



Regulation Committee

Tuesday 18th February 2020

10.00 am

**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 Officer on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 10 February 2020.

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: Andy Soughton

Jason Baker
Neil Bloomfield
Malcolm Cavill
Adam Dance

Henry Hobhouse
Tony Lock
Sue Osborne
Crispin Raikes

David Recardo
Paul Rowsell
Linda Vijeh
William Wallace

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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 18 February 2020

Agenda

Preliminary Items

1. Minutes

To approve the minutes of the meeting held on 19th November 2019.

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

5. Schedule of Planning Applications (Pages 6 - 7)

**6. Planning Application 18/04057/OUT - Land East Of Mount Hindrance Farm
Mount Hindrance Lane Chard TA20 1FF (Pages 8 - 62)**

**7. Planning Application 19/00074/FUL - Land East Of Crimchard Chard TA20
1LU (Pages 63 - 84)**

**8. Planning Application 19/00273/OUT - Bay Tree Farm Claycastle Haselbury
Plucknett TA18 7PE - NOW WITHDRAWN FROM THIS AGENDA AND WILL BE
CONSIDERED AT A FUTURE MEETING (Pages 85 - 107)**

9. Date of Next Meeting

The next scheduled meeting of the Regulation Committee will be held on Tuesday 17th March 2020 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

Schedule of Planning Applications to be determined by Committee

Director: Martin Woods, Director - Service Delivery
Service Manager: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Regulation Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Please note: Consideration of planning applications will commence no earlier than 10.00am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for the times stated below.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
The following two applications will be considered at 10.00am					
6	BLACKDOWN	18/04057/OUT	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.	Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard TA20 1FF	Mactaggart & Mickel Homes England Limited And The SE Blackburn Discretionary Trust

7	CHARD CRIMCHARD	19/00074/FUL	The erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping	Land East Of Crimchard Chard TA20 1LU	Barratt Homes
The following application will be considered no earlier than 1.30pm					
8	PARRETT	19/00273/OUT	Outline application for the development of up to 35 dwellings with all matters reserved except access including the demolition of the existing building and highways works to Claycastle	Bay Tree Farm Claycastle Haselbury Plucknett TA18 7PE	Mr Keating

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 6

Officer Report On Planning Application: 18/04057/OUT

Proposal :	Outline application for mixed development comprising residential development of up to 295 dwellings, provision of a floodlit full size football pitch, unlit full size training pitch and community sports pitch with associated multi use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.
Site Address:	Land East Of Mount Hindrance Farm Mount Hindrance Lane Chard TA20 1FF
Parish:	Combe St Nicholas
BLACKDOWN Ward (SSDC Member)	Cllr Martin Wale , Cllr Jenny Keinton
Recommending Case Officer:	Colin Begeman
Target date :	25th March 2019
Applicant :	Mactaggart & Mickel Homes England Limited And The SE Blackburn Discretionary Trust
Agent: (no agent if blank)	Mr Des Dunlop D2 Planning Limited Suite 3 Westbury Court Church Road Westbury On Trym Bristol BS9 3EF
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

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

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

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

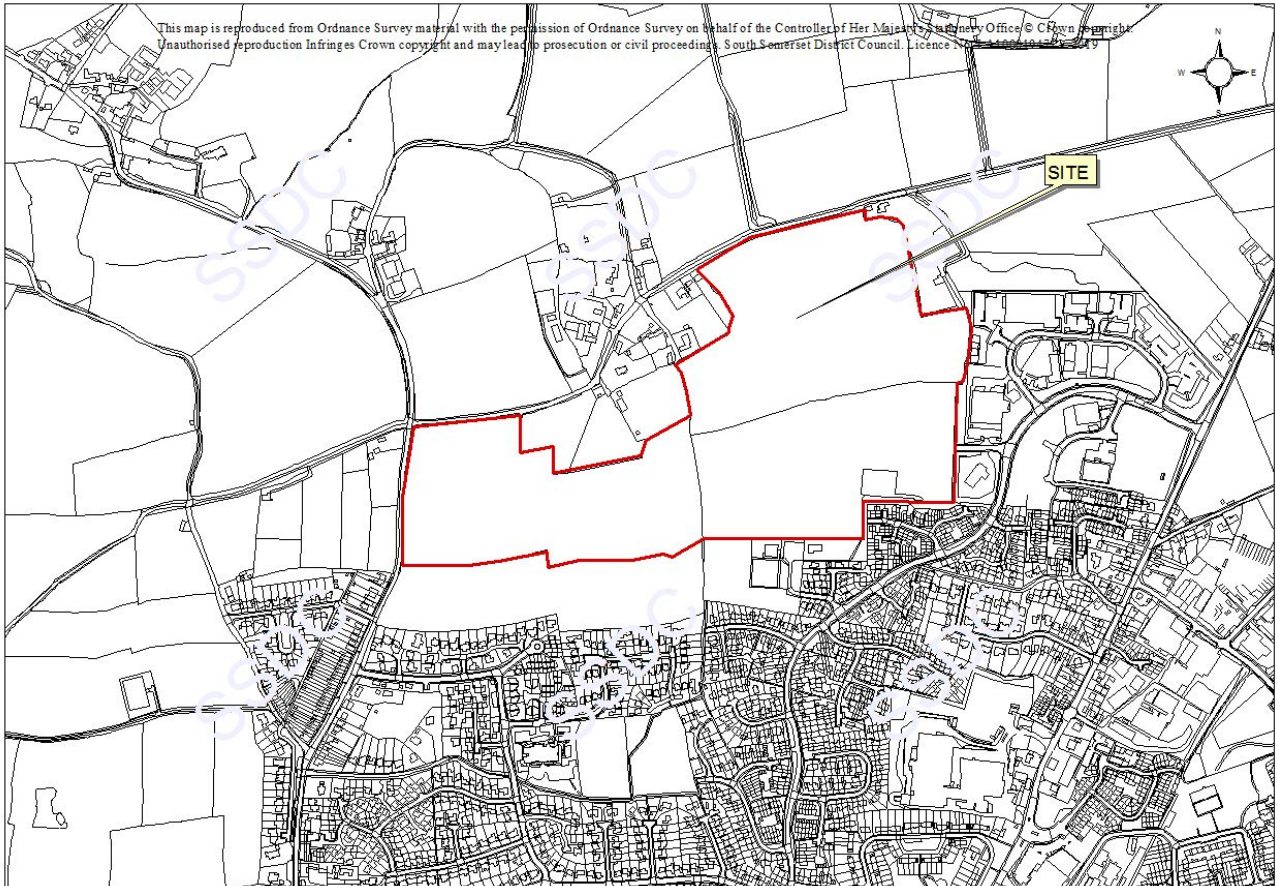
Under the Council's protocol procedure this application has been 2-starred under the Scheme of Delegation for referral of applications to the Regulation Committee for determination.

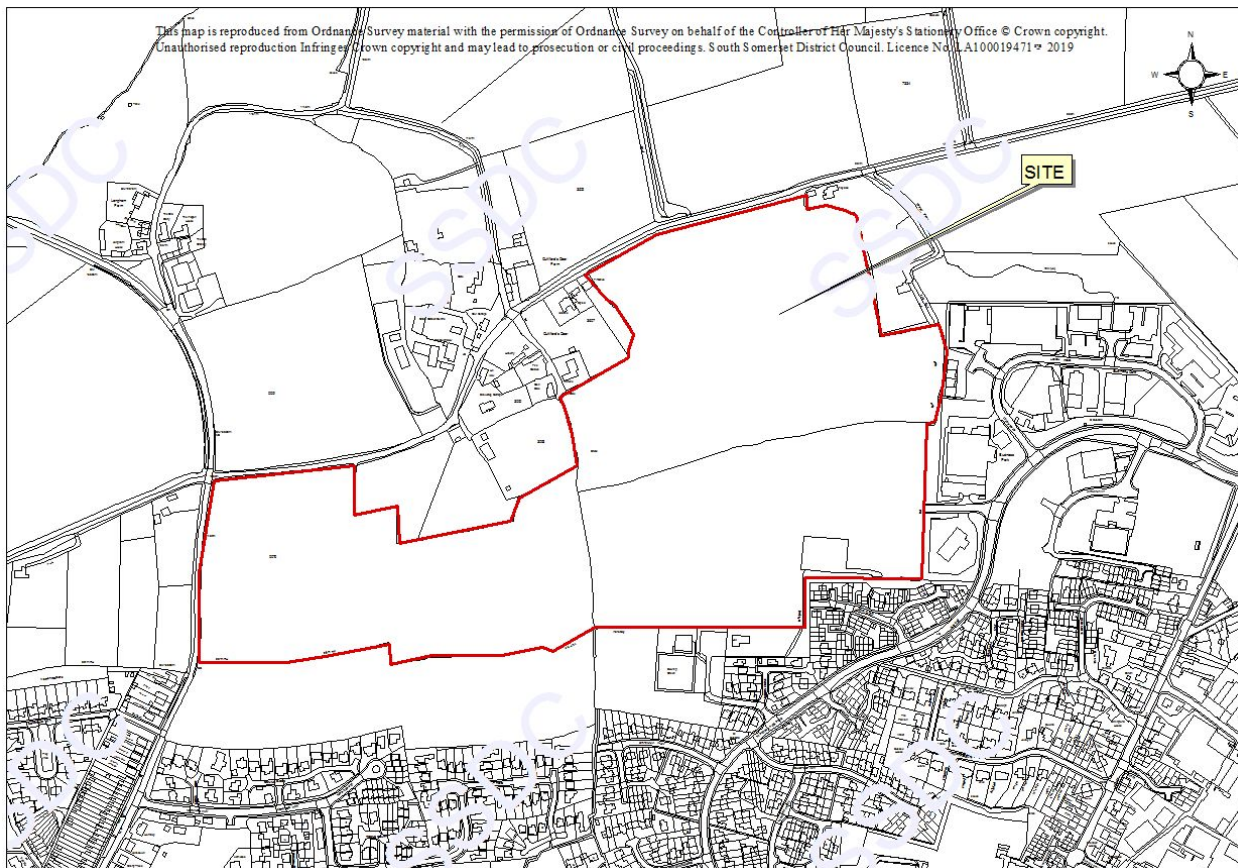
In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the

immediate future to safeguard the Council's performance, pending a more substantive review.

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

SITE DESCRIPTION





The application site comprises 3 fields in mixed agricultural use on the northern edge of Chard, although fully located within the parish of Combe St Nicholas. The site comprises a total of 23.1 hectares with a relatively small area of hard standing (0.2 ha) located within the south-east section of the site. Crimchard Road is located along the sites' western boundary with the hamlet of Cuttifords Door and its access road to the north. Agricultural fields lie beyond these immediate boundaries to the west and north. Chard Business Park is located to the west and, to the south, is the current limit of Chard's residential northern edge.

The application site slopes from west to east and is bounded by hedgerows and ditches with a number of mature trees, largely oaks, throughout the site. In addition, hedgerows define the field boundaries within the site.

PROPOSAL

Mixed development comprising up to 295 dwellings, provision of a floodlit full-size football pitch, unlit full-size training pitch and community sports pitch with associated multi-use clubhouse, spectator facilities and vehicular parking area; hub for local neighbourhood facilities and other community uses, public open space, landscaping, drainage and other facilities; associated vehicular and pedestrian accesses, land regrading, associated infrastructure and engineering works.

Site Area: 23.1 hectares

Housing: Up to 295 dwellings

Local Centre

Football Club: 2 pitches

Additional Football Pitch for council use

NEAP: Playspace

Landscaping, SUDS and associated infrastructure

The scheme seeks outline permission for a mixed-use development comprising the erection of 295 homes, the provision of a Football Club with clubhouse and associated parking, 2 adult training pitches and mini-pitch, areas of open space, a small local centre (a convenience store and other local services), equipped play areas, new footpaths and highway works, and new areas of structural planting and landscaping. The means of access is sought for approval as part of this application with all other matters ie layout, design, scale and landscaping reserved for approval at the reserved matters stage.

Whilst the application is in outline, an indicative masterplan has been submitted to demonstrate how it would be proposed to develop the site. This forms part of the Design and Access Statement submitted with the application which details how the plan for the whole site has been formulated resulting in a Concept Framework Plan. The Design and Access Statement outlines an analysis of the site and surrounding area, in particular, the rural landscape character to the north, relationship with Cuttifords Door, and the existing built form to the east and south. It discusses Chard's existing settlement pattern and an assessment of the range of different building types and densities within the town. A technical section deals with proposed highway works and alterations, ecology, archaeology, flood risk, drainage and landscape issues and assessments. An evaluation section outlines the constraints and opportunities on and adjacent to the site.

The Design and Access Statement outlines that the applicant wishes to create a sustainable new neighbourhood in Chard. It outlines that the scheme would help initiate the wider regeneration of the town, meeting a need for housing but without adversely compromising or harming the Council's aspiration for the expansion of Chard. The aim is to provide good connections both throughout the development and to create and enhance strong links with the existing pedestrian connections at key points along the southern boundary. Green corridors will be provided throughout the site to encourage movement, providing areas of open space and encouraging sustainable modes of transport. New sport and play facilities will be established in addition to the creation of a Football Club.

The density of the new homes will range from 15 dwellings per hectare (dph) to 35dph and comprise around 12.9ha of the total application area. It is proposed to create the higher density dwellings to the south and far eastern side of the site, and gradually reduce the density towards the northern edges of the site. The dwellings will range from 2 to 4 bed detached, semi-detached and terraced houses and predominantly two storey. The design, materials and layout will be considered at the reserved matters stage. The submitted masterplan shows that the houses would be located across the whole site other than at the far western and eastern ends along the northern boundary.

The Football Club along with the clubhouse and training pitches and additional planting would be located in the top north-east section of the site. A 30-metre belt of additional planting has been proposed in the far north-west corner.

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

A small hub for local neighbourhood facilities will be created and will comprise retail, commercial and community floorspace. Areas of open space will be created with the main public spaces situated along the main north to south routes.

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

Environmental Impact Assessment (EIA)

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

Landscape and Visual Appraisal

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

Transport Assessment

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

Ecology

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

Flood Risk Assessment

In relation to flooding, the site lies entirely within Flood Zone 1 ie land assessed as having less than a 1 in 1000 annual probability of river or sea flooding'. The FRA states that the fields are flanked by land drainage ditches and these direct runoff eastwards, converging at the south-east corner of the woods, north of the business park, flowing then to Chard Reservoir. Permeability tests were undertaken across

the site and this concluded that site infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates using open storage ponds before being discharged to the ditches. The report states that this will ensure that the risk of flooding downstream of the site is not increased. The report mentions the recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on-site flooding. The use of swales, ditches, rainwater harvesting, permeable paving and appropriate threshold levels will be included amongst the mitigation measures.

Open Space Assessment

The Open Space Assessment identifies the shortfall of playing pitches within Chard. The proposal will provide a Football Club with much needed improved facilities as well as providing new sporting/leisure facilities for the town.

Heritage Assessment

The Heritage Assessment identified no evidence of heritage assets within the site of such significance such as to preclude development. The report concludes that there is sufficient information contained in the report to accompany the outline application. The requirement for /scope of any further work and/or mitigation will be agreed with the County Archaeological Officer at reserved matters stage.

Lighting Impact Assessment

A Lighting Impact Assessment was undertaken. This acknowledges that there will be an impact for residents to the south of the site given the unlit nature of the site at present. Light will be seen from houses and street lights but due to the distances involved, the report states that there would be no harm to residential amenity. However, the report does accept that the football club lights will clearly be different from residential and street lighting. The report concludes that further design work will be required to ensure that this lighting is fully mitigated.

Affordable Housing

In terms of affordable housing, the scheme proposes 35% affordable homes which compliant with the Council's target. The location and mix shall be agreed with the Council at the reserved matters stage.

Agricultural Land

The agricultural land assessment states that the site comprises a mix of good (3a) (western side) and moderate (3b) (eastern side) agricultural land quality.

Arboricultural Report

With regard to the arboricultural report, it identified that most of the trees within the site were in good health and that most should be retained as part of the scheme and protected during the development phase. Oak is the predominant species. The report states that 6 trees would be removed in the centre of the site to facilitate the construction of the new main internal road but concluded that the negative arboricultural impacts would be few and not significant.

Phasing

In addition, the applicant has outlined that the development would be constructed in 3 main phases with each phase taking 1-2 years with an overall development timeframe of around 5 years. The planting will take place early in the development with the development being constructed on the eastern side first.

HISTORY

12/02681/EIASS (Screening and Scoping request).

Relocation of Chard Town Football Club, 1 hectare of employment land with access, around 450 homes and principal distributor road linking Thordurn Park Drive with Crimchard.

Following the submission of the above screening and scoping request, the Local Planning Authority informed the applicant that an Environmental Impact Assessment (EIA) was required.

12/04518/OUT - Mixed development comprising 350 homes, floodlit full size football pitch, unlit full size training and mini pitches, multiuse club house, spectator facilities and parking. Hub for neighbourhood/community facilities, public open space, landscaping, drainage, associated vehicular & pedestrian access. Land regrading, associated infrastructure and engineering works (GR 332536/110057) - Refused and appeal dismissed - 3 June 2015 –

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

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and Paragraphs 2, 11, and 12 of the NPPF requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

For the purposes of determining the current application, the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS3 – Delivering New Employment Land

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

PMT1 - Chard Strategic Growth Area

PMT2 - Chard Phasing

EP3 - Safeguarding Employment Land

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development
Part 5 - Delivering a sufficient supply of homes
Part 8 - Promoting healthy and safe communities
Part 9 - Promoting sustainable transport
Part 11 - Making effective use of land
Part 12 - Achieving well-designed places
Part 14 - Meeting the challenge of climate change, flooding and coastal change
Part 15 - Conserving and enhancing the natural environment
Part 16 - Conserving and enhancing the historic environment
Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October 2019

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017) Policy PMT1

The Chard Regeneration Framework

CONSULTATIONS

COMBE ST NICHOLAS PC

The Parish Councillors Object to this Proposal Comments and Reasons:

1. The proposed development is in conflict with the other developments in Chard which are now currently passing through the planning process
2. This development is Outside Chard town boundary and not included in the adopted Local Plan. It (295 urban houses) would have the effect of just under a 50% increase in the number of houses in Combe St. Nicholas Parish — currently 660 (rural) altering the balance of the Parish
3. All the infrastructure needs to be in place before any approval can be given — schools, doctors. Etc. etc. Currently, this is totally unsuitable and most schools full. Even the Government are now talking about the infrastructure being in position before housing. The needs of young people to be considered too.
4. If approved a condition needs to be in place - that NO connecting link road be allowed between this site and the Barratt Homes site on Land to the east of Crimchard (Blackdown Heights). Reason — That amount (possibly combined total of 445 houses) of extra Vehicles joining the Crimchard Road would be dangerous at this narrow point and cause more vehicles using the road through Combe St. Nicholas and Cuttifords Door. Construction traffic too would increase the dangers for these roads.
5. Environmental report figures were inaccurate (Somerset Wildlife Trust)

CHARD TOWN COUNCIL:

No comment

PLANNING POLICY:

The proposal includes the following:

Up to 295 residential dwellings.

- A floodlit football pitch including ancillary facilities. The proposed clubhouse could be managed and made available to the wider community as a community use space.
- A second full-size football pitch.
- Small scale facilities comprising retail, commercial and community floorspace (980 sqm).
- Significant additional areas of open space including formal and informal areas. Neighbourhood equipped areas of play, locally equipped areas of play and informal areas of play. A further community football pitch is also proposed.
- Provision of access from Crimchard.
- Associated infrastructure including roads, haul roads, footways, cycleways, balancing ponds, drainage scheme, street lighting and strategic landscaping.

As noted in the appellant's Planning Statement this site forms part of a larger proposal previously dismissed at appeal - application No. 12/04518/OUT.

The development plan for the purposes of determining this planning application consists of the South Somerset Local Plan 2006-2028. The Council is currently undertaking a Local Plan Review (LPR) covering the period 2016-2036. The LPR is still at an early stage of preparation having undergone Issues and Options consultation from October 2018 until January 2019 (Regulation 18). Public consultation on the Preferred Options (Regulation 18) has been undertaken with public consultation on the Publication Plan (Regulation 19) expected to be undertaken early to mid-2021. You will note that the planning application site has been identified as a preferred option in the draft document put before District Executive on 7th February 2019. However, at this stage in the process, the emerging Local Plan Review can be given very limited weight.

Chard is the second-largest settlement South Somerset and Policy SSI of the Local Plan designates it as a Primary Market Town. Policy SS5 sets a housing requirement of at least 1,852 dwellings in Chard. This includes the 1,220 homes to be delivered during the plan period with at least a further 1,496 being delivered post-2028 within the Chard Eastern Development Area (CEDA) (Policy PMT2). Policy 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 CDEA 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. The infrastructure costs associated with the delivery of the allocation are significant and this is recognised by a CIL nil tariff and the inclusion of elements of the road infrastructure being included on the Council's CIL Regulation 123 list.

A key issue for Chard is the impact of development proposals on the central Convent Link junction, as part of any balancing exercise, the contents of the transport assessment and the views of SCC as the Highway Authority will be of particular importance.

Policy SS3 of the Local Plan requires 17.14ha of employment land to be delivered in Chard over the plan period. Areas for employment use are not specifically identified in Policy PMT1 or PMT2 however, there is an expectation that 13ha of employment land will be delivered as part of the CEDA allocation, 10.5 hectares of which are locationally specific. As referred to above, this site falls within the part of the CEDA site known as Thorndun Park, an area adjoining the existing established Chard Business Park, where 4.1 hectares of residential and employment land is identified to be delivered. This proposal does not include any employment land, but 980 sqm of land is identified for some economic development purposes comprising retail and commercial uses as well as community use. The Council's employment land and floorspace monitoring illustrates that land is being delivered slowly in Chard for employment uses, only 0.28 hectares had been delivered however a further 3.9 ha of employment land was approved (19/01219/FUL) for Numatic at the end of 2019. In comparison, Chard had until last year delivered roughly the same level of floor space over the plan period as Yeovil, the District's principal settlement (circa 24,400 sq m). This could be a demonstration of the difficulties in bringing employment land forward, which is a District-wide issue where businesses are expanding by optimising their existing land holdings, rather than purchasing new sites. This situation cannot continue indefinitely, and businesses will become constrained. The emerging Employment land Review identifies a quantitative need for a minimum of 13.5 hectares of employment land in Chard. This is based on 0.5 hectares for office development and 13 hectares of land for industrial use. This suggests that the need for the land identified in the CEDA still exists. It should be noted that paragraph 80 of the NPPF states that "planning policies and decisions should help to create the conditions in which businesses can invest, expand and adapt" set against the context of meeting the anticipated needs over the plan period.

