

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 TA20 1FF
Parish:	Combe St Nicholas
BLACKDOWN Ward (SSDC Member)	Cllr Martin Wale , Cllr Jenny Keinton
Recommending Case Officer:	Colin Begeman
Target date :	25th March 2019
Applicant :	Mactaggart & Mickel Homes England Limited And The SE Blackburn Discretionary Trust
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 DwlgS 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

This application is referred to the Regulation Committee for determination after being recommended for refusal by the Area West Committee for the following reasons.

It was resolved to refuse the application contrary to the officer's recommendation for the following reasons:

1. The site is within an area of landscape importance between Chard and Cuttiford's Door, on the periphery of the AONB. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the NPPF.
2. The proposal prejudices the delivery of the Chard Regeneration Plan forming part of the Council's Local Plan and on which work has started; therefore, the proposal is contrary to policies PMT1, PMT2, SS3 and SS5 of the South Somerset Local Plan (2006-2028).

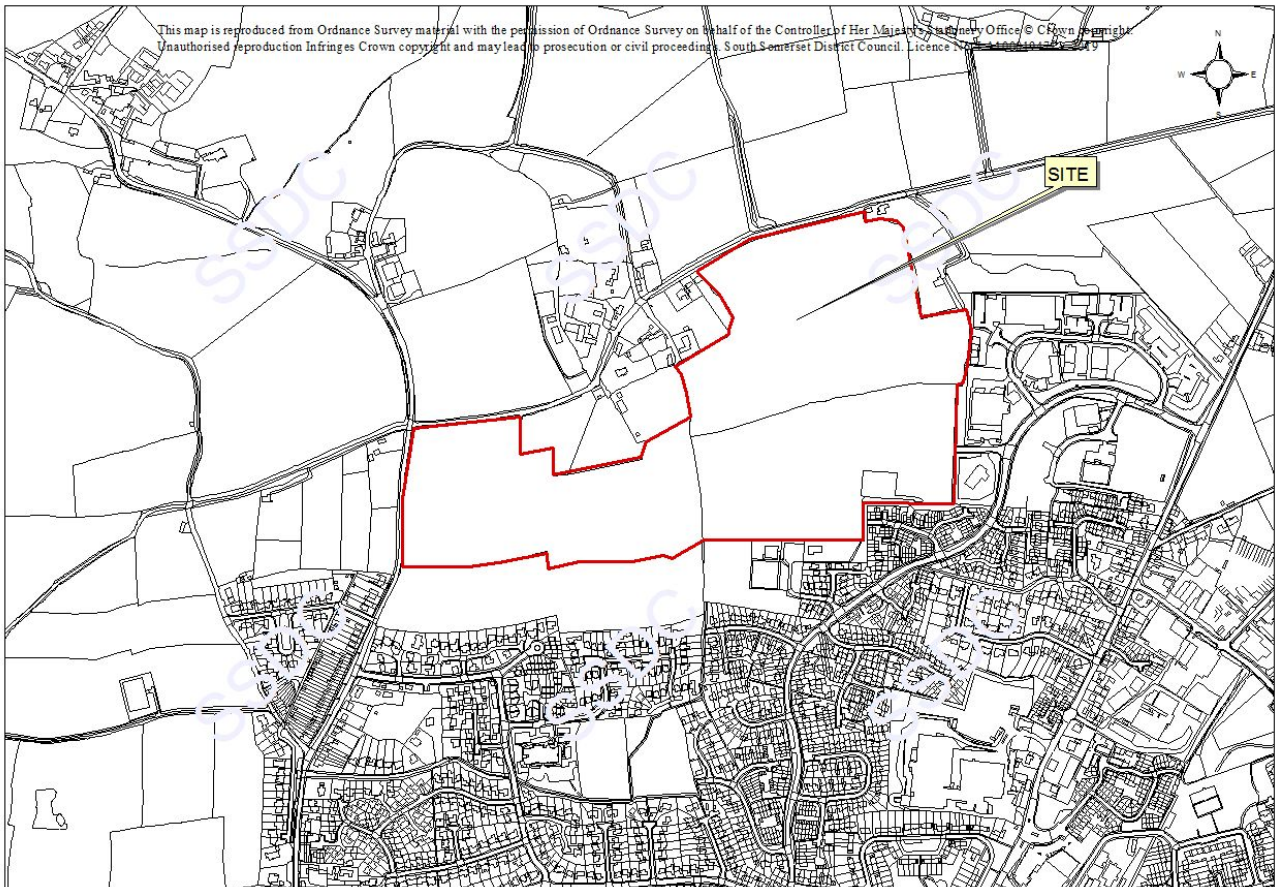
Under the Council's protocol procedure this application has been 2-starred under the Scheme of Delegation for referral of applications to the Regulation Committee for determination.

