

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

<b>Proposal:</b>	Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.
<b>Site Address:</b>	Land East Of Mount Hindrance Farm, Mount Hindrance Lane, Chard, Somerset.
<b>Parish:</b>	Combe St Nicholas
<b>CHARD NORTH Division</b>	Cllr Jenny Kenton Cllr Martin Wale
<b>Recommending Case Officer:</b>	Rachel Tadman (Specialist)
<b>Target date:</b>	25th March 2019
<b>Applicant:</b>	Mactaggart & Mickel Homes Eng Ltd & SE Blackburn D Trust
<b>Agent: (no agent if blank)</b>	Mr Des Dunlop D2 Planning Limited, Suite 3 Westbury Court, Church Road, Westbury On Trym, Bristol BS9 3EF
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+

### BACKGROUND INFORMATION, APPLICATION UPDATE AND REVISIONS

This application was originally considered by the former South Somerset Area West Committee on 11 December 2019 where it was resolved to recommend refusal of the application contrary to the officer's recommendation for the following reasons:

- The site is within an area of landscape importance between Chard and Cuttifford'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.
- 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).

(The agenda and minutes for SSDC Area West Committee of 11 December 2019 can be viewed online at:

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=131&MId=2673&Ver=4> )

The application was then referred to the former South Somerset Regulation Committee on 18 February 2020 where it was resolved to grant planning permission subject to a S106 legal agreement and conditions. The Regulation Committee report and minutes are provided at Appendix A1 and Appendix A2 for information. (The Regulation Committee report updated the Area West Committee report to include the outcome of the Area West Committee but was in all other respects the same body report).

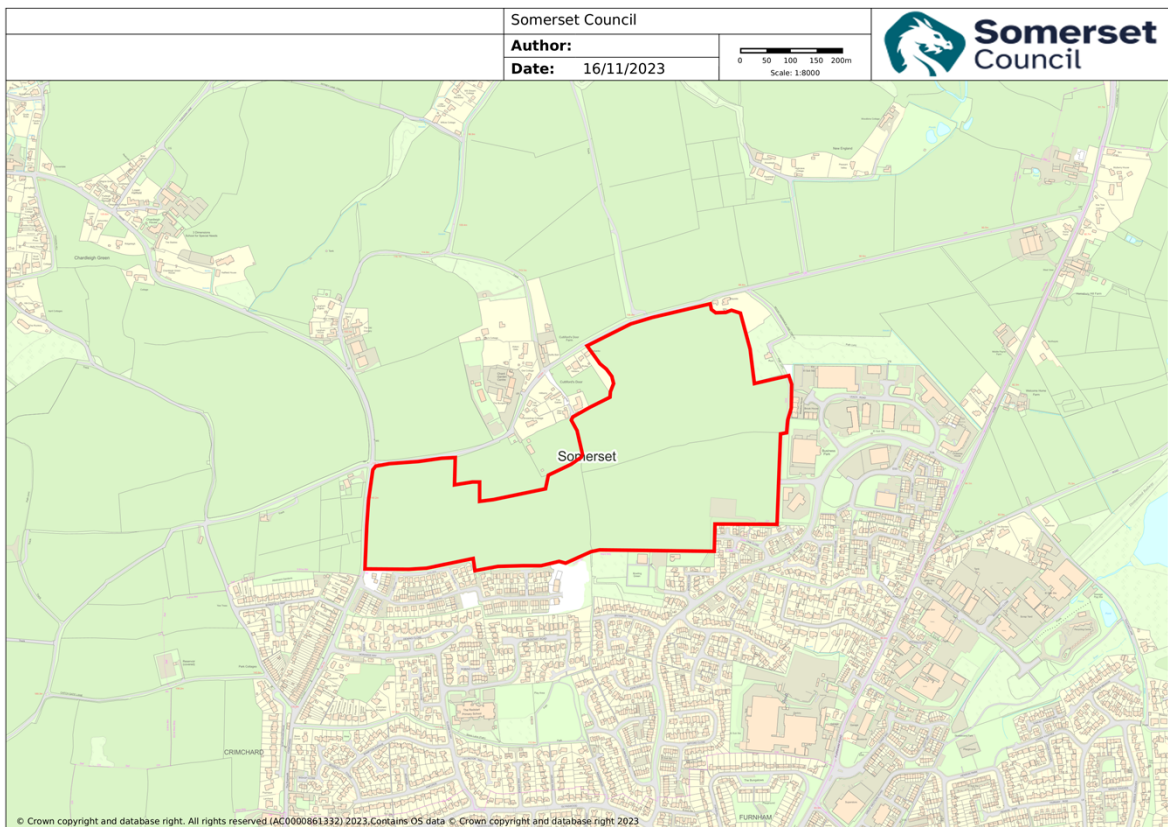
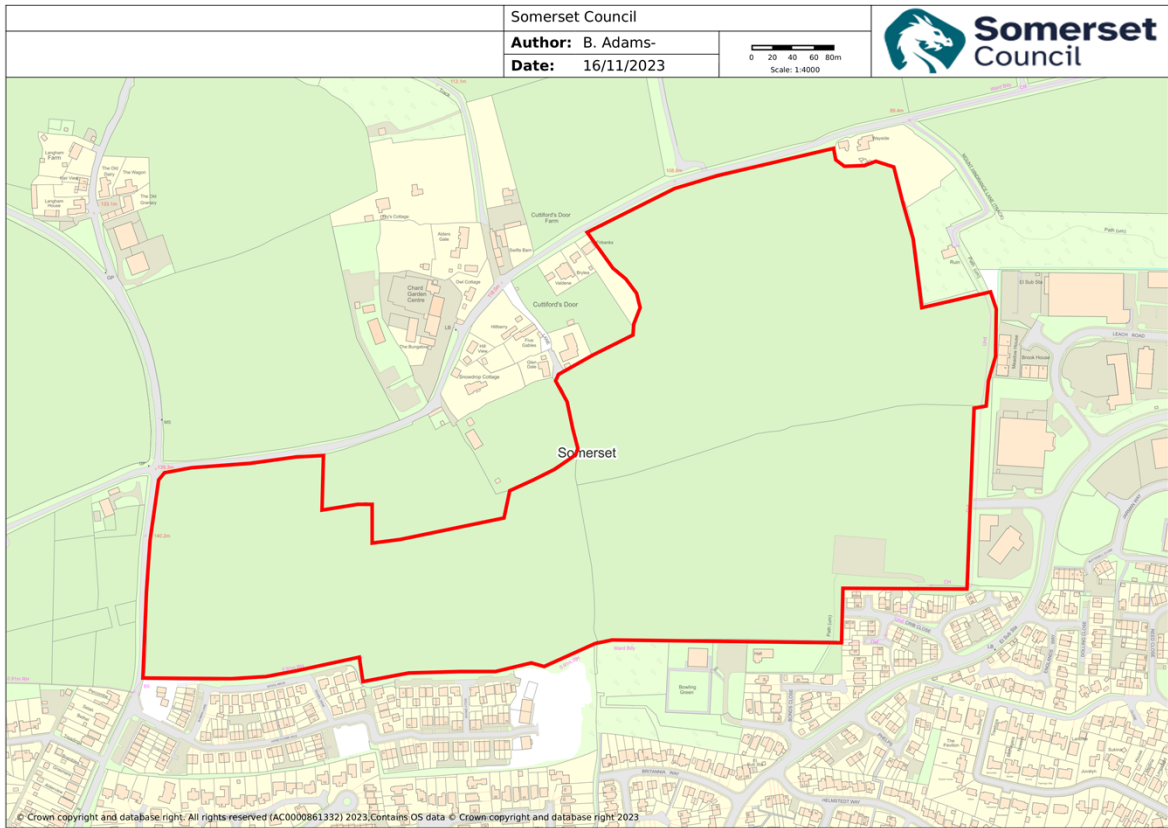
Unfortunately, following the decision of the Regulation Committee, and before the decision was formally issued, South Somerset Council received the 'phosphates letter' from Natural England in August 2020 stating that planning permission could not be granted until a Habitats Regulations Assessment (HRA) had been carried out confirming that the proposal was nutrient neutral.

