



Regulation Committee

Tuesday 11th June 2019

12.00 pm

**Council Chamber
Council Offices
Brympton Way
Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 3 June 2019.

Alex Parmley, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk or via the mod.gov app

Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins
Vice-chairman: Neil Bloomfield

Jason Baker
Tony Capozzoli
Adam Dance
Henry Hobhouse

Tony Lock
Sue Osborne
Crispin Raikes
David Recardo

Paul Rowsell
Andy Soughton
William Wallace
Colin Winder

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Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Regulation Committee

Tuesday 11 June 2019

Agenda

Preliminary Items

1. Minutes

To approve the minutes of the previous meeting held on 16th April 2019.

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

5. Planning Application 18/02588/FUL - Jarman Way, Chard (Pages 6 - 23)

6. Date of Next Meeting

The next scheduled meeting of the Regulation Committee will be held on Tuesday 16 July 2019 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

Officer Report On Planning Application: 18/02588/FUL

Proposal :	The erection of 23 No. dwellings, means of access and associated works
Site Address:	Land At Jarman Way Chard Somerset
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr M Carnell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	17th December 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Mr Matt Frost Boon Brown Planning Motivo Alvington, Yeovil, BA20 2FG
Application Type :	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

This report was previously considered by the Regulation Committee on the 16th of April 2019. The committee deferred the application for procedural reasons as the Area West Committee minutes had not yet been approved. The Area West minutes were subsequently approved by the Area West Committee on the 17th of April 2019.

The Area West Committee considered the following application on the 20th of March 2018 and resolved to defer the application, minded to refuse for the following reasons:

- The applicant has not demonstrated that there has been sufficient marketing of the site as a development opportunity for a care home contrary to Policy HG6 of the South Somerset Local Plan (2006-2028).

The following verbal updates were provided to the Regulation Committee on the 16th of April 2019:

Updated recommendation:

The recommendation is to approve subject to the following:

The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- a) Ensure the delivery of 35% affordable housing, 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Local Planning Authority in the event that the scheme delivers more than 35% affordable housing.
- b) the provision a contribution totalling £28,212 for the provision of local equipped play space and youth facilities at plot 5 consisting of £18,278.00 towards provision and £9,934.00. This will include a mechanism for the payment of additional contributions to be paid in the event that any of the 65% of additional affordable units are sold on the open market.

And

- a) The following conditions:

Minor alterations are required to the original proposed conditions as follows:

Condition 02. Approve Issue sheet dated 27th March 2019; Traffic Management Plan dated 11th March 2019.

Condition 05 No development, other than works associated with the construction of the vehicular access up to base course level within the area outlined in ~~green~~ pink on Dwg No. [3821/121], shall take place until a surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Condition 12 (construction management plan) – The construction of the development hereby permitted shall accord with the approved details within the Construction Environmental management Plan dated 11th March 2019.

Condition 15 No development shall take place, other than works associated with the construction of the vehicular access up to base course level within the area outlined in ~~green~~ pink on Dwg No. [3821/121] in accordance with the interim slow-worm mitigation strategy received on [13.03.19], until a site-wide mitigation strategy detailing measures for the translocation of slow-worms from the site has been submitted to and approved in writing by the local planning authority. The continuation of works shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the local planning authority.

APRIL REGULATION REPORT:

The Area West Committee considered the following application on the 20th of March 2018 and resolved to defer the application, minded to refuse for the following reasons:

- The applicant has not demonstrated that there has been sufficient marketing of the site as a development opportunity for a care home contrary to Policy HG6 of the South Somerset Local Plan (2006-2028).

Applicants comments:

In response to the above, the applicant has requested that an additional statement is included within the report in relation to the proposed refusal reason. This statement is as follows:

*"It is understood that Area West Committee recommends refusal of this application as **"The applicant has not demonstrated that there has been sufficient marketing of the site as a development opportunity for a care home contrary to Policy HG6 of the South Somerset Local Plan (2006-2028)"***

The Applicant respectfully points out that Policy HG6 of the adopted local plan (and the supporting text thereto) does not contain any wording that prevents the grant of planning permission for an alternative use of a care home, or land with planning permission for a care home, unless it has been marketed in a particular manner to the satisfaction of the Council. As such it is considered that the reason for refusal proposed by Area West Committee goes considerably beyond the scope that may be reasonably assessed against Policy HG6.

