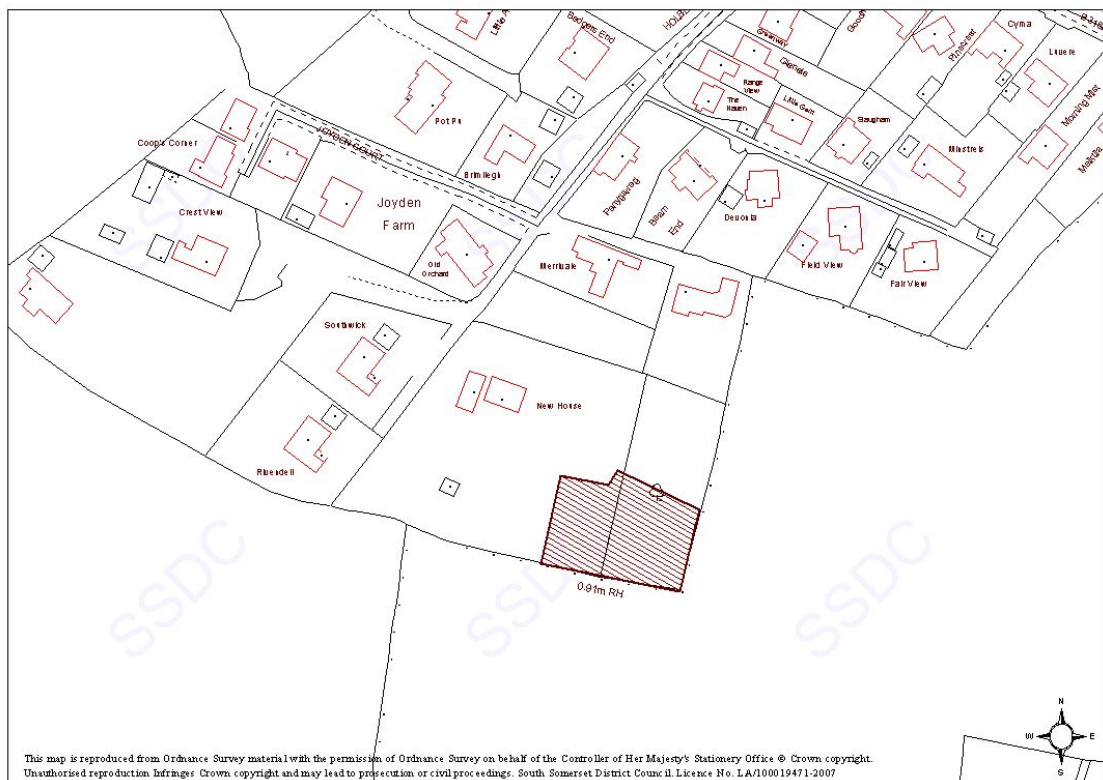


OFFICER: Jennie Roberts (01935) 462517 [Item 3]
APPL.NO: 07/03932/FUL APPLICATION TYPE: Full Application
PARISH: Chard WARD: JOCELYN (CHARD)
DESCRIPTION: The erection of 2 no. detached dwellings (GR: 332771/107463)
LOCATION: Land Adjoining New House Holbear Chard Somerset TA20 2HS
APPLICANT: Winsham Development Company Limited
AGENT: Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
DATE ACCEPTED: 22 August 2007

REASON FOR REFERRAL TO COMMITTEE:

This application is brought before the Area West Committee because previous related applications have been determined by the Committee members.

SITE DESCRIPTION AND PROPOSAL:



This is a good-sized plot that forms part of a paddock/garden area of the adjacent two-storey dwelling. It is located on the southern edge of Chard and lies within the development limits of the town. The access is gained from an existing (unadopted) lane and there are open fields beyond.

It is proposed to erect two dwellings on the site.

HISTORY:

- 04/01625/OUT - The erection of two dwellings (approved with conditions at committee in 2004)
- 05/01928/OUT - The erection of four dwellings (approved with conditions in 2005)
- 06/03553/FUL - Erection of two dwellings (approved with conditions in 2006)
- 06/04580/FUL - The erection of 2no. detached dwellings - (approved with conditions at committee in 2007)

It should be noted that in this area there have been a number of applications for residential development, gaining access from the private lane. These required various improvements to the unadopted lane. The road has been resurfaced, the junction at Forton Road has been improved, a passing place and traffic calming have been introduced. It should also be noted that this area of land surrounding the site has been allocated within the Local Plan for substantial housing and commercial use.

