

YARTY  
(Membury)

08/0963/FUL

Target Date: 10.06.2008

Applicant:

Mr A Turner

Location:

Peppercorn Cottage, Membury

Proposal:

Retention of access and retaining wall

## **CONSULTATIONS**

### **County Highway Authority**

The local Highway Authority recommends that permission be refused for the following reason;

1. The proposed development would result in a material change in the character and an increase in the volume of traffic entering and leaving the Class III County Road through an access which does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of the road contrary to Policy TR10 of the Devon County Structure Plan.

The current application differs little to the previous application. The submission is supported by an access statement compiled by Faber Maunsell. I do not agree with some of the contents of the statement. Ultimately, the Highway Authority would only support the removal of parked cars from the highway if the space on which the car would be parked is safe and suitable to access. In this case, with virtually no visibility being available for emerging vehicles, I believe the use of the new access would be unsafe. I would not wish to see extensive visibility splays being provided in this location but have virtually no visibility at all would be considered hazardous to all road users.

### **TOWN/PARISH COUNCIL**

Membury Parish Council supports this application.

Visibility from emerging vehicles is no worse than that of many other properties in the vicinity and could be overcome by the use of a convex mirror.

The property's garage is extremely small and is unable to accommodate most modern cars. An additional off street parking space in this very narrow lane is to be greatly welcomed.

### **WARD MEMBER(S)**

The initial comments of the Ward Member (Cllr P Diviani) are -

Having looked at this application, I feel that it is unfortunate that it is retrospective, but on reflection and being able to see the works in situ, I consider the change is for the best and consequently support the application.

In our villages we normally regard on-street parking as an useful adjunct to traffic calming and less obtrusive than a plethora of static signs. In this instance, we would not wish or indeed expect to see on-street parking for the difficulties it would impose in this very narrow thoroughfare.

I have often passed along this stretch in a valley which is inherently unstable, wondering when an earth fall might precipitate problems for the built environment, in particular in respect of the adjoining listed Rock House whose position has now been made more secure by these works.

In the event that this application comes to Committee, I would reserve my position until I am in full possession of all the relevant facts and all the arguments for and against.

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## **REPRESENTATIONS**

### Objections

None received.

### Support

1 Letter

- Additional parking would reduce road blockage.
- Traffic generally travels slowly and with the additional of a mirror, there would be no real issue with visibility.

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
08/0119	Retention of access and retaining wall	Withdrawn	12.03.2008

## **PLANNING POLICIES**

### Government Guidance

Manual for Streets

### Devon County Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty  
Policy CO6 - Quality of New Development  
Policy TR10 – Strategic Road Network and Roadside Service Areas

### East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness  
Policy S5 – (Protected Countryside)  
Policy EN1 – (Developments affecting Areas of Outstanding Natural Beauty)  
Policy H10 – (Extension to Dwellings in the Countryside)  
Policy TA7 – (Adequacy of Road Network and Site Access)

## **SITE LOCATION AND DESCRIPTION**

The property known as 'Peppercorn Cottage' is situated within the small hamlet known as 'Rock', which is located to the south of Membury. The property is situated adjacent to the listed property known as 'Rock House'. The road network in this area is characterised by narrow width carriageways, with limited provision for parking within the immediate area.

The applicant also owns a detached garage on the opposite side of the road (this is shown hatched on the location plan), which serves the property.

## **PROPOSED DEVELOPMENT**

The proposal seeks planning consent for the retention of a small parking bay situated directly to the south of the main dwelling house. It would appear that during construction the ground had to be excavated to allow for a small hard standing area to accommodate the vehicle parking space. In addition, the works also include a retaining wall which acts to reinforce the adjacent listed wall, as it would appear that the excavation created instability.

The parking bay measures approximately 2.0 metres in width and has a length of 5.0 metres (measurements approximate).

