

AXMINSTER TOWN  
(Axminster)

07/1128/MRES

Target Date: 18.07.2007

Applicant: Swan Country Homes

Location: Former Axe Valley Motors Site, West Street and land at rear of West Close, Widepost Lane and Musbury Road

Proposal: Erection of 16 houses and 8 flats (Reserved Matters on Planning Approval, 03/P2728)

## **CONSULTATIONS**

### County Highway Authority

No objections. Any further detailed issues can be covered by conditions on outline permission 03/P2728 and progressed by the S.38 Agreement.

### County Archaeology

The County Archaeologist recommends a standard condition to secure the implementation of a programme of archaeological recording. This Condition is, however, imposed already on the current outline permission, 03/P2728.

### South West Water

South West Water has no objections provided foul drainage only is connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of soakaways will require satisfactory percolation tests to have been undertaken.

There are no objections to the proposals. However, please note that there are public sewers in the vicinity. This is shown on the attached plan. Please note that no development will be permitted within 3 metres of the sewers without the express consent of South West Water. We also request that ground cover is not substantially altered to ensure the security of our apparatus.

### Environment Agency

Amended plans indicate that the proposed development from a flood risk perspective is now satisfactory provided it conforms with the Flood Risk Assessment approved under the outline permission, 03/P2728.

The Agency also raises the issue of contamination which is suitably covered by Conditions 11 – 14 of the outline permission, 03/P2728.

## **TOWN/PARISH COUNCIL**

The Town Council does not oppose the proposed dwellings but wishes to reiterate the grave concerns about the safety of the proposed access to this site which is narrow and involves an undesirable increased use of a road junction very close to a roundabout and access to a major shop.

Subsequent amendments to the application in respect of the detailed design of the dwellings and minor alterations to the highway layout have been supported by the Town Council.

## **WARD MEMBER**

Councillor D Hull:

The initial comments of the Ward Member is:

“I wish to support the residents of West Close over the proposed flats. My personal feeling is that these are too obtrusive to the houses in West Close.

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

## **REPRESENTATIONS**

### Objections

Letters have been received from residents at 18 addresses in West Close, 2 addresses in Sector Lane and single addresses in Musbury Road, Widepost Lane and King Edward Road raising the following objections:

- Council should reconsider its decision at the outline stage to allow traffic through West Close. Access should be taken from the Purzebrook land or West Street.
- West Close is too narrow to cater for vehicular access and will become rat run.
- The access land adjoining is unsuitable due to its steep slope and deep storm drain which is needed when Mill Leat floods.
- Residents in West Close would not be able to sit out in garden.
- Flats 16-23 are too close and overbearing in relation to properties in West Street causing loss of privacy and outlook.
- Existing Council car park is too close and would affect amenity of future occupiers of flats.
- The Council should consider only allowing a small number of town houses on site and bungalows in the vicinity of West Close.
- Future housing should be outside the town.
- The adjoining long-stay car park is inadequate for residents and visitors.
- There should be a direct path through to the Co-op supermarket.
- Overlooking from the rear of plots 10 – 15 could occur if roof spaces were developed. The Council should consider restrictions.
- Buildings are too close to the Widepost Lane frontage and a 2.0 m high stone wall would cause loss of light.
- Habitable rooms in flats 16 – 23 are close to the Council car park and could have an effect on any future development of the car park.

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
03/P2728	Residential Development and Conversion of Buildings to Residential Use.	Approved	05.09.05

## **PLANNING POLICIES**

### Government Guidance

PPS1 – Delivering Sustainable Development  
PPS3 - Housing

## Devon County Structure Plan (2001-2016)

Policy ST1 – Sustainable Development  
Policy C06 – Quality of New Development

## East Devon Local Plan (1995-2011)

Policy S4 – Development Within Built-up Area Boundaries  
Policy D1 – Design and Local Distinctiveness  
Policy D4 – Landscape Requirements  
Policy D5 – Trees on Development Sites  
Policy TA7 – Adequacy of Road Network and Site Access  
Policy TA9 – Parking Provision in New Development

## **SITE LOCATION AND DESCRIPTION**

The site amounts to 0.645 hectare and lies to the rear of West Street abutting the Council's public car park and has a frontage to West Close for vehicular access. It essentially comprises undeveloped land between West Close and Musbury Road with a short frontage to both Widepost Lane and Musbury Road.