The application has therefore been on hold until a phosphate solution could be found, however in the meantime the Applicant has taken the opportunity to revisit the proposals and revised them accordingly. The report below comprises an assessment of the proposal based on the revised submission whilst also incorporating previous comments from Consultees and local representations.

## **REASON FOR REFERRAL TO COMMITTEE**

This application is automatically referred to the South Area Planning Committee as the application was previously considered by the former South Somerset Council Regulation Committee.

# SITE DESCRIPTION AND PROPOSAL



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.

The site is within the River Parrett water catchment area of the Somerset Levels and Moors Ramsar Site.

The application seeks outline permission for a 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 community use

Open space, woodland, orchards and play space

Landscaping, SUDS and associated infrastructure

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.

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.

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 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 two of the football pitches in the event of the granting of planning permission. While this document is a confidential item it has been reviewed by the former South Somerset District Council's Legal Section who are of the opinion that the agreement is 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 latest submission of revisions includes the following updated, or newly submitted, supporting documents:

- Updated Illustrative Masterplan
- Environmental Statement Addendum
- Planning Statement
- Flood Risk & Drainage Assessment
- Phosphate Mitigation details - Park Farm, Bickenhall
- Phosphates Mitigation Report - Park Farm, Bickenhall
- sHRA Assessment and Appendices
- Phosphorus Neutrality Report and Appendices

The following reports from the original submission are still relevant:

- Design and Access Statement
- Agricultural Appraisal
- Arboricultural Assessment
- Heritage Statement
- Statement of Community Involvement
- Utilities Report
- Phase 1 Ground Conditions Report

### **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, an Environmental Statement was submitted to deal 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.

The Environmental Statement was updated as part of the recent submission of details.

## **RELEVANT PLANNING 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 - Decision: 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 application's assessment.

## **PLANNING POLICY AND GUIDANCE**

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

unless material considerations indicate otherwise,

The Council's Development Plan comprises:

- South Somerset Local Plan 2006-2028 (adopted March 2015)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the South Somerset Local Plan are relevant to the determination of this application:

- PMT1 - Chard Strategic Growth Area
- PMT2 - Chard Phasing
- SD1 - Sustainable Development
- SS1 - Settlement Strategy
- SS3 - Delivering New Employment Land
- SS4 - District Wide Housing Provision
- SS5 - Delivering New Housing Growth
- SS6 - Infrastructure Delivery
- EP3 - Safeguarding Employment Land
- HG3 - Provision of Affordable Housing
- HG5 - Achieving a Mix of Market Housing
- EP9 - Retail Hierarchy
- 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

Other possible Relevant Considerations (without limitation)

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Parking Strategy

## **SUMMARY OF TOWN/PARISH COUNCIL COMMENTS, REPRESENTATIONS AND CONSULTEE COMMENTS:**

**Combe St Nicholas Parish Council:** (5 October 2023) Object for the following reasons:

- The floodlights of the football ground will be seen from surrounding area, particularly the residents of nearby Cuttifords Door.
- Loss of open fields
- Effects on the nearby AONB
- Extra traffic is bound to use the Cuttifords Door road which is unsuitable - verges already being worn away.
- Extra traffic through Wadeford and Combe St. Nicholas - several pinch points (Wadeford Bends and Priority scheme) will lead to problems, plus possible extra speeding cases.
- The Cuttifords Door road often floods plus we now have heavier rain storms. The extra run-off from this large number of properties will be more than the attenuation ponds could cope with and then where does the extra water go? (In June 2021 large parts of nearby Wadeford - Nimmer and New England were very badly flooded)
- Lack of Infrastructure in Chard area already at full limit - Schools, Doctors, Dentists, etc. - Where will these new needed facilities be built?
- This scheme will detract from completion of the Chard Eastern Perimeter road, and the proposed facilities within it.
- Loss of identification of the hamlet of Cuttifords Door.

Original comments: Object for the following reasons:

- The proposed development is in conflict with the other developments in Chard which are now currently passing through the planning process
- 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
- 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.
- 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.

- Environmental report figures were inaccurate (Somerset Wildlife Trust)

**CHARD TOWN COUNCIL:** (4 October 2023) Objects for the following reasons:

- Acknowledgment for reduction in number of dwellings
- Does not address the issues with the road, lack of width and safe joining to the main rd. still looks like a residential rd.
- Increase on traffic through Chard (or relief rd. if confirmed)
- Increase traffic will cause severe queuing at key close by junction points. (A recognised reason for refusal under the National Planning Framework)
- Not sufficient information to show how flooding issue will be alleviated.
- The flood mitigation 'pools' (attenuation) appear to be going uphill!
- The close proximity of the dwellings to neighbouring dwellings in Chard.
- Loss of village identity
- Impact on nearby business (campsites)

Original Comments: Noted by Chard Town Council - the Town Council is a neighbour to the development.

### **Planning Policy:**

Original Comments:

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.

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

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

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

Currently, the number of new homes expected to be delivered within CEDA has not been achieved. Whilst 78 dwellings have reserved matters permission within CEDA (Morrish Builders site) and there are pending planning applications for around 515 dwellings, so far no new homes have been completed. (Note, subsequent to this consultation response the Morrish site is largely built out now. Additionally Tilia has constructed the majority of the 200 dwellings approved between Tatworth Road and Forton Road.) 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 PMTI or PMT2 however, there is an expectation that 13ha of employment land will be delivered as part of the CEDA allocation, 10.5 hectares of which are locationally specific. As referred to above, this site falls within 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. (Note, subsequent to this consultation employment development uses have been approved at Millfield for 20,600m<sup>2</sup> B2 and B8 space for Numatic and for an office and 2 light industrial buildings at Beeching Close.)

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, PMTI and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) comes into force and in conjunction with the responses from other consultees you should undertake a balancing exercise to determine whether any adverse impacts of approving the proposal would outweigh the benefits of allowing up to 295 homes and a site for a re-located football club in addition to the other uses proposed. (Note, the housing supply position is discussed in more detail later in this report, however it is now worse than was the case when this application was previously considered.)

**Highway Officer:**

(12 October 2023) No objection subject to conditions and S106 obligations

The revised TA documentation (Fig 1.3) lists the highway improvements previously agreed. It goes on to state that everything will be provided except the signalisation of the Furnham Road/Victoria Ave junction.

A comparison of traffic flow data between 2017 and 2023 showed that generally across the Chard area traffic levels had dropped by various percentages, but on average by approx. 7.5%. The effect of the traffic from the proposed development on the Furnham Road/Victoria Ave junction will be to increase flows by approx. 22 vehicles in the peak hours. This amounts to 1 vehicle on average every 2-3 minutes. The capacity assessment of the junction shows that, with the development traffic, it remains within capacity and as such the signalisation of this junction is not required.

Revised comments 13 May 2019:

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

Original comments: No objections subject to conditions and S106 legal agreement

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.

