

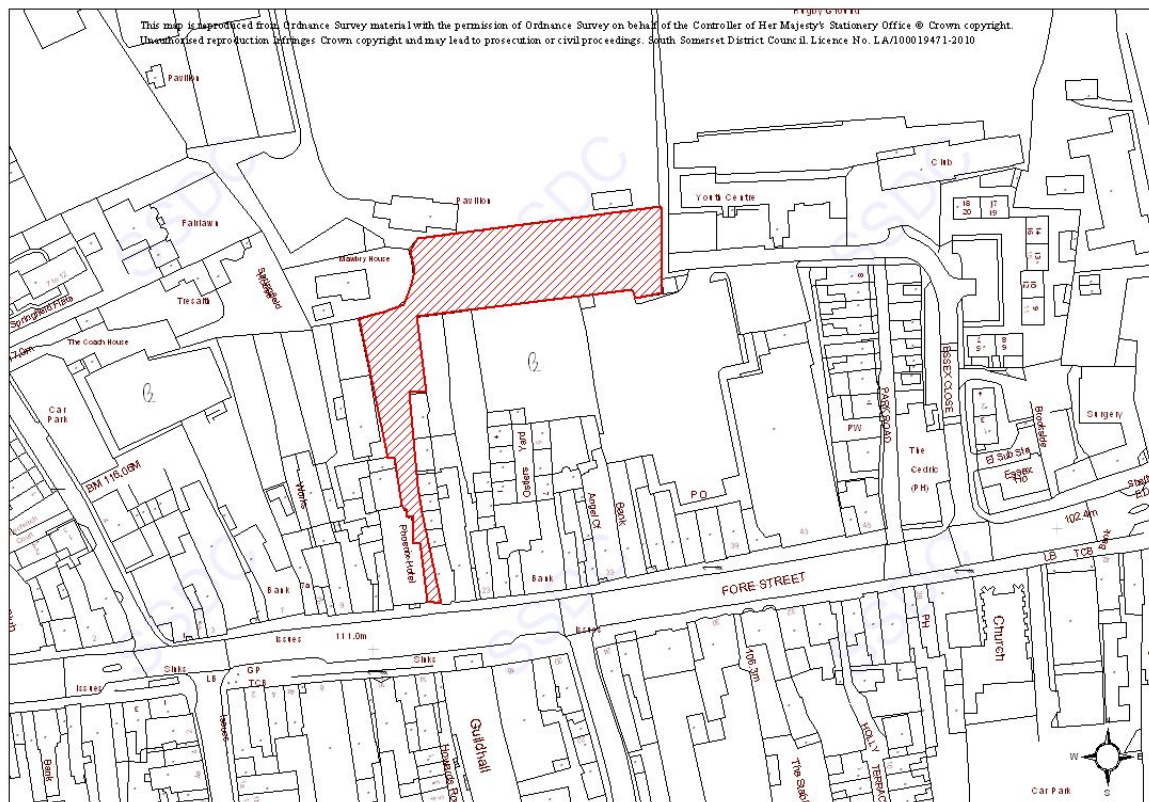
**Officer Report On Planning Application: 10/00093/OUT**

<b>Proposal :</b>	Residential development (GR 332238/108703)
<b>Site Address:</b>	Land Rear of The Phoenix Hotel and Car Park Fore Street Chard
<b>Parish:</b>	Chard
<b>Ward</b>	COMBE (CHARD) - Cllr Martin Wale
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: 01935 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	3rd May 2010
<b>Applicant :</b>	Ashdown Investors Ltd
<b>Agent: (no agent if blank)</b>	Paul Rowe The Nook Lyddons Mead Chard Somerset TA20 1HD
<b>Application Type :</b>	Major Dwlgns 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

The application is brought to Committee in agreement with the Area Chair to enable further consideration of the planning issues.

**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, 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 site's southern boundary. A couple of trees subject to a Tree Preservation order are located to the east of the site.

The application seeks outline consent for residential development with access being the only reserved matter being sought at this stage. Appearance, layout, scale and landscaping are reserved for later approval. Indicative plans have been submitted with regard to layout and elevations. A Travel Plan has also been submitted. The application has not specified the total number of units although the Travel Plan does indicate a figure of around 20 units.

