

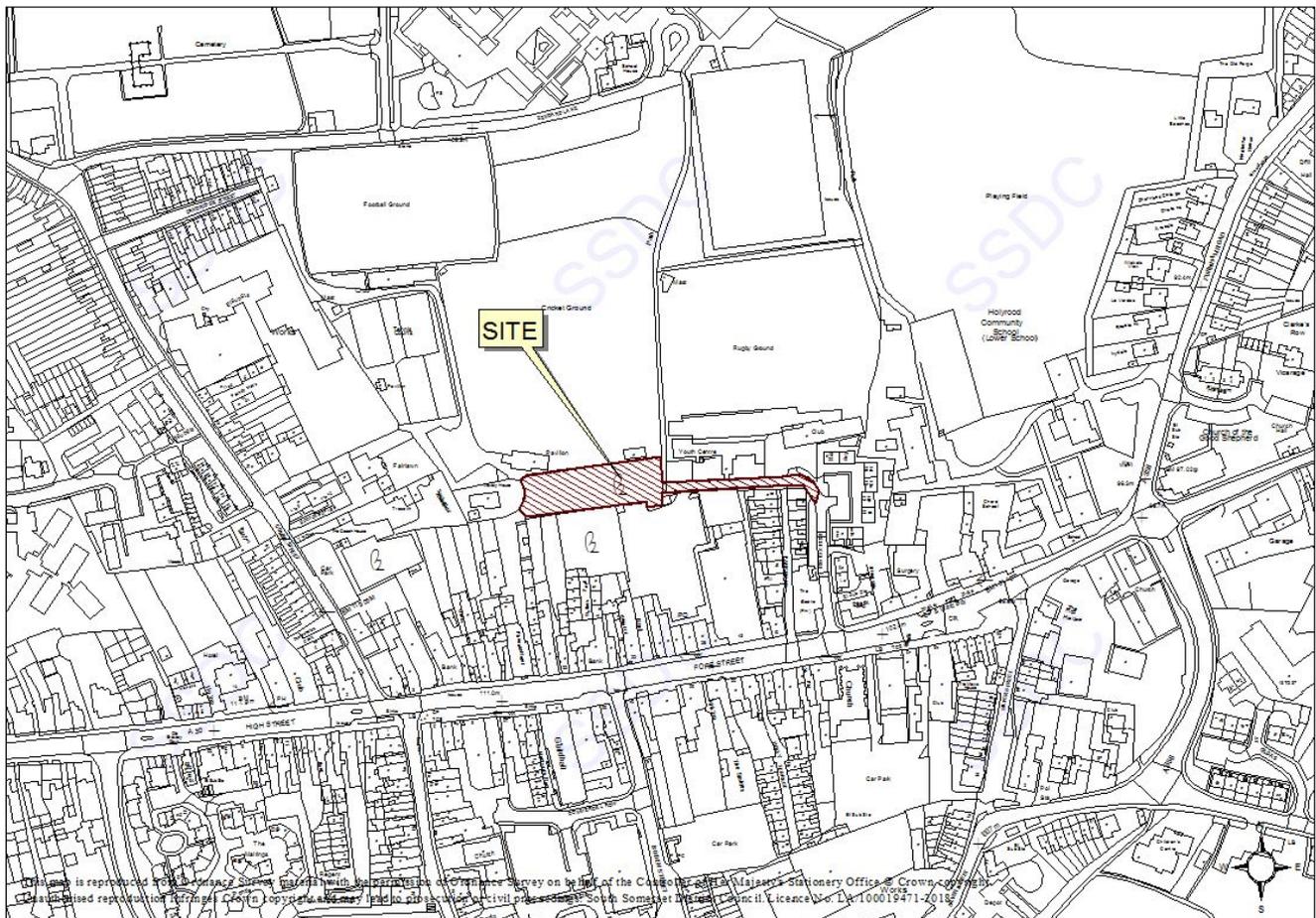
Officer Report on Planning Application: 18/01713/FUL

