

Area West Committee

Wednesday 11th December 2019

5.00 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)



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 Vjeh
Martin Wale

Consideration of planning applications will commence no earlier than 5.00pm.

For further information on the items to be discussed, please contact the Case Officer on 01935 462055 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 2 December 2019.

Alex Parmley, *Chief Executive Officer*

This information is also available on our website
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

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 11 December 2019

Agenda

Preliminary Items

1. Apologies for Absence

2. 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 Vijeh.

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.

3. 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 22nd January 2020 at 5.30pm at The Guildhall, Chard.

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. Chairman's Announcements

Items for Discussion

- 6. Area West Committee - Forward Plan** (Pages 6 - 7)
- 7. Planning Appeals** (Page 8)
- 8. Schedule of Planning Applications to be Determined by Committee** (Pages 9 - 10)
- 9. Planning Application 19/02401/FUL - Ridgeleigh, Chardleigh Green, Wadeford**
(Pages 11 - 15)
- 10. Planning Application 18/04057/OUT** - Land East of Mount Hindrance Farm,
Mount Hindrance Lane, Chard** (Pages 16 - 47)
- 11. Planning Application 19/00074/FUL** - Land at East of Crimchard, Chard** (Pages 48
- 67)

**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 6

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.

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

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
22nd January 2020	<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>Rachael Whaites, Countryside Manager, Leisure & Recreation</i>
	<i>Ile Youth Centre Management Committee</i>	<i>Cllr. Brian Hamilton</i>
	<i>Chard and District Museum Society</i>	<i>Cllr. Jenny Kenton</i>
	<i>Avon & Somerset Constabulary</i>	<i>Sgt. Rob Jameson</i>
19th February 2020	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
18th March 2020	<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 & District (ABCD)</i>	<i>Cllr. Mike Best</i>
TBC	<i>Highways Authority Update</i>	
Quarterly Update Reports	<i>Chard Regeneration Scheme</i>	<i>Rebecca McElliott, Property and Development Project Manager</i>

Agenda Item 7

Planning Appeals

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

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

19/00564/DPO - Application to vary Section 106 Agreement dated 27 March 2013 between South Somerset District Council and Clipper Development Partners LLP in relation to removing provision for GP surgery and pharmacy
Moorlands Farm, Broadway, Merriott, Somerset
(Committee Decision)

18/02808/FUL – The erection of general purpose agricultural building
Land At Beetham, Higher Beetham, Whitestaunton, Chard, Somerset, TA20 3PY
(Committee Decision)

18/01355/FUL - The erection of 4 dwellings with associated landscaping, parking and access
Land OS 4439 Middle Street, North Perrott, Crewkerne, Somerset
(Officer Delegated Decision)

17/02734/FUL & 17/02735/LBC
Alterations and change of use from retail and office to form 3 No. 1 bedroom flats. Alterations and change of use of first floor courtroom and rear ground floor shop to community (D1), shop (A1) office (A2) and cafe (A3)
9 Fore Street Chard Somerset TA20 1PH
(Officer Delegated Decision)

Appeals Dismissed

18/03923/FUL - Proposed retirement housing development of 4 No. bungalows and alterations to existing access and parking facilities
Land Adjacent To Rose Cottage School Lane, South Chard, Chard, Somerset, TA20 2SA
(Officer Delegated Decision)

Background Papers - Decision notice attached.



Appeal Decision

Site visit made on 6 August 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/R3325/W/19/3229866

Rose Cottage, School Lane, Tatworth and Forton, Chard TA20 2SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Manning against South Somerset District Council.
 - The application Ref 18/03923/FUL, is dated 4 April 2018.
 - The development proposed is retirement housing development of 4 no bungalows; improvements to existing access and existing parking facilities.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Mr & Mrs Manning against South Somerset District Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The submitted plans with the appeal included a plan reference SP01-G. As part of the Council's suggested list of conditions this included reference to a plan entitled SP01-H. Clarification has been sought in respect of plan SP01-G, the Council and the appellant have confirmed that plan SP01-G was incorrect and formed part of the previous withdrawn planning application at the site. Accordingly, SP01-H is the correct plan submitted as part of this planning application, and for completeness is the one on which I will base my decision.
4. Whilst the Council did not determine the application within the prescribed period, it has subsequently identified its main concerns to be the impact on the character and appearance of the area, including the Conservation Area and setting of a grade II listed building, impact on trees, general visual amenity and highway safety.

Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the Tatworth Conservation Area; (ii) the setting of Lakehayes, a Grade II Listed Building; and (iii) highway safety and parking