Notwithstanding the absence of any planning policy requiring marketing of the care home, the site has been marketed with the benefit of planning permission. The application submission back in September 2018 made it clear that direct approaches have been made to nearly 40 care home providers across the UK, none of whom have shown any interest. Six years have passed since planning permission was granted for the care home. If there was demand from the market it is reasonable to assume that it would have been delivered by now. As pointed out in the supplemental planning statement submitted in March 2019, it stands to reason that the landowner would have sold the site to a care home provider had

interest been shown, given that its value as a care home is greater than that for affordable housing. Whilst it is unfortunate that the planning permission for the care home has not been delivered by the market, this is not reasonable grounds to refuse planning permission for an alternative proposal that is policy compliant.

SWP:

No objections to refuse collection arrangements.

Marketing:

The applicant has provided additional evidence of the direct marketing that was undertaken, including details of correspondence between the agent, landowner and potential care home providers. These approaches took place between 2013 and 2016.

This information provides evidence that suggests a lack of interest from these care home providers for reasons such as the size and location of the site. Evidence from the Land registry demonstrates the sale prices of two sites to care home providers- a 1 acre site at Cooksons Orchard, Preston Grove Yeovil which sold for 1 million and a 1 acre site at Stockmoor Village, Bridgwater which was sold for £990,000.

Need:

It is noted that there is a need for care home places. The current figures via the homefinder list confirms that 19 individuals have recorded their preference for 'extra care'; accommodation. The figure for individuals in need of affordable accommodation in Chard is approximately 200. It is also noted that the Somerset SHMA notes that Somerset has an above average proportion of older residents. It also references figures from the ONS that predict a 57.5% increase in the number of over 65s in the county from 2014 to 2039. These figures demonstrate that there is a need both for care accommodation and affordable housing.

The Council currently cannot demonstrate a 5 year housing land supply and there is a recognised severe shortage of affordable housing across the district. A number of years have passed without the carehome being delivered through the market. If permission is refused for housing, it is not known whether or when the care home proposal may be delivered.

Against the above context, the lack of 5 year land supply and the benefits of housing provision, it is considered that there are insufficient grounds to refuse permission on the basis of the loss of the care home accommodation and associated employment. Accordingly it is considered that the proposal is on balance acceptable in principle.

Design:

Following consideration at Area West committee, amended plans have been submitted making minor alterations to the design of the scheme. These alterations include increasing the amount of cladding within the scheme, introduction of railings to the front of plots 15-21 and alterations to fenestration to give a more rural appearance. These minor amendments are considered to be acceptable.

Parking:

The applicant has subsequently submitted a parking survey to provide evidence to the Highway Authority as to the capacity of the local road network to accommodate additional parked cars. The survey was undertaken at times of peak use in the early morning and evening. The survey identified an average space utilisation in St Davids Way of 48.5%. The Highway Authority have considered this information and subsequently commented that the impact of the level of parking on the wider highway network is unlikely to be severe.

Viability:

The DV report has taken into account a reasonable gross profit value, normal costs and a reasonable profit. Disregarding the actual price paid for the land, the DV concludes the land value would have to be a 'negative' for development to come forward and a fair profit made.

Therefore in principle the S106 community benefit cannot be afforded by the scheme. It is assumed that government grant will allow the scheme to move forward.

Ecology:

The applicant has submitted a preliminary ecological appraisal, reptile survey and interim slowworm mitigation strategy. The Councils Ecologist was consulted but they did not take into account the reptile survey and accordingly recommended that a condition secures a slow worm survey.

The reptile survey has shown that there are slow worms present on the site. The subsequent mitigation strategy outlines an initial limited clearance on a specific part of the site to allow the applicant to commence works on the access only. This is considered to be acceptable. A further mitigation strategy will be secured prior to works taking place on the remainder of the site.