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 Planning Guidance 10
EN4 - Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan Review
STR1 - Sustainable Development

South Somerset Local Plan (adopted April 2006)
ST5 - General Principles of Development,
ST6 - Quality of Development, Landscape and Architectural Design
TP7 - Residential Parking Provision

CONSULTATIONS:

Chard Town Council

"Refused - this Council stands by its previous decision on any further application(s) for Holbear - Holbear is already overdeveloped, no further applications should be accepted until the adjoining key site is developed."

County Highway Authority

"As I am sure you are aware there is significant history of development along Holbear. The Highway Authority are aware of the significant concerns raised by the local residents of Holbear regarding the standard of the lane, given its restricted width and construction to serve additional residential units.

The Highway Authority has concerns with any proposal that is likely to lead to an increased use made of the access no matter how small. However, the Highway Authority feel that it would be unreasonable to raise an objection to a proposal that has previously had permission on the site.

As I am sure you are aware the proposed development site has outline permission for six dwellings as permitted in applications 04/01625/OUT and 05/01928/OUT. So far on the site four dwellings have been granted full planning permission in applications 06/03553/FUL and 06/04580/FUL. This current application would result in the completion of the six dwellings originally permitted on the site and as such would not result in an increase over the permitted allocation. As such it may be unreasonable to raise an objection to the proposal on highway grounds.

However, in the event of permission being granted I would recommend that the following condition be imposed:

1. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted."

The Highway Authority has indicated that it would object to any further applications beyond the six, which have already been approved in principle.

SSDC Technical Services

"The use of surface water harvesting and soakaways is noted and approved."

Trees Officer

The Tree Officer raises no objection to the proposal. He has requested that if the scheme is approved, conditions be attached to the decision notice to protect the trees/hedges to the south and east of the application site.

REPRESENTATIONS:

Letters of objection have been received from the occupiers of five neighbouring properties. The issues raised, together with an officer response to each are outlined below:

- Concerns about overuse of the sub-standard private lane: The Highways Authority raises no objection to this proposal.
- Concerns that the proposed development would compromise highway safety for pedestrians and vehicle operators alike: The Highways Authority raises no objection to this proposal.
- Potential for the developer to apply for further dwellings in this location, given the fact that the site layout has been substantially changed from that approved at outline stage: The potential for further applications is acknowledged. However, planning officers would seek to strongly resist any additional dwellings.
- Concerns that residents would be left to cover the cost of repairs of the private lane as a result of the development: This is not a planning issue; it is a private civil matter.
- Concerns that the speed humps that have been erected are illegal: This is being looked into, but has no bearing on this current application.
- Damage to properties may be caused by users of the approach drives from properties onto Holbear Lane: This is not a planning matter; it is a private civil matter.
- Lack of consideration and care to trees subject to TPOs: The Trees Officer raises no objection to the scheme, subject to conditions to protect trees/hedges whilst works are in progress.
- Impact of the proposed development on bats that appear to be roosting locally: Only developments which directly impact on bat roosts (e.g. existing roofs of buildings) can be controlled in planning terms.
- Concerns that the proposed development would devalue existing residents' properties: This is not a planning matter.

CONSIDERATIONS:

Principle

The application site is situated inside the development limits of Chard where there is a presumption for development. The principle of the erection of six dwellings on this site was established with the approval of two outline planning applications: 04/01625/OUT and 05/01928/OUT. Four dwellings have since been approved (under planning applications 06/03553/FUL and 06/04580/FUL) on the western side of the site. Both of these applications, together with this current application, have been submitted as full, rather than reserved matters applications. This is because the individual site areas (as outlined in red on the location plans) have changed from those submitted for the outline applications. However, the principle of six dwellings on this site has still been established, and the proposed dwellings in this application complete the six.