A package of mitigation works has been offered by the applicant and provided they are secured by a S106 legal agreement, 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:

**Landscape Consultant:**

(5 October 2023) No objection subject to comments/conditions.

1. I broadly agree with the findings of the Landscape and Visual Impact Assessment (LVIA) as included within Chapter 2 of the 'Addendum ES' which, with a few very minor changes, stands by the findings of the original assessment. These are both thorough documents and I do not disagree with

their methodology or their findings.

2. Local topography and existing vegetation are the key components in defining where this scheme can be seen from. The site is gently sloping and the current configuration with proposed dwellings located downhill and beside new / recent development at Blackdown Heights, means they will generally not be visible from the north and where they are visible, will be read in context of the adjacent dwellings at Blackdown Heights and commercial development at Chard Business Park to the east.
3. From longer distances to the south, views of the site are possible, but the new development will be seen within the context of the rest of the town, and I do not consider that this creates a significant landscape issue.
4. This application is in outline and includes a range of residential and recreational development. I consider that the proposed layout works very well in that it is divided into two distinct areas and is separated by existing vegetation and the recreation area / pitches.
5. Retention and long-term management of existing vegetation is of paramount importance and the detail of the relationship between the proposed houses and the perimeter hedges, as shown, is the most appropriate way to ensure this. The hedges must remain in public ownership and not become any part of a private garden.
6. It is important that an appropriate suite of management proposals are agreed for all elements of the existing and proposed landscape across the site are agreed. A fully detailed Landscape Ecology Arboriculture Management Plan (LEAMP) can be agreed via the condition process should the wider principles be agreed.
7. There are mature hedges and some fine mature trees across the site. There does appear to be some confusion between documents in regard to Tree Preservation Orders. The JCA Arboriculture Survey notes that 'tree tag Nos T41, T42, T55, T56 and G57 are subject to a Tree Preservation Order'. However, para 2.2.7 of the Addendum ES states that 'None of the trees on Site are the subject of Tree Preservation Orders'. Likewise, the Somerset Council website (as of 28/09/23) shows some TPO's to the south of the site but does not show any within the site. This point needs to be reviewed / resolved / corrected.
8. I note that the east / west linking road cuts through the existing hedge in the very vicinity of T41 and T42 and I would ask that a much more detailed plan is prepared to show exactly how this will work.
9. Similarly, the northern road on the west side of the scheme clearly cuts through the RPZ of T63. According to the Tree Survey, this is a mature Sessile Oak and is in good condition. I would ask that the road is realigned in this area to avoid this RPZ.
10. Further, there appears to be a potential conflict between the proposed layout

and G52 and T53 in the region of Crib Close.

11. The (updated) Arb report is entitled 'Arboricultural BS5837:2012 Survey and Report for Development Purposes' but does not deal with anything other than the condition of the existing vegetation. Whilst it is important to understand the condition of the trees on the site, it should also deal with how the scheme will impact on those trees and what measures, for example, might be needed to make those trees safe for the increased public intervention that will inevitably occur. It also needs to deal in more detail about what measures need to be put in place to protect this valuable vegetation.
12. The report includes a drawing (JCA REF: 21109/ME) which needs to be further updated to include detail as to exactly what vegetation is to be removed as well as clarification around the TPO's.

Overall, whilst I have no issue with the wider principle of development and agree with the findings of the (updated) LVIA, I do have some issue with the effect on some of the key trees on the site. I fully appreciate the outline nature of the application but consider that these are important matters that need to be resolved as the detailed scheme emerges.

Original comments:

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.

### **Public Rights of Way:**

No objections subject to conditions.

Somerset Council does not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a

public right of way.

- The current proposal will obstruct the footpaths CH 5/30, and CH 5/33.
- The applicant should also consider a diversion application for path CH 5/32 in order to avoid a parallel route or a layout revision. It is not clear whether path CH 5/32 will be obstructed or not.
- The applicant must apply to the Local Planning Authority for a diversion order.
- It is noted that application no. 19/00074/FUL proposes a connection to path CH 5/30, hence any diversion of this path should have consideration to this to ensure a single safe crossing point across the road to connect with path CH 5/29.
- Our previous response was made in 2019 and because of this, we have updated the part of the previous response regarding improvements to the footpaths.
- Surface improvements, any upgrades of the paths CH 5/30, CH 5/32 and CH 5/33 to cycle tracks or bridleways on and off-site and any crossing points over the access roads, will need to be secured through a s106 agreement, which can be technically approved under a s38 adoption agreement. In the event that there is not a s38 agreement, then a separate s278 agreement will be required. Such matters will need to be included in the Heads of Terms of any s106 agreement.

### **Affordable Housing:**

No objections subject S106 obligations.

Policy would require 35% affordable housing as this site would be a major application which would be split 75:25 Social Rent : First Homes. The NPPF requires 10% of the site overall to be provided for affordable home ownership. I will provide further details when final numbers of dwellings are confirmed, but will refer to percentages as this outline stage.

### **Ecologist:**

No objection subject to conditions and S106 obligations.

- The lighting recommendations, including the proposed dark corridors and transition zones (below), in the Clarkson and Woods bat report should be implemented. A lighting design, informed by the bat surveys and in line with BCT Guidance Note 08/23 should be provided prior to commencement.
- The surveys done by Clarkson and Woods have confirmed that dormice are present on site. Due to the large amount of hedgerow/habitat being removed

(0.47 bramble and 110m hedgerow) a dormouse licence will be required for this application.

- There are badger setts on site, therefore, an updated badger walkover survey will be required. If a licence is needed, this should be obtained before works affecting badgers commence.
- Reptiles will require a mitigation scheme, trees and hedgerows will need to be protected from the works, any trees with bat potential should be checked by a licence bat ecologist before felling, vegetation should be cut outside of nesting bird season or under supervision, and buffer zones around badgers setts and other habitat should be implemented. A Landscape Management plan should be provided, in line with recommendations in the Clarkson and Woods reports.

## **Phosphates**

The proposal will result in an increase of 26.95kgP/yr without mitigation (as shown in the Marian Cameron Consultants Ltd Shadow Habitats Regulations Assessment and Phosphorus Neutrality Report). To mitigate for this increase, 26.95 credits will be purchased from the Nutrient Mitigation Project - Land at Badger Street credit scheme. The credit scheme is within the same catchment. The budget has been calculated correctly.

This is an acceptable mitigation scheme and a HRA for this application can be carried out once proof of purchase or proof of allocation of at least 26.95 phosphate credits has been received. The phosphate mitigation scheme was the subject of a S.106 between the 3rd party landowners and Somerset Council dated 6th December 2023. The sHRA confirming credit allocation will be completed prior to the issue of the decision notice.

Original Comments: No objections subject to conditions

## **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 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 focused 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:**

Previous comments which are still relevant:

- 4.16ha of useable public open space is proposed, an amount far in excess of that requirement for a development of this size.
- With regards to the community orchards and allotments, we are interested to see some further details for these as well as knowing the drivers for the amount of these features across the site.
- Further detail of the existing and proposed woodland areas would be appreciated; in particular the central section with the balancing ponds alongside as we have some concerns about the proximity of the ponds to the existing trees and how they will be preserved as the variety of trees in existence are not keen to stand in water which they will at that distance.
- The layout of the site could be improved with the location of a pocket park/village green to the eastern side of the development, ideally located centrally along the green corridor area, and the village green to the western side of the development moved to a more central location within this half of the development. Both changes/additions would help to break up the built form and make areas of POS more accessible by all residents on site.

### **Original Comments:**

Comments only.

1. It is 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?

### **Sport England:**

Unable to support.