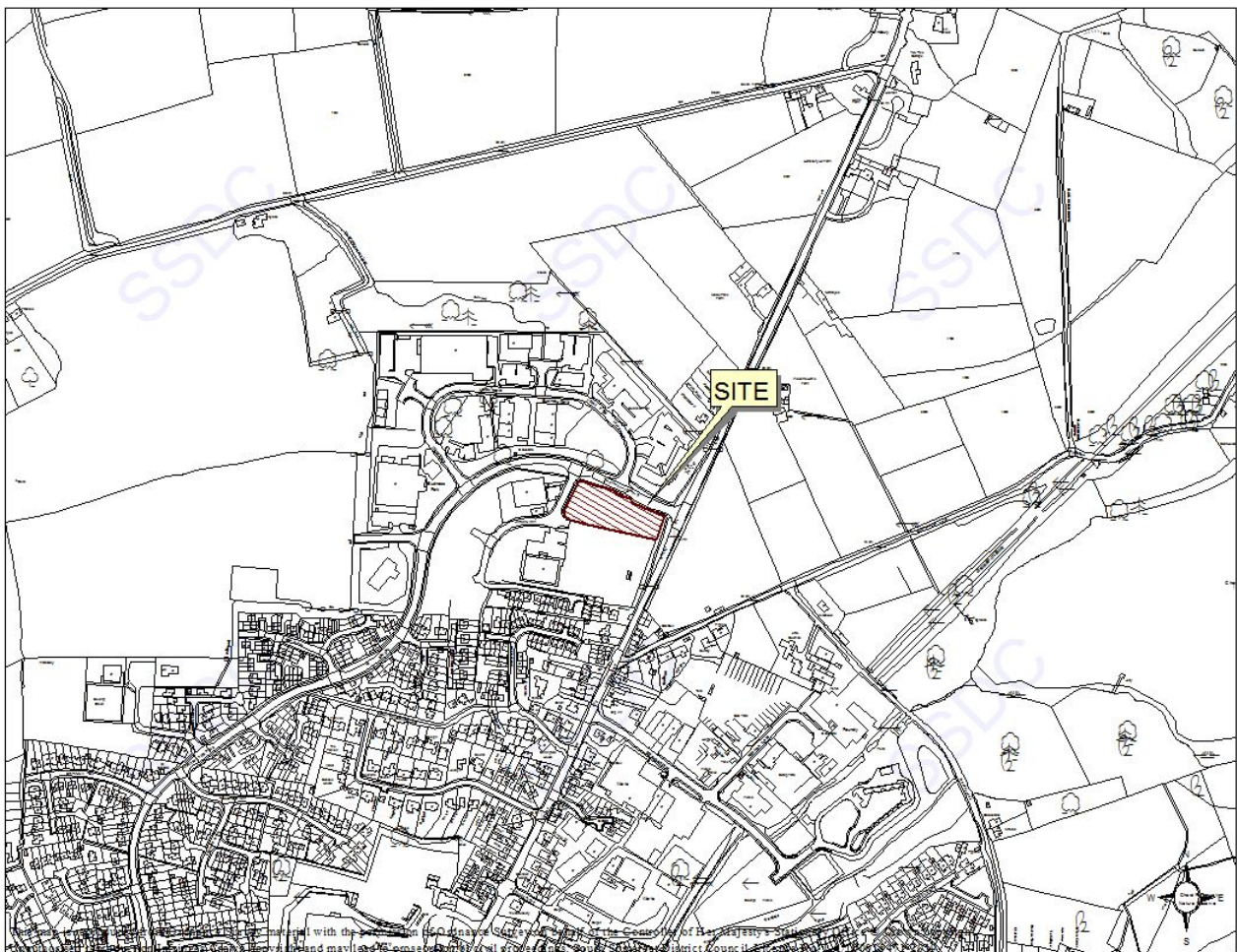
Area West Committee report:

