

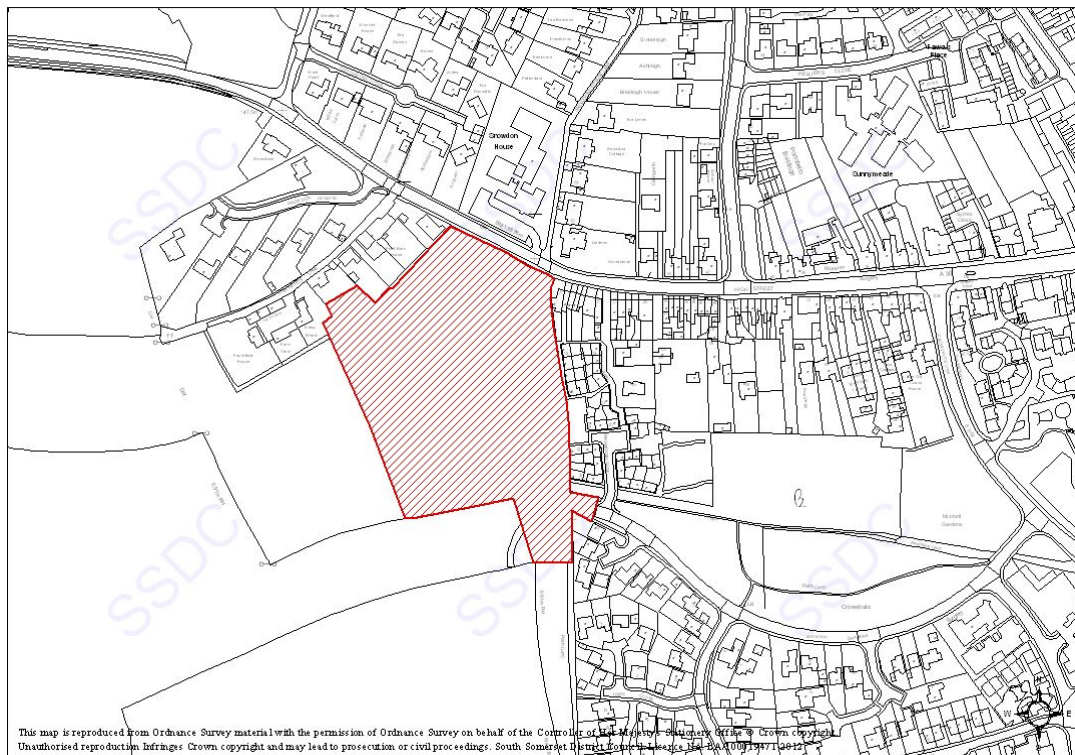
Officer Report on Planning Application: 11/04212/FUL

Proposal :	Development of 63 (amended to 60) residential dwellings with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works (GR 331600/108500)
Site Address:	Land at Mitchell Gardens (Snowdon Farm) Shepherds Lane Chard
Parish:	Chard
HOLYROOD (CHARD) Ward (SSDC Member)	Mrs B Halse (Cllr)
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	26th January 2012
Applicant :	Redrow Homes South West
Agent: (no agent if blank)	Mr Andrew Cockett Nathaniel Lichfield & Partners Helmont House Churchill Way Cardiff CF10 2HE
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASONS FOR REFERRAL TO COMMITTEE

This application has been referred to committee in agreement with the Development Manager and Area Chair, in order for the Committee to fully consider and assess the various planning issues with regard to this application. In particular, to assess the implications of this application on a green field site outside of development limits and in non compliance with the proposed Chard Regeneration Scheme phasing strategy.

SITE DESCRIPTION AND PROPOSAL



The site is located at the western edge of Chard on the southern side of High Street (A30). It is a Greenfield site that sits between 2 residential areas, with Mitchell Gardens to the east and Shepherds Lane/Snowdon Heights to the west. The site is located approximately 500 metres from the town centre to the east. The site extends to 2.34 hectares, is irregular in shape with a gradual slope down towards the south-east corner.

The front of the site faces onto High Street which is dominated by a row of protected Lime Trees and a stone boundary wall. Residential properties are located to the east of the application site, with a Right of Way running from north to south along the whole length of the eastern boundary. A wooden post and rail fence currently delineates the boundary on the western side of the footpath and stone boundary wall to the east.

A range of hedgerows define the southern and western boundaries, beyond which are agricultural fields and playing fields. Residential properties adjoin the north west boundary which is defined by a mix of hedgerows and domestic fencing/walls.

PROPOSAL

This application (as amended) is seeking full planning permission for the erection of 61 dwellings, along with associated vehicular and pedestrian access, landscaping, related infrastructure and engineering works.

The scheme has been supported with the following:

- Design and Access Statement,
- Planning Statement,
- Flood Risk Assessment
- Drainage Strategy
- Desk Study and Ground Investigation
- Transport Assessment
- Summary of Community Involvement
- Ecological Study
- Tree Report and Arboricultural Method Statement
- Range of plans detailing the different proposed house types, layout plans, floor levels, street elevations, boundary treatments and tree protection plan.

The case put forward by the applicant is that the scheme will provide the following:

- will create a sustainable development
- located within a short walking distance of the town centre
- it is suitable and available for development now
- acknowledge it is outside of the development boundary of the SSLP but these policies are outdated and need to be reviewed in light of other material considerations ie the NPPF.
- The NPPF supports economic growth and a presumption in favour of sustainable development
- The site can be brought forward in the short term to assist in bridging housing land supply until the key sites in Chard are developed. This will help with the social and economic regeneration of Chard.
- Will deliver a range of housing including affordable housing
- Development on one of the key gateway sites into Chard.

The scheme has been amended following comments received from a range of internal and external consultees in relation to layout and design issues, provision of additional affordable housing, ecological and tree issues and impact on neighbouring occupiers.

The application will provide a range of dwelling types, sizes and tenure, with 21 out of the 61 being affordable housing (ie 35%). Vehicular access will be gained via Mitchell Gardens in the south east corner of the site. Pedestrian access shall be gained at various places along the footpath that runs along the eastern boundary of the site.

The applicant Redrow is proposing a range of 7 different 3 and 4 bed market homes with 3 different affordable 2/3 bed homes. All of the dwellings will be 2 storeys in height with brick and render finishes in the Arts and Crafts style. The scheme provides 2 parking spaces per unit with garages for the majority of the dwellings.

The dwellings will be served by a new internal road along with pavements and shared surface areas at 3 key junctions within the development. The affordable housing will be provided in terraced blocks along the northern and eastern boundaries of the site. The market housing will be largely detached dwellings other than Letchworth design which will comprise 4 pairs of semi-detached dwellings located throughout the development.

The scheme retains the protected trees along High Street along with the other existing boundary hedgerows. As a result of the protective space needed between the trees and development, a green area of open space will be created, with a new hedgerow forming the southern boundary of this green area.

It is proposed to erect 1.8 metre high wooden close boarded fencing along the north west boundary on the development side of the existing hedgerow. This fencing will continue along the top half of the south west boundary until it reaches the 10 metre badger buffer zone, where it will then step into the site on the eastern side of the buffer zone. Close boarded fencing will also be used to define most of the internal residential boundaries along with a mix of 1.8 metre high brick walls and lower post and rail fencing. A limited amount of stone walling is also proposed throughout the development.

The line of the development along the western and southern boundary has been realigned to provide the necessary buffer zone for the badger setts. It was originally proposed that the setts would be closed and re-sited but they shall now remain in place. No development will now take place within the 10 metre buffer zone. A foraging area is also created along the boundary.

A sustainable drainage pond/swale is to be provided within the area of open space in the south east corner of the site adjacent to the vehicular access from Mitchell Gardens.

HISTORY

No recent relevant history.

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 requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006) saved policies

ST3 – Development Areas.

ST5 – General Principles of Development

ST6 – Quality of Development
ST7 – Public Space
ST9 – Crime Prevention
ST10 - Planning Obligations.
EC3 – Landscape Character
EC8 – Protected Species.
EH1 – Conservation Areas
EH12 – Areas of High Archaeological Potential.
EU4 - Drainage
TP1 – New Development and Pedestrian Provision
TP2 – Travel Plans
TP3 – Cycle Parking
TP4 – Road design
TP7 – Residential Parking provision.
HG4 - Density
HG7 – Affordable Housing
CR2 – Provision of Outdoor Playing Space and amenity Space in new Development
CR3 – Off Site Provision
CR9 – Public Rights of Way

National Planning Policy Framework (NPPF) (March 2012)

The NPPF has now been introduced and all of the Planning Policy Guidance and Planning Policy Statements have now been revoked. The NPPF is a material consideration when assessing and determining planning applications.

The overarching aim is to achieve sustainable forms of development. Relevant chapters and policies in respect of this application include:

Chapter 4 – Promoting sustainable transport
Chapter 6 – Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 11 – Conserving and enhancing the Natural Environment
Chapter 12 – Conserving and enhancing the Historic Environment

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000) saved policies

STR1 – Sustainable Development
STR2 – Towns
Policy 1 – Nature conservation
Policy 9 – Built historic environment
Policy 11 – Areas of High archaeological potential.
Policy 33 – Provision for housing
Policy 35 – Affordable housing
Policy 37 – Sport and recreation facilities
Policy 39 – Transport
Policy 42 – Walking
Policy 44 – Cycling
Policy 45 – Bus
Policy 48 – Access and parking
Policy 49 – Transport Requirements of new development

Other Relevant Documents:

Draft Core Strategy
Chapter 4 – Settlement Strategy
Chapter 6 - Visions and Proposals – Chard

Chapter 8 – Housing
Chapter 10 – Transport and Accessibility.

Chard Regeneration Plan

CONSULTATIONS

Chard Town Council:

Comments received in relation to original submission (19th December 2011):

Recommend refusal on the following grounds:

- the proposal site falls outside of development limits
- the proposed site is outside the Local Plan and contrary to the emerging Core Strategy and Chard Regeneration Plan
- insufficient provision for increased traffic – highway concerns
- detrimental impact on wildlife , in particular the removal of badger sets, the hazel dormouse, slow worms, grass snakes and other mammals and reptiles.

