

## Item 5 - Report on Planning Applications

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### **Application Ref: NP/13/0448**

<b>Application Type</b>	Full
<b>Grid Ref:</b>	SN13590498
<b>Applicant</b>	Mr John Collins
<b>Agent</b>	Mr Steve Hole, Steve Hole Architects
<b>Proposal</b>	New vehicular access and parking
<b>Site Location</b>	Fig Tree Cottage, Wogan Lane, Saundersfoot, Pembrokeshire, SA69 9HA
<b>Case Officer</b>	Caroline Phillips Bowen

### **Summary**

This application seeks planning permission for a vehicular access and parking within the curtilage of Fig Tree Cottage accessed from Wogan Lane.

The main issues to be considered relate to the principle of development, the impacts on visual amenity and the character of the area, highway safety and impact on users of the Public Right of Way.

Whilst it is recognised that there was originally objection to a new access off Wogan Lane to serve this premises on the grounds that the lane was inadequate in width, alignment and lack of suitable passing places, upon consideration of the proposal now put forward, the Highways Authority do not object to the provision of access and parking directly to the application site, and officers have no evidence to contradict their professional advice. There is, physically, sufficient space at the application site to allow for parking clear of Wogan Lane, without causing adverse harm to the character and appearance of the area. There is also no objection from the Highways department with regard to the interaction between vehicles and users of the Public Footpath arising from this proposal. Whilst the use of public footpaths by vehicles is prohibited without lawful authority this is not a material planning consideration and is covered by other legislation. As such it is not considered that there are any substantive grounds to refuse this application which is recommended for approval.

### **Consultee Response**

**Saundersfoot Community Council:** Objecting - as the road is not suitable for two way traffic and parking is causing problems

**PCC - Transportation & Environment:** Conditional Consent

### **Public Response**

The application has been advertised by means of a site notice posted at the site, and letters sent to neighbouring properties. Two letters of objection have been received, one of which refers in detail to the planning history of the site.

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The letters raise a number of issues, and the main land-use planning concerns (in summary) are;

- The safety of pedestrians walking on the lane.
- The loss of boundary features and landscaping.
- Request for a site inspection to appreciate how easy the access should be to Fig Tree Cottage via Abingdon House and this was granted in the original planning application for the annex which became Fig Tree Cottage.
- The width of Wogan Lane is inadequate for further traffic and that visibility from the junction at both ends is not acceptable in the interests of road safety. These conditions have been the grounds for refusal of vehicular access to Wogan Lane, a public footpath, in numerous occasions by the National Park Authority and at least twice by the Welsh Office.
- Wogan Lane is classed as a footpath with vehicular access to existing dwellings.
- Question why PCNPA planning department have never enforced any of their own planning conditions... most importantly the Section 106 agreement that gave access to Fig Tree Cottage via Frances Lane. Where the access road should be is now an integral part of the garden of Abingdon House.
- The plans supplied by the applicant appear a little misleading as Fig Tree Cottage is shown as Wood View and shows a car parked on an area which is currently grassed. The application does not state the number of parking spaces required or give the grounds on which this application is made.
- Existing drive is constantly used as a passing place... the state of Wogan Lane has greatly deteriorated with the amount of traffic now using it.

### **Policies considered**

Please note that these policies can be viewed on the Policies page  
Pembrokeshire Coast National Park website -  
<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

LDP Policy 01 - National Park Purposes and Duty

LDP Policy 04 - Saundersfoot Local Centre

LDP Policy 08 - Special Qualities

LDP Policy 15 - Conservation of the Pembrokeshire Coast National Park

LDP Policy 30 - Amenity

LDP Policy 53 - Impacts on traffic

PPW6 Chapter 04 - Planning for Sustainability

PPW6 Chapter 08 - Transport

SPG06 - Landscape

TAN 18 - Transport

## **Officer's Appraisal**

### **Background and site description.**

Fig Tree Cottage is a modern detached bungalow located on the southern flank of Wogan Lane, to the north of the main village of Saundersfoot. The property sits in a slightly elevated position above the lane, and within a modest garden plot. There are existing dwellings either side of the application site. The existing access and parking arrangement for the property is on land to the rear of Abingdon House to the north of Wogan Lane, which is currently subject of a Section 106 Agreement, and planning condition. This relates to the provision of two parking spaces, with a pedestrian access from this land across Wogan Lane to Fig Tree Cottage.