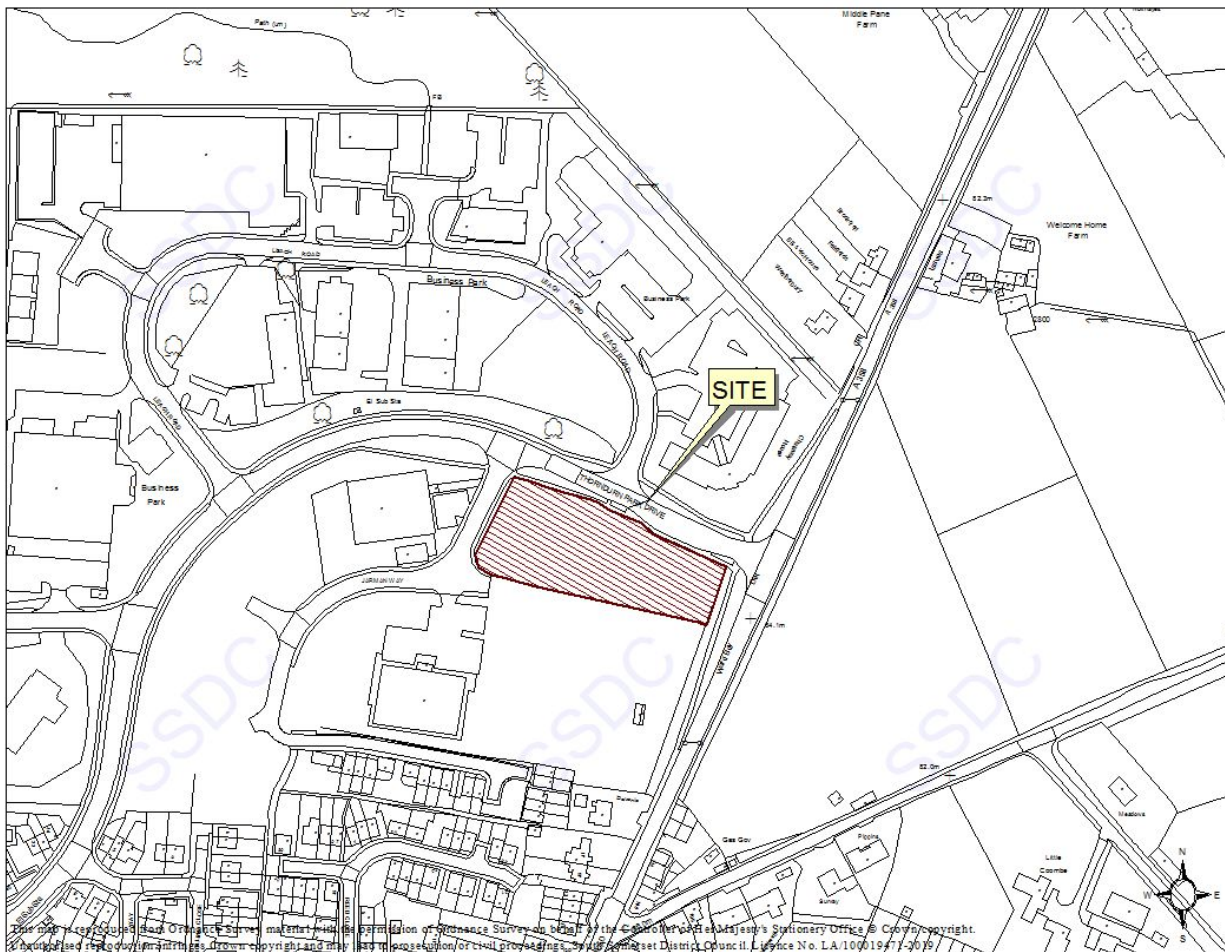
The original officer report considered by Area West Committee members is included in full below.

REASON FOR REFERRAL TO COMMITTEE:

The application is referred to the Planning Committee at the request of the Ward member and with the agreement of the Chair due to concerns over the principle of housing development in this location.

SITE DESCRIPTION AND PROPOSAL





The site is located on the northern edge of Chard, on a corner plot between the western side of the A358 (Furnham Road) and Thorndun Park Drive on the northern edge of the site. To the north and west of the site are business units comprising part of Chard Business Park. To the south are recently constructed residential properties which was a scheme of 41 dwellings and a care home approved under reference no. 12/04283/FUL. The site forms the part of the above application site that was designated for the care home.

This application is made by Stonewater who are an affordable home provider seeking consent for 23 no. affordable dwellings. 35% of the dwellings would be secured as affordable through a Section 106 agreement, although it is anticipated that Stonewater will develop the scheme as 100% affordable. The accommodation would comprise the following:

Vehicular access is proposed from David Way in the south west corner of the site. It is proposed that the internal estate road would remain private and managed by Stonewater.

The internal estate road will remain private and will be maintained by Stonewater. 39 car parking spaces are provided for the proposed dwellings, including 5 visitor spaces. It should be noted that the Somerset Parking Strategy optimum parking standards would require a total of 51.5 spaces for the development. Footpath links are provided along the internal estate road linking onto David Way. Three pedestrian links are proposed onto the existing adopted footway which links David Way and the A358.

The proposed layout is arranged around a single access road with most of the houses and flats being two storey except for the block of flats at the site entrance which would be 2 and a half stories. The development will be constructed using a mix of brick, reconstituted weatherboarding and concrete tiles.