Following the submission of amended plans, Chard Town Council considered the application on the 20th February 2012. The previous reasons for refusal as outlined above, were repeated.

Adjacent Parish:

Tatworth PC:

Redrow Homes have asked to give a presentation to this Council on 7 January 2012.

The application was deferred by the Council until January. However, concerns were expressed about management of surface water and the council will request more information on this from Redrow.

Local Highway Authority:

I refer to the above planning application received in my department on 2 Nov 11 which was amended by submission of additional details on 26 Jan 12. In highway terms the main changes are the revised Transport Assessment and Travel Plan.

Principle

The site lies outside recognised development limits and is not allocated in the South Somerset Local Plan. However, it is close to the town centre, close to other residential areas and within walking distance of some services and amenities. It must be a matter for the Local Planning Authority, therefore, to decide whether the need for this development or other policies outweigh the fact that the site is outside the settlement limits.

Chard Redevelopment Plan

The redevelopment of Chard has been the subject of a great deal of work carried out by and on behalf of both South Somerset District Council and Somerset County Council. This work culminated in a regeneration strategy for the town. One of the problems facing Chard is the capacity of the central junction in the town where the A30 meets the A358. The District Council has recently commissioned the County Council to carry out

improvements to the junction, in the form of installing MOVA upgrades to the traffic signals, in order to release capacity at that junction to facilitate further development.

The initial stage of that development is the town centre site which may absorb some of the additional capacity created. Any remaining capacity could then be used to assist with development in the east of Chard helping to kick start the regeneration project. Although this site is part of the regeneration scheme, it is envisaged that it will come forward as a later phase. If this development receives consent now, that opportunity to proceed with the regeneration scheme could be lost as the spare capacity will be absorbed by this development and the regeneration project could stall. It must be a matter for the Local Planning Authority to decide whether this development should be allowed to utilise the junction capacity created by the MOVA installation or refuse the application as it could compromise the sequence of the regeneration scheme.

Traffic Impact

The findings of the Transport Assessment in respect of the Convent junction in the centre of Chard are that the development will have little impact depending on the installation of MOVA at this junction. This junction is critical because most of the other junctions in Chard are well within their capacity but the Convent junction is known to have difficulties. The Transport Assessment is sufficiently robust that the assumptions made are reasonable but the desirability of absorbing the capacity created by the introduction of MOVA for this development is a moot point and a matter for the Local Planning Authority.

In addition to the Transport Assessment already submitted the developer has purchased the SATURN model for Chard from South Somerset District Council in order to investigate further the scenarios and effects that might arise from this development. Some of the scenarios involve factoring in other planned development in future years and assuming the introduction of infrastructure that goes with the development.

The original TA included detailed LINZIG analysis for the Convent junction and the Highway Authority accepted that the detailed conclusions drawn from analysis of the junction capacity was a reasonable prediction of what might happen with the development. The more general results of the SATURN analysis, which includes a wider range of junctions and flows, provide a less reliable indication of what is likely to happen at a particular junction. The conclusion that the affect of the development on the Convent junction will be minimal from the SATURN model is thus more tenuous.

Their modelling shows that the situation in 2014 could be severe until at least one of the links moves some traffic away from the junction. It was envisaged that the MOVA system would help to alleviate the worst effects of the congestion until the links began to be built and the development is likely to be an exacerbating influence in terms of congestion. It remains the considered view of the Highway Authority that this development will make the achievement of the Regeneration Scheme more difficult for the residents of Chard and should be resisted.

Highway Safety of traffic calming feature

I have consulted my colleagues in highway safety about the suitability of the traffic calming at the entrance and any other issues that could result from having this feature in that location. The safety audit report generally deals with the feasibility of such a feature and points out the necessary steps at the next stage. The traffic calming feature is located close to where there will be a number of conflicting pedestrian, cyclist and vehicle movements. Careful thought will be needed as to how all these movements and

desire lines are integrated so that the movements can be made safely and the pedestrians and cyclists are given the necessary priority.

A give way line has been added for incoming vehicles denoting an area where vehicles should wait for outgoing vehicles to pass through the narrowing section. Some thought has now been given to pedestrian movements around the site entrance and some of the points made have been addressed. A tactile crossing has been added across Brian Mooney Close but it is not clear if these measures are part of coherent strategy for pedestrian movements. There are no features to allow cyclists to join the carriageway when exiting the footpath/cycleway that runs up the eastern side of the site and no clues about how pedestrians and cyclist will mix at the road narrowing.

Travel Plan

The submitted Travel Plan with the original application was poor and the Highway Authority listed a number of elements that should be included to make the Travel Plan acceptable. Changes have been made to the Travel Plan to move the process much closer to a position where it is suitable for inclusion in a Section 106 agreement. Time constraints mean that detailed examination of the Travel plan has not been possible but the inclusion of most of the concerns expressed previously means that there are no obstacles to progressing.

The points made previously about the submitted Travel Plan are retained with revised comments where changes have been made:

There are no targets currently included and these need to be set so that the Travel Plan can be monitored. Targets for reductions in car movements have been set along with monitoring timetables for the site Travel Plan Coordinator.

The provision of cycle parking for residents and visitors is patchy at best. Each dwelling, including flats and affordable homes, should have dedicated, purpose built cycle parking with a clear route on to the highway from the shed or garage extension where this parking is housed. The Travel Plan indicates that cycle parking will be incorporated into the designs of all dwellings but there is no evidence to support this. In order for this to be accepted there needs to be evidence that this has been designed into the various house types and parking solutions.

The design of the road narrowing at the site entrance includes no provision for cyclists that will allow them to negotiate the feature without rubbing against the vehicular traffic. I have already indicated that the traffic calming feature at the site entrance needs further work to define the interaction between motor vehicle, pedestrians and cyclists. To ensure that cyclists are not discouraged by this feature, a design will be needed to demonstrate that cyclist needs have been addressed.

The role of the Travel Plan Coordinator (TPC) needs to be properly detailed. The qualifications and background necessary to become the TPC are important and the time that is to be dedicated to TPC activities are important. The revised Travel Plan includes provisions for the role of the Travel Plan Coordinator including his role in implementing the Travel Plan, measuring the performance against the targets and reporting to the Highway Authority.

The Travel Plan offers only cycling and bus use as possible alternatives to car use especially with regards to incentives. The Highway Authority scheme uses the concept of a green travel voucher which will include any measure that will reduce car use up to a certain value per dwelling. The range of possible measures includes more alternatives

to car use with financial incentives and ways of getting the information to future occupants. This is a more robust approach than relying on a limited number of measures in the hope of achieving the targets.

Because the Travel Plan will involve the collection of monies for green travel vouchers, it will have to be included in a Section 106 agreement. The Travel Plan is closer to being acceptable but changes will still be required and these should be agreed in advance of the preparation of the agreement so that it can be incorporated into the agreement obviating the need for long and complicated schedules in the agreement describing the provisions needed in the Travel Plan.

Estate Roads

The developer already has the comments below about the estate road design. It is expected that changes will be made during the technical approval stage of the road design process. While some changes have been made to the landscaping details, there appear to be few changes to the road layout. This is not a surprise given that technical approval will have to be sought prior to commencement on site.

The bend in the estate road close to plot 7 is very tight and it may not be possible to track an 11.8 metre 4 axle refuse truck around this bend. This bend is also squared off on the outside which creates the impression of an informal parking space which, if occupied, could effectively block the road for refuse and emergency vehicles. This should be shown as a bend with the appropriate widening given the small radius. In order to show that all the bends and turning heads can be negotiated, swept path analysis will be needed with the technical submission for the avoidance of doubt.

The car parking spaces in front of garages are inconsistent. In order to leave enough room for the door to be operated whilst the space is occupied, the minimum length is 6 metres. This has been shown in some locations and not in others and all such spaces should be the correct length. Any spaces that front the highway should be 5 metres long and not the standard 4.8 metres because it is important that vehicles don't overhang the footway. Where spaces are obstructed by a wall or fence, the length should be 5.5 metres because drivers don't drive into the space until they hit the obstruction but leave a gap which must be allowed for.

There are a number of trees shown next to the highway edge which is not a problem as long as the correct species are used and appropriate root ball protection is employed to stop the tree roots interfering with the underpinnings of the road. This level of detail can be agreed at the technical audit stage but the developer needs to be made aware at this early stage. The Highway Authority would also expect SSDC to maintain the trees and this would have to be negotiated as well.

There are shared areas in some places and the key shows simply alternative surface as the designated surface. Shared surfaces, areas where there is no footway, should be in a different colour, best achieved by block paviers, and should have a dividing feature such as a strip of flush kerbs to alert drivers to the changed road conditions. There is also confusion within the drawing about where the alternative surface should start. Where there is a footway on one side or on both sides of the carriageway, the road should remain in black top with a minimum width of 5 metres. Where there is no footway, the road should be block paviers, width 5 metres. Service strips will be needed on either side of the shared surfaces of 0.5 metres in width and the service strips should increase in width to 1 metre where there is a radius and to 2 metres at the end of turning head arms to allow for vehicle overhang. These service strips will be adopted with the road and should not be obstructed by any planting or parking areas. There are parking

courts which are not suitable for adoption and these should be clearly indicated on the technical submissions.

There is an area set aside to form a swale in the south east corner of the site to where the collected water from the site will be piped to soak away. This feature is close to the highway and the detail of its construction will be crucial. If water is allowed to migrate into the road subgrade in an uncontrolled fashion, there is a real possibility of erosion of the road structure. Soakaways should be at least 5 metres from the carriageway to be adopted.

Where there is apparatus such as pipes in the ground close to the highway, the details of depth and protection will have to be agreed in advance.

