

Area West Committee – 20th February 2013

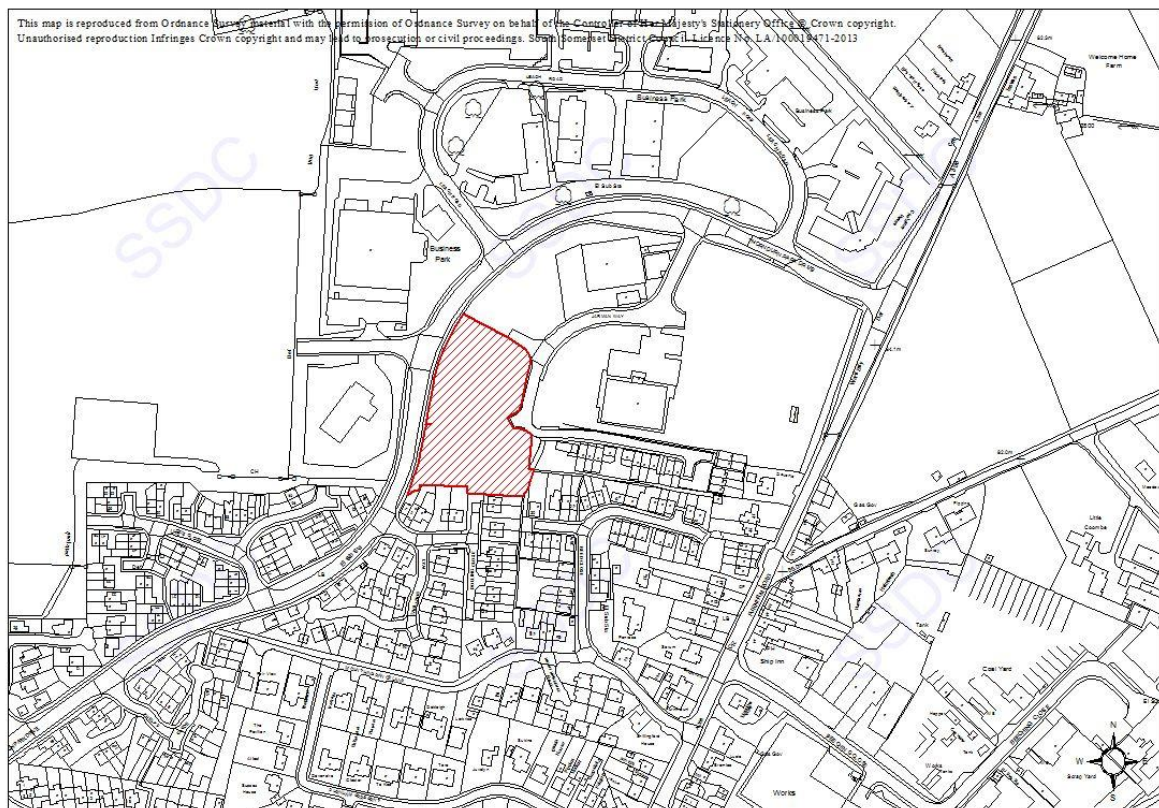
Officer Report On Planning Application: 12/04262/COU

Proposal :	Use of land as Public Open Space (GR 332870/109782)
Site Address:	Land North Of Dolling Close Chard
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr J Kenton
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	12th March 2013
Applicant :	Abbey Manor Developments Ltd
Agent: (no agent if blank)	Shaun Travers Boon Brown Architects Motivo Alvington Yeovil Somerset BA202FG
Application Type :	Other Change Of Use

REASON(S) FOR REFERRAL TO COMMITTEE

South Somerset District Council owns a majority stake in the site with the Blackburn Trust.

SITE DESCRIPTION AND PROPOSAL



The site is located towards the northern edge of Chard, on the eastern side of Thorndurn Park Drive and west of Jarman Way. It is located within the larger area originally granted consent in the late 1980's for employment purposes, known as Chard Business Park. The site extends to 0.55 hectares and currently comprises an area of overgrown grass with a number of protected Oak, Scots Pine and Field Maple trees. Residential properties are located to the south and south east with employment units to north east. To the immediate north is vacant land set to grass. To the west are further employment buildings.

This application seeks consent for this land to be used as a piece of amenity land for play and open space purposes. The application has been made for the whole of plot 5 for such use but, subject to any planning approval, the precise amount of land and extent of open and formal play space to be used will be subject to further discussion with officers and the local ward member.

HISTORY

880194 Outline application for the development of land as a business park and the construction of a distributor road (Approved May 1988).

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006)
 ST5 General Principles of Development
 ST6 Quality of Development
 ST10 Planning
 ME6 Retention of Land and Premises.
 CR2 Provision of outdoor playing space and amenity space

National Planning Policy Framework:
 Chapter 8 Promoting Healthy Communities.
 Chapter 11 Conserving and enhancing the natural environment.

