

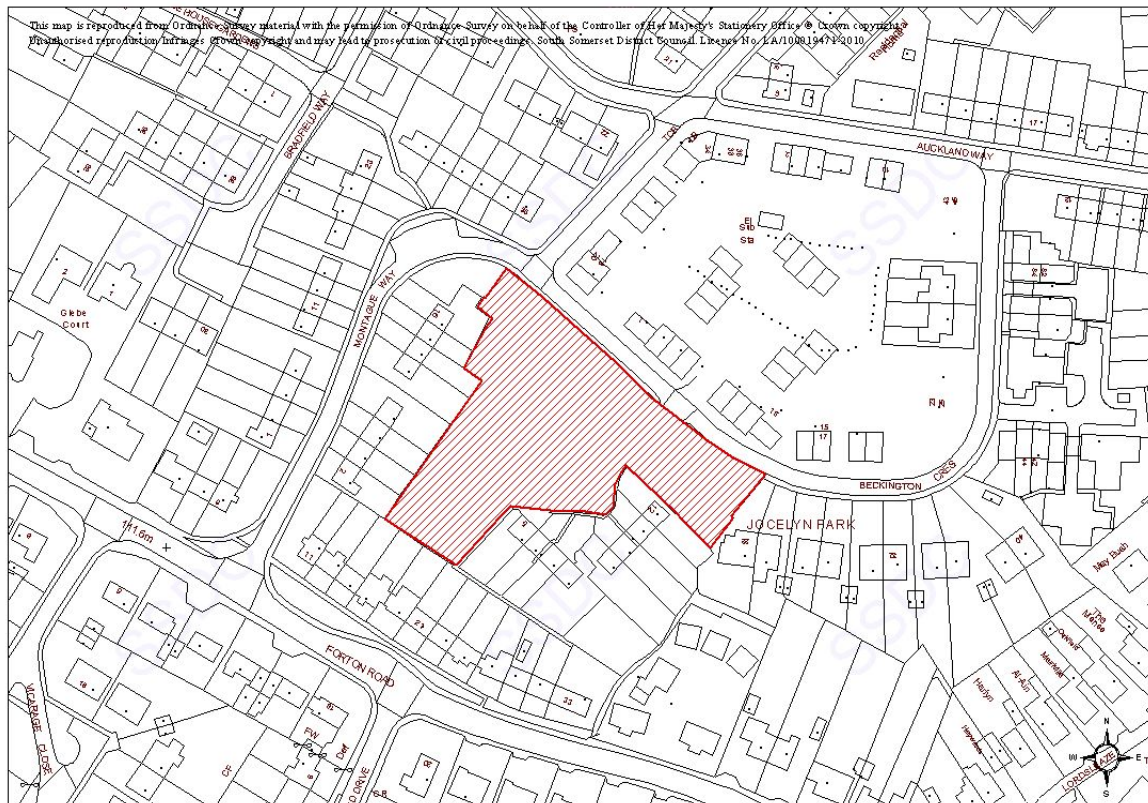
Officer Report On Planning Application: 10/00486/FUL

Proposal:	Demolition of existing dwellings and the erection of 21 new dwellings with associated parking facilities (GR 332545 / 108141)
Site Address:	Land at Ken Close Chard
Parish:	Chard
Ward	JOCELYN (CHARD) - Cllr Dave Bulmer
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	13th May 2010
Applicant :	Mr Kim Leaver, Yarlington Homes Ltd.
Agent: (no agent if blank)	Mrs Sally Hewins 73 Macrae Road GSS ARCHITECTURE BRISTOL AVON BS20 0DD UK
Application Type :	Major Dwigs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to Committee as the District Council is owner of part of this site.

SITE DESCRIPTION AND PROPOSAL



This level 0.48 hectare site is located between Beckington Crescent and Forton Road, to the rear of properties in Montague Way. It currently comprises 3 blocks of 4 flats and a pair of semi-detached dwellings of the 1950s concrete 'Cornish' style, their curtilages and a parking court to the rear.

The surrounding properties are more modern, brick built, former local authority houses in Montague Way and Forton Road and the recent housing association redevelopment of Beckington Way opposite. To the south east, plots 5-12 Ken Close, 'Cornish' properties, would be retained.