A significant material consideration is the National Planning Policy Framework, 2019 (NPPF). Paragraph 11 d) states:

d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

Footnote 7 of the NPPF clarifies that for applications involving housing 'out-of-date' includes, situations where the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Based upon the report published in January 2020, South Somerset District Council is unable to demonstrate a five-year housing land supply. This means that paragraph 11 d) of the NPPF is activated.

In conclusion, this proposal is contrary to Local Plan Policies SS3, SS5, PMT1 and PMT2 however, the lack of a five- year housing land supply means that paragraph 11 d) comes into force and in conjunction with the responses from other consultees you should undertake a balancing exercise to determine whether any adverse impacts of approving the proposal would outweigh the benefits of allowing up to 295 homes and a site for a re-located football club in addition to the other uses proposed.

HIGHWAY AUTHORITY:

Further to this Authority's previous recommendation, further discussions have been completed and the Highway Authority has the following additional comments to amend those previously submitted.

Travel Plan - Not Acceptable - Revisions Required

The actions required to get the Framework Travel Plan up to standard have already been provided.

The Travel Plan should be secured via an agreement under s106 of the Town and Country Planning Act of 1990

Highway Improvement works

The following package of mitigation works has been offered by the applicant:

- A new access road via Thorndun Park Road
- An Emergency Vehicle Access onto Crimchard
- Extension of the 30mph limit on Crimchard 50m north (the TRO amendments to be included in s278/106 agreement)
- Visibility splays measuring 2.4x43m for both accesses
- Parking in accordance with standards
- Footway and Cycling Infrastructure links
- A Travel Plan (secured via a s106 agreement)
- A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close
- Improvement of public footpath to the west of the Bowling Club.
- Two new bus stops on Crimchard at the site frontage.
- Provision of bus shelters at two nearest bus stops on Thorndun Park Drive - the developer has accepted that the Highway Authority do not take contributions.
- Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance, which is currently being considered for allocation for housing in the current Local Plan review, should it be developed.
- Signalisation of Furnham Road/Victoria Avenue Junction linked to Coker Way existing signals

- **Conclusion**

The developer has agreed to the above package of mitigation measures which can be secured via appropriate legal agreements. In this regard, the Highway Authority is content that the impact of this development on the local highway network will not create a highway safety or efficiency issue.

Any outstanding matters with the Travel Plan, internal site layout and technical details of the mitigation package can be agreed during the next stage.

- **Highway Authority suggested Conditions**

In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed:-

Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development of the estate shall not proceed other than in accordance with the approved programme.

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

The development hereby permitted shall not be commenced until the developer has applied for an

amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

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

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

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

In the interests of sustainable development, no part of any particular phase of the development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to,

- Footway and Cycling Infrastructure links,
- A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close,
- Improvement of the public footpath to the west of the Bowling Club.
- Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

No part of any particular phase of this development shall be occupied until parking spaces and properly consolidated and surfaced turning spaces for vehicles have been provided in accordance with current standards in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

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

Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed

necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the 50th dwelling, the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive.

Prior to the occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way.

NOTE: All works within the highway will be designed in agreement with this Authority and contained within an appropriate Agreement under s278 Highways Act 1980, or s106 Town and Country Planning Act

- Principle

The development is outside development limits and, although some of the land is part of the Chard Regeneration Strategy, this development exceeds the limits of that development. It will be a significant traffic generator and while remote from services and amenities, such as education, employment, health, and retail the provision of housing and leisure facilities are a material planning considerations weighing in its favour.

- Parking

This application seeks outline permission and seeks approval for the principle and access at this stage. It is important at this stage to set out the parameters to inform any reserved matters application.

The level of parking required is set out in the County Parking Strategy which is part of Local Transport Plan 3 which was adopted in March 2012. The site lies on the cusp of Zones B and C for the purpose of the strategy and it is felt that Zone C is more appropriate since the site is remote from services and amenities. This means that the optimum level is: 1 bedroom dwelling 2 spaces; 2 bedrooms 2.5 spaces; 3 bedrooms 3 car spaces; 4 bedrooms 3.5 car spaces. It is possible to deviate from these levels up or down depending on sufficient justification.

The Strategy also requires visitor parking at a level of 0.2 per dwelling where less than half the parking is unallocated. Unallocated spaces are more efficient than on plot spaces since they are available for use by visitors and the standards reflect this. Unallocated spaces need to be in laybys, perpendicular bays or in parking courts.

Parking spaces fronting the highway should be 5 metres long to prevent vehicles overhanging the highway. Spaces which are obstructed, by a wall or fence at the rear, for example, should be 5.5 metres. Spaces fronting garages should be 6 metres to allow room for the operation of the garage door.

If a garage is to be counted as a parking space it must be easy to use for drivers. The minimum internal dimensions are, therefore, 6 by 3 metres.

- Travel Plan

The Travel Plan (TP) is well structured but the content requires further amendments however this can be secured by way of a condition and incorporated in s106 agreement. Because this site is in a relatively remote location, it is essential that the likelihood of sustainable travel is maximized.

Despite being an outline application, the end use is known and the details of the TP can be fully finalized at a later stage. If the TP is to become part of a Section 106 agreement, it will need to be complete in all its details.

Creating bus stops and diverting buses into the site would make catching a bus more attractive. If the distance walked to a bus stop is reduced, the attractiveness increases to a great extent.

There are some measures like pedestrian and cycle permeability that will become more important once the detailed layout has been fixed. If the main desire lines are fixed, however, this will inform the layout. It will also help to highlight where improvements off-site can be useful in creating attractive routes. The provision of cycle parking is important. The minimum standard is one cycle parking space per bedroom and the spaces provided should be accessible from the road when the garages and parking spaces are occupied.

The number and location of travel information boards are possible not in terms of the exact location but certainly in terms of the other features likely to be included such as the Football Club and the communal areas. The type of information that is to be displayed on these boards can also be stated.

There is mention in some of the supporting documents of a retail element in the development and clearly this could be a focal point for future residents. This is a good place to position travel information boards and could be used to position bus stops in the layout. All of this could be detailed in the TP and used to build a range of measures to encourage sustainable travel.

The TP proposes a welcome pack for future residents. A smarter travel leaflet which is site-specific should be included with easy to read information about how to travel more sustainably. Promotional events could be held to promote sustainable travel such as health workshops and bike maintenance sessions. Small cheap gifts could be included in the welcome pack to further encourage better travel habits such as reflective cycle clips or reflective vests. A site car-share scheme could be set up and integrated with the Somerset wide scheme. This is a good way to cut costs for residents by sharing petrol and parking costs on the daily journeys which can yield cash savings for the participants and reduced trips for the TP.

All the suggested measures can be costed and these costs trapped in the TP summary. This means that SCC can gauge the level of commitment to sustainable travel and it also caps the commitment for the developer by ensuring that a maximum spend is indicated. The same is true of safeguard measures, measures to be employed should the TP targets not be met. Measures should be identified and costed and a safeguard sum deduced from these costings. Once again the developer is protected from excessive costs. A safeguard sum has been mentioned but it is not based on costed measures and looks very small compared to similar sized developments in better locations. The key is to identify safeguard measures, cost them and then calculate the safeguard sum.

In monitoring the traffic levels, the TP mentions multi-modal traffic surveys and residential travel surveys. This is an essential way of collecting data for a residential development of this sort so that the details from the other types of survey can be verified empirically. All monitoring data should be entered on the iOnTRAVEL website where SCC can monitor the targets. This is essential in measuring the success of the TP.

- Estate Roads

This is an outline application and only access is to be determined at this stage. This means that the layouts are indicative and likely to change. It is important to define the parameters for reserved matters, should this come forward, and there are concerns that the Highway Authority would seek to raise. The primary route through the site conforms to the Regeneration Strategy but this proposal is much bigger than was envisaged in the Strategy. Thought should be given to whether the design code should be revisited if this development goes ahead especially in relation to the road widths and layouts. The Highway Authority has not objected to this proposal and is content with the principle.

The Advanced Payments Code will apply in this instance and where streets don't meet the requirements of the Highway Authority, a considerable liability could fall to the developer to cover future maintenance.

There is mention of tree planting in the proposed streets but at this stage, there is little detail on the types and positioning. Any planting in areas to be adopted by the Highway Authority or adjacent to adopted areas must be agreed in advance. The species of any trees will be crucial as well as any root ball protection measures so that tree roots don't interfere with the road underpinnings.

The layouts submitted are illustrative only and do not show adequate suitable turning heads for refuse and emergency vehicles. There is a distinct limit, as defined in Manual for Streets, to how far refuse vehicles can be expected to reverse when servicing households and these appear to be exceeded in the layouts. Modern houses are heavily serviced and provision must be included for the service vehicles to carry out this servicing in a reasonable manner.

- Drainage

The current drainage plan relies heavily on attenuation ponds and this strategy is based on the investigation that has been carried out. These ponds are proposed close to both existing highways and proposed adoptable roads. The effect of these ponds on the underpinnings of the highways should be carefully considered because roads, like any other structure, are susceptible to uncontrolled water undermining the foundations.

The Highway Authority currently enjoys rights to discharge highway water into ditches running along the south side of Cuttisford Door. This right of discharge needs to survive the drainage plan so that the existing road drainage will continue to operate. There is a concern that the operation of these ditches could be compromised by inclusion in the drainage plan and increased use.

- Conclusion

It is noted the site as proposed is not part of the Chard Regeneration Framework and as such it must be a matter for the Local Planning Authority to decide whether there is an overriding planning need for such a development.

From a Highway Authority perspective, the applicant has addressed many of the concerns within the original Transport Assessment, and it would appear that the proposal will not have a severe impact on highway movements and whilst there is still work to be undertaken on the Travel Plan on balance there is no highway objection.

LANDSCAPE:

The application site lays within the scope of this council's peripheral landscape study (March 2008) which undertook an assessment of the capacity of Chard's peripheral land to accommodate built development. The study found that land against the immediate edge of the town had a 'high' capacity for additional growth, yet that capacity rapidly lessened on moving north and away from the town's edge, judging land immediately alongside Cuttisford's Door Lane to have only a moderate to low capacity for built development - for precise grading, see figure 5 of the study. This reflects the sensitivity of this edge relative to the rural land to the north. The outline proposal indicates a development footprint that concentrates the main area of built form toward the current edge of town and incorporates open space in the form of football pitches, allotments and community orchards into areas evaluated by the peripheral study to be sensitive. It is considered that there is scope for some development along this edge of town, to round off Chard's northward extent and the proposal complies with this strategy.

ECOLOGIST:

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

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

- **Mount Hindrance Farm Hedges Local Wildlife Site**

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

- **Badgers**

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

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

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

- **Bats**

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

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

- **Dormice**

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

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

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

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

- Reptiles

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

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

- Birds

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

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

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

OPEN SPACES OFFICER:

With regards to the above I have the following comments to make:

1. I am not clear how much Open Space they are proposing; the 0.8ha indicated on page 5 of the "Assessment of Open Space Provision" and page 37 of the "Design and Access Statement" would be acceptable. The 0.05ha on page 19 of the former document would not.
2. The developer's recreational focus is primarily upon sport, play and the relocation of football

facilities which is disappointing

3. SUDs are not included in the Open Space allocation and depending on their design may be unacceptable or need fencing and landscaping if sited within the Open Space
4. I do not support the Open Space in the north western corner, whilst I appreciate that structural landscaping is needed, Open Space on the periphery does not serve the entirety of this section. There is also a shortage of Open Space in the eastern section of the site
5. There is a linear piece of Open Space to the south east corner that abuts the existing bund which would be best either relocated or linking into additional Open Space in this section of the plan.
6. There are a shortage of trees along some of the street lines
7. Is there adequate parking for the formal recreation users?

Case officer comments:

The layout plan submitted with the application is indicative only and the issues raised above including the location and sizes of the area of open space will be discussed in detail at the reserved matters stage.

BLACKDOWN HILLS AONB PARTNERSHIPS:

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

COMMUNITY HEALTH AND LEISURE:

A total contribution of £888,059 is sought for equipped play, youth facilities, playing pitches, changing rooms, community halls and strategic facilities.

COUNTY EDUCATION OFFICER:

Advises that the primary schools in the town would not have the capacity and the catchment Redstart School and Holyrood have forecast to be over capacity. Based on 295 homes, the following contribution is being sought:

Primary - 95 places @ £17,074 per place = £1,622,030.

Secondary - 42 places @ £24,861 per place = £1,044,162.

Total = £2,633,192.

ENVIRONMENT AGENCY:

The Environment Agency raises no objection to the application subject to a condition in respect of submission of a surface water drainage scheme. The details shall include how the scheme shall be maintained and managed after completion along with criteria that the surface water scheme must meet. The EA also supports the other flood risk measures as outlined by the applicant.

COUNCIL ENGINEER:

A detailed Flood Risk Assessment is required setting out the general drainage strategy and measures to be incorporated on-site to control surface water runoff.

ENVIRONMENTAL HEALTH OFFICER:

No objection subject to conditions in respect of light impact assessment in relation to the football club. Dependent upon the outcome of this assessment, mitigation measures may be required to protect future and existing occupiers adjacent to the pitch.

COUNTY RIGHTS OF WAY:

Confirms that there are 4 public footpaths that run through and site. One of the footpaths (ch5/30) would be obstructed by the proposal and will need to be diverted. Also, request improvements to the surfacing of the existing rights of way through and abutting the site. Also advises of the circumstances when permission from the County Rights of Way officer would be required for example changes to the surface of a public right of way.

REPRESENTATIONS

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

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

Chard Regeneration Plan and NPPF:

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

Employment

- Does not provide any long term employment provision, only short term construction employment
- Will seal off the existing business land, take up proposed employment land for housing and delay the bringing forward of employment land in Chard.

Education

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

Landscape

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

Highways

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

Impact on Wildlife

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

Flooding/Drainage

- There has been flooding in the local area
- The fields within the site are often waterlogged
- Cuttifford'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 Cuttifford's Door

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

Amenity land

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

Chard Town Football Club

- The relocation of the football club is catered for in the local plan
- Inclusion of the football club in this application is seen as a ploy to gain public support for the whole application.

Loss of agricultural land

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

Other issues

- The development will only benefit the developer and not the residents of Chard and surrounding villages.

Supporting comments:

The vast majority of these letters were in the form of a circular letter, focusing upon the support for the relocation of Chard Town Football Club. Other support has been received from The Football Association, Somerset FA, Perry Street League and the Chard and District Referees Society.

The points raised include:

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

CONSIDERATIONS

There are a number of key considerations in respect to this development and each of these are addressed below.

Principle of Development

The starting point for consideration of this proposed development are the policies of the South Somerset Local Plan (SSLP). The site is outside of the development area for Chard as defined in the SSLP. However, as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently does not have a 5 year supply of housing. Accordingly, policies insofar as its application to housing restraint policy, are not up-to-date. As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that whilst the Council currently does not have a 5 year supply of housing, the approval of this application, specifically taking into account the dismissed appeal decision would not result in adverse impacts that would significantly and demonstrably outweigh any benefits of the scheme. The technical areas of adverse impact outlined in this report include ecological and landscape harm, conflict with and contrary to the Chard Regeneration Framework, lack of employment land provision and conflict with the government's aims and objectives in terms of achieving sustainable development have substantially been overcome.

The Chard Regeneration Framework has been formulated over a period of years following the non-delivery of the Chard Key Site. It is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and undertaken in a strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure. However, this strategy has not been successful in delivering these aspirations. It is now considered that the proposed development will provide benefits including the delivery of housing affordable housing and important leisure facilities, despite the majority of the site falling outside of the Council's proposed strategic growth area for Chard. A small section of the site is included within Phase 1 of the Chard Plan but this is for an employment site and relocation of Chard Town Football Club. Accordingly, while the proposal does not accord with the Council's planned and strategic approach to the town, taking into account the current delivery of growth envisaged by the

strategy, the proposal is considered acceptable in this respect.

Sustainability.

At the heart of the NPPF is the key aim to achieve sustainable forms of development. The NPPF outlines 3 dimensions to sustainable development ie economic, social and environmental. Moreover, these are mutually dependent and all 3 should be sought jointly through the planning system. The applicant has made the case that this development would provide sustainable mixed-use development by providing a range of housing, new sport and play facilities, relocation of CTFC, provision of a small community hub, highway improvements and the creation of attractive and strong linkages within the development and to the existing town.

It is considered that the development would importantly meet some of the District's housing needs, provide welcome new leisure facilities and have economic spin-offs.

In terms of the environmental role, it is considered that the development satisfactorily protects or enhances the natural environment. The ecologist had previously raised concerns in terms of the harmful impact of the development on dormice however is now content that sufficient mitigation can be achieved to protect the dormice habitat. In addition in considering the previously dismissed appeal, the Inspector concluded that given the level of mitigation the impact would be neutral and accordingly, it is considered that the environmental thread of sustainable development would be achieved with the approval of this development.

The proposal is considered to provide a mix of development and to provide both housing and employment during the construction phase and spin-off employment in the longer term, along with the contributions for appropriate infrastructure. This is a key element of the NPPF and would meet the economic role of sustainable development.

In terms of the social role, it is accepted that this development would help towards providing new facilities, in particular play and sporting facilities that would help towards creating healthy communities. Most of the town's key services and facilities are located in the town centre and therefore the applicant has proposed improvements to existing footpaths and crossings to encourage walking. The local primary and preschools are forecast to reach capacity and therefore, financial contributions are sought. It is considered that the social role can be achieved by this development.

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

Highways

The Highway Authority has assessed the application and, as can be noted from its comments outlined above, is now satisfied and do not raise an objection to the proposed development, therefore, no objection is raised by the Local Planning Authority.

The Travel Plan requires further work which can be resolved at reserved matters stage. The required parking levels are outlined by the Highway Authority. However, this is a matter that would be raised at the reserved matters stage when the detailed layout would be discussed. In respect of the design and layout of the estate roads, this will be a matter for the reserved matters application, although it will be advisable for the applicant to discuss this issue with the Highway Authority at an early stage.

Ecology

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

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

Of consideration is the Inspectors view on the previous application that on balance taking the proposed mitigation into account the proposed development would have a neutral impact on ecology.

In terms of habitat fragmentation, the ecological consultant has forwarded evidence that gaps in hedgerows of up to 20 metres do not result in harmful fragmentation effects. Thus the proposed gaps would, on the basis of the evidence, not result in any measurable fragmentation impact on dormice.

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

Landscape

The application has been supported by a previous detailed Landscape and Visual Impact Assessment, much of which the landscape Officer agreed with, and in most part, reflects the peripheral landscape study work undertaken by him a few years ago. This identified that against the immediate edge of Chard the town had a 'high' capacity for growth but this decreased as one came closer to the more sensitive Cuttiford's Door Road and the application sites' northern edge.

The proposed layout now includes a 30-metre buffer with a tree belt to reduce the impact. The density of housing towards this more sensitive area is also low at 15 dwellings per hectare.

The football clubhouse is sited further away from the northern edge and closer to the proposed residential form. It is now considered that sufficient space for the woody buffering is provided to counter the more concentrated siting of the clubhouse and stadium. Accordingly, the proposal is considered to comply with Local Plan policies.

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

Flooding/Drainage Issues

Concern has been raised with regard to the regular flooding of local roads and to the site itself being waterlogged. The site is classed as being in Flood Zone 1, although the evidence from local residents shows that parts of the site do become waterlogged. The Flood Risk Assessment (FRA) confirms that the results of permeability tests taken across the site reveal that infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates. The FRA confirms that the surface water will be controlled by the use of open storage ponds before being discharged to the ditches. The report does mention recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on-site flooding.

Both the LLFA and The Environment Agency have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Whilst there is no dispute about local flooding events that have occurred, based on the submitted FRA and the agreement of the Environment Agency and the LLFA in relation to the control of surface water, it is considered that subject to conditions the development can be satisfactorily mitigated in terms of flood risk.

Employment

The proposed scheme provides short term employment and a small amount of long term employment.

The applicant states that the development will provide employment during the course of its construction and that jobs will also be created in some of the community facilities, in particular, the community hub that will be created with a local convenience store and other local services/facilities. It is considered that new employment is welcome, the direct employment that would be generated by the construction of the development would only be for a limited period and the likely number of jobs generated on-site with a local convenience store and other similar type services will be small. Additional employment will be generated by ongoing maintenance of the proposed residential properties and through use of services within Chard. While this will not directly help regenerate the town as explicitly outlined in the Chard Regeneration Framework it will go some way in creating a sustainable form of development, as promoted by the National Planning Policy Framework and as recognised by the appeal Inspector.

Relocation of Chard Town Football Club.

A significant element of the application involves the relocation of Chard Town Football Club. The new playing pitch and associated facilities will be located in the north-east section of the site. Phase 1 of the Chard Regeneration Framework does include land on the northern side of Chard for the relocation of the football club along with employment land provision.

Supporters of the football club have stated their support for the proposal and, in particular, have stressed the urgent need for new facilities to be provided. Otherwise, due to the poor quality of current facilities, the club's participation in both their current league and FA cup competitions are in jeopardy. It is understood that the club has been told that they are not able to enter certain cup competitions due to their current ground and facilities not being compliant with regulations.

The points raised about the need for the football club to move to a new site with the opportunity to provide better facilities are fully supported. Indeed, this support has been acknowledged with the specific inclusion of a site for the relocation of the football club within Phase 1 of the Chard Regeneration Plan and possible opportunities within the regeneration plans on the eastern side of town. However, whilst the comments received in support of the football club concentrate on this particular issue, it clearly only forms part of a much larger planning application and indeed significant housing development, of which those in support of the football club do not comment upon or assess.