During the course of the application amended plans were received which made alterations to plot 19, in order to exclude a strip of land within the open space on the corner of the highway which is in the ownership of the District Council.

The application is supported by the following documents:

- Application form and plans
- Design and Access Statement
- Ecology Reports (Ph 1 and Reptile Survey)
- Transport Technical Note
- Drainage Strategy
- Tree Survey

HISTORY

12/04283/FUL- The erection of 41 No. dwellings and 1 No. 68 bedroom care home together with associated highway infrastructure, parking, landscaping and footpath links

880194 - Outline consent for development of land as a business park and construction of a distributor road. This was approved subject to a Design Brief intended to shape future reserved matters applications and achieve high quality designs.

96/01070/FUL Erection of an industrial unit on Plot 1. This is the current application site but the permission was never implemented.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

- Policy SD1 Sustainable Development
- Policy SS1 Settlement Strategy
- Policy SS4 District Wide Housing Provision
- Policy SS5 Delivering New Housing Growth
- Policy SS6 Infrastructure Delivery
- Policy EP3 Safeguarding Employment Land
- Policy HG3 Provision of Affordable Housing
- Policy TA4 Travel Plans
- Policy TA5 Transport Impact of New Development
- Policy TA6 Parking Standards
- Policy EQ2 General Development
- Policy EQ4 Biodiversity
- Policy EQ7 Pollution Control
- Policy HW1 Provision of Open Space, Outdoor Playing Space, Sports,

National Planning Policy Framework 2018

Chapter 2. Achieving sustainable development
Chapter 3. Plan-making
Chapter 4. Decision-making
Chapter 5. Delivering a sufficient supply of homes
Chapter 6. Building a strong, competitive economy
Chapter Ensuring the vitality of town centres
Chapter Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. The full responses are available on the public planning file.

Chard Town Council:

First response:

That this application should be approved subject to considering the previous application and any issues with parking.

Second response:

This application should be approved but continued concerns about the lack of supporting infrastructure are noted.

County Highway Authority:

I refer to the above-mentioned planning application received on 9 January 2019 and after carrying out a site visit on 28 January have the following observations on the highway and transportation aspects of this proposal:-

In the event of permission being granted, I would recommend that the following conditions are imposed:- No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;

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

The proposed development shall be served by a new access constructed in accordance with 3821-BB-SP-00 -DR-A-101 Revision D

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

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed and connected to the existing system in the area in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: To ensure the dwellings hereby permitted are provided with a suitable access road and appropriate pedestrian and cycling infrastructure in the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

SSDC Community, Health and Leisure:

A contribution of £58,987.00 (£2,565 per dwelling including a 1% administration fee) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

£42,144 capital contribution towards local facilities comprising the following:
 £18,278 towards equipped play and youth facilities at the 'plot 5' open space
 £8,428 towards the development of a new playing field at Forton rangers FC

£15,407 towards the provision of new changing facilities at or adjacent to Forton Rangers FC

£16,290 commuted sum (for ongoing maintenance) comprising the following:

£9,935 towards equipped play and youth facilities at the 'plot 5' open space.

£5,116 towards the new playing field at Forton Rangers FC

£1,239 towards new changing facilities at or adjacent to Forton

It is recommended that the contribution towards local play be paid prior to the occupation of 25% of the proposed dwellings and that the contribution towards playing pitches and changing facilities be paid prior to occupation of 50% of the proposed dwellings.

Police Crime Prevention Design Advisor:

Please ensure that cycle stores have adequate security on the doors (digital pad) and that they have roofs as none shown on any plans?

County Archaeology:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

SSDC Housing:

Policy requires 35% affordable housing split 80:20 affordable: intermediate product.

This new split is evidenced in the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).

This would be 8 of the currently proposed 23 units and they would be split:- 6 for social rent and 2 for other intermediate affordable housing solutions.

I would like to propose the following property mix:

Social Rent

2 x 1 bed flats

2 x 2 bed flats

2 x 2 bed houses

Other intermediate affordable

2 x 2 bed houses

I would expect our prevailing minimum space standards should also be adhered to:

1 bedroom flat 47 sqm

2 bedroom flat 66sqm

2 bedroom house 76 sqm (86 sqm if 3 storey)

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy.

In the event of more than 35% being delivered, the tenure composition of the 35% secured by the S.106 would be subject to the agreement of the Housing Development Officer.

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses or if flats have the appearance of houses.

