

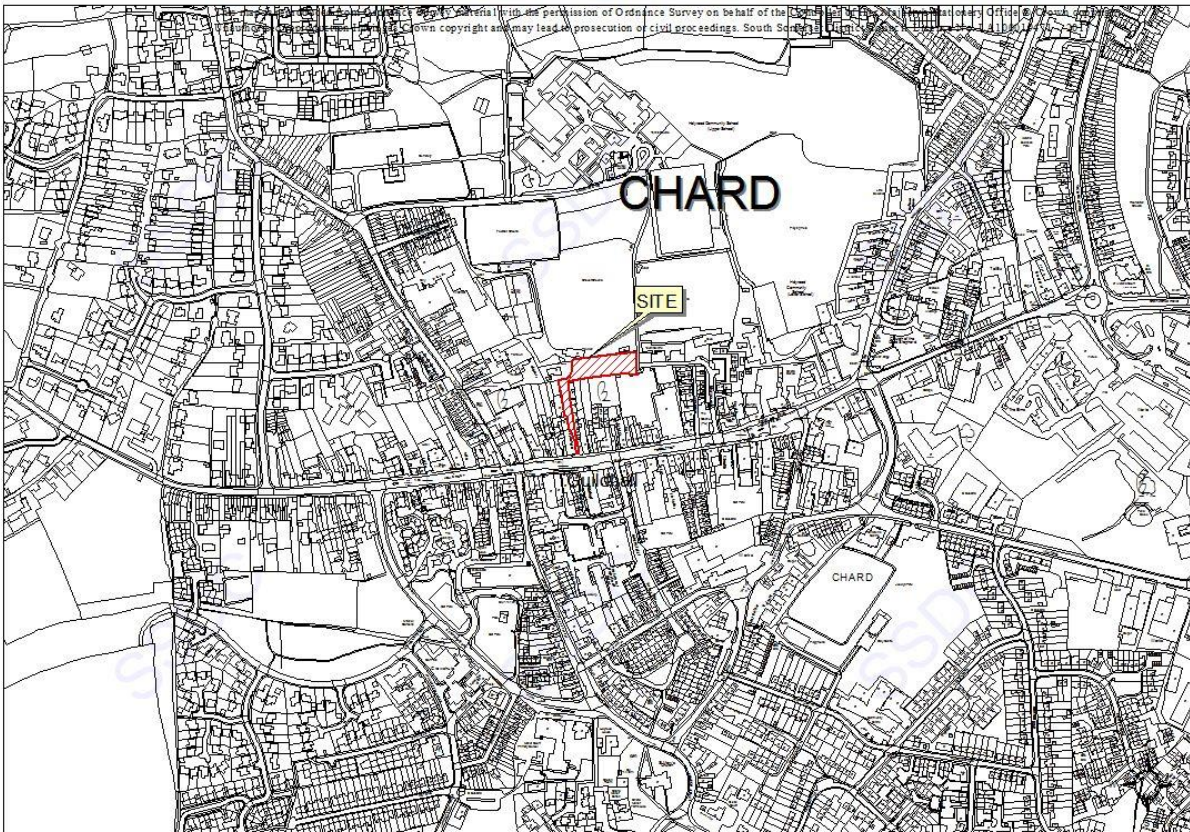
Officer Report On Planning Application: 17/00074/OUT

