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## **Area West Committee**

**Wednesday 20th November 2019**

**4.15 pm** (Please note change of start time)

**The Guildhall, Fore Street  
Chard, TA20 1PP**

(disabled access and a hearing loop are available at this meeting venue)



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The following members are requested to attend this meeting:

Jason Baker  
Mike Best  
Dave Bulmer  
Martin Carnell  
Brian Hamilton  
Ben Hodgson

Val Keitch  
Jenny Kenton  
Paul Maxwell  
Tricia O'Brien  
Sue Osborne  
Robin Pailthorpe

Garry Shortland  
Anthony Vaughan  
Linda Vijeh  
Martin Wale

Consideration of planning applications will commence no earlier than 5.00pm. (See Planning Schedule for further information)

For further information on the items to be discussed, please contact the Case Officer on 01935 462055 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 12 November 2019.

**Alex Parmley**, *Chief Executive Officer*



**This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app**

## **Information for the Public**

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website  
[www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at committees**

### **Public question time**

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

### **Planning applications**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint)

by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

## **Recording and photography at council meetings**

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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# **Area West Committee**

## **Wednesday 20 November 2019**

### **Agenda**

#### ***Preliminary Items***

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 16th October 2019**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

#### **Planning Applications Referred to the Regulation Committee**

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Jason Baker, Sue Osborne and Linda Vjeh.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

- 4. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

- 5. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 11<sup>th</sup> December 2019 at 5.30pm at The Guildhall, Chard.

## **6. Chairman's Announcements**

### *Items for Discussion*

- 7. Community Grant to Merriott Village Hall (Executive Decision)** (Pages 6 - 10)
- 8. Area West - Draft Area Chapter 2020/21** (Pages 11 - 14)
- 9. Area West Committee Forward Plan** (Pages 15 - 16)
- 10. Schedule of Planning Applications to be Determined by Committee** (Pages 17 - 19)
- 11. Planning Application 18/04057/OUT\*\* - Land East of Mount Hindrance Farm, Mount Hindrance Lane, Chard** (Pages 20 - 51)
- 12. Planning Application 19/00074/FUL\*\* - Land East of Crimchard, Chard** (Pages 52 - 71)
- 13. Planning Application 19/01219/FUL - Land at Crewkerne Road, Chard** (Pages 72 - 85)
- 14. Planning Application 18/03093/FUL - 32 Ditton Street, Ilminster** (Pages 86 - 92)
- 15. Planning Application 18/03718/S73A - Sandyhole, The Former Sunday School, Bull Bridge Lane, Merriott** (Pages 93 - 97)
- 16. Planning Application 19/00911/FUL - Land At Boozer Pit, Merriott, TA16 5PW** (Pages 98 - 108)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

# Agenda Item 7

## Community Grant to Merriott Village Hall (Executive Decision)

*Director:* Martin Woods, Director of Service Delivery  
*Manager / Lead Specialist:* Tim Cook, Locality Manager  
*Lead Officer:* Adrian Moore, Locality Officer  
*Contact Details:* adrian.moore@southsomerset.gov.uk or 01935 462409

### Purpose of the Report

Councillors are asked to consider the awarding of a grant of £11,500 towards Solar Array and Battery Storage for Merriott Village Hall.

### Public Interest

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by Parishes and voluntary community organisations in the towns and villages across the district.

Merriott Village Hall has applied to the Area West community grants programme for financial assistance with the costs of installing a Solar Array and Battery Storage. The application has been assessed by the Locality Officer who is submitting this report to enable the Area West Committee to make an informed decision about the application.

### Recommendation

It is recommended that Councillors award a grant of £11,500 to Merriott Village Hall, the grant to be allocated from the Area West capital programme and subject to SSDC standard conditions for community grants (appendix A).

### Application Details

Name of applicant:	Merriott Village Hall
Project:	Solar Array and Battery Storage
Total project cost:	£24,478
Amount requested from SSDC:	£11,500
Application assessed by:	Adrian Moore

### Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

Category	Actual score	Maximum score possible
A Eligibility	Y	Y/N
B Equalities Impact	6	7
C Need for project	4	5
D Capacity of organisation	14	15
E Financial need	4	7
F Innovation	3	3
<b>Grand total</b>	<b>31</b>	<b>37</b>

## Background

Merriott Village Hall is a lovely, spacious and characterful village hall with a large hall that has a production stage, PA system, hearing loop, an extra meeting room, well-fitted kitchen, and ample parking to the rear with designated disabled parking. There is very good access for wheelchair users at both front and rear doors, together with disabled toilets.

The main hall can accommodate up to 220 people and is light and airy. There is also the Blake Room, which is perfect for meetings and smaller groups and can be used as a waiting room, bar, cloak room or changing room amongst other things. It is an excellent venue for wedding receptions, parties, wakes and other large functions. Regular groups include; Badminton, Short Mat Bowls, Bridge Club, Baby Sensory Classes, Pilates, Zumba, Yoga and Dance Clubs.

The Village Hall is in good order and very well managed. The management committee have now ventured to install solar panels on the roof and install a battery storage system to take small steps, where they have influence, to help tackle the crisis of climate change. There is no gas or oil supply to the hall and everything runs on electricity including the air source heat pump. This investment in solar power will not only help in reducing the financial running costs of the hall and keep hiring costs affordable to the community but also will greatly reduce the use of fossil-fuelled generated electricity and therefore drastically reduce the hall's carbon footprint year after year.

In May 2019 SSDC declared its recognition of a 'Climate and Ecological Emergency' and has developed an environment strategy to help protect the environment and ecology, reduce carbon emissions and to work towards the Council and district becoming carbon neutral. SSDC has said that adapting to climate change means changing the way it does things and will look not only at how SSDC can manage its environmental performance and reduce impacts but will also address how it can work with and support its communities to do the same.

It is well known that SSDC is now in partnership in a massive investment in cutting-edge, groundbreaking, renewable energy technology. SSDC has a clear commitment to green energy and is already having influence on the environmental decision making of our communities.

## Parish information

Parish*	Merriott
Parish Population	1,979
No. of dwellings	900

\*Taken from the 2011 census profile

## The project

The project involves the installation of 26 solar panels on the southwest facing roof of Merriott Village Hall. The panels are estimated to generate approximately 7,700 kWh (Kilowatt Hours) per year. However, there will be a mismatch between generation time and use. Therefore, the project also includes the installation of electric storage batteries to assist with the mismatch. The current tiles on the roof are chrysotile and contain asbestos. Therefore, there is the need to engage a company that can deal with the safe and secure removal of these tiles and can also install the solar panels and the batteries. The disturbed roof around the solar array will be replaced with matching non-asbestos containing tiles. All works are estimated to be completed within three days.

The Village Hall Committee have future proofed this project to enable the addition of car charging points to be added if and when further external funds are secured from elsewhere in the future. This is aspirational at this stage but the current project has that potential.

## Local support / evidence of need

The current hall users and Merriott village residents have been canvassed for their views on this project and there has been an overwhelming positive response. Other village halls, that have already installed solar panels, have also been contacted by the hall committee and have reported that the result of their solar installations have been extremely beneficial.

The installation project will be explained on the hall notice boards both inside and outside the hall and will be advertised on the hall and village websites. An article will appear in the Merriott Messenger (distributed free to all residents) and offered to a wider press. A meter will be installed in the hall showing how much electricity is being generated.

## Project costs

<b>Project costs</b>	<b>Cost £</b>
Solar Array – Supply of Photovoltaic System (7.80 kWp)	7,079
Installation	1,440
Access Equipment	1,260
SolarWatt 4.8kW Battery storage system supply and install	4,199
Roofing Works	10,500
<b>Total</b>	<b>24,478</b>

## Funding plan

<b>Funding source</b>	<b>Secured or pending</b>	<b>Amount £</b>
Parish Council	*Secured	*100
Own Funds	Secured	5,000
Somerset Community Foundation	Pending	5,000
The Bernard Sunley Charitable Foundation	Pending	5,000
Gannet Foundation Newsquest	Pending	5,000
Bath & West Community Energy Fund	Pending	5,000
South Somerset District Council	Pending	11,500
<b>Total</b>		<b>36,600</b>

If the currently pending grant funding is not secured in time, the Village Hall Committee will take out a loan to meet the total project costs.

\* Merriott Village Hall Committee and Merriott Parish Council took over the combined recreation ground and village hall in 1925 and it has been the case that the Parish Council manages and maintains the car park and provides it for the benefit of the village hall free of charge.

Three new specified parking places have been created due to the new disabled access at the rear of the village hall and a further planned project to install two electric car-charging points. The cost of the charging points is not included in the current project because there are separate sources of funds that the Village Hall Committee will apply for in the future for this purpose.

The village hall is dependent on the use of the whole of the car park as well as the specified places and would not be able to attract the hirers it does without it. This year the Parish Council has spent over £20,000 refurbishing the tarmac car park at the rear of the village hall and creating an additional overflow car park. The Parish Council have supported the village hall project by a contribution of a nominal sum in addition to the financial support 'in kind' specifically benefitting the village hall within the car park re-modelling works.



## **Conclusion and Recommendation**

It is recommended that a grant of £11,500 is awarded

If the pending funding sources are successful then the SSDC contribution will be reduced from £11,500 to only meet the shortfall required to reach the £24,478 total budget of the project.

## **Financial implications**

The balance in the Area West Capital programme is £143,829. If the recommended grant of £11,500 is awarded, £132,329 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a % basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

## **Council Plan Implications**

Healthy, Self-reliant Communities; to enable healthy communities which are cohesive, sustainable and enjoy a high quality of life we will:

- Work with partners to reduce the impact of social isolation and create a feeling of community.
- Work with partners to support people in improving their own physical and mental health and wellbeing.
- Enable quality cultural, leisure and sport activities.

Economy; To promote a strong and growing economy with thriving urban, rural and land-based businesses, we will:

- Promote and support commercial investment including inward investment, innovation and productivity.

Economy; To keep South Somerset clean, green, attractive and sustainable we will:

- Be a leading council in developing and adopting a Green Agenda to promote sustainable environment, economy and communities.
- Promote a high-quality built environment.

## **Area West Chapter Implications**

- Support a range of improvements to community buildings

## **Carbon Emissions and Climate Change Implications**

SSDC Environment Strategy;

- We will work to achieve a significant reduction in emissions and improve carbon-offset rates across the geography of South Somerset, through direct action, by supporting the communities of South Somerset to meet their ambitions and through the way we do things; ensuring that working towards carbon neutrality is a thread which runs through all of our decision-making.
- Reduced electricity consumption and reduced carbon footprint

## **Equality and Diversity Implications**

The project aims to provide for people across all age and interest groups in the local community.

**Background Papers** None

## **Appendix A**

### **Standard conditions applying to all SSDC Community Grants**

#### **The applicant agrees to: -**

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of the grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured before starting the project, if these were not already in place at the time of the application.  
Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc.).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

#### **Standard conditions applying to buildings, facilities and equipment**

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control Service when buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

#### **Special conditions**

# Agenda Item 8

## **Area West – Draft Area Chapter 2020/21**

*Service Manager:* Jan Gamon, Lead Specialist Strategic Planning  
Tim Cook, Locality Team Manager

*Lead Officer:* Debbie Haines, Locality Team Lead (North & West)  
Chereen Scott, Specialist, Strategic Planning (North & West)

*Contact Details:* debbie.haines@southsomerset.gov.uk  
chereen.scott@southsomerset.gov.uk

### **Purpose of the Report**

To present the draft Area Chapter for Area West.

### **Public Interest**

The new operating model was introduced in January 2019. The Committee's priorities become a chapter of the council plan with resources pulled from across the organisation with project leads essentially becoming Area + teams. This report gives members an opportunity to consider and agree the priorities that will be included in the Area Chapter for 2020/21.

### **Recommendation**

That members agree the priorities for the Area to be presented to District Executive for consideration for inclusion in the Council Plan.

### **Background**

The Area+ proposal states that "The Council will become strategy led and data informed", which puts the annual strategic planning process at the heart of driving delivery in the Areas.

The Area+ Implementation plan sets out the new way of addressing area priorities and details how resources will be allocated from across the organisation to improve area working.

Delivery Plans will be developed for adoption as chapters of the Council Plan in February 2020 and will 'go live' in April. The SLT Sponsor for each area will have an overview of the emerging Area Plans.

Draft priorities were identified by members of Area West at a workshop before the July meeting of the committee. Content from the workshop, along with other service plans has been used as a starting point to develop the Area Chapter.

### **Draft Area Chapter - Area West**

The priorities for each area have been used to influence the development of the Council Plan for 2020/21. Some priorities identified clearly have an area focus and are better placed in an Area Chapter. The Area Chapter presents key projects and areas of work planned for the coming year by teams from across the whole organisation. Some of the activities and projects have been carried forward from the current chapter. The chapters for next year have taken account of work of the current work programme that will have been completed by April 2020.

At the workshop in July, Area West Members also agreed that protecting the environment was a priority and that the green agenda should be at the forefront of what the Council does. Members will be aware that in October the Council adopted an Environment Strategy, which outlines the first phase of commitments and future direction of travel for the Council. A delivery plan is currently being

developed that will detail what, how and when we will deliver the identified priority outcomes and vision. When this is complete it will further inform the workplan that sits under the Area West Chapter.

### **Delivery plan**

Once the priorities for the area have been agreed, officers with the knowledge, skills and experience will develop a delivery plan in consultation with ward members. Delivery plans will identify the outcomes, milestones, key activities and resources. A report will come to the April meeting to recommend the use of area budgets towards agreed chapter projects and initiatives.

Progress of the delivery plan will be monitored by the Area Committee. Members are sent quarterly updates, provided by lead officers and collated by Locality Team Leads. The overall approach to delivery will be based on the principle that we will enable others to deliver where we can, partner where it makes sense and only deliver if absolutely necessary.

### **Area+ teams**

Lead officers required to deliver elements of the Area Chapter are essentially the Area+ team. The Communities of Practice for the areas of focus will be used to support delivery through applying best practice, ensuring cooperation and overcoming barriers to deliver and to resolve issues that cause projects to stall.

### **Budgets**

Work will be required to align the area budgets and available resources (capital programme, appropriate S106, etc) with the new Area Plans. There needs to be recognition that resources are finite and will be allocated according to need. Any new work will be assessed in order to establish relative priorities. As mentioned above, a report will be produced for the April meeting with recommendations about the use of area resources.

### **Next Steps**

- Draft council plan workshops with Scrutiny and DX in January
- Final Council Plan for adoption in February

The SLT sponsor for Area West is Alex Parmley who will be an advocate for the Area Plan through the adoption process and maintain an overview of progress. The SLT sponsor will provide high level input into the development of Area Plans making sure that they contribute towards the broader aims of the council and take account of relevant regional and national policy.

### **Financial Implications**

There are no new financial implications arising directly from this report.

### **Corporate Priority Implications**

The priorities have been developed taking into account the SSDC Corporate plan priorities.

### **Carbon Emissions & Climate Change Implications**

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the

services and facilities they need on a daily basis. Area working (Area+) helps to improve access to facilities, activities and services, reducing the need to travel.

### **Equality and Diversity Implications**

This is considered on an individual project and programme basis as appropriate. All Area Plans will have an Equality Impact Assessment.

**Background Papers:** *Area+ proposal, Area + Implementation Plan*

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# Area West Chapter of the Council Plan 2020/2021

The area chapter presents the priority work in Area West for the coming year. Many of the projects are led by others working in our communities and SSDC will take an enabling approach to provide advice and practical support to help others deliver.

Area+ teams are made up of officers from across the council with specific knowledge, skills and experience needed to support the delivery of the Area Chapter. Details of the Area+ team, key activities, and milestones to be presented in the delivery plan.

## Key priorities for Area West:



### Economy

- Attract tourists and increase spend in and visits to the area and wider district. Engage with attractions and providers to offer a cohesive destination packages to visitors through the TICs and LICs
- Continue to support individual businesses and associations/Chambers of Trade/Town Teams
- Supporting rural diversification
- Engage Town Councils to develop programme of investment through the Market Town Investment Group
- Complete gateway highway improvement scheme - Chard Fore Street



### Environment

- Support community led initiatives that contribute towards combatting climate change
- Preserve the biodiversity and develop Chard Reservoir as a green tourism destination; investigate opportunities to improve the visitor infrastructure and information
- Continue to support the Blackdown Hills AONB
- Maintain pressure to deliver Stop Line Way



### Housing

- Promote and support any emerging Community Land Trusts
- Complete Housing Needs Surveys when requested



### Healthy, Self-reliant Communities

- To improve pitch provision in Area West and particularly in Chard
- Support a range of improvements to community buildings
- Develop a programme of public events at Chard Reservoir and deliver in partnership with the volunteer group
- Develop options to improve community transport links to Crewkerne Station
- Tackle social isolation by maintaining the network of volunteer led health walks through promotion, training and support
- Deliver a programme of Play days in towns/villages in Area West
- Provide support to local community safety groups within Area West

# Agenda Item 9

## **Area West Committee Forward Plan**

*Director:* Netta Meadows, Strategy and Support Services  
*Agenda Co-ordinator:* Jo Morris, Case Officer (Strategy and Commissioning)  
*Contact Details:* jo.morris@southsomerset.gov.uk or 01935 462055

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

***Background Papers:*** None.

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**Notes**

- (1) Items marked in italics are not yet confirmed.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<b>11<sup>th</sup> December 2019</b>	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>Adrian Moore, Locality Officer</i>
	<i>Blackdown Hills AONB – report from SSDC representative</i>	<i>Cllr. Martin Wale</i>
	<i>Chard Reservoir Half Term Activities</i>	<i>Rachel Whaites, Countryside Manager, Leisure &amp; Recreation</i>
<b>22<sup>nd</sup> January 2020</b>	<i>Ile Youth Centre Management Committee</i>	<i>Cllr. Brian Hamilton</i>
	<i>Chard and District Museum Society</i>	<i>Cllr. Linda Vijeh</i>
	<i>Avon &amp; Somerset Constabulary</i>	<i>Sgt. Rob Jameson</i>
<b>19<sup>th</sup> February 2020</b>	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
<b>18<sup>th</sup> March 2020</b>	<i>Stop Line Way Update Report</i>	<i>Adrian Moore, Locality Officer</i>
	<i>Stop Line Way Steering Group</i>	<i>Cllr. Sue Osborne</i>
	<i>A Better Crewkerne &amp; District (ABCD)</i>	<i>Cllr. Mike Best</i>
<b>TBC</b>	<i>Highways Authority Update</i>	
<b>Quarterly Update Reports</b>	<i>Chard Regeneration Scheme</i>	<i>Rebecca McElliott, Property and Development Project Manager</i>



# Agenda Item 10

## Schedule of Planning Applications to be Determined by Committee

Director: *Martin Woods, Service Delivery*  
Service Manager: *Simon Fox, Lead Specialist - Planning*  
Contact Details: *simon.fox@southsomerset.gov.uk or 01935 462509*

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Please note: Consideration of planning applications will commence no earlier than 5.00 pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for the times stated below.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
<b>The following three applications will be considered no earlier than 5.00pm.</b>					
11	BLACKDOWN & TATWORTH	18/04057/OUT**	Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated	Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard	Mr Des Dunlop D2 Planning Limited

			infrastructure and engineering works.		
12	CHARD CRIMCHARD	19/00074/FUL**	The erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping.	Land East Of Crimchard Chard	Barratt Homes
13	CHARD JOCELYN	19/01219/FUL	Proposed offices, warehousing and research and development buildings	Land At Crewkerne Road Chard	Numatic International Ltd
<b>The following three applications will be considered no earlier than 7.00pm</b>					
14	ILMINSTER	18/03093/FUL	Demolition of outbuildings, erection of two storey and single storey side to rear extension to provide residential flat on first floor and carparking, storage and staff facilities to ground floor	32 Ditton Street Ilminster Somerset TA19 0BQ	Mr & Mrs John To
15	EGGWOOD	18/03718/S73A	Application to vary Conditions 3 (opening hours) and remove condition 7 (obscure glazing on windows on the eastern elevation) of approval 17/03983/FUL.	Sandyhole, The Former Sunday School, Bull Bridge Lane, Merriott, TA16 5PS	Mrs Louise Pearce
16	EGGWOOD	19/00911/FUL	Erection of 2 dwellings	Land At Boozer Pit Merriott TA16 5PW	Mr & Mrs Clemas

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

### **Referral to the Regulation Committee**

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

### **Human Rights Act Statement**

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

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# Agenda Item 11

## Officer Report On Planning Application: 18/04057/OUT\*\*

<b>Proposal :</b>	Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.
<b>Site Address:</b>	Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard
<b>Parish:</b>	Combe St Nicholas
<b>BLACKDOWN &amp; TATWORTH Ward (SSDC Member)</b>	Cllr M Wale , Cllr Jenny Kenton
<b>Recommending Case Officer:</b>	Tel: 01935 462476 Email: colin.begeman@southsomerset.gov.uk
<b>Target date :</b>	25th March 2019
<b>Applicant :</b>	.
<b>Agent: (no agent if blank)</b>	Mr Des Dunlop D2 Planning Limited Suite 3 Westbury Court Church Road Westbury On Trym Bristol BS9 3EF
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

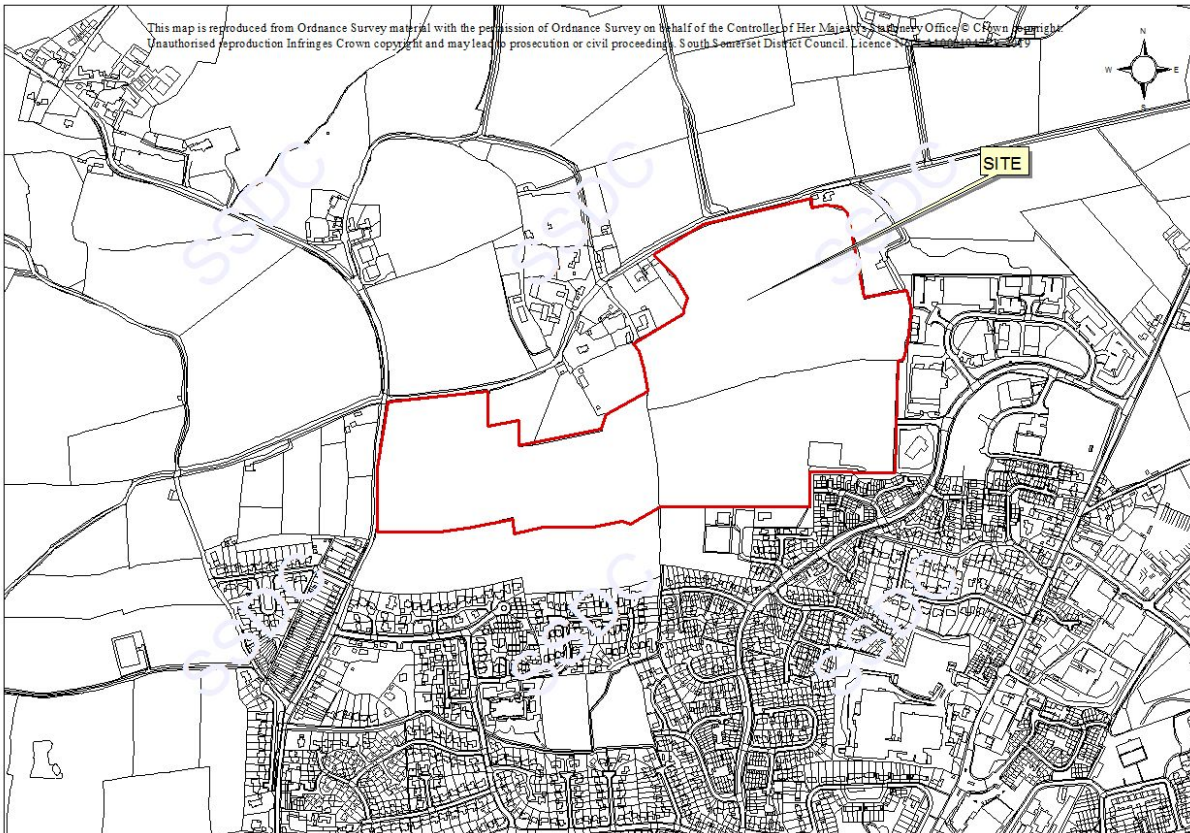
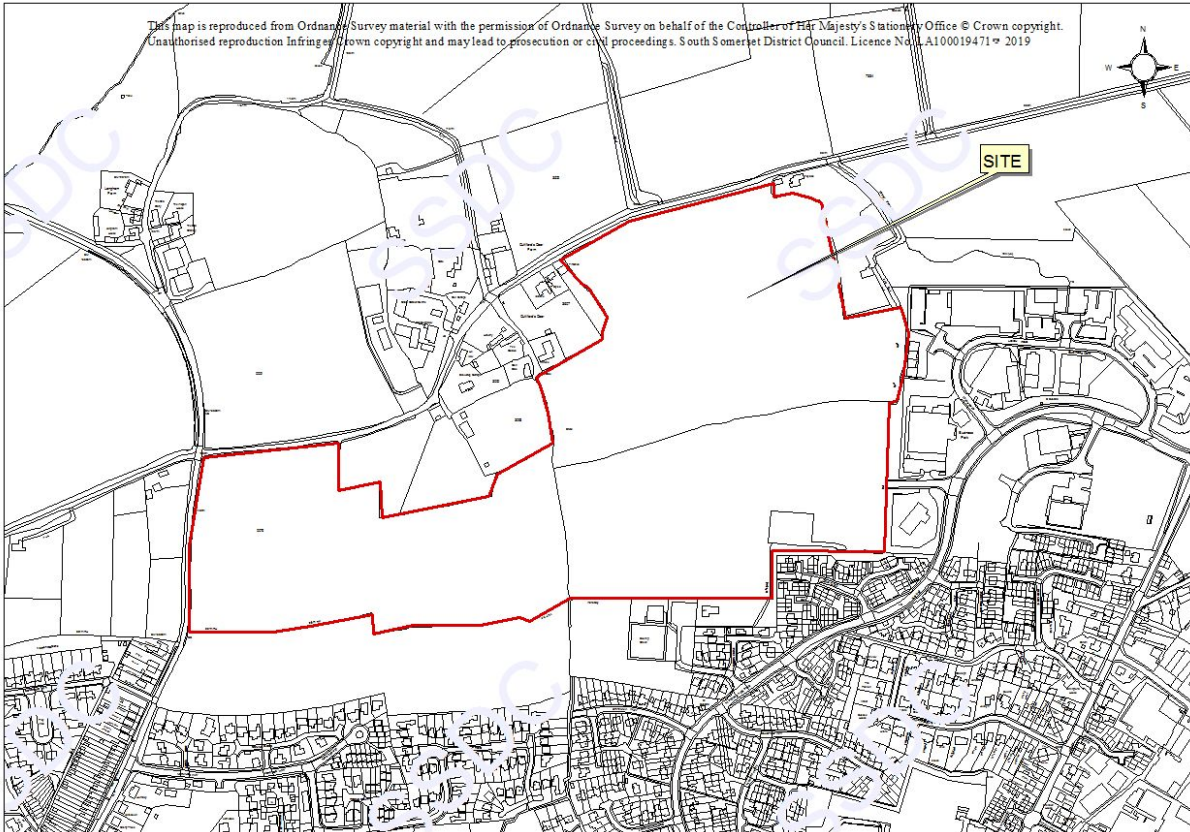
### REASON(S) FOR REFERRAL TO COMMITTEE

This application is referred to Area West Committee at the request of the ward member and in agreement with the Chair to debate and assess the main planning issues.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

## SITE DESCRIPTION



The application site comprises 3 fields in mixed agricultural use on the northern edge of Chard, although fully located within the parish of Combe St Nicholas. The site comprises a total of 23.1 hectares with a

relatively small area of hard standing (0.2 ha) located within the south-east section of the site. Crimchard Road is located along the sites' western boundary with the hamlet of Cuttifords Door and its access Road to the north. Agricultural fields lie beyond these immediate boundaries to the west and north. Chard Business Park is located to the west and, to the south, is the current limit of Chard's residential northern edge.