I also expect that the rented units will be made available to anyone registered on Homefinder Somerset. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units. Currently our main partners are:

Bournemouth Churches Housing Association (BCHA)

Knightstone Housing

Stonewater Housing and,

Yarlington Housing Group

The Housing Development Officer to be informed of the selected HA prior to commencement of the development.

SSDC Ecologist:

I'm satisfied with the conclusions of the Preliminary Ecological Assessment (Encompass Ecology, March 2018). Other than the issues detailed below, there aren't considered to be any other significant ecological constraints.

Reptiles

Slow worms could potentially be present on site due to the presence of suitable habitat.

Slow worms are a declining species and have consequently been included as a 'priority species' for the conservation of biodiversity (section 41 of the NERC Act 2006). They therefore need to be taken into account in the planning process.

They are also legally protected (Wildlife and Countryside Act 1981, as amended) against deliberate and reckless harm or killing (such as could occur from construction activity). However, the legislation protects only the animals themselves and not specifically their habitat. Consequently, provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development.

However, further details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect:

The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

Biodiversity enhancement

NPPF expects development to deliver some enhancement for biodiversity. This can include incorporation of features beneficial for wildlife (e.g. native species planting, bird and bat boxes) within new developments. I recommend a condition requiring submission of details of measures to be provided for the enhancement of biodiversity:

Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

An alternative to the pre-commencement condition would be for the applicant to provide this information prior to determination, and its implementation to be made the requirement of a condition.

I consider the measures recommended in the survey report are appropriate.

Natural England:

No comments to make.

Local Lead Flood Authority:

As the site already has planning permission for development, and this is a change of part of the site from care home to residential use, there are no objections to the proposals. The extension of the existing geocellular storage would appear to be a pragmatic approach to drainage at the site, although if other SUDS can be used within the site these should be explored as part of detailed design. These are more likely to have a source control or treatment element.

A standard sustainable drainage condition should be applied here.

Wessex Water:

No comments received.

Lead Local Flood Authority (County Council Drainage):

No objection subject to a drainage condition.

Somerset Waste Partnership:

Although we prefer each property to be able to have a direct collection outside their own house (it gives more responsibility to the resident when it is outside their own house, and reduces the risk of communal collection/anti social behaviour/litter problems with waste left out 24/7, flytipping etc), the proposal attached does fall within national guidelines as stated below. The communal collection points will be Stonewater's responsibility to maintain/clear in the event of problems post-occupation.

Somerset County Education:

No comments received.

REPRESENTATIONS

Following consultation, 2 letters of representation have been received: 1 objecting and 1 making general observations on the development. In addition a representation from Somerset Wildlife Trust has been received making comments on the application. In addition a representation has been received from Persimmon Homes objecting to the proposal.

The objections make the following comments:

Highways and parking:

Development will result in the loss of 12 visitor parking spaces that were secured under the 2012 permission for the adjacent housing and care home as these spaces will be allocated to the new dwellings.

General parking congestion in the area will be made worse.

Concerns over loss of privacy between facing windows.

Access opposite the gym would result in less severe impact on existing residents in David Way.

Proposed open space in a poor location, dangerous for children on a main road.

Adverse impact on wildlife and protected species.

Other Issues:

Harm to amenity as a result of noise/disturbance from proposed parking areas in proximity to existing dwellings

CONSIDERATIONS**Five Year Land Supply:**

The Council currently cannot demonstrate a 5 year land supply. Accordingly, Paragraph 11 of the National Planning Policy Framework is engaged. For decision making, this states that: "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The above paragraph describes what is often referred to as the 'tilted balance' which is currently engaged for decision making in South Somerset. It partially shifts the focus from the relevant development plan policies to the other material considerations and impacts of the development. It should be noted that the degree of weight given to relevant development plan policies in this context is a matter for the judgement of the decision maker.

Principle of development/sustainable development:

The Local Plan identifies Chard as a Primary Market Town and accordingly Policies SS1 and SS5 provide support in principle for residential development. Policy SS5 sets out that Chard provides 1852 dwellings over the plan period. The Local Plan Review has established that It is established that housing delivery to date in Chard is significantly below the Local Plan target (-996 dwellings).

The site is located on land that was originally permitted in reference 880194 as part of 'Chard Business Park' and the site was known as 'plot 1'. There was also a subsequent permission in 1996 under reference 96/01071/FUL for the erection of an industrial building on the site. This permission lapsed and was never implemented. It is also noted that the business park was never an allocated site for employment purposes, rather it was subsumed by the development area for Chard and as such there is a general presumption in favour of development, including residential as well as employment.

