

Ward Budleigh And Raleigh

Reference 20/0607/FUL

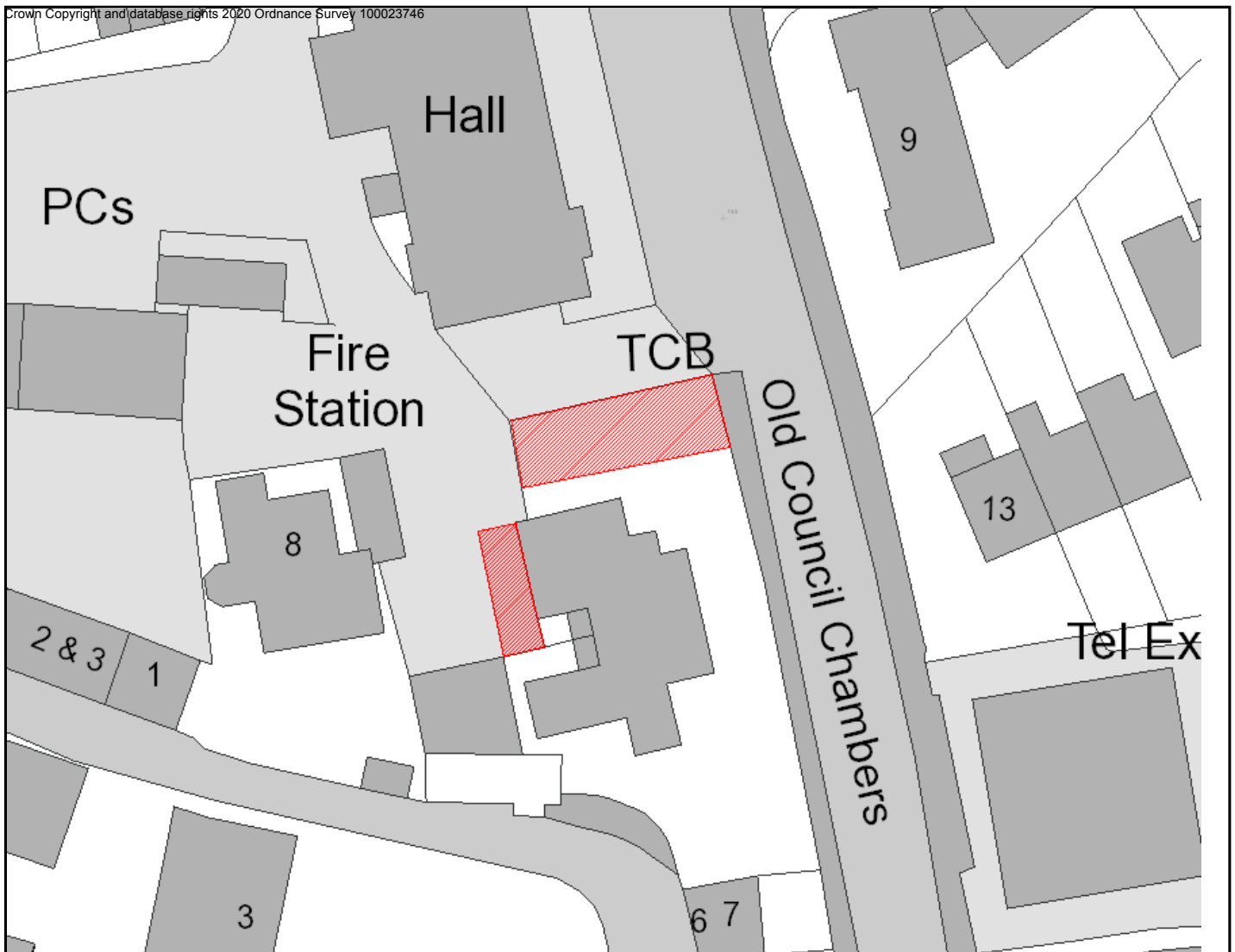
Applicant CL Chambers (Budleigh Salterton)

Location Council Chambers Station Road Budleigh Salterton EX9 6RL

Proposal Provision of altered/additional car parking facilities.



RECOMMENDATION: Approval with conditions



		Committee Date: 7th October 2020
Budleigh And Raleigh (Budleigh Salterton)	20/0607/FUL	Target Date: 22.05.2020
Applicant:	CL Chambers (Budleigh Salterton)	
Location:	Council Chambers Station Road	
Proposal:	Provision of altered/additional car parking facilities.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This proposal is before the Committee because the recommendation is contrary to the views of all three Ward Members.