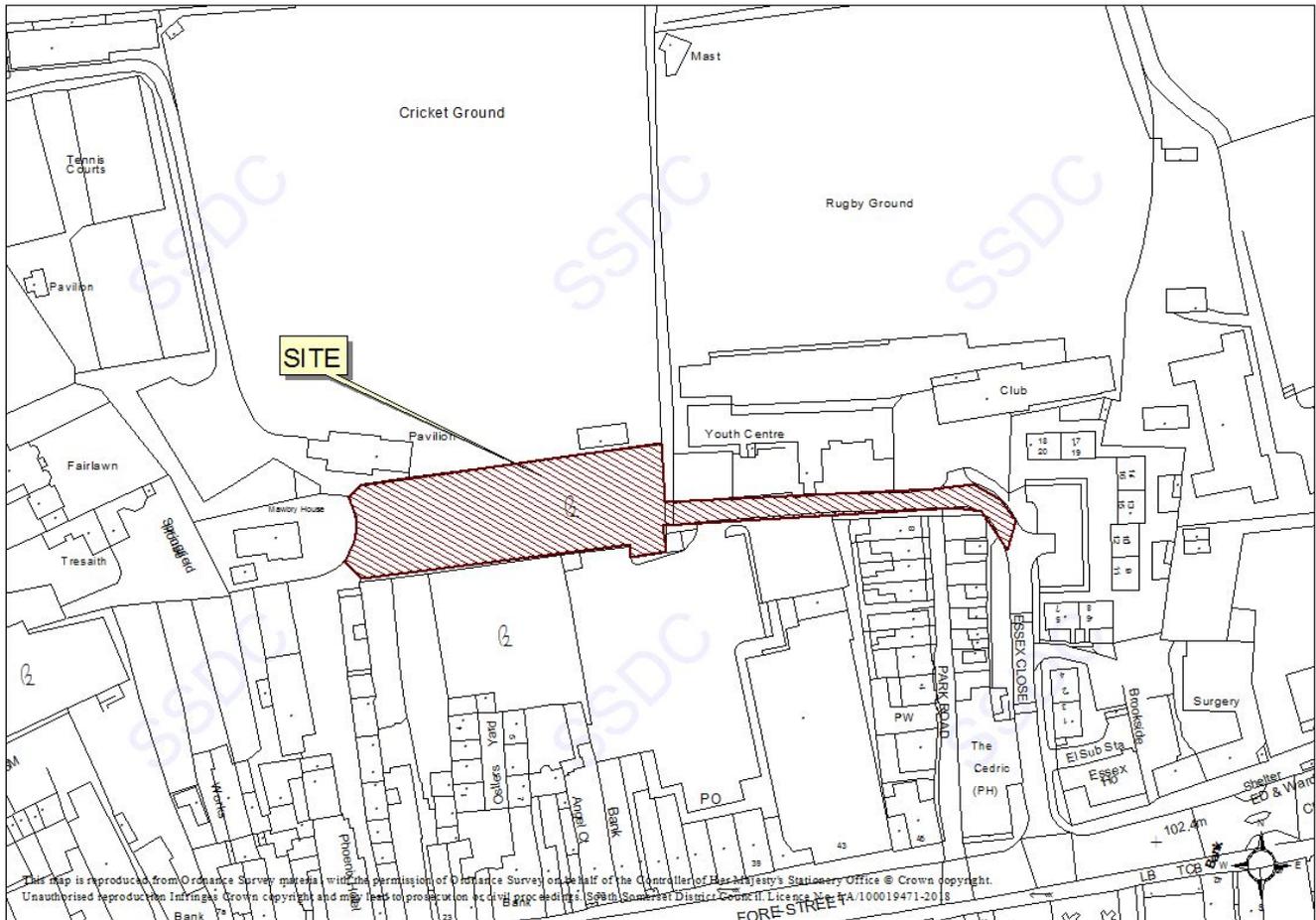
Proposal :	The erection of 4 No. detached dwellings with garaging, parking and private drive.
Site Address:	Land rear of Phoenix Hotel and Car Park, Essex Close, Chard
Parish:	Chard
COMBE (CHARD) Ward (SSDC Member)	Cllr Amanda Broom
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	25th July 2018
Applicant :	Mr T Keeling
Agent: (no agent if blank)	Mr Steven Pinder, Trevor J Spurway Ltd 55 Staplegrove Road Taunton, Somerset TA1 1DG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REFERRAL TO AREA WEST COMMITTEE

This application is referred to Area West Committee because South Somerset District Council has an interest in the application in that it owns land, including Essex Close, to the east of the site.

SITE DESCRIPTION AND PROPOSAL





The application site is located within the centre of Chard, 90 metres to the north of Fore Street, comprising an area of 0.19 hectares. It is currently a redundant site, largely overgrown with vegetation, with a mix of fencing, walling and vegetation on the boundaries. The Cricket Club adjoins to the north, with a specialist care home to the west, Youth club to the east, car park and residential use to the south, with a youth centre to the east. Pedestrian and vehicular access is gained from Fore Street through the Phoenix Hotel Archway. The Conservation Area Boundary runs along the western side of the application sites southern boundary. A Wild Service Tree at the eastern end of the site is subject to a Tree Preservation order.