Reasons

Effect on the character and appearance of the area and Conservation Area

6. The appeal site is a paddock situated to the rear of Rose Cottage and is accessed via the existing access lane serving both Rose Cottage and the neighbouring property, Alberta. These properties front onto School Lane. The paddock is slightly undulating and formed by trees on its boundaries. It provides a pleasant backdrop to Rose cottage and is viewed in the context of the other open land surrounding the site. The appeal site including the host dwelling forms the southern boundary of Tatworth Conservation Area, a designated heritage asset.
7. The general character of School Lane is of linear built form with properties fronting immediately on to it or set slightly back. The appeal site is set back to the rear of Rose Cottage in an area that provides an important part of the green backdrop to this settlement. The development of this site would result in its urbanisation which would appear incongruous with the pattern of development. I note that proposed hedgerow planting would limit views into the site, and this could be secured by means of a suitably worded condition. However, the widening of the access road and reducing the height of the boundary wall required to achieve adequate visibility splays would lead to increased views into the site, which would result in adverse visual effects.
8. The Conservation Area is formed by the church and its grounds to the northern edge providing a pleasant gateway into the area. To the east of the Conservation Area I noted some white thatched cottages which contribute to the overall historic character. School Lane has an attractive appearance resulting from the various historic buildings bordering the lane including Rose Cottage. The area to the west of the Conservation Area is characterised by open fields providing an attractive backdrop to the settlement. From the available evidence, it appears that the intrinsic character of the surrounding landscape has remained largely unchanged over time. This open land therefore makes a significant positive contribution to the character of the conservation area.
9. The trees bordering the site make an important contribution to the character and appearance of the Conservation Area. Their significance is protected by virtue of their location within the Conservation area. In considering the case of both parties in terms of whether harm would result to the trees, I acknowledge the appellants case that the development has been arranged to minimise disturbance and no trees will require felling. I also recognise that the additional hedge planting proposed would enhance green infrastructure and biodiversity on site.
10. However, it is clear that the tree constraints plan and the proposed site layout plan are at odds with one another and there would be conflict between the trees and the proposed development. On the northern boundary trees T10 and T11 would be significantly close to and overhanging gardens of Plots 3 and 4. Similarly the Root Protection Zones of the trees extend into domestic gardens and appear to conflict with the development footprint. On the southern boundary the trees T3/T4/T5 and their root protection zones encroach into and overhang the domestic gardens of plots 1 and 2. Given those factors, there is likely to be pressure

from future residents for inappropriate works to these trees, including felling and potential impacts on root protection areas could harm the trees' future health. This situation would be unacceptable notwithstanding the proposed measures that aim to safeguard the trees rooting areas. Accordingly, based on the available evidence, there is likely to be harm caused to existing trees contrary to Policy EQ5 of the South Somerset Local Plan (2015) (Local Plan) which seeks to ensure existing green infrastructure will be protected from the adverse impacts of development.

11. Taking the above matters into consideration, the proposed development would unacceptably urbanise the area including the undeveloped character of part of the Conservation Area. I acknowledge the design intentions of the proposed scheme in an attempt to integrate the dwelling into its setting. I also recognise the challenge of providing appropriate housing for an ageing population. However, for the reasons already identified above, the urbanisation of the site would cause harm to the local environment including to the significance of the Conservation Area.
12. Consequently, it would conflict with Policies EQ2 and EQ3 of the Local plan, which overall, seek to promote local distinctiveness, preserve the district's character and appearance and safeguard the significance of heritage assets. When considering the impact on the significance of a designated heritage asset the National Planning Policy Framework (the Framework) places great weight on the asset's conservation. I conclude that the proposal would fail to preserve the character or appearance of the Tatworth Conservation Area resulting in less than substantial harm to its significance as a designated heritage asset. The Framework says that such harm should be weighed against the public benefits of the proposal. I return to this matter later on in my decision.

Effect on the Grade II Listed Building

13. Lakehayes is a former farmhouse, dating back to the late 16th to early 17th century. It is identified as being a substantially intact building with significant historic fabric and form. It is clear from the available evidence that the farmhouse was surrounded by open pasture. However, the evidence before me indicates that a field boundary ran between the appeal site and Lakehayes and this still remains and is lined with dense tree cover. Therefore, the appeal site has always been separated from the Listed building. Taking this into consideration I do not find it to adversely impact on the setting of the listed Building given that the site is reasonably well-screened from it.
14. Notably, immediately adjacent to the listed building is the private garden of Rose Cottage which has a domestic feel. This separates the open pasture from the farmhouse and therefore is not read in context with it.
15. I therefore find the proposal would not result in harm to the setting of the grade II listed building and would not harm its significance as a designated heritage asset. As such it would not conflict with Policy EQ3 of the Local Plan or the Framework.