No further comments from the ECB. Their comments below - previously made, remain applicable.

The RFU have had a number of conversations with South Somerset DC (Now Somerset CC) and are now comfortable with the position around the management and process to access off site contributions to improve facilities for Chard RFC.

The Football Foundation (FF) on behalf of the FA/SFA haven't received any follow up to the questions from the last comments provided, so their comments still stand from a football perspective. For ease:

"The Football Foundation (FF) on behalf of Somerset FA (SFA) and The FA advise that whilst the following statement "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" will be included as part of the development, there seems to be some information which hasn't been provided for the FF to make an accurate assessment and comment appropriately. Notably, but not limited to:

- Pitch sizes including safety run off areas
- An understanding as to who would be responsible for managing and maintaining these pitches
- Ancillary provision and associated detailed design information
- A breakdown of the costs to install appropriate football provision including stadium/spectator design as shown in a previous application. The FF would be keen to understand the full contribution of costs towards the football provision

(both Chard Town FC element and community football element) from the developer to help both FF and SFA understand the project viability

- Floodlight assessment. These should be done as part of this planning application to ensure no issues are raised once planning has been granted
- Pitch quality construction information. An agronomist report with a 12 month guarantee would be acceptable

The FF also has the following information which would be useful to understand:

- Can a business plan be provided to demonstrate how the site will be managed in a sustainable manner
- It is the FF understanding that Chard Town FC will be linked to this proposal however, there doesn't seem to be much information relating to this. Has the applicant consulted with the Chard Town FC and Somerset FA over these plans?
- The FF would be keen to understand the outcome of this planning application and associated conditions which may impact any football provision on site

While the FF are supportive in principle of the delivering of a site at Zembard Lane, there remains major risks and concerns on the viability of the football proposal being delivered and would ask the applicant to provide information relating to the above in order for the FF to provide appropriate comments. Most notably, the FF would be keen for the applicant to consult with SFA and Chard Town FC over these proposals to ensure they are viable."

In summary

Sport England and NGBs remain to have concerns that require answers before consent is granted.

September 2023 comments:

The ECB stance has not changed to that in 2020 (comments below). Chard CC has grown well during the past three years and has prioritised developing their women & girls offering.

The RFU is disappointed the latest proposal still does not appear to consider the strategic need for sports provision across the locality, with only football provision currently shown. The adopted Playing Pitch Strategy (PPS) states Chard RFC is significantly over capacity, with the associated action plan highlighting the need to improve the midweek capacity of their Crewkerne Road (1 mile away) pitches through a floodlighting solution and enhancements to pitch quality. This remains the RFU priority project for the town and Chard RFC have a costed scheme of works for delivery.

The Football Foundation (FF) on behalf of Somerset FA (SFA) and The FA advise that whilst the following statement "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" will be included as part of the development, there seems to be some information which hasn't been provided for the FF to make an accurate assessment and comment appropriately.

In light of the above, Sport England is unable to support this application.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

### **Blackdown Hills AONB Partnerships:**

Original comments:

The proposed sites would not be unduly prominent or extensive in such views such that there would be any adverse impact.

### **EDUCATION:**

No objections subject to contributions secured by S106:

Pre-school/Early years: 27 pupils - education total = £684,922.00

Primary: 95 pupils - education total = £2,409,909.00

Secondary: 41 pupils (1 pupil SEND) @ £29,419.50 per pupil (£1,206,199.5)

SEND: 1 pupil @ £101,215.72 per pupil

(The eventual education contribution to be pro-rata if less than 295 dwellings are delivered.)

Original comments: The following contributions are required:

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:**

Original comments - No objections subject to informatives

The information submitted with the application has considered the environmental matters which are of most relevance to this proposal and that the proposed development will be acceptable in respect of matters within the Environment Agency's remit. They support the principle of using a variety of SuDS techniques in this location to manage surface water run-off, provide biodiversity benefits and improve water quality.

**NHS Somerset LPA Engagement:**

Contributions requested:

The development will increase population 426 people and, as the GP list size is already over capacity, contributions to provide additional GP Spaces is required to support this development.

Total contribution required = £121,973 a. Total space (m<sup>2</sup>) required x premises cost = final contribution calculation 34.10m<sup>2</sup> x £3,577 = £121,973 (£635 per dwelling).

**Lead Local Flood Authority:**

No objections subject to conditions and S106 obligations

Our comments have been addressed in the Technical Memorandum dated 8th November 2023, a condition is suggested and the SuDS maintenance and management should be secured under the S106 agreement and include a named maintenance/management company or adopting authority.

**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.

## **Rights Of Way:**

Original comments - No objection subject to informatives

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.

## **REPRESENTATIONS**

Following the re-consultation process carried out in September 2023 a total of 42 letters of objection were received raising the following concerns:

### **Chard Regeneration Plan and NPPF:**

- Not in accordance with the Chard Plan

### **Drainage:**

- Attenuation ponds represent a safety hazard
- Run-off calculations are under estimated
- Existing flooding problems will be worsened
- Sewage works need upgrading

### **Nutrient neutrality:**

- Phosphate credits are not a sufficient solution

### **Character and Appearance:**

- Harmful impact on character of Cuttifords Door
- Harm to Chard as a small town

### **Highway Safety harm including:**

- Increased traffic flows onto A358 at Thorndon Rd junction and main town junction
- Lack of public transport
- Parking congestion from football pitches
- Lack of highway improvements

### **Amenity:**

- Light pollution from floodlit pitch
- Noise from clubhouse
- Noise from construction



**Ecology:**

- Loss of wildlife and habitat

**Other objections:**

- Lack of infrastructure - schools, Doctors, Dentists etc
- No demand for the development or the types of houses proposed so it is unsustainable development
- Loss of Green Belt land and agricultural land for food production
- Loss of fields for walking
- Lack of school places for children - schools are oversubscribed
- Lack of employment in Chard
- Existing sports facilities should be invested in rather than new provided here

13 letters of support and 1 neutral have also been received.

**Representations received on the Original Scheme**

90 letters and emails were reported as being received prior to the publication of the Committee Report to be considered by the Regulation Committee in February 2020 which are summarized below as reported. 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.

The minutes of the Regulation Committee meeting also confirm that a further 71 letters of support for the scheme, a petition of 600 signatures in support of the football club element of the proposal and 6 letters of objection had been received between the publication of the agenda and the Regulation Committee meeting.

## **CONSIDERATIONS**

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

Prior to the submission of this application, the Applicant applied for a screening direction to understand whether the development was considered 'EIA development' when assessed against The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regs) (now superseded by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017).

In view of the scale and nature of the proposed development, its setting and likely significant effects the proposed development was considered to constitute Schedule 2 development under the EIA Regs and that the application should be accompanied by an Environmental Statement.

An environmental impact assessment (EIA) of the proposed development has been undertaken and the application is accompanied by an Environmental Statement (ES) that sets out the findings of that assessment, identifies the significant environmental effects as well as measures to mitigate those impacts where appropriate.

The following matters were included for consideration for their environmental effects:

- Landscape and Visual

- Ecology
- Transport

By virtue of Regulation 3 of the EIA Regulations (both 2011 and 2017) the Council cannot grant planning permission in respect of the application unless it has first taken the environmental information into consideration. The environmental information means the ES, any further or other information received, any representations made by any consultation bodies and any representations made by any other person about the environmental effects of the proposed development. Further information was received by the Council and has been re-advertised in accordance with the EIA Regulations.