In terms of the proposed location of the football club and associated facilities, it is located further north than proposed within Phase 1 of the Chard Regeneration Framework, thus it is in conflict with the Council's proposed siting for the football club however given the non-performance of the regeneration strategy it is considered reasonable to take a more flexible approach to achieving the anticipated growth.

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

It is considered that the siting of the football pitches and associated buildings are acceptable within its landscape setting

Loss of Agricultural Land

The development would result in the loss of agricultural land. The site is currently used for the growing of a variety of arable crops. Details submitted with the application show that the western part of the site is graded as good quality (class 3a) and medium quality agricultural land (class 3b) on the eastern side of the site. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. It is clear that from reading a few recent planning appeals where the loss of agricultural land has been raised, the issue is an important consideration although possibly not in itself sufficient to warrant refusal. In this case, less than half of the overall site to be

developed is on the higher class 3a land. Whilst it is clearly productive as evidenced by the recent growing of crops, on balance, in the absence of evidence regarding the economic benefits of crops grown on the site, it is not considered that the loss of agricultural land within classes 3a and 3b warrant refusal of the application.

Viability

An increasing number of development schemes are facing viability issues and are not viable with fully policy compliant planning obligations. Moreover, the government have made it clear through the NPPF and the recently introduced right for developers to appeal against affordable housing requirements, that Local Planning Authorities should, 'be sufficiently flexible to prevent planned development being stalled'. The developer, in this case, has not stated that the contributions as sought in terms of affordable housing, play, sport and open space requirements, highway works and education contributions would make the scheme unviable.

Other issues

Comments have been received about the location and size of formal and informal play facilities and open spaces within the development. These are clearly important issues. However, as this application is in outline with only the means of access being sought for approval at this stage, the precise layout and size of the play areas etc. along with all matters of detailed design and layout in terms of the housing would be subject to discussion and submission at the reserved matters stage.

Concern has been raised that the local schools are at full capacity and would not be able to expand to accommodate the likely anticipated number of children that would result from this development. The County Education Officer has confirmed in commenting upon this application that the local Primary school is forecast to reach capacity while the preschool has capacity. He also confirmed that the secondary school is forecast to reach capacity. In order to mitigate the impact of the development, contributions have been sought by the Education Officer. The applicant has indicated that full contributions for the primary and secondary will be provided. It is considered that this will satisfactorily mitigate the impacts of the development in terms of educational need.

RECOMMENDATION

Grant permission

SUBJECT TO THE FOLLOWING:

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

- a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:
 - 1. The provision of affordable housing,
 - 2. Contribution towards the provision of sport, play, open space and strategic facilities.
 - 3. Phasing of the development.
 - 4. Highway infrastructure and works.
 - 5. Education contribution
 - 6. Travel Plan
 - 7. Management of Public Open Spaces

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

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

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

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans:

180129 L 01 01 - Location Plan

180129 L 02 02 - Illustrative Master Plan

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

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

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

05. Prior to commencement, the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

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

06. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

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

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

08. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on-site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on-site.

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

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

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

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

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

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

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

12. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

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

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

14. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities

for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted;

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

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

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

16. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include: Construction vehicle movements;

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

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

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

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

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

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

19. The houses hereby permitted shall not be occupied until the parking spaces for the dwellings and

properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

20. The development hereby permitted shall not be commenced until the developer has applied for an amendment to the speed limit Traffic Regulation Order (TRO) on Crimchard. The amended TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority,

NOTE: The outcome of the consultation to amend the TRO is not guaranteed and as such cannot be predicted. In the event that the application to amend the TRO fails further works may be needed to ensure the emergency access onto Crimchard can be provided to a suitable standard in the interests of highway safety.

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

21. In the interests of sustainable development no part of any particular phase of development hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within that particular phase in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but not be limited to, Footway and Cycling Infrastructure links, A formal pedestrian crossing on Furnham Road adjacent to Dellshore Close, Improvement of the public footpath to the west of the Bowling Club. Reservation of land to provide future footway along Crimchard to connect with the site immediately to the south of the Mount Hindrance

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

22. Before any particular phase of the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

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

23. Prior to occupation of the 50th dwelling the developer shall provide two new bus stops on Crimchard at the site frontage, and bus shelters at two nearest bus stops on Thorndun Park Drive by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

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

24. Prior to occupation of the 150th dwelling the developer will undertake works to install traffic signals at the junction of Furnham Road and Victoria Avenue linked to the existing traffic signals at Coker Way by way of a scheme approved in writing by the Local Planning Authority and thereafter retained unless agreed in writing with the Local Planning Authority.

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

25. No development hereby approved which shall interfere with or compromise the use of public footpaths shall take place until a path diversion order has been made and confirmed, (and the diverted

route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that the appropriate measures are taken to divert the public footpaths

26. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a phased scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures (specifically the fencing and signage) shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

27. The development shall be undertaken in accordance with the submitted Ecological Assessment Report recommendations.

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan

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

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in

accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

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

- a) Description and evaluation of features to be created, restored, protected and managed, as outlined within the Environment Statement, including the addition of native wild flower grassland areas and edges to open spaces and native pollinator friendly wetland plants to be planted within the SuDS. (Note - In order to maintain and improve dormouse habitat, the LEMP should also increase the amount of vegetation and buffer zone planting along the section of the hedgerow making up part of the LWS within the central-western section of the site. See location for this identified in drawing reference CESB -01).
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

30. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
- b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

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

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

EQ4 Biodiversity

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

All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

32. The removal of hedgerow sections shall not in any circumstances commence unless the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead

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

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

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

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

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

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

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

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

34. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include:

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant)-
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

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

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

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

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.
- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/ rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

Appendix 1

Appeal Decision APP/R3325/A/13/2209680

Appeal Decisions

Inquiries opened on 20 May 2014

Site visits made on 1 October 2014

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 June 2015

Appeal A: APP/R3325/A/13/2209680

Land East of Mount Hindrance Farm, Mount Hindrance Lane, Chard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by MacTaggart & Mickel Homes Ltd and the S E Blackburn Discretionary Trust against the decision of South Somerset District Council.
 - The application Ref.12/04518/OUT, dated 20 November 2012, was refused by notice dated 6 September 2013.
 - The development proposed was described as 'mixed development comprising 450 (no.) new family homes, provision of a floodlit full size football pitch, unlit full size training pitch and mini pitches, with associated multi-use clubhouse, spectator facilities and vehicle 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'.
-

Appeal B: APP/R3325/A/13/2203867

Land East of Crimchard, Chard

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by David Wilson Homes South West Ltd against South Somerset District Council.
 - The application Ref.13/01535/OUT is dated 12 April 2013.
 - The development proposed is a residential development of up to 110 dwellings, open space, and SUDs basin, together with formation of new access and related works.
-

Procedural Matters

1. Appeals A and B were originally intended to be run as separate Inquiries before the same Inspector. The Inquiry into Appeal A¹ opened on 20 May 2014, and sat on that day, and also on 21, 22, and 23 May 2014, when it was closed.
2. An unaccompanied site visit was programmed to take place shortly afterwards but it was postponed because before it could take place, the Council contacted PINS to assert that contrary to the case it had advanced at Inquiry 1, it could now demonstrate a five-year supply of deliverable housing sites.
3. Given the obvious importance of that change of tack, I decided that Inquiry 1 should be re-opened in order that the Council's revised position, and the implications, could be properly interrogated.

¹ Referred to hereafter as Inquiry 1

4. Obviously, the Council's changed position had important ramifications for Appeal B too. On that basis, it was considered expedient to conjoin the two Inquiries so that the Council's evidence on housing land supply, and the ramifications for that decision-making process, could be examined contemporaneously at the Inquiry into the scheme at issue in Appeal B².
5. Inquiry 2 opened on 28 August 2014 and also sat on 29 August, 2, 3 and 4 September 2014, when it was closed.
6. After Inquiry 2 closed, a number of major issues arose which gave rise to a need for further representations from the main parties. The first of these concerned an appeal decision on a housing development proposed for a site in Crewkerne³ which concerned itself with whether the Council could demonstrate a five-year supply of deliverable housing sites, amongst other things.
7. After that, there was a significant hiatus caused by a request from the Council, followed by the local Member of Parliament, that the appeals be called-in for determination by the Secretary of State. Eventually, the decision was made that the appeals should remain transferred to my jurisdiction.
8. Then, on 8 January 2015, the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028 was published. After comments were received from the main parties on the implications of that publication, I was advised that on 5 March 2015, the Council had formally voted to adopt the LP.
9. On 6 April 2015, the transitional period under CIL Regulation 123(3) (as amended) after which s.106 planning obligations designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally. I had to revert once again to the Council, and through them the County Council, for comments on how that might impact upon the submitted Obligations under Section 106, relating to both appeals. I also sought the views of the appellants on this matter, a process that was completed on 30 April 2015.
10. I undertook an unaccompanied site visit on 1 October 2014⁴, where I took in both appeal sites, the various walking and vehicular routes into and out of Chard, to and from them, and the various services and facilities in the town. I observed the traffic conditions around the appeal sites and the town centre, in the busy morning and afternoon periods.
11. Inevitably, I also gained experience of the town itself, and used and observed the operation of, the Convent junction at various times during the Inquiries, and subsequently, on 5 November 2014, and 23 March 2015, when I visited and passed through Chard, in connection with other PINS casework.
12. The application that resulted in Appeal A was made in outline with access to be determined and appearance, landscaping, layout and scale reserved. Originally, the appeal site included the area covered by the scheme in Appeal B. Once the application that resulted in Appeal B was lodged, the extent of the Appeal A scheme was reduced to take that into account. The Council considered it on the basis that it included 350 dwellings, as well as the associated elements set out in the original description of development.

² Referred to hereafter as Inquiry 2

³ APP/R3325/A/13/2210545 dated 4 November 2014

⁴ A Wednesday – the day when refuse and recycling collections are carried out in Chard

13. At the Inquiry, to take account of the Statement of Common Ground agreed with the Council on landscape matters, and Drawing No. 11-26-08 revision D: Landscape Masterplan, the scheme was further reduced to include 335 dwellings. Subject to the point I refer to below regarding the means of access, I have dealt with Appeal A on that basis.
14. The application that resulted in Appeal B was also made in outline with access to be determined and appearance, landscaping, layout and scale reserved. Again, subject to the point I refer to below regarding the means of access, I have dealt with Appeal B on that basis.
15. There was some discussion at Inquiry 2 about the nature of Appeal B. The Council produced a decision notice, dated 4 September 2013, setting out three reasons for refusal. However, an appeal against non-determination was lodged on 19 August 2013. I have therefore dealt with Appeal B on the basis that it is against a failure to give notice within the prescribed period of a decision on an application for outline planning permission. I have treated the reasons for refusal set out by the Council in its decision notice as putative.
16. Both sets of proposals were considered to be EIA development for the purposes of the relevant regulations and, as such, the original applications were accompanied by Environmental Statements. There has been no sustained suggestion that the Environmental Statements, in their final forms, fail to meet the requirements of the relevant regulations. I have no good reason to reach a different conclusion and have taken both fully into account.
17. At Inquiry 2, applications for partial awards of costs against the Council were made by both appellants. These are the subject of separate Decisions.
18. Given the nature of the evidence relating to housing land supply, and the Obligations under S.106, submitted by the main parties, and in particular the various financial contributions involved, these elements of Inquiry 2 were dealt with on a 'round table' basis. Some of those recorded as appearing for the main parties presented their evidence in that less formal manner, and were not subjected to cross-examination.
19. While they were originally intended to be dealt with separately, because of the way Appeals A and B were brought together in the manner outlined, the adjoining nature of the two sites, and the potential for cumulative impacts, I have dealt with them together, as linked appeals.

Decisions

Appeal A

20. The appeal is dismissed.

Appeal B

21. The appeal is dismissed.

Main Issue

22. The matters to be considered are multifarious but put very simply, the main issue before me is whether the Council can demonstrate a five-year supply of deliverable housing sites and the implications, in terms of the application of local and national policy, that flow from a conclusion on that matter.

Reasons

Planning Policy

23. Notwithstanding the importance that attaches to the question of whether the Council can demonstrate a five-year supply of deliverable housing sites as a consequence of the Framework⁵, the starting point for analysis of the proposal remains the development plan. Section 38(6) of the Act⁶ sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
24. The Council based its policy position in the lead up to, and at, the Inquiries on saved policies of the South Somerset Local Plan 1991-2011, adopted in April 2006, as well as draft policies in the South Somerset Local Plan 2006-2028.
25. Following examination and receipt of the Inspector's report dated 8 January 2015 which found the plan sound, subject to a number of agreed modifications, the South Somerset Local Plan 2006-2028⁷ was adopted by the Council on 5 March 2015. As set out above, the main parties were consulted on the implications of that adoption because I have to proceed on the basis of the development plan in place at the time of reaching my decisions. In their submissions, the Council relies principally upon Policies PMT1 and PMT2.
26. LP Policy PMT1 is titled Chard Strategic Growth Area. It sets out that land at Chard is allocated for strategic growth to provide the following within the plan period, and beyond: at least 2,716 dwellings; approximately 13 hectares of employment land; 2 new primary schools; 4 neighbourhood centres (Avishayes, Stop Line Slopes, Millfields and Holbear); highway infrastructure and improvements; and sports and open space provision.
27. LP Policy PMT2 deals with what it terms Chard Phasing. To ensure the timely delivery of highway and other infrastructure to support the proposed growth of Chard Eastern Development Area⁸, it sets out that a phased approach to delivery will be taken. Within the plan period, at least 1,220 dwellings; approximately 13 hectares of employment land; 1 new primary school; 2 neighbourhood centres; and sports and open space provision are projected and post 2028, at least 1,496 dwellings; 1 new primary school; and 2 neighbourhood centres. In order to ensure the timely delivery of the necessary infrastructure to support the growth, phasing sequences should be justified and it should be demonstrated that the proposal will not compromise the delivery of total growth.
28. The background to these policies is set out in the supporting text of the LP. Paragraph 7.21 tells us that the Chard Regeneration Plan of October 2009, prepared by LDA Design presented four options for the future growth of Chard. Option 3 (CEDA) has been chosen as the most appropriate location for strategic growth providing a scale of growth that will enable Chard to achieve and maximise its needs for employment, housing, retail, and associated amenities, as well as improved highway infrastructure.

⁵ The National Planning Policy Framework

⁶ The Planning and Compulsory Purchase Act 2004

⁷ Referred to hereafter as LP

⁸ Referred to hereafter as CEDA

29. In terms of implementation, paragraph 7.38 sets out that there will be a phased approach to growth on the basis of the Chard Regeneration Framework Implementation Plan of October 2010. According to paragraph 7.40, the key driver of the phasing sequence is the need to incrementally increase the capacity of the highways infrastructure to accommodate the traffic flows as the town grows.
30. This infrastructure includes improvements to the Convent junction traffic lights, some of which has already taken place, and the eventual provision of the Millfield Link Road. The latter may require the Council to exercise compulsory purchase powers and it is intended to fund the link road, at least in part through financial contributions from the development coming forward, furnished through CIL⁹, or planning obligations under S.106.
31. The LP Inspector noted that there is a robust commitment to securing the proposed growth in Chard and found there was insufficient evidence to justify the adoption of a different approach at this stage. On that basis, he found that Policies PMT1 and PMT2 are sufficiently flexible and provide the basis on which decisions about the future of the town can be taken.
32. It is argued on behalf of the appellants that the proposals do not fall foul of Policies PMT1 and PMT2. I cannot agree with that. These policies are predicated upon CEDA and the Chard Strategic Growth Area is clearly shown in figure 5. Apart from a part of the site covered by the Appeal A proposal, which is in any event intended for employment generating uses, the appeal sites are not identified for development. It is axiomatic, therefore, that the proposals at issue do not accord with LP Policies PMT1 and PMT2.
33. That is not the end of the matter, however. As Section 38(6) of the Act points out, decisions should be made in accordance with the development plan, unless material considerations indicate otherwise. The Framework is such a material consideration.

Housing Supply

34. To boost significantly the supply of housing, paragraph 47 of the Framework sets out a number of requirements for local planning authorities. These include using their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing.
35. Moreover, it is incumbent on them to illustrate the expected rate of housing delivery through a housing trajectory and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target.
36. LP paragraph 5.60 sets out that the evidence base has established that the full objectively assessed need for housing growth in South Somerset is 15,950 homes to be built over the period April 2006 to March 2028. This is confirmed in LP Policy SS4. Broadly speaking, the main parties accepted this figure and I have no good reason to dispute it.
37. The Council contends that whether the base date is taken to be 31 March 2014, or 31 July 2014, it can demonstrate a five-year supply of deliverable housing sites. That is based on a calculation that runs as follows.

⁹ Community Infrastructure Levy

38. The sum of 15,950 homes over 22 years equates to 725 a year. That makes the base requirement for the first five years 3,625 homes. Given that there has been a record of persistent under delivery of housing, the Council accepts that the appropriate buffer is 20%. By their calculation, this makes the requirement for the first five years 4,350.
39. To that, says the Council, needs to be added 880 dwellings undelivered in the previous plan period, giving a total requirement of 5,230. It is suggested by the Council that as of 31 March 2014, it had a supply of 5,356 homes, or 5 years and 1 month, or on the basis of 31 July 2014, 5,789 dwellings, or 5 years and 5 months.
40. There is, however, a difficulty with that calculation. As the PPG tells us¹⁰, local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period, where possible. No good reasons were advanced to suggest that dealing with the backlog from the previous plan period in the first 5 years is not possible in South Somerset.
41. On that basis, the requirement for the first five years is 3,625 homes plus the backlog of 880 giving a total requirement of 4,505. It is at that point that the buffer of 20% should be added meaning that the total requirement for the first 5 years is 5,406 homes.
42. The Council suggests that the 20% buffer should not be applied to the backlog as this would result in additional housing. That is incorrect. All it would do is bring forward housing provision from later in the plan period to allow the backlog to be dealt with effectively in the first five years. The buffer affects the supply side; it does not alter the requirement.
43. It is clear, therefore, on the basis of their own figures, that as of 31 March 2014, the Council could not demonstrate a five-year supply of deliverable housing sites. The 5,789 figure presented for 31 July 2014 is of doubtful provenance because it is not clear that the Council took 31 July 2009 as the start point for their calculation. In any event, as the appellants pointed out, there are other difficulties with that figure.
44. It is clear from the Council's ready acceptance that there has been persistent under-delivery that the South Somerset housing market is weak. Moreover, the longstanding failure of the regeneration plans for Chard shows that the market there too is difficult. Evidence was adduced by the Council to support other aspects of their case which referred to the housing market as 'soft', with plans and schemes vulnerable to being blown off-course.
45. A number of individual sites regarded as deliverable within five years were examined at the Inquiry and it is clear that an appreciable number have issues, including around viability, which means that they might not come forward in that period, or indeed, at all. There is a wider, linked, point. The Council's projections rely on housing being brought forward, year-on-year, between March or July 2014 and March or July 2019, well in advance of historic rates of completion. While there might be some pent up demand, the record of delivery, suggests that the Council's forecasts are rather optimistic in the face of the competition between different house-builders that would arise. In that light, I find it difficult to foresee with any confidence that the 5,356 figure,

¹⁰ Planning Practice Guidance Paragraph 035 Reference ID: 3-035-20140306

based on March 2014, or the 5,789 figure for July 2014, promulgated by the Council, will in fact be delivered.

46. On that overall basis, it is my conclusion, in the light of the evidence presented to me, that the Council cannot demonstrate a five-year supply of deliverable housing sites.
47. I recognise that this conclusion puts me at odds with the Inspector who dealt with the LP examination, and the Inspector who dealt with the recent appeal in Crewkerne. The former found that the Council could demonstrate a supply of 5 years and 1 month based on a requirement in the first five years of 5,230. While I am not party to the evidence before the LP Inspector, the figure of 5,230 suggests to me that the 20% buffer was not applied to the backlog. It is very clear from paragraph 52 of the decision letter that the Inspector who dealt with the Crewkerne appeal, on the basis of the evidence before him, followed that same path. For the reasons set out, I cannot agree with that approach.
48. There is a question too about whether it is proper for me to form a conclusion on this matter at odds with that of the LP Inspector. The PPG¹¹ says that the examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position. Be that as it may, given the importance attached to it in the context of how I reach a decision as a consequence of the Framework, and paragraphs 49 and 14 in particular, I cannot avoid examining the evidence on housing land supply presented to me and forming my own conclusions on the matter.
49. Paragraph 49 of the Framework says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In that they direct the provision of housing in Chard, in terms of location and quantity, LP Policies PMT1 and PMT2 are obviously relevant policies for the supply of housing. In the light of my conclusion that the Council cannot demonstrate a five-year supply of deliverable housing sites, despite having been adopted only very recently, they cannot be considered up-to-date. In those circumstances, the decision-maker is directed to paragraph 14 of the Framework.

The Implications of the conclusion on housing supply

50. Paragraph 14 tells us that at the heart of the Framework is a **presumption in favour of sustainable development** which should be seen as a golden thread running through both plan-making and decision-taking. For decision-making, unless material considerations indicate otherwise, this means that where the development plan is absent, silent, or as is the case here, relevant policies are out-of-date, the decision-maker is directed to grant permission unless any adverse impacts of doing so would significantly and demonstrably

¹¹ Paragraph 033 Reference ID: 3-033-20150327

outweigh the benefits, when assessed against the policies in the Framework, taken as a whole¹².

