

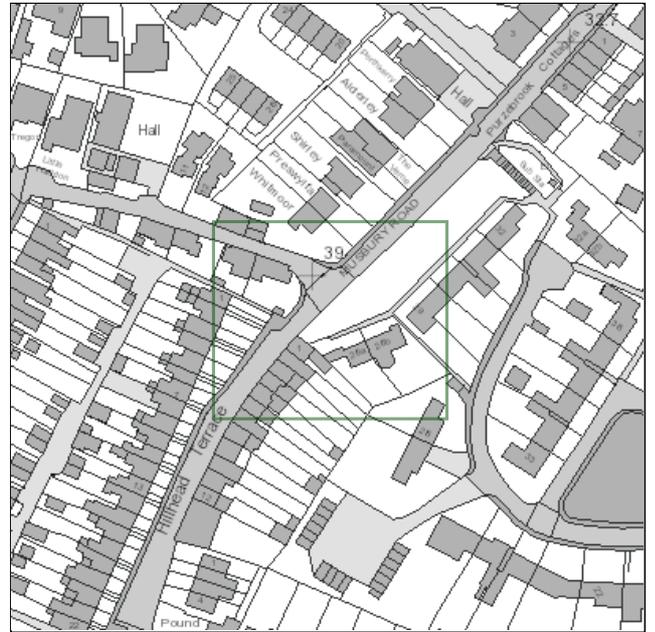
Ward Axminster

Reference 20/1841/FUL

Applicant Mr S H Jaffar

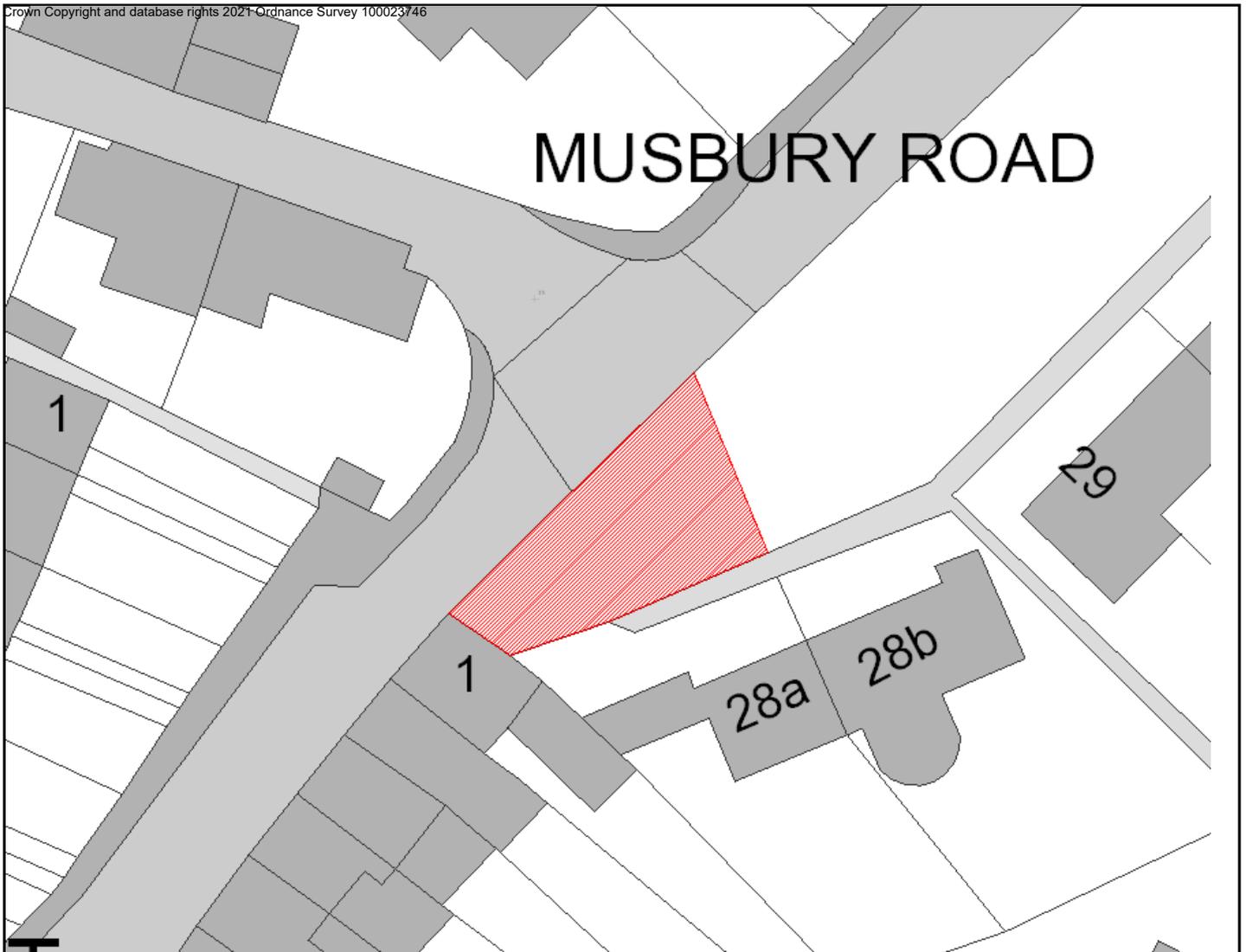
Location 28A Foxhill Axminster EX13 5LT

Proposal Alterations to parking layby approved under planning permission 16/2868/FUL to enable the parking of 2no. cars