The scope of the EIA is considered by Officers to be appropriate, the relevant topics identified and the methodologies adopted robust. The assessment of environmental effects and proposed mitigation form an integral part of Officers' consideration of the proposed development and in the Council's determination of the application. To avoid repetition, the findings of the EIA are reported below as part of the assessment of the planning issues together with responses to consultations and other representations received.

### **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 and is therefore considered to be contrary to Local Plan Policies SS3, SS5, PMTI and PMT2.

However the Council's recently published Five Year Housing Land Supply Paper for Area South (October 2023) confirms that the Council cannot currently demonstrate a five-year supply of housing sites and can only demonstrate a housing land supply equivalent to 3.29 years (rounded). Since then, as part of an appeal, it has been agreed that the 5 year housing supply has reduced further and now sits at 2.85-2.96 years. This is a significant shortfall in housing supply.

The NPPF therefore advises that where Council's cannot demonstrate a five-year supply, the presumption in favour of 'Sustainable Development' as set out in paragraph 11(d) applies.

Paragraph 11(d) of the NPPF, sets out a decision-taking framework that states that 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:

the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, read together with its footnote 6; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As confirmed within the 'The Gladman case' (CD7.03) (Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (Admin), ) Mr Justice Holgate stated that "LPAs and Planning Inspectors may continue to weigh development plan policies in the tilted balance in paragraph 11(d)(ii)."

Mr Justice Holgate also said that where paragraph 11(d)(ii) is triggered because of a housing land supply shortage, it is for the decision-maker to decide how much weight should be given to the policies of the development plan, including the "most important policies" referred to in paragraph 11(d).

A decision-maker may take into account for example the nature and extent of any housing shortfall, the reasons for the shortfall, the steps being taken to remedy the shortfall, and the prospects of the shortfall being reduced in the future.

The Chard Regeneration Framework has been formulated over a period of years following the non- delivery of the Chard Key Site. The Framework 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 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.

Furthermore, a material consideration is the appeal decision against the refusal of

planning application ref: 12/04518/OUT in 2015. While the development proposed was materially different to this application, and while the appeal was dismissed the reasons for the dismissal and the conclusions of the Inspector are relevant.

At the time of the appeal the Council, like now, could not demonstrate a 5 year housing supply and therefore the appeal was considered under Paragraph 11 of the NPPF. The Inspector stated that the proposals "...would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposals, whether viewed separately, or together, benefit from the presumption in favour of sustainable development."

However, at the time of the decision, in June 2015, the South Somerset Local Plan had been adopted only a few months before in March 2015. Therefore, despite his statement above he went on to conclude that the proposal was contrary to Policies PMT1 and PMT2 of the Local Plan and that, because of the very recent adoption of the plan and the time and energy that the Council and local people had invested into the policies, particularly those relating to Chard, that the plan needed some time to succeed in bringing forward development that complied with the policies within. In dismissing the appeal the Inspector stated 'on that basis, the fact that the proposals benefit from the presumption in favour of sustainable development, as set out in the Framework, is not a material consideration of sufficient weight to justify setting aside the policies of the LP, at this stage.'

The situation is now that, 8 years after the Inspector's decision to dismiss the appeal, the Council remains unable to demonstrate a five year housing supply and the Local Plan is now out of date. Unfortunately, despite the passage of time, Chard has failed to deliver the aspirations of the Local Plan and the housing set out in Policies PMT1 and PMT2, therefore, were this application to be considered at appeal again, there is a very strong likelihood that an Inspector would allow the appeal.

In conclusion, whilst this proposal is contrary to Local Plan Policies SS3, SS5, PMTI and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) is triggered and the tilted balance applies. Whether the adverse impact of the proposal would significantly or demonstrably outweigh the benefits are therefore assessed within the conclusion and planning balance at the end of this report.

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

A significant element of the application involves the relocation of Chard Town Football Club. The two new playing pitches and associated facilities will be located on

the site. The third community football pitch will not form part of the Chard Town Football Club facilities but will instead be managed by a management company.

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 housing development.

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 the Council's legal section has reviewed the document and have found it to be binding.

The application has been considered by Sport England who have confirmed that they are unable to support the proposals mainly, due to the fact that only facilities relating to football are being provided on the site and that there are outstanding queries in relation to the football facilities being proposed.

In the main the queries raised relate to the construction and management of the pitches, business planning and detailed design. A number of the queries will be dealt



with at reserved matters, for example the detailed design of the football club and the facilities, but other aspects are a matter either for the S106 legal agreement (management) or are not material planning considerations and will be dealt with by Chard Football Club in delivering an FA acceptable facility. Furthermore, it is clear from the information above that Chard Football Club have been heavily involved in the design of facilities.

Overall, it is considered that the siting of the football pitches and associated buildings are acceptable within its landscape setting although lighting has been demonstrated to cause a problem via the submission of a lighting assessment. This is considered further below but is capable of being overcome through conditions.

### **Design, Character and appearance and impact on the surrounding area:**

Since the application was previously considered by the planning authority, the NPPF has raised the profile and importance of achieving good design. 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, again indicative at this point. 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.

The Design and Access Statement outlines that the applicant wishes to create a sustainable new neighbourhood in Chard and that the scheme would form part of 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 document sets out that 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.

While all of the information referred to above is indicative, with the final layout, scale and appearance of the development being decided at reserved matters stage, it has been demonstrated that an acceptable development can come forward on this site that is of an acceptable layout, character and appearance and which would not have a harmful impact on the surrounding area.

### **Impact on Highway Safety**

Access is not a reserved matter and is therefore a matter for consideration within this application. The proposed development seeks to secure the access to the development from an existing link road on Thorndun Park Drive to the east of the site. The site also shows numerous pedestrian routes across the site, both new routes and along existing public rights of way.

The revised Transport Assessment submitted lists the highway improvements proposed which include the following:

- 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 and bus shelters at two nearest bus stops on Thorndun Park Drive
- 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.

The proposals previously included the signalisation of Furnham Road/Victoria Avenue

Junction linked to Coker Way existing signals however this has since been found to be unnecessary. This is because a comparison of traffic flow data between 2017 and 2023 has show that generally across the Chard area traffic levels had dropped by various percentages, but on average by approx. 7.5%. The effect of the traffic from the proposed development on the Furnham Road/Victoria Ave junction will be to increase flows by approx. 22 vehicles in the peak hours. This amounts to 1 vehicle on average every 2-3 minutes. The capacity assessment of the junction shows that, with the development traffic, it remains within capacity and as such the signalisation of this junction is therefore not required.

Whilst parking levels have been outlined by the Highway Authority however, this is a matter that would be dealt with at reserved matters stage when the detailed layout would be considered and is therefore not a matter for consideration at this stage.

With regards to public rights of way, there are a number of public rights of way crossing the site on with the Public Rights of Way Team have made comments. While the indicative layout currently shows that the proposed development does not intend to block or re-route any footpaths, as it will require a change of surfacing a diversion application will be required. This is secured by a condition attached to the recommendation below. The Public Rights of Way Team have also made comments that any upgrades of the paths CH 5/30, CH 5/32 and CH 5/33 to cycle tracks or bridleways will need to be secured through a s106 agreement however at this point, as the application is in outline, at this stage it is not clear whether the current footpaths will require such upgrades. In light of this these measures cannot be secured under the S106 agreement at this time but can be dealt with either under either S38 or s278 of the highways act.

Overall the proposal is considered to be acceptable subject to conditions and obligations within the S106 agreement would not result in a harmful impact on highway safety or public rights of way and would not prejudice the development principles as presented in the emerging Local Plan.

## **Ecology**

In terms of ecology, 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.