At all junctions and around bends, there will need to be areas of forward visibility which will be adopted with the road. These areas should have no obstruction over 300 millimetres.

Close to the site entrance there is only footway on one side of the estate road. By thinking through the pedestrian desire lines, persons walking into the site heading for plots 17 and 18 for instance will need to cross the road. There is no provision for such a crossing movement in the form of a tactile crossing and this omission should be addressed.

The comments above on the estate road could mean that some of the buildings have to be moved to allow the minimum parking space lengths and to remodel the curve at plot 7. The Highway Authority is happy that these changes be made by condition because the changes are small but the Local Planning Authority may feel that the changes are too radical and that amended drawings are required.

Drainage

The principal method of drainage across the site is to be by means of soakaways. Preliminary infiltration tests have been carried out and the ground appears to be suitable for this type of drainage. Further tests will be needed at the sites chosen for the soakaways before this system is totally acceptable but the Highway Authority has no objection in principle. The precise volume of storage necessary for each soakaway will be the subject of scrutiny when the detailed designs are submitted.

There is mention of permeable paved surfaces in some locations chiefly in parking courts. Such areas will not be suitable for adoption and buffers will be required between the adoptable areas and the permeable paved areas so that water does not migrate on to the adoptable areas either on the surface or more seriously through the road sub-structure where erosion of the underpinnings could take place. A dished channel and gully is proposed which may be acceptable but only with a deeper buffer material.

The use of the existing highway drainage in Mitchell Gardens as overflow drainage in an exceedance event is not feasible since Mitchell Gardens will be subject to the same event and is unlikely to have spare capacity to absorb any overflow. In such cases, the consequences could be serious for the whole area but it is not reasonable for the site to manage the whole effects of such a rare event.

As a result, the view of the Highway Authority is unchanged and no objection is raised to this application subject to conditions.

Planning Policy:

Thank you for your consultation regarding the above planning application, the key issues from a planning policy perspective are set out below:

National Planning Policy Framework (NPPF)

The applicants make reference to the emerging NPPF and make particular reference to the Government's view that it is "a key element of the plan for growth" and that "...strong, sustainable growth is the Government's top priority". Whilst it is not disputed that once finalised the NPPF will be key national guidance it is still a draft document and likely to change, therefore can only be given limited weight. Advice regarding the status of the NPPF on the Planning Inspectorate (PINS) web site dated September 2011 states:

It is a consultation document and, therefore, subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

The advice makes it clear that whilst the NPPF may be material in some cases "... the Inspector can only attach limited weight.." to it's contents. The presumption in favour of sustainable development is explained as follows:

Presumption in favour of sustainable development

1. The presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets the tone of the Government's overall stance and operates with and through the other policies in the document. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.
2. It does this by placing increased emphasis on the importance of meeting development needs through plans; on the need to approve proposals quickly where they are in line with those plans; and on the role of the Framework as a basis for decisions where plans are not an adequate basis for deciding applications.

The CLG National Planning Policy Framework: Myth-Buster confirms that the presumption in favour of sustainable development does not mean that every planning application should be approved:

Myth: The presumption in favour of sustainable development will mean that every application has to be accepted

Fact: Not true. The presumption is not a green light for development. All proposals will need to demonstrate their sustainability and be in line with the strict protections in the draft Framework. Strong environmental safeguards remain as part of the planning system, including protecting communities and the environment from unacceptable proposals.

The Ministerial Statement on Planning for Growth (March 2011) is also referred to by the applicants in support of this proposal and in particular the phrase "where plans are

absent, out of date, silent or indeterminate" however, this statement has been written in the context of the NPPF which has yet to be finalised and it is contended that contrary to the assertions of the applicants the saved policies of the adopted South Somerset Local Plan are still relevant.

Adopted South Somerset Local Plan, 2006 (SSLP) (Saved policies)

The proposal site is outside of the Development Area for Chard, in a location where development is strictly controlled by SSLP Policy ST3, and should be limited "to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel". This is a proposal for 63 new homes, associated landscaping and infrastructure and whilst it would be of finite benefit to the local economy by providing jobs to those in the building industry during the construction process it would not bring about any longer term economic benefits. The site is reasonably well related to the town centre therefore some opportunities to walk or cycle may exist therefore growth in the need to travel could be minimised. It is considered that the proposal will not maintain or enhance the environment.

The north eastern edge of the site is within the Chard Conservation Area therefore saved Policy EH1: Conservation Areas is applicable. This policy requires all development inside or outside of the Area, which would affect the settings or views in, or out to meet 4 criteria, no doubt the Conservation Team to comment on whether the proposal meets those criteria. Saved Policy EH5: Development Proposals Affecting the Setting of Listed Buildings is also relevant and again the Conservation Team will address this. You should also note that this north eastern edge is within an Area of High Archaeological Potential and Other Areas of Archaeological Interest therefore saved Policy EH12 applies, I note that the County Archaeologist has been consulted so he will comment on this aspect of the proposal. It is interesting to note that in paragraph 6.68 of the applicants planning statement they refer to the fact that the Chard Conservation Area Appraisal emphasises the importance of the lime trees within the site and the stone wall "which signal the end of historic development and introduce an element of countryside." This suggests that the north eastern boundary of the site makes a contribution to the street scene and setting of the Conservation Area

With regards to affordable housing provision saved SSLP Policy HG7: Site Targets and Thresholds expects 35% of the total number of dwellings on qualifying sites to be affordable, this proposal seeks to provide 16 affordable homes which equates to only 25% of the total number of dwellings. As far as I can see the applicants have provided no evidence to support this under provision.

In terms of housing density the supporting documentation makes reference to 2 different net densities, in the Statement of Community Involvement it is stated that the development is built at a net density of 28 dph however the Planning Statement (para 6.47) states that it is 35 dph. Saved SSLP Policy HG4: Housing Densities expects new housing to be developed at a net density of at least 30 dph, this reflected the advice in Planning Policy Statement 3: Housing (PPS3) at the time, the Draft Core Strategy (incorporating Preferred Options) October 2010 also reflects this advice, however this minimum density has since been deleted from PPS3 (2011). The draft NPPF suggests that local authorities should have the flexibility to decide their own approach towards housing density. I would suggest that the key issue in terms of net dwelling density is to ensure that in accordance of Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and PPS3 efficient use is made of the land.

Strategic Housing Land Availability Assessment (SHLAA)

Whilst it is accepted that the proposal site is identified as being suitable, available and viable within the SHLAA (2009) (after 11 years) it should be noted that the document is produced on a without policy basis. Those responding to the call for sites were informed that inclusion within the document does not mean that planning permission will be granted or that the site will be allocated in any Development Plan Document.

Strategic Housing Requirement

The specific issues raised under this section of the applicants planning statement are addressed below:

1. We disagree with the past trend migration rates used and consider that this is likely to an under-estimation of dwellings.

Baker Associates have used the ONS mid year population estimates 2002-2009, when looking at past trends, their methodology has been applied in Sedgemoor District Council on their Core Strategy and the Inspector found the level of growth and the wider basis to be sound. The Baker approach is a robust one.

2. In converting the household numbers to dwellings, no conversion adjustment has been made to account for vacancy rates (i.e. +4%). Households have simply been taken to equate to dwellings.

See response above re: methodology. The report considers empty homes, but from a context of bringing them back into use to reduce housing numbers (no allowance was made for this incidentally) on the basis that the vacant premises rate in South Somerset is low with limited potential to reduce.

3. The means of calculating the household projections is based on an average household size rather than headship rates, which is more reliable. This will result in inaccurate figures.

Again, see point on methodology above.

4. The age specific migration rate has been ignored and Baker's analysis should take account of retired age migrants in running the economic scenarios.

The calculation makes provision for the population as a whole. In terms of the economic growth scenarios John Baker commented in response to a similar query "it is exceptionally difficult to identify the exact proportion of non economically active migrants, and if separate provision is made for specific groups (i.e. retired people) there would be a likelihood of double counting. Final recommendations for housing provision allow further account of the Household Projections, which take migration into account.

5. Whilst the job to household analysis is helpful, it is simplistic and likely to underestimate the actual housing requirement implications.

The economic potential of the District is only one element of the calculation leading to the range of housing provision required for the District overall to 2026 (and then 2028). Baker Associates use demographic projections and factor in housing need, environmental capacity and housing delivery to their overall

recommended figure. The combined approach will ensure sufficient homes are identified to meet the need over the plan period.

Housing Land Supply

As identified in the Annual Monitoring Report 2009 - 2010, a 5 year land supply has been demonstrated. This was based on the Strategic Housing Land Availability Assessment 2009. Any site under 0.15ha was discounted from the assessment, as was any site that did not comply with Local Plan Policy. The remaining sites were considered in consultation with land owners and developers to establish the potential and timescale for delivery of these sites. This sets the basis for the provision of our 5 year land supply. Provisional work on the AMR for 2010-11 indicates that a 5 year land supply is maintained.

Delivery of some of the key sites has commenced and the overall housing delivery for the monitoring period 2010 - 2011 has increased, providing 1059 dwellings. This is a significant increase on previous years. During the period April 2010 to March 2011 some of these key sites are now under development, including Lyde Road in Yeovil and New Barns Farm in Wincanton, the first phase of the Brimsmore Key Site now has planning permission. As a result housing delivery for this period has risen.

It is acknowledged that the Draft NPPF does stipulate that Councils should demonstrate a 5 year land supply plus 20%. However as stated earlier the draft has limited weight at this time.

Additionally, Communities Secretary Eric Pickles has recently refused 3 large scale planning applications for residential development one in Cornwall one in Cheshire and another in Winchester. In response to the Winchester case he stated that granting permission would be likely to undermine the work currently being carried out in Winchester to establish a new bottom-up housing strategy and with regards to the Cheshire scheme he agreed with an inspector that the proposal would prejudice the fairness and effectiveness of the local development framework (LDF) process, this decision is being challenged, however these decisions do indicate that the Secretary of State is not advocating development at any cost.