Effect on Highways and parking

16. School Lane is the main road that runs through the village. It is a narrow and winding road in sections. Approaching the school from the south there is a speed control sign and there are speed humps along this lane to control traffic speeds. This indicates that it is frequently used. The carriageway is narrow fronting the proposed access to the site and there are no footways in this section of road. At the time of my site visit the road was quiet although it took place during school holidays. However, given this lane serves the school, I have no doubt traffic flows would be higher during term times.
17. In respect of the proposed site access, adequate visibility to the north can be achieved as the applicant proposes to lower the boundary wall which is within their control. However, required visibility to the south is restricted as the boundary wall here is in separate ownership. Whilst this matter could technically be addressed by means of a Grampian condition, Planning Practice Guidance (PPG) says that such conditions should not be imposed where there are no prospects of the actions being implemented within the time limit of the planning permission. I have no satisfactory evidence to indicate that those prospects exist.
18. On my site visit I noted that visibility to the south is restricted. This was confirmed as cars approached from the south. Similarly approaching the site from the south, it would be difficult to see cars pulling out of the junction. Whilst I note the submitted accident data and reference to several existing access points from dwellings in the area, each application is dealt with on its own individual merits. This does not alter my view that the intensification of use of this junction without acceptable visibility would cause harm to highway safety.
19. Turning to parking arrangements; 8 parking spaces are proposed. The Council indicate, based on 2-bedroom properties, that their optimum parking provision in line with their adopted guidelines would be 10-11 spaces. The appellant indicates that as they are 1 bed properties with another room identified as an adaptable room for lifetime living this would give rise to a need for only 2 spaces per dwelling and no visitor requirements. However, there is no mechanism available to prevent these other rooms from being used as bedrooms, for example, by visiting family members. The appellants propose to keep half of the spaces unallocated by restricting cars to one car per dwelling by condition. However, it is not clear how such a condition would work in practice and would be a restriction on the person rather than the property. Consequently, the proposed condition is neither reasonable or enforceable and would not meet the relevant tests in the Framework and PPG.
20. I acknowledge parking guidelines are just that and account should be taken of site-specific factors. I see no evidence that occupation of these properties by older people would mean they are unlikely to have more than one car. They are likely to be dependent on a car due to the rural nature of the settlement. Further it is not unreasonable to assume that there will be increased healthcare requirements and the need for visits from health providers to provide care. This will increase the need for parking provision to cater for these visits. Whilst visits could be combined between residents

it will still give rise for a need for additional visitor parking provision. This is pertinent given the narrowness of School lane and further parking along this narrow carriageway would introduce a hazard to pedestrians and drivers. Accordingly, I conclude there is a deficiency in parking provision.

21. Accordingly, I find the proposal would cause unacceptable harm to highway safety resulting from substandard visibility and inadequate parking. As such it would be in conflict with Local Plan policies TA5 and TA6 which overall, seek to safeguard the safety of road users and pedestrians and provide adequate parking. The proposal would also conflict with the transport objectives in the Framework.

Planning Balance

22. The Council is unable to demonstrate a 5 year supply of housing and therefore paragraph 11 of the Framework is engaged. However, having regard to footnote 6 of the Framework, I have found that the proposal would fail to preserve the character or appearance of the Tatworth Conservation Area resulting in less than substantial harm to this designated heritage asset. I give great weight to the asset's conservation and turn now to consider any public benefits of the proposal.
23. The proposal would provide 4 dwellings which would assist in contributing to the housing shortfall, although given the small nature of the scheme, this contribution would be limited. Further, the dwellings are proposed to be for retirement housing which will contribute to meeting needs for the ageing population. Similarly, the types of dwellings proposed will bring some minor economic benefits through potential healthcare work, and property maintenance to assist the residents who would occupy them. Additional properties will provide additional support for local services within Tatworth and South Chard. However, whilst acknowledging these positive benefits, given the harm I have found to the character and appearance of the Conservation Area, there is a clear reason to refuse permission.
24. In addition to the above considerations, I have also found that there would be harm to highway safety. The proposal is contrary to a number of Local Plan policies and the Framework. Accordingly, I see no reason to take a decision other than in accordance with the development plan.

Conclusion

25. For the reasons given above the appeal is dismissed.

Stephen Thomas

INSPECTOR



Costs Decision

Site visit made on 6 August 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Costs application in relation to Appeal Ref: APP/R3325/W/19/3229866 Rose Cottage, School Lane, Tatworth and Forton, Chard TA20 2SA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Manning for a full award of costs against South Somerset District Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for proposed retirement housing development of 4 no bungalows; improvements to existing access and existing parking facilities.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application for costs is based on several grounds. Firstly, applicants are entitled to an expectation that the Council will competently approve or refuse an application; secondly the Council have demonstrated they have not taken a balanced view of material issues and prioritised these; thirdly the Council has unreasonably disregarded the content of the applicant's Planning Statement and fourthly the Council have not provided compelling evidence to support their reasons for refusal.
4. PPG indicates that in any appeal against non-determination the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had it been determined in the relevant period. Based on the evidence before me the applicant indicates that following a reminder to the Council about the target date an extension of time was agreed to determine the application. A further period had passed beyond that agreed date without contact and following the applicants' notice of intent to proceed with a non-determination appeal, the Local Planning authority reiterated their original intent to refuse. This had not been implemented at the time of the appeal and the application had been with the Council for 6 months.

5. The Council should have been proactive in contacting the applicant to explain reasons for not reaching a decision within the prescribed period. As for not determining the application, I have no substantive information behind this to reach a view. Even if I were to find that there has been unreasonable behaviour in the procedure leading up to the appeal, it has not been demonstrated that this has caused the applicants any additional expense.
6. PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal on appeal. Acknowledging that this is a non-determination case the Council have provided clear reasons and recommendations why it considers that the application should be refused. This, in my view, has considered the views of statutory consultees and taken a balanced approach in considering these to inform the reasons for recommending refusal. My decision makes it clear I agree with the Council on a number of these matters. Further, I am in receipt of copies of a pre-application response to the applicant on a previous scheme that sets out the same concerns that the Council have raised in this planning application. I find there is no unreasonable behaviour on the part of the Council in this regard.
7. Whilst I acknowledge the frustration that the Council has taken a different view on matters, I find no substantive evidence that the applicant's planning statement has not been fully considered. Whilst a detailed submission has been put forward by the applicant the Council has addressed the key matters it considers should lead to the determination of the appeal in its officer report. Generally, I have considered the recommended reasons for refusal relevant to inform the identification of the main issues of the appeal which I have addressed in my decision. Accordingly, I do not find that the Council has behaved unreasonably.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Stephen Thomas

INSPECTOR

Agenda Item 8

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Lead Specialist: 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.

