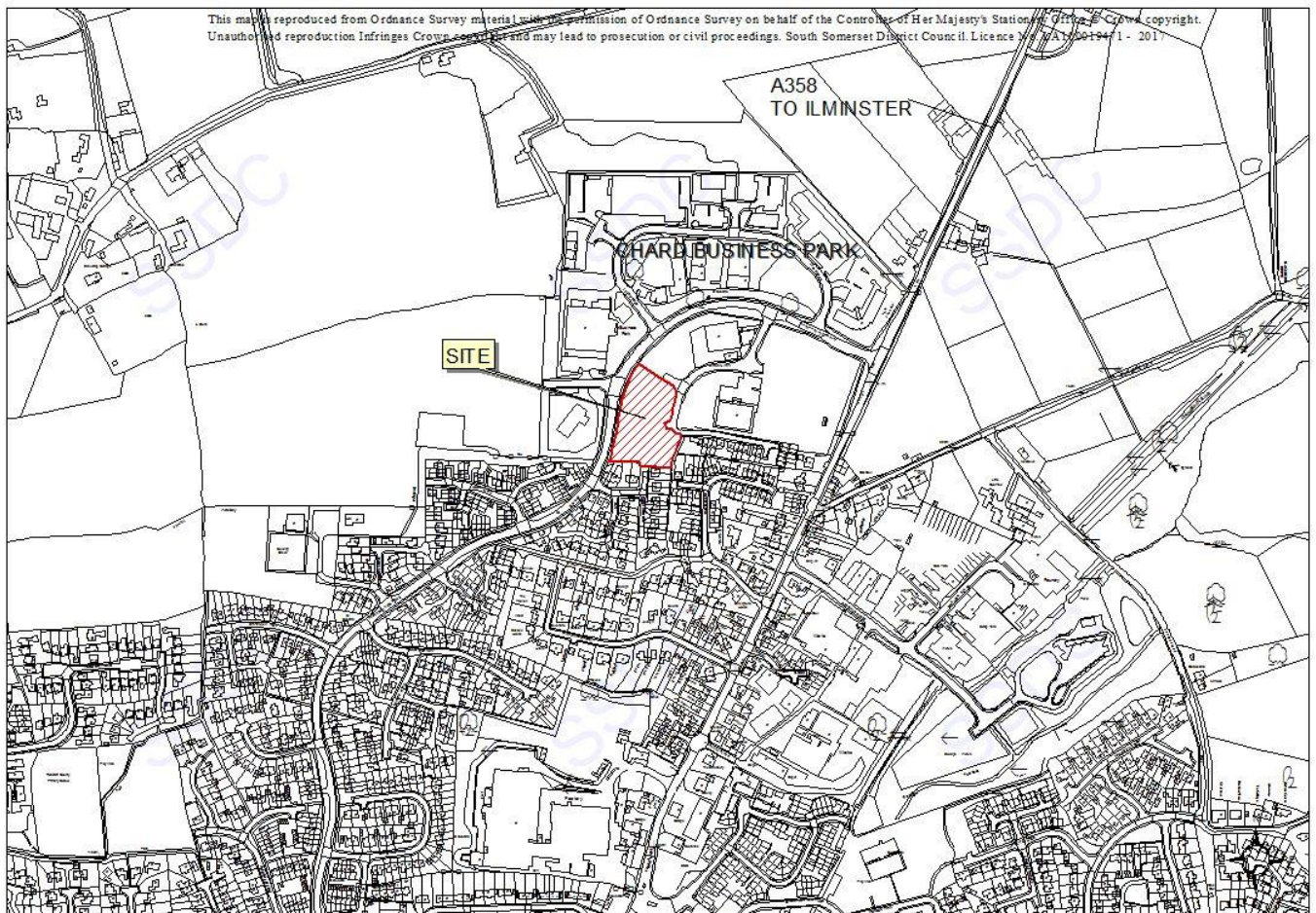


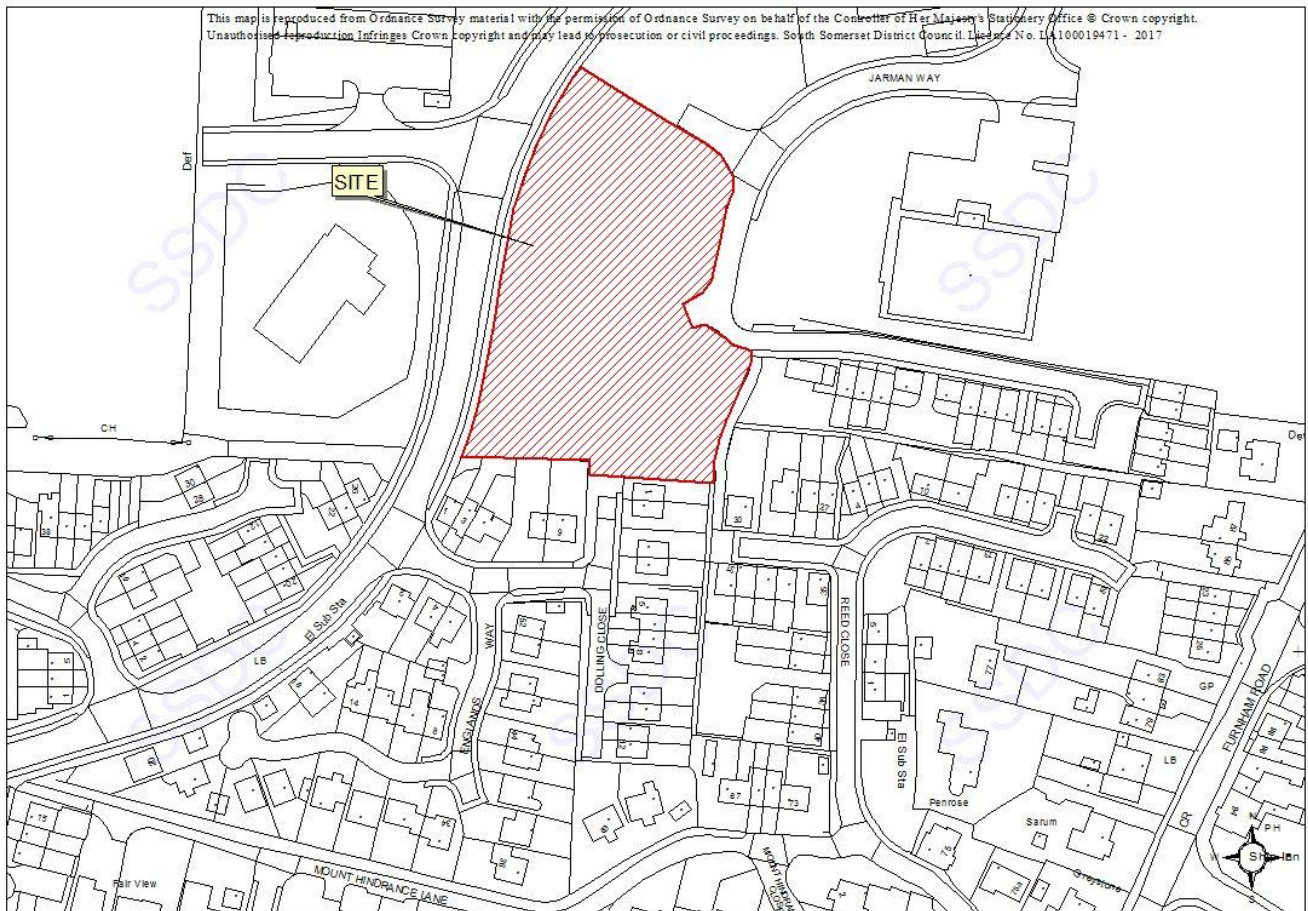
Officer Report on Planning Application: 14/05511/FUL

Proposal :	The erection of 5 No. dwellinghouses and a block of 4 No. flats with associated vehicular access, parking, landscaping and the formation of an area of equipped public open space (revised application) (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 andrew.gunn@southsomerset.gov.uk or (01935) 462192
Target date :	24th March 2015
Applicant :	Mr Jonathan Thornton
Agent: (no agent if blank)	Mr Mike Payne, Boon Brown Architects, Motivo, Alvington, Yeovil, Somerset BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area West Committee as South Somerset District Council owns part of the land within the application site and an objection to the proposal has been received.