The proposal is for the demolition of all existing structures and the erection of 21 dwellings, specified in the application forms as being all 'social rented', at a density of 43.75 per hectare made up of:-

- 10 two-bedroom houses
- 11 three-bedroom houses
- 47 parking spaces, which includes 15 replacement spaces for the users of the existing parking court and 32 spaces for the proposed houses (1.52 spaces/ dwelling)
- Associated gardens, access/turning areas and public realm planting.

The proposed buildings would be a mix of 2-storey semi-detached and terraced houses, with a terraced frontage to Beckington Crescent either side of a slightly repositioned entrance to Ken Close and a row of semi-detached properties running to the rear of 2-16 Montague Way. Parking would be provided at the rear, accessed via Ken Close with further spaces along Beckington Crescent. The materials are stated as being a mix of red brick and off-white render, with brown concrete tiles

The application has been amended (17/05/10) to provide additional parking and address the comments of the police architectural liaison officer. It is supported by a Design and Access Statement, an Ecology Report, a Drainage Statement, an Energy Efficiency Statement, a Highways Strategy Statement and a Statement of Community Involvement.

HISTORY

11822/C Planning permission granted for erection of 1 block of 4 and 6 pairs of semi-detached Cornish unit dwellings (05/10/53).

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.

For the purposes of determining current applications the local planning authority takes the view that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

National Guidance

PPS1 – Sustainable Development

PPS3 – Housing

PPG13 – Transport

PPG17 – Planning for open space, sport and recreation

PPS25 – Flooding

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

STR1 - Sustainable Development
STR2 - Towns
STR4 - Development in Towns
Policy 33 - Provision for Housing
Policy 35 - Affordable Housing
Policy 37 - Facilities for Sport and Recreation within Settlements
Policy 39 - Transport and Development
Policy 40 - Town Strategies
Policy 42 - Walking
Policy 48 - Access and Parking
Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (April 2006):

ST5 – General Principles of Development
ST6 – The Quality of Development
ST9 – Crime Prevention
ST10 – Planning Obligations
EU4 – Drainage
EP6 – Demolition and Construction Sites
TP1 – New Development and Pedestrian Movement
TP3 – Cycle Parking
TP4 – Road Design
TP7 – Residential Car Parking Standards
HG1 – Provision of New Housing Development
HG4 – Density
HG6 – Affordable Housing Targets
CR2 – Provision for Outdoor Playing Space and Amenity Space in New Development
CR4 – Amenity Open Space

South Somerset Sustainable Community Strategy

Goal 3 – Healthy Environments
Goal 7 – Distinctiveness
Goal 8 – High Quality Homes
Goal 9 – A Balanced Housing Market

Other Relevant Documents

Chard Regeneration Plan, November 2009.

CONSULTATIONS

Chard Town Council – initially recommended refusal on the grounds of:-

“the loss of existing parking facilities for some residents that dates back to 1954 and also that there has been no Construction Environmental Management Plan done. Members expressed concern that there was not sufficient evidence that those residents with a legal right to parking amenity have been accommodated.”

Comments awaited in relation to the revised scheme.

Highways Officer – No objection to the general layout and access arrangements, however initially objected to the loss of parking for existing residents. Has confirmed that the revised layout (received 17/05/10) provides adequate parking for existing and future residents.

In relation to the revised scheme the following comments are offered:-

“The [revised] submission shows the 'new build' element served by 1.5 spaces per unit with an additional 15 spaces provided to cater for the existing residents of Forton Road and Beckington Crescent. The provision of 1.5 spaces per unit has previously been agreed as acceptable given the proximity of the site to the local services and facilities. The provision of 15 spaces elsewhere within the site also appears to be sufficient given the information provided indicating the existing residents that have a legitimate expectation to park within the existing parking court. As a result, the Highway Authority consider that to raise an objection based on a lack of parking may be unreasonable.

“The applicant should be aware that as a result of this particular development and in particular the impact of the construction traffic on the surrounding highway network it may be appropriate to resurface part of the Beckington Crescent/Montague Way within the vicinity of the site (exact details to be agreed at a later date).”

Conditions are recommended.

Wessex Water – No objection subject to safeguarding their infrastructure.

Area Engineer – supports proposals outlined in drainage strategy. Recommends condition to secure implementation in accordance with statement.