SCHEDULE					
Agenda Number	WARD	Application	Brief Summary of Proposal	Site Address	Applicant
9	BLACKDOWN & TATWORTH	19/02401/FUL	The erection of 2 No. dwellings and the erection of a detached garage to serve Ridgeleigh and alterations to existing vehicular access.	Ridgeleigh, Chardleigh, Green, Wadeford	A.Gilbert, S.Hyde and P.Hyde
10	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	Land East Of Mount Hindrance Farm, Mount Hindrance Lane, Chard	Mr Des Dunlop D2 Planning Limited

			accesses, land regrading, associated infrastructure and engineering works.		
11	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

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.

Agenda Item 9

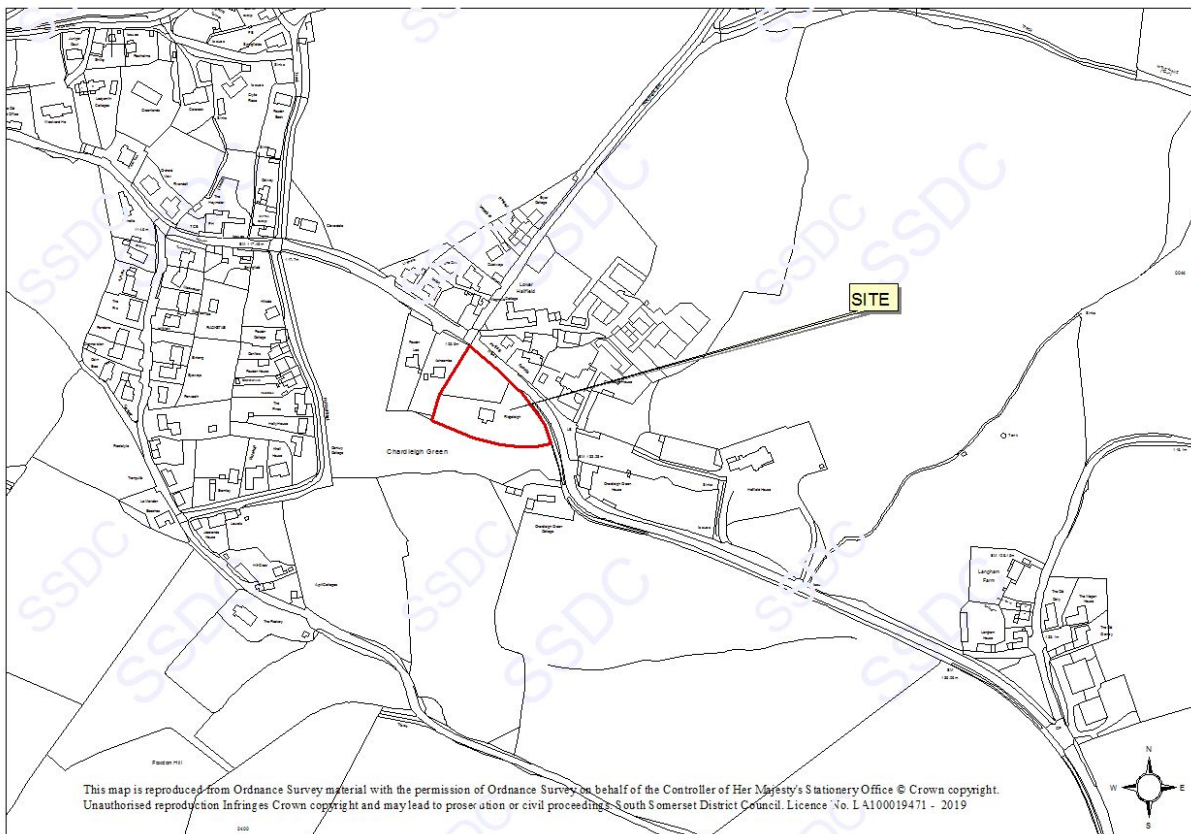
Officer Report On Planning Application: 19/02401/FUL

