

Officer Report on Planning Application: 19/01053/FUL**

Proposal:	Proposed residential development for the erection of 94 dwellings, formation of vehicular access from Tatworth Road and associated works.
Site Address:	Land At Thorhild, Tatworth Road, Chard
Parish:	Chard
CHARD JOCELYN Ward (SSDC Member)	Cllr D M Bulmer
Recommending Case Officer:	Linda Hayden Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	30th July 2019
Applicant:	Mr E Khodabandehloo
Agent: (no agent if blank)	Collier Planning 2nd Floor, Unit 2 Chartfield House Castle Street Taunton TA1 4AS
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

Members will recall that this application was deferred from their last meeting (15 July 2020) as the County Highways Officer was unable to attend. Councillors are asked to note that the following report has been updated to show the correct levels of affordable housing as agreed by the District Valuer and the Housing Team (19% not 25%).

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.

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.

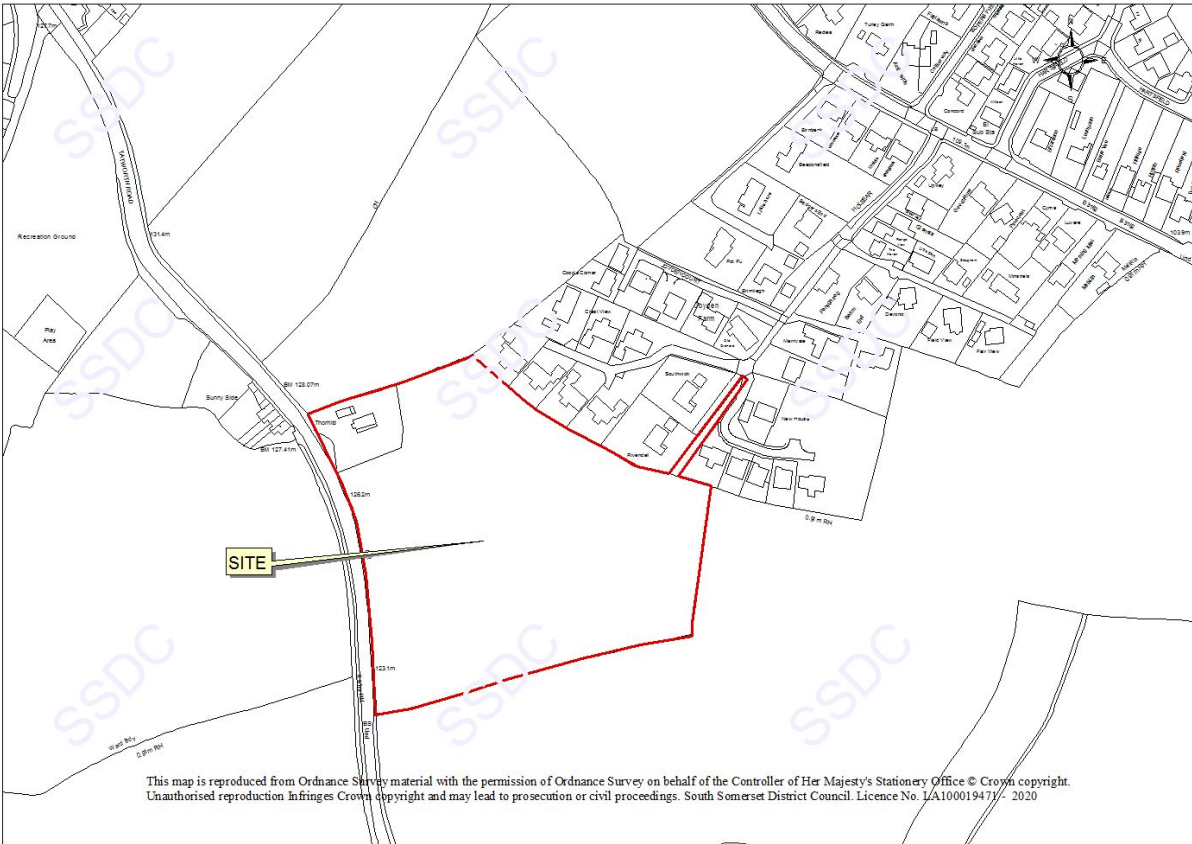
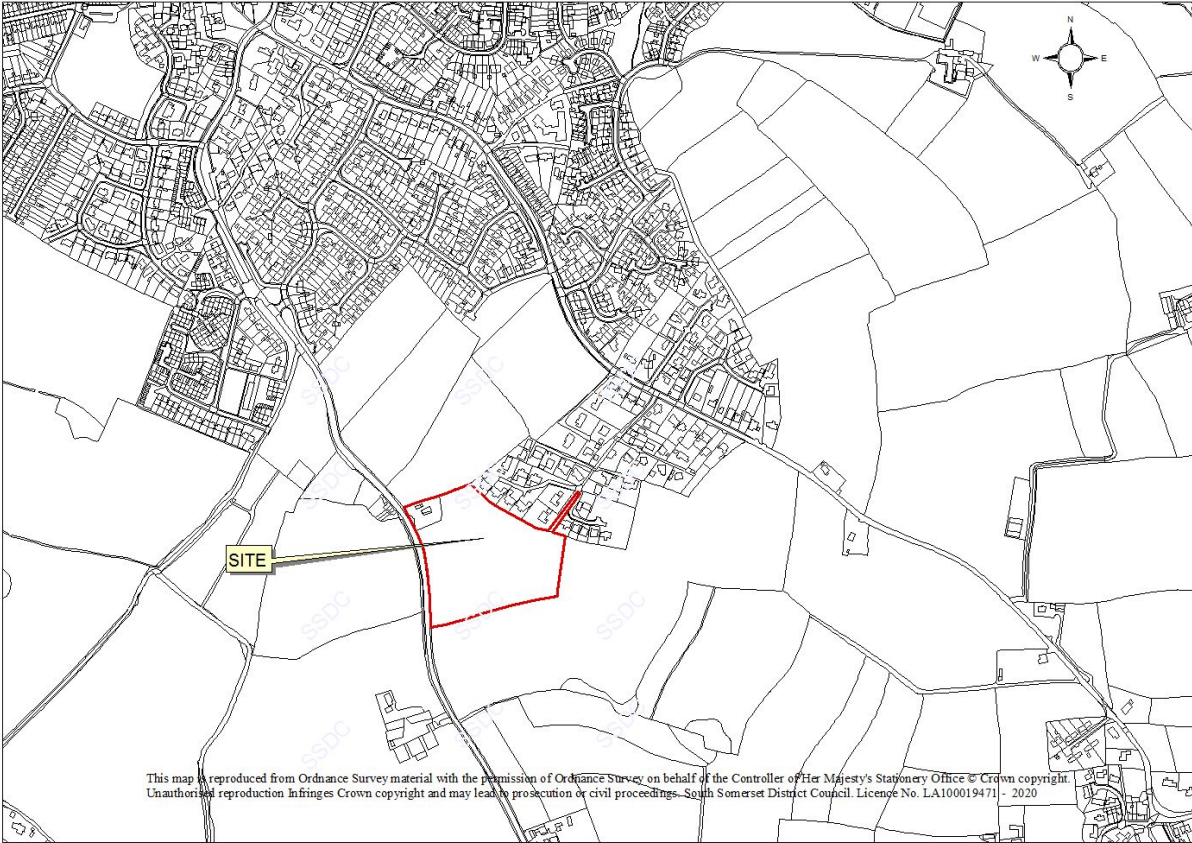
The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION

The application site has an area of 3.05ha and is located on the south eastern edge of the town of Chard. The site is bounded to the east by existing residential development (Holbear) and to the north and south by sites which have planning permission or are subject to a planning application for residential development.

The site is bounded by hedgerows and slopes gently downwards from the north western corner towards the south eastern boundary. There is an existing bungalow in the north west of the site which will be demolished to facilitate the proposed development.

The A358 runs north/south along the site and is one of the main routes connecting the town with the surrounding area. There is a mature hedgerow along the entire site boundary.



PROPOSAL

This full application proposes a residential development of 94 dwellings and includes a mix of 1, 2, 3 and 4 bed two-storey dwellings. Following the submission of a Viability Assessment, it has been determined that the development can provide 14 Social Rented, 4 Shared Ownership units (19% affordable).