### **Planning history.**

The site has a lengthy planning history and can be summarised as:

- **NP/125/94**

An outline planning application for a single dwelling on land at Wogan Lane (referred to as Plot 2), with access and parking for the dwelling proposed on part of the land to the north of the site (also subject of a planning application for two new dwellings (Plots 1 and 3) -NP/124/94). The application was approved subject to a Section 106 Agreement in respect of access and parking.

- **NP/366/96**

Full application for a residential annexe to Plot 3, Frances Lane, on the land at Wogan Lane. The access and parking was as approved under NP/125/94 and as per the Section 106 agreement made under NP/125/94. The application was approved, and refers to the Section 106 Agreement.

- **NP/048/98**

Amendment of Conditions 10 and 11 of NP/366/96 – occupancy of unit on Frances Lane as separate unit – No. 3 Frances Lane, Saundersfoot. This application was intended to allow the annexe to be occupied without tie to Plot 3, Frances Lane, and was approved, subject to the parking and access remaining as approved under NP/366/96.

- **NP/03/222**

Approval for a double garage at Abingdon House (Plot 3). The siting of the garage was over the original parking spaces for the property now known as Fig Tree Cottage, with an alternative provision of two parking spaces on the original turning area to compensate for the loss of the spaces. The planning permission includes a condition which required the 'The two parking spaces

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associated with Plot 2 (Wogan Terrace) shall be created and available for use before construction commences on the double garage' (Condition 5).

- **NP/05/521**

Application for a new vehicular access to Plot 2, Wogan Cottage, Wogan Lane. The Highways Authority objected to the proposal, and the application was refused.

- **NP/06/455**

Application for a proposed vehicular access onto Wogan Lane. The Highways Authority recommended conditional consent. Given the history of refusals on highway grounds, officers sought further clarification of the consultation response, and were advised that the response to the application was made due to the full residential status, the loss of the parking and turning space for Plot 2 within the garden of Plot 3 owing to the construction of the double garage consented under NP/03/222 and that vehicles delivering/loading/unloading to Plot 2 would otherwise block the lane. The application was reported to committee, who resolved to support the application, subject to the Section 106 Agreement being discharged (which had not been formally sought at this time). The application was subsequently refused on the ground that the accompanying application to discharge the Section 106 agreement was not received.

- **NP/07/123**

Application for an extension and double garage at Fig Tree Cottage, Wogan Lane. The double garage element is subsequently omitted as vehicular access to the site was not yet approved (an application to discharge the Section 106 Agreement had not yet been submitted to the Authority). The extension element of the proposal is approved at committee.

- **NP/08/385**

Application for discharge of the Section 106 Agreement, but the submission had insufficient information included to enable the Authority to determine the application and was refused at committee.

In summary, the property, the subject of the current application has a full residential use, with parking required to be provided to the north and accessed from Frances Lane. Agreement was given however to provide the property with its own vehicular access but this was never formally granted as the associated application required to discharge the relevant Section 106 agreement was never received in a sufficient form to approve.

### **Current proposal**

This application seeks planning permission for a vehicular access and parking within the curtilage of Fig Tree Cottage accessed from Wogan Lane. The

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application was originally supported by a block plan illustrating parking and turning for one car, with the proposed parking area to be stone and paving. A gravelled area already exists at the site, and is currently being used for parking as the applicant has health and mobility problems. Following discussions with the applicant's agent it became apparent that the submitted layout was not achievable and as such a revised block plan has been provided in line with the provision on site and excluding a turning area. It is this revised plan that is the subject of this report and has been the subject of further consultation with the Highways department of Pembrokeshire County Council and other interested parties.

The application was originally submitted with an associated separate application for discharging the Section 106 agreement relating to the provision of parking on the northern side of the road and which was the subject of a site visit. This application has now been withdrawn.

### **Officers Appraisal**

The application raises the following issues:

- Principle of Development
- Visual Impact
- Highway Safety and Impact on users of the Public Right of Way
- Other Considerations – Variation of the Section 106 Agreement

### **Principle of Development**

The site is situated within the settlement limits of Saundersfoot and comprises a full residential dwelling. The principle of additional proposals ancillary to the primary use of the property as a dwelling, including access and parking is considered acceptable in principle.

### **Impacts on Visual Amenity and the Character of the Area**

The works to create a new access from Wogan Lane and a parking area constructed of gravel within the curtilage of the existing property are not considered to have any adverse impact on the character of this predominantly residential area or on the special qualities of the wider National Park area. Whilst comment has been made about the loss of mature boundary features, it is not considered that this loss is such that would cause demonstrable harm to the character of the area. As such there is no objection to this proposal on the grounds of visual impact and it is considered that the proposal complies with policies 1, 8, 15 and 30 of the LDP in respect of conserving and enhancing the special qualities and visual amenities of the area.