RECOMMENDATION: Approval with conditions

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		Committee Date: 15th July 2021
Axminster (Axminster)	20/1841/FUL	Target Date: 21.10.2020
Applicant:	Mr S H Jaffar	
Location:	28A Foxhill Axminster	
Proposal:	Alterations to parking layby approved under planning permission 16/2868/FUL to enable the parking of 2no. cars	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is referred to the Development Management Committee as the comments of the Ward Members conflict with the officer recommendation.

Following planning consent issued under reference 16/2868/FUL which secured a layby for the parking of 2 cars amendments are now sought to amend the design of the layby particularly the retaining structure to its boundary and the position of the steps up from the layby.

The changes raise no highway safety issues and the resulting visual impact of changes to the design while not as attractive as those previously approved are not considered to cause significant harm to the street scene.

Accordingly the proposal is recommended for approval, subject to conditions.

CONSULTATIONS

Local Consultations

Axminster - Cllr Andrew Moulding

I am in favour of this application in principle.

However, it would seem that a splayed ingress and egress from the parking spaces should be provided in order to overcome highway problems whilst entering the parking bays.

I would also enquire whether calculations relating to the construction of the retaining walls are provided to ensure that the stability of adjacent buildings are maintained. I

appreciate that this is a building regs matter - but would seek assurance that these checks are made.

25/04/21 - I recommend that this application is approved

Axminster - Cllr Ian Hall

I recommend refusal as I believe that this section already has ample room for two vehicles (dependant on the size of vehicles)

Axminster - Cllr Sarah Jackson

The application doesn't appear to make any major changes to the available space but instead appears aimed at flattening the grassed area behind/above the parking bay with a change to position to the access steps. However, I regret that I cannot currently support the application as submitted for the following reasons:

- o I note that the conditions (relating to Local Plan Strategy D1) set by the Planning Authority for the original application (16/2868/FUL) are yet to be met by the applicant. This application strays further still from the original finish planned. I am not satisfied that this new proposal is in keeping with the surrounding buildings and landscape.
- o The previous application conditions also included a rail fence to be installed as a safety measure to prevent a fall from the land above. This is now even more critical given the newly proposed height of the bay wall, but this rail fence does not appear in the accompanying drawings for the new proposal.
- o I have further concerns with regards to highway safety and visibility. I would like to seek assurances from Highways that this has been properly considered. The height of the wall has been significantly increased which will be compounded by the addition of the necessary safety fence. This could well obstruct the Southern view of road users, and the view to the North for vehicles pulling out onto the highway (one way) to exit the parking layby. Vehicles do travel at considerable speed along this section of road and any degradation of visibility is a serious safety issue.

I also note the concerns raised by local residents about the construction of the proposed wall. I sympathise entirely with their concerns as this new plan would require the wall to be structurally sound enough to retain significantly more weight, but I recognise that this issue is one for the attention of Building Control rather than Planning

25/04.21 - Please can I seek further clarity on the application? The new combined plan as-built (TW16/69/02 C) appears to seek to regularise what has already been built but that is therefore at odds with the previous combined plan (TW16/69/02D) which sought to square off the northern end of the bay and which has not been marked as superseded on the planning portal documents list. What is the intention of this application now? A regularisation, or an extension to the bay?

Either way, I note that the proposed finish is still rendered rather than the stone facing as conditioned in the previously approved planning application. I am still of the belief that this is therefore not in keeping with the surrounding stone-faced walls and

properties which are closer in proximity to this wall than dwelling at 28A, nor the heritage wall that this construction has replaced.

If the application still seeks to extend the bay then my previous concerns about highway safety/visibility remain, as does my concern for the need/justification for the bay extension given that I have witnessed 2 vehicles parked in the existing bay with ample space at either end to manoeuvre on a number of occasions over the last few months.

I look forward to receiving the clarification as above

Parish/Town Council

AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION IN PRINCIPLE BUT SUBJECT TO A CONDITION BEING IMPOSED THAT THE BLOCK WALLING IS FACED WITH NATURAL STONE TO MATCH THAT OF THE WALL LEADING UP TO THE PARKING BAY AND THAT OF THE COTTAGES BEYOND IN ORDER TO MAINTAIN AND RESPECT THE HISTORIC CHARACTER OF THIS STAGE OF THE TOWN'S DEVELOPMENT.