The application site slopes from west to east and is bounded by hedgerows and ditches with a number of mature trees, largely oaks, throughout the site. In addition, hedgerows define the field boundaries within the site.

## **PROPOSAL**

Mixed development comprising up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

Site Area: 23.1 hectares

Housing: Up to 295 dwellings

Local Centre

Football Club: 2 pitches

Additional Football Pitch for council use

NEAP: Play space

Landscaping, SUDS and associated infrastructure

The scheme seeks outline permission for a mixed use development comprising the erection of 295 homes, the provision of a Football Club with clubhouse and associated parking, 2 adult training pitches and mini pitch, areas of open space, a small local centre (a convenience store and other local services), equipped play areas, new footpaths and highway works, and new areas of structural planting and landscaping. The means of access is sought for approval as part of this application with all other matters ie layout, design, scale and landscaping reserved for approval at the reserved matters stage.

Whilst the application is in outline, an indicative masterplan has been submitted to demonstrate how it would be proposed to develop the site. This forms part of the Design and Access Statement submitted with the application which details how the plan for the whole site has been formulated resulting in a Concept Framework Plan. The Design and Access Statement outlines an analysis of the site and surrounding area, in particular the rural landscape character to the north, relationship with Cuttifords Door, and the existing built form to the east and south. It discusses Chard's existing settlement pattern and an assessment of the range of different building types and densities within the town. A technical section deals with proposed highway works and alterations, ecology, archaeology, flood risk, drainage and landscape issues and assessments. An evaluation section outlines the constraints and opportunities on and adjacent to the site.

The Design and Access Statement outlines that the applicant wishes to create a sustainable new neighbourhood in Chard. It outlines that the scheme would help initiate the wider regeneration of the town, meeting a need for housing but without adversely compromising or harming the Council's aspiration for the expansion of Chard. The aim is to provide good connections both throughout the development and to create and enhance strong links with the existing pedestrian connections at key points along the southern boundary. Green corridors will be provided throughout the site to encourage movement, providing areas of open space and encouraging sustainable modes of transport. New sport and play facilities will be established in addition to the creation of a Football Club.

The density of the new homes will range from 15 dwellings per hectare (dph) to 35dph and comprise

around 12.9ha of the total application area. It is proposed to create the higher density dwellings to the south and far eastern side of the site, and gradually reduce the density towards the northern edges of the site. The dwellings will range from 2 to 4 bed detached, semi-detached and terraced houses and predominantly two storey. The design, materials and layout will be considered at the reserved matters stage. The submitted masterplan shows that the houses would be located across the whole site other than at the far western and eastern ends along the northern boundary.

The Football Club along with the clubhouse and training pitches, and additional planting would be located in the top north east section of the site. A 30 metre belt of additional planting has been proposed in the far north west corner.

A small hub for local neighbourhood facilities will be created and will comprise retail, commercial and community floorspace. Areas of open space will be created with the main public spaces situated along the main north to south routes.

The development will be accessed via the creation of a main access point via Thordurn Park Drive to the east. Access from Thordurn Park Drive will incorporate new footways and cycleways along with footways linking with existing footpaths.

### **Environmental Impact Assessment (EIA)**

Prior to the submission of the application, the applicant submitted a screening request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, to ascertain whether the Local Planning Authority (LPA) considered that an Environmental Impact Assessment (EIA) was required. The LPA concluded that an EIA was required in order to fully assess the likely significant environmental effects of the development. Transport, ecology and landscape issues were identified as requiring consideration of their environmental effects. Accordingly, as part of the documents accompanying the application was an Environmental Statement dealing with those 3 issues including proposed measures to reduce any adverse effects. These reports were supported by technical appendices comprising detailed technical reports in relation to the environmental matters considered or relevant to them. These covered transport, ecological/wildlife, landscape and visual assessment, a planning statement, Design and Access Statement, sustainability statement, arboricultural survey, lighting impact assessment, flood risk assessment, utilities appraisal report, open space assessment, a heritage desk based assessment, ground condition report, affordable housing statement and a statement on agricultural land classification.

### **Landscape and Visual Appraisal**

The landscape and visual appraisal that was undertaken assessed the topography of the site and that of the surrounding area, identifying the key short and long viewpoints into the site. The Design and Access Statement outlines that the development proposals have been prepared to ensure that they respect and respond to the local landscape. The wooded area around Cuttifords Door and 'Wayside' will play an important role in screening and visually separating the site when viewed from outside the site. Additional planting is proposed to complement the existing trees and hedgerows and aims to improve the quality of Chard's built edge. The scheme was amended in the north west corner by bringing the development back around 30 metres in width to include additional planting in this corner. This will also provide additional habitat provision. In addition, planting has been increased along the north eastern boundary to provide an additional landscape buffer and habitat provision.

### **Transport Assessment**

In terms of highway issues, it is considered that subject to adequate mitigation, the development would not result in significant impact and would not prejudice the development principles as presented in the emerging Local Plan.

### **Ecology**

In terms of ecology, the report states that the site is bounded by hedgerows, the majority of which are

species rich and would be classed as important under the Hedgerow Regulations. There are also a number of mature oaks within most of the hedgerows. These features should be integrated into the development. The report states that the field habitats offer poor biodiversity value due to the use for growing arable crops. However, the site does contain habitat for a range of wildlife including badgers and their setts, reptiles, dormice, bats and opportunities for birds and other wildlife. Mitigation strategies are proposed in response to the report and comments received from the Council's ecologist. This includes additional planting and habitat creation providing a total of 2.41ha of useable habitat for dormice.

### **Flood Risk Assessment**

In relation to flooding, the site lies entirely within Flood Zone 1 ie land assessed as having less than a 1 in 1000 annual probability of river or sea flooding'. The FRA states that the fields are flanked by land drainage ditches and these direct run off eastwards, converging at the south-east corner of the woods, north of the business park, flowing then to Chard Reservoir. Permeability tests were undertaken across the site and this concluded that site infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates using open storage ponds before being discharge to the ditches. The report states that this will ensure that the risk of flooding downstream of the site is not increased. The report mentions the recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on site flooding. The use of swales, ditches, rain water harvesting, permeable paving and appropriate threshold levels will be included amongst the mitigation measures.

### **Open Space Assessment**

The Open Space Assessment identifies the shortfall of playing pitches within Chard. The proposal will provide a Football Club with much needed improved facilities as well as providing new sporting/leisure facilities for the town.

### **Heritage Assessment**

The Heritage Assessment identified no evidence of heritage assets within the site of such significance such as to preclude development. The report concludes that there is sufficient information contained in the report to accompany the outline application. The requirement for /scope of any further work and/or mitigation will be agreed with the County Archaeological Officer at reserved matters stage.

### **Lighting Impact Assessment**

A lighting Impact Assessment was undertaken. This acknowledges that there will be an impact for residents to the south of the site given the unlit nature of the site at present. Light will be seen from houses and street lights but due to the distances involved, the report states that there would be no harm to residential amenity. However, the report does accept that the football club lights will clearly be different from residential and street lighting. The report concludes that further design work will be required to ensure that this lighting is fully mitigated.

### **Affordable Housing**

In terms of affordable housing, the scheme proposes 35% affordable homes which is line with the Council's target. The location and mix shall be agreed with the Council at the reserved matters stage.

### **Agricultural Land**

The agricultural land assessment states that the site comprises a mix of good (3a) (western side) and moderate (3b) (eastern side) agricultural land quality.

### **Arboricultural Report**

With regard to the arboricultural report, it identified that most of the trees within the site were in good health and that most should be retained as part of the scheme and protected during the development phase. Oak is the predominant species. The report states that 6 trees would be removed in the centre of the site to facilitate the construction of the new main internal road but concluded that the negative arboricultural impacts would be few and not significant.



## **Phasing**

In addition, the applicant has outlined that the development would be constructed in 3 main phases with each phase taking 1-2 years with an overall development timeframe of around 5 years. The planting will take place early in the development with the development being constructed on the eastern side first.

## **HISTORY**

12/02681/EIASS (Screening and Scoping request).

Relocation of Chard Town Football Club, 1 hectare of employment land with access, around 450 homes and principal distributor road linking Thordurn Park Drive with Crimchard.

Following submission of the above screening and scoping request, the Local Planning Authority informed the applicant that an Environmental Impact Assessment (EIA) was required.

12/04518/OUT - Mixed development comprising 350 homes, floodlit full size football pitch, unlit full size training and mini pitches, multiuse club house, spectator facilities and parking. Hub for neighbourhood/community facilities, public open space, landscaping, drainage, associated vehicular & pedestrian access. Land regrading, associated infrastructure and engineering works (GR 332536/110057) - Refused and appeal dismissed - 3 June 2015

## **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 Paragraphs 2, 11, and 12 of the NPPF 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 considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

EP3 - Safeguarding Employment Land

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

Part 16 - Conserving and enhancing the historic environment

Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October 2019

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017) Policy PMT1

The Chard Regeneration Framework

## **CONSULTATIONS**

### **Combe St Nicholas PC**

The Parish Councillors Object to this Proposal Comments and Reasons:

1. The proposed development is in conflict with the other developments in Chard which are now currently passing through the planning process
2. This development is Outside Chard town boundary and not included in the adopted Local Plan. It (295 urban houses) would have the effect of just under a 50% increase in the number of houses in Combe St.Nicholas Parish — currently 660 (rural) altering the balance of the Parish
3. ALL The infrastructure needs to be in place before any approval can be given — schools, doctors. Etc. etc. Currently this is totally unsuitable and most schools full. Even the Government are now talking about the infrastructure being in position before housing. The needs of young people to be considered too.
4. If approved a condition needs to be in place - that NO connecting link road be allowed between this site and the Barratt Homes site on Land to the east of Crimchard (Blackdown Heights). Reason — That amount (possibly combined total of 445 houses) of extra Vehicles joining the Crimchard Road would be dangerous at this narrow point and cause more vehicles using the road through Combe St.Nicholas and Cuttifords Door. Construction traffic too would increase the dangers for these roads.
5. Environmental report figures were inaccurate (Somerset Wildlife Trust)

### **Chard Town Council:**

No comment

### **Planning Policy:**

The proposal includes the following:

Up to 295 residential dwellings.

- A floodlit football pitch including ancillary facilities. The proposed club house could be managed and made available to the wider community as a community use space.
- A second full size football pitch.
- Small scale facilities comprising retail, commercial and community floorspace (980 sqm).
- Significant additional areas of open space including formal and informal areas. Neighbourhood equipped areas of play, locally equipped areas of play and informal areas of play. A further community football pitch is also proposed.
- Provision of access from Crimchard.
- Associated infrastructure including roads, haul roads, footways, cycleways, balancing ponds, drainage scheme, street lighting and strategic landscaping.

As noted in the appellant's Planning Statement this site forms part of a larger proposal previously dismissed at appeal - application No. 12/04518/OUT.

The development plan for the purposes of determining this planning application consists of the South Somerset Local Plan 2006-2028. The Council is currently undertaking a Local Plan Review (LPR) covering the period 2016-2036. The LPR is still at an early stage of preparation having undergone Issues and Options consultation from October 2018 until January 2019 (Regulation 18). Public consultation on the Preferred Options (Regulation 18) is expected to take place later this year. You will note that the planning application site has been identified as a preferred option in the draft document put before District Executive on 7th February 2019. However, at this stage in the process the emerging Local Plan Review can be given very limited weight.

Chard is the second largest settlement South Somerset and Policy SSI of the Local Plan designates it as a Primary Market Town. Policy SS5 sets a housing requirement of at least 1,852 dwellings in Chard. This includes the 1,220 homes to be delivered during the plan period with at least a further 1,496 being delivered post 2028 within the Chard Eastern Development Area (CEDA) (Policy PMT2). Policy PMTI allocates the whole 2,716 dwellings to be delivered within the plan period and beyond. This allocation takes forward the masterplan devised as part of the Chard Regeneration Framework, and supporting Implementation Plan, 2010.

A portion at the eastern end of the proposal site is included within land identified in the Chard Regeneration Plan, 2010 and supporting Implementation Plan, 2010 for employment use and for the possible relocation of Chard Football Club (Policies PMTI and 2). The whole site is located within a Mineral Safeguarding Area — Policy SMP 9 of Somerset Minerals Plan. The remainder of the proposal site is located outside of the Development Area for Chard and outside of the CDEA allocation (Policies PMTI and 2).

Table 20 of the Authority Monitoring Report, October 2018 (AMR) shows that between 1st April 2006 and 31st March 2018 a total of 670 (net) dwellings have been completed and 474 (net) dwellings were committed. Between 1st April 2018 and 31st December 2018 a further 54 (net) homes were granted planning permission and 1 (net) was completed.

Currently the number of new homes expected to be delivered within CEDA has not been achieved. Whilst 78 dwellings have reserved matters permission within CEDA (Morrish Builders site) and there are pending planning applications for around 515 dwellings, so far no new homes have been completed. The infrastructure costs associated with delivery of the allocation are significant and this is recognised by a CIL nil tariff and the inclusion of elements of the road infrastructure being included on the Council's CIL Regulation 123 list.

A key issue for Chard is the impact of development proposals on the central Convent Link junction, as

part of any balancing exercise the contents of the transport assessment and the views of SCC as the Highway Authority will be of particular importance.

Policy SS3 of the Local Plan requires 17.14ha of employment land to be delivered in Chard over the plan period. Areas for employment use are not specifically identified in Policy PMTI or PMT2 however, there is an expectation that 13ha of employment land will be delivered as part of the CEDA allocation, 10.5 hectares of which are locationally specific. As referred to above, this site falls within part of the CEDA site known as Thorndun Park, an area adjoining the existing established Chard Business Park, where 4.1 hectares of employment land are identified to be delivered. This proposal does not include any employment land, but 980 sq m of land is identified for some economic development purposes comprising retail and commercial uses as well as community use. The Council's employment land and floorspace monitoring illustrates that land is not being delivered in Chard for employment uses, only 0.28 hectares has been delivered over the plan period so far. That said, Chard has delivered roughly the same level of floorspace over the plan period as Yeovil, the District's principle settlement (circa 24,400 sq m). This could be a demonstration of the difficulties in bringing employment land forward, a District-wide issue where businesses are expanding by optimising their existing land holdings, rather than purchasing new sites. This situation cannot continue indefinitely, and businesses will become constrained. The emerging Employment land Review identifies a quantitative need for a minimum of 13.5 hectares of employment land in Chard. This is based on 0.5 hectares for office development and 13 hectares of land for industrial use. This suggests that the need for the land identified in the CEDA still exists. It should be noted that paragraph 80 of the NPPF states that "planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt" set against the context of meeting the anticipated needs over the plan period.

A significant material consideration is the National Planning Policy Framework, 2018 (NPPF). Paragraph 11 d) states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 of the NPPF clarifies that for applications involving housing 'out-of-date' includes, situations where the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Based upon the report published in August 2018, South Somerset District Council is unable to demonstrate a five-year housing land supply. This means that paragraph 11 d) of the NPPF is activated.

In conclusion, this proposal is contrary to Local Plan Policies SS3, SS5, PMTI and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) comes into force and in conjunction with the responses from other consultees you should undertake a balancing exercise to determine whether any adverse impacts of approving the proposal would outweigh the benefits of allowing up to 295 homes and a site for a re-located football club in addition to the other uses proposed.

### **Highway Authority:**

Further to this Authority's previous recommendation further discussions have been completed and the Highway Authority has the following additional comments to amend those previously submitted.

Travel Plan - Not Acceptable - Revisions Required

The actions required to get the Framework Travel Plan up to standard have already been provided.

The Travel Plan should be secured via an agreement under s106 of the Town and Country Planning Act 1990

## Highway Improvement works

The following package of mitigation works has been offered by the applicant:

- A new access road via Thorndun Park Road
- An Emergency Vehicle Access onto Crimchard
- Extension of the 30mph limit on Crimchard 50m north (the TRO amendments to be included in s278/106 agreement)
- Visibility splays measuring 2.4x43m for both accesses
- Parking in accordance with standards
- Footway and Cycling Infrastructure links
- A Travel Plan (secured via a s 106 agreement)
- A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close
- Improvement of public footpath to the west of the Bowling Club.
- Two new bus stops on Crimchard at the site frontage.
- Provision of bus shelters at two nearest bus stops on Thorndun Park Drive - the developer has accepted that the Highway Authority do not take contributions.
- Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance, which is currently being considered for allocation for housing in the current Local Plan review, should it be developed.
- Signalisation of Furnham Road/Victoria Avenue Junction linked to Coker Way existing signals

## Conclusion

The developer has agreed to the above package of mitigation measures which can be secured via appropriate legal agreements. In this regard the Highway Authority is content that the impact of this development on the local highway network will not create a highway safety or efficiency issue.

Any outstanding matters with the Travel Plan, internal site layout and technical details of the mitigation package can be agreed during the next stage.

In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed:-

Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.

The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the construction phases beginning, and thereafter maintained until the construction phases end.

The development hereby permitted shall not be commenced until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

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. Such provision shall be installed before occupation and thereafter maintained at all times.

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 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.

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.

In the interests of sustainable development no part of any particular phase of development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to,

Footway and Cycling Infrastructure links,

A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close,

Improvement of the public footpath to the west of the Bowling Club.

Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

No part of any particular phase of this development shall be occupied until parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided in accordance with current standards in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

The new development shall not be commenced until the Travel Plan has been fully agreed and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to 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 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.

Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to occupation of the 50th dwelling the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive.

Prior to occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way.

NOTE: All works within the highway will be designed in agreement with this Authority and contained

within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

### Principle

The development is outside development limits and, although some of the land is part of the Chard Regeneration Strategy, this development exceeds the limits of that development. It will be a significant traffic generator and while remote from services and amenities, such as, education, employment, health, and retail the provision of housing and leisure facilities are a material planning considerations weighing in its favour.

### Parking

This application seeks outline permission and seeks approval for the principle and access at this stage. It is important at this stage to set out the parameters to inform any reserved matters application.

The level of parking required is set out in the County Parking Strategy which is part of Local Transport Plan 3 which was adopted in March 2012. The site lies on the cusp of Zones B and C for the purpose of the strategy and it is felt that Zone C is more appropriate since the site is remote from services and amenities. This means that the optimum level is: 1 bedroom dwelling 2 spaces; 2 bedrooms 2.5 spaces; 3 bedrooms 3 car spaces; 4 bedrooms 3.5 car spaces. It is possible to deviate from these levels up or down depending on sufficient justification.

The Strategy also requires visitor parking at a level of 0.2 per dwelling where less than half the parking is unallocated. Unallocated spaces are more efficient than on plot spaces since they are available for use by visitors and the standards reflect this. Unallocated spaces need to be in laybys, perpendicular bays or in parking courts.

Parking spaces fronting the highway should be 5 metres long to prevent vehicles overhanging the highway. Spaces which are obstructed, by a wall or fence at the rear for example, should be 5.5 metres. Spaces fronting garages should be 6 metres to allow room for the operation of the garage door.

If a garage is to be counted as a parking space it must be easy to use for drivers. The minimum internal dimensions are, therefore, 6 by 3 metres.

### Travel Plan

The Travel Plan (TP) is well structured but the content requires further amendments however this can be secured by way of a condition and incorporated in s106 agreement. Because this site is in a relatively remote location, it is essential that the likelihood of sustainable travel is maximized.

Despite being an outline application, the end use is known and the details of the TP can be fully finalized at a later stage. If the TP is to become part of a Section 106 agreement, it will need to be complete in all its details.

Creating bus stops and diverting buses into the site would make catching a bus more attractive. If the distance walked to a bus stop is reduced, the attractiveness increases to a great extent.

There are some measures like pedestrian and cycle permeability that will become more important once the detailed layout has been fixed. If the main desire lines are fixed, however, this will inform the layout. It will also help to highlight where improvements off site can be useful in creating attractive routes. The provision of cycle parking is important. The minimum standard is one cycle parking space per bedroom and the spaces provided should be accessible from the road when the garages and parking spaces are occupied.

The number and location of travel information boards is possible not in terms of the exact location but certainly in terms of the other features likely to be included such as the Football Club and the communal areas. The type of information that is to be displayed on these boards can also be stated.

There is mention in some of the supporting documents of a retail element in the development and clearly this could be a focal point for future residents. This is a good place to position travel information boards and could be used to position bus stops in the layout. All of this could be detailed in the TP and used to build a range of measures to encourage sustainable travel.

The TP proposes a welcome pack for future residents. A smarter travel leaflet which is site specific should be included with easy to read information about how to travel more sustainably. Promotional events could be held to promote sustainable travel such as health workshops and bike maintenance sessions. Small cheap gifts could be included in the welcome pack to further encourage better travel habits such as reflective cycle clips or reflective vests. A site car-share scheme could be set up and integrated with the Somerset wide scheme. This is a good way to cut costs for residents by sharing petrol and parking costs on the daily journeys which can yield cash savings for the participants and reduced trips for the TP.

All the suggested measures can be costed and these costs trapped in the TP summary. This means that SCC can gauge the level of commitment to sustainable travel and it also caps the commitment for the developer by ensuring that a maximum spend is indicated. The same is true of safeguard measures, measures to be employed should the TP targets not be met. Measures should be identified and costed and a safeguard sum deduced from these costings. Once again the developer is protected from excessive costs. A safeguard sum has been mentioned but it is not based on costed measures and looks very small compared to similar sized developments in better locations. The key is to identify safeguard measures, cost them and then calculate the safeguard sum.

In monitoring the traffic levels, the TP mentions multi-modal traffic surveys and residential travel surveys. This is an essential way of collecting data for a residential development of this sort so that the details from the other types of survey can be verified empirically. All monitoring data should be entered on the iOnTRAVEL website where SCC can monitor the targets. This is essential in measuring the success of the TP.

## Estate Roads

This is an outline application and only access is to be determined at this stage. This means that the layouts are indicative and likely to change. It is important to define the parameters for reserved matters, should this come forward, and there are concerns that the Highway Authority would seek to raise. The primary route through the site conforms to the Regeneration Strategy but this proposal is much bigger than was envisaged in the Strategy. Thought should be given to whether the design code should be revisited if this development goes ahead especially in relation to the road widths and layouts. The Highway Authority has not objected to this proposal and are content with the principle.