Chard Regeneration Framework

The Chard Regeneration Plan (October 2009) and its supporting Implementation Plan (October 2010) present 4 Growth options for the future development of Chard, Option 1 - Town Centre Regeneration, Option 2 - Eastern Growth Area (part), Option 3 - Eastern Growth Area (Full Build Out) and Option 4 - Growth to Natural Limits. The draft Core Strategy presents each of these options and informed by Sustainability Appraisal identifies Option 3 as the preferred option for growth; as the applicants note, Option 3 does not include the proposal site although it is identified as part of Option 4. The applicants are of the view that comments relating to access to the site in the 2009 SHLAA were the reason for the site being included in the final phase of development in the Chard Regeneration Plan, this is not the case. Growth Option 4 was found through the Sustainability Appraisal process to be less beneficial to the town than growth to preferred Option 3 level, not least as some of the towns' junctions begin to collapse under the volume of associated traffic; 'Saturn' modelling provided evidence of this in the Chard Regeneration Framework, Strategic Transport Appraisal Report, Peter Brett Associates (PBA) (August 2010). The Snowdon Farm site was not included within Option 3 because of the visual impact of development on the elevated Western edge of the town and because the proposed road layout connects sites within the Eastern growth area in

such a way as to distribute traffic by reducing pressure at the Convent signals in the most deliverable way.

Transport

The Chard Regeneration Framework, Strategic Transport Appraisal Report, Peter Brett Associates (PBA) (August 2010) shows that the Convent Signals junction was at capacity (table 6.3 p.32) to capacity, it identifies that the installation of a MOVA traffic signal control software could increase capacity at that junction by 8%. Funding has since been secured for that software. Paragraph 1.1.17 of the Transport Appraisal states:

..the junction operates close to capacity during peak times and would constrain development potential in Chard to the trip generation equivalent of up to 200 dwellings without improvements to the network. Recommendations are made to implement a MOVA control system in order to improve the operational efficiency of the junction as a short term solution. This could increase the junction's capacity during peak times by around 8%

Recent investigations have confirmed that there is no further capacity in that junction. Both Richard Sweet and John Gallimore at Somerset County Council have confirmed that the junction is at capacity. This view appears to have been further confirmed by the Transport Assessment submitted in support of this planning application paragraph 7.19 of the FMW Transport Assessment states:

The signal controlled junction of A358/A30 operates with negative levels of practical reserve capacity both at AM and PM peaks under existing conditions

Table 7.7 assumes that the MOVA system is in place, paragraph 7.21 states:
The 2018 base (I think this should read 2011) and 2018 with development scenarios assume that the MOVA system is in place...

Paragraph 7.22 states:

The change in practical reserve capacity levels, degrees of saturation and queue lengths between peak hour 2018 (think this should read 2011) base and 2018 with the proposed development traffic is considered to be negligible. The addition of development traffic therefore leads to no material change to the operation of the junction."

In paragraph 7.23 it is concluded that:

peak hour operation of the junction in 2018 with MOVA and the proposed development flows better than would be the case in the 2013 base year with no MOVA and no development. Therefore the introduction of MOVA creates additional capacity.

The PBA report shows that the Junction was at capacity in 2008 since that time 228 dwellings have been completed in Chard (01/01/09 to 31/03/11) and there are commitments (either under construction or with planning permission but not started) for 151 dwellings (31/03/11), so the 200 dwellings referred to in the PBA report (para. 9.3.12) has been exceeded, therefore even if you accept development beyond capacity that capacity has now been exceeded. PBA also state in para. 9.3.12 of their report, that MOVA will improve operational performance of the junction by 8% during peak times. The FMW transport assessment applies MOVA and still shows that the junction is at capacity, and it is not clear if they have taken existing commitments into account or not. This confirms the need for the Millfield link to serve further development. No doubt the Highway Authority will be making more detailed comments.

Conclusion

It is considered that the applicants are giving more weight to the emerging NPPF and Ministerial Statement (March 2011) than is warranted in these circumstances and that the saved policies of the adopted local plan are of greater weight. The proposal site is located outside the Development Area for Chard and is not part of preferred growth Option 3 in the Draft Core Strategy (incorporating Preferred Options) October 2010. Whilst stating that they are willing to make a financial contribution towards highway infrastructure the applicants have not demonstrated that this proposal will not have a negative impact on delivery of the identified strategic growth allocation and have provided no long term solution to the capacity issues at the central junction (Convent Link). The requirement to integrate into the phasing proposals of the draft Core Strategy (or provide alternative phasing) is not met by the application. Whilst this is not adopted policy it is nevertheless a significant material consideration. Added to this the proposal provides only 25% affordable housing rather than 35% as required by saved SSLP Policy HG7 therefore for these reasons a planning policy objection is raised.

Planning Policy (additional comments):

Further to the additional information submitted in support of this planning application dated 23 January 2012, I would reiterate the comments made in my response of 15 December 2011 and also like to add/repeat a couple of points:

1. The only formal consultation phase remaining in the process is the publication of the draft Submission Core Strategy which is anticipated to be in May/June 2012. The majority of the policies in the adopted SSLP have been saved in accordance with the relevant procedure. The Chard Key Site allocation KS/CHAR/1 is a saved allocation.
2. SSDC is confident that it has a 5 year land supply - details can be found in the Annual Monitoring report published in December 2011 and detailed analysis is on our web site: <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-development-framework/housing-trajectory/> - any queries should be directed to Liz Arnold the Strategic Monitoring and Appraisal Officer. The NPPF has not yet been published in it's final form and whilst the Government has stated an intention to publish the final version no later than 31 March 2012, I believe that there has been a significant level of objection to the draft and that they are considering a further round of consultation, therefore the need to find an additional 20% is not yet relevant. We are also confident that our strategic housing requirement is based upon sound evidence.
3. Saved SSLP Policy HG7 seeks to achieve 35% affordable housing this proposal does not achieve that target and as far as I am aware no convincing viability argument has been presented to justify a reduction in in provision.
4. With regards to Highways issues, SCC have commented as the Highway Authority, whilst they may be of the view that there is limited capacity in the central junction, any additional capacity created (the MOVA traffic control software has now been installed) should be taken up by strategic growth rather than ad hoc developments.

In conclusion the proposal is contrary to the development plan and a planning policy objection is maintained.

Economic Development:

We have considered this application from a number of perspectives. The proposal offers nothing in employment terms, but more importantly it represents an opportunistic, piecemeal development which would remove the highways capacity SSDC has forward funded for strategic phased housing & employment growth to come forward. This strategic approach it is wholly in line with the approved Regeneration Plan (Sept, 2010), is featured in the Draft Core Strategy (to be adopted) and is to be defended against premature applications such as this.

The phased CRS growth plan is the result of two years of masterplanning and consultation, in partnership with SSDC, SCC (inc. Highways), Chard Town Council, local businesses and residents, with sign off from partners, officers and Members alike (including Area West Committee).

This proposal challenges the successful ongoing work to deliver Phase 1 development and our strong recommendation for refusal of this particular application is based on the following primary issues and implications:

- 1) The proposed development is not compatible with the Chard Regeneration Scheme (CRS) and fails to satisfy most of the Plan's Phasing Principles.

There are 6 key principles behind the CRS phasing strategy, and in agreeing the Regeneration Plan and its adoption into the Core Strategy, Members are reminded that these material considerations are applied to all Chard development proposals, in addition to normal planning considerations.

The proposed development 11/04212/FUL is incompatible with the following CRS Principles: [Chard Implementation Plan (Oct, 2010), pg. 6].

- The quantum of development for each phase should be within the capacity of the infrastructure of the town (in particular the highways network) to accommodate it; [I refer the reader to the 'Transport' comments provided by Planning Policy].
- Where this capacity will be exceeded by a proposed development, additional infrastructure and/or other initiatives will be brought forward as a part of that development to deliver new capacity and scope for further growth; [detailed later]
- Generally development and highways infrastructure and/or initiatives will be brought forward in the same area to maximise efficiencies between the two.
- In certain circumstances the location of new development and highways infrastructure and/or initiatives can be de-linked, but only where appropriate contributions are made to fund any necessary works required elsewhere to create capacity for further growth.

Despite the applicant previously having suggested synergies with the CRS (that I hope were correctly interpreted at their community consultation – report still unseen), the application has questioned the deliverability of the phased Regeneration Plan.

We have made far too much progress to concede anything to this view.

Contrary to the view the applicant appears to offer, the CRS Project Delivery Group (inc. Highways, Economic Development & Development Control) are

actively engaged in work and consultation to bring forward Phase 1 developments. This includes delivery of the town centre site regeneration which has become a central corporate priority. It also involves direct consultation on other strategic sites. We have recently completed a detailed viability assessment, market assessment and feasibility work to further inform our project plan.

- 2) The application is premature and non-strategic. The agreed Implementation Plan guidance (Oct, 2010) recommends refusal.

The applicant has previously suggested this proposal is compatible with the CRS in that the plot is identified as suitable for residential development. The Regeneration Plan, however, makes perfectly clear that this is only to be considered beyond the planned period. Prior to this, development in this location would challenge the capacity for sustainable and strategic growth to come forward given the need to avoid further congestion at the Convent Link.

As my colleague accurately states in the Planning Policy response, the site is only identified as suitable for development after the Eastern Development Area (and associated transport connectivity) has been completed in full. The applicant's plot is part of the 'Option 4' growth scenario which was not included in the Draft Core Strategy content for the town following a detailed sustainability appraisal and for the reasons outlined by Planning Policy.