Application Update:

Members will recall that a decision on the application was deferred from the March meeting to allow for consideration to be given to amending the application and for a fresh consultation process to be undertaken. The revisions sought included moving plots 1-5 further away from the existing dwellings to the south and seeking retention of the current boundary treatment. Following discussion with the applicant, amended plans have been received for plots 1 to 5 - these have been moved a further 2 metres to the north away from the existing dwellings in Englands Way. There is limited room to move them any further due to the need to retain a buffer zone around the proposed play area. A new 1.8 metre high close boarded fence is proposed along the rear boundary with new tree planting. There is an existing low level earth bund towards the southern boundary along with some shrubs and trees. The earth bund and the existing trees/shrubs are located in what will be the centre of the rear gardens of the new dwellings. Therefore, it is not practical to retain those as part of the development. More appropriate tree planting is proposed along with a new fence. A fresh consultation process has been undertaken. No comments have been received at the time of writing the report. An oral update will be given at committee in respect of any comments received on the amended plans.

SITE DESCRIPTION AND PROPOSAL

The site is located towards the northern edge of Chard, on the eastern side of Thorndun Park Drive and west of Jarman Way. It is located within a larger area originally granted consent in the 1980's for employment uses, known as Chard Business Park. The site, known as Plot 5, extends to 0.58 hectares and comprises a grassed/scrub area with a number of protected trees including Oak, Scots Pine and Field Maple. Residential properties are located to the south and south east with employment units to the north east and west. To the immediate north is a further grassed area.

This application seeks permission for the erection of 9 affordable dwellings, comprising 5 terraced houses and a block of 4 flats along with associated vehicular access, parking, landscaping and the formation of an area of equipped play and open space. The 5 terraced houses will be located on the western side of the site with the 4 flats on the eastern side. The scheme includes a total of 19 parking spaces comprising 15 allocated spaces and 4 visitor spaces. 2 spaces are also provided for motorbikes. Vehicular access will be gained via an extension to Jarman Way which in turn will lead to the parking area which will be located in between the 2 blocks of housing. An area for cycles and bin storage is provided.

The terraced dwellings will front onto the play/open space area and will rise gradually in height, The dwellings will be constructed using brick, with brick quoins along with a tiled roof. Each of these will have a rear garden with a shed. Existing firs and silver birch trees (none protected) will be removed. The rear gardens will be bounded by 1.8 metre wooden panel fencing. The 4 flats will be rendered with brick quoins with a tiled roof. A communal amenity space is provided along with bin storage.

The central and northern part of the site will be used for the provision of equipped play and open space. Members will note the application from 2012 which granted consent for the change of use of the current application site from employment to public open space use. Whilst this consent has now lapsed, it established the principle of the change of use from employment to a different use. This change of use had been accepted due to the lack of any progress in developing the site for employment purposes over 20 years due largely to the protected trees creating a significant site constraint. In addition, this area of Chard is deficient in play facilities and is considered to be a good location for such provision. The residential element of the scheme will enable a planning obligation to be secured towards the equipped play on the site. This will total £81,000 and, along with the previous commuted sum of £41,000 from the residential development of Plot 1, will enable the equipped play facilities to be delivered.

The application was accompanied by an Ecological Survey report and a Reptile Survey report. This revealed the existence of a low population of slow-worms and a mitigation strategy has been proposed to provide the safe capture and translocation of slow-worms to the northern part of the site.

Members will note the lengthy timescale that this application has taken to process. This has been due to resolving legal issues in respect of the collapse of Brookvale Homes, who were part landowners. Those legal issues have now been resolved.

RELEVANT HISTORY

Application No: 14/00845/FUL: The erection of 5 No. dwellinghouses and a block of 4 No. flats with associated vehicular access, parking, landscaping and the formation of an area of equipped public open space (application withdrawn).

12/04262/COU - Use of land as Public open Space (application approved).

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.

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development.

National Planning Policy Framework

Core Planning Principles

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Somerset County Council Adopted Parking Standards

CONSULTATIONS

Chard Town Council:

Recommend approval.

Highway Authority:

The Highway Authority have not raised an objection subject to 3 conditions. These refer to estate road details, properly constructed and consolidated roads and footpaths, keeping parking and turning areas clear of obstruction and not to be used other than for parking and turning.

The Highway Authority have advised that this development will provide an opportunity to enable the adoption of Jarman Way road. They have advised the applicant to discuss this with them along with some other highway. Details at the technical approval stage.