The Advanced Payments Code will apply in this instance and where streets don't meet the requirements of the Highway Authority, a considerable liability could fall to the developer to cover the future maintenance.

There is mention of tree planting in the proposed streets but at this stage there is little detail on the types and positioning. Any planting in areas to be adopted by the Highway Authority or adjacent to adopted areas must be agreed in advance. The species of any trees will be crucial as well as any root ball protection measures so that tree roots don't interfere with the road underpinnings.

The layouts submitted are illustrative only and do not show adequate suitable turning heads for refuse



and emergency vehicles. There is a distinct limit, as defined in Manual for Streets, to how far refuse vehicles can be expected to reverse when servicing households and these appear to be exceeded in the layouts. Modern houses are heavily serviced and provision must be included for the service vehicles to carry out this servicing in a reasonable manner.

### Drainage

The current drainage plan relies heavily on attenuation ponds and this strategy is based on the investigation that has been carried out. These ponds are proposed close to both existing highways and proposed adoptable roads. The effect of these ponds on the underpinnings of the highways should be carefully considered because roads, like any other structure, are susceptible to uncontrolled water undermining the foundations.

The Highway Authority currently enjoys rights to discharge highway water into ditches running along the south side of Cuttisford Door. This right of discharge needs to survive the drainage plan so that the existing road drainage will continue to operate. There is a concern that the operation of these ditches could be compromised by inclusion in the drainage plan and increased use.

### Conclusion

It is noted the site as proposed is not part of the Chard Regeneration Framework and as such it must be a matter for the Local Planning Authority to decide whether there is an overriding planning need for such a development.

From a Highway Authority perspective the applicant has addressed many of the concerns within the original Transport Assessment, and it would appear that the proposal will not have a severe impact on highway movements and whilst there is still work to be undertaken on the Travel Plan on balance there is no highway objection.

### Landscape

The application site lays within the scope of this council's peripheral landscape study (March 2008) which undertook an assessment of the capacity of Chard's peripheral land to accommodate built development. The study found that land against the immediate edge of the town had a 'high' capacity for additional growth, yet that capacity rapidly lessened on moving north and away from the town's edge, judging land immediately alongside Cuttisford's Door Lane to have only a moderate to low capacity for built development - for precise grading, see figure 5 of the study. This reflects the sensitivity of this edge relative to the rural land to the north. The outline proposal indicates a development footprint that concentrates the main area of built form toward the current edge of town, and incorporates open space in the form of football pitches, allotments and community orchards into areas evaluated by the peripheral study to be sensitive. It is considered that there is scope for some development along this edge of town, to round off Chard's northward extent and the proposal complies with this strategy.

### Ecologist:

The points below are a summary by the Council's ecologist following his assessment of the submitted Environmental Statement and ecological reports:

Dormice are present and are likely to occupy the majority of hedges on the site. The Environmental Statement has assessed the site to be of District level importance for dormice.

Cumulative impacts from fragmentation of hedges for new roads, cat predation, and lighting are likely to make around 2.4km of hedge no longer capable of supporting dormice. Woodland planting of around 4.5ha will be required to compensate for this loss.

Unless adequate compensation habitat can be provided (and demonstrated prior to granting consent), the application fails to satisfy Local Plan Policy EC8, the NPPF, and most importantly, the strict requirements of the Habitats Regulations 2010 which would require the application to be refused.

The majority of hedges are used to some extent for foraging and commuting along by bats. I support their retention and recommend a lighting strategy will be required to minimise impacts.

Badgers are present and can be retained on site and subject to some mitigation to minimise harm.

Reptiles (slow worm, common lizard, grass snake) are present and will require mitigation and/or translocation.

I still disagree with the conclusions of Michael Woods Associates (MWA) regarding impacts to dormice. MWA have applied the findings of several studies to reach the conclusion that countryside hedges currently supporting dormice will continue to do so once the same hedges are within an urban environment. I don't consider the studies they refer to are sufficiently relevant to this development scenario, nor there to be other research or published guidance in this respect, to support the minimal level of impact that MWA conclude. I consider it more likely that there will be a significant detrimental impact and that the proposal doesn't include sufficient mitigation and compensation.

As dormouse is a European Protected Species, the planning decision needs to satisfy the strict requirements of the Habitats Regulations. I'm unable to confirm that the test of 'maintaining favourable conservation status' will be satisfied by this proposal. Failure to satisfy this test would make a planning consent vulnerable to judicial review. I therefore consider this to be a strong reason for refusal and maintain my objection to this proposal.

Dormouse impacts

Background

Based on the results of surveys, it is assumed (by both MWA and myself) that dormice 'will be distributed through hedgerows at a density approaching their carrying capacity for hedgerow habitat.' Most of the hedges are likely to be occupied by dormice. Following development, many of these hedges will have become enveloped within urban development. I concluded in my original response (19 Feb) that some 2,400 metres of hedge that currently support dormice are unlikely to support dormice post development.

Cumulative sites

This addendum precedes the removal of the south west field from the application site and is based upon the original application boundary. However, I consider that dormouse issues should be considered for both development sites jointly (i.e. cumulative impacts), and that issues and measurements quoted in this addendum (based on the original site area) are generally applicable to the now reduced site area.

Development impacts

MWA discuss issues of dormice in urban areas, cat predation, lighting and habitat fragmentation in section 4.2 with reference to several studies. MWA generally conclude that these potential impacts are unlikely to have a significant detrimental impact in this case. I strongly disagree with MWA's conclusions in this respect and provide further comment below.

MWA - Research such as that undertaken by Eden (2009), Wouters et al (2010) and Schulz et al (2012) all demonstrate that dormice will build nests close to road carriageways (a highly disturbed environment).

I'm aware that dormice are frequently found in suitable habitat adjacent to busy roads, particularly principal roads (A roads) in rural areas. Main roads might be noisy environments during the day (when dormice are sleeping due to being nocturnal) and at night will be subject to some intermittent lighting from vehicle headlights although many such rural routes are free from street lighting. However, I don't consider them to be 'a highly disturbed environment'. On the contrary such dormouse sites are generally free from humans, dog walkers and cats. Also opportune predators of dormice such as foxes and owls tend to suffer high mortality rates adjacent to main roads leading to lower predation pressure. The dormouse habitat is generally more extensive and better connected than in urban areas. I don't consider parallels can be drawn between main roads and large scale housing developments.

MWA - Carroll and numerous other researchers have reported dormice visiting bird feeders, including both during daylight hours and when feeders are artificially lit.

I believe the majority of records of dormice visiting bird feeders in domestic gardens in Carrolls study were found to occur principally, or almost exclusively, in gardens that were in rural or suburban edge locations and where there was reasonable connectivity to further dormouse habitat. I'm not aware of any studies that have found significant (or any) dormouse evidence in gardens or other potential dormouse habitat located in principally urban environments.

MWA - However, evidence from Harris & Yalden (2008) indicates that predation rates of dormice from all predators, even when at ground level in hibernation, are very low. It is clear that dormice can persist despite presence of domestic cats being present, both on this site (as it adjoins the existing built-up area) and in gardens elsewhere (e.g. Carroll, 2013).

I don't have a copy of this book so I'm unclear whether 'all predators' specifically included cats or only native predators (e.g. fox, various birds of prey, and mustelids) applied in a more general context as opposed to an urban development scenario. Due to the rarity of dormice, and their very low density where they do exist, no native predators would be able to survive on just dormice. It is therefore unlikely that any native predators have adapted their hunting to search the niches that dormice occupy. Domestic cats on the other hand will investigate or hunt within the habitat used by dormice, and during the night when dormice are active. Furthermore, in an urban environment the density of cats will be much higher than that of natural predators in the countryside. I therefore conclude that cats are likely to introduce a significant predation impact in the context of a large urban development.

MWA - The South Somerset District Council Ecologist has suggested habitat fragmentation would be caused by the creation of 9-12m gaps in the existing hedgerows. However, studies such as that undertaken by Chanin and Gubert (2012) have recorded dormice crossing 10m gaps (8m of road carriageway and 2m of grass verges), Wouters et al (2010) recorded a dormouse crossing at least 15m of surfaced layby and research from elsewhere in Europe has found no evidence of fragmentation effects across 20m gaps between habitat patches (Keckel et al, 2012). Dispersal movement of dormice over much greater distances (250-500m) over unsuitable habitat has also been recorded in mainland Europe (e.g. Buchner, 2008). Therefore, whilst it is likely that 9-12m gaps would not be regularly crossed by individual dormice (i.e. individual home ranges would not be expected to span the gap), evidence suggests that these will have no measurable fragmentation impact on dormice and the creation of an east-west link road is not considered to represent a significant habitat fragmentation, due to the narrow widths of hedgerow to be removed and the careful design of the highways where these do fragment existing hedgerows.

The study by Chanin and Gubert only recorded habitat patches of 0.2 ha or greater, and found dormice breeding was much less likely in habitat patches smaller than 0.5 ha. The habitat patches were also generally of significantly greater width that would be the case in this development. The remnant hedges within this site post development will be more in the order of 0.1 ha and much narrower in width giving dormice less seclusion or protection. The Chanin study also states 'Our results do not contradict those of Bright et al. (1994) and Bright (1998) who stated that common dormice were 'reluctant' to cross gaps'.

Whilst this study adds to the evidence that dormice do sometimes cross roads, I don't consider it gives significant support to the view that dormice on this proposed development site will survive in the hedges enveloped by urban development.

Studies in Europe have recorded dormice crossing greater distances across non-woody habitat. However, this has generally been across arable habitat and is more akin to a semi-natural habitat than an urban environment.

In conclusion, I still consider the cumulative effects of habitat fragmentation (by roads and footpaths), cat predation, and possibly lighting are likely to render those hedges that become enveloped by urban development, incapable of continuing to support dormice. I don't consider the studies referred to by MWA provide sufficient support to conclude that dormice will continue to inhabit these hedges following development, nor am I aware of any further studies that could be used to support such a conclusion.

#### Scale of impact

I welcome the greater detail on measurements of dormouse habitat (detailed in section 4.1 and shown on plan 11128(SK)036 rev.D). Given the lack of any industry standard, I'm satisfied with the approach of presenting habitat extent as area instead of length. However, I consider the typical distances travelled by (or 'home ranges' of) individual dormice will influence how the shape of habitat (e.g. linear hedge versus block planting) affects its carrying capacity (numbers of dormice that it will support).

Dormouse habitat post construction has been measured and divided into 3 categories - highly fragmented (blue), partially fragmented (yellow), and unfragmented (pink). The 'highly fragmented' habitat (0.21 ha) is described as 'likely to be too small to support viable home ranges'. The 'partially fragmented' habitat (0.60 ha) is described as 'separated from the continuous habitat to the north but still provides a significant interconnected network of unfragmented habitat capable of supporting multiple individual home ranges.' This partially fragmented habitat will become separated from the unfragmented habitat to the north by the spine road throughout the site, which with the footpath/cycleway will be 12.75m wide.

I assessed the extent of effective dormouse habitat loss in my original response as being around 2,400 metres of hedge. The addendum provides measurements of habitat area for the whole site as existing and for three categories of habitat post development. The latter includes areas of new planting and discounts sections of hedge that will be removed. It isn't possible from this information to accurately assess how much existing habitat, by area, will be impacted. However, from this information, I estimate it will be in the region of 0.9 hectares of dormouse habitat that will effectively be lost (approximately the total of the blue and yellow areas plus part of the pink area that will be surrounded by urban development).

#### Mitigation and compensation

Natural England Standing Advice states:

5.3 Compensation should ensure that once completed, there should be no net loss of dormouse habitat. In fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced habitat (in terms of quality or area) compared with that to be lost. Compensation should also remedy any loss of connectivity brought about through the development.

The amended application includes some buffer planting along northern boundaries and approximately 0.64ha of new planting as a block in the north west corner of the site.

The addendum states:

5.2.3 This increased extent of hedgerow and structure planting is now proposed to address the concerns raised by the South Somerset District Council Ecologist in relation to maintaining sufficient suitable habitat for dormice following completion of construction at this site.

5.4.2 Structure planting would comprise a species-rich mixture of tree and shrub species, with a high proportion of 'understorey' rather than 'canopy tree' planting, as this is the habitat in which dormice have been recorded at highest population densities. ... Consequently species-rich structure planting without dominant canopy species is considered to be preferable to closed-canopy woodland for this site, which would support a lower dormouse density and take a very long time to achieve maturity.

Dormice are territorial and hence I consider it unlikely that the proposed planting along much of the northern boundary will enable any significant increase in dormouse numbers. Instead, I would regard this as an approximately appropriate amount of buffer planting to help protect and maintain the existing population of dormice in these parts of the site.

The block planting in the north west corner (of approximately 0.64 ha) could be considered as providing some long term compensation habitat. However, I regard it to be an insufficient amount for the following reasons:

1. The area proposed is less than that which will effectively be lost to dormice (approximately 0.64 ha of new habitat to compensate for approximately 0.90 ha lost). Given that Natural England guidance (Standing Advice, NE Licencing website: Interim FAQs hazel or common dormouse, 13/11/2012, and the Dormouse Conservation Handbook) generally advocate a larger area of compensation than that to be lost, I consider 0.64 ha falls far short of that required.
2. I believe the type of planting proposed by MWA, intended to be of optimum benefit for dormice ('without dominant canopy species') could conflict with landscape aspirations where this planting block would be intended to provide screening and require a significant canopy component to achieve this. If this landscape function is given priority, then the quality of habitat created is likely to be of poorer quality for dormice and require a larger area to compensate for this.

New planting also takes some time (likely to exceed the construction phase of the development) to reach the stage where it provides food resource and nesting opportunities comparable to existing habitat. Further provisional mitigation measures will be required in this respect.

#### **Open Spaces Officer:**

With regards to the above I have the following comments to make:

1. I am not clear how much Open Space they are proposing; the 0.8ha indicated on page 5 of the "Assessment of Open Space Provision" and page 37 of the "Design and Access Statement" would be acceptable. The 0.05ha on page 19 of the former document would not.
2. The developer's recreational focus is primarily upon sport, play and the relocation of football facilities which is disappointing
3. SUDs are not included in the Open Space allocation and depending on their design may be unacceptable or need fencing and landscaping if sited within the Open Space
4. I do not support the Open Space in the north western corner, whilst I appreciate that structural landscaping is needed, Open Space on the periphery does not serve the entirety of this section. There is also a shortage of Open Space in the eastern section of the site
5. There is a linear piece of Open Space to the south east corner that abuts the existing bund which

would be best either relocated or linking into additional Open Space in this section of the plan.

6. There are a shortage of trees along some of the street lines
7. Is there adequate parking for the formal recreation users?

Case officer comments:

The layout plan submitted with the application is indicative only and the issues raised above including the location and sizes of area of open space will be discussed in detail at the reserved matters stage.

**Community Health and Leisure:**

A total contribution of £888,059. is sought for equipped play, youth facilities, playing pitches, changing rooms, community halls and strategic facilities.

**County Education Officer:**

Advises that the primary schools in the town would not have the capacity and the catchment Redstart School and Holyrood have forecast to be over capacity. Based on 295 homes, the following contribution is being sought:

Primary - 95 places @ £17,074 per place = £1,622,030.

Secondary - 42 places @ £24,861 per place = £1,044,162.

Total = £2,633,192.

**Environment Agency:**

The Environment Agency raise no objection to the application subject to a condition in respect of submission of a surface water drainage scheme. The details shall include how the scheme shall be maintained and managed after completion along with criteria that the surface water scheme must meet. The EA also supports the other flood risk measures as outlined by the applicant.

**Council Engineer:**

A detailed Flood Risk Assessment is required setting out the general drainage strategy and measures to be incorporated on site to control surface water runoff.

**Environmental Health Officer:**

No objection subject to conditions in respect of light impact assessment in relation to the football club. Dependent upon the outcome of this assessment, mitigation measures may be required to protect future and existing occupiers adjacent to the pitch.

**County Rights of Way:**

Confirms that there are 4 public footpaths that run through and site. One of the footpaths (ch5/30) would be obstructed by the proposal and will need to be diverted. Also request improvements to the surfacing of the existing rights of way through and abutting the site. Also advises of the circumstances when permission from the County Rights of Way officer would be required for example changes to the surface of a public right of way.

**REPRESENTATIONS**

58 letters and emails have been received in relation to this application. 30 raise a number of objections, 25 support the application and 3 representations.

The following is a summary of the points made objecting to the application:

#### Chard Regeneration Plan and NPPF:

- o Not in accord with the democratically chosen Chard Plan
- o Will not provide for the future growth of the town in a well-planned and sustainable manner as required by the NPPF and Chard Plan.
- o Does not meet the 3 sustainability criteria as outlined in the NPPF ie economic, social and environmental aims and objectives.
- o The scheme does not provide the necessary highway infrastructure as outlined in the Chard Plan.
- o Does not provide the necessary infrastructure in terms of jobs, medical and school provision as the Chard plan is seeking
- o The proposal runs contrary to the neighbourhood planning principle as adopted in Chard.
- o The Chard plan is deliverable and the first application has been approved.
- o In the wrong place and will have a negative impact on the town
- o Would destroy years of effort in formulating the regeneration plans for the town.
- o Does not provide a sustainable mixed use development required by the NPPF.

#### Employment

- o Does not provide any long term employment provision, only short term construction employment
- o Will seal off the existing business land, take up proposed employment land for housing and delay the bringing forward of employment land in Chard.

#### Education

- o Will not provide any new capacity for the schools which are at their limits
- o School children will need to travel further to other schools in Chard or outside of the town.
- o Redstart Primary is concerned about the lack of places and is unable to expand to meet the demand.

#### Landscape

- o Harmful and adverse impact on the landscape.
- o Land identified as being highly sensitive.

#### Highways

- o Increased congestion within and outside of Chard.
- o Residents will travel by car to access employment, schools, shopping and other services/facilities
- o increase in traffic between Chard and Wadeford and on many other local roads
- o delays will be caused by the introduction of the new traffic lights along Crimchard and Bondfield Way
- o more traffic in and through Combe St Nicholas
- o local roads do not have the capacity to absorb extra traffic
- o poor local junctions and visibility,
- o many narrow roads

#### Impact on Wildlife

- o there would be a significant and detrimental impact on the various and large numbers of species of wildlife found on site
- o the wildlife will not return
- o need for a full EIA to assess the wildlife impact
- o increase in light pollution from housing and floodlights will be harmful to wildlife and their habitats and reduce quality of the night sky

#### Flooding/Drainage

- o there has been flooding in the local area
- o The fields within the site are often waterlogged
- o Cuttifford's Door road to the A358 frequently floods, sometimes becoming impassable

- o Recent rainfall water ran from west through the site leaving gravel/debris on the roads.
- o Proposal insufficient to deal with future flood risk.

#### Impact on Cuttiford's Door

- o Development would engulf the hamlet and would cease to be a separate hamlet.
- o Its unique identity would be lost

#### Amenity land

- o development of the site would result in the loss of valuable amenity land enjoyed by local people and visitors.

#### Chard Town Football Club

- o the relocation of the football club is catered for in the local plan
- o inclusion of the football club in this application is seen as a ploy to gain public support for the whole application.

#### Loss of agricultural land

- o the application will result in the loss of a significant amount of good quality agricultural land - grade 2 and 3a.
- o land used very recently for growing crops - 3 different crops grown recently
- o Land has been in constant production
- o Continued loss of such land puts greater reliance on imported food which is not sustainable

#### Other issues

- o the development will only benefit the developer and not the residents of Chard and surrounding villages

#### Supporting comments:

The vast majority of these letters were in the form of a circular letter, focusing upon the support for the relocation of Chard Town Football Club. Other support has been received from The Football Association, Somerset FA, Perry Street League and the Chard and District Referees Society.

#### The points raised include:

- o CTFC has been providing sporting opportunities to the people of Chard for nearly 100 years.
- o Second only to Yeovil Town FC in South Somerset in the football pyramid.
- o Current facilities fall short of FA requirements and will lose its place in some FA competitions. League position in jeopardy.
- o Clear need for new facilities
- o Club searching for many years for a new ground.
- o Clear need for playing pitches in the town
- o The Council should address the problem and support CTFC.

## **CONSIDERATIONS**

There are a number of key considerations in respect of this development and each of these are addressed below.

### **Principle of Development**

The starting point for consideration of this proposed development are the policies of the South Somerset Local Plan (SSLP). The site is outside of the development area for Chard as defined in the SSLP. However, as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently does not have a 5 year supply of housing. Accordingly, policies insofar as its application to housing



restraint policy, are not up-to-date. As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that whilst the Council currently does not have a 5 year supply of housing, the approval of this application, specifically taking into account the dismissed appeal decision would not result in adverse impacts that would significantly and demonstrably outweigh any benefits of the scheme. The technical areas of adverse impact outlined in this report include ecological and landscape harm, conflict with and contrary to the Chard Regeneration Framework, lack of employment land provision and conflict with the government's aims and objectives in terms of achieving sustainable development have substantially been overcome.

The Chard Regeneration Framework has been formulated over a period of years following the non-delivery of the Chard Key Site. It is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and undertaken in a strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure. However this strategy has not been successful in delivering these aspirations. It is now considered that the proposed development will provide benefits including delivery of housing affordable housing and important leisure facilities, despite the majority of the site falling outside of the Council's proposed strategic growth area for Chard. A small section of the site is included within Phase 1 of the Chard Plan but this is for an employment site and relocation of Chard Town Football Club. Accordingly, while the proposal does not accord with the Council's planned and strategic approach to the town, taking into account the current delivery of growth envisaged by the strategy, the proposal is considered acceptable in this respect.

### **Sustainability**

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The NPPF outlines 3 dimensions to sustainable development ie economic, social and environmental. Moreover, these are mutually dependent and all 3 should be sought jointly through the planning system. The applicant has made the case that this development would provide a sustainable mixed use development by providing a range of housing, new sport and play facilities, relocation of CTFC, provision of a small community hub, highway improvements and the creation of attractive and strong linkages within the development and to the existing town.

It is considered that the development would importantly meet some of the District's housing needs, provide welcome new leisure facilities and have economic spin offs.

In terms of the environmental role, it is considered that the development satisfactorily protects or enhances the natural environment. The ecologist has raised concerns in terms of the harmful impact of the development on dormice - an internationally protected species. However as with the previously dismissed appeal the Inspector concluded that given the level of mitigation the impact would be neutral and accordingly, it is considered that the environmental thread of sustainable development would be achieved with the approval of this development.

The proposal is considered to provide a mix of development and to provide both housing and employment during the construction phase and spin off employment in the longer term, along with the contributions for appropriate infrastructure. This is a key element of the NPPF and would meet the economic role of sustainable development.

In terms of the social role, it is accepted that this development would help towards providing new facilities, in particular play and sporting facilities that would help towards creating healthy communities, the development. Most of the town's key services and facilities are located in the town centre and are

not immediately accessible. The local primary and preschools are forecast to reach capacity and therefore, financial contributions are sought. It is considered that the social role can be achieved by this development.

It is considered that the proposed development constitute sustainable development as defined by the National Planning Policy Framework.

### **Highways**

The Highway Authority have assessed the application and, as can be noted from their comments outlined above, are now satisfied and do not raise an objection to the proposed development, therefore, no objection is raised by the Local Planning Authority.

The Travel Plan requires further work which can be resolved at reserved matters stage. The required parking levels are outlined by the Highway Authority - however this is a matter that would be raised at the reserved matters stage when the detailed layout would be discussed. In respect of the design and layout of the estate roads, again this will be a matter for the reserved matters application, although it will be advisable to for the applicant to discuss this issue with The Highway Authority at an early stage.

### **Ecology**

A summary of the Council's Ecologist original comments in response to the application are outlined earlier in this report. In addition, the proposals for new habitat creation along with the retention and enhancement of existing habitat have been previously outlined. The need for mitigation was previously outlined by the ecologist in respect of dormice, badgers, bats and reptiles.

While the ecologist has concerns with the conclusions of the consultant in terms of impacts to dormice, this has to be weighed against the Inspectors decision that on balance taking the proposed mitigation into account the proposed development would have a neutral impact on ecology.

In terms of habitat fragmentation, the ecological consultant has forwarded evidence that gaps in hedgerows of up to 20 metres do not result in harmful fragmentation effects. Thus the proposed gaps would, on the basis of the evidence, not result in any measureable fragmentation impact on dormice. Moreover, the creation of the east -west link road would not represent a significant habitat fragmentation due to the narrow widths of the hedgerow to be removed and the careful design of the highways.

### **Landscape**

The application has been supported by a previous detailed Landscape and Visual Impact Assessment, much of which the landscape officer agreed with, and in most part, reflects the peripheral landscape study work undertaken by him a few years ago. This identified that against the immediate edge of Chard the town had a 'high' capacity for growth but this decreased as one came closer to the more sensitive Cuttifford's Door Road and the application sites' northern edge.