The application is for the removal of a wall and hedge and construction of six parking spaces on part of a communal lawn serving eight existing flats in the old Council Chambers building. The parking spaces would be for the benefit of the occupants of the 8 flats and would supplement the five spaces retained at the rear of the building. A replacement hedge would be planted around the new spaces.

The proposal would result in no loss of amenity to the occupants of the flats because a significant area of lawn would be retained in front and on the other side of the building. They would also benefit from improved parking and bin storage arrangements. Visually, the parking area would be seen in the context of cars parked on the road to the south and busses using the bus stop in front of the Norman Centre, as well as vehicles accessing the buildings and public parking areas behind. Although the parking spaces would be prominently located, they would not appear out of character in this context. Furthermore, the retained garden and new hedge planting would continue to provide a spacious and attractive setting.

The parking spaces would be situated very close to the junction of the access road with Station Road, where there is on-street parking and a taxi bay, and also opposite the bus stop outside the Norman Centre. The access is used by two-way pedestrian and vehicular traffic accessing the businesses and amenities situated to the west and does not benefit from a pavement. The access is about 6-6.5m wide and it is understood that cars frequently park adjacent to the site of the proposed parking spaces, thereby narrowing the access.

The proposal would remove the cars parked on the access road but would introduce additional parking spaces in this area. Although the access road is well used, it is wide enough to accommodate vehicles manoeuvring into or out of the parking spaces, as well as those passing by. Furthermore, such manoeuvres could be safely carried out because there would be good visibility between the drivers and pedestrians and other cars.

Having reviewed the proposal, the Highway Authority has advised that in the light of the unclassified nature of the road off Station Road and the view that the development would not materially change the direction of traffic movements from the time when the Council Chambers building was in full use for office purposes, they would not wish to raise any objections on highway safety grounds.

In conclusion, having regard to the balance of the material considerations set out in the report and lack of objection from the County Highway Authority, it is thought that objection to the proposed development on the grounds recommended by the town council and ward members could not be sustained on appeal. Therefore the proposal is recommended for approval subject to conditions.

CONSULTATIONS

Local Consultations

Budleigh and Raleigh - Cllr Alan Dent

Thank you for sending me this report. I am unable to attend the virtual delegated meeting due to a prior commitment but do have the following comments to make:

1. The roadway where this development is proposed leads to the Lower Station Road car park, the workshop units behind the old fire station and is heavily used by pedestrians making their way to and from the town.
2. No matter what Highways feel this is a busy, congested strip of roadway which is also used by buses who use the route to the rear of the Town Hall to change direction at the end of their run.
3. Apart from the loss of amenity space for the residents of the flats, the proposal creates a bottleneck for traffic and people.
4. The current arrangement where vehicles park opposite the Norman Centre helps to stem traffic flow and - as an informal arrangement - works very well.

I do not believe this proposed development should be permitted and therefore submit my objections.

Further comments:

Thank you for sight of this report.

Despite the views of officers I feel this is a totally inappropriate development and for the reasons I gave that are in the report I stand by my objections.

Budleigh and Raleigh - Cllr Tom Wright

I totally support Cllr Dent's objections. On paper the application seems to be a simple proposal but the reality on the ground is somewhat different, as is often the case.

Budleigh and Raleigh - Cllr Paul Jarvis

After looking through the application and knowing the area well as do my fellow councillors, I can only agree completely with Cllr Dent's well drawn objections along with Cllr Wright's. Unfortunately due to another commitment I also can not attend the zoom meeting.

Parish/Town Council

This Council is unable to support the application for the following reasons:

1. Over-development of the site.
2. Loss of amenity and green space for the residents of the flats and those living in Station Road.
3. The proposal could cause safety and traffic issues for pedestrians and drivers using the Norman Centre, those working and/or visiting the businesses based at Salterton Workshops and users of the Lower Station Road Car Park.

Members feel the proposal goes against Policy H3c of the Budleigh Salterton Neighbourhood Plan which states "development, including garden size, should reflect the existing grain/density/pattern of surrounding development".

Other Representations

No third party representations have been received in respect of the application proposal.

Technical Consultations

Devon County Highway Authority

Observations:

The County Highway Authority has reviewed the plans under this submission and is content that the alterations proposed will not greatly change the direction of traffic movements from when the Council Chamber was in full use.

Similarly, vehicles are still able to turn off carriageway and re-enter the county highway network in a forward facing motion.