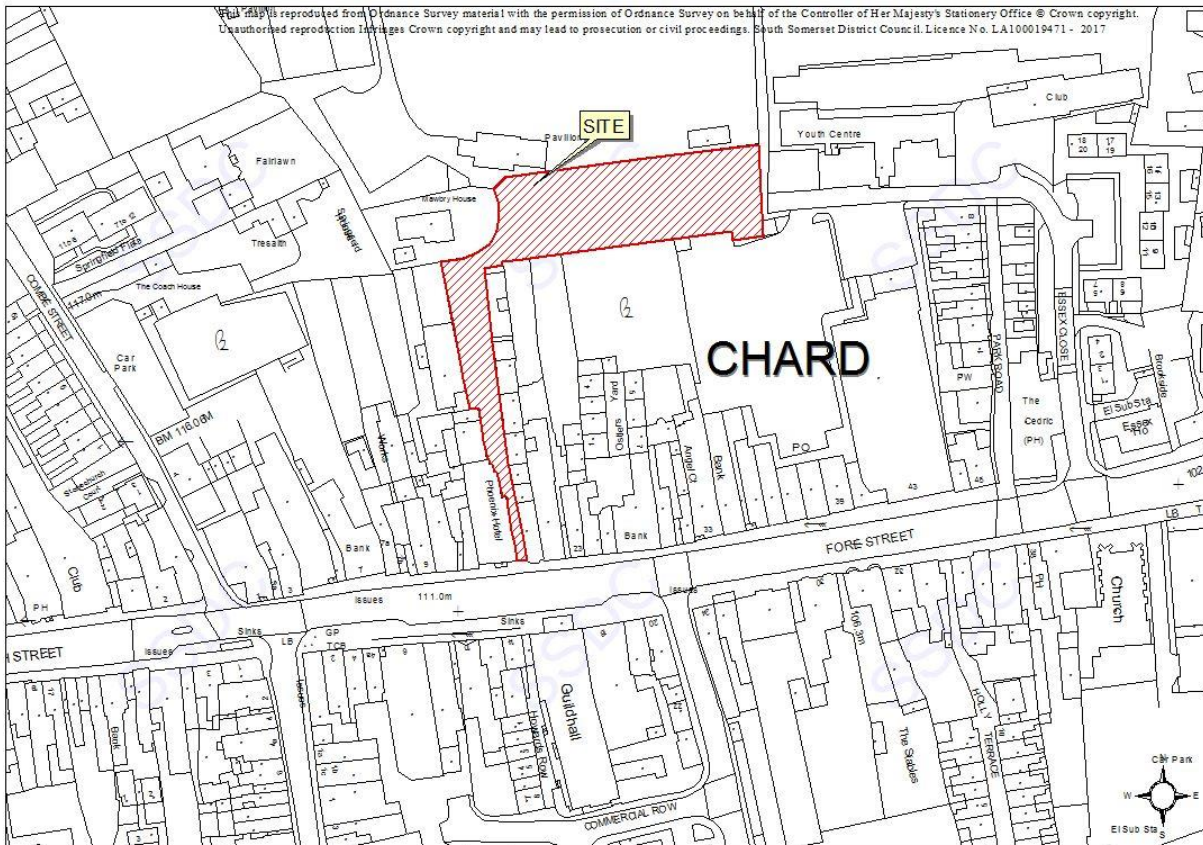
Proposal :	The erection of two dwellings (outline)
Site Address:	Land Rear Of The Phoenix Hotel And Car Park Fore Street Chard
Parish:	Chard
COMBE (CHARD) Ward (SSDC Member)	Cllr A Broom
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	3rd March 2017
Applicant :	Mr & Mrs A Kenton
Agent: (no agent if blank)	Mr Paul ROWE CAPARO 11 Mervyn Ball Close CHARD TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON(S) FOR REFERRAL TO COMMITTEE

This application is referred to committee as one of the joint applicants is an elected District Councillor.

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 sites 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. An indicative plan has been submitted showing a possible layout for the 2 dwellings. A Planning Statement was submitted with the application outlining the site context and surroundings, photographs, planning history, proposal details and the relevant planning policies/considerations.

HISTORY

There have been a large number of applications dating back to the 1970's in connection with the pub and associated outbuildings. A number of residential conversions have been created at the back of the pub as a result of these permissions. The most relevant application with regard to this current application however is the application outlined below.

10/0093/OUT - Residential development (application refused and appeal dismissed).

The above application did not specify the total number of units although the submitted documentation indicated a figure of around 20 units in the form of a 3 storey block of flats. The application was refused by Area West Committee for 4 reasons. The reasons were:

1) density and scale not satisfactorily respecting the form, character and setting of the locality;

- 2) Highway safety concerns in regard to the substandard and limited access through the Phoenix Hotel entrance not providing a safe means of pedestrian and residential vehicle access, and access concerns for emergency vehicles;
- 3) the likely increase in demand for on street parking resulting from this proposal would be detrimental to highway users and pedestrians, and cause harm to the visual character and appearance of the street scene and conservation area; and
- 4) the increased use of the substandard access through The Phoenix Hotel entrance would be prejudicial to highway safety.

A subsequent appeal was made to the Planning Inspectorate. The appeal was dismissed by the Inspector upholding concerns about highway/pedestrian safety, density, scale of development and impact on the Conservation Area. Reason 3 was not upheld nor in regard to the access for emergency vehicles.

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 2015)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS5 - Delivering new housing growth.

HG4 - Provision of affordable housing

TA5 - Transport Impact of New Development

TA6 Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

Other Relevant Documents:

National Planning Policy Framework

Core Planning Principles

Chapter 7 - Requiring good design

Chapter 11 - Conserving and Enhancing the historic Environment

CONSULTATIONS

Chard Town Council:

Resolved that this application should be approved subject to a report on archaeological discoveries requested by the Senior Historic Environment Officer.

Highway Authority:

Standing Advice applies.