The proposed layout now includes a 30 metre buffer with a tree belt to reduce the impact. The density of housing towards this more sensitive area is also low at 15 dwellings per hectare.

The football clubhouse is sited further away from the northern edge and closer to the proposed residential form. It is now considered that sufficient space for the woody buffering is provided to counter the more concentrated siting of the clubhouse and stadium. Accordingly, the proposal is considered to comply with Local Plan policies.

### **Flooding/Drainage Issues**

Concern has been raised with regard to the regular flooding of local roads and to the site itself being waterlogged. The site is classed as being in Flood Zone 1, although the evidence from local residents shows that parts of the site do become waterlogged. The Flood Risk Assessment (FRA) confirms that the results of permeability tests taken across the site reveal that infiltration is low, thus surface water

runoff will need to be attenuated at greenfield rates. The FRA confirms that the surface water will be controlled by the use of open storage ponds before being discharge to the ditches. The report does mention recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on site flooding.

Both the LLFA and The Environment Agency have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Whilst there is no dispute about local flooding events that have occurred, based on the submitted FRA and the agreement of the Environment Agency and the LLFA in relation to the control of surface water, it is considered that subject to conditions the development can be satisfactorily mitigated in terms of flood risk.

### **Employment**

The proposed scheme provides short term employment and a small amount of long term employment. The applicant states that the development will provide employment during the course of its construction and that jobs will also be created in some of community facilities, in particular the community hub that will be created with a local convenience store and other local services/facilities. It is considered that new employment is welcome, the direct employment that would be generated by the construction of the development would only be for a limited period and the likely number of jobs generated on site with a local convenience store and other similar type services will be small. While this will not directly help regenerate the town as explicitly outlined in the Chard Regeneration Framework it will go some way in creating a sustainable form of development, as promoted by the National Planning Policy Framework and as recognised by the appeal Inspector.

### **Relocation of Chard Town Football Club**

A significant element of the application involves the relocation of Chard Town Football Club. The new playing pitch and associated facilities will be located in the north east section of the site. Phase 1 of the Chard Regeneration Framework does include land on the northern side of Chard for the relocation of the football club along with employment land provision.

Supporters of the football club have stated their support for the proposal and, in particular have stressed the urgent need for new facilities to be provided. Otherwise, due to the poor quality of current facilities, the club's participation in both their current league and FA cup competitions are in jeopardy. It is understood that the club have been told that they are not able to enter certain cup competitions due to their current ground and facilities not being complaint with regulations.

The points raised about the need for the football club to move to a new site with the opportunity to provide better facilities are fully supported. Indeed, this support has been acknowledged with the specific inclusion of a site for the relocation of the football club within Phase 1 of the Chard Regeneration Plan and possible opportunities within the regeneration plans on the eastern side of town. However, whilst the comments received in support of the football club concentrate on this particular issue, it clearly only forms part of a much larger planning application and indeed significant housing development, of which those in support of the football club do not comment upon or assess.

In terms of the proposed location of the football club and associated facilities, it is located further north than proposed within Phase 1 of the Chard Regeneration Framework, thus it is in conflict with the Council's proposed siting for the football club however given the non-performance of the regeneration strategy it is considered reasonable to take a more flexible approach to achieving the anticipated growth.

It is considered that the siting of the football pitches and associated buildings are acceptable within it landscape setting

### **Loss of Agricultural Land**

The development would result in the loss of agricultural land. Indeed, the site was very recently used for

the growing of a variety of arable crops. Details submitted with the application show that the western part of the site is graded as good quality (class 3a) and medium quality agricultural land (class 3b) on the eastern side of the site. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. It is clear that from reading a few recent planning appeals where the loss of agricultural land has been raised, the issue is an important consideration although possibly not in itself sufficient to warrant refusal. In this case, less than half of the overall site to be developed is on the higher class 3a land. Whilst it is clearly productive as evidenced by the recent growing of crops, on balance, in the absence of evidence regarding the economic benefits of crops grown on the site, it is not considered that the loss of agricultural land within classes 3a and 3b warrant refusal of the application.

### **Viability**

An increasing number of development schemes are facing viability issues and are not viable with fully policy compliant planning obligations. Moreover, the government have made it clear through the NPPF and the recently introduced right for developers to appeal against affordable housing requirements, that Local Planning Authorities should, 'be sufficiently flexible to prevent planned development being stalled'. The developer in this case has not stated that the contributions as sought in terms of affordable housing, play, sport and open space requirements, highway works and education contributions would make the scheme unviable.

### **Other issues**

Comments have been received about the location and size of formal and informal play facilities and open spaces within the development. These are clearly important issues. However, as this application is in outline with only the means of access being sought for approval at this stage, the precise layout and size of the play areas etc. along with all matters of detailed design and layout in terms of the housing would be subject to discussion and submission at the reserved matters stage.

Concern has been raised that the local schools are at full capacity and would not be able to expand to accommodate the likely anticipated number of children that would result from this development. The County Education Officer has confirmed in commenting upon this application that the local Primary school is forecast to reach capacity while the preschool has capacity. He also confirmed that the secondary school is forecast to reach capacity. In order to mitigate against the impact of the development, contributions have been sought by the Education Officer. The applicant has indicated that full contributions for the primary and secondary will be provided. It is considered that this will satisfactorily mitigate against the impacts of the development in terms of educational need.

### **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Subject to the grant of planning permission for this outline permission, 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 notice granting planning permission is issued, the said planning permission to cover the following items/issues:

- 1 The provision of affordable housing,
- 2 Contribution towards the provision of sport, play, open space and strategic facilities.
- 3 Phasing of the development.
- 4 Highway infrastructure and works.
- 5 Education contribution
- 6 Travel Plan

01. Notwithstanding the local concerns, the provision of residential accommodation and leisure facilities together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply and leisure facilities without demonstrable harm to the local landscape, the character of

the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

**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:

180129 L 01 01 - Location Plan  
180129 L 02 02 - Illustrative Master Plan

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

03. The development shall be undertaken in accordance with the submitted Ecological Assessment Report recommendations.

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan.

04. No development hereby approved which shall interfere with or compromise the use of public footpaths shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths.

05. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a phased scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. Prior to commencement the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

07. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

08. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction works, and thereafter maintained until construction discontinues.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

09. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

10. 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. Such provision shall be installed before first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

11. 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 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 interest of highway safety to accord with Policy TA5 of the SSLP.

12. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

13. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

14. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the SSLP.

15. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

16. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

17. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation and delivery hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

18. 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 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 interest of highway safety to accord with Policy TA5 of the SSLP.

19. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

20. The houses hereby permitted shall not be occupied until the parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

21. No dwellings hereby approved shall be constructed above base course level until particulars of the materials (including the provision of samples where appropriate) to be used for external walls, windows and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 of the SSLP.

22. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development hereby approved is properly drained.

23. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), incorporating the key mitigation hierarchy requirements set out within Section 6. Assessment of impacts and mitigation measures of the Blackdown Heights, Crimchard, Chard Ecological Impact Assessment (MD Ecology, 2019)], has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- o Risk assessment of potentially damaging construction activities.
- o Identification of "biodiversity protection zones".
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- o The location and timing of sensitive works to avoid harm to biodiversity features.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o Responsible persons and lines of communication.



- o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- o Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy EQ4: Biodiversity of the South Somerset Local Plan 2006-2028 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

24. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management. Including all biodiversity enhancements outlined within Section 7. Enhancement measures / biodiversity net gain of the Blackdown Heights, Crimchard, Chard Ecological Impact Assessment (MD Ecology, 2019)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

25. The development hereby permitted shall not be commenced until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended

TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

26. In the interests of sustainable development no part of any particular phase of development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to, Footway and Cycling Infrastructure links, A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close, Improvement of the public footpath to the west of the Bowling Club. Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

27. Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

28. Prior to occupation of the 50th dwelling the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP

29. Prior to occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP

#### **Informatives:**

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

## 2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- o A PROW being made less convenient for continued public use.
  - o New furniture being needed along a PROW.
  - o Changes to the surface of a PROW being needed.
  - o Changes to the existing drainage arrangements associated with the PROW.
  - o If the work involved in carrying out this proposed development would:
    - o make a PROW less convenient for continued public use; or
    - o create a hazard to users of a PROW,
  - o then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/ rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>
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# Agenda Item 12

## Officer Report On Planning Application: 19/00074/FUL\*\*

<b>Proposal :</b>	The erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping.
<b>Site Address:</b>	Land East Of Crimchard Chard
<b>Parish:</b>	Chard
<b>CHARD CRIMCHARD Ward (SSDC Member)</b>	Cllr M Carnell
<b>Recommending Case Officer:</b>	Colin Begeman Tel: 01935 462476 Email: colin.begeman@southsomerset.gov.uk
<b>Target date :</b>	22nd March 2019
<b>Applicant :</b>	Barratt Homes
<b>Agent: (no agent if blank)</b>	Origin 3 (C/O Miss Emily Ramsay) Tyndall House 17 Whiteladies Road Clifton Bristol BS8 1PB
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

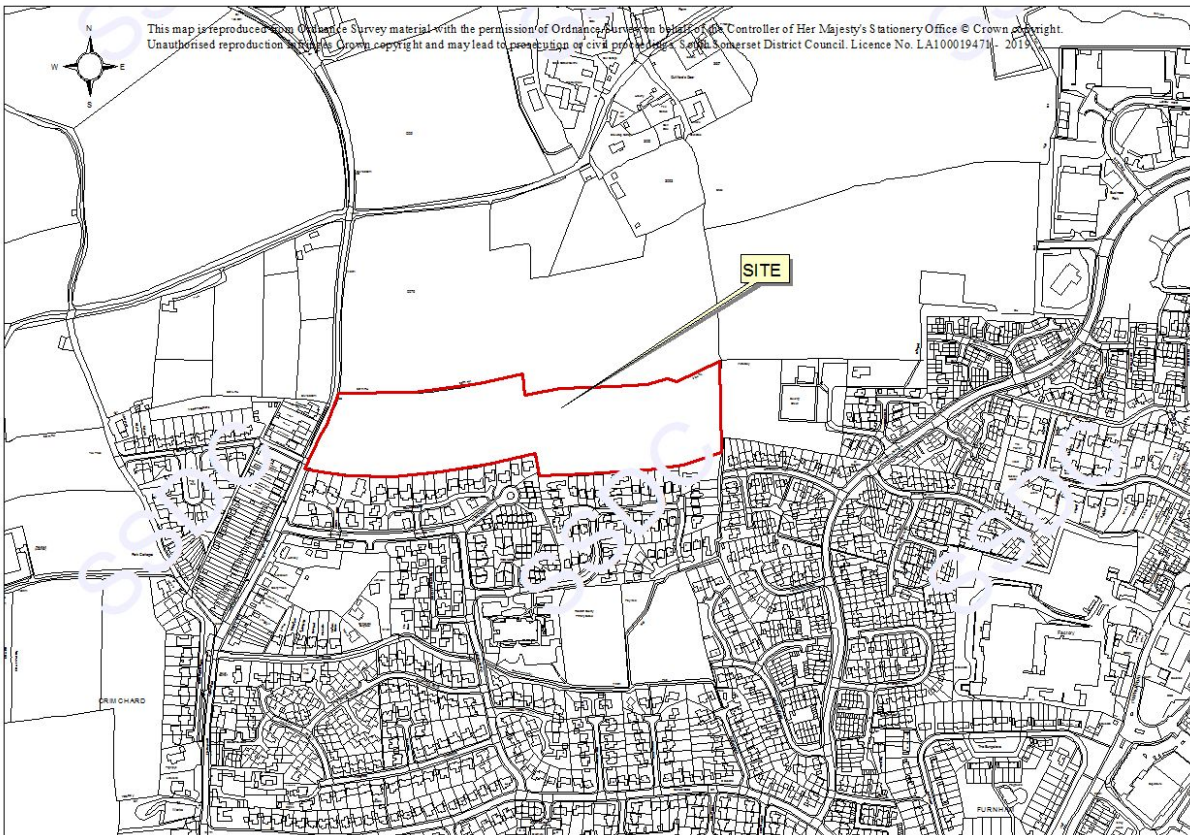
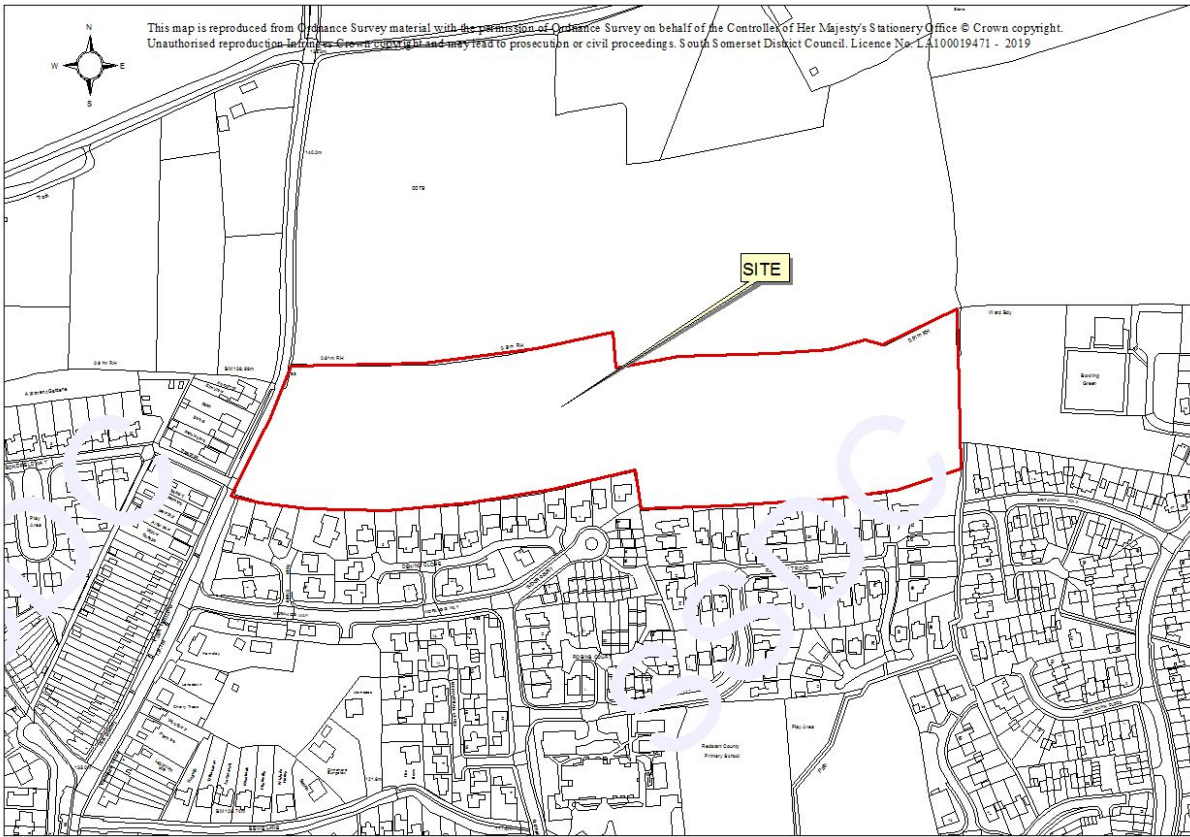
### REASON(S) FOR REFERRAL TO COMMITTEE

This application is referred to Area West Committee at the request of the ward member and in agreement with the Chair to debate and assess the main planning issues.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

### SITE DESCRIPTION AND PROPOSAL



The site is located on the northern edge of Chard, adjoining residential properties to the south and west. To the north is an agricultural field, subject of a current outline mixed use application, 18/04057/OUT, for up to 295 dwellings and various leisure related uses. To the east is a bowling club. Crimchard Road bounds the site to the west with hedgerows on all four boundaries.

The site comprises 1 field in agricultural use extending to 4.6 hectares and slopes gently from west to east. All 4 boundaries are defined by hedgerows.

This application seeks full planning permission for the erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping.

The application has been accompanied by:

Affordable Housing Statement  
Arboricultural Impact Assessment  
Design and Access Statement  
Ecological Impact Assessment  
Ecology Report  
Flood Risk Assessment  
Outdoor Lighting Report  
Planning Statement  
Statement of Community Involvement,  
Transport Assessment

Access into the site will be gained from Crimchard with the creation of a T junction. The development will be served with an internal estate road running centrally from west to east through the site with other roads leading off to serve the proposed dwellings.

A play/open space is proposed to be located towards the centre of the site. A surface water attenuation area and ecological habitat enhancement will be located at the east end of the site. New planting will be established along the southern and northern boundaries and instant hedging along the western boundary.

The Affordable Housing Statement sets out that the proposed development will make provision for 50 affordable dwellings of the proposed 142, equating to 35% affordable housing which complies with adopted local plan policy. It sets out the number tenure and mix of the proposed affordable housing. The proposal will provide 35 social rented affordable dwellings (70%) and 15 shared ownership affordable dwellings (30%). The dwellings will range in size from 1 bedroom apartments to 4 bedroom houses.

The Design and Access Statement outlines the applicant's approach to the site, which is informed by an analysis of the character of the site and surrounding area. It outlines the relevant planning policies, both national and local policies and adopted and merging policies. Moreover, it talks about the suitability of the site for housing and relationship to the Chard regeneration proposals.

The Ecology Report outlines the presence of badgers with a main and subsidiary sett along the southern boundary. Mitigation is proposed in order to safeguard the badgers and their habitat. Dormice are also present within the hedgerows and again, habitat mitigation and enhancement are proposed.

The Flood Risk Assessment and Drainage Strategy confirm that the site is not within an identified floodplain or an area at risk of flooding. Surface water will be controlled and managed to existing local watercourses and existing drains to the east and west. A sustainable urban drainage basin proposed at the east end of the site will accommodate run off arising from the development during periods of extreme rainfall.

The Transport Assessment outlines that the site can be accessed via a T-junction from Crimchard. In addition, the assessment concludes that there will only be very limited impact arising from the development on the town centre traffic and key town centre junctions. The report assesses the Travel Plan and outlines the proximity of service and facilities within walking distance of the site. Other measures will be introduced to encourage new residents to walk and cycle and use bus services. The

applicant accepts the use of a condition to secure a Travel Plan.

The Tree Report has identified the trees on site located within the hedgerows and will be retained as part of the scheme.

## **HISTORY**

Outline application 13/01535/OUT for up to 110 dwellings was refused and dismissed at appeal on 3rd June 2015. The application was considered at appeal together with a larger application on the adjoining site to the north, for 450 dwellings, sports provisions, and community uses. (App No: 12/04518/OUT).

The absence of technical objections was acknowledged by the Planning Inspector when considering the appeal for the larger site and was dismissed solely on the grounds of allowing time for the recently adopted Local Plan to deliver the growth for Chard anticipated.

Environmental Impact Assessment:

An Environmental Impact Assessment Screening Opinion was undertaken in September 2018 and concluded that the development is not considered to constitute 'EIA Development'.

## **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 Paragraphs 2, 11, and 12 of the NPPF 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 considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

EP3 - Safeguarding Employment Land

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

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

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

Part 16 - Conserving and enhancing the historic environment

Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October 2019

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017) Policy PMT1

The Chard Regeneration Framework

## **CONSULTATIONS**

### **Chard Town Council:**

That this application should be refused due to the lack of parking, the impact on convent junction using up capacity in an unplanned way. Traffic conditions in Crimchard with cars accessing the A303 via Combe St Nicholas and Wadeford. Protected species of dormice are also evidenced in the plot. Out of phasing of the Chard strategic growth area, play area is isolated. A lack of infrastructure including schools, suitable roads and doctors would not support this application.

This application should be refused due to concerns over the traffic management plan, the lack of supporting infrastructure and the planning portal does not all documents for scrutiny. There would also be an impact on wildlife such as badgers, bats and dormice.

### **Adjacent Parish - Combe St Nicholas Parish Council:**

The Parish Councillors still object to the amount of traffic that will be generated on this narrow section of road between Combe St. Nicholas and Chard. Traffic is bound to then turn right at the Cuttifords Door crossroads, using this narrow rat-run out to the A358 or come along through Combe St. Nicholas to get to the Eagle Tavern junction for the A303 or Taunton.

None of these unclassified roads are suitable to increase in traffic.

### **Highway Authority:**

I refer to the above-mentioned planning application received on 21 January 2019 and after carrying out a site visit on 24 September 2018 have the following observations on the highway and transportation aspects of this proposal:-

The principle of development on this site has already been accepted under the application numbered 13/01535/OUT. Whilst this application was ultimately refused on planning grounds, the Highway Authority did not raise any objections.

Whilst this application increases the number of units, the level of increase is not considered to be onerous and will not lead to a highway safety or efficiency issue.



It is understood that, in accordance with current national policy directions, the Local Planning Authority are keen to provide a development which concentrates on the aspect of place, rather than function, for the internal road layout. In this regard discussions are on-going between the Highway Authority and the Developer with regard to the details of the potential highway infrastructure and adoption thereof.

Based on the above information provided a ghost island right turn access arrangement would normally be suitable in accordance with TD 42/95 Geometric Design of Major/Minor Priority Junctions figure 2/2.

However, due to the semi-rural environment and low number of the vehicles on Crimchard a simple T junction will be acceptable to the Highway Authority subject to the requirements of visibility.

This Authority has been advised that visibility splays of 2.4m x 43m measured to the kerb line of Crimchard can be provided in accordance with the guidance set out in the Manual for Streets.

Recent discussions have also confirmed the following details can be provided at the point of access;

- o 5.5m road width
- o 6m junction radii subject to amended swept-path drawings
- o Appropriate pedestrian infrastructure

Whilst this Authority would not normally accept an internal access road, running parallel to Crimchard served off the proposed new development access very close to the junction with Crimchard, the existence of the underground water main limits the ability to amend the road layout.

#### Drainage

1. The attenuation pond is located in very close proximity to one of the estate roads and adjacent footway which raises concerns with respect to the safety of the public. The designer will need to consider whether safety mitigation measures are appropriate.
2. The CIRIA SuDS Manual advises that the maximum gradient of the side slopes of attenuation ponds should be 1 in 2 for safety and maintenance purposes.
3. An additional road gully should be provided on the western channel of Park Terrace immediately upstream of the new proposed uncontrolled pedestrian crossing to intercept surface water run-off running along the carriageway channel line.

In the event of permission being granted, I would recommend that conditions are imposed.

#### **Local Lead Flood Authority:**

Awaiting final response to be presented at Committee. It is anticipated that the LLFA response will be positive.

#### **Highways Agency:**

No Comment.

#### **Planning Policy:**

As noted in the appellant's Planning Statement the proposal site was previously considered and dismissed at appeal (application no. 13/01535/OUT) it was considered along with an unrelated proposal for 450 dwellings, sports provisions, and community uses (application no. 12/04518/OUT).

The development plan for the purposes of determining this planning application consists of the South Somerset Local Plan 2006-2028. The Council is currently undertaking a Local Plan Review (LPR) covering the period 2016-2036. The LPR is still at an early stage of preparation having undergone Issues and Options consultation from October 2018 until January 2019 (Regulation 18). Public consultation on the Preferred Options (Regulation 18) is expected to take place later this year. You will note that the planning application site has been identified as a preferred option in the draft document put before District Executive on 7th February 2019. However, at this stage in the process the emerging Local Plan

Review can be given very limited weight.

Chard is the second largest settlement South Somerset and Policy SSI of the Local Plan designates it as a Primary Market Town. Policy SS5 sets a housing requirement of at least 1,852 dwellings in Chard. This includes the 1,220 homes to be delivered during the plan period with at least a further 1496 being delivered post 2028 within the Chard Eastern Development Area (CEDA) (Policy PMT2). Policy PMTI allocates the whole 2,716 dwellings to be delivered within the plan period and beyond. This allocation takes forward the masterplan devised as part of the Chard Regeneration Framework, and supporting Implementation Plan, 2010.

The proposal site lies outside of the Development Area for Chard and outside of the CEDA allocation (Policies PMTI and 2). It is located within a Mineral Safeguarding Area — Policy SMP 9 of Somerset Minerals Plan.

Table 20 of the Authority Monitoring Report, October 2018 (AMR) shows that between 1st April 2006 and 31st March 2018 a total of 670 (net) dwellings have been completed and 474 (net) dwellings were committed. Between 1st April 2018 and 31st December 2018 a further 54 (net) homes were granted planning permission and 1 (net) was completed.

Whilst 78 dwellings have reserved matters permission within CEDA (Morrish Builders site) and there are pending planning applications for around 515 dwellings, so far no new homes have been completed. The infrastructure costs associated with delivery of the allocation are significant and this is recognised by a CIL nil tariff and the inclusion of elements of the road infrastructure being included on the Council's CIL Regulation 123 list.

A key issue for Chard is the impact of development proposals on the central Convent Link junction, as part of any balancing exercise the contents of the transport assessment and the views of SCC as the Highway Authority will be of particular importance on this issue.