Area Development Team – notes that the Chard Regeneration Plan is now in final draft and has been approved in principle by Chard Town Council as well as SSDC through JAC West. Concerns are voiced about the potential for additional traffic pressure on the main A30/A358 junction in Chard in relation to this application for 21 new homes:-

“Having been involved in the coordination of the suite of documents which now comprise the Chard Regeneration Framework, I need to reiterate the position that, in light of evidence from the Transport Report which PBA have completed (robustly reviewed and approved by Highways), there is a requirement for developer contributions to mitigate the additional traffic pressure of development on the central A30/A358 junction. This is a position you are familiar with, having been shared at our meeting with the Highways Authority on the 19th January. LDA Design have since included, within our Implementation Plan, a strategy for dealing with premature applications outside of the identified growth areas. I can provide a copy of both the Transport Report detailing the capacity issues at Chard's central junction and our Implementation Strategy outlining the contributions strategy on request. We have detailed and are pursuing this position most fervently in relation to a recent major housing application on Great Western Rd and have also commented more recently to underline that commercial development in Chard should be subject to the same requirement.”

Tree Officer – conditional approval.

Police Architectural Liaison Officer – No objection subject to the repositioning of security gates at plots 10-12 and 17-20 and the incorporation of gable end windows to plots 5 and 6 to provide surveillance of the parking bays.

REPRESENTATIONS

4 letters have been received in relation to the initial proposal raising the following objections:-

- Loss of parking, which has been available for 56 years, for residents of surrounding properties in Forton Road and Montague Way (one resident has four cars and a motorcycle and will no longer be able to keep them all off-road);
- Increased on street parking, particularly in Montague Way
- Lack of play facilities
- Rat running through Montague Way to Millfield Trading Estate

- Impact of contractor's vehicles on the highway (parking and damage)
- Increased sewerage
- What happens to telegraph pole in garden of 22 Beckington Crescent?

1 respondent has made further comments as a result of the reconsultations:-

- Insufficient replacement parking – the new dwellings would get 1.5 spaces each. Existing residents should be treated equally as they have been living here for well over 25 years;
- Replacement parking is too far away from properties in Forton Road especially for the elderly/infirm or those carrying heavy shopping;
- I have parked at the rear of my property for 24 years without paying rent. Legal advice tells me that after 20 years it becomes 'the norm'. Yarlington say it's not their problem.
- We require our rear access, which was provided when the house was built in 1954, to be maintained;
- The development doesn't provide anywhere for children to play safely – there are already young children playing in the streets;
- Where will people park during the construction?

A resident of Ken Close has provided documentary evidence of renting one of the garage spaces and requests that they be provided with a replacement parking space.

CONSIDERATIONS

It is considered that the residential redevelopment of this site, which is within a residential area, is acceptable in principle. The site could deliver housing that would contribute to the need and targets identified by policies HG1 and HG6, subject to consideration of:-

- Design and Detail
- Layout and Landscaping
- Access and Parking
- Impact on Amenity

Design and Detail

The proposed houses are considered to be of a design and proportions appropriate to the locality and would reflect the detail of dwellings approved as part of other redevelopment in the immediate area. The detailing of the proposed structures is considered acceptable, and subject to conditions to require the agreement of materials, detailing and landscaping, the impact on the character and appearance of the locality would be acceptable and in this respect the proposal complies with policies ST5 and ST6.

Layout and Landscaping

No existing trees would be lost, and subject to the detail of the landscaping of the new development the tree officer has no objection. A condition would satisfy the requirements of condition ST6.

The layout would create a frontage to Beckington Crescent that would create an improved street scene to complement the previous redevelopment opposite. It is considered that the proposed density, which is comparable to similar redevelopment in the area is acceptable for this previously used site, which is well within the settlement boundary.

It is accepted that the proposal provides no on-site open space, although there are modest areas of landscaping. These are not of a size or location that would be adopted by the District Council, however on the basis that the applicant is willing to provide for their future maintenance these are not considered objectionable, subject to a condition to ensure that appropriate management is agreed.

The omission of on site informal open space would not normally be acceptable, however, it is noted that the site is close to the park. In this instance, notwithstanding the neighbour's concerns, it is considered that this would adequately cater for the needs of future residents of the additional 7 houses.

On this basis it is considered that the layout and landscaping comply with policies ST5, ST6, ST7, ST9, CR2, HG4, and CR4.

Access and Parking

The highways officer's support for the general access arrangements and level of parking to serve the proposed houses is noted, however his initial objection to the parking provision for existing residents was considered substantial. The applicant has stated that there are 19 existing spaces within the parking court that have historically provided parking for the surrounding properties in Forton Road and Montague Way.