The submitted reports state 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, badgers and

opportunities for birds and other wildlife.

The Council's Ecologist has assessed the reports submitted with the application and concluded that, while the development will result in the loss of 110m of hedgerow, subject to the securing of licences in relation to dormice, badgers and bats, the impact on protected species is acceptable. Additional conditions will secure a construction method statement along with the requirement for the reserved matters applications to be accompanied by a lighting scheme, biodiversity enhancement plan and finally a Landscape and Ecological Management Plan to be secured by the S106 agreement.

As the site is within the water catchment area of the Somerset Levels and Moors Ramsar site the proposal needs to demonstrate that it is nutrient neutral by way of an acceptable HRA. The application has been accompanied by a Neutrality and Mitigation Statement which confirms that the proposal will result in an increase of 26.95kg of phosphates per year without mitigation.

In order to mitigate for this increase, 26.95 credits have been provisionally secured from the proposed Nutrient Mitigation Project - Land at Badger Street credit scheme. At the time of writing the report the approval of the credit scheme had not been received, however the S106 agreement confirming the credits generated by the scheme and the management plan for the site, had been engrossed and circulated for signature by the interested parties. It is anticipated that the scheme will have been approved by the Committee meeting date.

However once approved a HRA will need to be carried out by the Council's Ecologist and then sent to Natural England for comment. It is unlikely that this will have been completed by the Committee meeting date however Officers are confident that, as the shadow HRA has already been found acceptable by the Ecologist, there is no reason why the final HRA will not be found acceptable or that Natural England will raise any concerns.

In light of this the recommendation is to delegate approval of the proposal subject to the following:

- Confirmation that the nutrient credit scheme has been approved and that sufficient credits have been secured to mitigate for the development
- The adoption of a Habitat Regulations Assessment
- No adverse comments from Natural England

Officers will provide an update at the Committee meeting in this regard.

In all other respects the proposal is considered to comply with Policy EQ4 of the South Somerset Local Plan.

### **Impact on the Landscape**

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 indicative 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.

The application has been supported by a previous detailed Landscape and Visual Impact Assessment, and in most part, reflects the peripheral landscape study work undertaken previously. 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".

Following the submission of revised information the application has been considered

again and it has been highlighted that there are a few areas within the site where the indicative layout has the potential to have a harmful impact on trees. However, this has been discussed with the Applicant and it has been agreed that these issues can be overcome through some relatively minor amendments to the layout. As the layout is currently indicative it has also been agreed that these amendments will come forward as part of the reserved matters.

Overall the proposal is not considered to have a harmful impact on the landscape either physically or visually and is therefore in accordance with Policy EQ2 of the Local Plan.

### **Impact on Flooding and Drainage:**

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 Flood Risk Assessment (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.

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.

While concern has been raised by local residents regarding the regular flooding of local roads and the site itself being waterlogged however 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.

Following the submission of revised information an amended FRA has been submitted which has been considered in full by the LLFA and who, with a few further revisions, have concluded that it is acceptable subject to conditions requiring the submission of a detailed drainage scheme and for its long term maintenance to be secured by S106 legal agreement.

Overall the information submitted has demonstrated 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 amended FRA, it is considered that the development can be satisfactorily mitigated in terms of flood risk.

### **Open Space Assessment**

The application includes the provision of a floodlit full-size football pitch, unlit full-size training pitch and community sports pitch with associated multi-use clubhouse including changing rooms, spectator facilities and vehicular parking area and public open space. This is further broken down as follows:

Woodland - 3.37 ha

Allotments - 0.72 ha

Football Club - 3.28 ha - Includes 2 pitches, club house, changing rooms  
3rd pitch is for community use.

Play - 0.12ha - including Neighbourhood Area of Play (NEAP)

Open Space - 12 ha - including 1 Local Area of Play (LAP) and orchards

As the application is in outline form the layout is currently indicative only, however the above provision is to be secured by a S106 agreement meaning that whilst the layout potentially may change, the quantum of open space and sports facilities, as a minimum, will be secured.

This is considered to be acceptable and is in accordance with policy HW1 of the South Somerset Local Plan.

### **Heritage Assessment**

The Heritage Assessment identified no evidence of heritage assets within the site or surrounding area 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.

### **Impact on Residential Amenity**

A Lighting Impact Assessment has been submitted with the application which 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 which will be dealt with by condition.

Notwithstanding the issues of lighting, the application is in outline meaning that the layout is only indicative at this stage, however from the information submitted it is considered that an acceptable layout can be achieved at reserved matters which would provide an acceptable level of residential amenity for both the future occupiers of the development and also the existing neighbouring occupiers to the site.

### **Affordable Housing**

In terms of affordable housing, the scheme proposes 35% affordable homes which would be split 75:25 Social Rent : First Homes. The NPPF requires 10% of the site overall to be provided for affordable home ownership. The affordable housing will be secured in the S106 agreement with the final mix of dwellings and their location to be dealt with at reserved matters.

### **Impact on Trees:**

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.

### **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.

### **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.

### **Education provision:**

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 Education Officer has confirmed that the local Primary school is forecast to reach capacity and in order to mitigate the impact of the development, contributions have been sought by the Education Officer as follows:

Pre-school/Early years: 27 pupils - education total = £684,922.00

Primary: 95 pupils - education total = £2,409,909.00

Secondary: 41 pupils (1 pupil SEND) x £29,419.50 per pupil = 1,206,199.50

SEND: 1 pupil = £101,215.72 per pupil

Total: £4,402,246.22 (£14,922.9 per dwelling)

The applicant has confirmed that they agree to the above contributions being secured by a S106 legal agreement attached to the permission with provision being made for any pro-rata adjustment if fewer than 295 dwellings are delivered. It is considered that this will satisfactorily mitigate the impacts of the development in terms of educational need.

### **Other Matters**

Subsequent to the last resolution to approve this development, the former district

council declared a climate emergency which has been carried forward into the new Council. It is likely that the future Somerset Local Plan will go further in terms of the Council's response to Climate Change, and reflect national policy and guidance as it progresses.

It is also relevant that the Levelling up and Regeneration Act, which recently obtained Royal Assent, has not kept the Lords request for climate change to be a factor in decision making, but will keep it as an issue for policy making.

## **Conclusions and Planning Balance**

At the heart of the NPPF is the key aim to achieve sustainable forms of development. 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 considering the previously dismissed appeal, the Inspector at the time concluded that the overall impact of the development would be neutral. However, given the passage of time and the introduction of phosphates into the considerations, the impact of the development on the environment has been revisited. The ecologist has considered the proposals in full and has raised no objections subject to conditions and S106 obligations. The site is within the water catchment area of the Somerset Levels and Moors Ramsar Site and therefore a scheme of mitigation via the purchase of phosphate credits has been submitted and which has resulted in an HRA being carried out. This has concluded that the proposal is acceptable and would not have a harmful impact on the Ramsar Site.

Overall and in light of the above, it is considered that the development satisfactorily protects or enhances the natural environment.

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.

While 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 to ensure that spaces in local schools etc are available at the point that the spaces are required.

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

Finally, the principle of the development has been found to be contrary to Local Plan Policies SS3, SS5, PMTI and PMT2 however as the South Somerset Local Plan is over 5 years old it is considered to be out of date and the housing policies within have reduced weight. Furthermore, the Council cannot currently demonstrate a 5 year housing supply which both means that paragraph 11 d) is triggered and the tilted balance applies. There should therefore be a presumption of sustainable development and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposals have been considered to cause very few harms which are not considered to outweigh the significant benefits and therefore the principle of the development and the proposal on the whole is considered to be acceptable.