Further to the need to defend strategic development (also highlighted in the Transport Assessment - see Point 3), the Implementation Plan also makes clear (e.g. pg.32) why we simply cannot allow piecemeal development to further erode the town's ability to grow in a way which brings social, economic and environmental improvement while dispersing traffic more effectively:

"The priority for the growth is to develop the eastern side of the town to deliver a continuous network of linkages and connections between the A358 Furnham Road and the A358 Tatworth Road" [Chard Implementation Plan, pg. 4]

"The long-term relief of the Convent Signals, together with the provision of infrastructure to provide access to the growth area, requires the phased delivery of a continuous route to the east of the town ... There are only a small number of ways that these capacity improvements and the continuous network of connections to the east of the town can be delivered in a phased way. Peter Brett Associates have identified the need for 5 phases of highways infrastructure investment which will need to underpin the regeneration and growth of Chard. The quantum of development accompanying each of the primary phases 1-5 has to be carefully balanced with the capacity of the available infrastructure at each stage to accommodate growth .." [Chard Implementation Plan, pg. 7]

- 3) The PBA Transport Assessment (Aug, 2010) both predicted and outlined the requirement to defend the agreed sequence of phased delivery from objections which seek to 'change its form, promote alternatives or pursue a different phasing'.

As part of the delivery of the Chard Regeneration Scheme (CRS), SSDC published a detailed Transport Assessment completed by Peter Brett Associates (Aug, 2010). The work's primary purpose was to map the town's junction flows and identify the most effective strategy for delivering additional road infrastructure to accommodate much needed sustainable development and physical

regeneration. It modelled the implications of different development scenarios and provides us with the best balanced sequence of infrastructure provision that maximises traffic flow (avoids congestion) beyond the planned period to 2031.

The extensive modelling and results of the Transport Assessment underpin the robustly tested sequence of phased development (housing, employment and community provision) and transport links which incrementally eases congestion issues experienced by the town. The document makes clear why eastern development area growth is to be prioritised and the following extracts are noted:

“9.3.15 Intermediate phases of development have been tested and identify the appropriate level of infrastructure improvements required for each phase. For this reason, it is recommended that development and infrastructure provision go hand in hand such that there is a linked phasing, with infrastructure being provided to mitigate the problems arising from that stage of development. The phasing presented in this report provides such a mechanism. However, it is unlikely that this is the only phasing scenario that could work, and taking a pragmatic view some developers will be in a position to proceed with development more quickly than others and in different locations. If it is proposed that any site comes forward “out of turn” it will be necessary to test a new phasing package taking that into account.”

“9.3.17 The final proposals will need to be defended at public inquiry, and to do this it will be necessary to robustly defend them against any objections that seek to limit the scale of development, change its form, promote alternatives or pursue a different phasing.”

“9.3.18 This report provides the basis for such a defence, based on the phasing scenarios tested to date.”

The CRS requires that any ‘out of sequence’ application must include a full transport assessment with sufficient evidence that their development is strategic - i.e. make clear how their particular development can introduce more capacity than it takes from existing junctions to facilitate the (sequential) delivery of following phases. If this evidence is not provided, or on fuller review is found to be insufficient, the application should be refused.

Delivery partners SSDC, SCC and Chard Town Council officers & Members have endorsed this holistic approach to ensure much needed development is no longer ‘piecemeal’ in Chard. In simple terms, eastern development plots can satisfy this requirement because of the connectivity (roads which link existing routes) that they must incorporate. This is in addition to the provision for schools, open/leisure space, community/neighbourhood centres etc. previously detailed in developer consultations and detailed in the Phased Cost Plan provided by Gardiner & Theobald (Implementation Plan, Appendix 3). The western site currently under consideration doesn’t provide capacity for further development in this way (it seeks to use up the capacity provided by the SSDC Phase 1 MOVA installation) which is why it should only come forward in the sequence recommended in the CRS.

The Transport Assessment spells out the improvements to existing junctions through the growth of Chard by the proposed 2,716 dwellings (Option 3 build-out). Although currently over capacity (2008 base), development to fulfil Option 3 (inc. the eastern distribution route & demand management in later phases) will

reduce saturation at the central 'Convent Link' junction from the 2008 base of 104% to 88% (AM), and from 108% to 88% (PM).

The same work makes clear that standalone developments that fail to contribute to the eastern distribution route will simply add congestion to the town's road network – constraining growth areas proposed in the robustly supported Chard Regeneration Plan.

Summary

Piecemeal development in Chard erodes highway capacity that has either been identified or is being created, and undermines a strategic and sustainable growth plan – one that, following extensive consultation, is to be adopted in the Core Strategy and Phase 1 of which is currently being delivered.

The current application can only hope to argue it can 'consume its own smoke' by returning the cost of the MOVA signals installation, while doing nothing to facilitate further growth. It directly challenges the viability of the phasing sequence as it removes initial capacity required to bring forward town centre and wider CRS compliant development from which we would leverage further capacity to complete the phases & linked infrastructure.

I strongly recommend this application be refused on the basis of prematurity and the challenge it presents for planned strategic development that the town needs to ultimately reduce congestion.

Environment Agency:

The Environment Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements. Informatives and recommendations are also requested.

CONDITION:

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

NOTE:

There are a number of assumptions currently made in the drainage calculations (such as infiltration rates, post-development impermeable area (both highway and built development), 30% for driveways etc). These figures will need to be firmed up prior to Discharge of Condition along with revised drainage layout and supporting calculations. This also includes the maintenance and adoption details of this infrastructure.

An assessment of likely groundwater depths across the site will be required to ensure that the soakaways are designed to an appropriate depth.

The following informatives and recommendations should be included in the Decision Notice.

Anyone who intends to carry out a construction project on one site with an estimated cost of £300,000 or more must prepare a site waste management plan (SWMP) before work begins.

A SWMP sets out how resources will be managed and waste controlled at all stages during a construction project. They came into place with the Site Waste Management Plan Regulations in April 2008.

Before the project begins a SWMP must be drafted and it must include:

- the names of the persons responsible for managing resources on site,
- estimates for how much waste will be produced on site,
- details of how waste will be managed on site (whether it will be reduced, reused or recycled).

The plan is a living document which needs to be updated throughout the construction project so that it gives a picture of how work is progressing against the waste estimates. The amount of waste which is produced on site, the types of waste, how it will be managed and all waste movements must be recorded in the plan.

Once the project is completed, the plan must be reviewed and stored for two years. Any differences between the waste estimates and the actual amount of waste produced on site must be recorded.

SWMPs apply to all aspects of construction work, including demolition activities, excavation works and the maintenance and alteration of existing structures. The installation of all construction-related services such as electricity, gas, water supplies need to have an SWMP.

During construction the following comments apply: -

Storage of fuels for machines and pumps should be banded or surrounded by oil absorbent material (regularly replaced when contaminated) to control spillage and leakage.

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids.

This Agency must be notified immediately of any incident likely to cause pollution.

Sport and Leisure:

Contributions totalling £296,764.38 have been sought in relation to equipped play, youth and play facilities, playing pitches and strategic facilities.

Engineer:

No objections in relation to the Drainage Strategy document and the Flood Risk Assessment. Condition to be attached with regard to the submission of drainage details.

Housing Development Officer:

(Comments on original submission)

Policy requires 35% affordable housing split 67:33 social rent:intermediate.
On that basis we require 22 units - 15 for social rent and 7 for shared ownership.

We would also expect the units to be pepper potted throughout the site.

Housing Development Officer:

Additional comments:

Just to confirm previous comments from strategic housing with respect to this application and comment on the degree to which the revised plans meet these.

If the site were within the development limit, a minimum 35% affordable housing provision, without access to further public subsidy, would be required consisting of 21 units, of which at least 14 should be for social rent and the remainder could be another intermediate product such as shared ownership. I note that the site is not within the development limit and there is, therefore, an argument that 100% of the provision should be affordable in order to achieve exceptional planning permission.

On the basis of the minimum 35%, the new plan appears to show the requisite number of units overall but it fails in two other respects.

Jo Calvert, Housing Development Officer, pointed out in her email of 31st January that the provision of affordable housing should be pepperpotted throughout the site. I note that the revised plan shows all the affordable housing adjoining other affordable housing, albeit in a single strip. This is not acceptable. Further the current plan fails to integrate the tenures by providing all the affordable housing in terraced form whilst all the open market, or at least the 'un-obligated', housing is in detached or semidetached form.

The second failing is with respect to the mix of property sizes.

My colleague Louise Field confirmed the following required mix last month, but the revised plans fall short of this requirement.

- 4 x 1 bed
- 8 x 2 bed
- 7 x 3 bed
- 1 x 4 bed
- 1 x 5 bed

The revised proposal clearly requires further refinement before it might be acceptable in terms of our affordable housing expectations.

Landscape Architect:

(Comments on the original submission 24/11/2011).

The application site lays within the study area covered by the peripheral landscape assessment for Chard. The study - which was an appraisal of landscape and visual

sensitivity at the town's margins - evaluated the application area as 'landscape with a moderate - high capacity to accommodate built development'. Hence whilst this land lays outside the town's current development limits, if a need for additional housing in Chard is accepted, then there is no landscape issue with the principle of development in this location.

Turning to the site layout, in terms of the urban design, I agree with Adron's comments and there is clearly some way to go to achieve a layout that better reflects Chard's character, and is less typical of late 20th century suburbia - a site layout with an accommodation schedule that names the house types 'Oxford, Cambridge, Canterbury etc is not an encouraging start! Whilst the location of the public open space to the north edge, to coincide with the edge of the conservation area, and to enable protection of the mature trees, is right, I regard the space as insufficient in area to provide a suitable setting for the trees, and allow for meaningful public informal use. As this is the only area that credibly provides for informal recreational use, I suspect that to comply with CR2, it needs to be larger. Certainly a more context-sympathetic solution would benefit from the house frontage (no's 38-48) being pulled back further from the trees. Additionally, a bunded SUDs area does not make a positive design statement at the site's entrance - if this is to be effective, it needs to be designed with care, and at present we have no proposals before us. Similarly there are no detailed landscape proposals to comment upon, and it is not clear how the retained boundary hedges are to be maintained to the west.