The view has therefore been taken that 19 properties have a 'legitimate expectation' to off-road parking in this area. In response the applicant has agreed to provide replacement parking for the 19 existing spaces on a one for one basis, discounting any of the affected properties that have already got off street parking in their front gardens and any Yarlinton owned properties that will be provided with their own spaces.

It has been confirmed that 3 properties in Montague Way already have off road parking and that Yarlinton will provide spaces for a fourth. On this basis the application has been amended to provide 15 replacement spaces for the remaining properties. This has been done by internal reorganisation and the inclusion of part of a piece of District Council owned open space adjacent to the site on Montague Way.

Whilst this may present the applicant with difficulties in relation to land acquisition, it is not problematic in planning terms. The highways officer has no objection to the layout of these spaces and their access arrangements.

With regard to the comments received further clarification has been sought from the applicant. In particular the following questions have been put:-

1. Who, as at 29/09/09 (being the date that notice was served to quit), rented the 19 spaces?
2. Does the applicant recognise a legal right to parking and rear access?
3. How many parking spaces did each garage plot used to provide?
4. Which properties will be allocated the replacement spaces and how will they be managed to ensure availability for existing residents whose parking will be displaced?

In response the following observations have been received:-

1. One the 19 spaces 5 were untenanted, 8 were rented by residents on Forton Road, 2 by residents of Montague Way, 1 by a resident of Ken Close and 3 by others.
2. The 19 parking spaces were only rented; local residents have no 'legal right' to park, these properties have been displaced only and with adequate provision provided, close to where they parked before, within the development.
3. One space was provided before so this is what will be provided again.
4. Yarlinton will be allocating spaces in this instance and these will be numbered according to the address, we do not consider the distance large, we have tried to keep these allocated spaces near to the rear access where applicable and close to the road concerned where rear access does not need to be provided, and I am sure

that Yarlington will listen to any issues should they arise and deal with them accordingly.

Whilst local residents may disagree with the content and tone of this robust response in planning terms it is considered reasonable and within the spirit of the understanding that those with a 'legitimate expectation' of off-road parking would be catered for in the redevelopment. A condition could reasonably require the applicant to submit details of the allocation and management of the replacement spaces.

Accordingly given the general support offered on the basis of the number of spaces to be provided it is considered that the development would comply with policies ST5, TP1, TP3, TP4 and TP7; the objections of the town council and local residents in respect of parking are not therefore considered sustainable.

Impact on Amenity

It is considered that sufficient separation would be maintained between the proposed dwellings and the surrounding properties to maintain the residential amenities of existing residents and to safeguard the amenities of future occupiers of the development. Within the development adequate private amenity space, including drying areas, garden sheds and rear accesses would be provided for residents of the proposal development.

The proposed dwellings would not give rise to any mutual overlooking, however on a precautionary basis a condition is recommended to remove permitted development rights for the subsequent insertion of additional windows to the side elevations of plots 9 and 13. With regard to the police architectural liaison officer's comments the applicant has provided amended drawings that show the requested adjustments.

On this basis it is considered that satisfactory levels of amenity and security would be provided for future occupiers as required by policies ST5, ST6 and ST7.

Other Issues

The proposal is in effect for 14 replacement dwellings and 7 new houses. The threshold for sports, arts and leisure contributions and the formal provision of affordable housing is not therefore exceeded. The Area Development Team have sought contributions towards junction improvements at the A30/A358 as part of the Chard Regeneration Plan. The figure of £360 per new dwelling has been suggested and the applicants have not objected. This would be justified by policies ST5 and ST10.

It is considered that the drainage of the site could be adequately covered by condition, there being no insurmountable problems identified by the area engineer or Wessex Water.

With regard to the outstanding neighbour objections the following observations are offered:-

- it is not considered that 'rat running' along Montague Way is material to this application;
- the impact of the construction phase, whilst largely an inevitable consequence of development could be suitably mitigated by the agreement of a Construction Management Plan. This could be required by condition.
- Neither Wessex Water or any other utility company has objected to the application. The issue of the telegraph pole would need to be dealt with by the developer as would satisfactory connection to the main sewer.

CONCLUSION

It is considered that provision of 21 units of much needed affordable housing in Chard, would contribute towards a balanced housing market as required by Goal 9 of the Sustainable Community Strategy. The proposal is of an acceptable form, design and layout and would have no negative impact on residential amenity. There would be no adverse effects on

highways safety, parking provision or local drainage. On this basis this application is considered acceptable.

