

**OFFICER: Steven Banks (01935) 462119 [Item 1]**  
**APPL.NO: 06/03207/FUL APPLICATION TYPE: Full Application**  
**PARISH: Chard WARD: COMBE (CHARD)**  
**DESCRIPTION: Proposed 3 no. 2 bedroom town houses (GR 332038/108597)**  
**LOCATION: Bellplot Hotel High Street Chard Somerset TA20 1QB**  
**APPLICANT: Mr & Mrs Jones**  
**AGENT: Boon Brown Architects FAO Justin Paterson Motivo Alvington Yeovil Somerset BA20 2FG**  
**DATE ACCEPTED: 15 September 2006**

#### REASON FOR REFERRAL TO COMMITTEE;

The ward member has requested that this application be submitted to the Committee so that members can consider the highway implications of the proposals.

#### SITE DESCRIPTION AND PROPOSAL

This is an application seeking full planning permission to erect three two bedroom dwellings at the rear of the Bellplot House Hotel. The dwellings would be accessed via a shared access with the Hotel. The access currently serves the Hotel car park. The existing car park can accommodate approximately 9 cars at present. The proposed building is on part of the site which is currently set out as grass and concrete. The stores shown on the plans do not form part of the application.

The site is within the curtilage of the Listed Building (Grade II) and an accompanying Listed Building Consent has been submitted.

The site is located on the northern side of the High Street (A30) adjacent to the Choughs public house. The proposed dwellings comprise the following accommodation on two floors: Sitting room; dining room; kitchen; two double bedrooms and two bathrooms.

The submitted details explain that the design takes the form of coach houses with large openings and arched heads typical of many coach houses in Somerset. Natural slate is proposed for the roof. It is proposed to construct the walls out of natural stone and reconstituted stone surrounding the windows.



## HISTORY:

99/00094/COU - Use of former dwelling as a hotel - Application conditionally approved 12/03/1999

99/00095/LBC - Use of former dwelling as a hotel - Application conditionally approved 12/03/1999

790254 - The formation of a maisonette, the carrying out of alterations and the provision of a pedestrian access at Bellplot House - Application conditionally approved 22/03/1979

761403 - Conversion of existing offices at ground and first floor levels to residential use - Application conditionally approved 22/10/1976

761363 - Erection of a detached bungalow on land at rear of Bell Plot House - Application refused 25/10/1976

## 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 decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents:

Regional Spatial Strategy

VIS2 - Principles for future development

SS19 - Rural Areas

EN3 (Protection of historic buildings)

EN4 (Quality in built development)

### Somerset and Exmoor National Park Joint Structure Plan

Policy STR1 - Sustainable Development.

Policy STR4 - Development in Towns

Policy 9 - The Built Historic Environment

Policy 49 - Transport Requirement of New Development

### South Somerset Local Plan (Adopted April 2006)

ST5 - General Principles of Development

ST6 - The Quality of Development

ST3 - Development Areas

EH1 - Conservation Areas

EH5 - Development Proposals affecting the Setting of Listed Buildings

EP1 - Noise sensitive

EH12 - No Development Areas

## CONSULTATIONS:

### *Town/Parish Council*

The Town Council recommended approval.

### *County Highways*

I refer to the above-mentioned planning application received on 2nd October 2006 on which I have the following observations on the highway aspects of this proposal: -

The site is located within the development boundaries of Chard and is located to the rear of The Bell Plot Hotel.

In detail, the existing access to the Bell Plot Hotel is substandard by reason of the lack of pedestrian visibility. The width of the access is also not wide enough to allow the passing of two vehicles. The proposal to introduce three new dwellings to the rear of the property would result in an increased use made of the existing substandard access and due to the narrow width increase the potential for conflict. The increase in the potential for conflict could result in the manoeuvring of vehicles in connection with the development on the classified A30, which would be unacceptable to the Highway Authority.

The introduction of three dwellings to the rear of the Hotel also raises concerns regarding the parking arrangements within the site. The Bell Plot Hotel provides seven rooms of accommodation and as such according to the Somerset Local Transport Plan 2 - Parking Strategy seven parking spaces will need to be provided to serve the hotel.

The site is located close to the centre of Chard as such the Highway Authority would wish to see the proposed dwellings served by four parking spaces. There are significant concerns that the parking facilities that will need to be provided to serve the proposed dwellings will compromise the total parking spaces made available to the Hotel and as a result, vehicles may be encouraged to park on the public highway.