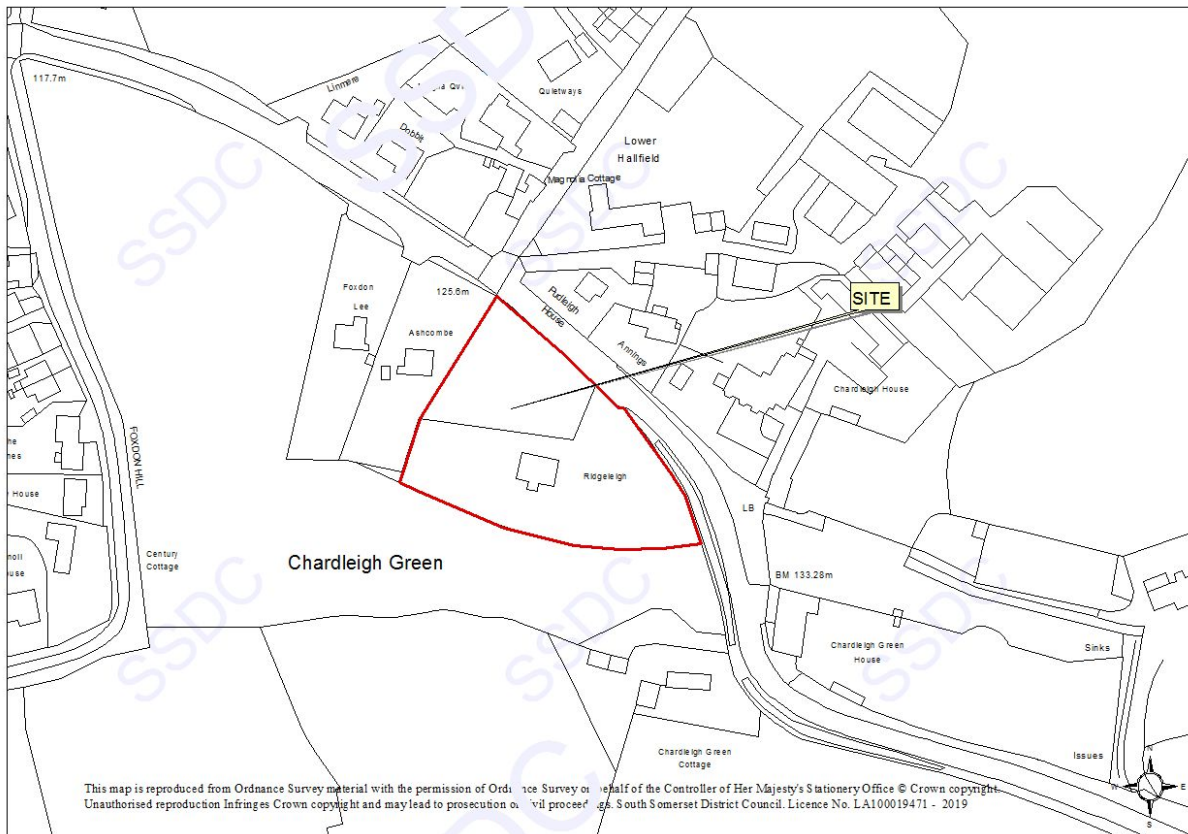
Proposal :	The erection of 2 No. dwellings and the erection of a detached garage to serve Ridgeleigh and alterations to existing vehicular access.
Site Address:	Ridgeleigh Chardleigh Green Wadeford
Parish:	Combe St Nicholas
BLACKDOWN & TATWORTH Ward (SSDC Member)	Cllr Martin Wale Cllr Jenny Kenton
Recommending Case Officer:	Louisa Brown
Target date :	15th November 2019
Applicant :	A.Gilbert, S.Hyde and P.Hyde
Agent: (no agent if blank)	Reed Holland Associates Ltd Somerset House Lower Middle Street TAUNTON TA1 1SF
Application Type :	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 consists of a detached, single storey dwelling located in a large plot within the small settlement of Wadeford. The dwelling is located on elevated land when viewed from the road to the north. Residential development is located to the north and east of the site.

This application seeks permission for the erection of two detached dwellings (1x 4 bed & 1x 5 bed) along with a new garage to serve the existing property. The new development will utilise the existing access with alterations to the boundary to facilitate improved sight lines.

HISTORY

None

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
- TA1 Low Carbon Travel
- TA5 Transport Impact of New Development

TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development
EQ4 Biodiversity
EQ5 Green Infrastructure

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 12 - Achieving Well-Designed Places

Planning Policy Guidance

Climate change
Design
Somerset County Council Parking Strategy (March 2012)

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

"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 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

CONSULTATIONS

Combe St. Nicholas Parish Council:

"The Parish Council raises no objection to the proposal. It was mentioned in their meeting that plot 2 may look better with flint in the render."

County Highway Authority:

"Standing advice applies."

REPRESENTATIONS

1 representation received objecting to the application on the grounds of highway safety.

CONSIDERATIONS

Principle of Development

The village of Wadeford is a very small settlement which, with the exception of a pub, is devoid of local facilities or services. In terms of distance, Wadeford is relatively close to the nearby settlement of Combe St Nicholas where additional local services are located, however, the two settlements are distinct and separate from each other with no paved footway or cycle links to connect them. Accordingly, it is not considered appropriate to consider Wadeford as a satellite settlement of Combe St Nicholas. The town of Chard, where a wide range of facilities and services, and in particular a greater choice of shopping and town centre type uses, is likely to act as a greater draw to future residents than those found within Combe St Nicholas. This, combined with the modest nature of the proposed scheme means that the contribution that the proposal might otherwise make towards supporting the services found in Combe St Nicholas is likely to be minimal.

There is a bus service operating through the village at an approximate frequency of one every 2 hours during the day with the closest bus stop being located at the public house. This bus stop is approximately 260 metres from the existing access to the proposed development along an unlit road, without pavements. Therefore, unless future occupants wished to walk along an unpaved and unlit stretch of this highway, which would clearly not be desirable from a public safety point of view, occupiers would be reliant on the use of a motor vehicle.