Ecologist:

The ecologist is satisfied with the submitted ecological survey. No objection is raised subject to a condition requiring mitigation in respect of slow worms. In addition, an informative is required in regard to nesting birds.

Senior Play and Youth Facilities Officer:

A contribution of £81,000 towards the provision and management of an equipped play area on the adjacent area of open space has been requested. The officer has advised against the provision of footpaths through the public open space, until the final design and layout for the play and open space areas have been subject to consultation and final design criteria. Also asked if a draft Unilateral Undertaking has been prepared/submitted for this application.

Environmental Health Officer:

No objection subject to the imposition of 2 conditions in respect of dealing with any contamination that may be found on site.

Crime Prevention Officer:

No objection raised but advised about the following:

- Consider removing the footpath/desire line at the rear of plot 5 if this is proven not be a right of way. This pathway would make this into an easy escape route for criminals.
- Removal of part of the wall between parking places for plot 5 to increase surveillance to the parking court from the bedroom windows.

REPRESENTATIONS

1 email has been received objecting to the scheme. The writer states that he was told that no houses would be built on this land as it is an industrial estate. It would mean cramming houses into an industrial estate.

CONSIDERATIONS

Principle

The site forms part of the wider Chard Business Park which has now largely been developed for employment uses over the last 20 years. However, it has previously been accepted that employment delivery on this particular plot (number 5) has not occurred due to the existence of protected trees and close proximity to existing dwellings. Previous consent was granted for a change of use of this site to open/play space use. Whilst this permission has now lapsed, it clearly established the principle of other uses on this site. In addition, given the deficiency of play space in this part of the town and a commuted sum having been secured from development of Plot 1 towards play facilities on this plot, the principle is accepted.

In regard to the provision of housing, given the Council's current lack of a 5 year supply, including a significant affordable housing shortage, the scheme would deliver 9 much needed affordable homes and will secure an obligation to provide equipped play on the site. Given the historical difficulty in delivering employment use on this site and the previous change of use permission, the provision of housing on part of this site is considered to be acceptable.

Highway/Parking

Vehicular access will be gained via a relatively small extension to Jarman Way on the eastern side of the site. The Highway Authority has raised no objection to the proposal subject to conditions and advice in regard to some technical changes to the layout which would be addressed during the technical approval stage. The scheme will provide a total of 19 spaces (including 4 visitor spaces) plus 2 motorbike spaces. These will be provided in the form a parking court in-between the 2 blocks of houses. Given the constrained site and relatively low number of houses, a parking court with allocated parking spaces in close proximity to the dwellings is considered to be appropriate. The number of spaces meets the adopted County parking standards and is acceptable. Accordingly, there are no highway objections to the scheme.

Design and layout

The proposed dwellings are located in 2 separate blocks on the eastern and western sides of the site. The 5 dwellings are arranged in a simple 2 Storey terraced form facing onto the open/play space each with rear gardens. The flats will be in a 2 Storey block, again facing the play area. These will have a communal area along with bin and bike storage. The use of brick, render, and tiles is acceptable. The Crime prevention officer has not raised an objection to the scheme but advised in regard to the height of the wall/fencing next to the parking area for plot 5 and to omit the rear pathway behind plots 2-5. A condition shall be attached in respect of the height of the wall. The pathway does allow access to the rear of those properties connecting with adjacent residential and employment areas. Subject to agreeing via condition, an appropriate height for boundary fencing, this path would be overlooked by the new properties and is considered to be acceptable. On the basis of the above, the design and layout of the scheme is considered to be acceptable.

The current plot of land does provide access between housing and employment with desire lines running across the site. Appropriate access across the land will be provided as part of the scheme for the equipped play and formal public open space. As members will note from the report above, the precise layout for the play and equipped play will be subject to consultation and agreement lead by the Council's play officer.

Residential amenity

The closest residential dwellings are located to the south of the site in England's Way. It is considered that given the distance between the new and proposed dwellings, which has now been increased by a further 2 metres, and, along with appropriate boundary treatment, the scheme would not create any adverse impact to residential amenity. Moreover, given the existing relationship between the current dwellings and employment uses, and with the proposed area of open/play space on the rest of the site to the north of the new dwellings, it is not considered that there would be any adverse amenity issues to future occupiers.