It would appear that the proposal is lacking in design quality as it currently stands, and necessary information is unavailable to enable a full assessment. Whilst the principle of development may be acceptable in landscape terms, I am unable to offer support for this application in its current form, and suggest more work is done on the site layout; urban design; and landscape treatment to bring the proposal up to a satisfactory standard.

Landscape Architect:

Additional comments: 3rd Feb 2012:

I note the revised proposals for the above site. It is useful to have the original and amended plans to review within the same document (revised D&A) and I will comment on the pertinent detail, having already confirmed that from a landscape perspective, there is no issue with the principle of development in this location.

1) layout -

I note the applicant's reference to Arts and Crafts suburbia as a basis to this design, and would find it credible if Chard were the Letchworth of South Somerset, but it is not! Whilst I will defer to Adron's comments on layout and design, I maintain there is insufficient detailed consideration given to Chard's grain and character in evolving toward these layout and streetscene proposals.

2) Open space -

I note the slight adjustment of the northern edge housing line, fronting onto the open space separating the housing from the mature trees that characterise this roadside (A30) stretch of the conservation area. I continue to view it as insufficient. I would ordinarily seek to establish a distance of approx 1.5 X tree height between house frontage and tree - as a minimum - to avoid the trees being perceived as over-dominant. Such a spatial arrangement would also provide a more context-sympathetic setting for the trees.

3) SUDS area -

I note the assertion that a SUDS area can be well designed, and would agree that such is possible. However, I have seen few positive examples, hence the concern. A bund is

implied by the plan, and these can appear utilitarian and unsympathetic, particularly in a 'gateway' context. It would help our understanding if we could have an indication of the likely height and scale of the bund, and depth of the swale, for that would give a clearer indication of the potential for it to work as an entrance feature.

From the above, you will note that whilst the principle of development may be acceptable in landscape terms, there is yet further work to be undertaken to improve the urban design and landscape treatment to thus bring the proposal to an acceptable standard.

Conservation Manager:

(Original comments 23/11/11)

The proposals I believe fail to accord with the objectives set out in policies ST6 and EH1. I am not commenting here upon the aspects of the Chard UDF applicable to this site. However even if the policy situation were more favourable, the design would need substantial amendments for it to meet our design quality, urban design, local distinctiveness and conservation requirements.

For all that the D+A suggests that the design is informed by the list of national design guidance documents it mentions, I am afraid I can see little evidence of this. The design is for a suburban layout in a fairly standard late 20th century manner. The D+A suggests that the approach is to create a series of legible streets and spaces based upon perimeter block principles of urban design. This is not achieved; it is an estate road solution that would be dominated by provisions for the car with no hierarchy of street spaces or good enclosure and spatial definition. A defining character based on Chard characteristics is attempted in the building design but fails with the core of the site and would be lost overall.

The site lies adjacent to the present Chard Conservation area boundary and its development will therefore impact upon the setting. The site includes part of the extension to the CA that will be designated shortly. This area on the northwest is arranged as open space and provides space for the protected trees there. Provided that space is large enough and the built frontage that faces this area/ the avenue of trees/ High Street is of an appropriate design, there will be no significant adverse impact upon the setting of the CA. There would be more impact where proposed gardens impinge on the curtilage of Field Bars House and greater separation would be needed to offset this. The form and orientation of plot 48/ the terrace also impacts adversely at the northeast corner of the site.

I can in general terms support the proposals for the design approach of the individual buildings based upon the characteristics of the examples illustrated from Furnham Road. This would be a way to establish a Chard-based character that could create a quality development. However only a few of the model designs illustrated in the section on Architectural Character succeed in their intention and generally a much more rigorous and consistent approach to the Arts and Craft aesthetic would be needed to achieve a distinctive sense of place and a satisfactory outcome. Particularly the use of integral garage plan forms I would regard as neither conducive to the formation of strong perimeter blocks and street enclosure nor best suited to the chosen aesthetic.

Conservation Manager:

(Additional comments 08th February 2012):

Additional advice arising from the amendments and revised D+A

The setting of the conservation area at Field Bars House has not been improved. The issue is not policies or lack of them regarding separation between buildings, but about

the setting of the conservation area and the means to preserve its character. The open space behind Field bars House is the present setting of the CA thereabouts. To preserve this setting requires an open space in this area or perhaps at the very least the residential development to incorporate deep gardens and a planted buffer much more substantial than the existing hedge alone (which in any case is vulnerable to reduction in the current layout).

The layout remains dominated by provision for cars creating fragmented street frontages generally and most particularly where integral garage forms are used. The parking in many places is not 'discrete'. The design of the Furnham Road model only has to be examined to contrast those well-enclosed frontages to the front gardens of the houses and the close grouping and terracing with the frontage arrangements proposed in this scheme. This model of suburban form has strong frontage enclosure capable of forming attractive street spaces and is not dominated by parking provisions. I do not consider it appropriate to use a different model of 'suburbia', the commonplace speculative pattern-book housing of the interwar years which included much thoughtlessly set out parking space and created places which are, in the words of one commentator, "at best dull, at worst, hideous". I am sure that the applicants are not wishing to do this but without attention to the containment of the public space and its definition from private space on frontages the stated ambition to create a series of legible streets and spaces will not be realised. A street needs to be a unity and that unity is not created by placing a series of buildings next to each other along a road with a loose space all around them. The design of the layout needs much further amendment.

I remain in support of the Arts and Crafts pattern illustrated in the design statement (Local Distinctiveness Area 4) but it needs to be rigorously applied and not simply used as a gloss upon standard house types. The aesthetic must be consistently and completely applied to the whole house designs. The cynical application of Arts and Crafts character to only the fronts is completely unacceptable and therefore I recommend the need to revise all the house designs.

Campaign for the Protection of Rural England (CPRE):

Campaign to Protect Rural England (CPRE) objects to this application for 63 new dwellings on the following grounds:

1.
 - (a) This agricultural site is not allocated for development in the Local Plan, which CPRE understands to be valid and in the process of being incorporated into the emerging Local Development Framework (LDF); and
 - (b) It is understood that much of the land is classified Grade 3a by DEFRA which means it is Best and Most Versatile and therefore subject to Policy HG4, which protects such land from development.

2.
If South Somerset District Council should nonetheless consider the possibility of granting planning permission, it is suggested that the following matters should be noted:

- (a) Since access would be entirely through Mitchell Gardens it must be asked whether road capacity would suffice for perhaps 500 extra traffic movements per day;
- (b) The applicant is offering only 25% affordable housing whereas the Local Plan (Policy HG7) requires 35%;

- (c) The housing density of only 35 dwellings/ha seems wastefully low considering, first, that this is good agricultural land and, second, that this would be an urban expansion, justifying density of 45 to 50 dwellings per/ha; and
- (d) Bearing in mind the undeniable opportunities for walking, cycling and bus travel to services in Chard and to work in neighbouring towns and villages, outlined in paras 4.12 to 4.22 of the Planning Statement, the provisions for car parking shown in para. 4 of the Statement seem wasteful and it is suggested that 1.5 places per dwelling should be enough.

3.

CPRE accepts the need for affordable housing for local people in the District. However CPRE has consistently suggested that the forecast demands for all types of new housing in the draft Core Strategy for the LDF are too high, based as they seem to be on out of date net inward migration figures. In the three years to mid 2010 estimated net inward migration into South Somerset has averaged barely 100 persons per annum, compared to 1,300 per annum for the previous six years. Is this dramatic change permanent or a temporary aberration? No one can say but if the fall in net inward migration is because of the recession, as some seem to believe, then it is clear that it will be a very long period before "normal" times return, if they ever do. For the foreseeable future there seems to be plenty of land in and around Chard allocated for housing, though perhaps not so easy to build on as this particular greenfield site.

4.

Finally, although the Planning Statement claims that this development would be sustainable, there seems to be nothing said about the standards of sustainability pertaining to the buildings, eg standards of insulation, alignment of buildings to make the best use of sunlight, installation of solar heating panels and PV panels, capture and use of rainwater and elimination of rainwater runoff.

Senior Historic Environment Officer:

The site lies very close to the medieval town of Chard. It is also within an area where it is likely that prehistoric activity has taken place.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made, as laid out in PPS5 (Policy HE12.3). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

Open Spaces Officer:

(Original comments dated 10th November 2011)

I was disappointed to see that the main area of Open Space is still located in the north east corner of the site around the trees. Whilst I fully appreciate that the trees need suitable protection, this is not a suitable location for the Open Space. It does not serve

the site as a whole and cannot be accessed on all sides because of the road which in itself is a nuisance factor to the Open Space. As stated at the pre-application surgery the Open Space needs to be in a central location.

I would also like to see the walkway on the eastern boundary widened to facilitate public access. Our Design Guide Addendum is attached giving widths and design specifications.

Finally I would like to see details of the swale (and any other drainage) design and an indication of who will be adopting these drainage features.

Open Spaces Officer:

Additional comments:(14th Feb 2012)

After a bit more deliberation I have decided I do not have strong enough reasons to object - they have provided enough quantity of Open Space to comply with CR2. If the area around the trees was extended this would improve the usability of this area and given the need to provide this area and the location of Snowdon to the south I do not feel I can reasonably ask for additional space in the centre of the development. I also do not think we can reasonably ask for an off site contribution as they have complied with policy albeit not the best design.

Police Architectural Liaison Officer:

(Original comments 11th November 2011)

I make the following comments

1. Is it intended to provide sheds for the social housing? (Normally provided with cycle security for the code)
2. The area in front & adjacent to plot 1 appears to be semi public space. I believe that this will become a desire line to join the footpath/cycleway. Could this area be strengthened. Is there a non obscured window in the gable end of plot 1?
3. The area beside plot 39 also raises a concern. The D & A shows an area of grass. There is nothing in the legend to show how this area is protected. There are dots on the outline. Is it private space given to plot 39?
4. Pathways/Alleyways providing access to more than one property require key lockable gating. In excess of 80% of domestic burglaries occur through rear accesses (Plots 43 - 48).
5. What provision will be provided to prevent vehicular access to the footpath/cycleway?

