

Taunton Deane Borough Council

Planning Committee 29th February 2012

E/0167/53/11

CHANGE OF USE OF LAND TO FORM CAR PARKING AREA OPPOSITE 21 / 23 BURGE CRESCENT, COTFORD ST LUKE, TAUNTON

OCCUPIER: MR P. S. MEDLOCK

OWNER: MR P. S. MEDLOCK
LAND OPPOSITE 21 / 23 BURGE CRESCENT,
COTFORD ST LUKE, TAUNTON

PURPOSE OF REPORT

To consider whether it is expedient to take Enforcement action to secure the removal of the hard standing for the parking of motor vehicles on land opposite 23 Burge Crescent, Cotford St Luke.

RECOMMENDATION

That the Solicitor of the Council be authorised to serve an Enforcement Notice and to take prosecution action, subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

- The removal of the loose stone/gravel in its entirety and restoration of the site to grass.

Compliance time – 2 months from the date on which the Notice takes effect.

SITE DESCRIPTION

Access to numbers 19 to 23 Burge Crescent is via a driveway running past the frontages of the properties and terminating at a set of garages serving the respective properties. To the side of the access road where it accesses Burge Crescent a small hard standing area has been formed by hard surfacing an area of grass between the access drive and a footpath.

BACKGROUND

A complaint was received in June 2011 that a hard standing had been created in an area of open space. A site visit was made and it was found that the owners of 23 Burge Crescent had formed a hardstanding for an additional car. The land, although not within the domestic curtilage of 23 Burge Crescent is

owned by them.

The owner was advised to submit an application for a change of use in order to use the land for the parking of a domestic vehicle. An invalid application was submitted in August 2011 but could not be registered. The owners decided to withdraw the application on 12th September 2011 as they stated they no longer wished to have the facility. A site visit was made on 19th January 2012 and it was found that the hard standing is still in place and being used to park a vehicle.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The area of hard surfacing is approx 6m x 5.5m in a tapered plan form. It is sited off the access drive serving 19 - 23 Burge Crescent and is within an area of open space. Although the land is owned by No 23 Burge Crescent the area is outside the domestic curtilage of the property therefore a change of use has occurred and engineering operations have been carried out through the creation of a hardstanding.

As the site is outside of the existing residential curtilage, permitted development rights do not apply for the creation of a hardstanding.

RELEVANT PLANNING HISTORY

No valid applications have been submitted on this site.

RELEVANT PLANNING POLICIES

National Policy, Guidance or Legislation

PPG18 – Enforcing Planning Control

Taunton Deane Local Plan 2004

S1 (General Requirements)

S2 (Design)

S7 (Outside Settlement)

DETERMINING ISSUES AND CONSIDERATIONS

An unattended visit was made to the site of the alleged breach on 7 February 2012 where the area of hardstanding concerned was observed. The hardstanding is of loose stone/gravel and has been formed over an area of land that was previously laid to grass with a small section of planting to one corner which included a small tree (species unknown).

Parking is provided for no. 23 Burge Crescent to the south of the terrace and this is accessed via the tarmac driveway to the front of the property. This additional parking area has been formed to the front of the principle elevation of no. 23 and is closer in terms of distance than the garage and parking space

to the south. The pertinent issues requiring consideration are thought to be the visual impact of the hardstanding and the impact of the new parking area upon highway safety.

With regard to the visual impact of the proposal, the hardstanding is of an unsatisfactory finish and conflicts with the main surface treatments within the area, which are tarmac and block paving. The colour and finish of the hardstanding combine to result in visual harm, particularly compared to the soft appearance that would have been presented previously by the grassed area and planting. It is generally accepted that on some new housing developments parking space is at a premium; in this instance vehicles have been observed on site as parking alongside and over the grassed area to the front of numbers 19 to 23 Burge Crescent and this uncontrolled parking is itself thought to result in visual harm when viewed within the street scene.

In terms of highway safety, it is considered that the parking space is of a scale that will allow the parking of up to two vehicles clear of the highway. The access drive provides space with clear views for vehicles to reverse and exit onto the adopted highway in a forward gear and therefore the hardstanding and access thereto is thought to be safe in highway terms. One matter of concern relates to the use of loose stone/gravel as a surface treatment. It is likely that loose material will be carried out of the site and onto the adjoining highway as a result and such is not thought to be acceptable having regard to highway safety.

In preparing this report the Enforcement Officer has considered fully the implications and requirements of the Human Rights Act 1998

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