## **RECOMMENDATION**

**Delegate to Officers to grant permission.**

### **SUBJECT TO THE FOLLOWING:**

- The adoption of a Habitat Regulations Assessment, including no adverse comments from Natural England. (Note, Natural England has agreed to the 3rd party phosphate scheme and agreed to the principle of credit sales to release development.)

together with

- The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to cover the following items/issues:

1. The provision of a policy compliant level of affordable housing - 35% affordable housing split 75:25 Social Rent : First Homes.
2. The provision and delivery of the following on site:
  - Woodland - 3.37 ha
  - Allotments - 0.72 ha
  - Football Club - 3.28 ha - Includes 2 pitches, club house, changing rooms, 3rd pitch is for community use.
  - Play - 0.12 including NEAP
  - Open Space - 12 ha - including 1 LAP and orchards
3. Management Plan for the Public Open space and public facilities including woodland, allotments, community orchard, play areas, football pitches, clubhouse and changing rooms, open space and incorporating a Landscape and Environmental Management Plan (LEMP).
4. Management Company.
5. Highway infrastructure and works:
  - Provision of access road works
  - Emergency access onto Crimchard
  - A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close;
  - Improvement of the public footpath to the west of the Bowling Club; and
  - Two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive prior to occupation of the 50th dwelling
  - Footpath upgrades, including reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance
6. Travel Plan
7. Education contribution:
  - Pre-school/Early years: 27 pupils - education total = £684,922.00 (2,321.77 per dwelling)
  - Primary: 95 pupils - education total = £2,409,909.00 (£8,169.18 per dwelling)
  - Secondary: 41 pupils (1 pupil SEND) @ £29,419.50 per pupil = 1,206,199.50 (4,088.8 per dwelling)
  - SEND: 1 pupil @ £101,215.72 per pupil (343.1 per dwelling)
  - Total contribution = £4,402,246.22 (£14,922.9 per dwelling) [with provision being made for any pro-rata adjustment if fewer than 295 dwellings are

delivered]

8. Phosphates mitigation - purchase of nutrient credits.
  9. NHS contributions of £121,973.
  10. SuDS maintenance and management to include a named maintenance/management company or adopting authority
01. Notwithstanding the local concerns, the provision of residential accommodation and leisure facilities together with access/highway improvements, drainage and attenuation, play area, open space and landscaping in this sustainable location would contribute to the council's housing supply and leisure facilities without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

01. Details of layout, scale, appearance and landscaping (the 'reserved matters') shall be submitted to, and approved in writing by, the local planning authority before any development hereby permitted takes place, and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall begin not later than the expiration of 2 years from the approval of the reserved matters (or, in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved).

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

180129 L 01 01 - Location Plan  
180129 L 01 02 - Topographical Plan  
23093-010 - Visibility Splays  
23093-011 Rev A - Proposed Emergency Access  
23093-012 - Proposed Zebra Crossing on Furnham Road

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

03. 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.

04. No development shall commence until a programme showing the phasing of the development has been submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.

Reason: In the interests of highway safety and the protection of protected species to accord with Policies TA5 and EQ4 of the South Somerset Local Plan. This is a condition precedent to understand the phasing of the scheme and the submission of information relating to conditions below before construction commences.

05. The reserved matters application(s) relating to layout and/or appearance shall include a Sustainable Construction Statement detailing the sustainable construction methods to be used in the development. This shall demonstrate that at the date of the permission the development can achieve an overall reduction in carbon emissions of at least 19% as compared to the Building Regulations Part L baseline; at least 10% of the overall reduction shall be by means of on-site renewable energy generation and the remaining 5% by other means (for example energy efficient construction). The development shall thereafter be carried out in accordance with the approved methods.

Reason: To ensure that the approved development demonstrates how climate change mitigation and adaptation will be delivered to accord with Policy EQ1 of the South Somerset Local Plan.

06. No occupation of any individual dwelling shall commence until a Renewable Energy Compliance Statement for that dwelling has been submitted and approved in writing by the Local Planning Authority. The statement shall confirm that the development has been constructed in accordance with the Sustainable Construction Statement secured by condition above. The Renewable Energy Compliance Statement shall include details of renewables; calculations demonstrating compliance; Building Regulations Part L post-completion documents for renewables; Building Regulations Part L post-completion document for energy efficiency; and Microgeneration Certification Scheme (MCS) Certificate/s.

Reason: To ensure that the approved development demonstrates how climate change mitigation and adaptation will be delivered to accord with Policy EQ1 of the South Somerset Local Plan.

07. The Reserved Matters application for layout shall include a Lighting Strategy for biodiversity and light pollution and shall:
- a) identify those areas/features of the site within that phase or sub phase that are particularly sensitive for bats, dormice and other species and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key and supporting areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
  - c) the design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux (below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats). Shields and other methods of reducing light spill as outlined in Step 4 of Guidance Note 08/23 will be used where necessary to achieve the required light levels.
  - d) the provisions to be made for the level of illumination of the site and to control light pollution

All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the strategy and shall be maintained thereafter in accordance with the strategy. No additional lighting may be erected or installed thereafter without the express permission of the Local Planning Authority.

Reason: In the interests of biodiversity and the protection of European Protected Species in accordance with National Planning Policy Framework 2023, ODPM Circular 06/2005, light pollution and residential amenity in accordance with Policy EQ4 and EQ7 of the South Somerset District Council Local Plan.

08. The reserved matters application for layout and appearance shall include a Biodiversity Enhancement Plan (BEP) and include the following provisions:
- a) On 50% of the dwellings, a Habibat 001 box (or similar) will be mounted at least four metres above ground level and away from windows, on the south and/or west facing elevations and maintained thereafter.
  - b) On 25% of the dwellings, a Schwegler 1SP Sparrow terrace (or similar) directly under the eaves and away from windows on the north and/or east elevations
  - c) On 25% of the dwellings, two Schwegler 1as swift bricks (or similar) built into the wall at least 60cm apart, at least 5m above ground level, ensuring that there is an unobstructed access for birds to enter/leave the box on the east and/or north facing elevations.
  - d) On 25% of the dwellings, two House Martin nests (or similar) will be mounted directly under the eaves of the east or north elevation.
  - e) A bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling. Please note bee bricks attract solitary bees which do not sting.
  - f) Installation of at least 12 x 2F Schwegler Bat Boxes (or similar) will be installed on to mature trees on site, facing south or west, at a height above 3m.
  - g) Installation of at least 12 x Vivara Pro Woodstone Bird Boxes (a combination of open front design and 32mm hole versions) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
  - h) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
  - i) SuDS will be planted up with an appropriate seed mixture (i.e. EM8 Meadow Mixture for Wetlands - Emorsgate Seeds ([wildseed.co.uk](http://wildseed.co.uk))) and managed and maintained sympathetically for wildlife.



- j) Hibernacula/log piles as a resting place for reptiles and or amphibians should be constructed on the site boundaries, ideally with any wood/branches from felled trees and near the LWS.

The development shall thereafter be constructed in accordance with the approved details.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

- 09. The reserved matters application for layout shall include a detailed scheme of a network of cycleway and footpath routes and connections to include cycling and walking accesses through the boundary of the site. Before any particular phase of the new development is brought into use or occupied, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site shall be laid out, constructed and drained in accordance with the approved details and shall be retained in perpetuity.