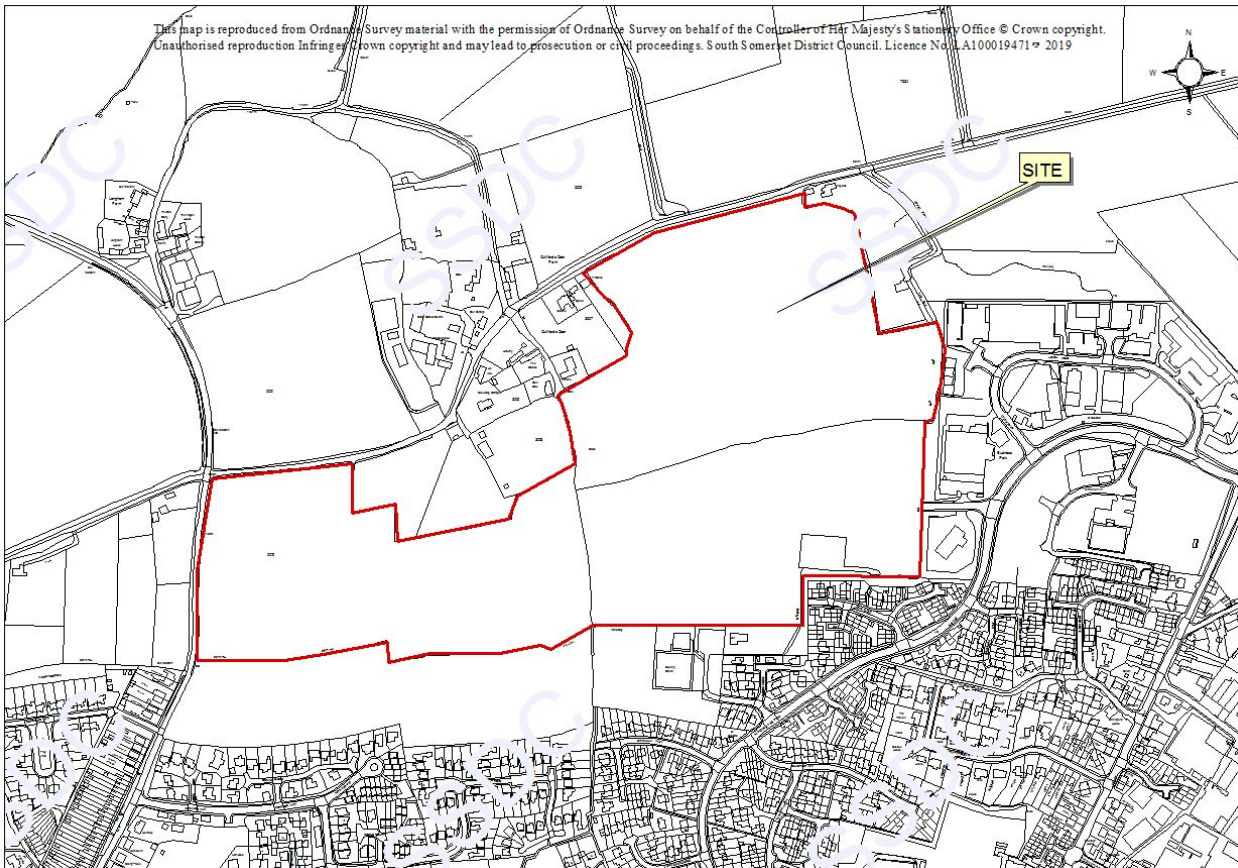
In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery),

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 are still 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: Playspace

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 legal agreement has been entered into between the developer and the Chard Town Football Club that secures the delivery of the football pitches in the event of planning permission. While this document is a confidential item it has been reviewed by South Somerset District Council's Legal Section who are of the opinion that the legal agreement to be binding.