### **Highway Safety and Impacts on Users of the Public Right of Way**

Policy 53 of the LDP states that development will be allowed where appropriate access can be achieved. Instances where access will be

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considered to be inappropriate are cited as, amongst other things, where there is an unacceptable impact on road safety.

The site does have a complex history in relation to access, with the original consent containing access and parking provision that would not necessitate the use of Wogan Lane, due to concerns at the time relating to its suitability to take further traffic. However, further consideration in 2006 found the use of Wogan Lane to be acceptable due to the changed status of the property and the subsequent possible blockage of the lane through deliveries etc. Although that permission was never issued, it was accepted at that time that the lane was suitable for serving this property.

A similar response has been received from Pembrokeshire County Council's Highways department on this occasion, with support being given to the proposal subject to a condition requiring the parking area to only be used for parking. Whilst it is accepted that the lane is narrow and restricted, the Highways Officer is of the view that the current proposal is an improvement on that previously submitted (albeit never approved due to the absence of the application to vary the Section 106 agreement) as it provides better manoeuvring space and increased parking space. In the absence of an objection from the Highways Officer it is not considered that there are any grounds to substantiate a refusal on highway safety.

With regard to the issues relating to the impacts of the proposal on users of the Public Right of Way, similarly no objection has been raised by the Highways department on this ground. In respect of the legal status of the lane, following re-classification of its status as a Road Used as a Public Path following the Wildlife and Countryside Act 1981 enactments, it was confirmed as a Public Footpath following public consultation in 1992. This particular path remains the responsibility for maintenance by Pembrokeshire County Council due to its urban context and utilitarian character. As such any comments regarding its use for vehicular traffic are the remit of the County Council and no objections have been raised. It is noted that the Road Traffic Act 1988 relates to the prohibition of driving motor vehicles elsewhere other than on roads and Section 34(1) makes it an offence to drive on any public footpath without lawful authority. In this respect lawful authority can include a private right of way. It is not however the responsibility of the planning authority to establish whether there is lawful authority to drive on a public footpath, with this being a role for the police. The consideration of the right to drive up Wogan Lane is therefore not a material planning consideration for this application and is subject to separate legislation.

#### ***Other Considerations - Variation of the Section 106 Agreement***

*It will be noted that previous decisions on applications for parking and access to this site have not been determined in the absence of an accompanying application to vary the Section 106 obligation. Whilst an application to discharge the accompanying Section 106 was submitted (and was the subject of a committee site visit recently) this application has recently been withdrawn as the applicant claims that it has never been implemented and the Obligation*

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*has therefore now expired. No comment is made on this assertion at this time. However, the Authority's Legal Advisor is of the opinion that there is no reason why a decision cannot progress on this current application in the absence of an application to vary/discharge the relevant Section 106 obligation. The determination of a planning application and an application to vary/discharge a Section 106 obligation are subject to separate, stand alone procedures and should be determined on the merits of the respective applications. The merits of this application have been fully discussed in the main body of this report and the conclusions and recommendations are set out below.*

### **Conclusions**

In conclusion, whilst it is recognised that there was originally objection to a new access off Wogan Lane to serve this premises on the grounds that the lane was inadequate in width, alignment and lack of suitable passing places, upon consideration of the proposal now put forward, the Highways Authority do not object to the provision of access and parking directly to the application site, and officers have no evidence to contradict their professional advice. There is, physically, sufficient space at the application site to allow for parking clear of Wogan Lane, without causing adverse harm to the character and appearance of the area. There is also no objection from the Highways department with regard to the interaction between vehicles and users of the Public Footpath arising from this proposal. Whilst the use of public footpaths by vehicles is prohibited without lawful authority this is not a material planning consideration and is covered by other legislation. As such it is not considered that there are any substantive grounds to refuse this application.

### **Recommendation**

That the application be approved, subject to conditions requiring the parking area to be provided in accordance with the approved details within six months of the permission and limiting the area to parking only.



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Pembrokeshire Coast  
**25 SEP 2013**  
 National Park Authority

**Project**  
 Vehicle Access, Plot 2 Wogan Cottage, Wogan Lane,  
 Saundersfoot.

Drawing No. <b>Location</b>	Rev.	Scale 1:2500	Date. 09.06	Drawn by. SLH
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Item a)