Reason: To ensure that the development provides for active travel and in the interests of sustainable development and highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

- 10. No development on the elements listed below shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority. 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:
  - a) estate roads
  - b) footways
  - c) tactile paving
  - d) cycleways
  - e) retaining walls
  - f) vehicle overhang margins
  - g) visibility splays
  - h) carriageway gradients
  - i) drive gradients
  - j) car, motorcycle and cycle parking
  - k) pedestrian and cycle routes and associated vehicular accesses and crossings,

- l) all new roundabouts and junctions,
- m) proposed levels
- n) highway drainage
- o) swept path analysis for a vehicle of 11.4m length
- p) central pedestrian reserves, bollards and lighting, and
- q) service corridors
- r) an estate street phasing and completion plan setting out the development phases and completion sequence by which the estate streets serving each phase of the development will be completed.

The development shall thereafter be carried out in accordance with the approved details and the approved estate street phasing and completion plan.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

11. The proposed roads, including service road, footpaths, parking and turning spaces, shall be constructed in such a manner as to ensure that each dwelling before it is occupied, and prior to the commencement of use of the football club, shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling/football club and existing highway.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- a. Details of the working methods to be employed on site during the construction (and preparation associated with construction) of the site,
  - b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted,
  - c. Construction vehicle movements,
  - d. Delivery and construction operation hours and expected number of construction vehicles per day,
  - e. Construction vehicular routes to and from site,
  - f. Car parking for contractors,

- g. Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice,
- h. Storage of plant and materials used in constructing the development,
- i. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities,
- j. Prevention of nuisance caused by radios, alarms, PA systems or raised voices

And shall confirm:

That noise generating activities shall not occur outside of the following hours:

- Mon - Fri 08:00-18:00
- Sat 08:00 -13:00
- All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved CEMP details.

Reason: To ensure the safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and Chapter 15 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

13. No occupation shall commence 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 in accordance with the approved details.

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 South Somerset Local Plan.

14. No development shall commence, including vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, until scheme of tree and hedgerow protection measures in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. No development shall thereafter commence until the approved tree and hedgerow protection measures (specifically the fencing and signage) has been erected in accordance with the approved details and shall remain in place for the duration of the construction of the development.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006 - 2028). This is a pre-commencement condition to prevent harm to existing trees from the earliest stages of the development.

15. No development shall commence, including groundworks and vegetative clearance, 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.

Reason: In the interests of the strict protection of badgers and to comply with the Protection of Badgers Act 1992 and Conservation of Habitats and Species Regulations 2017 and in accordance with Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that a Licence is in place, if required, because initial works to commence development have the potential to harm protected species.

16. No development shall commence, including groundworks and vegetative clearance, unless the Local Planning Authority has been provided with either:
- a) a copy of the dormouse licence issued by Natural England authorising the development to go ahead; or
  - b) a statement of justification in writing from the dormouse licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Conservation of Habitats and Species Regulations 2017 (as amended) and Policy EQ4 of the South Somerset Local Plan. This is a pre-commencement condition to ensure that a Licence is in place, if required,

because initial works to commence development have the potential to harm protected species.

17. No development shall commence, 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), including nesting birds habitat clearance measures, badgers walkover surveys, badger buffer zones and precautions for terrestrial mammals, tree and hedgerow protection measures (in accordance with BS 5837:2012), a full reptile mitigation strategy, pre-fell checks by a bat licenced ecologist for any trees with bat potential (as identified in the bat report by Clarkson & Woods), strict lighting restrictions during dusk-dawn hours to avoid disturbing bats or other species, etc.
  - 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.

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 Somerset District Council Local Plan - Policy EQ4 Biodiversity. This is a pre-commencement condition because

the development has the potential to harm biodiversity at its earliest stage of construction.

18. No occupation of any individual phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner, shall commence until a report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the Construction Environmental Management Plan have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, has been submitted and approved in writing by the Local Planning Authority. 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 in accordance with Policy EQ4 of the Somerset District Council Local Plan.

19. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To prevent excessive discharge of water flows from the development undermining the hereby approved phosphate mitigation strategy and to improve the sustainability of the dwellings, in accordance with Policy EQ4 of the South Somerset District Local Plan and policies within the National Planning Policy Framework.

20. No development shall commence until details of the sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

These details shall include, but not limited to: -

- Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
  - Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
  - Where relevant, calculations should consider the use of surcharged outfall conditions.
  - Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
  - Results should be provided as a summary for each return period (as opposed to each individual storm event).
  - Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
  - Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
  - Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
  - Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk. This should include the basins to the
- Details on the discharge location, the applicant will be required to undertake any remediation works to the receiving watercourse to ensure that this is suitable to take water from the site. This should also include erosion control to manage a point discharge from the site without deteriorating the watercourse.

Reason: To ensure the development is properly drained in accordance with the National Planning Policy Framework and in accordance with SD1, EQ1, EQ2, EQ5 of the South Somerset Local Plan 2006-2028. This is a pre-commencement condition to ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that this is not compromised by the initial works to commence development.

21. No development hereby approved shall interfere with or compromise the use of footpath CH 5/30, CH 5/32 and CH 5/33 shall take place until a path diversion order has been made and confirmed and the diverted route made available in accordance with the approved details.

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

22. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) submitted to and agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy EQ2 of the South Somerset Local Plan.

23. The Reserved Matters application for layout and appearance shall include a local centre of a minimum of 1,100 sqm floorspace, shall be constructed before the occupation of the 100th dwelling and, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking and re-enacting that Order with or without modification) shall thereafter remain within a Class E use.

Reason: To ensure that the local centre is delivered in a timely manner and to clarify and confirm the approved use of the building.



## **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.

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

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

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.

02. **Pollution Prevention During Construction**  
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
  - wheel washing and vehicle wash-down
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.

### **Environment Management**

Any oil or chemical storage facilities should be sited in bunded areas. The

capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

#### Car Parking

The operator should install a petrol interceptor if the discharge serves any of the following areas to prevent pollution to the water environment:

- Car parks typically larger than 800m<sup>2</sup> in area or for 50 or more car parking spaces.
- Smaller car parks discharging to a sensitive environment.
- Areas where goods vehicles are parked or manoeuvred.
- Vehicle maintenance areas.
- Roads.
- Industrial sites where oil is stored or used.
- Refuelling activities.
- Any other area at risk from oil contamination.

#### Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/506917/waste-duty-care-code-practice-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506917/waste-duty-care-code-practice-2016.pdf)

If waste is to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring

material excavated in the course of construction activities, etc...'. Meeting these criteria means the material is not waste and permitting requirements do not apply. Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed as (insert <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>)

You can find more information on the Waste Framework Directive here: <https://www.gov.uk/government/publications/environmental-permitting-guidance-the-waste-framework-directive>

More information on the definition of waste can be found here: <https://www.gov.uk/government/publications/legal-definition-of-waste-guidance>

More information on the use of waste in exempt activities can be found here: <https://www.gov.uk/government/collections/waste-exemptions-using-waste>

Non-waste activities are not regulated by us (i.e. activities carried out under the CL: ARE Code of Practice), however you will need to decide if materials meet End of Waste or By-products criteria (as defined by the Waste Framework Directive). The 'Is it waste' tool, allows you to make an assessment and can be found here: <https://www.gov.uk/government/publications/isitwaste-tool-for-advice-on-the-by-products-and-end-of-waste-tests>

### 03. Biodiversity Net Gain

This is a large development and consideration should be given to making contributions for environmental gains, either on or off-site. This aspiration already in the NPPF is now further supported by the 25 Year Environment Plan. This sets an expectation for development including housing and infrastructure, by all organisations and individuals, that will help deliver Biodiversity Net Gain.

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