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 the main access point via Thordurn Park Drive to the east. Access from Thordurn Park Drive will incorporate new footways and cycleways along with footways linking with existing footpaths.

Environmental Impact Assessment (EIA)

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

Landscape and Visual Appraisal

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

Transport Assessment

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

Ecology

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

Flood Risk Assessment

In relation to flooding, the site lies entirely within Flood Zone 1 ie land assessed as having less than a 1 in 1000 annual probability of river or sea flooding'. The FRA states that the fields are flanked by land drainage ditches and these direct runoff 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 discharged 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, rainwater 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 compliant 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 the 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 –

Appeal Decision APP/R3325/A/13/2209680 is material to the current applications assessment. **(Appendix 1).**

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 the current application, 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

SS3 – Delivering New Employment Land

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 clubhouse 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) has been undertaken with public consultation on the Publication Plan (Regulation 19) expected to be undertaken early to mid-2021. 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 PMT1 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 PMT1 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 PMT1 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 the 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 PMT1 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 the part of the CEDA site known as Thorndun Park, an area adjoining the existing established Chard Business Park, where 4.1 hectares of residential and employment land is identified to be delivered. This proposal does not include any employment land, but 980 sqm 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 being delivered slowly in Chard for employment uses, only 0.28 hectares had been delivered however a further 3.9 ha of employment land was approved (19/01219/FUL) for Numatic at the end of 2019. In comparison, Chard had until last year delivered roughly the same level of floor space over the plan period as Yeovil, the District's principal settlement (circa 24,400 sq m). This could be a demonstration of the difficulties in bringing employment land forward, which is 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, 2019 (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 January 2020, 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, PMT1 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 of 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 s106 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.

- Highway Authority suggested Conditions

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 the 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 the 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 the 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 the 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 are 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 is 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 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:

Subject to the County Ecologist's suggested conditions there is no objection to this application.

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

- Mount Hindrance Farm Hedges Local Wildlife Site

An additional section of circa 90m of the Mount Hindrance Local Wildlife Site (LWS) which is outside of the proposed Mount Hindrance development, lies at the eastern boundary of the Blackdown Heights site boundary. Development of both the Blackdown Heights and Mount Hindrance schemes will result in all of this LWS being situated adjacent to developed land.

- Badgers

The surveys undertaken for the Blackdown Heights site recorded the same significant setts as that recorded in the 2019 Mount Hindrance update badger survey, namely the Main sett and an Annexe sett on the southern boundary. There are however a small number of Outlying setts recorded by the Mount Hindrance update survey which were not recorded in the MD Ecology report. However, as acknowledged in both reports, there is high rabbit and fox activity in the area, and Outlying setts at recorded at both sites are likely to be used occasionally by badgers, with use by fox and rabbit at other times.

The two recorded Main setts are expected to be able to be retained as part of both schemes. Both schemes identify how setts will be protected from damage or, where not possible, how setts will be excluded and closed under the correct Natural England licence and in accordance with the legal protection afforded to badgers.

The 2019 update badger survey considered two social groups to be present in the area, with one focused on the Main sett recorded at the north of the Mount Hindrance site, and the other focussed on the Main sett at the southern boundary of the Blackdown Heights site. The development of both sites is therefore likely to result in the inevitable loss of a significant proportion of foraging habitat for two social groups. Over time, this may result in the abandonment of the setts by one or both of the social groups, although proposed soft landscaping includes the creation of habitats which will provide year-round foraging opportunities for badgers. As badgers are a widespread and common species, no significant ecological impacts are anticipated regardless of whether or not badgers continue to utilise the developed sites to the same extent as existing levels.