The application seeks full planning consent for 4 bungalows. There is an extant outline permission for 2 dwellings on the site with vehicular access from Fore Street through The Phoenix and into the site via an existing access in the south west corner of the site. This current application proposes 4no. 3 bedroomed bungalows with vehicular and pedestrian access from Essex Close at the eastern end of the site. Each plot will have their own garage along with off road parking, along with individual garden space. The units will be arranged in a largely linear form given the rectangular nature of the site. The bungalows will be of simple design with brick walls and concrete tiles/slates.

Boundary fencing will be replaced on the north, east and west boundaries and the existing southern boundary wall will be repaired where required.

HISTORY

There have been a large number of applications dating back to the 1970's in connection with the pub and associated outbuildings. A number of residential conversions have been created at the back of the

pub as a result of these permissions. The most relevant applications with regard to this current application however are outlined below:

17/00074/OUT - The erection of 2 dwellings (approved 2017).

10/00093/OUT - Residential development (application refused and appeal dismissed).

The above application did not specify the total number of units although the submitted documentation indicated a figure of around 20 units in the form of a 3 storey block of flats. The application was refused by Area West Committee for 4 reasons. The reasons were:

- 1) density and scale not satisfactorily respecting the form, character and setting of the locality;
- 2) Highway safety concerns in regard to the substandard and limited access through the Phoenix Hotel entrance not providing a safe means of pedestrian and residential vehicle access, and access concerns for emergency vehicles;
- 3) the likely increase in demand for on street parking resulting from this proposal would be detrimental to highway users and pedestrians, and cause harm to the visual character and appearance of the street scene and conservation area; and
- 4) the increased use of the substandard access through The Phoenix Hotel entrance would be prejudicial to highway safety.

A subsequent appeal was made to the Planning Inspectorate. The appeal was dismissed by the Inspector upholding concerns about highway/pedestrian safety, density, scale of development and impact on the Conservation Area. Reason 3 was not upheld nor in regard to the access for emergency vehicles.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan (adopted 2015)
SD1 - Sustainable Development
SS1 - Settlement Strategy
SS5 - Delivering new housing growth
TA5 - Transport Impact of New Development
TA6 Parking Standards
EQ2 - General Development
EQ3 - Historic Environment

Other Relevant Documents:

National Planning Policy Framework
Chapter 11- Making Effective Use of Land.
Chapter 16 - Conserving and Enhancing the historic Environment

CONSULTATIONS

Chard Town Council:

Recommend refusal due to overdevelopment of the site.

Highway Authority:

No comments received.

Ecologist:

No objection to the application.

County Archaeologist:

No objection.

REPRESENTATIONS

3 letters/emails have been received objecting to the application (2 from the same writer) raising the following points:

- Not notified of the application (officer comment: the address was notified)
- Plot 1 would block their gateway and thus would not be able to gain rear access to their property. An opportunity will be lost to park on their property and an emergency access.
- Site is too small for 4 dwellings, will cause excess noise.
- More than the 2 dwellings originally granted.

Chard Cricket Club:

No objection raised but have sought reassurances that any planning consent would include the requirement for the developer to erect and maintain a safety fence along the boundary to prevent cricket balls from flying into the site.

Officer comment: The new owners have met the cricket club and will be erecting the required netting at the applicant's expense.

CONSIDERATIONS

Principle

The site is located close to Chard Town Centre and there is an extant outline permission for 2 dwellings. On this basis, it is considered that the principle of residential development is acceptable.

Residential Amenity:

Whilst close to the town centre, there are only a limited number of buildings adjacent to the site. The cricket club buildings are located along part of the northern boundary with a residential dwelling to the west. A range of converted buildings are located to the south west of the site. The southern boundary adjoins a mix of quite extensive rear residential gardens and a car park. Given that the scheme comprises 4 bungalows, that the site will be bounded via new or existing fencing and walling, and the distance between the new and existing residential units, it is not considered that the scheme would give rise to any harmful overlooking.

The applicant has agreed to install a 6 metre safety netting along the northern boundary to prevent cricket balls from entering the application site. This has been requested by the cricket club and the applicant has agreed to provide the safety netting. A condition shall be attached accordingly.