The Design and Access statement outlines that the design and layout will be carefully planned to ensure that it respects the local vernacular, does not harm the amenity of adjacent occupiers and would preserve the character and appearance of the Conservation Area.

The Design and Access statement outlines that this proposal was presented to the Major Planning Applications surgery where the principle of development was supported. It also states that there have been recent approvals for residential development to the south west of the site, now known as Phoenix Courtyard. The agent states that limited vehicular access is gained via the Phoenix Hotel Archway, through which his client has a right of way. The development, however, is proposed as a car free development due to its town centre location and proximity to public transport, services and facilities. A Travel Plan has been submitted as requested in support of the application. This provides information on the availability of alternative modes of transport and states that occupiers will be given a Travel Information Pack.

## **HISTORY**

99/01472/OUT - Residential Use of land (withdrawn).

## **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

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)

STR1 -Sustainable Development

STR2 - Towns

Policy 9 - The Built Historic Environment

Policy 35 - Affordable Housing

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006)

ST5 -General Principles of Development

ST6 - Quality of Development

EH1 - Conservation Areas

EH12 - Areas of High Archaeological Potential

EP1 - Pollution and Noise

TP3 - Cycle Parking

TP7 - Residential Parking Provision.

HG6 - Affordable Housing

Policy-related Material Considerations

PPS1 - Delivering Sustainable Development

PPS5 - Planning for the Historic Environment

## **CONSULTATIONS**

*Town Council* - Recommend Refusal: Highways impact and density of proposed dwellings.

*Local Highway Authority* - I refer to the above-mentioned planning application received on 8th February 2010 on which I have the following comments on the highway aspects of the proposal.

It is clear that the site is located within the centre of Chard within walking distance of all the local services and facilities of the settlement such as education, employment, health, retail and leisure. It is noted that the site is connected to these facilities by continuous footways and pedestrian facilities. The main bus stop of the town linking Chard with other principal settlements such as Yeovil and Taunton is located approximately 100.0m to the south with frequent and regular services throughout the day. As a consequence, it could be argued that the settlement of Chard could support a level of car free development given that occupiers of the proposed residential units will not be dependant on private vehicles in order to meet there daily needs.

It is noted that if any of the occupiers were to own a private vehicle the impact on the local residential streets is unlikely to be significant given that there are numerous car parking facilities in close proximity to the site and there is an element of on street parking available nearby. As a result I do not believe that this development will result in the creation of additional highway safety hazards.

One area of concern is the ability for the development to be serviced in terms of refuse collection, home deliveries and emergency vehicles. At present the only means of vehicular access is via the existing access adjacent to the Phoenix Hotel. The access is of singular vehicle width and does not incorporate any visibility splays be it pedestrian or vehicular at the point where it emerges on to High Street (Fore Street).

Having liased with the County Council's Travel Plan Coordinator I have the following comments. As parking is restricted, an effective range of measures will be needed to encourage people to try and hopefully adopt other forms of transport for everyday journeys. The submitted travel plan only includes a Travel Information Pack. It is advised that further measures will be required in line with Somerset's Manual for Travel Plans and DfT guidance. These should include: travel information notice board(s) in the lobby areas of the apartments; accessible cycle parking stands for visitors to the apartments; cycle parking compound (fully enclosed with key, swipe card or pin code access) and management/maintenance strategy; motorcycle parking bays within the development; a delivery drop off area; a customised smarter travel information leaflet and local map for residents; and a green travel voucher for first occupants to encourage them to purchase a cycle, bus passes, or home working equipment; and details of alternative travel options and the travel plan to be promoted on the development website. These details should be included within the travel plan, and where necessary reflected in the physical design of the site. These details must be approved in writing before any commencement of works onsite begins.

As a consequence of the above, whilst the Local Highway Authority remains cautious about such car free development it is my view that, from a transport point of view, it will be difficult to sustain a recommendation of refusal on insufficient car parking within the site.

As a result, I would advise you that from a highway point of view there is no objection to the proposal. However, in the event of permission being granted I would recommend that the following conditions be imposed:

1. Before the development hereby approved is occupied, a fully sheltered lockable cycle parking facility for residents and visitors shall be provided within the site in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

2. Prior to commencement an updated travel plan, shall have been submitted to and approved in writing by the Local Planning Authority, such travel plan to include a list of elements to promote sustainable travel together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied, or unless otherwise agreed with the said Authority.