## **PROPOSED DEVELOPMENT**

The proposal, which is a Reserved Matters application, comprises a development of 15 houses and 8 flats served by a proposed vehicular access alongside 21 West Close. This application excludes the frontage of West Street which is to be the subject of a separate application.

The submitted plans indicate two buildings, both 2 storeys in height with further bedrooms in the roof space. Four 1-bedroom flats would be provided on the ground floor with four 2-bedroom flats above.

A Tree Preservation Order gives protection to seven trees on the site at the rear of Nos. 1 – 4 West Close and immediately to the south-west of the Council car park. This important area is retained as an amenity area with retention pond, play area and further landscaping to serve as a focal point on the development.

The scheme then includes a curved terrace of 6 two-storey dwellings a cycleway/footpath onto the Musbury Road and two terraces of 3 and 4 dwellings between the rear of Musbury Road and West Close which use the slope of the site to form three floors.

The scheme is completed at the highest part of the site with two dwellings which back onto Widepost Lane.

## **CONSIDERATIONS AND ASSESSMENT**

### Background

Outline planning permission was granted on 5 September 2005 (03/P2728) for residential development on the land in question subject to 26 conditions and a Section 106 Agreement covering:

- (i) Affordable Housing
- (ii) a financial contribution for improving the footway in Musbury Road
- (iii) educational and open space contributions.

## Highway Issues

A significant amount of objection has been received from residents in West Close to the principle of access being obtained through the first part of the cul-de-sac and alongside No. 21. The Committee should note, however, that the principle of achieving this access was established at the outline stage following referral to the Planning Inspections Committee.

During the course of the application minor amendments to the proposed access have been sought by the County Highway Authority and these are now considered satisfactory.

## Design and Layout

The site is mostly landlocked and a somewhat awkward piece of land. It relates to the town centre close to the West Street frontage, the partly historic streets of Musbury Road and Widepost Lane and the more recent suburban cul-de-sac of West Close itself. The integration of the scheme into these rather different and intimate environments is therefore crucial.

Constraints from the Highway Authority on its requirement to permit access only from West Close and the protection of the area around the trees protected by a Tree Preservation Order have led to a layout which allows some development close to the town centre where the flats are proposed and a separate environment for houses effectively between West Close and Musbury Road.

The applicant has put forward a scheme which respects the vernacular but which seeks to create a distinctive form of development with the way it works with the contours of the site and in its detailing, e.g. fenestration and materials. In this way it avoids a pastiche approach and attempts to create a singular development on this mixed edge of town centre site.

Height, form and scale have been important issues to consider. Flats (plots 16 – 23) are incorporated into two blocks with spans of between 8.0 m – 8.5 m and an overall height of 8.5 m with a height of approximately 5.0 m to eaves.

These buildings have been reduced in height during the course of the application so that they relate better to Nos. 21 – 24 West Close and West House, a Victorian building on the West Street frontage.

The site narrows where it turns the corner to include the field between West Close and Musbury Road. Here Plots 10 – 15 have a modest span of around 6.0 m and a typical height for 2-storey buildings. The field, however, is an important backcloth to the rear of West Close and the rear of Musbury Road and it is important that development does not over dominate on this hillside. Musbury Road comprises two-storey dwellings whereas West Close comprises partly bungalows. The applicant has kept the heights of the ridges and eaves generally below those in Musbury Road and the access road separates the houses from West Close.

In respect of Widepost Lane and the impact of the proposal here the applicant proposes two dwellings which back onto the Lane immediately opposite a cottage known as Little Cote. The nearest dwelling, Plot 2, is some 10 metres from Little Cote and on the facing elevation comprises kitchen and bedroom window. Plot 1 is some 13 metres away from the front of Little Cote. The applicant has lowered these two dwellings so that the eaves level is equivalent to the eaves level of Little Cote with a ridge level 1.1 m higher. A less complex and simpler building would have related better to the street scene but this impact is not considered so seriously inappropriate to warrant a recommendation for refusal.