- Bats

The 2019 bat activity surveys undertaken of the Blackdown Heights site recorded very similar bat assemblage and use of the site as recorded for the Mount Hindrance surveys in 2017. Both schemes have sought to mitigate impacts by retaining and protecting the most valuable features for bats (namely the boundary hedgerows) and maintain connective links to habitats off-site including restricting light spillage onto these features. The northern boundary of the Blackdown Hills site, which will be sandwiched between both proposals if consented, has been shown through surveys of both sites to be of low importance to foraging/commuting bats. The interior fields of both sites, which will be largely lost to development, are not considered to be of high importance for bats.

Assuming the successful implementation of the mitigation measures described, cumulative impacts on the assemblage of bats species using both sites will not be significant.

- Dormice

Surveys in support of the Blackdown Heights site identified dormice nests along the southern and western boundary of the site, including in the same location where dormouse-opened hazelnuts were found in 2017 during surveys for the Mount Hindrance scheme.

The design of both schemes have sought to retain a buffer zone between the LWS and residential development with landscape planting, wetland attenuation features and amenity space provided within the buffer zones along the majority of the LWS at both sites, and lighting of the LWS restricted. Other boundary hedgerows (outside of the LWS) comprising suitable dormouse habitat adjacent to both schemes will also be largely retained and protected, ensuring habitat connectivity between both sites and other off-site habitat is maintained. The northern boundary of the Blackdown Heights site, which will lie in close proximity to both schemes, is of very low suitability for dormice, being heavily flailed and/or un-vegetated along its entire length. Despite this however, should both schemes be consented, the setting of the LWS and other boundary hedgerows used by dormice will change from being on a settlement fringe, to being largely situated within sub-urban development, which will come with inherent pressures from noise, human activity, lighting etc.

It should be noted that the condition of the LWS as far as it provides suitable opportunities for dormice could be considerably improved through additional structure planting. Currently some of the LWS lacks a substantial understorey and provides little opportunity for foraging dormice. The landscaping proposals put forward as part of the development will seek to improve this.

As reported in the MD Ecology report, the significant proposed new soft landscape planting of benefit for dormice at the Mount Hindrance site is expected to adequately mitigate for the effects of both schemes on the local dormouse population, and ensure suitable size and quality of habitat remains available to sustain a population of dormice on site and ensure connectivity to suitable habitat beyond the application areas. Therefore, no significant cumulative effects on dormice are anticipated.

- Reptiles

Populations of reptiles at both sites are restricted to the arable field margins. Both schemes are to retain and protect marginal habitats in order to allow retention of reptile populations on site, and ensure connective links are available for the movement of wildlife, including reptiles, between sites and the immediate surrounding area.

Assuming these mitigation measures are implemented, cumulative effects of both schemes on the existing reptile populations are not considered significant.

- Birds

The most valuable habitat for birds at both sites are the field boundary hedgerows which provide nesting and foraging opportunities. Both schemes propose to retain these habitats where possible; where sections of hedgerow are however to be removed for access, this will be undertaken outside of the key breeding season or subject to an inspection by an ecologist before removal, to ensure no active nests are damaged or disturbed.

New soft landscape planting and integrated bird nesting sites will be provided on new buildings within both schemes, as detailed within the relevant reports, and will be expected to provide new potential nest sites for a variety of bird species.

Cumulative effects of both schemes on breeding birds are not considered significant.

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 the area of open space will be discussed in detail at the reserved matters stage.

BLACKDOWN HILLS AONB PARTNERSHIPS:

The AONB Unit was consulted on the potential impact on the AONB and responded that: "the proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact".

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 raises 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

90 letters and emails have been received in relation to this application. 61 raise a number of objections, 26 support the application and 2 representations.

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

Chard Regeneration Plan and NPPF:

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

Employment

- Does not provide any long term employment provision, only short term construction employment
- 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

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

Landscape

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

Highways

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

Impact on Wildlife

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

Flooding/Drainage

- There has been flooding in the local area
- The fields within the site are often waterlogged
- Cuttiford's Door road to the A358 frequently floods, sometimes becoming impassable
- Recent rainfall water ran from the west through the site leaving gravel/debris on the roads.
- The proposal is insufficient to deal with future flood risk.