*Environmental Health* - (Original comment) - Due to the close proximity of the Cricket Club and checking what events they are licensed for with regard to entertainment I would have to recommend refusal. The potential for noise to cause annoyance to future occupiers will be quite high, and could also affect the viability of the cricket club should complaints be made about noise from any fund raising events they may hold.

Revised comments - Following a site meeting with the EHO, agent and case officer, the objection has been withdrawn.

Officer comment - The case officer informed the agent of the above recommendation to refuse received from the Environmental Health Officer (EHO). The agent replied that a scheme for residential development had been presented to and discussed at a Major Applications Surgery (MAS) in February 2008. The letter that was forwarded to the agent summarising the discussions at that meeting was forwarded to the case officer. The advice was that there would no objection in principle to the site coming forward for residential development, either as houses or flats. There were issues that needed to be addressed including access, parking, amenities of future occupiers, design and refuse storage.

With particular relevance to the concerns of the EHO in relation to this application, the issue of the relationship between the cricket club and the proposed development, along with raising the issue of complaints relating to events at the cricket club was discussed at the Major Applications meeting. It was advised that suitable buffers should be provided between any residential development and the clubhouse, plus installation of netting to protect occupiers from cricket balls.

Subsequent to the Major Applications meeting, and before submission of the current application, the agent met with the EHO to discuss the scheme. The agent has advised during the course of assessing this application that no objection was raised by the EHO subject to satisfactory layout.

It is also important to note that since both of these meetings, an application has been approved for an extension to the clubhouse for an indoor cricket practice facility. This would run along the southern boundary of the cricket field site, to the north of the application site.

A site meeting was held with the agent, case officer and EHO to discuss the concerns in relation to the cricket club. The outcome of the meeting was that the EHO has withdrawn his objection to the application. With careful control over the design and layout of the development i.e. habitable rooms facing southwards, this would reduce the noise impact of the cricket practice facility on adjacent occupiers. In addition, it is likely that an objection would be made by the EHO if the cricket club sought to extend licensable activities into the new building.

*Senior Land and Property Officer* - As the council is a neighbouring landowner, please note that a concern for the council is parking. The adjoining pay and display public car park is likely

to attract residential parking with no formal pedestrian access, which could create ongoing problems. The Town Council's view is supported.

*Housing Policy Officer* - 35% affordable housing will be sought on this site, of which we shall be expecting a split of 67% for social rented and 33% for shared ownership units.

*Officer comment* - The specific number of units has not been outlined within the application. The threshold for affordable housing on this site is 15 units.

*Conservation Manager* - Verbally confirmed no objection in principle although careful consideration must be given to design and layout.

*Leisure Policy Co-ordinator* - Total level of planning obligation to be sought equals £60,855.54 (based on 10 dwellings).

*Open spaces Officer* - No contributions for open space will be sought on this application.

*County Archaeology* - The site lies within the Area of High Archaeological Potential as defined by the South Somerset Local Plan. It is very likely that remains relating to the medieval occupation of the town will be impacted by this development as it is within the planned medieval town and indeed is located within an original burgage plot. For this reason, I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. This should be secured by the use of a model 55 condition attached to any permission granted: No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

*Engineer* - Details of drainage will need to be submitted and agreed. Surface water drainage must include arrangements for controlling run-off.

*Wessex Water* - No objection. The applicant will need to contact Wessex Water to agree connection to their system.

## **REPRESENTATIONS**

5 letters have been received raising the following objections to the proposed development:

- The scale of the development (4 storeys) would tower over existing and proposed buildings
- Complaints are likely to be received from future occupiers of the development as a result of sporting and other licensed activities at the cricket club and ground.
- Over development of the site
- No access for emergency vehicles
- Narrow access to the site.
- Construction and visiting traffic will impact on Phoenix Hotel car park and thus business.
- Construction traffic using Phoenix Hotel entrance will endanger residents, particularly children.
- No additional room for refuse collection adjacent to the Phoenix Hotel.
- Entrance to our property (1 Phoenix Courtyard) will be regularly blocked.
- Not clear about the relationship between proposed development and existing properties. Loss of privacy and rear access.
- Impact on existing residents parking and harm to amenity during construction.