Officer comment: Following the comment from the PALO, responses to those questions were received from Redrow:

- The social units are not being provided with sheds.
- Redrow propose to put a post and rail fence in this location to deter pedestrian access
- This area is defined as private space that will be under plot 39's ownership. It is edged with a 1.1m high stone wall.
- Shared gates will not be provided with locks as we have experienced that this is logistically very hard to manage and generally these gates get left unlocked by the residents. Each individual rear access will be latched and or bolted
- At the northern end of the cycleway there will be the standard cycle barriers, at the southern end there will be bollards. In the area adjacent to plots 13-15 / 39-54

the proposal is again for some stronger landscaping to deter people. Redrow will confirm details.

Police Architectural Liaison Officer:

Further comment received from the PALO (24/11/11):

Regarding item 4. All of the RSL's I have dealt with to date accept that this is an important area to protect. Rigid gates are supplied by the largest RSL, Yarlinton which make them sustainable and secure by keyless locking systems. Obviously this will be open to discussion once the RSL has been Identified?

Paragraph 1.2 on page one of the 'New Homes' document demonstrates how local crime conditions may demand an additional measure to reduce that risk and form part of the security measures to attain part 2. Yeovil and Chard have consistently been the two locations in South Somerset having the highest numbers of domestic burglaries, therefore I would insist on this measure to be included in the design.

I will be happy to supply the successful RSL with a letter explaining my rationale and the reasons for refusing part 2.

Officer comment: No further comments received. It is understood that the post of Police Architectural Liaison is currently vacant.

Natural England:

On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of dormice and bats and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

Ecologist:

(comments on original submission 6th December 2011)

Badgers

The site contains a main sett (breeding sett in use all year round). I understand that negotiations have failed to get permission from adjacent landowners to create a replacement sett on adjacent land. Due to being territorial, any 'relocation' of the sett would have to be within the territory of social group affected, so 'relocation' options are generally limited to land close to the existing main sett.

If a viable off-site location cannot be secured, then the main sett would have to remain within the development site. This will require some revision to the site layout to accommodate this. Without submission of details on how and where exactly the main badger sett will be accommodated on site, in a way that does not conflict with the

proposed development layout, there would be a reason for refusal as contrary to local plan policy EC8, PPS9, the Wildlife and Countryside Act 1981, and the Protection of Badgers Act 1992.

Dormouse

A dormouse was recorded in one of the boundary hedges. The small amount of hedge removal (25 metres) required for the development doesn't represent a significant habitat loss for this species. However, sensitive measures will need to be deployed in undertaking the removal (particularly methods, timing and phasing). If the application is permitted I recommend a condition in this respect.

Bats

Bat activity surveys of the site were undertaken. Although a total of four species were recorded, only common pipistrelle (one of the 'commoner' species of bat) showed a significant level of foraging activity on the site. Legal protection doesn't generally cover foraging areas. It would however, be appropriate to include mitigation measures to minimise disturbance (particularly in respect of lighting).

Reptiles

Surveys identified a 'small' population of slow worms and grass snakes consistent with the size and quality of habitat. I'm satisfied with mitigation proposals which involve trapping and translocation to Chard Reservoir Local Nature Reserve.

Habitats

Other than the boundary hedges, no particularly notable habitats or flora were identified on the site. Two of the hedges were assessed as being 'important' using the Hedgerows Regulations criteria.

Ecologist:

Revised comments received 8th Feb 2012:

Relevant legislation and policy

Conservation of Habitats and Species Regulations 2010 (a.k.a. 'Habitats Regulations')
(European protected animal species)

Wildlife and Countryside Act 1981 (as amended) (All protected animal species)

PPS9 (Biodiversity and Geological Conservation)

Local plan policy EC8 (Protected Species)

The Protection of Badgers Act 1992

Badgers

I support the revised layout which allows the existing main badger sett to remain in it's existing location. It's possible that prior to the development commencing, there could be slight changes to the extent and boundaries of the main sett. However, the area reserved for retention of the badger main sett should be sufficient in size to compensate for any reduction and containment of growth that might occur naturally to the main sett.

It's likely that the development will result in some loss of foraging habitat which will have some impact. This impact is likely to be localised and impact only upon a single social group of badgers. Landscape planting within the development is unlikely to offer much

compensation in this respect and a consequence may be increased badger foraging activity on farmland and Council amenity land near the site.

The proximity of development to the main sett will present some risk of disturbance or harm to badgers during construction works. I therefore recommend a condition requiring a badger mitigation plan.

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a badger mitigation plan detailing measures for minimising disturbance and harm to badgers and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

The close proximity of some properties to the main sett makes it likely that future homeowners could suffer significant problems of foraging disturbance to gardens and/or encroachment of setts into gardens. The proposed 1.8m close boarded fence is unlikely to be sufficient to prevent badger access. I therefore recommend that provision of badger proof fencing (both underground and above ground) to protect properties in the vicinity of the main sett, should be a requirement (condition) of any planning consent.

Condition

Specify when – a scheme for the provision of badger proof fencing shall be submitted to and approved in writing by the local planning authority, and shall include details of materials, height above ground and depth below ground, and a plan of the location and extent of the fence. The fencing shall be installed in accordance with the approved details, subject to any amendments required by Natural England in association with their licensing requirements.

Reason: For the protection of residential amenity from significant nuisance problems caused by badgers.

As construction is proposed within 30 metres of the main sett, it is highly likely that a licence from Natural England will be required. I recommend an informative in this respect.

Informative

Any construction within 30 metres of a badger sett entrance is likely to require a licence from Natural England. You will require a licensed badger or ecological consultant to support such an application. Further update surveys are likely to be required for the licence application. Certain works may be limited to July to November.

Dormouse

A dormouse was recorded in the southern boundary hedges. The small amount of hedge removal (25 metres) required for the development doesn't represent a significant habitat loss for this species. However, sensitive measures will need to be deployed in undertaking the removal (particularly methods, timing and phasing).

I recommend a condition requiring a mitigation plan and method statement to minimise harm to dormice during any hedge removal works and detailing compensation.

The main access to the site shall not be created, including any removal of hedge, until there has been submitted to and approved in writing by the Local Planning Authority, full details of a dormouse mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

Please note that the presence of dormice will require the officer or committee report to include an assessment against the three Habitats Regulations tests:

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

- the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- 'there is no satisfactory alternative'
- the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained. The main access road will result in the loss of about 25 metres of hedge that is regarded as being dormouse habitat. The territorial range of a single pair of dormice has been estimated to be around 300 metres of hedge. The proposed loss therefore represents only a small percentage of habitat loss which is proposed to be compensated by approx. 100 m² of habitat planting around the main badger sett on site, and by placing dormouse nest boxes within remaining habitat.

Habitat connectivity is not detrimentally affected as the main access road and hedge loss is in the south east corner of the site, adjoining an existing residential area. The remainder of the hedges bordering the site are to be retained and these will continue to link with the hedge network of the surrounding countryside as existing.

Bats

Bat activity surveys of the site were undertaken. Although a total of four species were recorded, only common pipistrelle (one of the 'commoner' species of bat) showed a significant level of foraging activity on the site. Legal protection doesn't generally cover foraging areas. It would however, be appropriate to include mitigation measures to minimise disturbance (particularly in respect of lighting).

Reptiles

Surveys identified a 'small' population of slow worms and grass snakes consistent with the size and quality of habitat. I'm satisfied with mitigation proposals which involve trapping and translocation to Chard Reservoir Local Nature Reserve.

Tree Officer:

(Comments received 15th February 2012)

The Applicant's Consulting Arborist has made the following comments:

"Tree constraints presented by the canopy and the physiological effects of tree proximity to dwellings (such as shading, perceived threat of tree failure, etc) must also be considered during scheme design. This will involve optimising site layout and building room use to avoid end-users becoming resentful of the trees, and seeking excessive pruning or even tree removal. This has become an increasing concern of Local Authorities and has resulted in refusals to consent and dismissed appeals against those refusals." (Para 4.9, Page 6).

I have concerns that this advice has not been considered appropriately, as surprisingly; dwellings appear to have been located in close proximity almost to the edge of the Root Protection Areas.

I have also noted what appears to be a discrepancy regarding the Root Protection Area (RPA) requirements. For example, the Diameter at Breast Height (DBH) measurement for the Lime known as 'T8' (located at the most North-Westerly end of this linear group adjoining Unit 35 of Rev. J) has been stated as 1.11 metres, requiring a radial Root Protection Area of 13.32 metres. Whilst on-site, I recorded a DBH measurement of 1.39m, which entitles T8 to a radial RPA of 16.68 m (which is capped by the British Standard down to a maximum of 15 metres). There appears to be little if any acknowledgement of the below-ground environmental constraints affecting the Lime group. The presence of a wall and a road within the RPA upon the North-Eastern side is unlikely to be conducive to root system development. Therefore, it is highly likely that the root systems will have asymmetrically favoured the available soft surface within the site. I would like to point out that RPA's can also be calculated in square metres, not just as radial distances. For example, the RPA entitlement of T8 alone, exceeds the capped limit of 707 square metres of land.

The stated maximum crown height of 18 metres also appears to be rather underestimated. Limes are one of our tallest growing broad-leaves, typically reaching in maturity, in excess of 36 metres. Although I acknowledge the trees are located upon the North-East of the site, the obstruction of ambient daylight availability to the proposed dwellings (in particular, Units 35, 36, 43, 44 & 45) is likely to be significant. The British Standard (BS 5837: 2005; Trees in relation to construction) is very specific about the subject of tree height and future growth:

"A realistic assessment of the probable impact of any proposed development on the trees and vice versa should take into account the characteristics and condition of the trees, with due allowance and space for their future growth and maintenance requirements." (Para 6.3.1, Page 10).