CONSULTATIONS

Chard Town Council:

Comments awaited

Economic Development:

Thank you for requesting a consultation from the Economic Development Service. I am supportive of the application and offer the following comments:

Site History:

Chard Business Park was opened fully by the mid-1990s. It was created as a Business Park with the aim of bringing an additional and broader range of employment opportunity

to Chard. In order to maintain the strong business ambience of the Business Park, development has been regulated by restricting the planning use and restricting the specifications for quality of design and build. These restrictions have enabled the Business Park to retain a high standard of appearance and not be perceived as either an industrial park or a retail park.

Plot 5 is located on the western side of the Business Park. As one leaves the park approaching England's Way, Dolling Close and Reed Close housing developments, the plot is on the left hand side and is frequently seen as providing a green buffer between the Business Park and the residential areas beyond.

At its fullest extent Plot 5 occupies a total area of around 1.18 acres, but a large proportion of the plot is unsuitable for development owing to site constraints.

The site has been jointly owned by South Somerset and the Blackburn Trust since the opening of the Business Park

Marketing

The site has been continually and extensively marketed over the last fifteen years, forming part of the Chard Business Park brochure available until recently as a PDF document on the SSDC website, registered on the SSDC property database and advertised by prominent sales boards at the Business Park. The availability of land at the Business Park has been well known locally and regionally for a number of years. The marketing campaign over the years has resulted in all of the plots on the business park being sold, with the notable exception of plot 5.

Over the years there has been a reasonable amount and flow of interest in the purchase of plot 5. However prospective purchasers have found the constrained nature of the plot makes it extremely difficult, if not impossible to formulate a development scheme.

Site Constraints

Plot five suffers from the following site constraints;

A large area to the north of the plot has mature trees with Tree Protection Orders in place. These extend into the central area of the site and to the western boundary. As time progresses the canopy of these trees will enlarge, which will further restrict the developable area underneath them.

The land to the western boundary slopes noticeably upwards towards the road and there is a retained frontage to the full length of this boundary, which cannot be developed. There is also a risk of surface water flooding on the raised roadway to the west. The retained frontage area on Plot 5 would be likely to take any surface water run-off downhill from the road.

The southern boundary adjoins a footpath/cycle-way; which is not in SSDC ownership and is currently overgrown. To the south and east of Plot 5 is residential development (Devonia and Reed Close). Environmental Health has advised that any industrial use on this Plot would have a noise restriction due to the proximity of residents, reducing the appeal to some potential industrial users.

Additionally, that any industrial development should consider that the orientation of an industrial unit should have access and openings facing away from housing ie to the north of the site. This heavily restricts the size and situation of the unit that could be built on

site, as sufficient yard area, vehicle access and turning points will be required between any proposed building and the trees.

The eastern boundary adjoins Jarman Way and provides the angled access point into the plot. Similarly the access determines where vehicles and buildings can be situated to some degree.

Finally, initial ground investigations undertaken by an interested party have revealed that ground conditions in this location would increase costs of development for the foundations, with either raft or pile foundations being required.

In summary, the site constraints leave only c. 0.37 net acre from a 1.18 gross acre site as developable area. The user would need only to have requirements for limited access and yard area; a restricted size of unit with openings only to the north and noise emissions would be limited. Build costs would be higher than average, due to ground conditions and the general specifications of the Business Park requirements for a high quality finish; and there would still be a substantial area of the site that would have a maintenance liability and cost, but no commercial use.

The development proposal

The application seeks to change the use of Plot 5 from employment use to amenity use for 'play and open space'.

The application recognizes the extremely limited potential and likelihood of plot 5 now coming forward for employment use.

There is an unmet demand for open space and play provision within the local area. This has been generated by a number of housing developments in the locality in recent years.

Additionally, the current application for a mixed development at Plot 1 on the Business Park could be satisfied at this location. It should be noted that the requirements for play provision generated at plot 1 could have been met entirely within plot 1. However the applicant has noted the views of local members and officers and offered to locate the play provision off-site via a Section 106 agreement.

The Change of Use at plot 5 would permit the plot to accommodate the local need for open space and play provision in a suitable location and environment. Once the requirements are sited, any useable residual area of Plot 5 could be marketed for alternative use subject to planning permissions.

The applicants planning statement highlights how the change of use would contribute to Local Plan and NPPF aims and objectives

SSDCs Sports and Leisure Service are also supportive of this application.

Conclusion

We raise no objection to the application

Environmental Health Officer:

No observations.

Council Arborist:

Use of this site as POS could be very compatible with the presence of the protected trees both within the site and adjoining. Any future construction of play areas, hard & soft landscaping etc would need to consider the presence of the trees. If the Applicant would like advice regarding future construction near to the trees, I would be pleased to assist. I have no objection to the proposed change of use.

Leisure Policy Co-ordinator

Community, Health and Leisure are supportive of the change of use of this piece of land (Plot 5) to Public Open Space, as there is a lack of informal open space and equipped play space in this part of Chard.