28/04/21 - AXMINSTER TOWN COUNCIL SUPPORTS THIS APPLICATION IN PRINCIPLE BUT SUBJECT TO A CONDITION BEING IMPOSED THAT THE BLOCK WALLING IS FACED WITH NATURAL STONE TO MATCH THAT OF THE WALL LEADING UP TO THE PARKING BAY AND THAT OF THE COTTAGES BEYOND IN ORDER TO MAINTAIN AND RESPECT THE HISTORIC CHARACTER OF THIS STAGE OF THE TOWN'S DEVELOPMENT. THE TOWN COUNCIL WISHES TO POINT OUT THAT IN THE 16/2868 APPLICATION THE MATERIALS SPECIFIED ON THE APPLICATION FORM WERE FOR THE WALL TO BE STONE FACED SO THERE WAS NO NEED TO REQUEST THAT A CONDITION TO THAT EFFECT BE IMPOSED.

Other Representations

One letter of objection has been received to date (in summary);

- Danger to road users of the highway.
- Excavation could result in subsidence of ground conditions.

PLANNING HISTORY

Reference	Description	Decision	Date
16/2868/FUL	Proposed extension and creation of parking layby	Approve	13.04.2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

TC2 (Accessibility of New Development)

Strategy 6 (Development within Built Up Area Boundaries)

Strategy 20 (Development at Axminster)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Manual for Streets

Proposed Development

A previous planning consent allowed for a 15m by 3.5 m parking bay. The proposal now for consideration seeks planning permission in order to regularise that car parking bay as built. Essentially the main changes are that the steps up from the parking bay to the front garden of No. 28a would now be at the eastern end of the bay rather than the west and the retaining wall and bank that would previously have marked the boundary between the bay and the garden area would now be a much taller wall with a rendered rather than stone finish.

During the processing of this planning application there have been several changes made consisting of;

- Change of description to reflect what has been built.
- Drawing representing layout as built – an extension to the as-built layby was originally proposed.
- Timber balustrade (safety fence) now included.
- Confirmation that the existing block wall would be rendered.
- The hardstanding of the parking bay would be tarmac.
- Amended location plan making clear the extent of ownership and area of the proposed development.

This additional information has better reflected the development as built.

ANALYSIS

The main issues with the application concern highway safety and the impact on the character and appearance of the area as well as the impact on neighbour amenity.

Highway Safety

The applicant had originally proposed to extend the layby beyond the originally approved dimensions but has subsequently reverted back to the dimensions originally approved and as-built. These dimensions are in-line with the government produced Manual for Streets document. This document states that parallel parking bays should

be 6.0 m in length and 2.0m in width and so in line with this document a total length of 12.0 m (at a depth of 2.0m) would be acceptable. The actual length of the layby measured parallel to the road would remain 15 metres at its widest point.

In terms of highway safety the road in this location is one way and as such while the road bends around the terraced cottages to the south so that no traffic would be coming down the hill in this direction. As such there is a relatively straight road to the north where it is considered again that there is sufficient visibility to ensure that cars could enter and exit the layby without causing conflict with other road users. It is of note that a similar situation occurs with on street parking that exists further to the north on the same road.

As with the previous consent there are no highway issues raised.

Character of the area

In terms of the character and appearance of the area, the scheme would cause some intrusion into the grassed bank area when viewed directly from the lane opposite. From long distance street scene views the current grassed bank with low stone wall forms an attractive feature in the streetscene. As such it plays a meaningful role in the local character.

However, the layby is to the very south of this green embankment and in the more sensitive longer distance views any cars parked within the layby would be read against the built form of the terraced houses beyond. In this sense while the intrusion caused is regrettable it is not considered to cause significant harm to the street scene.

As the development stands today the retaining wall is constructed of block work which has not been rendered. Given the pallet of surrounding materials it would be preferable for the use of natural stone on this retaining wall, and indeed this was originally requested by the town council. The applicants have confirmed that this block work will be finished in render and while a stone finish would be better taking into account the surrounding area there are not sufficient grounds to object to the change to render.

The development constructed to date features a small post and rail fence above the retaining wall, as per the stipulation of the 2016 planning consent. A condition is required ensure that a suitable protective barrier is retained.

Other Matters

Whilst concern has been raised with regard to the stability of the bank there is no evidence submitted that the existing development has resulted in stability issues.

Conclusion

The proposal would result in amendments to the original configuration which would not materially harm the street scene or highways safety.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved. (Reason - To comply with 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 the approved plans listed at the end of this decision notice. (Reason - For the avoidance of doubt.)
3. Within 3 months of the date of this decision notice the block work of the retaining wall shall be finished with render. The render finish shall be retained in perpetuity. (Reason - To ensure that the materials are sympathetic to the character and appearance of the existing building in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
4. The safety fencing/railing positioned on top of the retaining bank and as shown in approved drawing TW16/69/02 C shall be retained in perpetuity. (Reason - To protect the character of the area whilst maintaining the safety of users of the surrounding land in accordance with Policy D1 (design and Local Distinctiveness) and TC7 (Adequacy of Road network and site access) of the adopted East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

TW16/69/02 C	Proposed Site Plan	02.06.21
	Combined Plans	02.06.21
	Location Plan	02.06.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.