SECTION 106 PLANNING OBLIGATIONS

A Section 106 Agreement would be necessary to ensure that contributions towards the highways improvements at the junction of the A30/A358, identified by the Chard Regeneration Plan, are made at the appropriate rate.

RECOMMENDATION

That planning permission be granted 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 notice granting planning permission is issued to ensure that a contribution of £2,520 is made towards junction improvements at the A30/A358.
- (b) The imposition of the planning conditions set out below on the grant of planning permission.

JUSTIFICATION

The proposal for 21 units of much needed affordable housing in Chard is of an acceptable form, design and layout that would have no negative impact on amenity, ecology, highways safety or parking. Adequate provision has been made for site drainage. As such the proposal complies with policies ST5, ST6, ST9, ST10, EU4, EP6, TP1, TP3, TP4, TP7, HG1, HG4, and CR2 and would contribute towards Goals 3, 7, 8 and 9 of the South Somerset Sustainable Community Strategy.

CONDITIONS

1. The development hereby permitted shall be begun within three years of the date of this permission.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications submitted to the local planning authority on 11/02/10 as amended by drawing numbers SK 05 Rev. G; SK06 Rev.B and SK15 Rev. A received 06/05/10 and drawing numbers SK12 Rev. A; SK10 Rev. A and SK13 Rev. A received 17/05/10.

Reason: To clarify the development hereby approved as the submitted plans have been amended.

3. 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. It shall also include a dated photographic survey of the condition of the pavements, curbstones and road surface across the Beckington Crescent/Montague Way frontage, together with a statement on how any damage caused by construction/contractor's vehicles will be addressed. 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.

4. Apart from demolition and site clearance, the development hereby approved shall be carried shall be fully implemented in accordance with the proposals and recommendations contained within the Drainage Strategy Statement submitted with the application. In the event that it is not possible to do so work should cease and/or no dwelling shall be occupied until an alternative scheme has been submitted to, and agreed, in writing by the local planning authority .

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

5. Apart from demolition and site clearance, the development hereby permitted shall not be commenced until a landscaping scheme, which shall include details of an appropriate specification of tree and/or shrub planting and landscaping; the installation technique, size, species, location and time period for planting, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

If any of the specified trees or shrubs die, are removed, become damaged or diseased within a period of five years from the time of initial planting, a replacement tree/s or shrub/s of the same specification shall be installed at the same location within the first available planting season, unless it is agreed in writing with the Council to dispense with or vary this requirement.

Reason: To ensure the planting of new trees in accordance with the statutory duties defined within the Town & Country Planning Act, 1990 (as amended)[1], which is in accordance with objectives within National Planning Policy Statement 1: Delivering Sustainable Development and Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006.

6. Apart from demolition and site clearance, 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. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

7. Notwithstanding the details submitted, apart from demolition and site clearance no development shall be carried out until such this as details of levels have been submitted to and agreed 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 in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

8. 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 shall be formed above ground floor level to the side elevation of plots 9 and 13.

Reason: To safeguard residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

9. Apart from demolition and site clearance, the development hereby permitted shall not be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas, where appropriate and 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 and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with saved policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

10. The development hereby permitted shall not be commenced until details of the allocation marking out, signage and future management of the 15 spaces to be dedicated for use by existing residents, has been submitted to and approved in writing by the local planning authority. Once approved no hereby approved dwelling shall be occupied until such details have been fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development and existing residents in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

11. No work on the site shall commence until such time as the five parking spaces shown edged in green off Montague Way have been provided and made available for use by users of the existing parking area in accordance with the scheme to be agreed under the terms of condition 10.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development and existing residents in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

12. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highways safety and visual amenity in accordance with policies ST5, ST6 and TP4 of the South Somerset Local Plan, adopted 2006.

13. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety and visual amenity in accordance with policies ST5, ST6 and TP4 of the South Somerset Local Plan, adopted 2006.

14. The area allocated for parking shaded blue and yellow on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the 'new build' element of the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development and existing residents in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

15. The area allocated for parking shaded green on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles displaced as part of this proposal.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development and existing residents in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

16. The proposed access to the parking court off Montague Way shall be constructed in accordance with details shown on the submitted plan, drawing No. SK05 REV G and shall be available for use before the development hereby permitted is commenced.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of existing residents in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

17. At the access to the parking court off Montague Way provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

Informative

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.