For these reasons, this site within Wadeford is considered to be an unsustainable location and therefore an inappropriate location for new build residential development.

The proposal is for open market housing that is not sought to meet an identified local need. On this basis the proposal is considered to be an unsustainable form of development that is contrary to the aims and objectives of LP policy SD1 and the provisions of the NPPF and is considered to be, in principle, unacceptable. The application is therefore recommended for refusal.

Scale and appearance of the proposed dwelling

It is considered that the scale, design and materials of the proposed development in themselves are acceptable.

Impact on character of area

The site is not located within a conservation area, nor are there any listed buildings within its immediate vicinity that could be affected by the proposed development.

The application site forms part of an irregular pattern of development and it is considered that the proposed development will not result in built form that would appear incongruous or harmful to the character of the area. Spatially, the site is of a scale that is able accommodate the proposed development so as not to appear cramped or over-developed.

Highways and parking

It is considered that the necessary sight lines and parking provision can be achieved. Accordingly, there is no objection to the proposal on Highway grounds.

Residential Amenity

Due to the size and position of the proposed dwellings and the position of the host and neighbouring dwellings, it is considered that the proposed dwelling would not cause demonstrable harm to the residential amenity of adjoining occupiers.

Conclusions and Planning Balance

With no five year supply of housing land in South Somerset, paragraph 11 of the NPPF is engaged which explains that, for applications involving the provision of housing, relevant policies are considered

out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years." As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...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."

This application is considered to be sited in an unsustainable location given its distance from facilities, services and public transport connections. This identified harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other benefit arising from the scheme.

RECOMMENDATION

REFUSE

For the following Reasons:

01. The proposal represents new residential development in an area defined as countryside for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. This identified harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other benefit arising from the scheme. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 10

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

Proposal :	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.
Site Address:	Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard
Parish:	Combe St Nicholas
BLACKDOWN Ward (SSDC Member)	Cllr M Wale , Cllr Jenny Kenton
Recommending Case Officer:	Tel: 01935 462476 Email: colin.begeman@southsomerset.gov.uk
Target date :	25th March 2019
Applicant :	.
Agent: (no agent if blank)	Mr Des Dunlop D2 Planning Limited Suite 3 Westbury Court Church Road Westbury On Trym Bristol BS9 3EF
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