Vehicular access from Tatworth Road will be provided via a new T junction. Pedestrian access will be provided from the site to the existing residential development known as Holbear to the north east, and new links are proposed to the planned residential developments to the north and south.

A total of 234 car parking spaces are proposed and cycle parking is provided for all dwellings either within garages or secure cycle parking for properties without garages.

The existing mature boundary hedgerow will be maintained save for a small section to provide the vehicular access and pedestrian links into the adjacent sites. Additional native hedgerow is proposed together with new tree and shrub planting. An area of public open space is proposed in the south east corner incorporating a soakaway pond with shallow sides.

The application is supported by:

- Planning Statement
- Design & Access Statement;
- Transport Assessment;
- Ecological Appraisal;
- Archaeological Desk Based Assessment;
- Statement of Community Involvement;
- Ground Investigation; and
- Flood Risk Assessment.

HISTORY

No recent planning history for the site.

91702 - OUTLINE: Development of land for residential purposes, formation of vehicular access. Refused 1972

740320 - OUTLINE: Proposed residential development of land at Tatworth Road, Chard. Refused 1974.

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel
TA3 - Sustainable Travel at Chard and Yeovil
TA4 - Travel Plans
TA5 - Transport Impact of New development
TA6 - Parking Standards
HW1 - Provision of open spaces, outdoor playing space, sports, cultural and community facilities in new development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

Relevant Policy Material Considerations

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change 44
15. Conserving and enhancing the natural environment 49

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions, and sets out how well designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Chard Regeneration Plan (2010)

Sets out indicative designs and principles for the identified areas for development. The application site is identified for residential development at a density of 30 - 40 dwellings per hectare.

Chard Implementation Plan (2010)

Sets out a phased approach to the development of the area. The site is identified as being within Phase 3 of 5. The document states that the level of growth would represent a significant level of change to the town if implemented in full. However, the masterplan needs to allow for the possibility that not all phases will be implemented. Each Phase that comes forward needs to make sense in spatial and design terms. If a development phase comes forward out of sequence it will be the responsibility of the developer to demonstrate how it is compatible with the phasing principles and ensure an orderly provision of infrastructure.

(Note: In October 2019 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."

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Chard Town Council:

'RESOLVED - *That this application should be refused. The cumulative impact of three ongoing large developments should be considered including community safety, lack of infrastructure and the impact on the adjoining area with regards traffic. There should be no pedestrian access and there are concerns regarding density. Developers should also be seeking to include car charging points for electric vehicles in their plans.'*

Tatworth and Forton Parish Council (directly adjoining Parish):

'Resolved *that the Parish Council's objections should mirror those cited by Chard Town Council which were: That this application should be refused. The cumulative impact of three ongoing large development should be considered including community safety, lack of infrastructure and the impact on the adjoining area with regards to traffic. There should be no pedestrian access and there are concerns regarding density. Developers should also be seeking to include car charging points for electric vehicles in their plans. The Council also noted that the application ignored any reference to infra-structure that would be required such as School-Doctor's Surgery and a contribution to new roads.'*

County Highway Authority:

Initially raised concerns about the extent of the transport assessment and some of the data submitted.

In their second response they advise:

'Further to the comments previously submitted, additional information has been provided and this Authority has the following observations on the highway and transportation aspects of this proposal:-

Our initial concerns covered the full extent of the submitted information within the Transport Assessment. In discussion the following information has been confirmed;

- o Through initial scoping, the extent of the highway network and junctions to be assessed was agreed, and this included the following junctions:*
 - o Site access / A358 Tatworth Road*
 - o A358 Tatworth Road / B3162 Forton Road*
 - o A358 Church Street / Holyrood Street*
 - o A358 Millfield mini roundabout*
 - o A358 / A30 Fore Street signalised junction*
- o The assessment subsequently undertaken in the Transport Assessment was in line with*

that agreement.

- o *The modelling shows that the Crowshute link is expected to have 14 two-way movements in the AM peak and 13 in the PM peak which is within the day to day variation expected on this link and is not considered to have a significant impact on the functioning of the network.*
- o *The variance in the peak hours recorded and modelled is consistent with adjacent sites.*
- o *The ARCADY model for the Millfield junction has been checked and verified. The arms had been incorrectly labelled, however this does not alter the overall conclusions about the impact of the development at the junction presented in the TA report.*
- o *The model for the Convent Junction did not raise concerns for other similar data submitted for adjacent sites and therefore the assessment is consistent.'*

The County Highway Authority recommend that conditions in relation to; Construction Environmental Management Plan; access details; surface water; estate details; parking provision; travel plan; and visibility are imposed.

Ecologist:

Advises:

'An Ecological Impact Assessment of the application was carried out by Green Ecology and reported in January 2019. The application site comprised a sheep grazed, improved neutral grassland field bound by species-poor hedgerows, with narrow field margins. A prefabricated bungalow and lawned garden with scattered trees occur in the north-western corner, backed by a line of trees. The loss of grassland is unavoidable although an area of open space is to be created in the south-eastern portion of the Site. This will be managed to provide a mosaic of habitats and coupled with the planting of species-rich grassland mixes along road verges and in open areas to the front of properties along the western boundary, will ensure a net-gain in biodiversity.'

The ecologist recommends the imposition of conditions in relation to; Landscape and Ecological Management Plan; provision of Natural England licences; bat protection; lighting details; hedgerow removal; reptile protection; and biodiversity enhancement.

Natural England:

No objection.

Somerset Wildlife Trust:

'We have noted the Planning Application and the supporting Environmental Impact Assessment provided by Green Ecology. We would fully support the proposals of Mitigation and Enhancement as outlined in Table 2 and Section 8 of the EIA. All of these measures must be included in the Planning Conditions if it is decided to grant Planning Permission.'

Open spaces officer:

'The plans provided on the 'Site Layout' identifies approx.. 0.30ha of useable Public Open Space (POS), an amount less than the required 0.36 ha for a development of this size.

Whilst we are encouraged by the green entrance to the site, and we understand the topography narrates that the best location for the attenuation basin is to the east of the site, we would prefer to see some of the POS in a more centrally located position making it equally accessible by all residents as well as helping to break up the built form. Creating a village green style area in the centre of the site would not only address these comments but will also allow to make up the shortfall of open space as detailed above.'

Housing Officer:

The Housing Team have considered the plans in light of the changes brought about by the viability appraisal and have agreed to the proposed number and size of units.

Environmental Health Officer:

No comments.

Senior Historic Environment Officer, South West Heritage Trust:

'There is potential for archaeology on the site but it doesn't appear that any remains likely will be of such significance that it would preclude development. Therefore it is advised that a condition be attached to ensure archaeological survey takes place prior to development.'

Designing Our Crime Officer:

Objects to the current format for the following reasons:

- A very large percentage of domestic dwelling burglaries occur through the rear of properties and as such easy access to the rear is to be avoided. Please supply garden gates as close to the front elevation as is practicable to the following units: - 13/14, 22/23, 35/35, 36/38, 38, 44/45, 46/47, 74/75, 76/77, 78/79, 83/84/85.
- I query the need for a footpath adjacent to unit 81/82 to the hedgerow, could this not be incorporated into the garden access with the gate at the front?
- Unit 83 has a blank elevation end adjacent to a footpath. Please allow for a 600mil hedge (as Unit 21) to avoid loitering, ball games and graffiti
- Please provide a bollard/bollards on the footpath between units 72/73 & 24/25 to prevent unauthorised use such as mopeds.

(Officer note: Conditions can be imposed to address these comments.)

Local Lead Flood Authority:

'The developer is proposing to use an infiltration based scheme for the management of surface water runoff. This is generally considered to be the most sustainable means of drainage in terms of the SUDS hierarchy and we welcome the approach. However, as the scheme develops into detailed design stage, we would expect to see opportunities to include source control features where appropriate and perhaps a range of other smaller SUDS features throughout the site, which would prevent concentration on the eastern boundary of the site. The developer has included a bund to account for surface exceedance flows, but should also account for any potential waterlogging/seepage in this area in extreme events - the site is adjacent to existing properties/gardens.'

They recommend the imposition of a detailed drainage condition that requires the submission of details including; drainage rates and volumes; flood exceed routes; and a management and maintenance plan.

County Education:

Advise:

'94 dwellings in this location would generate the following number of pupils for each education level:

0.05 x 94 = 4.7 (5 pupils for early years)

0.32 x 94 = 30.01 (31 pupils for primary education)

0.14 x 94 = 13.16 (14 pupils for secondary)

There is no current need for nursery/early years provision in Chard, however, the primary schools and secondary will each reach capacity due to the new housing.

The current cost to build for primary is £17,074 and secondary is £24,861 therefore the education contribution required from this development is as follows:

Primary 31 x 17,074 = £529,294
Secondary 14 x 24,861 = £348,054

There is an identified need for a new primary school in Chard so the Primary figure will contribute to the cost of that project. Holyrood secondary school also have feasibility studies underway to achieve the required expansion projects there, so the secondary costs will go towards the project at Holyrood.'

Somerset Waste Partnership

- *Plots 83,84,85 have a path running along the front it would be useful to have direct access to empty them from Tatworth Road to minimise the amount of bins potentially being left out between collections (and consequently attracting other waste to be left there).*
- *Plots 80-82 there needs to be enough room for 4 bins plus associated recycling. I appreciate this is down a private road so the collection point is away from the properties. This will need to be clearly marked as a collection point only for the particular plots and not a storage point as these can easily slide into mis-use. Waste collection always works better when containers are outside the property for collection as it gives a stronger sense of responsibility on the householder.*
- *It would be useful to know if the shared surfaces are to be adopted.'*

Sport and Play Officer

Have calculated:

Equipped play - off site	£76,392
Commuted sum	£44,125
Youth Facilities - off site	£15,000
Commuted sum	£5,546
Playing pitches	£36,569
Commuted sum	£22,197
Changing room provision - off site	£66,847
Commuted sum	£5,378
Overall contribution total	£272,053
1% Locality Service Administration Fee	£2,721
Overall Level of Planning Obligation to be Sought	£274,774
Overall contribution Per Dwelling	£2,923

REPRESENTATIONS

37 residential properties were notified of the application, a site notice was displayed and an advert was place in the local newspaper to advertise the application.

16 letters of objection and a letter of representation have been received in response to the application.

The comments of the objectors are summarised as follows:

- The proposals is for too high a density of housing and is not in keeping with the scale and character of the area.
- There is inadequate infrastructure to cope with the proposed levels of residential development in Chard.
- The exit onto the A358 will be very dangerous.

- Loss of visual amenity
- Impact on privacy through overlooking, loss of light
- Increased traffic, road network is not capable of dealing with increase from all the proposed developments
- Proposal should be viewed jointly with the other housing developments in the area for 550 homes
- Object to footpath into Holbear, query rights of access as it is a private road
- Local amenities such as doctors, dentists, schools are not able to cope with increased demand
- There are insufficient employment opportunities
- It will be long walk to services
- Increased noise and disturbance
- Increased risk of crime
- Query the need for additional housing
- Concerned about disruption and noise from construction
- Concerned about use of Holbear by pedestrians and cyclists
- Lack of solar heating and electric car points
- Drainage is a concern
- Light pollution
- Impact on wildlife

The letter of representation queries maintenance of the track to Holbear and requests fencing to screen properties from the track.

CONSIDERATIONS

Principle of development

Chard is identified as a Primary Market Town within the South Somerset Local Plan and as such plays a significant role in delivering the district's required growth through until 2028 and beyond. Historically, the growth of Chard has been problematic, due primarily to a requirement to provide a distributor road in its entirety from the Tatworth Road through to the northern section of the Furnham Road in the area of the Chard Business Park. Due to an historic significant lack of progress the District Council worked with relevant bodies and the community to produce the Chard Regeneration Plan. This document identified that the previous requirement to secure a relief road in its entirety right from the outset was unrealistic. In lieu of this requirement the Implementation Plan advocated an approach that would allow different parcels of land to be developed individually provided that they included the required infrastructure for their scheme and didn't prejudice the development of other parcels within the growth area.

This site is located wholly within part of the larger Chard strategic growth area. Therefore, the principle of development is acceptable.

Chard Regeneration Plan

Members will be aware that delivery of the various sites within the Chard Regeneration Plan is based on 3 broad growth phases over the plan period and beyond. Phasing of the sites is based on the need to incrementally increase the capacity of the highways infrastructure to accommodate the traffic flows as the town grows. The application site is included in phase 3 of the Chard Plan.

