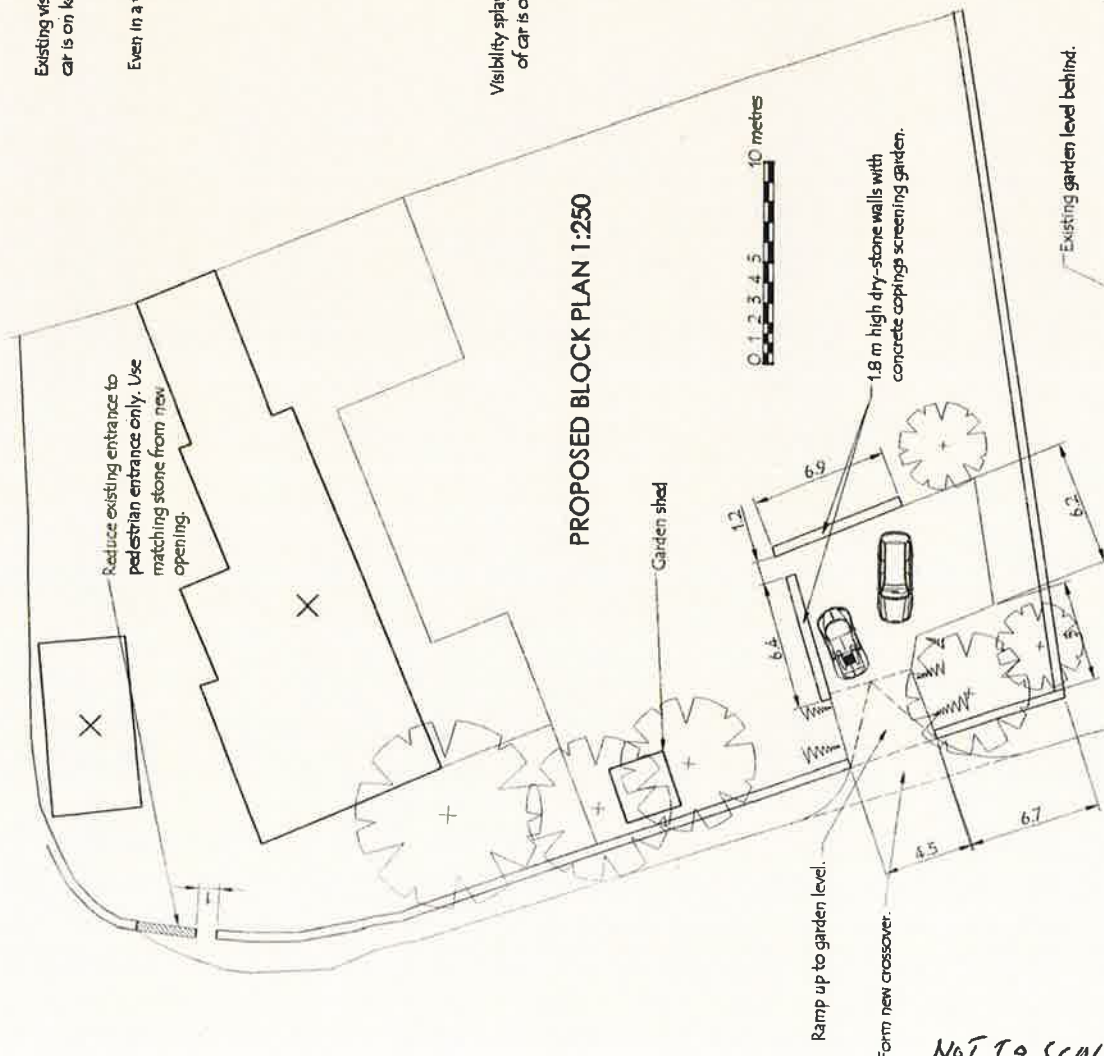
Existing visibility splay 107 degrees when nose of car is on kerb. No effective visibility down Water Lane or to left.

Even in a tall car the view is only widened to 129 degrees, as gates are limiting factor.

Visibility splay from proposed entrance when nose of car is on kerb is 161 degrees, giving excellent visibility up and down carriageway.

**VISIBILITY SPLAY COMPARISON**  
1:500

Make new 4.5 m wide entrance in existing wall: trim opening with suitable quoins and keep stone for reuse elsewhere.



**BOUNDARY WALL ELEVATION FROM ROAD 1:250**

<b>Client</b> K Winspear		<b>Job Title</b> Yew Tree Farm Somerset Keynes GL7 6DT		<b>Job No</b> 10.13	<b>Scale</b> 
<b>Drawn Title</b> Entrance Realignment Proposed New Entrance		<b>Drawing No</b> 02	<b>Revision No.</b>		
<b>domus DESIGNS</b> architectural & interior designers		<b>NOT TO SCALE</b>			
44 High Street, Wincobury Tel: 01865 875580 Fax: 01865 875583					



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