51. I have been invited down the path of *Davis* and the suggestion therein that a preliminary assessment of whether a proposal is sustainable development, or not, is necessary before paragraph 14 can properly be applied¹³. In my view, that is not a correct reading of the Framework. Paragraph 14 directs those dealing with plan-making or decision-taking in how to decide whether a plan, or a proposal, benefits from the presumption in favour of sustainable development. Nowhere does it suggest that there is any need for a preliminary assessment of whether a proposal represents a sustainable form of development, and in the absence of any unambiguous definition of 'sustainable development' in the Framework, it is difficult to see how that assessment could properly be approached.
52. The Council suggests that I should analyse the proposal against the three dimensions outlined in paragraph 7 of the Framework, the economic role, the social role, and the environmental role, and perform a balance between all three in order to reach a preliminary conclusion on whether the proposal represents sustainable development. However, save for a balancing provision more favourable towards development, that is more or less the same process one carries out in asking the question whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
53. Further, if a simple preliminary balancing exercise of the sort proposed by the Council led to a finding that a proposal would represent a sustainable form of development, what then would be the point of the decision-maker posing the question of whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole? That question would already have been answered in the affirmative.
54. In that overall context, following the line of Patterson J¹⁴ in *Dartford*, I cannot accept the elevation of *Davis* to a formulaic sequential approach to paragraph 14, in the manner suggested by the Council. I accept that Patterson J says in *Dartford* that '*I agree with Lang J in her conclusion that it would be contrary to the fundamental principles of the Framework if the presumption in favour of development in paragraph 14 applied equally to sustainable and non-sustainable development*' but do not believe that the application of paragraph 14, in the way I have set out, would lead to such an outcome. Whether a proposal benefits from the presumption in favour of sustainable development is an outcome of applying paragraph 14, not an input.
55. Put very simply, in cases like those at issue, if, when assessed against the policies in the Framework taken as a whole, the benefits of a proposal are not significantly and demonstrably outweighed by adverse impacts, then the proposal benefits from the presumption in favour of sustainable development. While my approach does not strictly accord with *Davis*, it is endorsed in the

¹² On the basis that the appeal sites are not ones where specific policies in the Framework indicate that development should be restricted.

¹³ *William Davis Limited, Jelson Limited v Secretary of State for Communities and Local Government, North West Leicestershire District Council* [2013] EWHC 3058 (Admin)

¹⁴ *Dartford BC v SoS for Communities and Local Government and Landhold Capital Ltd* [2014] EWHC 2636 (Admin)

Colman, Stratford, and Tewkesbury judgements¹⁵. It might be argued that the *Davis* judgement post-dates them but nowhere does *Davis* seek to distinguish itself from these decisions.

56. Bringing that all together, in order to decide whether the proposals benefit from the presumption in favour of sustainable development, it is necessary for me to address the question of whether any adverse impacts of granting permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the Framework taken as a whole.

Accessibility

57. This alleged adverse impact was referred to many times at the Inquiry as the 'sustainability' of the appeal sites. In my view, bearing in mind the way the term is used in the Framework, that is inaccurate. Rather, the question is one of accessibility. Paragraph 37 of the Framework says that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education, and other activities. Part of the reason for that approach is set out in paragraph 93. This says that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Paragraph 32 sets out that decisions should take account of whether, amongst other things, the opportunities for sustainable travel modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
58. The LP designates Chard as a Primary Market Town and the idea is that it will grow and continue to expand its identified role. There can be no question that Chard has the capacity to accommodate additional housing. However, put simply, the argument advanced by the Council and interested parties is that the location of the appeal sites, on the periphery of the town, is such that residents and other users of the proposals would be overly reliant on the private car, and that the measures put forward to secure modal shift would be insufficient to alleviate the adverse environmental impacts flowing from that.
59. The sites are located on the edge of the settlement. It is clear that walking distances from the appeal sites to facilities like schools, the town centre shops and other facilities, and places of employment would, in most cases, be well beyond the 800 metres seen as acceptable to walk in Manual for Streets, and other, similar measures. However, the analysis of accessibility cannot be so reliant on suggested distances because it is largely a behavioural matter. Some people will be motivated to walk much further than 800 metres to school, or work, or the shops. Others will prefer to use the car for even shorter distances. The essential question, it seems to me, is whether the proposals would offer residents a reasonable opportunity to use more environmentally-friendly modes of transport than the private car.
60. I walked the likely routes residents of the proposals would use to access education, retail and employment facilities and, despite refuse and recycling collections which restricted pavement widths in places, and some relatively

¹⁵ *Stratford on Avon DC v SoS for Communities and Local Government, J S Bloor (Tewkesbury) Ltd, Hallam Land Management Ltd, RASE* [2013] EWHC 2074 (Admin) and *Tewkesbury BC v SoS for Communities and Local Government, Comparo Ltd, Welbeck Strategic Land LLP* [2013] EWHC 286 (Admin)

gentle gradients, did not find any of them particularly onerous. Even if one factors in the need to carry schools bags, or shopping, escort children, or use pushchairs, I do not believe that anyone reasonably motivated, or able, would choose not to walk to access those facilities because of the length, or nature, of the routes involved. The improvements to pedestrian connectivity proposed as part of Appeal A would assist too. Similarly, there was nothing that I saw that would put off someone who wanted to cycle to work, or school, or to the shops.

61. It is also relevant to note that the Appeal A scheme includes provision for a Local Centre that would include a relatively small shop, secured by condition. This would allow residents of the schemes, and other residents in the vicinity, the option of a shop in closer proximity that could be accessed on foot or bicycle. I recognise that this would not replace a major supermarket trip, but it would certainly go a long way towards obviating the use of the car for convenience shopping trips.
62. Moreover, both schemes include Travel Plans. These drew some criticism in terms of lack of ambition, and their approach to bus services, in particular. However, it would be difficult to do a great deal in terms of bus services given the limited nature of the existing service. What is proposed in the Travel Plan associated with Appeal A seems proportionate in that context. Most importantly, given my conclusions about the location of the sites, and the capacity for walking and cycling to and from them, I do not regard either Travel Plan as inadequate. They would go a reasonable way towards assisting residents in choosing more environmentally acceptable modes of travel than they might otherwise. It is also relevant to note that the County Council has approved the Appeal B Travel Plan.
63. It must be borne in mind that a significant amount of housing development is planned for Chard, some of which is relatively remote from the town centre. Notwithstanding associated infrastructure improvements that might come about, that is inevitably going to lead to increased car use. In that context, I see nothing inherently difficult about the appeal sites in terms of accessibility by means of travel other than the private car, and both schemes include measures that would go some way to reduce dependence on that mode. All in all, there is no good reason why the developments proposed should be rejected on accessibility grounds.

Whether the proposals would prejudice the LP strategy for Chard

64. There are two main planks to this issue. The first revolves around the suggestion that the proposals would use up capacity at the traffic-light controlled Convent junction in an unplanned way and that this would provide a barrier to other, planned, schemes that rely on the existence of the available capacity of the Convent junction to work, in traffic generation terms.
65. Dealing with the Appeal B scheme first, the Council's witness accepted in cross-examination that the impact of the traffic generated by the scheme on the Convent junction would be negligible. It is difficult to see how, in that context, the Appeal B scheme would prejudice the delivery of planned schemes for Chard, in that respect at least.
66. The Appeal A scheme includes as a part of it proposed works to the arrangement of the Convent junction, involving the prohibition of certain turning manoeuvres, which would increase capacity. I recognise that the

Council has certain misgivings about the impact that prohibiting some turning manoeuvres would have, and I am sure that it would be inconvenient for some. However, on my analysis, the proposal as promulgated would undoubtedly increase capacity at the Convent junction, and more than offset any impact the proposal would have on its capacity. It would not prejudice the ability of other schemes to come forward, because of the capacity limitations of the Convent junction, as a consequence. Indeed, it would increase the capacity of the junction and thereby make it easier for other schemes to be accommodated.

67. I accept that the works to the Convent junction proposed would require a TRO¹⁶. However, the appellant is prepared to accept a Grampian condition restricting implementation of the development until the TRO is confirmed. The Council sees difficulties with that arrangement but to my mind, it is perfectly legitimate. It is correct to say that there is a risk that the TRO would not be confirmed but there is at least a prospect of it being. In that context, the Grampian condition put forward is reasonable and if for some reason the TRO was not confirmed, then the proposal could not take place in a way that would use up capacity at the Convent junction and prejudice other schemes that might come forward. On that basis, Appeal A is acceptable, in this regard.
68. The other plank of the Council's case relates to the housing market in South Somerset, and Chard in particular. As set out above, there can be no real doubt that it is a 'soft' market. The record, during, and coming out of, the recession, shows as much. While not the only reason, difficulties with the market have certainly contributed to the lack of delivery of development, and regeneration, in the town.
69. As set out, to allow for development and regeneration to come forward, LP Policy PMT2 envisages at least 1,220 dwellings coming forward in the plan period, on sites earmarked for that purpose. Paragraph 7.21 of the LP is clear that the number of homes expected to come forward in the plan period reflects market deliverability. Appeal A would bring forward 335 dwellings and Appeal B, 110 dwellings, on unplanned sites. Viewed separately, or together, the provision of this many dwellings, on sites seemingly unencumbered by the restraints of others envisaged by LP Policy PMT2, would be very likely, in my view, to blow the LP strategy off-course. I cannot see why, given the capacity of the market in Chard, developers would seek to provide housing on more difficult regeneration sites, when relatively significant numbers of dwellings might have already been delivered, or be in the process of coming forward simultaneously, on edge of settlement sites, much less constrained, and therefore more profitable, to develop.
70. On that basis, while I acknowledge the doubts expressed on behalf of the appellants about whether the regeneration of Chard will ever get off the ground, a matter I return to below, I agree with the Council that the proposals, viewed separately, or together, would prejudice the LP strategy for Chard.

Highway Safety

71. It is important, first of all, to set out the approach of paragraph 32 of the Framework. Decisions must take account of whether, of relevance under this particular issue, safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network

¹⁶ Traffic Regulation Order

that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

72. Viewed individually, the schemes at issue in Appeals A and B, as promulgated (access being before me in each case) would not cause any impact that could reasonably be described as severe. If they are considered together, as they are put forward, with each having their own separate access on to Crimchard, the one for Appeal A signal controlled, then the result would be a rather contrived arrangement that would make for rather difficult traffic conditions on Crimchard, which, as I observed during my site visits, is relatively narrow, and can carry relatively significant volumes of traffic, at certain times of the day. Adding the additional traffic from the schemes on to Crimchard, in that way, would lead to some difficulties in highway safety terms, though it would be stretching credulity to describe those impacts as severe.
73. However, the appellants are quite prepared to consider the imposition of conditions that would, in effect, mean that the two separate developments would function with one access on to Crimchard. So long as that access was properly designed, with signals if deemed necessary, something that could be dealt with through the conditions, the additional traffic generated could be accommodated with no significant detrimental impact in highway safety terms. On that basis, there would be accord with paragraph 32 of the Framework.

Landscape

74. It is one of the core principles of the Framework that the intrinsic character and beauty of the countryside should be recognised. Both appeal sites are currently in use as pasture and are clearly perceived as part of the countryside, beyond the confines of the settlement. Following discussions with the appellant about the extent of housing in Appeal A, reflected in a Statement of Common Ground, the Council takes no issue with either scheme in landscape terms. Local residents take a rather different view.
75. Put simply, if the intrinsic character and beauty of the countryside is to be recognised, then extending the built form of the settlement into green fields at the edge of the town must be deemed harmful in character and appearance terms. The question is to what extent would it be harmful?
76. The scheme at issue in Appeal B would lead to a relatively limited northern extension of Chard. Given that there is already development to the west, on the opposite side of Crimchard, south, and east, it would represent a logical rounding off of the settlement. In that context, the degree of landscape harm inherent in the appeal B scheme would be very limited.
77. The scheme in Appeal A would be significantly greater in area and extend the built form of Chard much further northwards. Notwithstanding the potential for landscape buffers and the provision of open space, in effect, the scheme would fill the existing gap between Chard and the small settlement of Cuttifford's Door. Cuttifford's Door would, to all intents and purposes, lose its identity and become a part of the town. In that way, the scheme in Appeal A would cause much more harm, in character and appearance terms, than the scheme in Appeal B.

Benefits

78. Given the exhortation in the Framework to boost significantly the supply of housing, the provision of market housing, in a situation where there is a prevailing under-supply, must be seen as a significant benefit that weighs in favour of Appeals A and B.
79. I heard too that there is a significant shortfall of affordable housing in South Somerset. Both schemes provide for policy compliant levels of affordable housing. Normally, one would not attach any additional weight to that because it is what a development should bring forward in any event. However, it is clear that South Somerset has had difficulties with delivering policy compliant levels of affordable housing because of issues around viability. In that context, the ability of the proposals at issue to deliver a policy compliant amount of affordable housing counts as a significant benefit.
80. Appeal A has other characteristics that require consideration. As set out above, it includes provision for a local centre that might include facilities such as a shop. The appellant was quite content to accept a condition requiring their inclusion in the scheme that would come forward at reserved matters stage.
81. Even acknowledging that some of them would most likely be part-time, I find it difficult to accept that such a facility might generate 100-150 jobs, as the appellant claimed. However, it would generate some employment and, given the focus in the Framework on securing economic growth¹⁷, that must be seen as an advantage of the scheme. The same is true of the construction activity and the jobs that would be generated or secured as a result of that.
82. Of more import, the Appeal A scheme includes provision for the relocation of Chard Town Football Club. I heard clear and persuasive evidence of the importance of the football club to the town and acknowledge that its current facilities are a great drag on progress. Paragraph 7.10 of the LP notes that the relocation of the football club has been a longstanding issue.
83. I heard from representatives of the football club about the way in which new facilities could be funded and provided - the existing ground has a value and any funds generated from sale would be matched by the Football Association. Whatever might be said about public access to the facilities that would come forward, if one could be sure that the Appeal A scheme would provide for a relocated Chard FC then that would be a weighty matter indeed.
84. The difficulty is that one cannot be sure. While it is a part of the scheme, the necessary transfer of land to the football club cannot be required by condition. Neither has any Obligation under S.106 been provided to ensure that the transfer takes place.
85. All I have is a letter written on behalf of the S E Blackburn Discretionary Trust which says that if Appeal A is successful and outline planning permission is granted for the proposal, then they are prepared to transfer the land identified, to the football club, free of charge. I have no good reason to doubt the intention but the letter is not contractual, or enforceable, and no guarantee that the transfer will take place. That severely limits the weight I can attach to this matter.

¹⁷ Paragraphs 18 and 19 in particular

86. The appellants have put forward Obligations under S.106 to make various financial contributions. Those pooled contributions towards theatres and arts centres and a new indoor tennis centre are no longer pursued by the Council. The other contributions, that accord with CIL Regulation 122, and advice in paragraph 204 of the Framework, are all designed to mitigate impacts. As such, they are neutral, and carry no weight in favour of the proposals.
87. Similarly, while concern was raised at application stage about likely impacts on biodiversity, and dormice in particular, both schemes make provision for proper mitigation. However, that mitigation means the impact of the proposals will be neutral. It is neither a benefit, nor an adverse impact.

Conclusion

88. As set out above, in order to decide whether the proposals benefit from the presumption in favour of sustainable development set out in the Framework, it is necessary for me to address the question of whether any adverse impacts of granting permission would significantly and demonstrably outweigh any benefits, when assessed against the policies in the Framework taken as a whole. In terms of Appeal A, there are adverse impacts in terms of the effect on character and appearance, and in terms of prejudicing the delivery of the LP strategy for Chard. Appeal B would have a limited negative impact on the landscape, and, something of a prejudicial impact on the LP strategy.
89. On the other hand, the Appeal A scheme would bring forward market and policy compliant affordable housing, and a local centre, with attendant jobs, increase capacity at the Convent junction, subject to confirmation of a TRO, and hold out at least the potential for the relocation of Chard Town FC. Appeal B would bring forward market and policy compliant affordable housing. Both would bring forward economic benefits through construction activity.
90. There is a prevailing undersupply of housing and obvious and acknowledged hurdles, like the provision of the Millfield Link, and the potential necessity for CPOs, which call into question whether the LP strategy for Chard is realistic. In that context, viewed as separate schemes, or together, as one larger scheme, the adverse impacts of 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.
91. That is not the end of the matter, however. The proposals are contrary to LP Policies PMT1 and PMT2 and the approach of the LP to future development in Chard. As the Framework readily acknowledges¹⁸, it is but a material consideration. It does not change the statutory status of the development plan as the starting point for decision making. It is incumbent upon me to make decisions that accord with the development plan, unless material considerations indicate otherwise.
92. The LP, and the approach therein to development in Chard, has only very recently been found sound, and adopted. The Council, and local people, have clearly invested much time, and energy, in ensuring that outcome. It seems to me that the approach to development in Chard, enshrined in the recently

¹⁸ Paragraphs 2 and 12 in particular

adopted LP, needs to be given some time to succeed before it could reasonably be set aside. To do otherwise would undermine the primacy of the plan-led system. 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.

93. As the LP Inspector points out, in paragraph 93 of his report, any failure to deliver will be picked up by the Council's monitoring and should that situation arise, then the Council could take appropriate remedial action at that time, as a matter of urgency. If the LP strategy for Chard does falter, or fail completely, then the conclusion on similar proposals to those at issue in these appeals in the future, might well be different.

94. For the reasons given above I conclude that the appeals should be dismissed.

Paul Griffiths

INSPECTOR

APPEARANCES

INQUIRY 1

FOR THE LOCAL PLANNING AUTHORITY:

John Pugh-Smith of Counsel	Instructed by Angela Watson, Legal Services Manager, SSDC
He called	
John Gallimore	Principal Planning Liaison Officer, Somerset
MCInstCES	County Council
Patrick Moss	Director, Moss Naylor Young Ltd
BSc(Hons) DipTP MRTPI	
Andrew Gunn	Team Leader, Area West Planning Team, SSDC
BA DipTP MRTPI	
Lynda Pincombe	Community Health and Leisure Manager, SSDC
BA(Hons) CMI	

FOR MacTAGGART & MICKEL HOMES LTD AND THE S E BLACKBURN DISCRETIONARY TRUST

Anthony Crean QC	Instructed by D2 Planning
He called	
Sean McIntyre	Director, Key Transport Consultants Ltd
BSc(Hons) CEng MICE	
MCIHT	
Des Dunlop	Managing Director, D2 Planning
BA(Hons) MRTPI	

INTERESTED PERSONS:

Mike Hone	Director, Chard Town FC
Tony Prior	Chard Town Councillor
Ros Roderigo	District Councillor, Blackdown Ward
Jenny Kenton	District Councillor, Crimchard Ward
Elizabeth Quantrell	Mount Hindrance Action Group
Martin Wale	District Councillor, Combe Ward
Alan Quantrell	Local Resident
Helen Lock	Secretary of Cuttiford's Door & District Residents' Association
Michael Lee	Local Resident
Brennie Halse	District Councillor, Chard Holyrood
Jenny Sayers	Combe St Nicholas parish Council
Sue Pargeter	Local Resident
Vicky Atoe	Local Resident
John Gallagher	Local Resident
Brian Beer	Chard Town FC
David Bulmer	District Councillor, Jocelyn Ward and Town Councillor
Marcus Fysh	County & District Councillor, Parliamentary Candidate

INQUIRY 1 DOCUMENTS (I1D)

- 1 Statements of Common Ground (Planning, Transport, Ecology and Landscape) and Landscape Masterplan (Figure PJR-2 Drawing No: 11-26-08 Revision D)
- 2 Residential Travel Plan Revision A dated March 2014
- 3 Opening Statement on behalf of the Council
- 4 Submission of Mr Sayers, Chair, Combe St Nicholas Parish Council
- 5 Comments of Somerset County Council Strategic Transport Planning on Residential Travel Plan Revision A dated March 2014 with attachments
- 6 Submission of Mike Hone, Director of Chard Town FC
- 7 Diagram of Chard Development Options (Development Option 3) as outlined by Patrick Moss (clean copy plus annotated copy)
- 8 Copies of 11128(L)0001 Revision C and 11128(L)100 revision B with red line boundaries
- 9 Submission of Jenny Kenton, District Councillor, Crimchard Ward
- 10 Submission of Liz Quantrell, Mount Hindrance Action Group
- 11 Submission of Martin Wale, District Councillor, Combe Ward
- 12 Submission of Alan Quantrell
- 13 Submission of Helen Lock, Secretary of Cuttiford's Door & District Residents' Association (including Traffic Survey)
- 14 Submission of Michael Lee
- 15 Submission of S M Pargeter
- 16 Draft Unilateral Undertaking with comments thereon
- 17 Map of Crimchard Ward
- 18 Copy of APP/D3315/A/12/2170249
- 19 Copy of APP/R3325/A/12/2170082
- 20 Submission of John Gallagher
- 21 Bundle of documents relating to Chard Town FC put in by Brian Beer
- 22 E-mail trail regarding the Millfield Link
- 23 Objection to Proposed Main Modifications to South Somerset Local Plan 2006-2028 on behalf of David Wilson Homes Ltd
- 24 Draft Conditions
- 25 Submission of Cuttiford's Door & District Residents' Association on proposed relocation of Chard Town FC
- 26 Lists of Possible Grampian Conditions
- 27 Response by Sean McIntyre to representations of Councillor Bulmer
- 28 Copy of Statutory Instrument 1996 No.2489: Road Traffic The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996
- 29 Letter of Intent relating to the relocation of Chard Town FC put in on behalf of S E Blackburn Discretionary Trust dated 23 May 2014
- 30 Letter dated 22 May 2014 from AP Planning on behalf of David Wilson Homes South West Ltd relating to ecological matters
- 31 Letter dated 23 May 2014 from D2 Planning relating to ecological and highway matters and withdrawing their Rule 6 status at Inquiry 2
- 32 Copy of Judgement in *Barrow upon Soar Parish Council v SoS for Communities and Local Government and Charnwood BC and Jelson Ltd* [2014] EWHC 274 (Admin)
- 33 Copy of Judgement in *William Davis Ltd and Jelson Ltd v SoS for Communities and Local Government and NW Leicestershire DC* [2013] EWHC 3058 (Admin)
- 34 Closing Statement on behalf of Council
- 35 Closing Statement on behalf of Appellant

INQUIRY 2

FOR THE LOCAL PLANNING AUTHORITY:

John Pugh-Smith of Counsel	Instructed by Angela Watson, Legal Services Manager, SSDC
He called	
Patrick Moss	Director, Moss Naylor Young Ltd
BSc(Hons) DipTP MRTPI	
Andrew Gunn	Team Leader, Area West Planning Team, SSDC
BA DipTP MRTPI	
David Anthony Clews	Corporate Planning Officer, Somerset County Council
BSc(Hons) DipTP MRTPI	
Lynda Pincombe	Community Health and Leisure Manager, SSDC
BA(Hons) CMI	
David Norris	Development Manager, SSDC
Paul Wheatley	Principal Spatial Planner, SSDC
BA(Hons) DipTP MRTPI	

FOR DAVID WILSON HOMES SOUTH WEST LTD:

Paul Cairnes of Counsel	Instructed by AP Planning
He called	
Richard White	Managing Director, FMW Consultancy Ltd
BSc(Hons) MSc MCIT	
MIHT M.IPENZ (Civil)	
MITE FFB	
Jan Kinsman	Associate Director, EFM Ltd
CEng MICE BSc(Eng)	
ACGI	
Andrew Penna	AP Planning
BA(Hons) MA MRTPI	

FOR MacTAGGART & MICKEL HOMES LTD AND THE S E BLACKBURN DISCRETIONARY TRUST

Giles Cannock of Counsel	Instructed by D2 Planning
He called	
Des Dunlop	Managing Director, D2 Planning
BA(Hons) MRTPI	

INTERESTED PERSONS:

G Sayers	Chair, Combe St Nicholas Parish Council
Brennie Halse	District Councillor, Chard Holyrood
Martin Wale	District Councillor, Combe Ward
Jenny Kenton	District Councillor, Crimchard Ward
Michael Lee	Local Resident
Helen Lock	Secretary of Cuttiford's Door & District Residents' Association
Alan Quantrell	Local Resident
Elizabeth Quantrell	Mount Hindrance Action Group
John Gallagher	Local Resident
Richard Manley	Resident of Ilminster

INQUIRY 2 DOCUMENTS (I2D)

- 1 Unsigned Agreement under S.106 (1)
- 2 Unsigned Agreement under S.106 (2)
- 3 Summary Report on S.106 Agreements
- 4 Statement of Common Ground
- 5 Opening Statement on behalf of David Wilson Homes South West Ltd
- 6 Opening Statement on behalf of the Council
- 7 Draft Conditions
- 8 PoE of Mr Moss relating to Land at Mitchell Gardens, Chard
- 9 Copy of Judgement in *Dartford BC v SoS for Communities and Local Government and Landhold Capital Ltd* [2014] EWHC 2636 (Admin)
- 10 Submission of John Gallagher
- 11 Submission of Helen Lock (including Traffic Survey)
- 12 Extract from Report on the disposal of Council land in Chard to Henry Boot Plc
- 13 Comparison Table of Peter Brett Town Centre C Phase 1 and Henry Boot Plc Proposal
- 14 Letter from Stagecoach dated 13 February 2014 re Route 99/99A
- 15 Consultation Response from John Gallimore of SCC on highway and transportation aspects of the proposal dated 29 May 2013
- 16 Consultation Response from Keith Wheaton-Green on climate change mitigation dated 2 May 2013
- 17 Map of Walking Routes to Employment Sites prepared by FMW Consultancy (FMW1246-SK07)
- 18 Extract from PPG on prematurity
- 19 Copy of e-mail from David Norris of SSDC to Des Dunlop of D2 Planning dated 29 August 2014, about resumption of Inquiry
- 20 Extract from Executive Summary of CEDA Feasibility Report
- 21 Rebuttal PoE of P M Wheatley
- 22 Copy of e-mail from Andrew Gunn of SSDC to Andrew Penna of AP Planning dated 7 January 2014 about Travel Plan and reason for refusal No.3
- 23 Copy of e-mail trail about Travel Plan Revision B
- 24 Copy of letter from Andrew Penna of AP Planning to Angela Watson of SSDC about reasons for refusal, dated 14 August 2014
- 25 Response from Michael Jones of SSDC to Andrew Penna of AP Planning dated 20 August 2014
- 26 Copy of e-mail from Richard White of FMW Consultancy to Andrew Gunn of SSDC, dated 14 July 2014 dealing with SCC's acceptance of the Travel Plan (Revision E)
- 27 Note on Education Multipliers
- 28 Education Position Statement
- 29 Note on Education Issues by David Clews of SCC dated 27 August 2014
- 30 Response by David Clews of SCC to the Note by Stephen Clyne
- 31 Copy of e-mail from Jan Kinsman to David Clews about DfE Multipliers, dated 28 August 2014
- 32 Copy of LGA Media Release about school places, dated 27 August 2014
- 33 Copy of SSLP Policy ST3
- 34 Copy of Maps from SHLAA
- 35 Technical Note 6 by FMW Consultancy explaining LinSig assessment of the potential 4 arm traffic signals access arrangement for Crimchard
- 36 Note on Traffic Generation from Henry Boot Development by Patrick Moss, dated 1 September 2014
- 37 Copy of APP/R3325/A/12/2170082

- 38 Copy of APP/D3315/A/12/2170249
- 39 Copy of e-mail trail between David Norris of SSDC and David Lohfink of C G Fry & Son Ltd and others about the Chard housing market
- 40 Note from Inspector dealing with progress into Report into emerging Local Plan, dated 1 September 2014
- 41 Submission of Robert Trott
- 42 Technical Note 7 by FMW Consultancy dealing with Town Centre Regeneration, dated 3 September 2014
- 43 Memorandum of Disagreement dealing with UU submitted in relation to Appeal A
- 44 Costs application by Appellant on Appeal A
- 45 Response by Patrick Moss on behalf of SSDC to Technical Note 7, dated 4 September 2014
- 46 Technical Note 8 by FMW Consultancy dealing further with Town Centre Regeneration, dated 4 September 2014
- 47 Costs Application by Appellant on Appeal B
- 48 Copy of signed Agreement under S.106 dated 4 September 2014
- 49 Closing Statement on behalf of Council (Appeal B)
- 50 Closing Statement on behalf of Council (Appeal A)
- 51 Supplemental Closing Statement on behalf of Appellant on Appeal A
- 52 Closing Statement on behalf of Appellant on Appeal B
- 53 Costs Response by Council on Application relating to Appeal A
- 54 Costs Response by Council on Application relating to Appeal B

POST-INQUIRY DOCUMENTS

- 1 Agreement under S.106 relating to Appeal B Travel Plan
- 2 Copy of APP/R3325/A/13/2210545
- 3 Comments of SSDC on APP/R3325/A/13/2210545
- 4 Comments of AP Planning (on behalf of David Wilson Homes South West Ltd) on APP/R3325/A/13/2210545
- 5 Comments of D2 Planning (on behalf of MacTaggart & Mickel Homes Ltd and the S E Blackburn Discretionary Trust) on APP/R3325/A/13/2210545
- 6 Copy of the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 7 Comments of SSDC on the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 8 Comments of AP Planning (on behalf of David Wilson Homes South West Ltd) on the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 9 Comments of D2 Planning (on behalf of MacTaggart & Mickel Homes Ltd and the S E Blackburn Discretionary Trust) on the Inspector's Report on the Examination into the South Somerset Local Plan 2006-2028
- 10 Copy of e-mail from SSDC dated 6 March 2015 regarding the adoption of the South Somerset Local Plan 2006-2028
- 11 Bundle of material relating to CIL Regulation 123(3)

PLANS: Appeal A

- A 11128(L)001 Revision D: Location Plan
- B 11128(L)100 Revision D: Site Block Plan
- C 0359-025: Access from Thorndun Park Drive
- D 0359-026 Revision A: Access from Crimchard
- E 11-26-08 revision D: Landscape Masterplan

PLANS: Appeal B

- A 003ii: Site Location
- B 012i Revision E: Illustrative Concept Masterplan
- C 013i: Parameter Plan
- D 013ii: Parameter Plan – Building Height
- E FMW1033-SK02: Proposed Site Access Arrangement

Agenda Item 7

Officer Report On Planning Application: 19/00074/FUL

Proposal :	The erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping.
Site Address:	Land East Of Crimchard Chard TA20 1LU
Parish:	Chard
CHARD CRIMCHARD Ward (SSDC Member)	Cllr Martin Carnell
Recommending Case Officer:	Colin Begeman
Target date :	22nd March 2019
Applicant :	Barratt Homes
Agent: (no agent if blank)	Origin 3 (C/O Miss Emily Ramsay) Tyndall House 17 Whiteladies Road Clifton Bristol BS8 1PB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

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

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

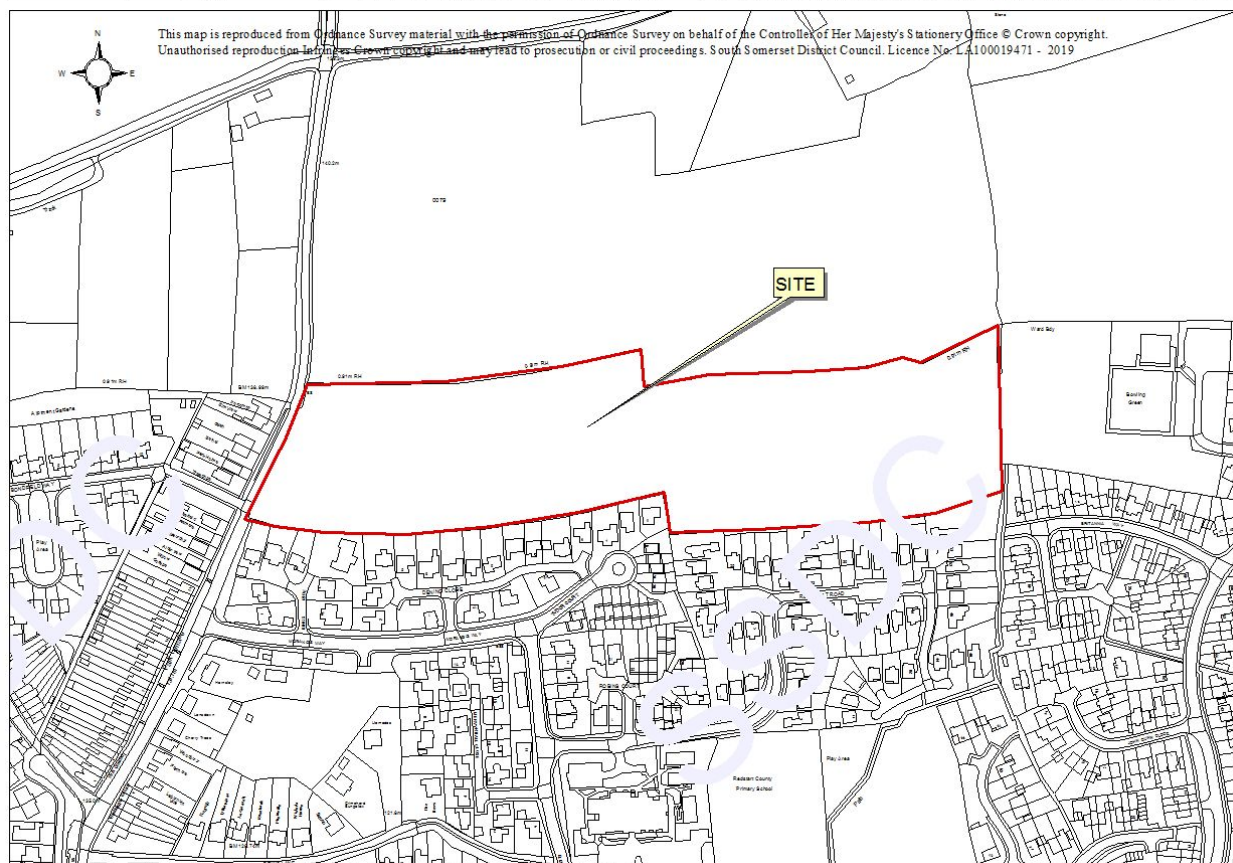
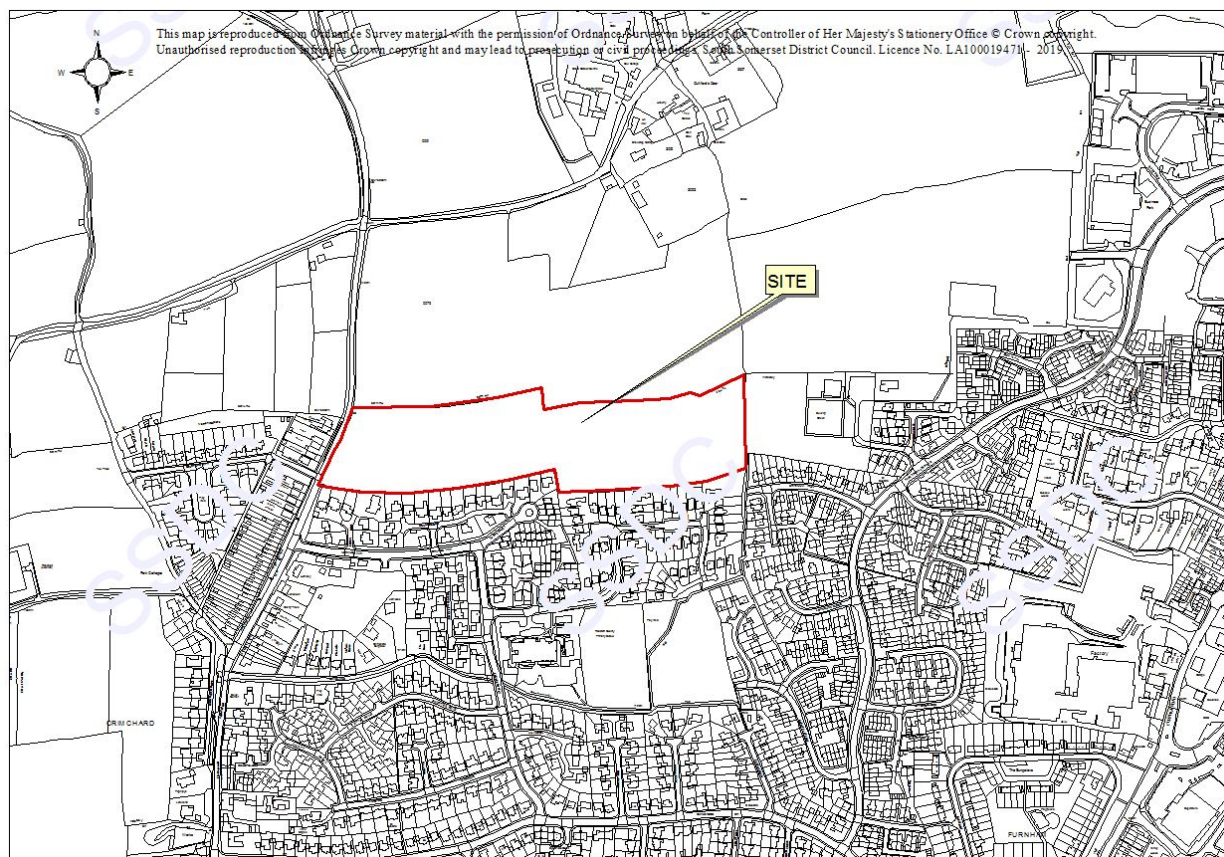
1. The application contains a transport assessment that has failed to take into account local conditions and circumstances and proposes access onto a busy, single carriageway width road with poor alignment. The proposal, therefore, fails to provide a safe and convenient access and is therefore contrary to policy TA5 of the South Somerset Local Plan (2006-2028).
2. The proposal prejudices the delivery of the Chard Regeneration Plan forming part of the Council's Local Plan and on which work has started; therefore, the proposal is contrary to policies PMT1, PMT2, SS3 and SS5 of the South Somerset Local Plan (2006-2028).

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

In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

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

SITE DESCRIPTION AND PROPOSAL



The site is located on the northern edge of Chard, adjoining residential properties to the south and west. To the north is an agricultural field, subject of a current outline mixed-use application, 18/04057/OUT, for up to 295 dwellings and various leisure-related uses. To the east is a bowling club. Crimchard Road bounds the site to the west with hedgerows on all four boundaries.

The site comprises 1 field in agricultural use extending to 4.6 hectares and slopes gently from west to east. All 4 boundaries are defined by hedgerows.

This application seeks full planning permission for the erection of 142 dwellings together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping.

The application has been accompanied by:

Affordable Housing Statement
Arboricultural Impact Assessment
Design and Access Statement
Ecological Impact Assessment
Ecology Report
Flood Risk Assessment
Outdoor Lighting Report
Planning Statement
Statement of Community Involvement,
Transport Assessment

Access into the site will be gained from Crimchard with the creation of a T junction. The development will be served with an internal estate road running centrally from west to east through the site with other roads leading off to serve the proposed dwellings.

A play/open space is proposed to be located towards the centre of the site. A surface water attenuation area and ecological habitat enhancement will be located at the east end of the site. New planting will be established along the southern and northern boundaries and instant hedging along the western boundary.

The Affordable Housing Statement sets out that the proposed development will make provision for 50 affordable dwellings of the proposed 142, equating to 35% affordable housing which complies with adopted local plan policy. It sets out the number, tenure and mix of the proposed affordable housing. The proposal will provide 35 social rented affordable dwellings (70%) and 15 shared ownership affordable dwellings (30%). The dwellings will range in size from 1 bedroom apartments to 4 bedroom houses.

The Design and Access Statement outlines the applicant's approach to the site, which is informed by an analysis of the character of the site and surrounding area. It outlines the relevant planning policies, both national and local policies and adopted and merging policies. Moreover, it talks about the suitability of the site for housing and relationship to the Chard regeneration proposals.

The Ecology Report outlines the presence of badgers with a main and subsidiary sett along the southern boundary. Mitigation is proposed in order to safeguard the badgers and their habitat. Dormice are also present within the hedgerows and again, habitat mitigation and enhancement are proposed.

The Flood Risk Assessment and Drainage Strategy confirm that the site is not within an identified floodplain or an area at risk of flooding. Surface water will be controlled and managed to existing local watercourses and existing drains to the east and west. A sustainable urban drainage basin proposed at the east end of the site will accommodate runoff arising from the development during periods of extreme

rainfall.

The Transport Assessment outlines that the site can be accessed via a T-junction from Crimchard. In addition, the assessment concludes that there will only be a very limited impact arising from the development on the town centre traffic and key town centre junctions. The report assesses the Travel Plan and outlines the proximity of service and facilities within walking distance of the site. Other measures will be introduced to encourage new residents to walk and cycle and use bus services. The applicant accepts the use of a condition to secure a Travel Plan.

The Tree Report has identified the trees on-site located within the hedgerows and will be retained as part of the scheme.

HISTORY

Outline application 13/01535/OUT for up to 110 dwellings was refused and dismissed at appeal on 3rd June 2015. The application was considered at appeal together with a larger application on the adjoining site to the north, for 450 dwellings, sports provisions, and community uses. (App No: 12/04518/OUT).

The absence of technical objections was acknowledged by the Planning Inspector when considering the appeal for the larger site and was dismissed solely on the grounds of allowing time for the recently adopted Local Plan to deliver the growth for Chard anticipated. The Appeal Decision is attached as Appendix 1 in the preceding Agenda Item: Mount Hindrance (18/04057/OUT).

Environmental Impact Assessment:

An Environmental Impact Assessment Screening Opinion was undertaken in September 2018 and concluded that the development is not considered to constitute 'EIA Development'.

Legal advice was sought regarding the cumulative need for an EIA in conjunction with the proposed development and Mount Hindrance and that advice was that the proposal would not require an EIA.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and Paragraphs 2, 11, and 12 of the National Planning Policy Framework requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

For the purposes of determining current applications, the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
PMT1 - Chard Strategic Growth Area
PMT2 - Chard Phasing
EP3 - Safeguarding Employment Land
HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development
Part 5 - Delivering a sufficient supply of homes
Part 8 - Promoting healthy and safe communities
Part 9 - Promoting sustainable transport
Part 11 - Making effective use of land
Part 12 - Achieving well-designed places
Part 14 - Meeting the challenge of climate change, flooding and coastal change
Part 15 - Conserving and enhancing the natural environment
Part 16 - Conserving and enhancing the historic environment
Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

National Design Guide October 2019

Other

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017) Policy PMT1

The Chard Regeneration Framework

CONSULTATIONS

Chard Town Council:

That this application should be refused due to the lack of parking, the impact on Convent Junction using up capacity in an unplanned way. Traffic conditions in Crimchard with cars accessing the A303 via Combe St Nicholas and Wadeford. Protected species of dormice are also evidenced in the plot. Out of phasing of the Chard strategic growth area, the play area is isolated. A lack of infrastructure including schools, suitable roads and doctors would not support this application.

This application should be refused due to concerns over the traffic management plan, the lack of supporting infrastructure and the planning portal does not show all documents for scrutiny. There would also be an impact on wildlife such as badgers, bats and dormice.

Adjacent Parish - Combe St Nicholas Parish Council:

The Parish Councillors still object to the amount of traffic that will be generated on this narrow section

of road between Combe St. Nicholas and Chard. Traffic is bound to then turn right at the Cuttifords Door crossroads, using this narrow rat-run out to the A358 or come along through Combe St. Nicholas to get to the Eagle Tavern junction for the A303 or Taunton.

None of these unclassified roads are suitable to increase in traffic.

Highway Authority:

I refer to the above-mentioned planning application received on 21 January 2019 and after carrying out a site visit on 24 September 2018 have the following observations on the highway and transportation aspects of this proposal:-

The principle of development on this site has already been accepted under the application numbered 13/01535/0UT. Whilst this application was ultimately refused on planning grounds, the Highway Authority did not raise any objections.

Whilst this application increases the number of units, the level of increase is not considered to be onerous and will not lead to a highway safety or efficiency issue.

It is understood that, in accordance with current national policy directions, the Local Planning Authority are keen to provide a development which concentrates on the aspect of place, rather than function, for the internal road layout. In this regard discussions are on-going between the Highway Authority and the Developer with regard to the details of the potential highway infrastructure and adoption thereof.