## Materials

The predominant material is render with a significant amount of timber boarding with some render at first floor level. Some natural stone is also to be included.

In respect of the roofing, this will include a mix of zinc standing seam and natural slate.

These materials will be subject to the approval of details and samples.

Whilst it could be argued that a significant amount of timber boarding is not frequently seen in the historic core of Axminster and would be inappropriate to a great degree in a prominent street frontage it is considered that on this less exposed site it is acceptable and important to the design concept.

## Effect on Neighbours

### (i) West Close

The rear gardens of Nos. 21 – 24, semi-detached houses, back onto the proposed car park for the flats Plots 20 – 23. The applicant has revised the bulk and design of the blocks to minimise the impact of any overlooking. The window-to-window distances vary between 19 – 24 metres where there are lounges/dining rooms at first floor level. These distances are considered satisfactory. At second floor level there are high level rooflights.

### (ii) 2 and 3 Purzebrook House

These dwellings in Musbury Road have 40 m long rear gardens but where they abut Plots 10 – 12 the proposed rear gardens are extremely narrow (approximate 3.5 m). The applicant has minimised overlooking by limiting the number of first floor windows and there is likely to be no material overlooking caused. However, in view of the ease with which further windows could be added to the roof slopes a Condition removing Permitted Development tolerances is considered appropriate.

### (iii) Widepost Lane

The cottage, Little Cote, lies on the street frontage opposite Plots 1 and 2 which at its nearest point is 10 metres away. Equally, the development could have taken the form of properties fronting Widepost Lane in which case a distance of less than 10 metres might have been acceptable. In the circumstances the relationship between the properties with a street and rear gardens in between is considered acceptable.

## Other Issues

In accordance with the advice in PPS3 the applicant has made satisfactory use of an awkward site and retained an open area which will contribute to the setting of the development. However, this had led to small gardens in the region of 5 metres deep. This was not necessarily envisaged at the time of the outline application and in view of the distinctive design concept and the limited garden space it is recommended that Permitted Development tolerances are also removed in this area.

## **CONCLUSIONS**

The applicant has produced a distinctive scheme for new housing incorporating facing materials of good quality which should make a visual statement on this south-west side of the town centre whilst at the same time respecting the varied character of the surroundings. The concerns expressed by the Town Council, Ward Member and local objectors have been carefully considered but given the comments set out above together with restrictive conditions, the proposal is considered acceptable and recommended for approval.

I recommend accordingly that the application be approved.

## **RECOMMENDATION**

East Devon District Council as Local Planning Authority **HEREBY APPROVE THE FOLLOWING RESERVED MATTERS** of the above described development proposed in the application numbered as shown above and the plans and drawings attached thereto, copies of which are attached to this notice, relating to:-

- a) External appearance (except details of materials)
- b) Siting
- c) Access
- d) Design
- e) Landscaping

This Reserved Matters application numbered as shown above is made pursuant to the Outline planning permission (reference number 03/P2728) granted on 5<sup>th</sup> September 2005.

The following conditions attached to the Outline planning permission referred to above are discharged:- **2.**

The following conditions attached to the Outline planning permission referred to above remain to be complied with:- 5,7,8,9,10,11,12,13,14,15,16,17,18,19,20 and 25

The following additional conditions are attached to this reserved matters approval:-

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no works within Schedule 2 Part 1 Classes A, B, C or D for the enlargement, improvement or other alterations to the dwellings hereby permitted, other than works that do not materially affect the external appearance of the buildings, shall be undertaken.  
(Reason – To maintain the distinctive architectural character of the development and to safeguard the limited garden space allocated to each dwelling in the interests of amenity.)
2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area.)

### **Note to Applicant**

1. You are reminded that Conditions 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 25 of the outline planning permission (03/P2728) remain to be complied with.
2. Your attention is drawn to the Section 106 Agreement which accompanies outline planning permission (03/P2728).
3. Condition 1 above removes rights to erect future extensions, porches, alterations to the roof, new windows and doors etc. without a further grant of planning permission.

### **List of Background Papers**

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