SSDC Highway Consultant:

Has visited the site with the agent and provided informal advice. On this basis, no advice has been given to the Council.

County Archaeologist:

The site lies within the Area of High Archaeological Potential and in the medieval settlement area so

development is likely to impact on remains relating to occupation activity. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

REPRESENTATIONS

2 letters/emails have been received. Neither raised any objection to the proposal. The first writer sought more information as to the precise location of the development and the type of dwellings proposed. The case officer replied advising that the development site is not adjacent to their property and that the details of the dwellings are not known at this outline stage.

The second writer was the Secretary of Chard Cricket Club whose playing pitch immediately adjoins the application site to the north. No objection is raised but if the development is approved have requested that some form of physical protection from cricket balls is given to future occupiers. Having spoken to the secretary and applicant, it has been agreed that netting will be erected along the northern boundary of the application site. A condition shall be attached accordingly with details of the proposed netting to be submitted and secured through any subsequent reserved matters application.

CONSIDERATIONS

Principle

The site occupies a central location within Chard, within easy walking distance of the town centre and its range of services and facilities. The principle of residential development in this location is therefore accepted in principle.

Highways/Parking

Access to the development would be obtained through the Phoenix Hotel archway on Fore Street. Members will note that the previous scheme was refused due to highway safety concerns, in particular concern in respect of pedestrian safety. It is accepted that this access does not meet current standards. However, it is a long established access for the hotel/pub along with a number of residential units in the rear courtyard. Given the very significant reduced number of units now proposed, and the current use by the pub/hotel and existing residential properties, it is not considered that the proposed development would result in a severe highway impact warranting refusal.

Adequate on-site parking provision can be provided; the precise layout for these spaces would be agreed at any future reserved matters stage.

Impact on the setting of the Conservation Area

Part of the southern boundary of the developable area adjoins the boundary of the Conservation Area. Members will note the previous application which, amongst other reasons, was refused because of the adverse impact on the setting of the Conservation Area. The previous scheme proposed a 3 storey building comprising up to 20 flats. The current scheme is significantly different in that it proposes 2 dwellings and the previous concerns in regard to the scale, dominance and appearance has been suitably addressed. Whilst the details of the proposed dwellings are not known at this stage, it is considered that 2 well designed dwellings can be accommodated on site that will enhance the setting of the adjoining Conservation Area. It should also be noted that the site is currently vacant and overgrown and certainly does not positively enhance the setting of the Conservation Area. This scheme would positively enhance the current appearance of the site.

Residential amenity

Whilst the design, scale and layout of the proposed dwellings would be determined at any future reserved matters stage, it is considered that given the distance from existing residential properties, 2 dwellings can be accommodated on site without any detrimental harm to residential amenity. In regard to the adjacent

cricket club, it has been agreed with the applicant and cricket club, that netting would be installed within the application site to protect future occupiers from loose cricket balls. A condition shall be attached accordingly.

Other issue

During discussions between the case officer and secretary of the cricket club, the secretary wished to express the club's support for the proposal. In particular, given the overgrown and relatively secluded nature of the site, the redevelopment of the site would make it more secure and, therefore, significantly reduce the opportunity for third parties to gain unauthorised access onto cricket club land and property from this site.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

The scheme does not meet the threshold for planning obligations and therefore a legal agreement is not applicable to this application.

RECOMMENDATION

Grant Permission.

01. The proposed development would make a contribution towards meeting the Council's housing need in a sustainable location within walking distance of the town centre. It would not harm residential amenity, would provide an acceptable means of access and would enhance the character and appearance of the Conservation Area. The development is in accord with Policies SD1, SS1, SS5, HG4, TA5, TA6, EQ2, EQ3, and guidance in the NPPF.

SUBJECT TO THE FOLLOWING:

01. 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.

02. 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.

03. Approval of the details of the scale and appearance of the building(s), the landscaping and layout of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

04. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number KPOLP1 - Site Location Plan with an indicative layout only.

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

05. Before the dwellings hereby permitted are first occupied a properly consolidated and surfaced access into the developable site shall be constructed (not loose stone or gravel) details of which

shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

06. The development hereby approved shall not be occupied until the parking areas to serve each of the dwellings have been fully constructed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed, the parking areas shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

07. 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.

Reason: To provide archaeological monitoring of the development and a report on any discoveries made as per guidance in the National Planning Policy Framework.

08. Any reserved matters application submitted shall include details of the protective measures to be installed within the application site to protect future occupiers and property from any cricket balls from the adjacent cricket club. Once agreed and installed, the protective measure shall be permanently retained and maintained thereafter.

Reason: To protect residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.