Based on the above information provided a ghost island right turn access arrangement would normally be suitable in accordance with TD 42/95 Geometric Design of Major/Minor Priority Junctions figure 2/2.

However, due to the semi-rural environment and low number of the vehicles on Crimchard a simple T junction will be acceptable to the Highway Authority subject to the requirements of visibility.

This Authority has been advised that visibility splays of 2.4m x 43m measured to the kerb line of Crimchard can be provided in accordance with the guidance set out in the Manual for Streets.

Recent discussions have also confirmed the following details can be provided at the point of access;

- 5.5m road width
- 6m junction radii subject to amended swept-path drawings
- Appropriate pedestrian infrastructure

Whilst this Authority would not normally accept an internal access road, running parallel to Crimchard served off the proposed new development access very close to the junction with Crimchard, the existence of the underground water main limits the ability to amend the road layout.

Drainage

1. The attenuation pond is located in very close proximity to one of the estate roads and adjacent footway which raises concerns with respect to the safety of the public. The designer will need to consider whether safety mitigation measures are appropriate.
2. The CIRIA SuDS Manual advises that the maximum gradient of the side slopes of attenuation ponds should be 1 in 2 for safety and maintenance purposes.
3. An additional road gully should be provided on the western channel of Park Terrace immediately upstream of the new proposed uncontrolled pedestrian crossing to intercept surface water run-off running along the carriageway channel line.

In the event of permission being granted, I would recommend that conditions are imposed.

On-street car parking survey

A further transport study was carried out by the applicant assessing the effect car parking levels have on traffic flow and issued this on the 21 January 2020. This was undertaken to assist the Committee in understanding the effect of car parking on Crimchard and if it creates an impediment to traffic. The report concludes that “there is no unacceptable impediment to the free-flow of traffic as a result of on-street car parking, despite local perception.”

The Highway Authority has reviewed the report and agree with its findings.

Local Lead Flood Authority

Awaiting final response to be presented at Committee. It is anticipated that the LLFA response will be positive.

Highways Agency:

No Comment.

Planning Policy:

As noted in the appellant's Planning Statement the proposal site was previously considered and dismissed at appeal (application no. 13/01535/OUT) it was considered along with an unrelated proposal for 450 dwellings, sports provisions, and community uses (application no. 12/04518/OUT).

The development plan for the purposes of determining this planning application consists of the South Somerset Local Plan 2006-2028. The Council is currently undertaking a Local Plan Review (LPR) covering the period 2016-2036. The LPR is still at an early stage of preparation having undergone Issues and Options consultation from October 2018 until January 2019 (Regulation 18). Public consultation on the Preferred Options (Regulation 18) is expected to take place later this year. You will note that the planning application site has been identified as a preferred option in the draft document put before District Executive on 7th February 2019. However, at this stage in the process, the emerging Local Plan Review can be given very limited weight.

Chard is the second-largest settlement South Somerset and Policy SSI of the Local Plan designates it as a Primary Market Town. Policy SS5 sets a housing requirement of at least 1,852 dwellings in Chard. This includes the 1,220 homes to be delivered during the plan period with at least a further 1496 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.

The proposal site lies outside of the Development Area for Chard and outside of the CEDA allocation (Policies PMTI and 2). It is located within a Mineral Safeguarding Area — Policy SMP 9 of Somerset Minerals Plan.

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.

Whilst 78 dwellings have reserved matters permission within CEDA (Morrish Builders site) and there are

pending planning applications for around 515 dwellings, so far no new homes have been completed. The infrastructure costs associated with the delivery of the allocation are significant and this is recognised by a CIL nil tariff and the inclusion of elements of the road infrastructure being included on the Council's CIL Regulation 123 list.

A key issue for Chard is the impact of development proposals on the central Convent Link junction, as part of any balancing exercise, the contents of the transport assessment and the views of SCC as the Highway Authority will be of particular importance on this issue.

A significant material consideration is the National Planning Policy Framework, 2019 (NPPF). Paragraph 11 d) states:

- d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

Footnote 7 of the NPPF clarifies that for applications involving housing 'out-of-date' includes, situations where the local planning authority is unable to demonstrate a five-year supply of deliverable housing sites. Based upon the report published in January 2020, South Somerset District Council is unable to demonstrate a five-year housing land supply, having 4.5 years. This means that paragraph 11 d) of the NPPF is activated.

In conclusion, this proposal is contrary to Local Plan Policies 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 approving 142 new homes in Chard.

Environment Agency:

No objection

Landscape Officer:

I have reviewed the application seeking outline consent for 110 dwellings on land immediately to the north of Chard's current edge (adjacent Denning Close and Redstart Road). I am also familiar with the site, having appraised the general area when undertaking the peripheral study of Chard and having undertaken a more detailed consideration of the area in relation to the Mount Hindrance application.

The application site lays within the scope of the peripheral landscape study of Chard which was undertaken during the Spring of 2008. This study reviewed the town's immediate surround with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to; http://www.southsomerset.gov.uk/media/230799/peripheral%20landscape%20study_chard.pdf. The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the application field is found to have a high capacity to accommodate built development, despite the sensitivity of land to the north of the site. Consequently, there is no landscape objection to the principle of development of this field.

Arborist:

The tree survey of the site was helpful and I particularly welcome the submitted suggestions to

regenerate and restore the site boundary features with tree and shrub planting. It appears that the most valuable trees are intended to be retained within Public Open Space. I have no objections, subject to imposing a condition in respect of a scheme for tree protection and planting.

County Archaeology:

South West Heritage Trust has commented that: there are limited or no archaeological implications to this proposal and we, therefore, have no objection on archaeological grounds.

Community, Health, Leisure and Open space:

No objection subject to contributions secured through a s106 agreement.

Changing Room Contribution of £100,991

Changing Room Contribution commuted sum of £8,124

Community Health and Leisure Service Administration Fee sum of £4,111

Playing Pitches Contribution of £55,248

Playing Pitches commuted sum of £33,535

Public Open Space Contribution sum of £6,408

The commuted sum payable to the Council for the future maintenance of the LEAP and Youth Facilities Area is £74,802

A total of £539,205.24 is sought for local and strategic facilities. The Local facilities include equipped play space, youth facilities, playing pitches, changing rooms, and community halls. These will all either be on-site or within Chard. The total = £302,661.

Strategic facilities including theatres, artificial grass pitches, swimming pools, indoor tennis and sports halls. The contributions will be directed to the CRESTA centre other than in respect of the Octagon Theatre, Yeovil and Yeovil Sports Zone. Total = £131,403.

The remainder of the total contribution sought shall be directed towards commuted sums.

Wessex Water:

No objection. The developer will need to agree points of connection with Wessex Water.

Housing Officer:

I would expect 50 affordable units - (based on 142 in total) - 67% social rent and 33% shared ownership or other intermediate solutions. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles.

Ecologist:

Thank you for forwarding the Ecological Impact Assessment v3 to inform the proposed development at Land East of Crimchard. The report includes a desk study and extended Phase 1 habitat walkover survey undertaken during September and October 2018 (updating previous data collected during March 2013). Detailed bat, badger, dormouse and reptile surveys were undertaken during 2019. The results were as follows:

Habitats

The site comprises an arable field bounded by hedgerows/banks, some of which contain mature trees. A drainage ditch is also present along the site's eastern boundary, which does not support wetland vegetation. The field is ploughed to the boundaries with no retained margins.

Sites

The Mount Hindrance Farm Hedges Local Wildlife Site (LWS) comprises a network of hedgerows designated for supporting a legally protected species (dormice).

Dormice

The LWS includes the site's eastern boundary and several linked hedgerows to the north and east of the site. The site's southern boundary hedgerow also supports dormice; no dormice were recorded using the northern or western boundary features during the 2019 surveys.

Bats

No bat roosts would be affected by the proposed development and no important commuting routes have been identified within the site. Very low levels of bat activity have been recorded on site (primarily common pipistrelle, but also soprano pipistrelle, noctule, serotine, myotis, lesser horseshoe, brown long-eared and possibly also Nathusius' pipistrelle). The level of activity by those bat species which are particularly light averse, such as lesser horseshoe, brown long-eared and myotis, is very low.

Badgers

Two large badger setts are present on the site's southern boundary. Smaller setts, which are occasionally used, are also present.

Slow worms

A population of slow-worms is present, associated with the eastern end of the hedgebank which forms the site's northern boundary and the hedgebank forming the site's western boundary.

Birds

The site is likely to support small numbers of breeding and over-wintering birds typical of farmland and urban fringe habitats, and bullfinch, skylark, song thrush, linnet, grey wagtail and dunnock may, therefore, occur within the site boundaries along with other species of conservation concern, such as yellowhammer (*Emberiza citrinella*), starling (*Sturnus vulgaris*) and house sparrow (*Passer domesticus*). Given the size and location of the site, it is considered unlikely to support significantly valuable populations of any such species.

Other species

The site is also likely to be used by hedgehogs and will support a variety of invertebrates.

SSDC Recommendations

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, conditions should be attached to any planning permission granted.

The Council's Ecologist is satisfied and broadly in agreement with the conclusions of the submitted ecological appraisal. The report identified two main issues:

- 1 The presence of dormice in the boundary hedges. Satisfied with the proposed mitigation/compensation and recommend submission of details via the condition.
- 2 Badgers have a main and annexe setts on site. Satisfied with the retention and buffering of the setts and eastern access corridor. However, does recommend the site layout is amended to also include a badger corridor running north-south across the centre of the site.

Case Officer Comment:

Conditions would be imposed on any approval in relation to the mitigation measures outlined by the ecologist in respect of dormice, badgers, lighting and biodiversity enhancement.

Natural England:

No objection

Somerset Wildlife Trust: (summary)

Object to the proposal on the grounds of impact on hazel dormouse and inadequate survey for badgers.

Environmental Health Officer:

No objections.

County Education Officer:

The primary schools in the town would not have the capacity to accommodate new pupils arising from the anticipated growth of Chard, and the catchment Redstart School is already over-capacity. There is also a shortage of pre-school places in Chard. Whilst Holyrood has some capacity at present, the combined impact of the anticipated level of development for the town will mean that additional accommodation will need to be provided here as well; in the meantime, it is only correct for each development to make a pro-rata contribution.

There would not be a requirement for Early Years contributions but will require primary and secondary contributions in this location.

Using the up to date pupil yields and costs to build 142 dwellings in this location would require the following education contributions:

Primary $0.32 \times 142 = 45.44$ (46 pupils)

Secondary $0.14 \times 142 = 19.88$ (20 pupils)

$46 \times 17,074 = £785,404$ for primary school places in the Chard school catchment area

$20 \times 24,861 = £497,220$ for Holyrood secondary

Total: £1,282,624

County Rights of Way Officer:

Confirms that there is a public Right of Way which abuts the proposed development (footpath CH31/5). Request improved surfacing of the existing right of way.

Designing Out Crime:

No objection

REPRESENTATIONS

69 letters/emails have been received objecting to the development.

Below is a summary of the comments:

Chard Regeneration Plan

- Development is contrary to the development plan and to the Chard Regeneration Plan
- Development is in the wrong place
- Would compromise regeneration plans for Chard.
- Years of work creating the proposals for Chard would be severely jeopardised.

Sustainability

- The development would not be sustainable
- Does not provide any infrastructure to service the development
- No employment provision will only provide short term construction employment

Highways

- Increased traffic congestion at key junctions in the town and on local roads within the town and to villages outside of Chard.
- Local roads not suitable to serve the development, narrow, poor visibility.
- The car parking survey was not carried out within acceptable periods to reflect that existing situation and cannot be considered to be reliable

- While not shown on the plans it is the intention to create a vehicular link with the neighbouring application to create a link between Crimchard and Thorndun Park Road

Car Parking Survey

- The previous application was submitted in 2013 with an appeal in 2014 and local conditions have changed
- The assessment took place between the periods of 08:00hrs to 09:30hrs and 14:30hrs to 16:00hrs to allow for school traffic. The peak time is 14:30-17:30. Furthermore, cars are less likely to be parked outside homes before 16:00 and so the timing is disingenuous.
- Width of the road and space needed to pass
- The data regarding the occurrence of vehicles meeting is incorrect
- While not shown on the plans it is the intention to create a vehicular link with the neighbouring application to create a link between Crimchard and Thorndun Park Road which means that the car parking survey is inaccurate because it did not take this into account

Landscape

- Adverse harm to the local landscape much valued by local residents.

Agricultural land

- Loss of good quality agricultural land.
- Land used for growing crops.
- Loss of agricultural land places greater reliance on imported food which is not sustainable.

Wildlife

- The harmful impact on wildlife
- The development would act as a deterrent to wildlife and will not return to the site.

Flooding

- Known flooding issues in the vicinity of the development.
- Local roads flood, often become impassable
- Water has run from the west through the site, leaving debris on the road.
- Development can only increase flooding

Education

- Local schools are at their limit
- No additional capacity
- Children would have to travel to other schools in the town increasing congestion
- The Chard Plan will cater for new schools in the right places

Procedural

- Quality of due diligence checks undertaken by South Somerset District Council of the applicants submitted information
- Lack of clear demonstration of the checks and approvals processes of Planning Officers reports to ensure a critical document is accurate and has been approved by a senior manager of the planning department,
- Accurate representations of the objections from the public within the report
- Incomplete analysis of construction impact on surroundings
- Lack of consideration of highlighted errors in traffic survey and access statement

CONSIDERATIONS

There are a number of key considerations in respect to this development and each of these are addressed below.

Principle of Residential Development

At the present time, SSDC cannot demonstrate a five-year housing supply. In these circumstances, paragraph 11 of the National Planning Policy Framework states that policies that are relevant to the supply of housing, i.e. Local Plan Policies SS1, SS4 and SS5, are to be considered to be out of date. It further advises that under these circumstances planning permission should be granted unless:

- 1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that while the Council currently does not have a 5 year supply of housing, the approval of this application would not result in an adverse impact that would be so significant to outweigh any benefits of the scheme. It is considered that approval of this application would comply with the National Planning Policy Framework and the Council's approved planning policy.

The Chard Regeneration Framework has been formulated over a period of years following the non-delivery of the Chard Key Site. It is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and undertaken in a strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure. The Chard Regeneration Framework will deliver the regeneration of the town. However, it is not considered that the proposed development will provide any of the required infrastructure needed in the town. Importantly, the site is not included within the Council's Growth Option 3 as outlined in the Chard Regeneration Framework which details the preferred strategic growth areas for Chard. It is true to state that the site is located within Growth Option 4. However, this was clearly rejected by the Council as development beyond Option 3 would result in traffic problems re-emerging in the town. Accordingly, the proposed development is not in accord with the Council's planned and strategic approach to the town.

However, notwithstanding this, as outlined previously, it is considered that the conflict with the Chard Regeneration Plan would not result in an adverse impact that significantly and demonstrably outweighs the benefits of the scheme.

Highways

The traffic implications of the proposed development have caused a significant amount of concern from local residents, the Town Council and from the Council's Economic Development and Planning Policy Officers. It is an aspirational desire that the future development of Chard must be undertaken in a strategic, not ad hoc, manner. Key to the success of the regeneration of the town is the bringing forward of new and improved highway infrastructure. In particular, to direct traffic away from the Central Junction.

A Transport Assessment was submitted by the applicant and this has been fully assessed by The Highway Authority. As will be noted from their comments outlined above, The Highway Authority do not raise an objection on technical grounds, concluding that with the installation of the MOVA system, 'the capacity issues do not amount to a reason for refusal on their own since the capacities of the junctions

would not be exceeded by the inclusion of the development traffic'.

The MOVA system was introduced to increase capacity at the junction to accommodate the early phases of development in the Chard Regeneration Plan.

Ecology

Strong concerns have been raised by third parties regarding the harmful impact of the development on the wide range of wildlife and habitat within the site. An Ecological Impact Assessment was undertaken and submitted as part of the application. The report identified 2 main issues in respect of dormice and badgers. This report has been assessed by the Council's Ecologist and, as can be noted from his conclusions and recommendations outlined above, does not raise an objection subject to mitigation. The applicant is proposing a wildlife management plan and a condition will be imposed on any consent.

Flooding/Drainage

Concerns have been raised with regard to the regular flooding of local roads and to the site itself being waterlogged. The site is classed as being in Flood Zone 1, although the evidence from local residents clearly shows that parts of the site do become waterlogged. The Flood Risk Assessment (FRA) confirms that the results of permeability tests taken across the site reveal that infiltration is low, thus surface water runoff will need to be adequately attenuated. The FRA confirms that the surface water will be attenuated by the use of a surface water attenuation pond at the east end of the site.

The Environment Agency (and previously the Council's Engineer) have assessed the FRA and are satisfied that surface water can be satisfactorily controlled to ensure that the risk of flooding downstream of the site is not increased. Whilst the evidence received from residents clearly shows that the local area has and continues to suffer from flooding, the FRA has demonstrated, with the agreement of the Environment Agency, that this development can be adequately mitigated to ensure that there is no increase in terms of flood risk to adjacent and other sites.

Landscape

Previously the Council's Landscape Officer did not raise an objection to the proposal confirming that residential use of the site would be compatible with existing housing development to the south. Moreover, this site was included within the scope of the peripheral landscape study undertaken in 2008 by the landscape officer. This project sought to identify land that has a capacity for development and concluded that this site has a 'high' capacity to accommodate built development. Thus there is no landscape objection to the principle of residential development in this field.

Employment

The lack of employment provision within the development has been raised by third parties and the Planning Policy Officer. Careful consideration has been given to this particular issue. The Government through the NPPF is clearly seeking the promotion of sustainable forms of development, a key element of which is economic development and creation of employment opportunities. The NPPF seeks the creation of balanced development that seeks to provide new and existing communities with the housing, jobs, services and facilities it needs.

In this case, it is considered that the lack of employment land within this application is not sufficient to warrant refusal of the application. The future growth of the town as outlined in the Chard Regeneration Framework makes provision for employment land up to 2028. The Crimchard proposal does not directly compromise future employment land, nor was it proposed for employment use as part of growth Option 4.

The Previous Appeal Decision

The previous appeal decision is a material consideration of significant weight. The Appeal Decision is attached as Appendix 1 in the preceding Agenda Item: Mount Hindrance - 18/04057/OUT. The Inspector found that all aspects of the proposal were acceptable however was of the opinion that it was important to allow time for the Local Plan to deliver the anticipated growth:

"It seems to me that the approach to development in Chard, enshrined in the recently adopted LP, needs to be given some time to succeed before it could reasonably be set aside. To do otherwise would undermine the primacy of the plan-led system. 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.

As the LP Inspector points out, in paragraph 93 of his report, any failure to deliver will be picked up by the Council's monitoring and should that situation arise, then the Council could take appropriate remedial action at that time, as a matter of urgency. If the LP strategy for Chard does falter, or fail completely, then the conclusion on similar proposals to those at issue in these appeals in the future, might well be different."

It is clear that the strategy for Chard has not performed as anticipated and given SSDC's lack of a 5-year housing land supply reduces the weight that can be given to the LP strategy for Chard.

Loss of Agricultural Land

The development would result in the loss of agricultural land and has been used for the growing of arable crops. Council records indicate that the land is classed as good quality Grade 3a agricultural land. 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, 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, and the fact that the Council has identified the land as suitable for development beyond the full implementation of the Chard Regeneration Plan, it is not considered that the loss of agricultural land warrants refusal of the application.

Viability

Members will be aware that an increasing number of development schemes are facing viability issues and put simply, are not viable with fully policy compliant planning obligations. Moreover, the government have made it clear through the NPPF and the recently introduced right for developers to appeal against affordable housing requirements, that Local Planning Authorities should, 'be sufficiently flexible to prevent planned development being stalled'. The developer, in this case, has not stated that the contributions as sought in terms of affordable housing, play, sport and open space requirements, highway works and education contributions would make the scheme unviable. A draft s106 agreement has been submitted by the applicant outlining the likely planning obligations.

The applicant has offered an implementation date of 1 year rather than the standard 3 year period as way of its confidence in the market and the viability of the scheme and as a way of commitment to delivering the project in a timely manner.

Residential Amenity

The layout offers an arrangement that should allow future residents and existing neighbouring residents to enjoy a good level of residential amenity. In terms of overlooking and general loss of privacy as a

result of this development, the proposal represents an acceptable scheme that avoids any demonstrable harm to existing local residents. It is acknowledged that the outlook of adjacent neighbouring residents will be altered by the development, however, loss of a view is not a material planning consideration and in any case, the view will change from fields to one that is suburban in character which is not out of keeping given the context of the site. Overall this outline scheme raises no substantive residential amenity concerns.

Design.

The proposed dwellings are compatible with the architectural character for this part of Chard. They represent a mix of hip-end and gable-end roofs incorporating a complimentary mix of finishing materials and colours.

Conclusion

Given the lack of demonstrable harm and the benefits that this scheme would provide in the provision of housing, including affordable dwellings, an economic benefit during construction and the spend of new occupants in the Town. In addition, money from the Community Infrastructure levy, of which 15% will go to the Town Council. On this basis, the application is recommended for approval subject to the completion of s106 Agreement.

RECOMMENDATION

Grant permission

SUBJECT TO THE FOLLOWING:

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

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

1. The provision of affordable housing,
2. Contribution towards the provision of sport, play, open space and strategic facilities.
3. Highway infrastructure and works.
4. Education contribution
5. A Travel Plan

For the following reason:

Notwithstanding the local concerns, the provision of 142 houses 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 without demonstrable harm to the local landscape, the character of the settlement, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

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

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

02. The development hereby approved shall be carried out in accordance with the following approved plans as set out in Drawing and Document Register - Job No. 18-083 14/11/2019 Rev A

- 1848_1000_Location Plan /A
- 1848_1100_Planning Layout - /L
- 1848_1111_Materials Plan /E
- 1848_1112_Storey Heights Plan /C
- 1848_1113_Waste Collection Plan /C
- 1848_1114_Enclosures Plan /C
- 1848_1115_Land Ownership Plan /C
- 1848_1116_Parking Plan /C
- 1848_1117_External Work Plan /C
- 1848_1118_Affordable Housing Plan /C
- 1848_1120_POS Areas Plan /C
- 1848_1150_Sections /B
- 1848_1170_Streetscenes /C

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

03. The development shall be undertaken in accordance with the submitted Ecological Impact Assessment Report recommendations Report ref: C037/R6/v3 Date: September 2019

Reason: To protect ecological interests to accord with Policy EQ4 of the South Somerset Local Plan.