Character and appearance of the area

The area is characterised by a variety of house types including the newer properties to the west of the site, which are of a chalet bungalow style and the existing two storey house to the north. The four dwellings that have already been approved on the site are of a similar style, scale and design to those proposed within the context of this application.

In the design and access statement submitted with the application, the agent has identified that the design of the proposed dwellings is consistent with others in the general area. The proposed materials have been chosen to produce some variety with a mixture of plain brick, render, flint blocks and brick quoins. The roofs would be finished with concrete inter-locking tiles. The general appearance of the proposed development is considered acceptable.

Protected Trees

The Trees Officer raises no objection to the scheme, subject to conditions. As such, it is considered that the scheme would have an acceptable impact on the protected trees at the site.

Impact on neighbouring residents

It is considered that there are no perceived overlooking or loss of amenity issues resulting from the proposed development.

Access and parking

The Highway Authority raises no objection to this application, subject to a condition, as the two dwellings proposed completes the six dwellings originally permitted on the site. As such, approval of the application would not result in an increase over the permitted allocation. However, any further applications for new houses in this location would likely be strongly resisted by both the Highway Authority and planning officers, given the restricted width and construction of the Holbear lane.

RECOMMENDATION:

In view of the above, this application is considered acceptable and is recommended for approval.

Application Permitted with Conditions

The proposal, by reason of its size, design, materials and location, represents an appropriate infill which is carefully designed to respect the character of the area, causes no demonstrable harm to residential amenity and does not foster growth in the need to travel in accordance with the aims and objectives of policies ST5, ST6 and TP7 of the South Somerset Local Plan (adopted 2006), policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy EN4 of RPG10.

1. 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.

2. No works shall commence on site unless 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: In the interest of visual amenity to accord with policy ST6 of the South Somerset District Local Plan (adopted 2006).

3. No works shall commence on site unless details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity to accord with policy ST6 of the South Somerset District Local Plan (adopted 2006).

4. No works shall commence on site unless details of the material and external finish to be used for all windows, doors, boarding and openings shall be approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity to accord with policy ST6 of the South Somerset District Local Plan (adopted 2006).

5. 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 additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interest of residential amenity to accord with policy ST6 of the South Somerset District Local Plan (adopted 2006).

6. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with policy TP7 of the South Somerset District Local Plan (adopted 2006).

7. No demolition or construction work relating to this permission shall be carried out on any Sunday, Public or Bank Holiday nor at any other time, except between the hours of 08:00 am and 18:00 pm on Mondays to Fridays and between the hours of 08:00 am to 13:00 pm on Saturdays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy ST6 of the South Somerset Local Plan (adopted 2006).

8. Adequate provision for the storage and collection of wheeled refuse bins shall be provided on the site in accordance with details to be submitted and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and highway safety further to policy ST6 of the South Somerset Local Plan (adopted 2006).

9. The development hereby permitted shall not be brought into use until the road within the application site leading from the junction with Holbear has been constructed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. For this purpose details of the materials, drainage and method of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety further to policy ST6 of the South Somerset Local Plan (adopted 2006).

10. No works shall commence on site unless the existing protection fence around the trees at the south of the application site has first been fixed to scaffolding poles or heavy fencing posts dug into the ground (details to be submitted to and approved in writing by the Local Planning Authority). The fittings, as agreed, shall be retained for the full duration of the works.

Reason: In the interests of the protection of the protected trees, in accordance with policy ST5 of the South Somerset Local Plan (adopted 2006).

11. No works shall commence on site unless a permanent protection barrier, details of which are to be submitted to and approved in writing by the Local Planning Authority, has first been erected 4m from the trunks of the hedgerow trees along the entire length of the eastern boundary of the application site and shall be retained for the full duration of the works.

Reason: In the interests of the protection of the hedgerow, in accordance with policy ST5 of the South Somerset Local Plan (adopted 2006).

12. No works shall commence on site unless landscape details of the treatment of the land between the protection fences and the trees/hedgerow (as required by conditions 10 and 11 above) have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with those details as have been approved.

Reason: In the interests of the protection of the trees and hedgerow, in accordance with policy ST5 of the South Somerset Local Plan (adopted 2006).