As referred to above, the site adjoins Chard Cricket Club with its pavilion along part of the northern boundary. There will of course be activity associated with the cricket club and use of the pavilion. No objection has been raised on this basis nor raised in regard to previous applications for residential use on this site. Moreover, an existing residential property which is located close to the pavilion has co-existed without complaint. It is not considered that activities associated with the adjacent cricket club would give rise to a significant adverse impact warranting refusal.

Concern has been raised that the 4 bungalows would create excess noise. Whilst it is appreciated that

the site is currently quiet as it is a vacant site, it is not considered that a development for 4 bungalows would result in adverse noise that would warrant refusal. The agent has replied to this concern to say that it is likely that the future occupiers are likely to be from an older demographic and thus create less noise. Whilst the age of the future occupiers of the units is unknown, it is not considered that the creation of 4 units will create such adverse noise to warrant refusal.

A condition shall be imposed on any consent in regard to controlling construction deliveries and working hours.

Highways and parking

Access will be created via Essex Close, on the eastern side of the site. The last section of Essex Close which shall serve the development is owned by the District Council. Terms have been agreed with the Council for the applicant to use Essex Close as means of access to the development. This is considered to be a preferable means of vehicular access to the site rather than using the Phoenix Hotel access which offers substandard visibility at its entrance onto Fore Street. The Highway Authority have previously indicated that Essex Close is the much preferred option. The new internal access road will not be adopted and will be a private drive.

In order for vehicular access to be gained to Essex Close, it will require the removal of vegetation and a metal barrier. Access will also require the crossing of a path that adjoins the site to the east and leads to Zembard Lane. A dropped kerb will be required. All of this land outside of the site is owned by the District Council and as outlined above, terms have been agreed to enable this access to be implemented.

12 parking spaces will be provided within the development which is 2 over the adopted highway parking standards. However, this would provide for visitor parking and on this basis, the level of parking provision is considered to be acceptable.

Density, layout and design

An objection has been raised by the Town Council and a local resident about the scheme being overdevelopment of the site. The submitted layout shows how the 4 bungalows will be satisfactorily accommodated on the site. The site comprises 0.18 hectares and on this basis, the development will be built at a density of 22 dwellings per hectare. Rather than being considered overdevelopment, this is considered to be a low density development, particularly given its location close to the town centre. The layout of the scheme follows a linear form of development with the access road running along the southern boundary with 3 of the bungalows along the northern side with Plot 4 in the south west corner of the site. The bungalows are simple in design and given the mix of existing development designs in the locality, are considered to be acceptable. Moreover, it is not considered that the setting of the Conservation Area would be harmed by the proposed development.

The fact that 4 bungalows are being proposed is to be welcomed. Few bungalows are currently built and these will make a small but valuable contribution to providing a wider choice of homes in Chard.

Other issues

A local resident has written to say that this development would prevent them from gaining access to the rear of their property from the site as these access points will be closed as part of the development. Having checked with the agent, the adjoining neighbour does not benefit from access rights into the application site. In any case, this is a civil matter between the relevant parties rather than a planning matter.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this development.

COMMUNITY INFRASTRUCTURE LEVY

This development is CIL liable and Form Zero has been submitted.

RECOMMENDATION

Grant permission

01. The proposed development would make a contribution towards meeting the Council's housing need in a sustainable location within walking distance of the town centre. It would not harm residential amenity, would provide an acceptable means of access and would not harm the character and appearance of the Conservation Area. The development is in accord with Policies SD1, SS1, SS5, HG4, TA5, TA6, EQ2, EQ3, and guidance in the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing Numbers: 1714 01, 1714 17 A, 1714 18 B, 1714 15 A, 1714 16 and 1714 02.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The development hereby approved shall not be occupied until the parking areas to serve each of the dwellings have been fully constructed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed, the parking areas shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

04. None of the bungalows hereby approved shall be first occupied until details of the protective measures to be installed to protect future occupiers and property from any cricket balls from the adjacent cricket club. Once agreed and installed, the protective measure shall be permanently retained and maintained thereafter unless agreed in writing by the Local Planning Authority.

Reason: To protect residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

05. No development shall start on the bungalows hereby permitted until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

06. The development hereby approved shall not be occupied until the private drive has been fully constructed in accordance with the approved site plan.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is properly drained.

08. No construction work shall take place or construction deliveries made to the site outside of the hours of 08.00- 18.00 Monday to Friday, 08.00- 14.00 hours on Saturdays with no construction work or deliveries on Sundays, Bank or Public holidays.

Reason: To protect the amenity of adjacent occupiers to accord with Policy EQ2 of the South Somerset Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk
