

## **Appendix A**

### **Minute from the Regulation Committee held on 17<sup>th</sup> July 2018.**

#### **Planning Application 16/02874/FUL - Land Adjoining Holbear Forton Road Chard (Agenda Item 6)**

##### ***Application Proposal: The erection of 315 No. dwellings with associated access and infrastructure and provision of off site playing pitches.***

The Area Lead Planner presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans. He reminded members that the principle was supported by the Chard local plan to provide homes within the area and associated infrastructure.

He explained the concept of the distributor road and of individual development sites within Chard each bringing forward a section of the road at various stages, with this development providing an element of this highway structure. He noted the central junction in Chard is at capacity in terms of road use, and therefore to alleviate these issues, this scheme would help to provide alternative highway infrastructure. He also noted that the application had been amended to provide only one vehicular access from Tatworth Road which addressed concerns about the highway impact of the scheme.

The Area Lead Planner acknowledged this development had come forward earlier than outlined in the Chard local plan. He recognised the Chard central junction is at overcapacity and that this will clearly add to the overall traffic, however the Highways authority had undertaken a transport assessment and do not consider this development would have a severe impact, and on this basis, find the scheme acceptable.

He highlighted the key considerations explaining the site is within Chard Local plan, that highway concerns have been fully assessed and considered acceptable and amendments have been made to the proposed dwellings situated at the boundary edge in relationship to the existing houses at Holbear. He said the overall density of the site does not exceed policy guidelines and that the proposed distributor road running through the site, although debatable, was considered acceptable. He noted the site was located within flood zone 1 which was classed as low risk and although the site suffered from some surface water the appropriate drainage system would be included and the Environment Agency and Lead Flood authority had raised no objections.

The Area Lead Planner explained that provision for an offsite playing pitch had been identified and that the Sport & Leisure team considered this option acceptable and that for viability reasons CIL (Community Infrastructure Levy) would not be charged on Chard Regeneration sites.

He therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to approve the application subject to the conditions as set out in the agenda report.

The Senior Planning Advisor then proceeded in detail to explain to members the four main reasons for refusal as resolved by the Area West Committee and set out in the agenda report.

The Area Lead Planner, Senior Planning Advisor and Highways consultant responded to members' questions on points of detail which included the following:

- The internal space of the garages was in accordance with the car parking standards set by the County Council.
- Confirmed the location of the emergency access and the turning head to the north of the site.
- Clarified the information given regarding road tolerances including the acceptable movements of refuse vehicles.
- Confirmed a travel assessment had been carried out by the developer and that the Highway authority had independently assessed and confirmed that these conclusions are robust.
- Acknowledged the concerns regarding the traffic impact and that whilst this development would create additional congestion within Chard this development was not wholly responsible for the increase in traffic and therefore not severe enough to warrant refusal on traffic impact grounds.
- Elements of the internal road layout still need to be revised in order to meet the Highway authority's adoption standards.
- This application provides a provision for offsite playing pitch located at the adjacent Forton Rangers Football Club, and given that finding suitable land for pitches proves very difficult in this area this is considered acceptable.
- The scheme although located on the edge of the town centre is considered to be in sustainable location and provide the necessary affordable homes to maintain and encourage regeneration of the town.
- There was a condition to cover flooding, drainage, sewerage and impact from rainwater. If members were minded to approve the application the condition could be amended to ensure all issues were covered.
- If members were minded to approve the application a condition could be imposed to ensure appropriate phasing of the development of the site and road network.
- Confirmed pedestrian access links into the site would be made via the main Forton Road entrance for existing local residents. There were no other access links into the site.
- Explained a 'memorandum of understanding' with the developer to discuss and maintain the overall phasing of the distributor road. However there was no legal agreement in place to ensure the rest of the road network would come forward.

Councillor Andrew Turpin, Ward member then addressed the committee and raised a number of concerns and felt that a decision on this application should not be made until further information was presented on a number of issues. These included:

- The relief road was very important to the town and felt this should be completed before any development takes place.
- Concern regarding the lack of travel plan and highway safety for pedestrians and cyclists to and from the site.
- The sewerage and flooding problems already in the area would only be exacerbated by this development.
- Endorsed the reasons for referral as agreed by the Area West Committee.

Councillor Dave Bulmer, adjacent Ward member also raised concerns regarding the existing traffic congestion at the main Chard junction which was already over capacity.

He felt this development was well ahead of time and accordingly, due to the lack of the completed distributor road, this development would have a severe impact on the existing road network within the area. He believed this development could be vastly improved both by design and layout and was fundamentally flawed. He welcomed the provision of the playing pitch but considered the lack of adequate pathway links from the site to be extremely dangerous to pedestrian users wishing to access these pitches.

One member of the Tatworth & Forton Parish Council and three members of the public spoke in objection to the application. Their comments included:

- Concern regarding the proposed drainage scheme and whether this was adequate.
- This proposal would only exacerbate the flooding issues in the area.
- Should learn from previous developments and make sure the same issues do not reoccur.
- Lack of employment opportunities.
- Site is poorly located and concern for local children accessing the proposed play areas.
- Significantly increase the levels of traffic in the area with local roads unable to cope.
- Not appropriate to place heavy goods vehicles on the estate roads.
- Site is poorly located.
- Density too high.
- Poor quality of layout and design and have a harmful impact on the amenity of existing dwellings.
- Insufficient parking.
- Severe impact on local services including schools and doctors surgery unable to cope.
- Development out of character with the area.
- The scheme is not in accordance with the phasing of the Chard local plan.
- Not against development but this proposal does not enhance the area or provide high quality housing.
- A number of concerns still unanswered and that a decision on this application should not be made until further information was presented on a number of issues.

The agent then addressed the committee and referred to changes that have been made to this application following comments received. These included:

- Number of plots decreased from 323 to 315.
- Parking layout has been changed to break up the block parking within the street scene, adding more character.
- Entrance access has been altered.
- LEAP now being provided.
- Less proposed dwellings backing onto Holbear Grange.

She confirmed the financial contributions toward local facilities and the transfer of land for the provision for the off-site sports pitch. She said the drainage scheme was acceptable and would provide an effective water management strategy and controlled surface water and therefore believed that significant amendments had been made to this application.

During the discussion, members raised several comments with regard to the application. These included:

- Believed there were many issues still outstanding and could not make an informed decision on the application until all information had been presented.
- Disappointed that the developer had not taken into account the issues of the local community.
- Concern with regard to the phasing of the works in particular the reassurance that the distributor road would be completed.
  - The lack of adequate pathway links from the site deemed to be extremely dangerous to pedestrian users wishing to access proposed play areas.
  - Poor neighbourhood links to local facilities and sports pitches.
  - Poor quality layout and design not in keeping with the character of the area.
  - Density too high.
  - Appreciate Chard is in need of housing.
  - Believe the proposed road is neither an estate road nor distributor road.
  - Questioned the benefits of the relief road running through the estate compared to it being located around the outskirts of the development.
  - Traffic in this location is already severe and questioned the Highway authority's basis for approval to the scheme.
  - Concern whether the drainage provision has been designed in accordance with best practice and local authority requirements.

The Senior Planning Advisor responded to members' questions and confirmed that:

- Condition 19 would ensure an appropriate sustainable drainage scheme would need to be approved before any development commenced on site.
- Should members be minded to approve the application an additional condition could be imposed:

"No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the estate roads, footways, and associated highway works and infrastructure, has been submitted to and approved in writing by the Local Planning Authority. The approved highway works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate management and maintenance of the highway network, whether or not the highway network is adopted, in the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework"

Following a further short debate, members believed there were a number of issues still outstanding before any informed decision could be made and supported a deferral of the application for the reasons as read out by the Senior Planning Advisor as follows:

1. Noted and supported in principle, the four main reasons of concern already established by the Area West Committee as set out in the agenda report.

In addition the Committee had concerns about the following issues, which it requested the applicant and officers examined further:

2. Need for further exploration of better pedestrian links between the proposed development and sports facilities.
3. Need to examine a phasing condition to insure the scheme is developed on good design principles and better supported the ultimate delivery of the distributor road.
4. Importance of the maintenance and management of highways whether or not roads are to be adopted
5. Need for an additional condition with regard to electric charging points.
6. Need for an ecology condition to safeguard wildlife.
7. Consider the further exploration of a study into the traffic management options in Chard centre, to help deal with increased traffic over the plan period, including from the proposed development, as more planned homes come forward.

The Senior Planning Advisor also explained to members that the applicant does retain their rights for appeal and should negotiations not be acceptable they still have the right for non-determination of the application.

He also noted the request that ward members be fully consulted on these discussions and that when the application is brought back to committee all issues raised are fully explained and can easily be identifiable for comparison.

Members were also advised that should they be minded to defer this application it would then go back to the Area West Committee for determination.

It was then proposed and subsequently seconded that the application be deferred for the reasons previously stated by the Senior Planning Advisor. On being put to the vote this was carried unanimously.

**RESOLVED:**

- A. **That Planning Application 16/02874/FUL be deferred for the following 4 main reasons:**
  1. The design of the proposed layout of the new homes and proposed distributor road is out of character with its neighbouring settlement design and its location at the southern edge of Chard town. The proposed road neither satisfies the design of an effective distributor road i.e. to carry large volumes of both access and bypass traffic, nor of an estate road, which should provide protected and calmed access to homes. REASON: This is contrary to Policy EQ2 and TA5 of the South Somerset Local Plan.
  2. The design of the distributor road is not commensurate to the amenity of new occupiers. A significant number of the proposed dwellings (100 out of the total of 315 homes) are proposed to front onto the distributor road which by definition will carry large volumes of traffic. The design and layout would also require occupants to cross the distributor road to access the public open space. REASON: The proposal is therefore contrary to Policies EQ2, and TA5 of the South Somerset Local Plan.
  3. The proposed development fails to take the opportunity to improve the character and quality of the local area due to the poor layout and house designs. REASON: Therefore, it does not constitute good design and is contrary to Policies EQ2 and Chapter 7 (para 64) of the NPPF (Requiring Good design).

4. The proposed development would be brought forward in an earlier phase than outlined in the Chard Regeneration Plan. Accordingly, due to the lack of the completed distributor road connecting the application site to the north with the A30, it would create a severe highway impact on the local road network, particularly causing severe congestion at the central Convent Junction. REASON: This is contrary to PMT1 and PMT2 of the South Somerset Local Plan.

**B. In addition Committee also asked the Applicant and Officers to consider and seek to resolve the following related planning matters:**

5. Need for further exploration of better pedestrian links between the proposed development and sports facilities.
6. Need to examine a phasing condition to insure the scheme is developed on good design principles and better supports the ultimate delivery of the proposed distributor road.
7. Importance of the maintenance and management condition for highways and associated infrastructure whether or not roads are to be adopted
8. Need for an additional condition with regard to electric charging points.
9. Need for an ecology condition to safeguard wildlife.
10. Consider the options for an additional study into the traffic management options in Chard centre, to help deal with increased traffic over the plan period, including from "this proposed development", as more planned homes come forward.

REASON: To ensure that any scheme that comes forward for determination, more fully addresses all the policies in the South Somerset Local Plan, in particular EQ2, TA5, PMT1 and 2.

**C. Ward members to be involved in discussions and timetable on any revised application.**

REASON: To ensure that any scheme that comes forward for determination, more fully addresses all the policies in the South Somerset Local Plan.

(voting: unanimous)