A significant material consideration is the National Planning Policy Framework, 2018 (NPPF). Paragraph 11 d) states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 of the NPPF clarifies that for applications involving housing 'out-of-date' includes, situations where the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Based upon the report published in August 2018, South Somerset District Council is unable to demonstrate a five-year housing land supply, having four years. This means that paragraph 11 d) of the NPPF is activated.

In conclusion, this proposal is contrary to Local Plan Policies SS5, PMTI and PMT2 however, the lack of a five-year housing land supply means that paragraph 11 d) comes into force and in conjunction with the responses from other consultees you should undertake a balancing exercise to determine whether any adverse impacts of approving the proposal would outweigh the benefits of approving 142 new homes in Chard.

**Economic Development:**

No comment

**Area Development Manager:**

No comment

**Engineer:**

No comment

**Environment Agency:**

No objection

**Landscape Officer:**

I have reviewed the application seeking outline consent for 110 dwellings on land immediately to the north of Chard's current edge (adjacent Denning Close and Redstart Road). I am also familiar with the site, having appraised the general area when undertaking the peripheral study of Chard and having undertaken a more detailed consideration of the area in relation to the Mount Hindrance application.

The application site lays within the scope of the peripheral landscape study of Chard which was undertaken during the Spring of 2008. This study reviewed the town's immediate surround with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to;

[http://www.southsomerset.gov.uk/media/230799/peripheral%20landscape%20study\\_chard.pdf](http://www.southsomerset.gov.uk/media/230799/peripheral%20landscape%20study_chard.pdf)

The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the application field is found to have a high capacity to accommodate built development, despite the sensitivity of land to the north of the site. Consequently, there is no landscape objection to the principle of development of this field.

**Arborist:**

The tree survey of the site was helpful and I particularly welcome the submitted suggestions to regenerate and restore the site boundary features with tree and shrub planting. It appears that the most valuable trees are intended to be retained within Public Open Space. I have no objections, subject to imposing a condition in respect of a scheme for tree protection and planting.

**County Archaeology:**

South West Heritage Trust have commented that there are limited or no archaeological implications to this proposal and we therefore have no objection on archaeological grounds.

**Community, Health, Leisure and Open space:**

No objection subject to contributions secured through a s106 agreement.

Changing Room Contribution of £100,991

Changing Room Contribution commuted sum of £8,124

Community Health and Leisure Service Administration Fee sum of £4,111

Playing Pitches Contribution of £55,248

Playing Pitches commuted sum of £33,535

Public Open Space Contribution sum of £6,408

Commuted sum payable to the Council for the future maintenance of the LEAP and Youth Facilities Area is £74,802

A total of £539,205.24 is sought for local and strategic facilities. The Local facilities include equipped play space, youth facilities, playing pitches, changing rooms, and community halls. These will all either be on site or within Chard. The total = £302,661.

Strategic facilities including theatres, artificial grass pitches, swimming pools, indoor tennis and sports halls. The contributions will be directed to the CRESTA centre other than in respect of the Octagon Theatre, Yeovil and Yeovil Sports Zone. Total = £131,403.

The remainder of the total contribution sought shall be directed towards commuted sums.

**Wessex Water:**

No objection. The developer will need to agree points of connection with Wessex Water.

**Housing Officer:**

I would expect 50 affordable units - (based on 142 in total) - 67% social rent and 33% shared ownership

or other intermediate solutions. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles.

### **Ecologist:**

Thank you for forwarding the Ecological Impact Assessment v3 to inform the proposed development at Land East of Crimchard. The report includes a desk study and extended Phase 1 habitat walkover survey undertaken during September and October 2018 (updating previous data collected during March 2013). Detailed bat, badger, dormouse and reptile surveys were undertaken during 2019. The results were as follows:

#### **Habitats**

The site comprises an arable field bounded by hedgerows/banks, some of which contain mature trees. A drainage ditch is also present along the site's eastern boundary, which does not support wetland vegetation. The field is ploughed to the boundaries with no retained margins.

#### **Sites**

The Mount Hindrance Farm Hedges Local Wildlife Site (LWS) comprises a network of hedgerows designated for supporting a legally protected species (dormice).

#### **Dormice**

The LWS includes the site's eastern boundary and several linked hedgerows to the north and east of the site. The site's southern boundary hedgerow also supports dormice; no dormice were recorded using the northern or western boundary features during the 2019 surveys.

#### **Bats**

No bat roosts would be affected by the proposed development and no important commuting routes have been identified within the site. Very low levels of bat activity have been recorded on site (primarily common pipistrelle, but also soprano pipistrelle, noctule, serotine, myotis, lesser horseshoe, brown long-eared and possibly also Nathusius' pipistrelle). The level of activity by those bat species which are particularly light averse, such as lesser horseshoe, brown long-eared and myotis, is very low.

#### **Badgers**

Two large badger setts are present on the site's southern boundary. Smaller setts, which are occasionally used, are also present.

#### **Slow worms**

A population of slow-worms is present, associated with the eastern end of the hedgebank which forms the site's northern boundary and the hedgebank forming the site's western boundary.

#### **Birds**

The site is likely to support small numbers of breeding and over-wintering birds typical of farmland and urban fringe habitats, and bullfinch, skylark, song thrush, linnet, grey wagtail and dunnock may therefore occur within the site boundaries along with other species of conservation concern, such as yellowhammer (*Emberiza citrinella*), starling (*Sturnus vulgaris*) and house sparrow (*Passer domesticus*). Given the size and location of the site, it is considered unlikely to support significantly valuable populations of any such species.

#### **Other species**

The site is also likely to be used by hedgehogs, and will support a variety of invertebrates.

#### **SSDC Recommendations**

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, conditions should be attached to any planning permission granted.

The Council's Ecologist is satisfied and broadly in agreement with the conclusions of the submitted ecological appraisal. The report identified two main issues:

- 1 The presence of dormice in the boundary hedges. Satisfied with the proposed mitigation/compensation and recommend submission of details via condition.
- 2 Badgers have a main and annexe setts on site. Satisfied with the retention and buffering of the setts and eastern access corridor. However, does recommend the site layout is amended to also include a badger corridor running north-south across the centre of the site.

Case Officer Comment:

Conditions would be imposed on any approval in relation to the mitigation measures outlined by the ecologist in respect of dormice, badgers, lighting and biodiversity enhancement.

**Natural England:**

No objection

**Somerset Wildlife Trust: (summary)**

Object to the proposal on the grounds of impact on hazel dormouse and inadequate survey for badgers.

**RSPB:**

No comments

**Environmental Health Officer:**

No objections.

**Climate Change Officer:**

Raises no objection in principle to the development.

**County Education Officer:**

The primary schools in the town would not have the capacity to accommodate new pupils arising from the anticipated growth of Chard; and the catchment Redstart School is already over-capacity. There is also a shortage of pre-school places in Chard. Whilst Holyrood has some capacity at present, the combined impact of the anticipated level of development for the town will mean that additional accommodation will need to be provided here as well; in the meantime, it is only correct for each development to make a pro-rata contribution.

There would not be a requirement for Early Years contributions but will require primary and secondary contributions in this location.

Using the up to date pupil yields and costs to build 142 dwellings in this location would require the following education contributions:

Primary  $0.32 \times 142 = 45.44$  (46 pupils)

Secondary  $0.14 \times 142 = 19.88$  (20 pupils)

$46 \times 17,074 = \pounds 785,404$  for primary school places in the Chard school catchment area

$20 \times 24,861 = \pounds 497,220$  for Holyrood secondary

Total:  $\pounds 1,282,624$

**County Rights of Way Officer:**

Confirms that there is a public Right of Way which abuts the proposed development (footpath CH31/5). Request improved surfacing of the existing right of way.

Designing Out Crime:

No objection

## **REPRESENTATIONS**

40 letters/emails have been received objecting to the development.

Below is a summary of the comments:

### **Chard Regeneration Plan**

Development is contrary to the development plan and to the Chard Regeneration Plan

Development is in the wrong place

Would compromise regeneration plans for Chard.

Years of work creating the proposals for Chard would be severely jeopardised.

### **Sustainability**

Development would not be sustainable

Does not provide any infrastructure to service the development

No employment provision, will only provide short term construction employment

### **Highways**

Increased traffic congestion at key junctions in the town and on local roads within the town and to villages outside of Chard.

Local roads not suitable to serve the development, narrow, poor visibility.

### **Landscape**

Adverse harm to the local landscape much valued by local residents.

### **Agricultural land**

Loss of good quality agricultural land.

Land used for growing crops.

Loss of agricultural land places greater reliance on imported food which is not sustainable.

### **Wildlife**

Harmful impact on wildlife

Development would act as a deterrent to wildlife and will not return to the site.

### **Flooding**

Known flooding issues in the vicinity of the development.

Local roads flood, often become impassable

Water has run from the west through the site, leaving debris on the road.

Development can only increase flooding

### **Education**

Local schools are at their limit

No additional capacity

Children would have to travel to other schools in the town increasing congestion

The Chard Plan will cater for new schools in the right places

## **CONSIDERATIONS**

There are a number of key considerations in respect of this development and each of these are addressed below.

### **Principle of Residential Development**

At the present time SSDC cannot demonstrate a five-year housing supply. In these circumstances paragraph 11 of the National Planning Policy Framework states that policies that are relevant to the supply of housing, i.e. Local Plan Policies SS1, SS4 and SS5, are to be considered to be out of date. It

further advises that under these circumstances planning permission should be granted unless 1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that whilst the Council currently does not have a 5 year supply of housing, and the approval of this application would not result in an adverse impact that would be so significant to outweigh any benefits of the scheme. It is considered that approval of this application would comply with the National Planning Policy Framework and the Council's approved planning policy.

The Chard Regeneration Framework has been formulated over a period of years following the non-delivery of the Chard Key Site. It is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and undertaken in a strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure. The Chard Regeneration Framework will deliver the regeneration of the town. However, it is not considered that the proposed development will provide any of the required infrastructure needed in the town. Importantly, the site is not included within the Council's Growth Option 3 as outlined in the Chard Regeneration Framework which details the preferred strategic growth areas for Chard. It is true to state that the site is located within Growth Option 4. However, this was clearly rejected by the Council as development beyond Option 3 would result in traffic problems re-emerging in the town. Accordingly, the proposed development is not in accord with the Council's planned and strategic approach to the town.

However, notwithstanding this, as outlined previously, it is considered that the conflict with the Chard Regeneration Plan would not result in an adverse impact that significantly and demonstrably outweighs the benefits of the scheme.

### **Highways**

The traffic implications of the proposed development have caused a significant amount of concern from local residents, the Town Council and from the Council's Economic Development and Planning Policy Officers. It is an aspirational desire that the future development of Chard must be undertaken in a strategic, not ad hoc, manner. Key to the success of the regeneration of the town is the bringing forward of new and improved highway infrastructure. In particular, to direct traffic away from the Central Junction.

A Transport Assessment was submitted by the applicant and this has been fully assessed by The Highway Authority. As will be noted from their comments outlined above, The Highway Authority do not raise an objection on technical grounds, concluding that with the installation of the MOVA system, 'the capacity issues do not amount to a reason for refusal on their own since the capacities of the junctions would not be exceeded by the inclusion of the development traffic'.

The MOVA system was introduced to increase capacity at the junction to accommodate the early phases of development in the Chard Regeneration Plan.

### **Ecology**

Strong concerns have been raised by third parties regarding the harmful impact of the development on the wide range of wildlife and habitat within the site. An Ecological Impact Assessment was undertaken and submitted as part of the application. The report identified 2 main issues in respect of dormice and badgers. This report has been assessed by the Council's Ecologist and, as can be noted from his conclusions and recommendations outlined above, does not raise an objection subject to mitigation. The applicant is proposing a wildlife management plan and a condition will be imposed on any consent.

## **Flooding/Drainage**

Concerns have been raised with regard to the regular flooding of local roads and to the site itself being waterlogged. The site is classed as being in Flood Zone 1, although the evidence from local residents clearly shows that parts of the site do become waterlogged. The Flood Risk Assessment (FRA) confirms that the results of permeability tests taken across the site reveal that infiltration is low, thus surface water runoff will need to be adequately attenuated. The FRA confirms that the surface water will be attenuated by the use of a surface water attenuation pond at the east end of the site.

Both the Council's Engineer and The Environment Agency have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Whilst the evidence received from residents clearly shows that the local area has and continues to suffer from flooding, the FRA has demonstrated, with the agreement of the Environment Agency, that this development can be adequately mitigated to ensure that there is no increase in terms of flood risk to adjacent and other sites.

## **Landscape**

Previously the Council's Landscape Officer did not raise an objection to the proposal confirming that residential use of the site would be compatible with existing housing development to the south. Moreover, this site was included within the scope of the peripheral landscape study undertaken in 2008 by the landscape officer. This project sought to identify land that has a capacity for development and concluded that this site has a 'high' capacity to accommodate built development. Thus there is no landscape objection to the principle of residential development in this field.

## **Employment**

The lack of employment provision within the development has been raised by third parties and the Planning Policy Officer. Careful consideration has been given to this particular issue. The Government through the NPPF is clearly seeking the promotion of sustainable forms of development, a key element of which is economic development and creation of employment opportunities. The NPPF seeks the creation of balanced development that seeks to provide new and existing communities with the housing, jobs, services and facilities it needs.

In this case it is considered that the lack of employment land within this application is not sufficient to warrant refusal of the application. The future growth of the town as outlined in the Chard Regeneration Framework makes provision for employment land up to 2028. The Crimchard proposal does not directly compromise future employment land, nor was it proposed for employment use as part of growth Option 4.

## **The Previous Appeal Decision**

The previous appeal decision is a material consideration of significant weight. The Inspector found that all aspects of the proposal were acceptable however was of the opinion that it was important to allow time for the Local Plan to deliver the anticipated growth:

"It seems to me that the approach to development in Chard, enshrined in the recently adopted LP, needs to be given some time to succeed before it could reasonably be set aside. To do otherwise would undermine the primacy of the plan-led system. On that basis, the fact that the proposals benefit from the presumption in favour of sustainable development, as set out in the Framework, is not a material consideration of sufficient weight to justify setting aside the policies of the LP, at this stage.

As the LP Inspector points out, in paragraph 93 of his report, any failure to deliver will be picked up by the Council's monitoring and should that situation arise, then the Council could take appropriate remedial action at that time, as a matter of urgency. If the LP strategy for Chard does falter, or fail completely, then the conclusion on similar proposals to those at issue in these appeals in the future, might well be different."

It is clear that the strategy for Chard has not performed as anticipated and given SSDC's lack of a 5 year housing land supply reduces the weight that can be given to the LP strategy for Chard.



### **Loss of Agricultural Land**

The development would result in the loss of agricultural land and has been used for the growing of arable crops. Council records indicate that the land is classed as good quality Grade 3a agricultural land. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. It is clear that from reading a few recent planning appeals where the loss of agricultural land has been raised, the issue is an important consideration although possibly not in itself sufficient to warrant refusal. In this case, whilst it is clearly productive as evidenced by the recent growing of crops, on balance, in the absence of evidence regarding the economic benefits of crops grown on the site, and the fact that the Council has identified the land as suitable for development beyond the full implementation of the Chard Regeneration Plan, it is not considered that the loss of agricultural land warrants refusal of the application.

### **Viability**

Members will be aware that an increasing number of development schemes are facing viability issues and put simply, are not viable with fully policy compliant planning obligations. Moreover, the government have made it clear through the NPPF and the recently introduced right for developers to appeal against affordable housing requirements, that Local Planning Authorities should, 'be sufficiently flexible to prevent planned development being stalled'. The developer in this case has not stated that the contributions as sought in terms of affordable housing, play, sport and open space requirements, highway works and education contributions would make the scheme unviable. A draft s106 agreement has been submitted by the applicant outlining the likely planning obligations.

### **Residential Amenity**

The layout offers an arrangement that should allow future residents and existing neighbouring residents to enjoy a good level of residential amenity. In terms of overlooking and general loss of privacy as a result of this development the proposal represents an acceptable scheme that avoids any demonstrable harm to existing local residents. It is acknowledged that the outlook of adjacent neighbouring residents will be altered by the development, however, loss of a view is not a material planning consideration and in any case the view will change from fields to one that is suburban in character which is not out of keeping given the context of the site. Overall this outline scheme raises no substantive residential amenity concerns.

### **Design**

The proposed dwellings are compatible with the architectural character for this part of Chard. They represent a mix of hip-end and gable-end roofs incorporating a complimentary mix of finishing materials and colours.

### **Conclusion**

Given the lack of demonstrable harm and the benefits that this scheme would provide in the provision of housing, including affordable dwellings, economic benefit during construction and the spend of new occupants in the Town. In addition, money from the Community Infrastructure levy, of which 15% will go to the Town Council. On this basis the application is recommended for approval subject to the completion of s106 Agreement.

### **RECOMMENDATION**

Grant permission subject to the:

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, the said planning permission to cover the following terms/issues:

- 1 The provision of affordable housing,
- 2 Contribution towards the provision of sport, play, open space and strategic facilities.
- 3 Highway infrastructure and works.
- 4 Education contribution
- 5 A Travel Plan

01. Notwithstanding the local concerns, the provision of 142 houses together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

**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 as set out in Drawing Register - Job 1848 Issued 19/09/19

- o 1848\_1000\_Location Plan /A
- o 1848\_1100\_Planning Layout - Colour/B&W/DWG /L
- o 1848\_1111\_Materials Plan /E
- o 1848\_1112\_Storey Heights Plan /C
- o 1848\_1113\_Waste Collection Plan /C
- o 1848\_1114\_Enclosures Plan /C
- o 1848\_1115\_Land Ownership Plan /C
- o 1848\_1116\_Parking Plan /C
- o 1848\_1117\_External Work Plan /C
- o 1848\_1118\_Affordable Housing Plan /C
- o 1848\_1120\_POS Areas Plan /C
- o 1848\_1150\_Sections /B
- o 1848\_1170\_Streetscenes /C

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

03. The development shall be undertaken in accordance with the submitted Ecological Assessment Report recommendations.

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan.

04. No development hereby approved which shall interfere with or compromise the use of public footpaths shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths.

05. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a phased scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site

meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. Prior to commencement the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

07. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

08. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction works, and thereafter maintained until construction discontinues.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

09. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

10. 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. Such provision shall be installed before first occupation and thereafter maintained at all times;

Reason: In the interests of highway safety to accord with TA5 of the SSLP

11. 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 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 interest of highway safety to accord with Policy TA5 of the SSLP

12. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

13. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety to accord with TA5 of the SSLP.

14. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the SSLP.

15. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

16. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote alternative modes of transport to accord with the NPPF and SSLP.

17. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- o Construction vehicle movements;
- o Construction operation and delivery hours;
- o Construction vehicular routes to and from site;
- o Construction delivery hours;
- o Expected number of construction vehicles per day;
- o Car parking for contractors;
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

18. 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 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 interest of highway safety to accord with Policy TA5 of the SSLP.

19. 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 interest of highway safety to accord with Policy TA5 of the SSLP.

20. The houses hereby permitted shall not be occupied until the parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy TA5 of the SSLP.

21. No dwellings hereby approved shall be constructed above base course level until particulars of the materials (including the provision of samples where appropriate) to be used for external walls, windows and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 of the SSLP.

22. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development hereby approved is properly drained.

23. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), incorporating the key mitigation hierarchy requirements set out within Section 6. Assessment of impacts and mitigation measures of the Blackdown Heights, Crimchard, Chard Ecological Impact Assessment (MD Ecology, 2019)], has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- o Risk assessment of potentially damaging construction activities.
- o Identification of "biodiversity protection zones".

- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- o The location and timing of sensitive works to avoid harm to biodiversity features.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o Responsible persons and lines of communication.
- o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- o Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy EQ4: Biodiversity of the South Somerset Local Plan 2006-2028 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

24. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management. Including all biodiversity enhancements outlined within Section 7. Enhancement measures / biodiversity net gain of the Blackdown Heights, Crimchard, Chard Ecological Impact Assessment (MD Ecology, 2019)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

**Informatives:**

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- o A PROW being made less convenient for continued public use.
  - o New furniture being needed along a PROW.
  - o Changes to the surface of a PROW being needed.
  - o Changes to the existing drainage arrangements associated with the PROW.
  - o If the work involved in carrying out this proposed development would:
    - o make a PROW less convenient for continued public use; or
    - o create a hazard to users of a PROW,
  - o then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/ rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>
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# Agenda Item 13

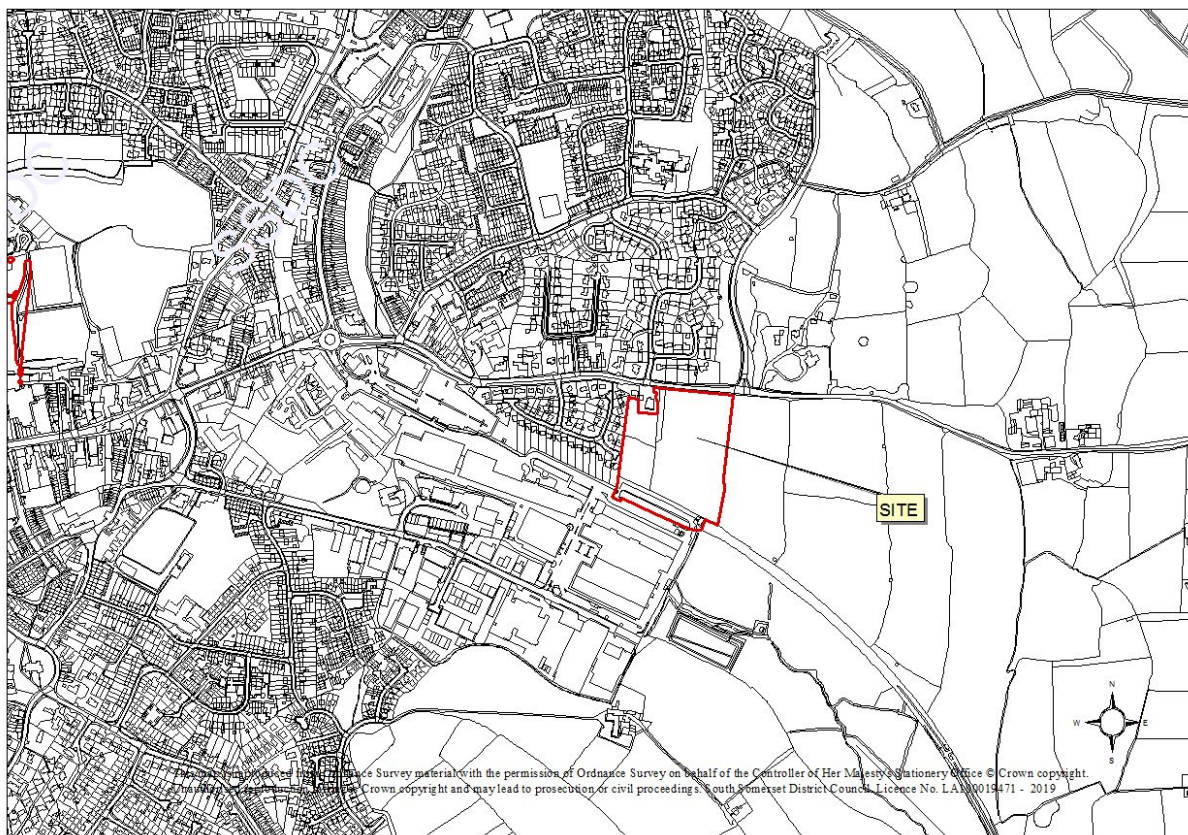
## Officer Report On Planning Application: 19/01219/FUL

<b>Proposal :</b>	Proposed offices, warehousing and research and development buildings
<b>Site Address:</b>	Land At Crewkerne Road Chard
<b>Parish:</b>	Chard
<b>CHARD JOCELYN Ward (SSDC Member)</b>	Cllr D M Bulmer
<b>Recommending Case Officer:</b>	Colin Begeman Tel: 01935 462476 Email: colin.begeman@southsomerset.gov.uk
<b>Target date :</b>	29th July 2019
<b>Applicant :</b>	Numatic International Ltd
<b>Agent: (no agent if blank)</b>	Mr James Fox 55 the park Yeovil BA201DF
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

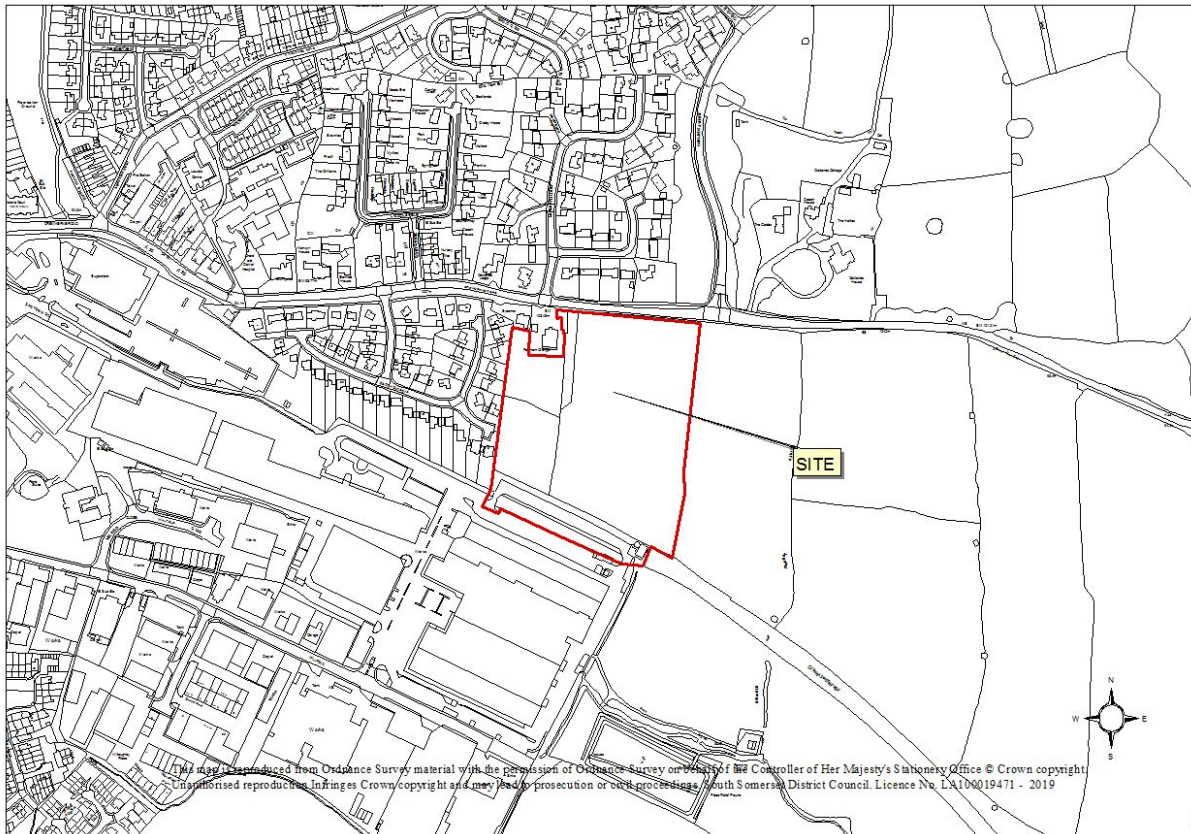
### REASON FOR REFERRAL TO COMMITTEE

The application is classed as a major-major development as it exceeds 10,000 square metres. Therefore, under the Council's Scheme of Delegation, the application has to be referred to committee.