Therefore in summary the County Highway Authority has no objections to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

PLANNING HISTORY

Reference	Description	Decision	Date
77/C1200	Conversion of offices to form four flats with offices on ground floor (Full). Approved	Approval with conditions	18.10.1977
78/C1622	Conversion of ground floor office into flat	Approval with conditions	09.11.1978
15/0074/FUL	Change of Use of ground floor offices to 3 apartments, replacement windows in existing openings and insertion of new window openings	Approval with conditions	19.06.2015
19/2551/FUL	Demolition of existing building and replacement with a new chalet style dwelling with amenity space and off street parking	Approval with conditions	04.03.2020

POLICIES

Budleigh Salterton Neighbourhood Plan (Made)
H3 (Infill Developments and Extensions)

B1 (Identity of Town and Seafront)

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents
NPPF (National Planning Policy Framework 2019)

Site Location and Description

Council Chambers is a detached two storey building housing eight apartments that is located on the western side of Station Road on the edge of Budleigh Salterton town centre approximately 80 metres north of the junction with High Street and West Hill, just outside of the designated Budleigh Salterton Conservation Area.

The building sits within a lawned communal garden and is set back from the road frontage, which is defined by a low wall of brick and pebble construction. A slightly higher brick wall extends along the return northern boundary of the garden and abuts an unnamed road off Station Road that leads to the fire station, Salterton Workshops and a public car park at the rear of the Norman Centre/public hall immediately to the north. A hedge extends along the inside of this wall for the entire length of this boundary.

This road also serves seven parking spaces and a bin storage area used by the occupiers of the Council Chambers apartments to the rear of the building as well as providing access to a private garage/storage building. Planning permission for the demolition of this rear building and redevelopment of the site through the construction of a detached two bedroom chalet style dwelling, incorporating amenity and parking space, was granted in March 2020 (application 19/2551/FUL refers).

Although the applicant for this development owns the land at the front of the garage/storage building, the occupiers of the Council Chambers apartments have a right of access over it that enables them to use the 7no parking spaces.

Proposed Development

The application proposal involves the demolition of the entirety of the brick wall and the removal of the hedge along and inside the northern boundary of the curtilage of the Council Chambers apartments site, the laying out of six parking spaces - oriented 'end in' at right angles to the road to the fire station, workshops and car park - on part of the existing lawned communal garden and the planting of a new hedge around the western end and rear of the new spaces.

Although the width of this part of the site is not quite sufficient to enable the provision of a seventh parking space, it is intended to use this 'spare' area of land to provide a replacement bin storage area for the apartments. It is intended that the proposed hedge would screen this area from general view from Station Road.

Three of the seven existing parking spaces at the rear of the site would be retained as per their present layout. Only two of the remaining four spaces would be retained. A small landscaped area would be introduced between these two groups of spaces.

It is understood that these alterations are intended to relocate some, whilst also providing additional, parking spaces in order to facilitate rationalisation of the use of the space at the rear of the Council Chambers apartments. They will enable the creation of more practical arrangements for refuse collection and improve access and parking arrangements for the approved redevelopment scheme for the garage/storage building site.

ANALYSIS

The principal issues that are material to consideration of the proposal in this case relate to the impact of the proposed operations upon the character and appearance of the street scene of this part of the town centre and the wider area more generally and the extent to which the development would be consistent with highway safety interests.

Character and Appearance

It is clear that the proposed creation of the new parking spaces along the northern side of the present communal garden of the Council Chambers apartments would represent an incursion into the open/green space that is available with some associated loss of amenity to the residents.

However, there are a number of other factors that should be weighed into the overall planning balance in this case.

First, it has been advised by the agents representing the applicants that the scheme for additional parking spaces has come forward as a result of a proposal from the residents of the Council Chambers apartments. As such, it would provide a much-needed facility for them. It is therefore argued that it would not result in a loss of amenity for the occupiers.

The agents also advise as follows:

'The proposal also improves the amenity facilities of residents by forming a formal bin storage area, easily accessible for refuse collections, where currently no such facility is provided with bins currently stored in the forecourt in front of the former council store at the rear of the site; however, this no longer practical with the proposed re-development of this area.'

Equally, whilst 'amenity' in the context of the town council's comments may be intended to refer more specifically to the garden space itself that is available to the residents and the physical reduction in its area that would result from the development, it is not thought that this would be so significant as to justify objection on such grounds when considered in the overall balance of material considerations, including the benefits - in terms of the provision of additional parking spaces and improved bin storage facilities - to the occupiers of the apartments.

Although providing a visually attractive landscaped foreground and setting for the main building as well as an amenity for the residents, it does not have the benefit of any privacy from Station Road and is positioned immediately alongside it where the level of any enjoyment of the space is arguably reduced by the close presence of passing traffic and pedestrian activity. Indeed, it serves as more of a visual amenity to this part of the street scene of Station Road rather than a garden that is actively used by residents.