## CONSIDERATIONS

The main considerations with regard to this application are whether the principle of residential development is acceptable on this site, highway and parking issues, impact on residential amenity and the impact on the character and appearance of the Conservation Area.

In terms of the principle of development, the site is located within the designated development area and in the centre of Chard. Thus, the principle of development is considered to be acceptable subject to satisfactory design, layout, scale and acceptable relationship with adjoining users/occupiers. In addition, the proposed residential scheme was discussed at the Major Planning Applications surgery, which concluded that residential use was acceptable in principle.

In terms of access to the site, this would be achieved via the Phoenix Hotel Archway off Fore Street. This currently serves as an access and parking for the Hotel and also serves the 7 recently approved residential units along the eastern side of the Hotel yard that lead towards the application site. Therefore, this access has a long established and continuing use. This current proposal is submitted as a car free development and on site parking will not be provided. Thus, there would be very little additional private vehicular use made of this access. The Highway Authority has not raised an objection to a car free scheme based on the sites close proximity to the town centre with its range of services and facilities, along with good access to public transport services. In addition, there are adequate car parking facilities within the town for any future occupiers with a car. The Highway Authority advises that as a result, the development will not result in the creation of additional highway safety hazards.

Local residents have raised concern about highway safety issues, including safety of pedestrians, particularly children, during construction of the development. It is accepted that during the construction period, safety for any local residents that may be affected is paramount. In addition, it is important to ensure that disturbance to local residents during construction is kept to a minimum. Therefore, the need to submit a Construction Plan will be conditioned as part of any consent. This will need to include how and when construction deliveries are made to the site.

With regard to the impact of the development on the amenity of adjacent residential occupiers, it is considered that a well designed scheme can be accommodated on this site without harm to any residential amenity. Details in relation to design, scale and layout are reserved for future approval but due to the distance and orientation of existing residential properties adjacent to the site, it is considered that a scheme can be designed without causing any harmful overlooking or other harmful loss of amenity to adjacent residential properties. Indicative layout and elevations plans have been submitted but these have not been submitted for approval at this stage. In terms of the impact on the Conservation Area, it is considered that a well designed scheme respecting local vernacular can be accommodated on the site that would enhance the character and appearance of the Conservation Area.

In terms of the relationship of the development with regard to other non residential occupiers adjacent to the site, the biggest issue raised has been in relation to the Cricket Club which lies to the north of the application site. The existing pavilion/clubhouse holds licensed functions as well sporting activities and has recently been granted consent for an extension to provide indoor cricket nets. Initially, this was a cause of concern for the EHO as licensed activities may extend into this new facility once built. However, following a site meeting with the EHO, agent and case officer, the objection was withdrawn. It is considered that with an appropriate layout of the development i.e. main habitable rooms located away from the northern boundary, any noise emanating from cricket practice in the nets can be adequately mitigated. Furthermore, the District Council as licensing authority has control over any licensed activities that may be sought in the future in the new indoor cricket practice building, thus restricting any future possible harmful activities. In addition, netting is likely to be required to protect future occupiers from cricket balls as a result of matches on the cricket pitch.

## **SECTION 106 PLANNING OBLIGATION**

A section 106 planning obligation will need to be completed before any decision granting planning permission is issued. The planning obligation shall include: 1) a financial contribution towards sport, art and leisure facilities, 2) 35% affordable housing (applicable only if 15 or more residential units are approved), and 3) a financial contribution to enhance the traffic light system at the junction of the A30/A358 in the town centre.

## **RECOMMENDATION**

That the application be approved subject to:

- A) The prior completion of a Section 106 Planning Obligation (in a form acceptable to the Council's Solicitor(s) before the decision granting planning permission is issued, the said planning obligation to cover the following items:
- 1) To secure a financial contribution towards sport, art and leisure facilities;
  - 2) 35% of the total number of units as affordable housing, of which 67% for social rented and 33% for shared ownership units. (Affordable housing applicable only if 15 or more residential units are approved); and
  - 3) To secure a financial contribution to enhance the traffic light system at the junction of the A30/A358 in the town centre.
- B) The imposition of planning conditions as set out below on the grant of planning permission.