### SITE DESCRIPTION







The application site is located on the eastern side of Chard, on the southern side of the A30, on the approach into the town. The total application site comprises 3.9 hectares and currently comprises green fields. The site is bounded by a mix of hedges, trees and fencing and slopes down from the A30 to the southern boundary of the site. The existing Numatic site adjoins the application to the south, with residential properties to both the west and north. A field adjoins the site to the east.

## PROPOSAL

The application proposes new offices, warehousing, and research and development buildings for Numatic International Ltd. The company currently occupy a large area to the south and south south-west of the application site and require the additional floorspace to accommodate their significant projected growth in the future. In total, an additional 13,308 square metres of new floorspace will be created with this proposed expansion. Seven new buildings are proposed across the site along with vehicular access from the A30, vehicular connection into the existing site, car and cycle parking with new boundary fencing and landscaping. A 3 metre timber acoustic fence will be located along the western boundary. Fordham Grange, which is located in an adjoining plot to the north west of the current application site, is owned by Numatic and is currently being converted into offices.

The whole development is proposed to be delivered in 2 phases with buildings 1, 2 and 3, located in the south west part of the site, forming the first phase. Building 1 will provide a 900 sqm research and development office with Buildings 2 and 3 comprising 2 x 1500 sqm of research and development testing and office space. Phase 2 will comprise buildings 4-7 and will provide largely warehousing/offices along with a further research and development testing and office space totalling over 10,000 sqm.

The exterior materials of the new buildings will be constructed with brick and metal cladding for the walls with metal clad roofs. Building 1 will measure 19m x 13m with a height of 7.4m. Buildings 2, 3 and 4 will measure 61m x 26m with a height of 11m. The main sections of Buildings 5 and 6 will measure 61m x 30m with the smaller attached sections measuring 43m x 31m with a height of 11m. Building 7 will

measure 37 x 31m with a height of 8 metres.

In addition to the plans, the application is supported by a Planning Statement, Design and Access Statement, Transport Statement, Travel Plan, Flood Risk Assessment, Ecology Report, Retile Survey, Tree Report and an Acoustic Report.

### **HISTORY**

The most relevant planning history associated with this site is planning application number 14/04399/FUL. This was for 72 dwellings and was refused by the Council due to the concerns about the working operations of Numatic and the amenity of future residential occupiers. An appeal was subsequently dismissed by a Planning Inspector.

### **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

SS3 - Delivering new employment land

PMT1 - Chard Strategic Growth Area

PMT2 Chard phasing

EP2 Office Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 General Development

EQ4 - Biodiversity

EQ7 Pollution Control

Other relevant material considerations

The National Planning Policy Framework

Somerset County Council adopted Parking Standards.

### **CONSULTATIONS**

#### **Chard Town Council:**

That this application should be approved subject to strong conditions that the issue of noise and disturbance to neighbouring property is addressed satisfactorily.

#### **Lead Specialist – Economy:**

I write to support this application from an economic development perspective.

Numatic is extremely important to the South Somerset economy and is operating at full-capacity within their 50,000 sq. metres factory space at their 26 acres Chard site, where they have been located since 1989. They have grown to employ close to 1,000 permanent staff and an additional 100 agency staff whilst production output has increased eight-fold and sales turnover ten-fold, since locating in Chard. In addition to a strong domestic market, much of their output is sold overseas through seven subsidiaries. Numatic has already invested nearly £100 million onsite including buildings, automation, IT and training.

Numatic are a local successful business, which has the potential to grow even further in uncertain economic times. Their target is to achieve £200 million turnover (a 30% increase) in the next five years, which is achievable at the current rate of growth. However, planning permission is required in order for

them to achieve this growth, which will lead to the creation of an estimated 200-300 new jobs, from an investment of roughly £30 million. The initial phase of the proposed development will bring together and improve the Research and Development activities, which are an important high-value function of a modern manufacturing operation.

In addition to direct jobs created by Numatic, expansion projects can lead to increased opportunities for local suppliers during and after construction. Local construction companies have benefitted from recent building projects on site and there are also some 50 local businesses supplying Numatic.

Numatic are a great local company, also investing in staff development, the environment and local community, for example:

- an apprenticeship scheme running for over 20 years - in January this year, they advertised for apprentices in technical support teams across their business, with the possibility of achieving a foundation degree level
- work closely with local schools and the Somerset Education Business Partnership to support education and work experience
- an environment policy and continually strive to improve their environmental performance - a combination of local benefits such as zero waste to landfill and increased recycling, plus global sustainability benefits from A-rated energy efficiency products
- support several local charities and has an employee-run committee that regularly organises events

The granting of planning permission for this important local company would support its continued growth and dependant jobs, plus offer wider local economic opportunities, whilst improving training, environmental and community benefits.

#### **Lead Local Flood Authority:**

No objection subject to conditions

Previous correspondence from the LLFA required additional information to be provided. In response, a drainage strategy drawing and exceedance flow route plan have been provided by the applicant alongside email correspondence.

The email correspondence confirms that the proposed headwall, which the site will discharge its surface water through, is actually an existing structure and the applicant has confirmed an agreement to continue to discharge at this location.

Consequently, the proposed development would be considered acceptable to the LLFA if the following information is requested within suitably worded planning conditions:

- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Detailed construction drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Assessment of potential failure of above-ground attenuation features, including assessment of

- residual risks to downstream receptors, and proposed mitigation and management measures;
- Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Calculations to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer;
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;
- Demonstration that appropriate access is available to maintain drainage features,
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third-party management company;

**Informative:**

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

**Environmental Health Officer: (EHO) (first response)**

I have reviewed this application and I have the following comments to make from an Environmental Health point of view.

I have reviewed the noise report by Tegwyn Jones Associates dated 9th April 2019 which seeks to quantify the impact of the proposed development on nearby residential properties for planning purposes. The report correctly identifies the likely sources of noise from this development which are: a) Noise associated motor/mechanical testing processes, b) forklift trucks c) HGV delivery activities. However, despite this I am unable to comment on whether there is likely to be a significant impact on local residential dwellings and whether the proposed mitigation is sufficient, due to the following:

a) The report is not based on the principals of BS4142:2014. This is the recognised standard in assessing impact of industrial commercial developments on residential dwellings for planning applications. I therefore have no information to enable me to assess the context ie. the differences between the background and proposed (specific) noise levels. In addition, the specific noise has not been rated and subject to corrections for acoustic features and penalties for tonal or impulsive content. Without this information it is not possible to assess the true impact of the development.

b) The report mentions that work at night (11pm to 7am) is a possibility. This would have implications for the noise environment and the noise report should provide information about the night time noise environment and assessment in accordance with BS4142 in order to understand whether

night time working is likely to be prohibitive on grounds of noise. This report should also include LA MAX noise levels for each of the noise sources to allow comparisons with standards contained in WHO Community Noise Guidelines.

c) I require full background noise monitoring results during the period of monitoring.

The report references BS8233:2014 and uses standards contained within this document to determine whether there is a significant impact under planning law. However, as described above this standard cannot be used alone to determine noise impact.

In conclusion, I will require more information as specified above, in order to determine whether there is a significant impact associated with this development.

Officer comment:

Following receipt of the above response, the applicant undertook further measurements and met the EHO on site. An updated noise report was submitted and the updated EHO comments are outlined below:

Environmental health Officer: (revised comments following submission of updated Noise report)

I have reviewed the updated noise report dated 17th July and I have no further objections, providing the new buildings subject to this application are in accordance with the proposed specification as set out in some detail within the noise report. This specification includes:

1. Site layout, building construction and insulation levels
2. Location of door openings
3. An erection of a three metre acoustic fence building along the western boundary of the development site

**Natural England:**

No objection

**County Archaeologist:**

No objection.

**County Highways - first response**

I refer to the above-mentioned planning application received on 6 June 2019 and after carrying out a site visit on 12 June have the following observations on the highway and transportation aspects of this proposal:-

The access arrangement, construction, and technical details, and the Travel Plan should be secured via an appropriate legal agreement; s106 Town and Country Planning Act 1990 citing s278 highways Act 1980.

The Transport Assessment has been audited and a few queries have been raised which require additional confirmation;

- Trip distribution to and from the site has been based on existing A30 passing flows. It is considered that this does not take into consideration the fact that existing employees of Numatic International and other employment businesses within the surrounding area travelling to work from the north, south and west would not have reached the point on the A30 at which the traffic surveys were undertaken. Therefore, it is likely that the distribution used by the applicant underestimates the proportion of employees that will travel to/from the site via the A30 west of the proposed site access junction. It is therefore considered that the applicant has underestimated the impact of the proposed development traffic on the junctions assessed that are situated to the west of the proposed site access junction.

- No details about which planning applications were used to obtain the 2017 traffic data for the A30/Tesco Roundabout and the A30/A358 signalised junction have been provided. It is not possible to understand if the 2017 surveys were conducted during a neutral period, how the Heavy Goods Vehicles (HGV) proportions were derived at the two junctions, and what peak hours the data represents.
- Only basic results summary LinSig3 outputs have been provided in the appendix, which do not include the model input information. As a result, it is not possible to verify the geometry and traffic flow inputs used in the model, and therefore results may not be accurate.

Due to these issues, it is considered that the applicant has failed to accurately demonstrate the impact of the proposed development on the local highway network and therefore it is recommended that amendments to the TA are required before it can be considered acceptable.

#### Road Safety and Technical Details Audit

A ghosted right turn lane is the acceptable form of junction in this location, and the swept path analysis is suitable. 15m junction radii and 2m footways are also acceptable.

- It is recommended that the kerb-to-kerb carriageway widths are increased to reduce the risk of collisions occurring between pedal cyclists and motor vehicles at the proposed refuge island.
- No highway lighting scheme drawings submitted for consideration.
- It is recommended that suitable and sufficient warning signs are introduced along both A30 Crewkerne Road traffic approaches in advance of the proposed development access.
- It is recommended that the deceleration length of the right-turn lane is increased.
- It is recommended that the proposed traffic splitter island to be constructed within the bellmouth area of the development access is relocated further southwards away from the A30.
- It is recommended that sufficient inter-visibility splays are provided based on the operational speed of traffic travelling along the A30 on both traffic approaches to the proposed development access.
- It is recommended that a refuge pole and illuminated beacon is provided at the proposed pedestrian refuge island on the A30 Crewkerne Road. The beacon should be lit throughout the hours of darkness.
- It is recommended that the drawing is updated to show the proposed visibility splays to/from the proposed pedestrian refuge island along the A30. Sufficient visibility splays should be provided based on the operational speed of traffic travelling along the A30 on both traffic approaches to the proposed development access.

Provision of further technical drawings, cross and longitudinal sections, lighting plans, and construction details can be agreed during the technical approval phase of a s278 agreement.

#### Drainage Audit

- Additional highway drainage measures will need to be incorporated into the highway alteration works to the site frontage (new right turn lane and site access), to adequately collect and discharge surface water run-off from the highway. Further surface water from any private impermeable areas should be prevented from discharging out onto the public highway and therefore private interceptor drainage may be necessary.
- The highway alteration works will increase the impermeable area of the highway leading to an increased burden on the existing highway drain and eventual point of outfall. It must be assumed that the existing highway drainage system is operating beyond capacity and will not be able to accommodate further flow. The surface water management strategy should mitigate against the increased risk of flooding downstream.
- A full connectivity and condition survey should be undertaken on the existing highway drainage system to both inform the drainage strategy and to establish the extent to which this system will need to be temporarily or permanently lowered, protected or diverted to accommodate the proposed frontage works.

The Travel Plan Audit has highlighted the fact that a few minor amendments are required to make the TP acceptable;

- Point 3.4.2 what are the start/finish times for bus services (this will show whether it is a viable option of travelling to work). What bus facilities are available at the nearest bus stop?
- Will showers be provided?
- A Travel Plan Management Fund should be provided, to cover promotional events, usually 3-5 per year at approximately £500 per event.
- Physical measures and features are not shown clearly in the figures provided in the Travel Plan. Please include clear figures showing the location of proposed measures/features and demonstrate that they are being considered in the planning of the development
- The TP should state that a S106 agreement will be used to secure the TP. The S106 agreement should contain a Travel Plan schedule and the agreed TP should be appended to the agreement.
- A safeguard sum of £35,000 has been provided within the travel plan. Based on B1 = 1,250; B2 = 4,500 and B8 = 7,580 the safeguard sum should be £36,730.

In the event of permission being granted, I would recommend that the following conditions are imposed:-

Please note these comments have regard to the access and junction arrangement as shown on drawing number 3870 - 02 S.

- Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.
- The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of the construction phase, and thereafter maintained until that phase has ceased.
- The proposed development shall be served by a new access constructed generally in accordance with that shown on drawing number 3870 - 02 S.
- Any controlled entrance and gates shall be set back a minimum distance of 20 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
- 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. Such provision shall be installed before occupation and thereafter maintained at all times.
- The Development hereby permitted shall not be occupied until the parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details shown on the submitted drawings. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
- Prior to commencement confirmation of the traffic speeds on the A30 shall be provided and agreed in writing to the Local Planning Authority. These details shall be used to determine the necessary vehicle visibility splays to be provided at the access point onto the A30. Such splays shall be provided thereafter and retained in perpetuity.
- The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to 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 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.

- Prior to first occupation or first use of the development hereby permitted, the parking for cycles and motorcycles shall be laid out, constructed and drained in accordance with a detailed scheme [within the Travel Plan] to be submitted to and approved in writing by the Local Planning Authority.

County Highways - further response to additional information:

A review of the additional information has shown the following:

1) The applicant has sought to address the issue with trip distribution by providing 2011 Journey to Work data. This review has identified minor issues with the new methodology used in the analysis of the 2011 Census data, as it appears that only 7 MSOAs were used for the locations of usual residence in the analysis undertaken. In any forthcoming revision to the TA it would be recommended that the applicant updates the analysis of the 2011 Census data to include all MSOAs for the locations of usual residence. This will then provide a better comparison of the distribution with that used in the TA based on A30 passing flows. However, WSP acknowledge that this recommendation would be unlikely to result in a materially different trip distribution.

2) The applicant has addressed the issue regarding the source of survey data. The applicant has however incorrectly copied the flows for one movement at the A30/Tesco roundabout. In any forthcoming revision to the TA the applicant should rectify this, however WSP acknowledge that this error is not thought to materially affect the conclusions of this report.

3) Detailed LinSig outputs have been provided for the East Street/Furnham Road signalised junction, which indicate that the proposed development is unlikely to have a severe impact on the operation of the junction. Any forthcoming revision to the TA may show a slightly different modelling results due to items 1 & 2 above; however, it is thought this change would not be significant and it is therefore unlikely that the conclusions derived from the modelling results would be changed.

It is concluded that the applicant has addressed the significant issues raised by WSP in June 2019. Whilst some minor issues remain, these are unlikely to affect the conclusions derived from the modelling.

## **REPRESENTATIONS**

5 Objection and 4 representations

The objection can be summarised as:

Do not wish to prevent the expansion of Numatic but would like their amenity protected through the control of working hours and noise pollution.

The applicant has not proved why the proposed development will not prejudice the delivery of the growth strategy

The applicant should consider using an alternative access and take into account non-vehicular connectivity.

## **CONSIDERATIONS**

### **Principle**

Part of the site has been allocated for expansion under Policy PMT1 and the other part of the site lies within the development area therefore in principle, subject to lack of harm to interests of acknowledged importance the proposal is acceptable.

### **Visual and Residential Amenity**

The proposed offices, warehousing and R&D buildings are all standard commercial buildings with ridge heights of between 8m to 11m and eaves heights of 7m.

The building at the entrance to the site has been designed to appear as a focal building with a more



detailed external cladding detail.

The site slopes away from the main road down to the existing factory site. The proposed buildings follow the topography and reduce their visual presence.

Visually the proposal is acceptable from the A30.

The bungalows that back onto the western boundary in Nursey Gardens are separated from the proposed buildings but are separated by proposed increased landscaped screening and car parking. The proposed buildings are reduced in height on the elevations facing the bungalows.

It is considered that this visual relationship is acceptable.

In terms of noise emissions from the buildings the Environmental Officer recommends that a 3 metre high acoustic fence is erected along this boundary which should be secured by way of a condition. This will assist in providing an immediate visual screening to the proposed development. In addition the buildings are constructed as per the recommendation of the submitted Noise Assessment in terms of insulation and door placements.

### **Highway Safety**

County Highways have confirmed that it has concerns regarding a number of aspects of the proposal as outlined above however it confirms that they can be dealt with by way of conditions imposed on the planning application.

### **Flood Risk and Drainage**

The LLFA has confirmed that it finds the proposal acceptable subject to conditions

### **Conclusion**

The application site lies within a designated, sustainable area identified for the expansion of Chard for employment use. Visually the proposal is acceptable in terms of its impact on the character of the area. The issues regarding effect on neighbouring properties can be mitigated. Technical issues regarding highways can be overcome through the use of conditions. Given the lack of demonstrable harm it is recommended that the application is approved.

### **SECTION 106 PLANNING OBLIGATION**

Not applicable to this application.

### **RECOMMENDATION**

Approve for the following reason:

01. The principle of development is considered to be acceptable in this location and the proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity, biodiversity, and highway safety in accordance with the aims and objectives of Policies SD1, SS1, EP4, EQ2, EQ4, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions 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. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Arboricultural Tree Scheme - TP-P-001 02  
Building 1 - 3870 - 03 B  
Building 2 - 3870 - 04 A  
Building 3 - 3870 - 05 A  
Building 4 - 3870 - 06 A  
Building 5 - 3870 - 7 A  
Building 6 - 3870 - 8 A  
Building 7 - 3870 - 9 B  
Context and Constraints 613/01 P2  
FLOOD RISK ASSESSMENT - THIRD ISSUE- APRIL 2019  
GA SITE ACCESS RIGHT TURN LANE - 10277-HYD-XX-XX-DR-TP-0100 P02  
Illustrative Sections AA to CC 613/04 P1  
Illustrative Sections AA to CC 613/04 P1  
Illustrative Sections DD to EE 613/05 P1  
Illustrative Sections DD to EE 613/05 P1  
Impact of noise from proposed Industrial development - 9th April 2019  
Landscape Proposals 613/02 P2  
Landscape Proposals 613/02 P5  
Location Plan - 3870 - 01  
Planning Statement - April 2019  
Planting Proposals 613/03 P1  
Planting Proposals 613/03 P3  
Reptile Survey - September/October 2018  
SITE ACCESS RIGHT TURN LANE 10277-HYD-XX-XX-DR-TP-0200 P02  
Site Layout Plan - 3870 - 02 S  
Site Sections - 3870 - 10  
Statement of Community Involvement - April 2019  
Tree Survey Plan - TP-P-001 01

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

03. Prior to occupation or use of the buildings hereby approved a 3 metre high acoustic fence shall be installed along the western boundaries to specifications and details that shall be agreed in writing by the Local Planning Authority before installation.

Reason: Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy EQ7 of the South Somerset Local Plan

04. Prior to occupation or use of the buildings hereby approved the site layout, building construction and insulation levels and location of door openings shall be in accordance with the recommendation set out in the "Impact of noise from proposed Industrial development" report dated 9th April 2019 and shall thereafter be retained and not altered without the prior consent in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy EQ7 of the South Somerset Local Plan.

05. The following details shall be submitted to the Local Planning Authority and agreed in writing prior to commencement of works:
- Detailed construction layout drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;

- Detailed construction drawings of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;
- Details of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Calculations to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves;
- If access or works to third party land is required, confirmation that an agreement has been made with the necessary landowners/consenting authorities to cross third party land and/or make a connection to the proposed watercourse/sewer;
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authority;
- Demonstration that appropriate access is available to maintain drainage features,
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third-party management company;

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with the National Planning Policy Framework and Technical Guidance to the National Planning Policy Framework.

06. Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

07. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing

by the Local Planning Authority and fully implemented prior to commencement of the construction phase , and thereafter maintained until that phase has ceased.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

08. The proposed development shall be served by a new access constructed generally in accordance with that shown on drawing number 3870 - 02 S.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

09. Any controlled entrance and gates shall be set back a minimum distance of 20 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

10. 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. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

11. The Development hereby permitted shall not be occupied until the parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details shown on the submitted drawings. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

12. Prior to commencement confirmation of the traffic speeds on the A30 shall be provided and agreed in writing to the Local Planning Authority. These details shall be used to determine the necessary vehicle visibility splays to be provided at the access point onto the A30. Such splays shall be provided thereafter and retained in perpetuity.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

13. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to 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 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.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

14. Prior to first occupation or first use of the development hereby permitted, the parking for cycles and motorcycles shall be laid out, constructed and drained in accordance with a detailed scheme [within the Travel Plan] to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan.

15. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
  - On-site vehicle wheel washing facilities

Reason: In the interests of highway safety and efficiency and in accordance with Policy TA5 of the South Somerset Local Plan

16. Any trees to be retained within the site will be retained with Root Protection Zones established in accordance with BS 5837:2012 trees in relation to design, demolition and construction.

New landscaping will be designed to incorporate new native species landscaping to include new native shrub and grassland planting wherever possible.

Grassland beneath the tree line which forms the site boundary will be subject to less management to encourage a long-sward height. The grassland margins will be allowed to grow throughout the summer with a single cut given in late August to a minimum height of 15 centimetres periodically. All cuttings will be removed from site to encourage the development of a diverse sward.

Brash and chipping piles will be created between the retained trees from the scrub that is cleared from the site.

Reason: In the interests of protected species and biodiversity and in accordance with policy EQ4 of the South Somerset Local Plan.