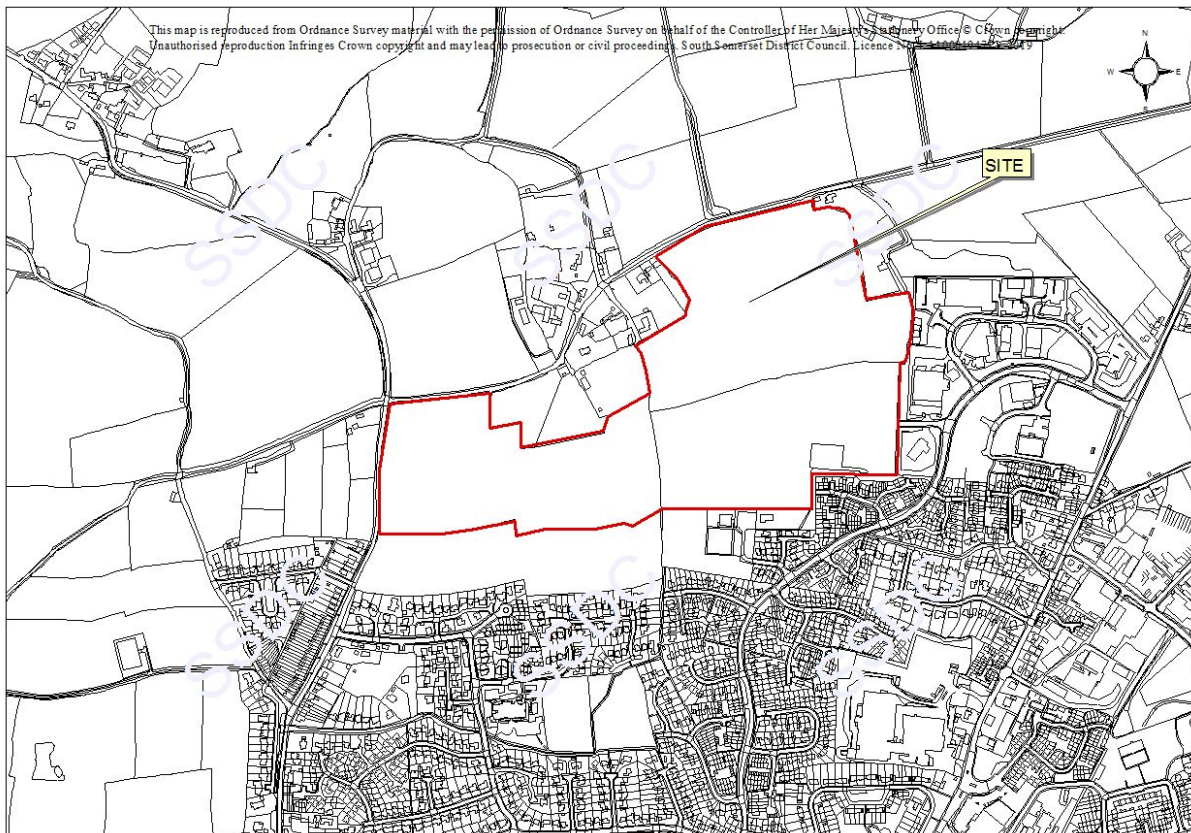
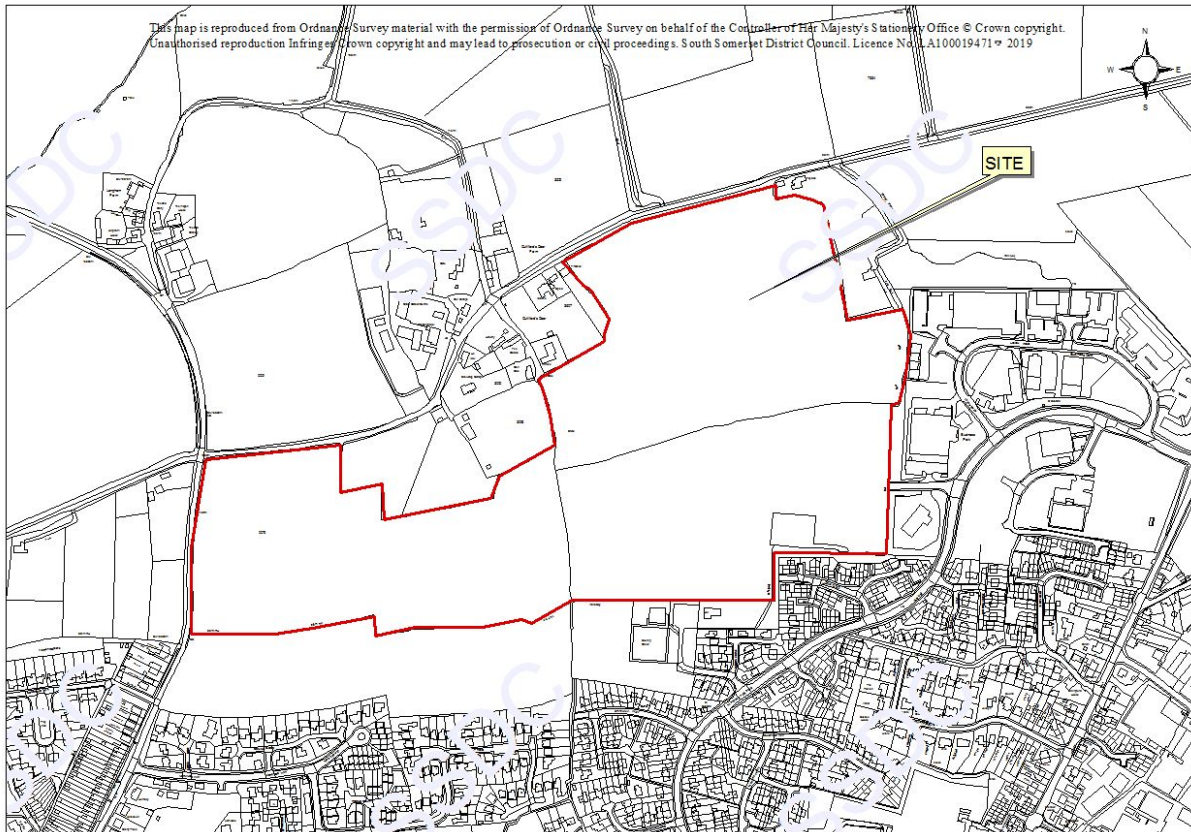
REASON(S) FOR REFERRAL TO COMMITTEE

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 Thorndun Park Drive to the east. Access from Thorndun 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 Cuttiford'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 Cuttford'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 compliant 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 its 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 11