## **JUSTIFICATION**

The proposed development, by reason of its location close to Chard Town Centre and accessibility to a wide range of services and facilities and public transport, can satisfactorily accommodate a scheme for car free residential development. It will respect the character and appearance of the adjacent Conservation Area, would not cause any harm to residential amenity and designed to minimise any adverse conflict with the adjacent Cricket Club. The proposal is therefore in accordance with Policy STR1, STR2, Policy 9, Policy 35 and Policy 49 of the Somerset and Exmoor Structure Plan Review, Policy ST5, ST6, TP7 EH1, EH12 and EP1 of the South Somerset Local Plan and policy guidance in PPS5.

## **SUBJECT TO THE FOLLOWING:**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** As required by Section 92(2) of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** As required by Section 92(2) of the Town and Country Planning Act 1990.

3. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to external appearance, layout, internal layout, plot boundaries, materials, scale and landscaping.

**Reason:** To ensure that one comprehensive scheme is submitted that preserves the Character and appearance of the Conservation Area and does not cause harm to any neighbouring amenity to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan.

4. The development hereby permitted shall not be commenced 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 character and appearance of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

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(s), or other external alteration made without the prior express grant of planning permission.

**Reason:** In the interests of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

6. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, down pipes 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 interests of visual amenity to accord with ST6 of the South Somerset Local Plan.

7. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To protect the visual character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

8. There shall be no burning of any produce or material whatsoever on the site other than in a properly installed incinerator within a building.

**Reason:** In the interests of the amenity of adjacent occupiers in accordance with Policy ST6 of the South Somerset Local Plan.

9. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

10. Before the development hereby approved is occupied, a fully sheltered lockable cycle parking facility for residents and visitors shall be provided within the site in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.



**Reason:** To promote alternative modes of transport in accordance with TP3 of the South Somerset Local Plan.

11. Prior to commencement an updated travel plan, shall have been submitted to and approved in writing by the Local Planning Authority, such travel plan to include a list of elements to promote sustainable travel together with a timetable for the implementation of each such element. No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied, or unless otherwise agreed with the said Authority.

**Reason:** To achieve more sustainable forms of travel in accordance with Policy TP2 of the South Somerset Local Plan.

12. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology, which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

**Reason:** To ensure that tests are undertaken to assess whether there is any contaminated land on the site and for remediation of the site to be undertaken where required.

13. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

14. No development hereby approved shall be carried out until surface water drainage details, including calculations, have been submitted to and approved in writing by the local authority. Such details shall incorporate sustainable drainage techniques and once approved shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

**Reason:** To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

15. The development hereby permitted shall not be commenced until particulars of all boundary treatments have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual and residential amenity to accord with Policy ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

16. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

**Reason:** To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

17. No more than 20 residential units shall be built within the application site.

**Reason:** To protect the amenities and character and appearance of the area and to ensure a satisfactory form of development is constructed on site in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

18. No deliveries shall be taken at or despatched from the site outside the hours of 08.00 to 18.00 hours Monday To Friday, 08.00 to 14.00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To protect residential amenity in accordance with Policy ST6 of the South Somerset Local Plan.

19. No construction shall be undertaken on the application site outside of the hours of 08.00 -18.00 hours Monday to Friday, 08.00 - 14.00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To protect residential amenity in accordance with Policy ST6 of the South Somerset Local Plan.

20. No development shall take place until a Tree Survey, a Tree Protection Plan and Arboricultural Method Statement relating to all trees on or adjoining the site within 15 metres of the site boundaries, has been submitted to and agreed in writing by the Local Planning Authority. These shall conform to British Standard 5837: 2005 and British Standard 3998: 1989 and shall include the following details:

Required tree works, root protection areas, construction exclusion zones, special tree protection and engineering measures for any required installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees, the installation of protective fencing and arboricultural on-site supervision & monitoring.

**Reason:** To preserve and retain existing trees in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, National Planning Policy Statement 1: Delivering Sustainable Development [Section 19].

21. The measures as specified within the agreed Tree Protection Plan and Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping operations.

**Reason:** To preserve and retain existing trees in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, National Planning Policy Statement 1: Delivering Sustainable Development [Section 19].