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# Agenda Item 14

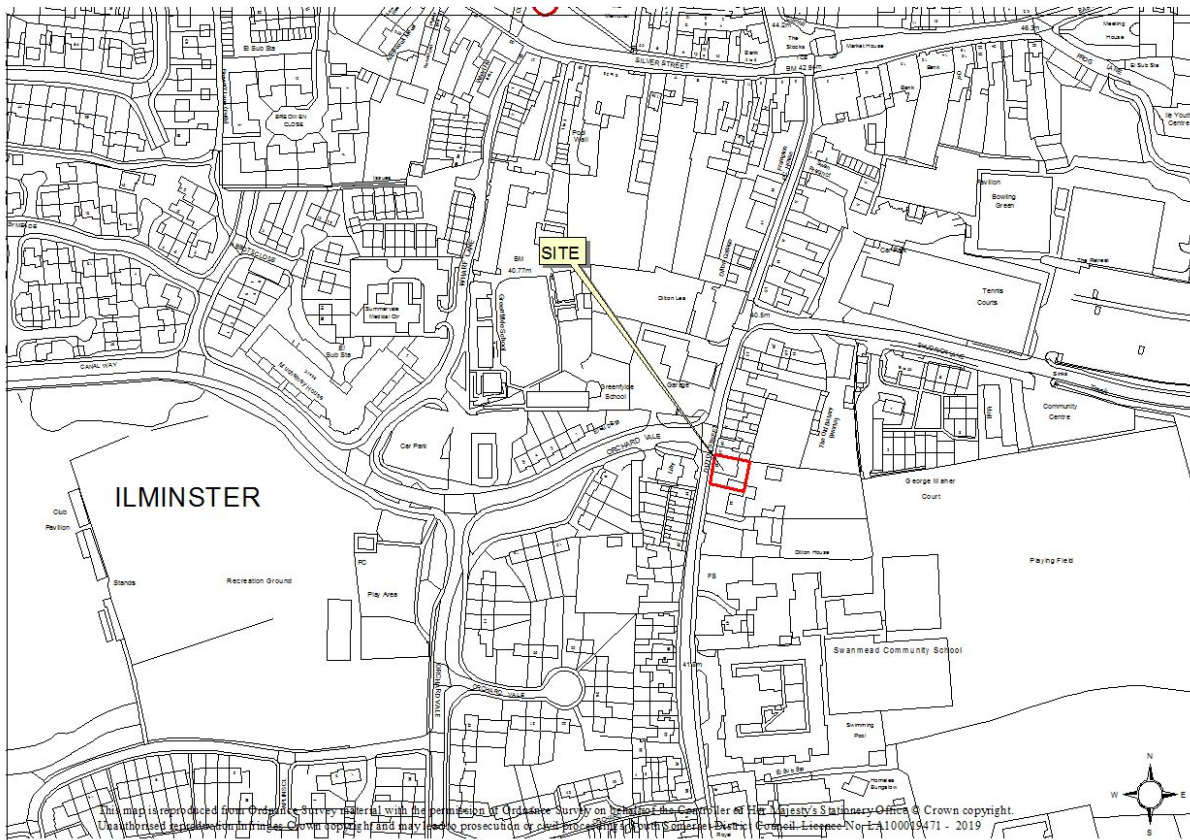
## Officer Report On Planning Application: 18/03093/FUL

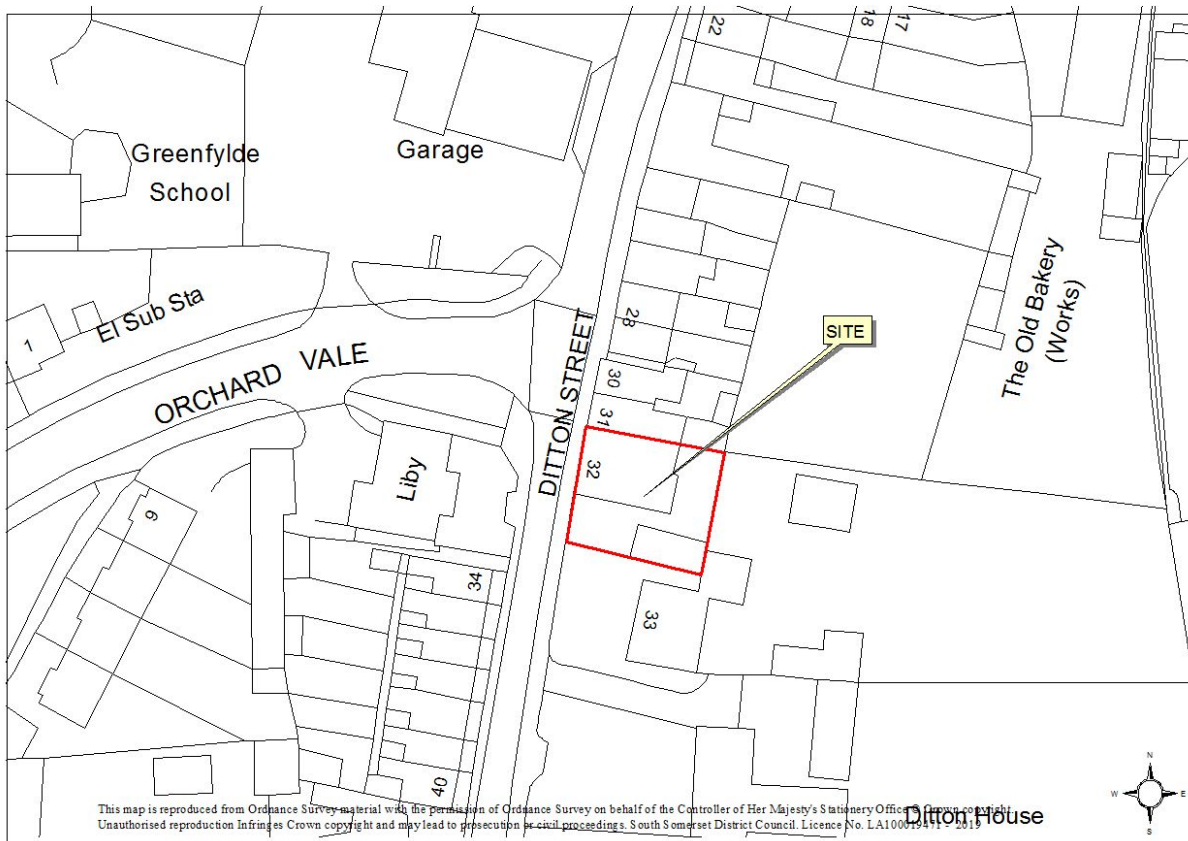
<b>Proposal :</b>	Demolition of outbuildings, erection of two storey and single storey side to rear extension to provide residential flat on first floor and carparking, storage and staff facilities to ground floor
<b>Site Address:</b>	32 Ditton Street Ilminster Somerset TA19 0BQ
<b>Parish:</b>	Ilminster
<b>ILMINSTER Ward (SSDC Member)</b>	Cllr Val Keitch Cllr Brian Hamilton
<b>Recommending Case Officer:</b>	David Gallagher
<b>Target date :</b>	19th December 2018
<b>Applicant :</b>	Mr & Mrs John To
<b>Agent: (no agent if blank)</b>	Mr Ian Pamplin Minster Architecture 90 Herne Rise Ilminster TA19 0HL
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to Area West Committee following the request of the Local Member and with the assent of the Area Chairman.

### SITE DESCRIPTION





32 Ditton Street comprises the southern end of a gabled terrace of stone dwellings under clay tiles hard on to the street. It is currently a fish and chip shop with a small retail frontage on the street. It sits in an outlier of the Ilminster Conservation Area (CA) which was added to the designated CA in 2017. The southern gable is a prominent feature when approaching from the south. It has stone dressing with what appears to be a cementitious render which is peeling off to show the rubble stone underneath. The site is within the development area, the Conservation Area and an area of high archaeological potential. While the host building is modest it is relatively unspoilt apart from the UPVC casement windows and the extraction flues running up the southern gable. A small courtyard abuts the gable which is closed off by gates. The frontage and southern boundary of the yard is enclosed by coursed stone walling. Immediately south is the plot of No. 33, a Grade II listed building. This sits back behind a pleasant front garden and is a rendered mock ashlar double fronted detached dwelling with eight over eight sash windows with a semicircular sash over the central door. The C19th library is opposite with a terrace of attractive late 19th/early 20th dwellings further south of coursed stone with brick dressings. Ditton House further to the south on the eastern side is also listed. The overall impression is of an assemblage of buildings that contribute to the character of the CA in spite of the garish filling station further to the north.

## THE PROPOSAL

This proposal is to infill between No. 32 and the southern courtyard wall with a two storey extension that copies the form of the existing gable with a reconstituted stone capping to the gable with reconstituted quoins and natural stone walling to the street elevation and render to the southern gable. A rearward full width gable springs from the rear elevation giving a depth of 11.5m at two stories with a further 2.75m flat roofed single storey extension. This two storey rearward projection overlaps the side elevation of No. 33 and comes within 2m of it. On the frontage there would be double doors to an undercroft carport with a door adjacent to the upper storey, while at the back is a store and staff room and toilet. The rear first floor extension provides a kitchen/diner at the front, a link to the first floor of the existing building and a further bathroom and bedroom. The rear gable is rendered with a reconstituted stone clad gable

and quoins with a central first floor window in the gable serving the bedroom.

The site is within the development area, the Conservation Area and an area of high archaeological potential. While the host building is modest it is relatively unspoilt apart from the UPVC casement windows and the extraction flues running up the southern gable.

## **POLICY**

Local Plan:

The preamble to Policy EQ2 of the Local Plan emphasises the importance of achieving the highest possible design standards as echoed in the requirement in the policy to create quality places and reinforcing local distinctiveness. Para 13.33 states that all development should ensure the most efficient use of land through the size and arrangement of plots, further determining the position, orientation, proportion, scale, height, massing and density of buildings as well as the treatment of the spaces around and between the buildings themselves.

Policy EQ3 states that new development should safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

National Planning Policy Framework:

Part 12 - Achieving well designed places; states in Para. 127 (a) that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and in (b) that they are visually attractive as a result of good architecture, layout and effective landscaping, and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para. 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Part 16 - Conserving and enhancing the historic environment - especially Paras. 185, 189, 190 and 196.

## **REPRESENTATIONS**

### **Conservation Specialist:**

The site of the proposal is in the Ilminster Conservation Area and is adjacent to a Grade II listed Building at 33 Ditton Street. The character of the area is one of terraces on the road with more grand houses such as 33, set back in a more spacious garden. The space around these buildings are as important as the buildings themselves.

The proposal is to demolish a single storey extension on the side of the terrace and replace it with a two storey extension, set slightly back from the current terrace ridge line, built in a similar style to the current terrace.

The policy framework is as follows:

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset. In particular Paragraph 185 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand



the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 states:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

In particular Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

In the first it is not possible to determine this application positively, the requirement under paragraph 185 requiring the applicant to describe the impact on any heritage asset has not been met. This is a standalone reason for refusal. This I would suggest, has undermined the design of the new building and has led to this inappropriate design.

From my initial site assessment, I have two serious concerns. First is the impact that the two storey extension will have on the setting of the grade II listed building. The two storey extension will obscure the views of the listed building and cause harm to its setting by placing an incongruous building in close proximity. The impact will be very apparent in the first photograph taken outside of the library. My second concern is the impact that the development will have on the setting of the conservation area. The terraces are a very important part of the special character of Ilminster. The removal of the single storey extension is positive, but the replacement building will cause harm. On balance the harm caused to facilitate the replacement is greater with a two storey extension.

In this case it is considered that the proposed changes will cause 'less than substantial' harm to the heritage asset. This is in the high range of this category. There has been no public benefit identified to offset the harm. Accordingly I must formally Object to this proposal.

With the benefit of pre-application negotiation, I would have indicated that this scheme has great potential. The removal of the single storey extension is positive. Replacement and extension behind the building would be less harmful than the current single storey extension if well designed. If refusal is supported, I would suggest that they approach us with a well-considered Statement of Historic Significance that addresses the setting of the listed building. We can then have some meaningful negotiation.

**Town Council:**

Resolved; to recommend approval.

**SSC Highways Consultant:**

While the on-site car parking would reduce from two to one I am minded not to raise a highways objection on the basis that the site is centrally located in the vicinity of public car parks.

**SCC Highways:**

Standing advice applies.

**CONSIDERATIONS:****Principle of Development:**

The site is within the development area, the Ilminster Conservation Area and an area of high archaeological potential. In streetscape terms this part of the settlement comprises several distinct elements (which also applies to the contribution it makes to the conservation area) and it is the discrete relationship between these groups that contributes to the ambiance of the area. Firstly, there is the small plain terrace of stone dwellings hard on the road, of which the host building is the southernmost outlier. This is followed to the south by a group of detached buildings in generous settings comprising No 33 which is closer to the highway than its southern neighbour (Ditton House) and the Board School and School House further south which sit in generous lawned forecourts. It is considered that the manner in which these buildings progressively step back from the highway from No. 33 onwards contribute to the ambiance of the area. On the far side is the landmark former library building with to the south a handsome terrace of late Victorian/Edwardian villas.

The preamble to Policy EQ2 emphasises the importance of high design standards (Para. 13.29) while Para. 13.33 refers to the relationship to adjoining buildings and landscape features and that this is a consideration. This is then emphasised in the first sentence of EQ2 and bullet point two. Regarding the guidance in the NPPF it is considered that this infilling of a significant gap between the two built forms is to the detriment of the street scene and the appearance of the area. For this reason it represents poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions, which may not be the case if this was a more modest rear extension off the rear of the existing building.

**Effect upon Designated Heritage Assets**

Regarding the proximity to a listed building and the effect upon the amenity of the conservation area, the proposal as it stands fails on two accounts. Firstly, the applicant has failed to describe the significance of the heritage asset (the effect upon the overarching CA of infilling this gap and the setting of a listed building) as required by Para. 189 of the NPPF which as pointed out by the Conservation Specialist constitutes grounds for refusal. No clear and convincing justification for the works has been offered as required by Para. 194 of the NPPF. In appraising the proposal the LPA is required to identify the significance of any heritage asset that may be affected by a proposal using available evidence and expertise. In this instance this Council's heritage professional has identified the importance of this space in separating the terrace from the adjacent listed building and the effect of infilling this space upon the setting of the listed building and the amenity of the CA while No. 33 (Referred to as 'Olcote') is also described in the conservation area appraisal (CAA) for Ilminster CA as a significant listed building. The CAA with reference to Olcote and its neighbour Ditton House states:

'These together with the Library, School and school house with open walled lawn area and uniform

terrace of houses on west side form a significant varied group'.

This CAA document was prepared following the recommendations in Historic England Advice Note 1 - Conservation Area Designation, Appraisal and Management dated February 2016 and was approved by this Councils Area West Committee on 23.3. 2017. This public consultation as part of the committee cycle further increases the weight given to its contents.

The Conservation Specialist refers to Para. 192 of the NPPF (above) In this instance it is considered this proposal fails to sustain or enhance the significance of these heritage assets where it is the relationship between these different built forms that contributes to the amenity of the CA, as identified in the CAA relating to this area. For all of the above reasons it is considered this proximity of the extension would cause 'less than substantial' harm to this listed building as when viewed from the south west the current pleasant individual setting identified in connection with No. 33 in the CAA would be lost due to the impression of continuous development, while when approaching from the north the extension would shield the revelation of the attractive symmetrical frontage of 33 with its enclosed front garden until the viewer was almost upon it.

The increase in the economic viability of this small business by extending into this significant space is not sufficient justification to offset the identified 'less than significant' harm to the setting of the listed building or the effect upon the overwashing CA of infilling this key area of sky between the built forms. Para 196 of the NPPF states that where a development proposal will cause less than significant harm to the significance of a designated heritage asset this should be weighed against any public benefit or securing its optimum viable use. In this instance it is not possible to identify any public benefit from the proposal.

## **CONCLUSION**

For all of the above reasons the proposal fails to take the opportunity to improve the character and quality of the area in which it is set contrary to Para. 130 of the NPPF or preserve and enhance the appearance of the district contrary to Policy EQ2 of the Local Plan. In addition the proposal fails to sustain or enhance the significance of these designated heritage assets or make a positive contribution to local character and distinctiveness contrary to Para. 192 of the NPPF and Policy EQ3 of the Local Plan. The economic benefit to this small local business is a consideration but this is not sufficiently compelling to outweigh the identified harm to these designated heritage assets, leading to this recommendation to refuse.

## **RECOMMENDATION**

Refuse

for the following reasons

01. The proposal fails to take the opportunity to improve the character and quality of the area in which it is set contrary to Para. 130 of the NPPF or preserve and enhance the appearance of the district contrary to Policy EQ2 of the Local Plan. In addition the proposal fails to sustain or enhance the significance of these designated heritage assets or make a positive contribution to local character and distinctiveness contrary to Para. 192 of the NPPF and Policy EQ3 of the Local Plan for which no sustainable justification has been produced leading to this recommendation to refuse.

## **SUBJECT TO THE FOLLOWING:**

01. The Applicant has failed to describe the significance of the heritage assets affected by this proposal or their setting as required by Paragraph 189 of the National Planning Policy Framework. For this reason it is not possible to adequately appraise the effect of the proposal

upon these designated heritage assets or consider any justification for offsetting the harm to these assets contrary to Policy EQ3 of the South Somerset Local Plan 2006 - 2028.

02. Due to the manner in which the proposal closes a significant separating gap between two different built forms in the streetscape the proposal fails to promote or reinforce local distinctiveness and context or the character and appearance of the area contrary to Policy EQ2 of the South Somerset Local Plan. For the same reasons it constitutes poor design that fails to take the opportunity available to improve the character and quality of the area contrary to Paragraph 130 of the National Planning Policy Framework.
  03. This proposal closes a streetscape gap between No. 32 Ditton Street and No 33 Ditton Street, which has been identified in the Ilminster Conservation Area Appraisal (2017) as a significant listed building within the Conservation Area to the detriment of its setting due to the proposed buildings proximity to the common boundary and the listed building itself and the resulting harmful effect of this enclosure upon the setting of the designated heritage asset. In addition this significant gap in the Ilminster Conservation Area currently aids the separation between a number of differing built forms that have been identified in the Ilminster Conservation Area Assessment as collectively contributing to the amenity of the Area and therefore the infilling and loss of this space would lessen this separation to the detriment and harm of the amenity of the overwashing Conservation Area. For all of the above reasons the proposal would fail to sustain, safeguard or enhance the significance, character, setting or local distinctiveness of these designated heritage assets contrary to Policy EQ3 of the South Somerset Local Plan 2006 - 2028 or the guidance contained in Part 16 - Conserving and Enhancing the Historic Environment of the National Planning Policy Framework.
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# Agenda Item 15

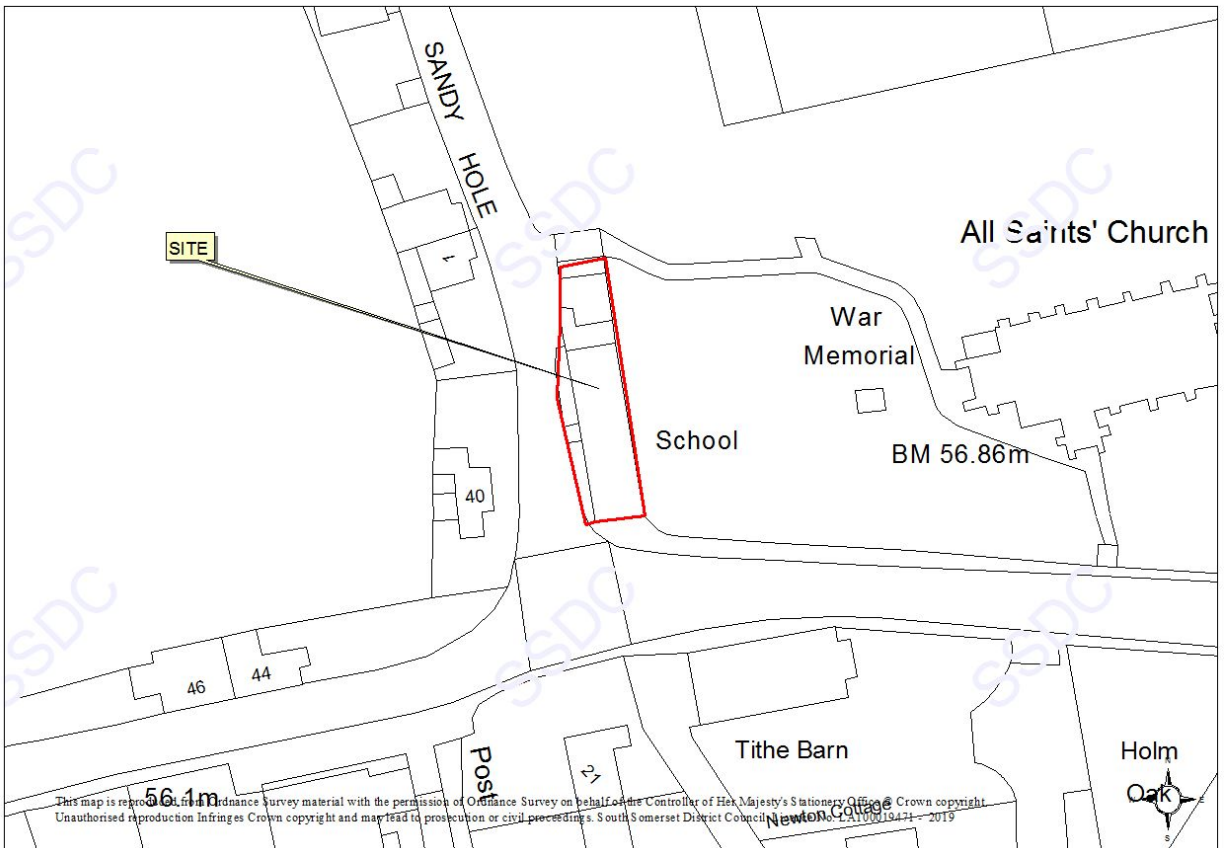
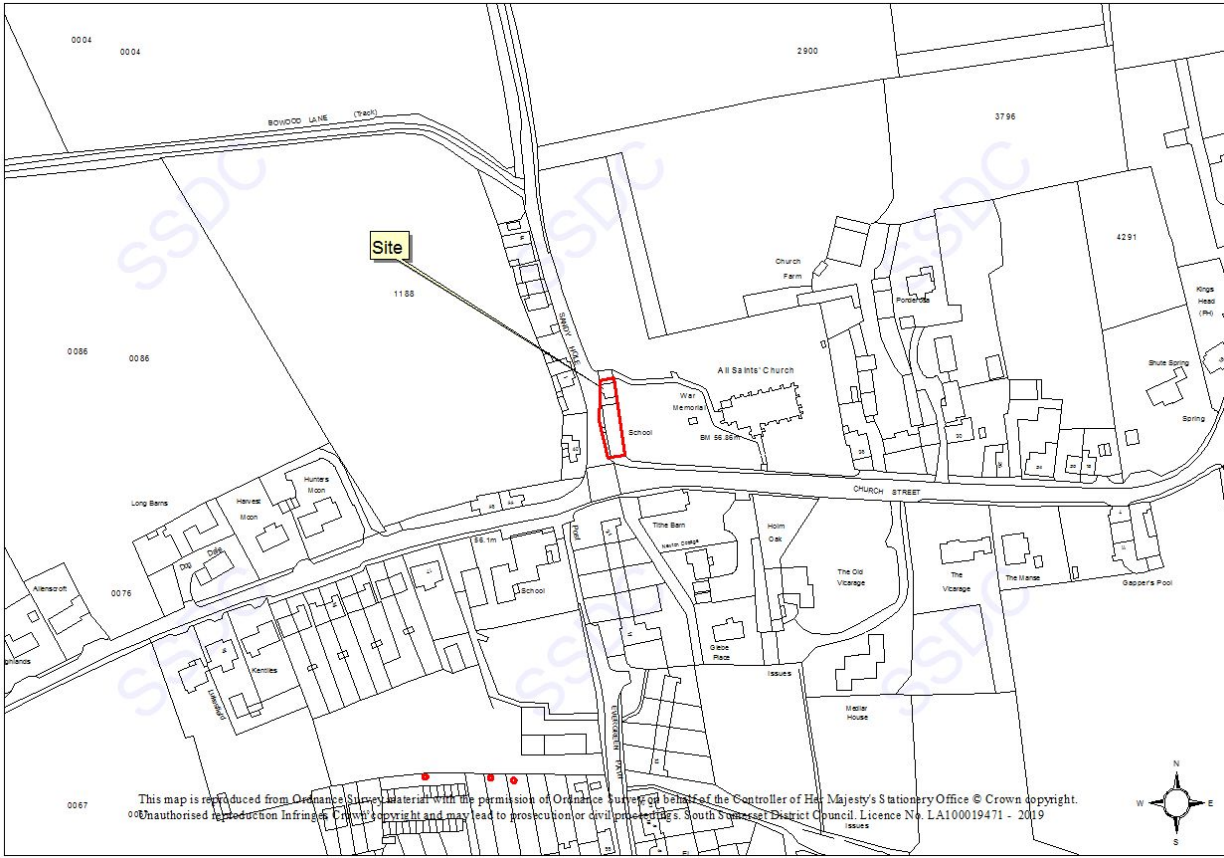
## Officer Report On Planning Application: 18/03718/S73A

<b>Site Address:</b>	Sandyhole, The Former Sunday School, Bull Bridge Lane, Merriott, TA16 5PS
<b>Parish</b>	Merriott
<b>EGGWOOD Ward</b>	Cllr Paul Maxwell
<b>Proposal :</b>	Application to vary Conditions 3 (opening hours) and remove condition 7 (obscure glazing on windows on the eastern elevation) of approval 17/03983/FUL.
<b>Recommending Case Officer:</b>	Ian Cousins
<b>Target date/Ext of time</b>	13th January 2019 21st June 2019
<b>Applicant :</b>	Mrs Louise Pearce
<b>Agents</b>	Mr Jack Sellick Winchester House Deane Gate Avenue TAUNTON TA1 2UH
<b>Type : 10</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

# SITE DESCRIPTION AND PROPOSAL



The site consists of a Grade II listed, detached building located in Merriott used as a café/restaurant. The building is located on the western edge of the church yard of All Saints Church which is Grade II\* listed. The building is located within the Merriott Conservation Area. Church Street runs along the southern end of the subject building and the adjacent church yard and 'Sandy Hole' runs along the western side of the building meeting Church Street at a T junction.