Furthermore, in terms of the impact of the proposal on the 'public' visual amenity that is provided by the garden, it is not considered that the level of any harm to the

character or appearance of the area that would arise as a consequence of the introduction of the parking spaces would be sufficient to support a case against it on such grounds, or indeed on the basis of overdevelopment as stated by the town council.

Although, again, clearly representing an intervention in a strongly defined boundary that is visually prominent within this part of the street scene, it would introduce more formalised vehicle parking where, anecdotally, there is already intermittent 'informal' parking alongside the wall and hedge on the road. It is also reiterated that the proposal includes the planting of a new hedge, in order to mitigate the loss of the existing hedge, as a means of defining the 'new' northern boundary of the garden beyond the end of the proposed parking spaces.

Moreover, although the point behind the reference to 'overdevelopment' made by the town council is understood, it is generally a term that is used to proposals involving the construction of buildings and relates to issues such as plot coverage, ratios, etc. It is not thought that it could be readily applied in the context of this particular application proposal.

The reference to Policy H3 of the Budleigh Salterton Neighbourhood Plan in the town council's objections is also acknowledged. However, again, its relevance to the proposal is questionable in this instance. Its provisions relate to the schemes involving infill residential developments and residential extensions and their relationship to the grain, pattern and density of existing surrounding development, especially when read alongside the content of the policy justification alongside it. Among other things, this refers to parts of the National Planning Policy Framework and the Budleigh Salterton Design Statement that reference infill and backland development of residential gardens.

It is considered arguable therefore whether its application is intended to extend more generally to proposals such as that proposed in this case.

Drawing these matters together it is thought, subject to the provision of further detail of the replacement hedge planting, that the proposed development would be acceptable in terms of its visual impact upon the character and appearance of the street scene of this part of Station Road.

Highway Safety

Turning to the matter of vehicular and pedestrian safety, this has been raised by the town council and all three ward members in their consultation responses. Owing to these comments and the proximity of the six proposed parking spaces along the northern boundary of the site to the junction of the road off which they are served with Station Road the consultation response of the County Highway Authority (CHA) has been deliberately sought by officers in this case.

This advises that, in the light of the unclassified nature of the road off Station Road and the view that the development would not materially change the direction of traffic movements from the time when the Council Chambers building was in full use for office purposes, the CHA would not wish to raise any objections on highway safety grounds.

As such, although the proximity of the spaces to the junction, as well as a bus stop within a lay-by outside the front of the adjacent Norman Centre on the opposite side of the road to the north, is duly acknowledged, in the absence of any objection from the CHA it is not considered that any grounds for refusal introduced by the Local Planning Authority could reasonably be sustained in the event of an appeal against such a decision, more particularly if they were to form the sole ground(s) upon which the Authority based its determination.

In addition, there is some empathy with the comments received by the applicants' agents who have countered the town council's objection on this ground as follows:

'In (the applicants') experience, there has always been parking issues along the side boundary to Council Chambers, opposite the Norman Centre from visitors to the centre itself, and those using the town to avoid the parking charges imposed by the public car park at the rear. This in turn has resulted in yellow lines recently being painted on the access road although this has had little impact with inconsiderate parking continuing causing obstruction. The creation of the proposed parking area within Council Chambers would prevent vehicles from being able to park on the access road opposite the Norman Centre, thus improving safety for all.'

CONCLUSION

In conclusion, having regard to the balance of the material considerations set out above it is thought that objection to the proposed development on the grounds recommended by the town council and ward members could not reasonably be sustained on appeal.

No representations from any interested third parties have been received in respect of the proposal.

Approval is therefore recommended subject to the submission for approval of a scheme of soft and hard landscaping to include details of both the replacement hedge planting and the surface treatment of the six new spaces proposed along the northern site boundary. A further condition is recommended to ensure retention of these spaces in perpetuity.

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. No development relating to the laying out of the six parking spaces shown numbered 6-11 on drawing no. 100-11 shall take place until a scheme of hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically give details of the new hedge to the boundary of these parking spaces shown on drawing no. 100-11, comprising species, sizes, numbers and planting intervals, and the surface treatment of the parking spaces shown numbered 6-11 on the same drawing. The soft landscaping scheme shall thereafter be carried out during the first planting season after commencement of the development, unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority, and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031.)
4. The six parking spaces shown numbered 6-11 on drawing no. 100-11 shall not be used for any purpose other than the parking of vehicles.
(Reason - To ensure that adequate and safe provision is made for the occupiers and in the interests of highway safety in accordance with the requirements of Policy TC9 (Parking Provision in New Development) of the adopted East Devon Local Plan 2013-2031.)

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:

100-09A	Combined Plans	27.03.20
100-11	Proposed Site Plan	16.03.20

List of Background Papers

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