## **CONSIDERATIONS AND ASSESSMENT**

This application is a resubmission of a previous application which was withdrawn following a refusal by the Development Control Committee meeting on the 11 March 2008. No further or alternative material operations are presented with this application. The application does, however, contain a supporting statement from Faber Maunsell.

The main issues concerning this application is the impact of the proposal on the highway safety of the road network, the impact on the designated Area of Outstanding Natural Beauty and street scene, and the impact on adjacent listed wall.

### **Faber Maunsell Access Statement Summery**

The report states that the class III country Road would carry less than 20 movements per day (based on a 9 hour period) across the site frontage and that the increased emphasis for parking on the street reduces the ability to allow 2 vehicles to safely pass. The report continues 'this class III Country Road does not appear to be built to any particular design standard, rather it follows the form of a typical Devon Lane'. The report claims that due to the narrow width of the road, built up sides and limited forward visibility the traffic speeds along the road are low – indeed the location creates a safe low speed environment.

Therefore the report considers that the provision of this parking space would not lead to a detrimental impact on highway safety, indeed, is likely to provide a benefit.

### **Highway Issues**

The current application differs little to the previous application. The submission is supported by an access statement compiled by Faber Maunsell. The Highway Authority does not agree with some of the contents of the statement.

Ultimately, the Highway Authority would only support the removal of parked cars from the highway if the space on which the car would be parked is safe and has suitable access.

The access to the parking space (which has already been created) remains severely substandard in the opinion of the county highway engineer. The visibility from and of vehicles is extremely restricted by the roadside boundaries in both directions, but particularly in the southerly direction. It is acknowledged that there are a number of substandard accesses in close proximity to the site. However, the property already benefits from a garage which could be presumably be used for the parking of a vehicle. It is the role of the Highway Authority to ensure that new development is safely set out as not to create or intensify hazardous conditions.

This assessment takes into account the anticipated speeds travelled in this location.

Policy TR10 of the Devon Structure Plan requires Devon's road network to be maintained and enhanced in such a way as to minimise the impact of traffic and to improve safety, and access to the road network should not detract from or conflict with the function of the route. This policy is echoed in the adopted local plan under policy TA7. This states that planning permission for new development will not be granted if the proposed access would be detrimental to the safe and satisfactory operation of the local, or wider, highway network. It is considered that the substandard new access created is contrary to these policies.

#### Impact on Listed Buildings

The Conservation Officer has commented on the proposal and considers that in this particular instance the proposal does not have an impact on the listed building itself (known as 'Rock House') and the impact on the stone wall is minimal. Therefore the proposal is considered to be acceptable in relation to policies EN9 and CO7 of the development plan.

#### Impact on the Area of Outstanding Natural Beauty

The proposal is not considered to be detrimental to the wider Area of Outstanding Natural Beauty, this is due to the position of the development. Therefore the proposal is considered to accord with policies C03 of the Devon structure plan and policy EN1 of the adopted East Devon local plan.

### **CONCLUSIONS**

For the reason stated above the benefits of an additional parking space within this locality does not outweigh the detrimental impact on highway safety of the substandard access. As the application is for retrospective works, authorisation is also requested to secure legal action for the closure of the access to vehicular traffic. It is not recommended that enforcement action be taken to remove the retaining wall as this element of the proposal is considered acceptable and its removal could affect the stability of the listed wall.

### **RECOMMENDATION**

REFUSE for the following reason;

1. The proposed development would result in an increase in the volume of traffic entering and leaving the Class III County Road through an access which does not provide adequate visibility from and of emerging vehicles, with consequent risk of additional danger to all users of the road, contrary to Policy TR10 of the Devon County Structure Plan and Policy TA7 of the adopted East Devon Local Plan.

#### Further Recommendation

The Head of Legal, Licensing and Democratic Services be authorised to instigate such legal action as required to secure the discontinuance of the use of the access by vehicles, by the construction of a matching wall across the frontage. Compliance period – 3 months

#### List of Background Papers

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