04. Prior to commencement of the development the Tree Protective Fencing identified within the Arboricultural Method Statement (December 2018) - including signage shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by a representative of the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development (including groundworks). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

05. Prior to construction above damp proof course the final access arrangement shall be agreed in writing with the Highway Authority. The agreed access arrangement shall be constructed to the satisfaction of the Highway Authority prior to occupation of any new dwellings.

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

06. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

07. 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 accord with TA5 of the SSLP

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

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

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

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

10. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

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

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

12. Plans showing the car and motorcycle parking layout, details of secure cycle parking and facilities for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before construction above damp proof course level. All motor vehicle parking areas shall be properly consolidated before the buildings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

13. Prior to the construction above damp proof course level of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards

by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

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

14. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation and delivery hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- Measures to ensure all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction works, and thereafter maintained until construction discontinues.
- A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interest of highway safety and to protect the amenity of adjoining residents to accord with Policy TA5 and EQ2 of the SSLP.

15. The dwellings hereby approved shall be constructed in accordance with the proposed materials indicated on drawing 1848_1111_Materials Plan revision E unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 of the SSLP.

16. No dwellings hereby approved shall be constructed above damp proof course level until, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development hereby approved is properly drained.

17. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity), incorporating the key mitigation hierarchy requirements set out within Section 6. Assessment of impacts and mitigation measures of the Blackdown Heights, Crimchard, Chard Ecological Impact Assessment (MD Ecology, 2019)], has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy EQ4: Biodiversity of the South Somerset Local Plan 2006-2028 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

18. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management. Including all biodiversity enhancements outlined within Section 7. Enhancement measures / biodiversity net gain of the Blackdown Heights, Crimchard, Chard Ecological Impact Assessment (MD Ecology, 2019)
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers

the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006. To ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term as per Government and local minerals planning policy. Furthermore, the recently updated National Planning Policy Framework states in section 15, paragraph 170, that "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".

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

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

Informatives:

01. The Highway Authority have advised that the applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. The County Rights of Way Officer has advised the following: Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

In addition:

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

- If the work involved in carrying out this proposed development would:
- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-andplanning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

Agenda Item 8

Officer Report On Planning Application: 19/00273/OUT

Proposal :	Outline application for the development of up to 35 dwellings with all matters reserved except access including the demolition of the existing building and highways works to Claycastle.
Site Address:	Bay Tree Farm Claycastle Haselbury Plucknett TA18 7PE
Parish:	Haselbury Plucknett
PARRETT Ward (SSDC Member)	Vacancy
Recommending Case Officer:	Colin Begeman
Target date :	30th April 2019
Applicant :	Mr Keating
Agent: (no agent if blank)	Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

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

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

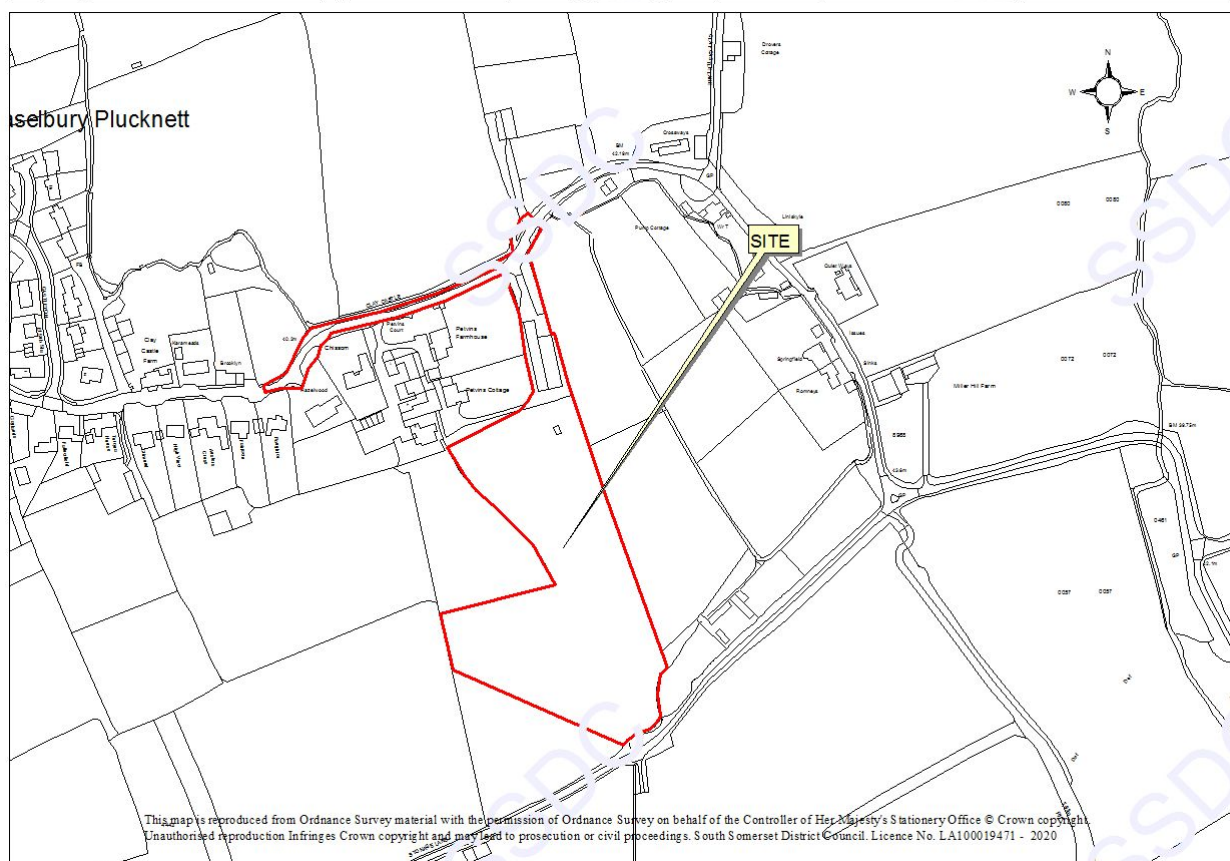
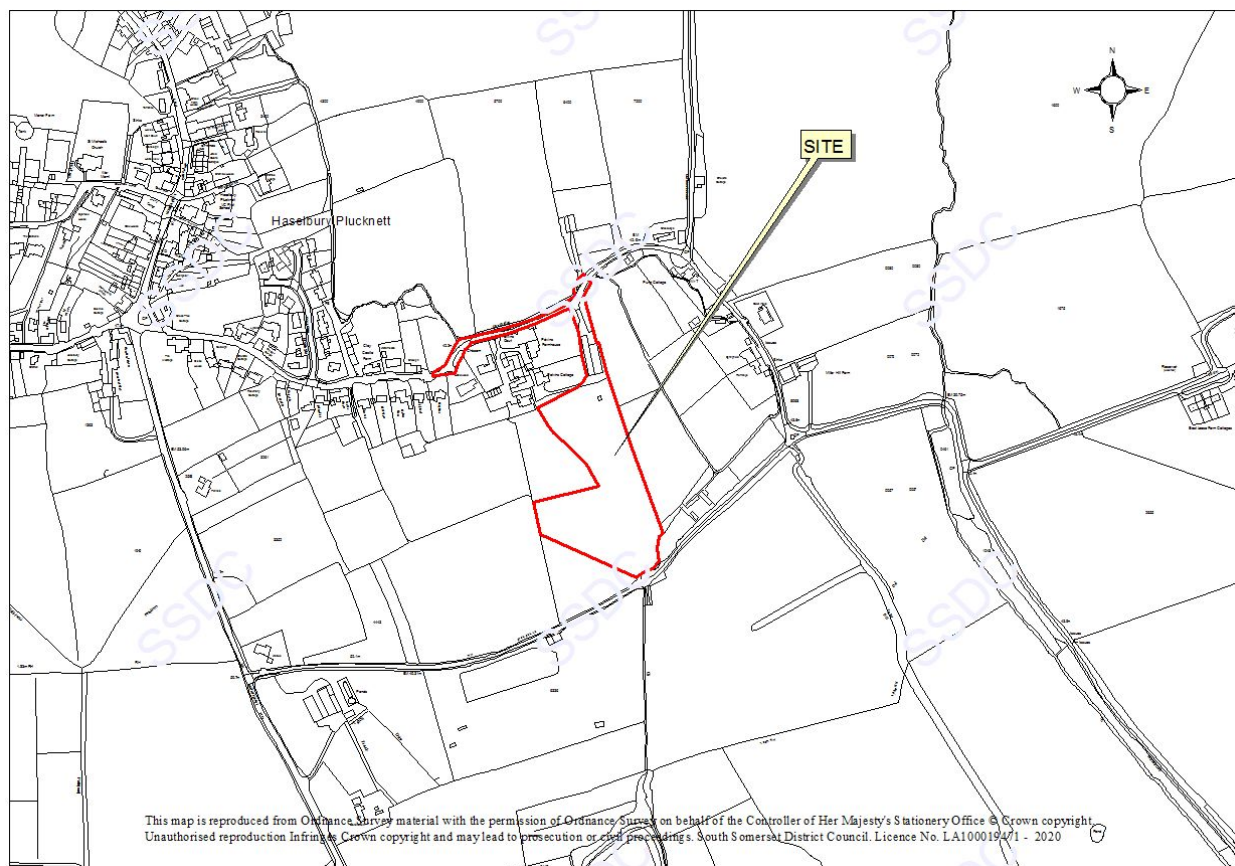
1. The proposal would have a detrimental impact on the character of the village and landscape. The resultant demonstrable harm is not outweighed by the benefits and therefore the scheme is contrary to policies SS2 and EQ2 of the South Somerset Local Plan (2006-2028) and Chapter 15 of the NPPF.

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

In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

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

SITE DESCRIPTION AND PROPOSAL



This application seeks outline permission for up to 35 dwellings with all matters reserved except for access including demolition of existing buildings. The application seeks to agree on the detailed matter of access with all other matters, including layout, scale, appearance and landscaping, reserved for later consideration.

The site consists of agricultural fields totalling approximately 1.9 hectares in size and is located on the eastern side of Haselbury Plucknett. The site is bounded mostly by open fields except to the north-west by existing residential development. The site accesses on to Clay Castle to the north with the vehicular access for the development proposed via this road. On the opposite side of this road is further open fields.

The application site is a relatively level site and the fields are contained by hedgerows on the eastern boundary. The site is not located within any areas of special designation, conservation areas or wildlife/habitat designations. There are no heritage assets in the immediate locality and the site is located within Flood Zone 1.

This application is supported by:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment (FRA)
- Infiltration SuDS GeoReport
- Geophysics Report
- Transport Statement
- Travel Plan
- Ecology report

HISTORY

90/01123/OUT Erection of Bungalow (outline)
Refused 24th October 1990

03/01862/COU Description Change of use of wooden barn for use as packing/dispatching of flowers for web based business (GR 347691/110604)
Permitted with conditions

04/01864/FUL Variation to Conditions 3,4,5 and 11 of application 03/01862/COU
Refused 16th September 2004
Appeal allowed 12th May 2005

07/02210/COU Change of use of wooden barn for use as packing/dispatching of flowers for web based business (renewal of 03/01862/COU)
Permitted with Conditions 18th March 2008

08/03912/S73 Description Application to vary condition 05. of decision notice 07/02210/COU dated 18.03.08 to permit more than one collection of goods per day on 3 occasions per year, Valentine's Day, Mother's Day and Christmas.
Approved with Conditions 04th December 2008

10/00203/S73 Application to vary condition 07 and 08 of planning permission 08/03912/S73 dated 04.12.08 to allow flower delivery on Sundays between 5pm and 10.30pm
Refused 11th March 2010

10/03089/S73 Application to vary conditions No. 02 of planning approval 08/03912/S73 dated 4/12/2008
to include alcoholic drinks to be sold
Refused 22nd September 2010
Appeal Dismissed 20th January 2011

12/01323/S73 Application to vary conditions No. 02 of planning approval 08/03912/S73 dated 4/12/2008
to include alcoholic drinks to be sold
Permitted with Conditions 19th June 2012

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications, the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

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

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

Part 16 - Conserving and enhancing the historic environment

Part 17 - Facilitating the sustainable use of minerals

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

Haselbury Plucknett Parish Council:

Objects to the application for the following reasons:

- The site of the proposed development is prone to flooding and there are no practicable means to prevent it. In fact, the development would increase the risk. As a consequence it would not be possible to insure properties built on the site, nor would mortgages be forthcoming. The properties of the Applicant and his neighbours to the west would also be made unsaleable. Finance to develop the site would not be available and no developer would contemplate its purchase. Householders would be left facing the distressing possibility of their homes being flooded.
- No marketing statement showing active marketing.
- Loss of employment use.
- Adverse impact on Listed Buildings setting
- Disregard to LP policy preventing new development outside development boundaries
- Contrary to the Village Design Statement regarding ribbon development
- Increase in volume of traffic will result in material harm to the amenity of neighbouring properties
- Existing dangerous highway conditions would be made worse
- Loss of ecology habitat and pollution to the Small Brook
- If after 18 months of marketing there are no suitable tenant the Parish may be willing to consider housing on the Brownfield part of the site.

24th May 2019

Parish confirms the instruction of a topo survey to verify the information submitted by the applicant in relation to highways.

27th May 2019

Parish submits a further substantial objection document concluding that:

The highways/transport part of the Application and Supporting Documents is based on distorted readings of policy, false and misleading data, illogical conclusions and absurd arguments. The traffic generated by the proposed development represents a danger to the safety of residents and highway users and would cause a profound loss of amenity. The proposed mitigation measures are unworkable and would create new hazards. Its defects cannot be remedied by the imposition of conditions.

Taking all the relevant facts into account and discarding those arguments put forward which are not relevant or are ill-founded the only logical conclusion is that this ill-advised Application must be refused on highways grounds alone.

7 June 2019

Parish responds to the updated information regarding highways:

The Parish commissioned a topo survey of the road which shows that the road is narrower than implied by the applicant and have suggested changes to the conditions proposed by the Highway Authority.

1 July 2019

The Parish submit a further document concluding that:

The Flood Risk Assessment is inadequate and fails to address the issues

The Surface Water Drainage Strategy will not work.

The development fails to comply with adopted policy

19 September 2019

The Parish submit a further document that questions the validity of the Highway Authorities consultation response.

25 October 2019

The Parish submit a further document questioning the validity of the applicant's and the Council's Ecologist views concluding that:

It remains the case that this development would destroy a pleasant meadow in the countryside and replace it with a speculatively built housing estate, along with the destruction of wildlife habitat, biodiversity, visual and recreational amenity, noise, air and water pollution, and increased traffic, flood risk and carbon emissions. No conditions, no LEMP and no amount of bird and bat boxes, bee bricks etc., etc., can fix this. I continue to object to this application.

12 November 2019

The Parish Council has become aware of reports that have only just been published from the LFA and the Flood Authority.

Given the length of time, it has taken for SSDC to publish this information, we would request that no further action is taken until we have had time to consider and respond to this new information.

We anticipate that this will take no longer than two weeks.

25 November 2019

The Parish Council submitted a further document objecting to the application.

The Parish is concerned that the publication of documents relating to flooding issues were not made available sooner and could prejudice the decision making on the application.

The document concludes that:

The site of the proposed development is prone to flooding and there are no practicable means to prevent it. In fact the development would increase the risk. As a consequence it would not be possible to insure properties built on the site, nor would mortgages be forthcoming. The properties of the Applicant and his neighbours to the west would also be made unsaleable. Finance to develop the site would not be available and no developer would contemplate its purchase. Householders would be left facing the distressing possibility of their homes being flooded.

North Perrott Parish Council:

It has been the policy of NPPC since the adoption of the VDS to strive to keep the area between the villages of North Perrott and Haselbury free from ribbon development that might lead to the eventual merging of our two communities and not to increase traffic using Stonage Lane, which is both very narrow and has a dangerous junction with the A3066

County Highway Authority:

No objection subject to conditions

8 April 2019

The Highway Authority is not against the principle of the development, however, the applicant should look to address the Highways concerns.

29 May 2019

Having regard to the clarifications provided in the additional information, this Authority is content that as submitted the proposal will not lead to a severe impact on the highway infrastructure as detailed in Manual for Streets and therefore have no grounds for objection.

However, because a certain level of intensification will be realised in the event of planning permission being granted, the conditions should be imposed.

2 September 2019

Further to recent correspondence on this matter, I have received the email below and in order to confirm the Highway Authority position would offer the following comments.

This application is for up to 35 residential units. The national database (TRICS) contains trip levels associated with different development types and these figures are accepted by the Highway Authority. This development proposal is likely to generate in the region of 20 vehicles in the peak hour which equates to 1 every 3 minutes.

It is recognised that the Parish Council have undertaken a survey of the lane which shows there are contradictions between the different information provided. Manual for Streets states that a distance of 4.1m is adequate for two vehicles to pass. It is stated that there are only 2 section where this distance is available. However, the table provided on the survey drawing shows a number of different locations where 4.1m is available especially between W160 and W200,

This Authority has to take account of all mitigation factors including;

- The proposed mitigation measures to provide widened carriageway and provide visibility splays,
- The existing vehicle access points which are covered by highway rights and add to the passing places along the road,
- The fact that the site was used for a number of years as a flower business and the applicant confirmed the business generated the following vehicle movements:
 - 15 - 20 staff-related movements per day
 - An average of 15 ford transit type courier drops per week
 - One daily flower delivery lorry
 - One 7T Royal Mail lorry collection vehicle
 - 10 miscellaneous visits (professional people, etc.)

In this regard, when assessed against local and national policies this Authority is content that the mitigation measures suggested which can be secured via planning condition means the impact of this development proposal will not be severe.

SSDC Highway Consultant:

Refer to SCC advice.

SCC Rights of Way:

No objections subject to conditions

SCC Education (EdA):

No objection and no contributions required.

We currently have capacity in the schools in this area so will not require contributions.

CPRE Somerset:

Objects on the grounds that:

- Harmful to the character of the area and the separation of North Perrott and Haselbury
- Limited information regarding assets of heritage value
- Limited account has been taken of the Haselbury Plucknett Village Plan or the North Perrott Village Plan.
- Represents a 64% increase in housing stock
- No robust engagement by the applicant with community
- Site is prone to flooding and will lead to more flooding and inadequate capacity for sewage
- Inadequate access
- Ecology issues

SSDC Housing:

Adopted affordable housing policy to be applied

SSDC Open Spaces Officer:

No requirement as less than 50 dwellings.

SSDC Community, Health and Leisure:

Requires a contribution of £55,406 or £1,583 per dwelling

NHS England:

No comments received.

Police Designing Out Crime Officer:

No objection subject to comments:

- Please consider repositioning the PROW to go in front of units 33, 34, and 35 to remove the alleyway to the rear of the properties. Rear alleyways can be considered crime generators as they allow anonymity to the criminal

- Maintenance Path - Please reconsider providing this access to the rear of properties. It is unlikely to be managed efficiently thus allowing access to a number of units. They can often be used as dumping grounds for household and garden rubbish.

Officer Comment: - this is an outline application and these matters can be dealt with at the Reserved Matters stage.

Somerset Waste Partnership: No comments.

Historic England: Do not wish to comment

Natural England: Do not wish to comment.

SSDC Ecologist: No objection subject to conditions

18 September 2019

The Ecologist requires further information before suggesting conditions

1 October 2019

The Ecologist comments on the updated ecology information:

I have now reviewed the latest ecological response from encompass, and following a meeting with encompass, boonbrown and the applicant, can confirm that I am satisfied with the avoidance, mitigation and compensation proposals subject to conditions:

Somerset Wildlife Trust: Fully support the proposals for Mitigation and Enhancement in the survey, and in particular the recommendations in respect of bat and bird boxes and external lighting which should be included in the Planning Permission if it is decided to grant Planning Permission.

SSDC Tree Officer: No comments received.

SSDC Environmental Protection Officer: No observations.

SW Heritage Trust Archaeologist: No objection

25 February 2019

Require further information regarding archaeology comprising geophysical survey and where appropriate a trial trench evaluation prior to determination.

24 April 2019

The geophysical survey has identified features that require further investigation which can be controlled by conditions attached to any permission granted.

Environment Agency: No comment received.

Lead Local Flood Authority (County Drainage): No objections subject to a condition to secure the detailed design at reserved matters stage.

11 March 19

Thank you for consulting with the LLFA on this application. We have objected to the proposed development due to the following reasons:

1. We require information regarding existing rates of runoff and a commitment to a minimum 30% betterment on those rates.
2. We note surface water is to be discharged to a soakaway. These should be designed and constructed in accordance with Building Research Digest 365. We would expect to see a fully implementable alternative drainage strategy before any permission is granted, should soakaways subsequently prove unviable. In the absence of infiltration measures, we will always prefer surface drainage features (ponds, swales etc), as these are more likely to offer multiple benefits such as improved water quality, biodiversity and amenity and are generally easier to maintain. Opportunities to manage water throughout the development site are welcomed, using a SUDS management train approach.
3. The FRA acknowledges that there is a surface water flow path through the site, which is shown on the long-term flood risk maps, but argues that the topography of the site and the existence of a ditch in the south eastern corner mean that flow would instead head east and would not impact the site unless those systems were overwhelmed. Further detail is needed to confirm the mechanism of surface water flooding here, and how this will subsequently inform the design and layout of the development.
4. We note that the exceedance routes predict that the surface water will drain onto Clay Castle road, the EA flood risk map appears to show a high risk of surface water flooding along this road already. We are aware of surface water flooding incidents that have occurred on the highway near the site. Therefore, exceedance routes must be adequately controlled onsite for all events up to and including the 1 in 100 years (+40% climate change) event. Opportunities to slow flow through the development should be explored.
5. We also note the quote: "All surface water drainage components within the site will be designed to a 1 in 30-year standard, plus a 10% additional allowance for climate change, and be tested for the 1 in 100-year (plus 40% climate change) rainfall event to ensure that exceedance flows do not impact on property". The drainage system should be designed so that no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event and flooding during storm events exceeding the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

10 June 2019

Thank you for consulting the LLFA on this application. There is clearly understandable local concern about the impact that the development will have on the existing flooding problem on Claycastle. However, as outlined in our previous response we've asked for a betterment on the existing greenfield runoff rates for the development. This is not something we generally request on greenfield sites, and whilst it may not fully resolve the current flooding situation, it could allow the development to offer some improvement over it. The developer has not to date really discussed the existing problems locally on Claycastle, or what is causing them (i.e. blockages, maintenance etc), and how the development may impact if adequate measures are not put in place. An assessment of existing flow patterns through the site should be undertaken, understanding how the site naturally drains - some flow would appear to go into the watercourse near Stonage Lane, but the majority flows to Claycastle. Any flows originating outside of the site, but which utilises the site as a flow route should also be taken into account within any calculations.