Ecology

As members will have noted, the application was accompanied by an Ecological Survey report and a Reptile Survey report. This revealed the existence of a low population of slow-worms and a mitigation strategy has been proposed to provide the safe capture and translocation of slow-worms to the northern part of the site. The Council's Ecologist has accepted the recommendations and mitigation measures proposed. Accordingly, there are no objections to the scheme on ecological grounds.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

The application be approved subject to:

- a) the prior completion of a S106 planning obligation (in a form acceptable to the Council's Solicitor), before the decision notice granting planning permission is issued, the said planning permission to cover the following issues:
 1. The provision of at least 35% affordable housing and
 2. A contribution towards the provision and management of equipped play facilities and open space on the application site.
- b) the following conditions:

RECOMMENDATION

Grant permission.

01. The proposed development will provide much needed affordable housing in a sustainable location, will provide a safe means of access, provide adequate off street parking and would not harm residential amenity. The scheme would also make a contribution in the form of a planning obligation to assist the delivery of children's play facilities. The scheme is therefore in accordance with Policies SD1, SS1, SS5, HG3, TA5, TA6, and HW1 of the South Somerset Local Plan and guidance in 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. The development hereby approved shall be carried out in accordance with the following approved plans:
Drawing numbers: 3319/200 Rev E, 3319/001 Rev G, 3319/002 Rev D, 3319/003 Rev E and 3319/004.

Reason: For the purposes of clarity and in the interests of proper planning.

03. 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, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing. 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 highway safety to accord with Policy TA5 of the South Somerset Local Plan.

04. 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 highway safety to accord with Policy TA5 of the South Somerset Local Plan.

05. The area allocated for parking and turning on the submitted plan, drawing number 3319/001C shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

06. The development hereby permitted shall not be commenced (including any ground works or site clearance) until mitigation measures to avoid harm to slow worms, as detailed in the 'Reptile Survey Report' (Michael Woods Associates May 2014), have been implemented. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: For the protection of a legally protected species to accord with Policy EQ4 of the South Somerset Local Plan.

07. 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 amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

08. In the event that contamination is found or is suspected to be present, at the site when carrying out the approved development then development shall be halted (unless otherwise agreed in writing with the Local Planning Authority), and it must be reported in writing to the Local planning authority. An investigation and risk assessment must be undertaken, in accordance with the requirements of BS10175 Year 2011 - Investigation Of Potentially Contaminated Sites Code of Practice, BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments, and CLR 11 Model Procedures For The Management Of Land Contamination, issued by The Environment Agency, and any remedial proposals submitted and agreed in writing prior to the recommencement of the development.

Reason: In the interests of environmental health to accord with the NPPF.

09. Prior to commencement of the proposed use of the site, written confirmation that no contamination was found or suspected, or if remedial actions were required, independent validation that proposed remedial measures have been carried out in accordance with the agreed scheme. The validation report shall contain:
- (i) A full description of the works undertaken in accordance with the Remediation Proposals.
 - (ii) Results of any additional monitoring or testing carried out between the submission of the Remediation Proposals and the completion of remediation works.
 - (iii) Movement permits of all materials taken to and from the site
 - (iv) A statement signed by the developer or the approved agent, confirming that all the works specified in the Remediation Proposals have been completed.

Reason: In the interests of environmental health to accord with the NPPF.

10. The proposed wall between the car parking places for plot 5 and to the rear of plots 2-5 shall not be erected until its height has been agreed in writing by the Local Planning Authority. Once erected, the wall shall be permanently retained and maintained at the agreed height thereafter.

Reason: In the interests of crime prevention to accord with Policy EQ2 of the South Somerset Local Plan.

11. No development shall take place until a construction management plan has been submitted to and approved in writing by the Local planning Authority. This shall include: construction working and deliver hours, an identified area for the storage of construction materials, the route for construction vehicles to and from the site, a parking area for contractors vehicles and details in respect of measures to ensure that dust, dirt and mud is controlled and the measures to ensure local roads are kept in a clean and tidy condition.

Reason: To protect the amenity of the area and to ensure the roads are maintained in a safe condition to accord with Policy EQ2 and TA5 of the South Somerset Local Plan.

Informatives:

01. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.
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