The site, if approved, would come forward earlier than the Chard plan proposes under its phased recommendations. The Chard Plan advises that this site would come forward once the sites to the north have been implemented with their respective sections of the main spine road in place. The Chard Plan does also advise that sites can come forward out of sequence but

must not prejudice the delivery of other sites from coming forward. In this case, delivery of the current application site would not physically prevent other sites to the north from coming forward. However, if permission were to be granted for this site, there is a risk that with this and the adjacent sites to the west the build out /sales would take a number of years with no other development coming forward providing the new highway infrastructure that the town needs. It is noted that it was considered acceptable for the site immediately to the north (being developed by Keir) to proceed out of sequence as it would not be detrimental to the delivery of the Chard Plan and Chard as a whole. It is accepted in the Chard Plan that there will be some short term pain before longer term gain before full completion of the new highway infrastructure.

Notwithstanding the aims and objectives of the Chard plan, from a district wide housing position, the Council is not currently able to demonstrate a deliverable 5 year housing supply. Therefore, from a housing point of view, the grant of full permission and subsequent delivery of this site will make a very valuable contribution towards meeting the Council's housing requirements, including much needed affordable housing. From a Chard perspective, housing delivery has been much slower than anticipated in the Local Plan and, therefore, this scheme would make a positive contribution towards the town's housing needs.

Highway issues

A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and additional information has been submitted at their request to ensure appropriate consideration of the impacts of the development upon junctions within the town.

As outlined above in this report, the Highway Authority have not raised an objection to the development. The development trip generation analysis shows that the site could be expected to generate approximately one movement every 90 seconds during the busiest times of the day. This limited level of additional traffic is within the natural day to day variation in traffic flow along the A358, and therefore is unlikely to cause a noticeable impact for drivers using the route. Capacity modelling of junctions along the A358 into Chard shows that the development traffic is unlikely to cause a noticeable impact on junction operation.

In terms of the actual access arrangements, the County Highway Authority have agreed that the proposed access is acceptable in highway safety terms subject to the imposition of appropriate highway conditions including the required visibility splays at the access.

Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be considered severe, and is therefore acceptable at this location given the requirements of paragraphs 108 and 109 of the NPPF.

Residential Amenity

Objections to the scheme have been received in regard to the harmful impact that the proposed dwellings along the northeast boundary would have upon the amenity of those existing adjacent residents in Holbear. It is clear that the properties along this boundary would be subject to a significant change in their outlook given that they currently adjoin an undeveloped field. It is however noted that the land to the north is also currently being developed by Keir (200 homes) so there has already been a change to the surrounding environs. It is felt that whilst there will be an impact upon these properties, the proposed dwellings have been designed in the main to be 'end on' to the existing houses and as such there will be no direct overlooking. Whilst there will be some loss of light to the rear gardens of the existing properties it is not considered that it would be of such significance as to justify refusal of the application on such grounds.

Density, visual amenity, scale and character

Concern has been raised that the density of the scheme is too high for the site and not in

character with adjacent development. The density is 31 dwellings per hectare which is in line with the Chard Plan which suggests a density of 30-40 on the southern section. Whilst it is recognised that the density is higher than the adjoining Holbear development, this is much older development where plots are larger, with the current demand for housing it is no longer possible to require such a low density. On this basis, and with the lack of objection from any statutory consultees on the density, it is not considered that the density is significantly adverse to warrant refusal.

In terms of visual amenity, the site will clearly change in character but it is important to note that it sits between two larger sites that form part of the allocated residential sites shown in the Chard Plan. The proposals are for traditionally designed two storey dwellings and are considered to be appropriate to the character of the area. Conditions can be imposed to require details of materials and finishes to be submitted for agreement to ensure that they respect the character of the area.

In the circumstances, the proposal are considered to be acceptable in relation to density, visual amenity and the scale and character of the area.

Affordable housing

The scheme makes provision for 18 affordable housing units (14 Social Rented, 4 Shared Ownership units) representing 19% of the overall development. This is less than that required to meet the Council's policy of 35% affordable housing. However, the viability of the site has been assessed by the District Valuer who has found that the site can only provide 19% as affordable units and continue to provide the required s106 contributions towards sports facilities and education. The Housing Team have examined the proposed changes to the affordable housing and advised that they are acceptable.