In 2012 full planning permission was granted for the site as a care home along with 41 dwellings adjacent to it which have been completed and occupied. The care home was never developed and that part of the 2012 site remained derelict. The applicant has stated that approaches were made to 41 care providers and that no interest was expressed. Other than these approaches there was not a standard marketing exercise whereby the site was marketed in publically accessible sources for a period of time. The applicant has undertaken to provide further details of these approaches and the responses received. The committee members will be provided with this information as an update to this report.

It should be further noted that in permission for housing in 2012 it was accepted that the applicant had marketed the site unsuccessfully for employment use. The permission was partially based on the fact that the care home would generate a number of jobs and would provide much needed elderly accommodation.

Notwithstanding the above, the Council currently cannot demonstrate a 5 year housing land supply and there is a recognised severe shortage of affordable housing across the district. A number of years have passed without the carehome being delivered through the market. If permission is refused for housing, it is not known whether or when the care home proposal may be delivered.

Against the above context, the lack of 5 year land supply and the benefits of housing provision, it is considered that there are insufficient grounds to refuse permission on the basis of the loss of the care home accommodation and associated employment. Accordingly it is considered that the proposal is on balance acceptable in principle.

Character and appearance

The overall density and layout of the scheme would be acceptable. The elevations show a slightly contemporary appearance with a mixture of red and grey bricks. It is considered that this would be acceptable in the context of surrounding development.

A planning condition is considered reasonable and necessary to agree details and samples of the proposed materials prior to the construction. Subject to conditions it is considered that the proposal would have an acceptable impact on the character and appearance of the area and would therefore accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Highway Safety

The application is supported by a Transport Statement. This has been assessed by the County Highway Authority who did not object to the application in relation to the traffic impact which includes considerations such as the number of vehicles generated, access and parking.

Following receipt of the Highway Authority comments, it has been noted that 12 parking spaces located on Jarman Way that were included within the scheme in 2012 were not subsequently provided. The lack of these spaces would mean that the existing residential development is substandard in terms of parking provision and has a shortfall of 14 spaces (not taking into account the visitor requirement) or 22 if the visitor requirement is included. In addition to the above, the proposed development which would utilise these 12 spaces for the new development as opposed to the previously approved development would provide a shortfall of 12 spaces not including visitors or 13 including visitor provision. The total combined shortfall would be 26 for residential provision only and 35 if the parking strategy standards for visitor parking are included.

The applicant has undertaken to carry out a parking survey to record evening parking levels within the existing development to provide the Highway Authority with the evidence they need to make a judgement on whether the combined impact of the parking provision would result in an unacceptable level of congestion. The Planning Committee will be provided with a verbal update at the committee meeting with the outcome of this additional evidence and the response of the Highway Authority.

The applicant has not proposed a travel plan, however Policy TA4 of the Local Plan requires that a measures only travel plan is secured. An appropriate conditions is therefore included within the decision notice.

Subject to the above conditions it is considered that the proposal is appropriate in relation to highway safety and accord with policy TA5 of the South Somerset Local Plan (2006-2028).

Residential Amenity

The impact on existing residents in terms of overlooking, overshadowing and general noise and disturbance is considered to be acceptable. Amended plans were received to ensure that the impact on existing dwellings, in particular existing dwellings facing plot 21 the front of plot 21, an end of terrace with Nos 19 and 20. These have been reconfigured to ensure that plot 21 does not face the existing dwellings, rather it is orientated with a gable end facing adjoining occupiers. This combined with the separation distance of approximately 8 metres is considered to be acceptable.

In relation to plot 22, the impact is considered on balance to be acceptable. The gable end would be located approximately 4.5 metres away, however this would be located to the north of the adjacent flats and therefore would not impinge on direct light levels. Additionally the floor layouts of the adjacent flats indicate that kitchen and bathroom windows would be affected. The bathrooms are not considered to be habitable rooms and the kitchen is a full depth open plan room which is served by a south facing window on the opposite elevation. Given the orientation and presence of a south facing window that would be unaffected, it is considered that the impact would be acceptable.