Using our agreed catchment standard of 240m for a LEAP (Local Equipped Area for Play), we have calculated that there are approximately 500 people living within this catchment of Plot 5, all of whom are outside the catchment of any existing LEAP in Chard.

The use of Plot 5 as public open space also allows the needs of the proposed development on Plot 1 to be met (1204283/FUL). There is no public open space proposed for this site, and as highlighted above, there is no other LEAP within a reasonable catchment to allocate an off site contribution towards. The change of use of Plot 5 therefore provides a suitable location to allocate any off site contributions secured from Plot 1 towards equipped play provision.

Open spaces Officer:

I have no objection in principle but what provision is being made for the cost of maintaining this land? Are there any proposals to landscape the site and if so who will pay for this? We need to consider the cost to Streetscene if the proposal is to transfer this land without sufficient funds for maintenance.

Highway Authority:

No observations on this application.

REPRESENTATIONS

No comments have been received.

CONSIDERATIONS**Principle of development**

The site is located within the development area as defined in the South Somerset Local Plan and thus there is a presumption in favour of development subject to compliance with other relevant local and national policies. The site was originally granted permission as part of the outline consent for Chard Business Park in the late 1980's. However, the site has never been developed for employment purposes and it remains a vacant piece of land. Therefore, whilst the site has historically formed part of the Chard Business Park, and has been actively marketed for employment use over a period of 15 years, the site is not allocated as employment land in the Local Plan nor does it have any current employment permission. Importantly, the NPPF makes it clear that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'. Thus, notwithstanding the efforts to create employment, the site has yet to deliver any employment use.

Therefore, the principle of considering suitable alternative uses of the land is in accord with policy in the NPPF.

Need for the Proposal

This proposal has arisen following detailed pre-application discussion with regard to Plot 1 at Chard Business Park, now subject of a separate and current application for a care home and affordable housing (application number 12/04283/FUL). Whilst play and open space provision was originally planned as part of the layout for Plot 1, it was agreed that a better solution could be accommodated on Plot 5. It would not only provide an amenity facility for the new occupiers on Plot 1 but could also be used by existing residents who live to the south of the site. The residential developments close to this site have not historically included provision for play and open space. Thus, whilst this development cannot make up for this deficiency, siting the play and open space on Plot 5 on an accessible piece of land for both new and existing residents is fully supported. Thus, it is considered that there is a clear need along with a wider community benefit as a result of this proposal.

Site constraints

The Economic Development Manager has outlined in his response the detailed marketing of the site along with particular site constraints that have prevented the site from being implemented for employment purposes. It is clear that the range of protected trees that are located to the north of the site, which extend into the central area and along the southern edge of the site significantly reduce the amount of developable space. Moreover, the layout and orientation of any proposed employment building, in particular any service areas, will be further restricted when considering the relationship with adjacent residential occupiers as well as the protected trees. Along with the ground conditions and a retained frontage along the western boundary which cannot be developed, it leaves a much reduced site within which any employment building could be located. Given these constraints, it is not surprising that, even in better economic times, the site has not found any takers for employment purposes.

Relationship with adjacent occupiers

It is not considered that the proposed use will create any adverse or harmful amenity issues in relation to business and residential neighbours, certainly not when given that busy employment activities could be taking place on the site. The Council will ensure through the careful design and layout of the amenity space that any formal play area provides the required buffer from the residential properties to the south. This shall include any appropriate landscaping and protection for the existing trees. It should also be noted that the site is clearly well used with desire lines apparent from Jarman Way to Thorndurn park Drive and from Reed Close to Thorndurn Park Drive. Thus, the site clearly acts as an important link for residents, employees and other users. Therefore, the proposal would not only provide a much needed local facility but also enhance the area for both current and future users. It is therefore considered that this proposal will assimilate well into the wider area without detriment to adjacent occupiers.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not required as part of this application.

RECOMMENDATION

Grant Permission

01. The proposal will provide much needed play and open amenity space to serve the new occupiers and existing local residents. The proposal will enhance the character and appearance of the area and not harm the amenities of neighbouring occupiers. It is in accordance with Policy ST5, ST6, ME6 and CR2 of the South Somerset Local Plan and Chapters 8 and 11 of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. No development shall take place until a plan detailing how the play and open space areas will be arranged on site, along with boundary treatments, has been submitted to and approved in writing by the Local Planning Authority.

Reason: No detailed plan has been submitted with the current application and to ensure that an acceptable layout is achieved on site to protect the amenities of the area to accord with Policy ST5 and ST6 of the South Somerset Local Plan.

03. No development shall take place until a plan detailing how the existing trees on site shall be protected during any construction/site clearance works is submitted to and approved in writing by the Local Planning Authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect the existing trees on site and to protect the amenities of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

04. The development hereby approved shall be carried out in accordance with the following approved plans:
Drawing no: 3190/1000 Rev A Site Plan.

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