Ecology

The Council's Ecologist has carefully reviewed the submitted ecological report and supports the recommended mitigation measures contained within that report. The ecologist has no objection to the proposal subject to the imposition of conditions in regard to; Landscape and Ecological Management Plan; provision of Natural England licences; bat protection; lighting details; hedgerow removal; reptile protection; and biodiversity enhancement.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage and has no objections subject to the imposition of a detailed condition to require drainage details before commencement of work at the site. As such, it is not considered that the proposal could reasonably be refused on the grounds of flooding/drainage issues.

Play and sports facilities

Due to the provision of sports and play facilities on the larger sites to the north and south it has been agreed that there is no requirement for the provision of a LEAP upon this site. However, it has required an increased contribution towards off site provision and as such an additional £50,000 is proposed, giving a total contribution of £324,774.

Open space/landscape

The development proposes areas of green space throughout the development with a tree lined entrance to the site and additional trees spread throughout the site. Whilst the proposal is slightly underprovided for in terms of open space and the location has been questioned it has been agreed that due to the topology of the site, the open space is best located in the south-eastern corner. The northern boundary partly adjoins the proposed open space for the site to the north with a pedestrian link proposed to this site. As such it is not considered that the proposal could reasonably be refused on the small under provision of open space.

Concerns of local resident

The detailed concerns of local resident have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed: Capacity of existing infrastructure - It is important to recognise that this site forms part of allocated site for housing. There is no objection from any Statutory Consultee and the County Education Team have provide details of the contributions that should be sought for the additional school places that will be created.

Footpath through Holbear - It is considered important that the site has good pedestrian connections to the developments surrounding it and the town centre to prevent it from being an insular community. It is not considered that the creation of a pedestrian/cycle link would result in an acceptable impact upon the residents of Holbear.

Walking distance to services - The site is considered to be a sustainable location within acceptable walking distance of many services including schools, shops, doctor's surgery etc. within a 15-20 minute walk from the site.

Noise and disturbance - It is accepted that the proposal will result in additional noise and disturbance once constructed. However, this will be the generalised noise associated with a residential development and it is not considered that this would be unacceptable or result in such a loss of amenity as to justify refusal of the application.

Noise and disruption for construction works - It is accepted that there will be some temporary disruption during the course of works. A Construction Environmental Management Plan can be required via a condition to ensure that appropriate restrictions are imposed with regard to work hours and delivery times.

Risk of crime - It is not considered that the erection of dwellings should lead to an increase in crime and it would not be appropriate to refuse the application on this basis.

Solar heating/electric car points - The development will be subject to the Part L of the Building Regulations which relate to the conservation of fuel and power. A condition can be imposed to require the installation of electric charging points.

SECTION 106 PLANNING OBLIGATION

If the application is approved it will be necessary to seek the prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) to cover the following terms/issues:

- 1) The provision of 19% affordable housing with a split of 14 Social Rented, 4 Shared Ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

CIL is a fixed levy that Councils can charge on new developments to fund infrastructure needed to support development. For viability reasons, CIL is not charged on the Chard Eastern Regeneration sites.

CONCLUSION

This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian

and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

RECOMMENDATION

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 to cover the following terms/issues:

- 1) The provision of 19% affordable housing with a split of 14 Social Rented, 4 Shared Ownership units;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan and all works which affect land covered by highway rights; and
- 5) Provision and maintenance of open space.

The permission to be subject to the following:

01. This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The site is in a sustainable location within reasonable distance of the town centre accessible by foot and bicycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (adopted 2015), the aims and objectives of the NPPF and the Chard Regeneration Plan.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby approved shall be carried out in accordance with the following approved plans:

- Drawing Register dated 15/05/2020 by Thrive Architects (SW) Ltd.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for all external walls, roofs and chimneys;
- b) details of the design, materials and external finish for all external doors, windows, boarding, lintels and openings;

- c) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- d) details of the surface material for the parking and turning areas;
- e) details of boundary details (new and existing, to include consideration of the advice of the Designing Out Crime Officer dated 20/05/2019)

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a scheme showing a network of cycleway and footpath connections (to include bollards to prevent vehicular access) has been submitted to and approved in writing by the Local Planning Authority. Before the new development is brought into use, the agreed 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 the approved scheme.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

05. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'Outline Master Plan' (Drawing No. SPP.3053.001 Rev D), unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006 and the provisions of the National Planning Policy Framework.

06. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme to protect retained trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved tree/hedge protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

07. All garaging, parking and turning spaces shall be provided, laid out, surfaced, drained and (where appropriate) delineated in accordance with Drawing No. SL.01 Rev E prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction. Nor shall any proposed garages be used for, or in connection with, any commercial trade or business

purposes and they shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

08. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided in accordance with details indicating siting and numbers of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

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

10. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number SL01 rev A, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

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

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

13. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

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

14. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

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

15. There shall be no obstruction to visibility greater than 600 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 70 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

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

16. Prior to the first occupation of any dwelling, a lighting design for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

17. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the first 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. [biodiversity enhancements including]
 - 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: In the interests of the maintenance and enhancement of biodiversity generally, and in accordance with the National Planning Policy Framework and policy EQ4 of the South Somerset Local Plan.

18. Works to the dwelling at the north west corner of the development site shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that works to the dwelling will require a licence.

Reason: In the interest of the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

19. Works to the dwelling in the north west corner of the development site shall not commence until:
- a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. A letter confirming the induction will be submitted to the local planning authority by the licensed bat ecologist.
 - b) Two Schwegler bat boxes, to accommodate any discovered bat(s), are hung on a suitable trees on the northern boundary at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the local planning authority

Reason: In the interests of ensuring the strict protection of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

20. Unless modified by Natural England licence, two Habitat 001 bat box (or similar) will be built into fabric, under the eaves and away from windows, of the westerly elevations of the row of terrace houses numbered 75 to 78. Photographs of the installed roost will be submitted to the Local Planning Authority prior to completion of construction work

Reason: in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

21. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan.

22. Any vegetation within the construction area should be initially hand-strimmed or cut down to a height of 10cm above ground level. Additionally, any brash piles or cuttings should be removed from the site in phases; beginning from the centre of the field moving slowly outwards to give any protected species present within the grassland areas time to disperse away from the clearance team and to avoid being isolated from ecological corridors that will provide a means of escape. Clearance can occur at a maximum rate of 2ha per day, immediately followed by a 48 hour dispersal period which will occur during warm suitable weather (limited rain and wind, with temperatures of 10°C or above) to encourage any protected species that may be present in the vegetation to disperse to the surrounding habitats. After the 48 hour dispersal period, a further 2ha will then be cleared. This process will then be repeated until the site clearance is completed. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as muck heaps which potentially afford resting places for reptiles will be dismantled by hand supervised by a competent ecologist in April or August to October and any individuals found translocated. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and s41 priority species and in accordance policy EQ4 of the South Somerset Local Plan

23. The following will be installed into or on to new dwellings:
- a) Clusters of four Schwegler 1a swift bricks or similar not less than 60cm apart will be built into the wall in northern gable ends and away from windows at least 5m above ground level in five dwellings
 - b) One Schwegler 1SP Sparrow terraces or similar under the eaves and away from windows of north elevations of twenty dwellings
 - c) One bee brick built into the wall about 1 metre above ground level on the south elevation of twenty five dwellings.

Drawings showing the installed features will be submitted to and approved by the local planning authority prior to the commencement of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

24. All ecological measures and/or works shall be carried out in accordance with the details contained in Appendix 8 of the Ecological Survey (Richard Green Ecology, dated 26 February 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Written notification of the

actions and findings of the method statement will be submitted to the Local Planning Authority by the licensed ecologist at the completion of each stage of the operation.

Reason: In the interests of the strict protection of a European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

25. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure the proper recording of archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained in the NPPF.

26. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles and in accordance with the submitted Flood Risk Assessment (undertaken by AWP dated 29th March 2019) together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water, and the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters.
- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (2019) and the Technical Guidance to the National Planning Policy Framework.

Informatives:

01. The developers attention is drawn to the associated s106 agreement dated */**.

02. The developers attention is drawn to the comments of the Somerset Waste Partnership dated 18/03/2020.
03. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy.

CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.