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

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

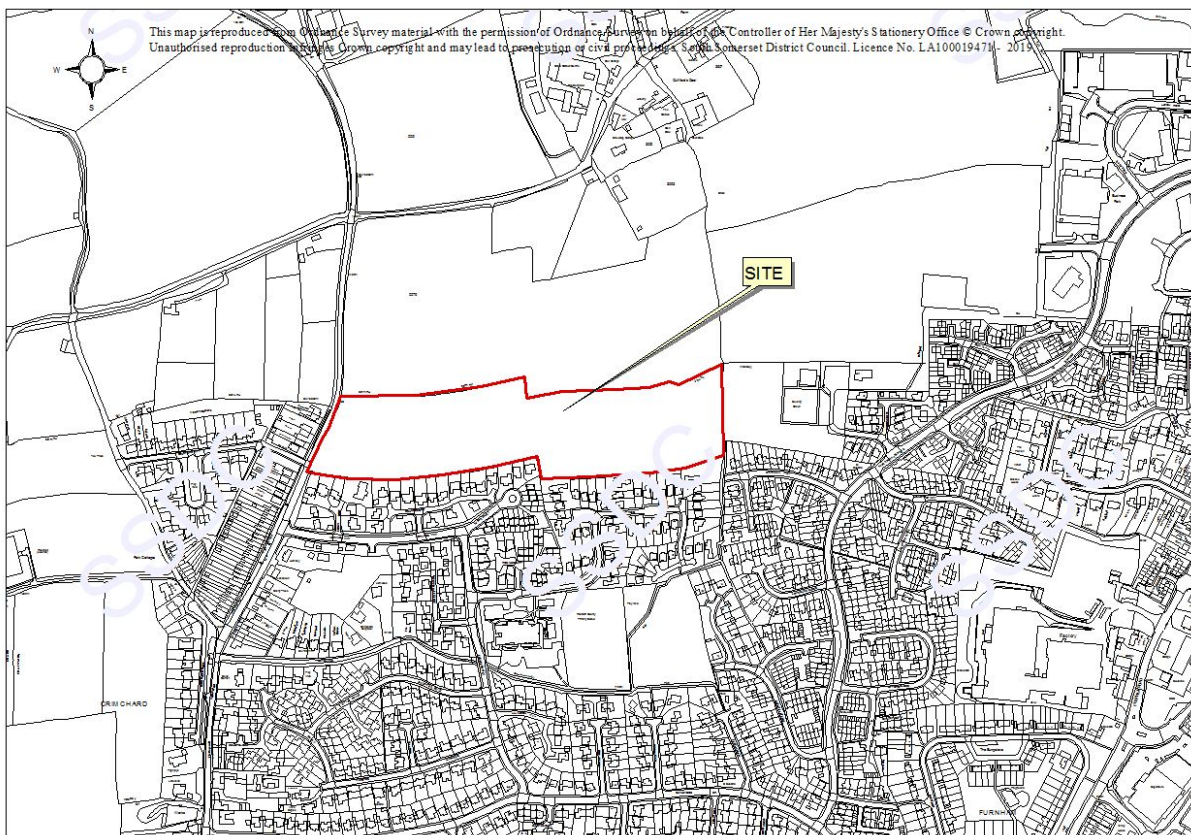
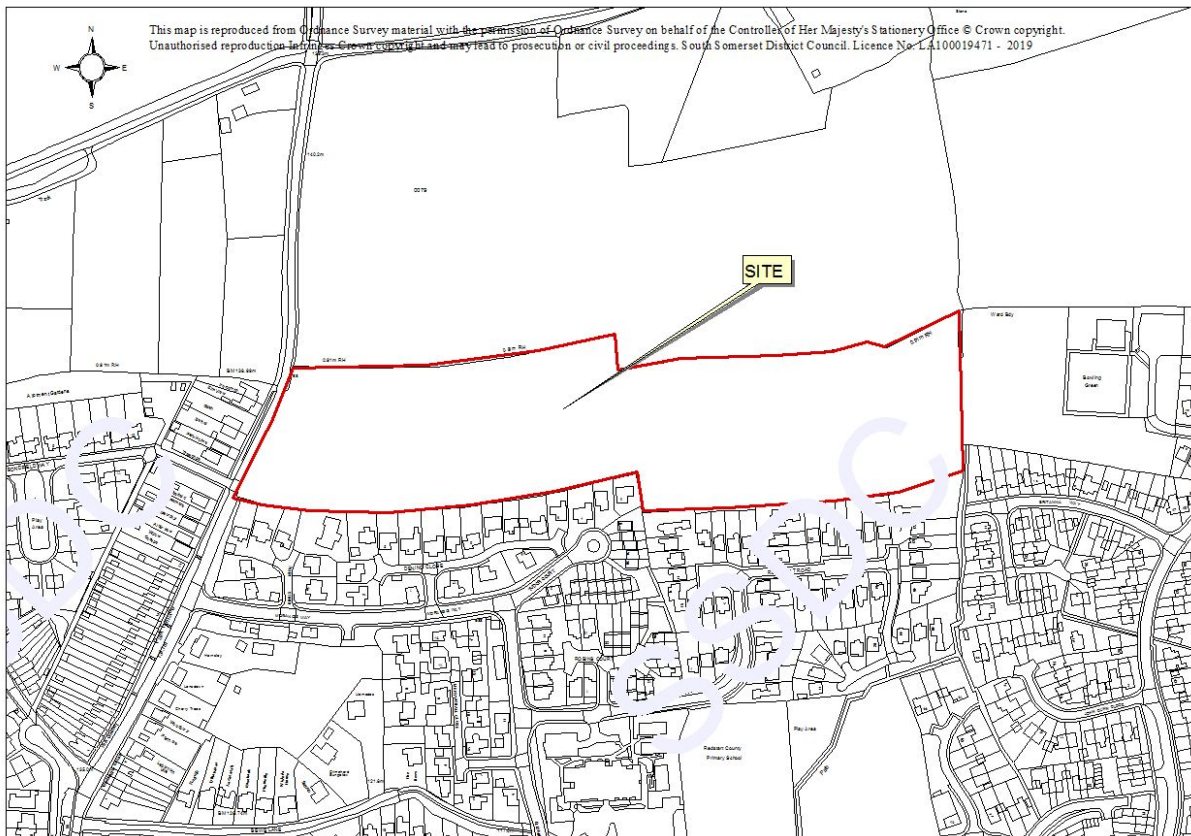
REASON(S) FOR REFERRAL TO COMMITTEE

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.

A previous application for

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 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 dunnoek 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)

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

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

Total: £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
- o 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/>