The application is made to vary condition 3 (opening hours) and remove condition 7 (obscure glazing on windows to the eastern elevation) of planning approval 17/03983/FUL. The variation to opening hours will allow the business to operate until 9pm on a Wednesday and until 11pm on a Friday and Saturday. All other opening time restrictions are to remain the same for the remaining days. (8am to 6pm). The removal of condition 7 will allow the windows facing the church to remain clear glazed.

## **HISTORY**

17/03983/FUL -Alterations and change of use of former Sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting. - Application permitted - February 2018.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1- Sustainable Development

SS2- Development in Rural Settlements

EP15- Protection and provision of local shops, community facilities and services  
EQ7 - Pollution Control

EQ3- Historic Environment

EQ2- General Development

SS2- Development in rural settlements

TA5- Transport impact of new development

TA6- Parking standards

National Planning Policy Framework

Chapter 1- Building a strong, competitive economy

Chapter 3 -Supporting a prosperous rural economy

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting healthy communities

Chapter 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

### **Merriott Parish Council:**

"The Parish Council supports the existing opening hours condition to remain in place. They suggest only the lower section of the windows need to be obscured.

**County Highway Authority:**

"Standing Advice applies."

**SSDC Highway consultant**

"Recommends that, if permission is granted, the consent should be temporary so that the highway implications can be assessed."

**Environmental Health**

"Concern is raised about the potential noise nuisance from the outside area for the proposed times"

**REPRESENTATIONS**

5 representations received objecting to the proposal on the grounds of loss of privacy to users of the graveyard, neighbour amenity and parking matters.

1 representation received supporting the application.

**CONSIDERATIONS****Principle of Development**

The Principle of Development has been assessed as being acceptable through the previous planning approval. It is considered that the proposed amendments do not alter the acceptability of development.

**Highway Matters**

The application has been supported by a traffic survey that indicates that on-road evening parking is available and should adequately provide parking for the evening use so as not to compromise highway safety. Notwithstanding this, it is considered reasonable and necessary to impose a condition limiting the time period of operations to two years to enable the Local Planning Authority to assess the impact the proposal will have upon traffic movements and parking.

**Neighbour Amenity**

Concern has been raised regarding the loss of privacy to users of the graveyard from the windows on the east side of the building. A condition was imposed upon the previous permission at the request of the Planning Committee requiring the lower section of the windows that face the church to be obscure glazed. This condition has yet to be implemented and should have been done so prior to the building being brought into use as a café. Having assessed the proposal, it is considered that, given the general passive nature of views from the café/restaurant, it remains the view of officers that it is unreasonable to require the windows to be obscured glazed and that the relief of this condition is acceptable. Furthermore, the graveyard is open to views from the public realm given its open and elevated position in relation to the adjacent road.

Further concern has been raised regarding possible noise emanating from the outside seating area from the late night use given the proximity of residential dwellings. Given this, whilst the extended opening hours within the building are considered to be acceptable, a condition has been imposed to restrict the use of the outdoor space to the original opening times. Notwithstanding this assessment, it is considered reasonable and necessary to impose a condition limiting the time period of operations to two years, as per the highway assessment, to enable the Local Planning Authority to assess the impact the proposal will have upon neighbour amenity.

**Conclusion**

Given the passive nature of views from the café over the graveyard, it is considered reasonable for the relief of the condition requiring the windows to be obscured. It is further considered reasonable to allow the extended opening hours for a temporary period to ensure that it can be demonstrated that the use can be operated without detriment to neighbour amenity and highway safety.



## RECOMMENDATION

Approve

01. Given the passive nature of views from the café over the graveyard, it is considered reasonable for the relief of the condition requiring the windows to be obscured. It is further considered reasonable to allow the extended opening hours for a temporary period to ensure that it can be demonstrated that the use can be operated without detriment to neighbour amenity and highway safety.

### SUBJECT TO THE FOLLOWING:

01. The use hereby permitted shall not be open to customers outside the following times for a two year period following the date of this permission:

Monday - 08.00-18.00  
Tuesday - 08.00-18.00  
Wednesday - 08.00 - 21.00  
Thursday - 08.00 - 18.00  
Friday - 08.00 - 23.00  
Saturday - 08.00 - 23.00  
Sunday - 08.00 - 18.00

Following the expiration of this two year period, the hours of operation shall revert back to 08.00-18.00, Monday to Sunday.

Reason: To allow the Local Planning Authority to assess the impact of the extended opening hours upon residential amenity and highway safety.

02. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on any building or otherwise on any part of the subject land.

Reason: In the interests of residential amenity in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

03. Except for the purpose of cycle storage, the outdoor space shall not be used beyond the time of 18.00 on any day.

Reason: In the interests of protecting neighbour amenity.

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# Agenda Item 16

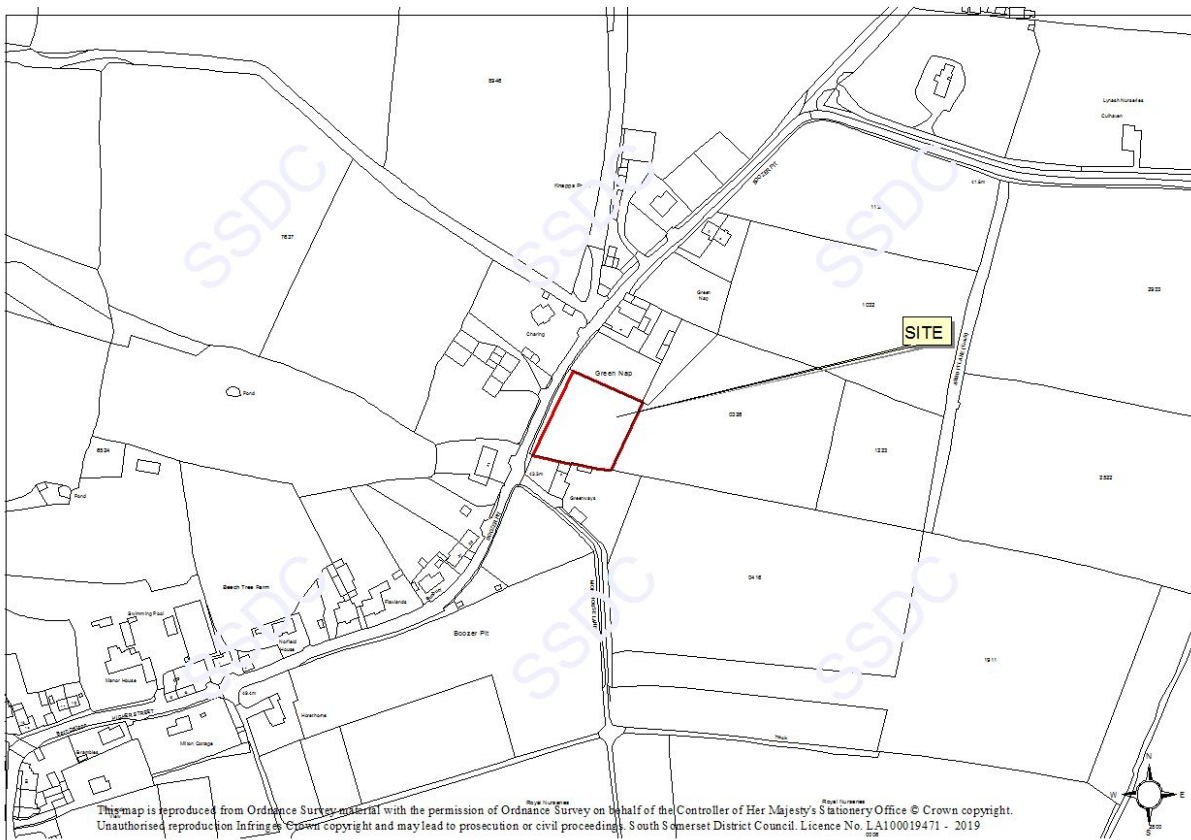
## Officer Report On Planning Application: 19/00911/FUL

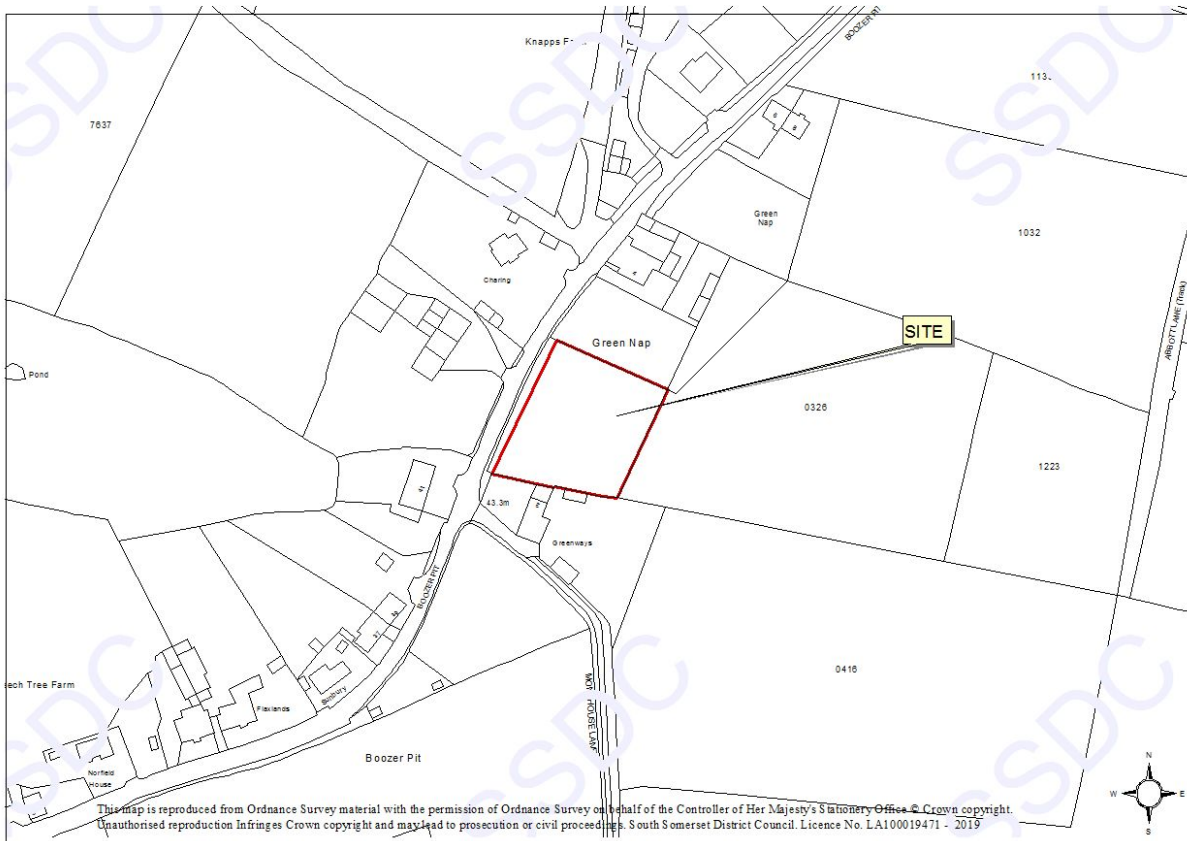
<b>Proposal :</b>	Erection of 2 dwellings
<b>Site Address:</b>	Land At Boozer Pit Merriott TA16 5PW
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr Paul Maxwell
<b>Recommending Case Officer:</b>	Louisa Brown
<b>Target date :</b>	24th May 2019
<b>Applicant :</b>	Mr & Mrs Clemas
<b>Agent: (no agent if blank)</b>	Michael Williams Sanderley Studio Kennel Lane Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

### SITE DESCRIPTION AND PROPOSAL





The site is a small agricultural field to the northeast of the rural village of Merriott. It sits approximately a metre higher than the road and the adjacent property to the south. There are existing dwellings to the north and south of the site.

### Proposal

This is an application for residential development comprising the demolition of an existing barn and the erection of 2 no. detached dwellings, associated parking, and landscaping at Boozer Pit, Merriott as amended by plans submitted on 4th September 2019.

### Constraints

There are limited constraints on the site. There are few national or local designations within the site or that could be affected by the proposal. The site lies 60m from the Merriott Conservation Area.

The site lies within the Rural Settlement area of Merriott and is not in Flood zone 2 or 3 or any groundwater protection area. The proposed development is not in a Radon affected area.

### HISTORY

13/05172/OUT Erection of 6 No. detached dwellings to include 2 No. affordable units (outline)  
Land To The North Of Half Moon House Boozer Pit Merriott Somerset - Refused 11 Feb 2014.

11/03775/FUL The formation of a new access - Approved on appeal 2 November 2012.

### POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of

the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

### **South Somerset Local Plan policies (2006 - 2028)**

- SD1 Sustainable Development
- SS1 Settlement Strategy
- SS2 Development in Rural Settlements
- SS4 District wide Housing Provision
- SS5 Delivering new housing growth
- TA1 Low Carbon Travel
- TA5 Transport Impact of New Development
- TA6 Parking Standards
- EQ2 General Development
- EQ3 Historic Environment
- EQ4 Biodiversity

### **National Planning Policy Framework - March 2019**

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

### **Other**

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

### **CONSULTATIONS**

#### **Merriott Parish**

Councillors object to the application on the following grounds:

- 1. The plot is not well connected to the village; there is no footpath;
- 2. There is no identified local housing need in the village for the proposed types of dwellings;
- 3. Building in the gaps would be detrimental to the character of the village.

#### **County Highways**

Standing Advice Applies.

#### **SSDC Highways Consultant**

Referring to the amended plan (drawing: 617 (00) 02 E, it would appear that the full 2.4m x 43m visibility

splay (to a point 1m off the nearside carriageway edge) can be provided in the northerly direction.

There is a thin sliver of land across the frontage of the adjoining property (Green Knapp) immediately to the north of the application site which appears to form part of the highway maintainable at public expense (i.e. highway verge). The same splay (2.4m x 43m) can also be achieved in the opposite direction.

There should be no obstruction greater than 600mm above adjoining road level with the visibility splays. The other points of detail (the width of the access and its surface) are acceptable. Drainage measures would need to be installed across the access to prevent surface water from discharging on to the public highway but this requirement can be conditioned. The on-site parking and turning provision is acceptable for each dwelling.

### **Somerset Ecology Services**

An ecological assessment of the application site is not needed but, given that no bat activity surveys were carried out, recommends that a condition is attached to any approval.

### **REPRESENTATIONS**

24 statements of representation have been received; 14 objecting to the proposal and 10 in support.

Reasons for objection are:

- views of the countryside would be ruined and spoilt;
- the development would set a new precedent in terms of building in the local area;
- the proposal conflicts with Policies EQ2 and EQ3 of the Local Plan;
- the proposal is not sustainable development;
- future occupants would be car dependent to reach basic amenities;
- Boozer Pit is already narrow and dangerous and the additional traffic would impact on highway safety;
- Loss of prime agricultural land;
- Impact on local services; the local school has no capacity;
- No local benefit or affordable housing;
- An Urban Design is inappropriate in the local context;
- Impact on the Conservation Area;
- The proposal represents 'urban sprawl' in a rural setting;
- The properties will be very visible from the road as the land is set higher than the public highway;
- The proposed houses are very large and do not reflect 'local distinctiveness';
- The development would impact on residents' enjoyment of the countryside;
- The proposed properties do not contribute to the local housing need in the village;

The representations in support of the application were on the grounds that:

- there would be a self-build unit;
- it is within the 30mph speed zone and has street lighting;
- new residents would help to support and retain village services;
- the houses would be set back from the road in large plots;
- small infill schemes are preferable to large developments;
- the development has been designed sympathetically;
- there is a need in the village for 3 bed homes;
- public footpaths are available for access to the village centre.

## CONSIDERATIONS

### Principle of Development

The acceptability of the scheme depends on compliance with the relevant development plan policies and site specific considerations which are set out in the report below.

Policy SD1 reflects the presumption in favour of sustainable development set out in the National Planning Policy Framework (2019). Planning applications that accord with the policies in the adopted local plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

Sustainability of the settlement:

Merriott is classified as 'rural settlements' in the local Plan and as such Policy SS2 applies. This states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.

Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41".

Policy SS2 sets a relatively restrictive approach to development in rural settlements in that the principle of housing is not automatically accepted as it is predicated upon the compliance of the proposal with the above requirements. However, SS2 is given reduced weight in determination of this proposal due to the lack of 5 year housing land supply.

It is considered that there would be partial compliance with SS2. Local housing need is evidenced within

the application in the regard to one plot being a self build. The Local Authority has a duty under sections 2 and 2A of the Self-build and Custom Housebuilding Act 2015 to give enough suitable development permissions to meet the identified demand. The applicant indicates a demand of 109 plots from self-builders in the district, of which 5 are for plots in Merriott. 1 no. of the proposed dwellings would be a self-build unit which would contribute towards the Authority's identified need to provide self-build sites.

Also of relevance is whether, Merriott meets basic 'sustainability criteria' in terms of the provision of basic local facilities. Policy SS2 requires two facilities such as a public house and shop for a settlement to be considered appropriate (amongst other criteria) for housing development. Merriott benefits from a range of local services and facilities including a garage, a post office, a petrol station, butcher, a pub and social club, village hall, a church, a pharmacy, convenience store, a primary school, preschool and play/sports facilities. It is considered that the proposal of 2 no. detached dwellings is commensurate with the scale and character of Merriott.

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance and the benefits of additional housing in a Rural Settlement, when weighed against the lack of 5 year land supply, are considered relevant. The proposal would also bring short term economic gains in terms of construction and some further benefits would accrue through increased support for local services which would support the longer term sustainability of these services.

The proposed development would meet an identified housing need in a Rural Settlement which has more than two key services, and would support the sustainability of those services, and is therefore in accordance with the aims and requirements of the NPPF and thus policies SD1, SS2, SS4, and SS5 of the South Somerset Local Plan (2006 - 2028).

### **Visual amenity**

The surrounding area comprises predominately of two storey detached residential dwellings interspersed with open agricultural land. A previous application (13/05172/OUT) for 6 dwellings was refused at appeal. Among the grounds for refusal at appeal (14/00021/REF) were that this number of units set in relatively small plots would represent an unwelcome consolidation of built form here, uncharacteristic of the rural, agricultural character. The current application for 2 no. detached dwellings in large plots, set back from the public highway is reflective of and sympathetic to the local character.

The applicant has revised the original plans to make the proposed dwellings more sympathetic to the prevailing local vernacular to include traditional frontages and materials including stone and tile. In addition, the ridge heights of both proposed dwellings have been lowered in the amended plans to reduce the scale and mass of the buildings when viewed from the public highway which sits 1m lower than the ground level of the proposed units.

Parts of the village are identified as a Conservation Area. The Appeal Inspector was satisfied that the refused development would not harm the character or appearance of the Conservation Area. The current smaller proposal is therefore not considered to be harmful to the intrinsic character or appearance of the designated area of the village.

While the proposed dwellings would represent infilling in a partially open landscape, the buildings would not dominate the landscape or the surrounding built form, and would respect and enhance the local character, landscape and setting of the conservation area. Notwithstanding comments received it is therefore considered that the proposal accords with Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

### **Residential Amenity**

The proposed dwellings are located a sufficient distance both from each other and the adjoining

dwelling on either side to ensure that there would be no undue overlooking or loss of privacy. New House 1 would be 33m from Farmhouse Cottage to the north and New House 2 would be 10m from Half Moon House to the south and neither proposed dwelling would have a window above ground floor on the respective neighbour facing elevations. New House 2 would have a first floor habitable (bedroom) window overlooking the garage of New House 1 but it is not considered that this would significantly impact the privacy of the future occupants of New House 1.

Having regard to the above, it is considered that the proposal would be acceptable in regards to residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

### **Highway Safety**

It is acknowledged that Boozer Pit is a typical Somerset lane being narrow and without separate pedestrian access and that occupants of new dwellings in rural areas such as the proposed development will be somewhat dependent on the car to access facilities not available in smaller local settlements. It is also noted that the previous development for 6 no. dwellings was refused, at least in part, on the grounds of inadequate or unsafe pedestrian access to the village centre.

The number of proposed units in the present application is materially less than that previously refused at appeal and the number of car and pedestrian journeys would be anticipated to be proportionally less. While there would still be an increase in overall vehicular traffic compared to the existing agricultural use, it is not anticipated to be a severe increase.

The Highways Authority and SSDC's Highways Consultant consider that at the proposed access point, Boozer Pit is straight and the visibility splays conform to safety standards. The applicant has amended the proposed access to the site by widening the concrete splay to 5m improve for a length of 6m in the interest of improving accessibility and safety in accordance with guidelines for access points that serve more than one dwelling.

Public Rights of Way (40UD075 CH 19/32 and 40UD075 CH 19/36) are close to the site, facilitating pedestrian access to village services, and Boozer Pit forms part of the Regional Route 30 South Somerset cycleway. While the available non-car routes were characterised by the Appeal Inspector as uninviting, they are typical of the rural character of the area and NPPF (2019) Paragraph 103 directs that different solutions for sustainable transport in rural areas are acceptable.

Policy TA1 requires that all new residential development 'should' provide certain elements to ensure low carbon travel. As this proposal is for new housing it is considered acceptable to condition an electric vehicle charge point, however due to the scale of the development travel plans will not be required.

Sustainable alternatives to car journeys for reaching local services from the proposed dwellings are available. The Highway Authority have not raised any objections to the application and SSDC's Highway Consultant is satisfied subject to conditions relating to drainage. Subject to these conditions and an electric charge point being provided it is considered that the proposal would accord with Policies TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

### **Ecology**

A bat survey was not undertaken and therefore it is recommended that a condition is imposed on any consent providing bat, bird and bee boxes on the site and a further condition for external lighting design so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places.

Subject to these conditions, in the interest of enhancing biodiversity, the proposal would comply with Policy EQ4 of the South Somerset Local Plan (2006-2028).



## **Conclusion**

The application is materially different to the proposal that was previously refused. The traffic impacts of the development would not be severe and pedestrian access to the village centre is acceptable. The proposed dwellings would be acceptable in terms of the local landscape and character and the applicant has demonstrated that there is a local need for the proposed type of housing.

On balance, it is considered that provision of 2 no. dwellinghouses would be acceptable in principle at this location which is deemed to be sustainable in the context of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework (2019).

## **RECOMMENDATION**

APPROVE with conditions.

01. The proposed 2 no. dwellings, by reason of size, design, materials and location, will contribute to housing provision and growth in this sustainable location and respects the character of the area, the conservation area and causes no demonstrable harm to residential amenity, biodiversity or highway safety in accordance with the aims and objectives of policies SD1, SS1, SS2, SS4, SS5, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

## **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 permitted shall be carried out in accordance with the following approved plans: 617(00)05 Rev A, 617(00)01 Rev C, 617(00)02 Rev F, 617(00)03 Rev C, and 617(00)04 Rev B received 22nd August 2019.

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

03. Prior to commencement on the natural stone walls a sample panel shall be made available for inspection on site and shall show the stone to be used, mortar mix and coursing, the details shall be 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 and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

04. At the proposed main access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted Site Layout Plan (Drawing No 617(00)02 Rev F). Such visibility splays shall be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

05. 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. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

06. During construction of the proposed development, no construction traffic shall access or leave the site or construction works shall be undertaken on the site except between the hours 07.00hrs and 18.00hrs Monday to Friday and the hours of 08.00hrs and 16.00hrs on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect residential amenity to comply with Policy EP3 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

07. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

08. Prior to first occupation of the dwellings hereby permitted, a lighting design for bats shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of avoiding adverse impact on protected species in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

09. Prior to first occupation of the dwellings hereby permitted, the following will be installed into or onto the new dwellings accordingly:
- Four Schwegler 1a swift bricks or similar will be built into the wall under eaves and away from windows at least 5m above ground level on the north elevation of each dwelling
  - A Habibat 001 bat box or similar will be built into the wall at least 4 metres above ground level of the south elevation of each dwellings
  - One bee brick built into the wall about 1 metre above ground level on the south elevation of each dwelling.
  - Photographs of the installed features will be submitted to the local planning authority prior to the completion of the construction of each dwelling.

Reason: For the protection and enhancement of biodiversity in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the NPPF (2019).

10. Any entrance gates shall be hung to open inwards only and thereafter shall be maintained in that condition at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028.

11. The areas allocated for parking and turning on the approved plan shall be implemented prior to the first occupation of the dwellings hereby approved and shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the dwellings hereby approved.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

12. The windows and doors shall be of materials as indicated on the approved plans unless otherwise agreed in writing by this authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

13. Prior to commencement on the roofs a sample of the roof tiles shall be 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 and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

14. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure

#### **Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence

development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

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