There is an underplay of the hydrology here. The FRA refers to 'ditches', but these are functioning watercourses. Following site visits undertaken by colleagues suggest these may have a high value in terms of ecology and water quality. The developer must take account of this in any design proposals. The developer seeks to connect any flow not infiltrating to ground to the watercourse along Claycastle,

and it is not clear if there is an existing connection here or whether a new connection will be sought. The latter would require Land Drainage Consent from the LLFA.

We note the use of soakaways on part of the development and suggest that if the scheme is going to be based around this that further work is undertaken to understand implications of groundwater levels and local hydrology/geology - or alternative strategy sought, that seeks to slow flow through the site towards the outfall. We refer to Highways comments with regards to there being potentially insufficient space for soakaways given the easement requirements around buildings and roads and support this. The drainage design suggests the use of a swale, but this does not accord with the architect's outline layout plan which shows dwellings where the swale would need to be. Therefore, the design and density of the development may need to be amended to ensure an appropriate, sustainable and implementable scheme can be provided. The swale would need careful design to ensure there is no risk to existing properties in the vicinity. The drainage design is not clear how runoff on the access road into the site will be managed.

It is important to stress that flooding resulting from the 1 in 100 years (+40% climate change) event must be managed within the site boundary. The FRA is not clear in this respect.

27 June 2019

Thank you for email your comments are noted. Where there are particular flood or drainage concerns we try to agree as much detail upfront as possible and minimise the use of conditions. This is to avoid the risk of a site receiving outline approval that can then not be satisfactorily drained. Given the work you have undertaken, I agree we have taken these discussions as far as we can at this stage.

We will be suggesting a suitable condition for the LPA.

11 July 2019

LLFA provides a condition to be part of the planning permission

Somerset Drainage Board Engineer: No comments received.

REPRESENTATIONS

133 written representations have been received raising the following concerns and observations:

- Flooding is a major concern and the proposed use of a condition to secure mitigation measures will not work.
- The applicant has failed to demonstrate that there is a viable, safe and inclusive pedestrian access to the proposed development site.
- Roads unable to cope with the additional traffic
- No low-cost homes
- The land owned for the proposed passing places are under private ownership
- No policy support
- Change the character of the area
- The PROW owner (outside of the applicants control) has stated that he would not allow the footpath to be upgraded.

Applicant's Case

CONSIDERATIONS

Principle of Development

Haselbury Plucknett is identified as a Rural Settlement in the local plan, which will be considered as part of the countryside to which national countryside protection policies apply, subject to the exceptions identified in Policy SS2.

This approach does not preclude development. The NPPF promotes sustainable development in rural areas, with housing and employment to be located where it enhances or maintains the vitality of rural communities.

The adopted Local Plan states that the future delivery of housing and economic activity in rural locations needs to carefully balance the sustaining of communities against protecting and enhancing the rural environment. The rural lifestyle provided by the many small villages and hamlets in South Somerset is one of the unique qualities of the district, and in turn, creates a range of challenges and opportunities that require delicate management.

Evidence indicates that rural areas experience higher property prices and corresponding issues associated with housing affordability. These areas are usually populated by an increasingly aged population and can suffer from socio-economic effects stemming from rural isolation, a low-wage economy, and poor transport (especially public transport) links. At the same time, these areas provide attractive, tranquil environments promoting a higher quality of life, support diverse and innovative economic activity and foster a strong sense of community.

Reflecting on the Taylor Review (2008) and the NPPF, it is clear that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing plays a crucial role in maintaining the viability of these local facilities.

Furthermore, it is important that planning does not pre-determine the future of rural communities by only assessing communities as they are now and not what they could be. In too many places this approach writes off rural communities in a 'sustainability trap' where development can only occur in places already considered to be in narrow terms 'sustainable'. The question that should be asked is: "how will development add to or diminish the sustainability of this community?" This requires a better balance of social, economic, and environmental factors together to form a long term vision for all scales of communities.

Policy SS2 seeks to ensure the development needs of Rural Settlements can be met, whilst restricting the scale of such growth to be consistent with the spatial strategy of focusing development at Yeovil, the Market Towns, and the Rural Centres.

The Rural Settlements tier of the settlement hierarchy covers a range of settlements that vary widely in size, role, function, local priorities, and constraints. Therefore, the interpretation of Policy SS2 will depend on applying these factors in considering proposals at each individual settlement; for example, a proposal that is acceptable in one of the larger Rural Settlements such as Templecombe, which has a relatively strong employment function and good sustainable transport links with the presence of a railway station, will be different to a smaller Rural Settlement such as Compton Dundon which does not have these features.

The criteria for residential development within in Rural Settlements set out in the Local Plan states:

The NPPF states that policies should take into account the need to provide housing in rural areas, in order to enhance or maintain their sustainability; and although the focus should be on existing towns and identified service centres, some new housing should be provided to meet identified local need in other villages.

It is important to ensure that the occupiers of new homes in Rural Settlements are able to live as sustainably as possible by having easy access to basic facilities that provide for their day to day needs. Therefore, new housing development should only be located in those Rural Settlements that offer a range (i.e. two or more) of the following services, or that provide these within a cluster of settlements:-

- local convenience shop;
- post office;
- pub;
- children's play area/sports pitch;
- village hall/community centre;
- health centre;
- faith facility; and
- primary school.

Housing proposals should also, where possible, demonstrate how they would support existing facilities. The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Housing proposals will need to fully explain how they contribute to meeting local need. This could be via delivering affordable housing, low-cost market housing, or a different form or type of housing which is in limited supply for locals (e.g. small bungalows for elderly local households to move to and remain in the village, or two-bedroom accommodation for young households). It will generally be expected that affordable housing is included as part of housing schemes proposed at Rural Settlements. The NPPF gives greater flexibility for local councils to set their own approach to delivering housing in rural areas. This includes considering whether allowing some market housing would enable the provision of significant additional affordable housing to meet local needs.

Residential proposals in Rural Settlements will be expected to achieve a better overall variety of housing in the settlement and result in a more balanced community with better prospects for local people to obtain affordable housing and/or access a wider range of market housing and have regard to Policy HG5, Policy HG3 and Policy HG4.

Policy SS5 sets out the scale of housing development that should be delivered in the Rural Settlements tier of the settlement hierarchy.

At the present time, SSDC cannot demonstrate a five-year housing supply. In these circumstances, paragraph 11 of the National Planning Policy Framework states that policies that are relevant to the supply of housing, i.e. Local Plan Policies SS1, SS2, SS4 and SS5, are to be considered to be out of date. It further advises that under these circumstances planning permission should be granted unless:

- 1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
- 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The 35 dwellings proposed are significant in relation to the size of Haselbury Plucknett and do lead to a substantial increase in the number of dwellings within the village. The ongoing inability of South

Somerset District Council to demonstrate adequate provision of housing land does need to be given appropriate weight. It is not considered that the resulting housing numbers would conflict with the overall housing distribution strategy set out within the Local Plan.

When considering the planning balance of this proposal it should be recognised that the additional market (up to 23) and affordable housing (up to 12) that will be provided will make a positive contribution towards meeting SSDC's five-year housing supply and should be accorded considerable weight in favour of the scheme. It represents an extension of the village in landscape perspective terms, given its location on the edge of the existing built development, and its close proximity to the settlement's centre and local facilities.

On the basis of the above, it is not considered that the scale of growth would undermine the settlement strategy set out within the Local Plan, or that in this instance create such a significant character concern as to outweigh the proposal's benefits. The site relates to surrounding built development and is within walking distance to the village centre and facilities. The benefits that would arise from the scheme in terms of its positive contribution towards meeting the district's 5-year housing supply requirements as well as providing a good mix of market and affordable dwellings are significant. For these reasons, the proposal is considered to represent a sustainable form of development that is acceptable in principle.

Haselbury Plucknett Village Plan May 2014

While the Village Plan has no status as a statutory document it can be considered as a material consideration of limited weight in determining applications.

The village plan found that there are concerns regarding transport and new development.

It identifies that traffic and road safety was a key issue in all village plan meetings and that the top three problems are lack of pavements, speed of traffic and speed/volume of tractors.

In terms of residential development, the plan finds that small scale developments of less than ten dwellings and conversion of barns and single dwellings to be the most favoured approach. The preferred location of development was primarily infill with the next favoured location for edge of village followed by no development.

There was a strong desire for affordable housing and starter homes followed by elderly accommodation. The next favoured approach was no further homes needed.

In terms of new commercial development, the plan states that small offices/industrial units are not welcomed by the majority who responded.

The application in part complies with Plan in that it provides much needed affordable homes and removes an existing business. The proposal will provide for policy-compliant parking within the site.

The proposal does not comply with the view of the plan that; residential developments of more than 10 dwellings should not be allowed.

Impact on the local landscape, visual amenity and density

The site comprises an edge of settlement agricultural fields which is bounded by the existing built environment of Clay Castle to the north and open field to the east and west with Stonage Lane to the south. Further to the east are a small group of houses fronting Clay Castle. The proposal would clearly and awkwardly project into the landscape from a village form that is predominately linear along historic roads and lanes, creating what could be described as a back-land form of development without any

meaningful road frontage, permeability or legibility. However, from a visual character perspective the site is reasonably flat and in terms of long-distance views are limited due to the topography of the surrounding landscape character.

This assessment shows that the proposal represents a very delicate balance between acceptability and refusal on visual character grounds.

The scheme proposes a density of approximately 23 dwellings per hectare (worked out based on the net developable area of 1.5 ha) while representing a low-density scheme it is comparable with surrounding development. The application is in outline at this stage and as such, the layout plan provided is indicative only, however, it sets out how a scheme of this density/scale might be achievable on the site and how it would relate to surrounding development.

The scheme indicates the retention of the existing field hedgerows with increased tree planting providing a buffer between the new housing the existing housing to the north. The indicative layout plans indicate a mix of detached, semi-detached and terraced houses which would reflect the general makeup of housing types with the village.

It is not considered that development of this type and at this density is inappropriate in principle in this location. The layout, house types, density and landscaping proposals would be fully considered at the reserved matters stage.

Residential Amenity

The indicative layout offers an arrangement that allows future residents and existing neighbouring residents to enjoy a good level of residential amenity and there is no apparent reason why an acceptable scheme could not be achieved that would avoid causing any demonstrable harm to existing local residents in this regard. It is acknowledged that the outlook of adjacent neighbouring residents will be altered to a degree by the development, however, the loss of view cannot justify withholding planning permission. Overall this outline scheme raises no substantive residential amenity concerns.

Access and Highway Safety

The key concerns raised locally in respect of this proposal relate to existing reservations they have in relation to highway safety from an increase in traffic along Clay Castle and into the village. Concerns have been raised at a local level to the highway authority about the width and arrangement of this road which they state is too narrow and poorly aligned to be able to accommodate existing traffic levels through the village. Their concerns are that the current proposal, which will obviously generate additional traffic on the local highway network, will exacerbate this problem which they feel is already unacceptable for safety reasons for both vehicles and pedestrians.

Whilst these local concerns are acknowledged the Highway Authority has not raised any objection to this scheme based on traffic generation and compatibility issues with the local highway network.

The application is supported by a Traffic Statement which when scrutinised by the Highway Authority concluded that this proposal would not give rise to any capacity issues in regard to the local highway network.

The development is to be served by a single new vehicular access leading on to Clay Castle. The proposal includes a 5m wide access and the provision of a 2m wide pavement into the site.

There is a Public Right of Way that runs through the site and links into the village. The surface of the right of way within the applicant's control will be improved and a financial contribution towards the improvement of the right of way into the village has been offered. This would be secured through a

Section 106 Agreement.

The Highway Authority has agreed that the visibility splays in either direction for the new estate access is acceptable and this matter will be secured by condition.

The Travel Plan is a matter that the Highway Authority has requested be secured through a condition.

In all other respects and as a matter of principle the Highway Authority has no objections to this proposal subject to a number of conditions being imposed to secure certain detailed matters, all of which form part of the officer's recommendation. On this basis, the proposal is considered to be acceptable from a highway safety point of view.

Flooding and Drainage

Major concerns have been raised by neighbouring properties and village residents regarding flooding and have provided considerable evidence that the site and neighbouring roads are subject to flooding. They have also expressed concerns that the solutions for the prevention of surface water run-off and flooding cannot be successfully mitigated and that a conditional permission would not resolve this.

The site is located within Flood Zone 1 and as such is considered to be at the lowest risk of flooding. The application is supported by a Flood Risk Assessment (FRA) which includes an overarching drainage strategy for the scheme based on sustainable drainage techniques. The Lead Local Flood Authority (LLFA) has raised no concerns in relation to these details and subject to a condition to secure a detailed drainage strategy, based on the final detailed layout to be agreed at reserved matters stage, they have no objection to this development. On this basis of this advice from the Council's professional advisors, the proposal is not considered to raise any significant flooding or drainage concerns.

Ecology

The application site comprises agricultural fields that are bounded by hedgerows. The site is located within a protected species consultation zone.

This application is supported by an Ecological Assessment. The Council's Ecologist has reviewed these details and concludes that the information provided makes sufficient provision for mitigation and compensation of the impact of the development and biodiversity enhancements, as required by the NPPF.

The Council's Ecologist is aware that the application is in outline and that matters of layout and landscaping are to be considered later under reserved matters. On this basis, the Ecologist has acknowledged that the matters raised can be dealt with appropriately through the use of a condition. Accordingly, a condition requiring a landscape and ecological management plan (LEMP), as recommended by the Ecologist, forms part of the officer's recommendation and for these reasons, the proposal is not considered to give rise to any substantive ecology concerns.

Heritage

The South West Heritage Trust were consulted as to the impacts of the development on any archaeology in the area. An archaeological survey was requested and carried out. On the basis of the survey, no objections were raised to the proposal, subject to a condition to secure a programme of archaeological investigations prior to the commencement of the development.

There are neighbouring listed buildings near the site however it is considered their setting will not be affected by the proposed development.

Planning Obligations

This scheme generates the following planning obligations in order to make to mitigate its impacts / meet the requirements generated by this additional housing. The applicant has agreed to all of these obligations and which need to be secured through an appropriate Section 106 Agreement.

Education

County Education has commented that is no requirement for a contribution because there is capacity in schools in this area.

SSDC Community, Health and Leisure, and County Education

The SSDC Community, Health and Leisure department seeks contributions totalling £55,406 towards local facilities which equates to £1,583 per dwelling and comprises £35,541 contribution towards local facilities (contribution towards enhancing the existing play area at The Park, Haselbury Plucknett Recreation Ground and contribution towards enhancing the existing youth facilities at The Park, Haselbury Plucknett Recreation Ground), £19,316 in commuted sums and £549 as an administration fee.

Open Space

No requirement as less than 50 dwellings

Affordable Housing

SSDC Strategic Housing requirement is on the basis of adopted policy requirements for 35% affordable housing to be split 80:20, social rent: intermediate product. This equates to 12 of the proposed 35 dwellings being affordable, of which 10 would be for social rent and 2 for other intermediate affordable housing.

It is expected that the units would also comply with the minimum space requirements specified by Strategic Housing.

Community Infrastructure Levy (CIL)

The proposed development will also be liable for Community Infrastructure Levy (CIL) payments.

Planning Balance and Conclusion

Given the lack of technical objection from the consultees, the principle of development on this site is a finely balanced decision that requires assessing the harm to the character of the village and landscape setting and balancing the benefits of the proposal.

When considering the planning balance of this proposal it should be recognised that the application site is located on the edge of the existing built form of the village. Haselbury Plucknett does not have development area as identified within the Local Plan and should be considered as open countryside for planning purposes. This, however, does not preclude development that is justified by Policy SS2 and takes into account the continuing absence of a five-year housing supply and as such Local Plan policies that seek to constrain/control housing growth should be considered to be out of date.

The proposal will result in additional market and affordable housing that will make a meaningful and positive contribution towards meeting SSDC's five-year housing requirements, a matter that must be

given substantial weight in its favour.

The local concerns raised regarding the existing local road network are noted. However, the Highway Authority has been clear in their opinion that this proposal will not result in any capacity issues on the local road network that warrants refusing this application. Local evidence has been provided to challenge the Council's Highway Authority's professional views, as such it must be concluded that the proposal will not lead to any new severe highway safety concerns in this regard.

Significant local concerns have been raised regarding flooding matters however this has not convinced the LLFA that the issues are so severe as to warrant an objection however have requested conditions to mitigate against flooding and surface water drainage.

With regard to the harm that has been identified with respect to the visual character, it is considered that the benefits of the scheme outweigh that harm. It is, however, a matter for the committee as decision-maker to attribute the appropriate weight to the factors set out here. Other matters including ecology, drainage, residential amenity and the historic environment have been identified as being acceptable and do not justify withholding outline planning permission and the agreement of the details of means of access.

All outstanding matters of detail would be adequately assessed at reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions and provision of the other obligations sought through a Section 106 Agreement.

Therefore, notwithstanding the local concerns raised, the proposed development is considered to represent an appropriate and sustainable form of development that accords with the aims and objectives of the relevant policies of the South Somerset Local Plan and the National Planning Policy Framework.

Accordingly, the application is recommended for approval.

RECOMMENDATION

The application be approved subject to:-

- (i) 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 secure the following:
 - (a) A contribution of £55,406 (or £1,583 per dwelling) towards recreational infrastructure, to the satisfaction of the Director of Strategy & Commissioning broken down as:
 - £35,541 towards the provision of Local Facilities;
 - £19,316 towards offsite contributions;
 - £549 as an administration fee.
 - (b) At least 35% of the dwellings as affordable dwellings with a tenure split of 80:20 in favour of rented accommodation over other intermediate types, to the satisfaction of the Strategic Housing Officer.
 - (c) A contribution towards the upgrading and surfacing of the Public Right of Way Y 11/40 and Y 11/39 into the village

and

(ii) Conditions as set out below:

01. Notwithstanding the local concerns, the provision of up to 35 houses in this sustainable location would contribute to the council's housing supply 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 in the settlement or the settlement hierarchy set out in the Local Plan. As such the scheme is considered to comply with the aims and objectives of policies SD1, SS1, SS4, SS5, SS6, 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 the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to appearance, landscaping, layout and scale to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site. The development shall begin no later than three years from the date of this permission or not later than two years from the approval of the reserved matters application.

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

03. The site hereby approved for development and access works shall be as shown on the drawing numbers

3895/0001
3895/0002 A
3895/0003 A
SPA_01 P2

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

04. The development hereby permitted shall comprise no more than 35 dwellings.

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

05. Before any work is commenced a programme showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: For the avoidance of doubt as to the potential impacts on the local road network and the relative timescales involved, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

06. 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;
- Measures to avoid traffic congestion impacting upon the Strategic Road Network; and
- On-site vehicle wheel washing facilities.

Reason: To ensure all works are undertaken with a little impact on the highway network as possible, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

07. The proposed access and highway improvements scheme shall be constructed in accordance with details shown on the submitted plan, drawing number 3895/0002 Rev A, and shall be available for use prior to occupation of the first dwelling. Once constructed the access shall be maintained thereafter in that condition at all times.

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

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

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

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

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

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

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

11. The dwellings hereby permitted shall not be occupied until suitable parking facilities for each dwelling in accordance with current policy standards have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

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

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

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

13. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres to the west, and 36 metres to the east. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

14. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage design 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 plus an allowance for climate change and urban creep. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Flood water exceedance routes both on and off site and measures implemented to address this risk, Note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change and 10% allowance for urban creep) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- Information about the design storm period and intensity, discharge rates and volumes including any flows which originate offsite (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Infiltration testing, soakaway detailed design and construction in accordance with Building Research Digest 365. Soakaways must be located more than 5m from building and road foundations
- Details of construction phasing (where appropriate) and information of drainage systems to be used during construction of this and any other subsequent phases.
- A management and maintenance plan of the drainage system for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

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

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH3 of the South Somerset Local Plan (2006-2028).

16. No building shall be occupied until the site archaeological investigations have been completed and post excavations analysis has been initiated in accordance with the Written Scheme of Investigation approved under the Programme of Works Condition and the provision made for analysis, dissemination of results and archive deposition has been secured

Reason: To ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policies EH3 of the South Somerset Local Plan (2006-2028).

17. A landscape and ecological management plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
 - Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management.
 - Aims and objectives of management.
 - Appropriate management options for achieving aims and objectives.
 - Prescriptions for management actions, including:
 - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- Details of the body or organization responsible for implementation of the plan.
- On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies)/new residents responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; South Somerset District Council Local Plan - Policy EQ4 Biodiversity; and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

18. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby permitted being first occupied, as required by Policy TA1 (ii) (low carbon travel) of the adopted South Somerset Local Plan and paras 35, 93 and 94 of the NPPF. Once approved, such details shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure that the development is resilient and sustainable in accordance with policy TA1 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

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

02. For all works which affect the highway, or which will be put forward for adoption as highway maintainable at public expense, full technical and construction details will be subject to a suitable agreement with the Highway Authority under s278 and s38 of the Highways Act 1980.