Impact on Cuttiford's Door

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

Amenity land

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

Chard Town Football Club

- The relocation of the football club is catered for in the local plan
- 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

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

Other issues

- 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:

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

CONSIDERATIONS

There are a number of key considerations in respect to 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 the 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 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 had previously raised concerns in terms of the harmful impact of the development on dormice however is now content that sufficient mitigation can be achieved to protect the dormice habitat. In addition in considering 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. Most of the town's key services and facilities are located in the town centre and therefore the applicant has proposed improvements to existing footpaths and crossings to encourage walking. 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 constitutes sustainable development as defined by the National Planning Policy Framework.

Highways

The Highway Authority has assessed the application and, as can be noted from its comments outlined above, is 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, this will be a matter for the reserved matters application, although it will be advisable for the applicant to discuss this issue with the Highway Authority at an early stage.

Ecology

A summary of the Council's Ecologist comments in response to the application is outlined earlier in this report. In addition, the proposals for new habitat creation along with the retention and enhancement of

existing habitat have been assessed and found to be acceptable. The need for mitigation outlined by the ecologist in respect of dormice, badgers, bats and reptiles have been secured through the use of conditions.

Of consideration is the Inspectors view on the previous application 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 measurable fragmentation impact on dormice.

On this basis, it is considered that there would be no significant harm to the ecology of the site.

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 Cuttiford'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.

Blackdown Hills AONB Partnerships were consulted on the potential impact on the AONB and responded that: "the proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact"

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 discharged 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 the 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. Additional employment will be generated by ongoing maintenance of the proposed residential properties and through use of services within Chard. 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 has 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.

A legal agreement has been entered into between the applicant and Chard Football Club to ensure that in the event that planning permission is granted the site will pass to Chard Football Club for its development. While the legal agreement is confidential SSDC's legal section has reviewed the document and have found it to be binding.

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. The site is currently 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 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 the impacts of the development in terms of educational need.

RECOMMENDATION

Grant permission

SUBJECT TO THE FOLLOWING:

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

- 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
 - 7. Management of Public Open Spaces

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.

01. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the 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. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. The development hereby permitted shall comprise no more than 295 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies SD1, SS6, HG3 and HW1 of the South Somerset Local Plan.

05. 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.

06. 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.

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

08. 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.

09. 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 the first occupation and thereafter maintained at all times;

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

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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

22. 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

23. 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 by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

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

24. 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 by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

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

25. 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

26. 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.

27. 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

28. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) 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) to biodiversity on site, including habitat (trees and hedgerows) and protected species (bats, birds, badgers, hazel dormice and reptiles).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be created, restored, protected and managed, as outlined within the Environment Statement, including the addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS. (Note - In order to maintain and improve dormouse habitat, the LEMP should also increase the amount of vegetation and buffer zone planting along the section of the hedgerow making up part of the LWS within the central-western section of the site. See location for this identified in drawing reference CESB -01).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- 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 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

30. The works, including groundworks and vegetative clearance, 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 The Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

A badger mitigation and compensation plan shall be submitted to and approved in writing by the local planning authority. The plan shall show how mitigation and compensation measures, in conjunction with the CEMP and LEMP, will be accommodated, along with measures to maintain badger welfare on the site.

Reason: A pre-commencement condition in the interests of a UK protected species, the Animal Welfare Act 2006, NERC Act 2006 and in accordance with South Somerset District Council Local Plan Policy

EQ4 Biodiversity

31. Prior to occupation, a “lighting design for bats”, following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

32. The removal of hedgerow sections shall not in any circumstances commence unless the Local Planning Authority has been provided with 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

The dormouse compensation and mitigation strategy will be prepared and carried out in strict accordance with the following procedure, either:

- a) In October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using hand held tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or
- b) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work

Compensation will be delivered through the mitigation measures outlined within the Environment Statement and LEMP.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

33. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before

occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

34. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles 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 drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- 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 (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- 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)-
- 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 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- 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.

35. The residential development hereby permitted shall achieve an improvement over Building Regulations (current at the date of this permission) of 19% reduction in carbon emissions across the entire residential development. The dwellings shall not be occupied unless all carbon reduction measures have been fully carried out.

Reason: To ensure the development addresses climate change by utilising sustainable construction methods to minimise carbon dioxide emissions in accordance with Policy EQ1 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

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:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- 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/>

Appendix 1

Appeal Decision APP/R3325/A/13/2209680