Having regard to the above, it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Planning Obligations

Sports and leisure-

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £58,987.00. The applicant has contended that the scheme is not viable with this level of contribution and accordingly an assessment by the District Valuer has been commissioned. The Planning Committee will be provided with an update at the committee as to the outcome of the District Valuer assessment.

Affordable housing-

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy.

The details of the mix of units to be delivered as affordable will be secured and delivered through the S.106 legal agreement. Accordingly it is considered that the proposal would comply with Policy HG3 of the South Somerset Local Plan (2006-2028).

Drainage

The County Council Local Lead Flood Authority have been consulted and do not object to the proposal subject to a standard condition to secure details of surface water drainage. A drainage scheme was agreed across the site when the care home was approved, however it is likely that minor variations would be required. A condition is proposed to secure the drainage details prior to commencement of the site other than certain works to the site access only. Subject to this condition it is considered that the proposal would accord with Policy EQ1 of the South Somerset Local Plan (2006-2028).

Ecology

The applicant has submitted a preliminary ecological appraisal and reptile survey with the application. The reptile survey has shown that there are slow worms present on the site. The Council's Ecologist was consulted but they did not take into account the reptile survey and accordingly recommended that a condition secures a slow worm survey.

The applicant has suggested that a condition is imposed to carry out a mitigation strategy to include the partial relocation of slowworms to enable the commencement of the access to the site. The relevant area would be protected by slowworm barriers prior to the remainder of the site being addressed.

A condition is proposed to secure this phased slowworm relocation strategy.

Conclusion

Having regard to the above it is considered that the proposal would comply with the relevant development plan policies relating to character and appearance, residential amenity and the principle of development.

The Planning committee will be updated on parking issues and sports and leisure contributions at the planning committee.

RECOMMENDATION

The recommendation is to approve subject to the following:

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's

solicitor(s)) before the decision notice granting planning permission is issued to:-

- Ensure the delivery of 35% affordable housing, 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Local Planning Authority in the event that the scheme delivers more than 35% affordable housing.
- b) Receipt of the report from the District Valuer and subsequent agreement on the level of contributions towards Sports and leisure facilities. Any agreed contribution to be secured through the section 106 agreement.
- c) Receipt of further information in relation to the marketing strategy
- d) Receipt of further details in relation to parking and subject to a subsequent positive response from the Highway Authority on these matters.
- e) Receipt of an acceptable slow worm mitigation strategy.

And

The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2018).

SUBJECT TO THE FOLLOWING:

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

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

02. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 3281/100 A; 3281/101 D; 3821/111 A; 3821/112 A; 3821/113 B; 3821/114 B; 3821/118 A; 3821/210 C; 3821/290 B only.

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

03. No development hereby approved shall be carried out on each of the following until particulars of the relevant detail have been submitted to and approved in writing by the Local Planning Authority;

- a.) a schedule of materials (including the provision of samples to indicate colour and finish where appropriate) to be used for the external walls and roofs;
- b.) details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
- c.) panels of brickwork and stonework shall be provided on site for inspection;
- d.) details of the materials, colour and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- e.) particulars of boundary treatments and hard surfacing materials.
- f.) details of meter cupboards and gas boxes, including location, colour and finish;

Once approved such details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The scheme of landscaping, illustrated on plan no. 3821-BBLA-SP-XX-DR-L-210 Rev. C shall be carried out and completed no later than in the first planting and seeding season following the first occupation of any of the dwellings hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development, other than works associated with the construction of the vehicular access up to base course level within the area outlined in green on Dwg No. [], shall take place until a surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage in accordance with the NPPF (2018) and Policy EQ1 of the South Somerset local Plan (2006-2028).

06. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

08. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

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

09. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

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

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

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

11. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3821-BB-SP-00 -DR-A-101 Rev. D, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

12. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

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

13. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 25 metres to the south east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

14. Prior to the occupation of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

15. No development shall take place, other than works associated with the construction of the vehicular access up to base course level within the area outlined in green on Dwg No. [] in accordance with the interim slow-worm mitigation strategy received on [], until a site-wide mitigation strategy detailing measures for the translocation of slow-worms from the site has been submitted to and approved in writing by the local planning authority. The continuation of works shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

16. A scheme of ecological enhancements (e.g. bat and bird boxes, wildflower sowing and management), including a timetable for implementation shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved. The approved scheme shall be carried out and completed accordance with the approved details.

Reason: To ensure ecological enhancements in accordance with Chapter 11 of the NPPF (2012).