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Street works Code.

As a result, as it stands, I would recommend that this application be refused on highway grounds for the following reasons:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Plan Joint Structure Plan Review since the increased use made of the existing substandard access such as would be generated by the development would be prejudicial to highway safety.
2. The proposal would result in the loss of vehicular parking facilities and would therefore encourage parking on the highway with consequent risk of additional hazard to all users of the road.

*Area Engineer*

No comment.

*Conservation Officer*

"Proposals for development within the curtilage of a listed building as with other proposals must be properly justified. PPG 15 at 2.16 is clear about the importance of the setting of a LB as essential to the building's character. Development that will result in the fragmentation of the curtilage will erode the setting particularly when it is for a use unrelated to the use of the LB and could severely reduce the future viability of the LB. If it is proposed that the development is necessary to establish viability the tests in English Heritage Enabling Development policy must be applied as proof. If the current owner believes the LB to be unviable at present then the building should be offered for sale."

*English Heritage*

The application should be determined in accordance with local and national policy guidance.

*Archaeologist:*

An earlier archaeological investigation on an adjacent site produced evidence of Roman occupation and it is likely this site will contain similar remains. However, at present the application contains insufficient information concerning the impact of the proposal on these remains.

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation.

*Arborist:*

I consider that the proposed new buildings are at an acceptable distance from the beech tree. I calculate that the front of the new buildings would be just over 8 metres beyond the canopy. I am more concerned about the stores along the rear boundary. The store nearest the new dwellings would be okay, but not the other three, which are under the canopy. The tree will need a root protection area at a radius of 12 metres from the base of the tree over the grass and non hard surfaced areas and back along the edge of the car park to BS. 5837 2005. This fence would have to be erected before any other work starts on site and approved by myself.

The stores have been omitted from the application.

*Environmental Health:*

Having visited the site, I have concerns that the future occupiers of these premises could be affected by noise from the Choughs Hotel next door. I understand that already the owners of the Hotel have complained to the licensee of the Chough on a number of occasions themselves.

On the day of my visit I experienced first hand noise from the function room at the Choughs, due to a band practice. Whilst the level of noise at the Bell Plot was not too bad, I envisage that late in the evening there could be a potential for noise from this premises to be problematic to any future occupiers of the new build. Therefore I would recommend refusal of this application on grounds of noise causing a loss of amenity to future occupiers.

Taking into account the appeal decision to allow alterations to a public house and function room, conversion of a coach house into two dwellings and the erection of two dwellings (06/00057/REF) at the Tippling Philosopher in Milborne Port it is not considered that a refusal is warranted on Environmental Health grounds.

**REPRESENTATIONS:**

The occupant of 2 Symes Close raised concerns regarding parking and access.

**CONSIDERATIONS:**

The key considerations with this application are: The principle of development; the impact on the Listed Building; Highways issues; and Environmental Health Issues.

1. The Principle of Development

The proposal is within the development area and therefore the principle of development is acceptable.

2. The Impact on the Listed Building

Whilst the Conservation Officer's comments have been noted, on balance, it is considered that the proposal is acceptable in terms of design and impact upon the setting of the Listed Building.

3. Highways Issues

The highways officer not only objected to the insufficient level of parking but also to the increased use of the substandard access. It would not be possible to enforce no use of the access by the new dwellings as an existing access remains. The proposed dwellings are of a size likely to generate approximately 6 traffic movements each every day. To improve the access could have implications under Listed Building Consent. As such it is considered that the proposal will have an unacceptable effect on highway safety.

4. Environmental Health

The Environmental Health Officer recommended that the application should be refused on grounds of noise pollution.

Taking into account the appeal decision to allow alterations to a public house and function room, conversion of a coach house into two dwellings and the erection of two dwellings (06/00057/REF) at the Tippling Philosopher in Milborne Port it is not considered that a refusal is warranted on Environmental Health grounds. The appeal inspector concluded that the purchasers of any property next to a pub should expect a certain level of disturbance. Furthermore, the rear of the properties have blank elevations minimising levels of disturbance.

**RECOMMENDATION:**

**Application Refused**

1. The proposal would increase the use made of the existing substandard access. This would be prejudicial to highway safety. The proposal would also result in the loss of vehicular parking facilities and would therefore encourage parking on the highway with the consequent risk of additional hazards to all users of the road. This would be contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000). The proposal cannot be considered as a car free development.
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