Furthermore, it states:

"Large trees can cause apprehension to occupiers of nearby buildings in windy conditions. Leaves of some species may cause problems, particularly in the Autumn, by

blocking gullies and gutters. Fruit can cause slippery patches and accumulation of honeydew may be damaging to surfaces and vehicles.” (Para 6.3.4 & 6.3.5, Page 10).

The comments regarding honeydew are I feel, particularly relevant. Honeydew is exuded from the aphids that prolifically infest Limes. The problem can be exacerbated by hot weather, when the honeydew can drift on the slightest breeze making everything it touches (i.e. windows, window sills) sticky and unpleasant. Accumulations of honeydew often develop into a black mould, which is difficult to remove.

Although the Arboricultural Method Statement details special protection measures to enable the installation of below-ground service within RPA's, I recommend that drainage and service layouts are carefully scrutinised. Incursions into the RPA's are highly undesirable and ought to have been designed out completely.

I object to the proposal on the basis that I currently believe it to be contrary to the Council's aims to preserve trees in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, the 2005 National Planning Policy Statement 1: Delivering Sustainable Development; Protection and Enhancement of the Environment [Sections 17 - 20] and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

Officer comment:

Following discussion between the Council's arborist and the applicant's tree consultant in respect of the concerns raised by both the arborist and landscape officer, the Council's arborist was satisfied that the amended layout provided an acceptable distance between the trees and the proposed dwellings. The objection is therefore withdrawn.

Contaminated Land Officer:

Having read their Phase 2 report I suggest the following condition or similar is placed on the development:

Before commencement of any development work, other than investigative work, in connection with the use hereby permitted the nature and magnitude of inherent risks posed by potential landfill gases shall be investigated to the satisfaction of the local planning authority department (LPA).

If any unacceptable risks are highlighted, mitigation measures will need to be incorporated into the development. Such measures should be approved prior to the commencement of any development work. Mitigation measures shall be fully implemented and completed before any building hereby permitted is first occupied.

Reason: To ensure that future site users are not subject to unacceptable risks due to the presence of a closed landfill within 250m of the site. To comply with recommendations as stated in Waste Management Paper 27.

Wessex Water:

No objection raised.

REPRESENTATIONS

Original submission:

45 letters/emails were received in respect of the original submission, all raising the following objections:

Chard Regeneration Plan

- the scheme is contrary to the Chard Regeneration Scheme.
- There is an agreed phasing plan for Chard which satisfies Chard's housing needs.
- Applicant ignoring Chard Regeneration Plan.

Highways issues

- Additional traffic will cause highway safety issues and add to congestion problems both on the main roads in the town and in/around Mitchell Gardens/ Crowshute
- Town needs a bypass
- Need an access road direct from the high street not via Mitchell Gardens
- Many cars park along Mitchell Gardens, in effect becomes a single track road
- Main roads have reached capacity
- Lack of parking spaces
- Is there a local bus service to this site?
- Question whether this is a sustainable site due to topography, distance from shops and poor public transport

Residential amenity

- Noise impact during development
- Harmful impact to amenity of neighbouring properties.
- Drawings do not show neighbours conservatory – a main living area.
- Loss of value to adjacent properties.
- Lack of details in relation to boundary treatments.

Visual /Conservation Issues

- Previously told that the open view over fields would be preserved.
- Development encroaches into the Conservation Area.
- Development on a green field site.
- Harmful impact on wildlife.
- Rural aspect of Shepherds Lane will be lost.
- Designs of houses does not reflect those in Conservation Area

Housing

- Too many council houses in the area, more not needed
- Harmful impact on services, facilities and infrastructure.
- More houses without employment
- Density too high
- If approved would set a precedent on similar land.

Other issues:

- There is a covenant on this land preventing the construction of buildings
- Concerns about drainage.

Amended plans:

46 letters/emails were received. The comments stated that the revised plan did not alter their original objection to the scheme and reiterated those points outlined above.

Amended plans received March 2012:

Comments are awaited in respect of the latest set of amended plans / additional information. Members will be given an oral update at Committee in respect of any comments received.

CONSIDERATIONS

There are a number of relevant planning issues to assess in relation to this application. Each of these will be addressed below.

Principle of Development

The starting point for the consideration of residential development of land on this site is the adopted South Somerset Local Plan which was adopted in April 2006. As the response from the Planning Policy officer outlined above explains, the site is located outside of the Development Area for Chard as defined in the South Somerset Local Plan. The newly introduced NPPF makes it clear that proposed development that does not accord with the development plan should be refused unless material considerations indicate otherwise. Policies contained within the South Somerset Local Plan are saved for 12 months from the publication of the NPPF. On that basis and without any site specific justification for residential development on this site, the proposed scheme clearly conflicts with the South Somerset Local Plan.

Thus, the key question is whether there are any material considerations that may justify residential development of this land. The NPPF is a key document in this regard and its aims and objectives must be taken into account when assessing this application.

Housing

In terms of providing and meeting the need for housing, the NPPF requires that each Local Planning Authority can demonstrate 5 year housing land supply plus a buffer of 5% or, in cases where there has been a record of underachievement, an additional buffer of 20%. Whilst the applicant has questioned whether the LPA can demonstrate a 5 year land supply, the Planning Policy team have confirmed that a 5 year plus 5% land supply can be demonstrated. Moreover, the NPPF now states that LPA's may now take into account 'an allowance for windfall sites in the 5 year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply' (para 48). Windfall sites have not previously been counted in the 5 year housing supply figures. With the inclusion of such sites, the LPA can demonstrate an adequate housing supply. On that basis, this site is not required nor justified in order to meet housing needs.

Chard Regeneration Framework

An important material consideration to take into account is the Chard Regeneration Framework, for which the vision, scale, location for growth and phasing have all been incorporated as an integral part of the Core Strategy. This Framework has been created following much discussion and detailed work with key stakeholders and the local community about the challenges that face Chard and possibilities for regeneration. The key intention was to ensure that the main strategic elements of the framework would be taken through the Core Strategy. Four possible options were identified for growth, with Option 3 being the preferred option. This would provide the benefits of large scale growth in a phased sequence creating the necessary highway infrastructure improvements without re-introducing undue congestion in Chard.

The particular relevance of the proposed Chard Regeneration Strategy is that this application site is located within Option 4. Thus, the site is not in accord with the preferred growth option for Chard. Moreover, the site will not be able to deliver direct highway infrastructure improvements that are required on the eastern side of the town, which is an integral part of the regeneration plan.

Whilst it is accepted that the Chard Regeneration Framework is yet to gain statutory plan status as part of an adopted Core Strategy, it has been fully supported by the local community and Town and District Councils. Importantly, the LPA's position is that as a result of the significant level of work that has been undertaken on the Chard Regeneration Framework, the clear stance of the Local Planning Authority is that the Chard Framework is deliverable – this will be the case be presented to the Inspector at the Core Strategy Public Inquiry to be held later this year.

Highway Issues

One crucial aspect of the work that was undertaken for the Chard Regeneration Framework was the transport assessment undertaken by Peter Brett Associates (PBA). As outlined by the Planning Policy response above, the PBA report concluded that the Convent Signals Junction was at capacity in 2008. Some additional capacity could be created by the installation of a MOVA traffic control system – an increase of 8% or around 200 new houses. However, taking into account housing completions since then and current commitments, this capacity has been absorbed.

Given the above context, the key points to assess are A) whether in transport terms this development can be accommodated satisfactorily on the highway network without causing undue congestion and b) if the answer to A is yes, is it acceptable in planning policy terms to allow this development given the clear phasing strategy to provide necessary infrastructure improvements as outlined in the Chard Regeneration Framework.

The Transport Assessment undertaken by FMW undertaken for Redrow concludes that the 'likely additional traffic associated with the proposed development will only have a limited impact on the operation of the local highway network'. The Highway Authority have assessed this report and accept that the FMW report is 'sufficiently robust that the assumptions made are reasonable...'. The Highway Authority conclude that there is limited capacity in the junction and do not raise an objection to the application.

However, notwithstanding the position of the Highway Authority on the traffic impact at the Convent Junction, the second key related point is whether it is acceptable that this development, which clearly will have an impact on the junction, should be permitted given the clear rationale for a phased sequence of development and infrastructure improvements to enable successful regeneration to occur. On this point, the Highway Authority do not support the application. The Highway Authority have stated that this development would use up some of the capacity at the Convent Junction and that this development will make the achievement of the regeneration scheme more difficult to deliver as envisaged within the Framework. Moreover, the LPA's position is that any additional capacity created by the MOVA traffic control system should be taken up by strategic growth rather than ad hoc developments. On that basis, the application should be refused.

Design and layout

Concerns have been raised about the quality of the layout, in particular from the Conservation Manager (comments outlined above). The key concerns relate to a car

dominated layout with fragmented street frontages, failing to provide high quality streets and living environment. The design of the dwellings has also raised concern. Whilst supportive of the Arts and Crafts pattern outlined in the Design and Access statement, this design philosophy should be rigorously applied to the whole house design rather than just to the fronts.

Further information has been received from the applicant stating that the Arts and Crafts approach is fully justified in this part of Chard. This design approach should be seen as a positive design response reflecting the desire to provide a quality suburban development. However, as the Conservation Manager has stressed, it is not the principle of the Arts and Crafts style that is questioned, it is the fact that this principle should be rigorously applied to the whole house designs.

A further issue in terms of the layout is in relation to the siting and form of the affordable housing. The proposed affordable housing units have been located in 4 terraced blocks in a large group rather than spread throughout the development. The layout, design and form of the affordable housing is not acceptable to the Housing Manager. The units would be in specific areas of the development thus making it stand out as affordable housing. Thus, the scheme would not assist in creating a successful mixed community contrary to NPPF policy.

Revisions have been made to the layout of the dwellings, including reducing the number of integral garages with separate garaging, thus reducing the depth of frontage set back. Front gardens will be clearly defined with low brick walls in keeping with the philosophy of a garden suburb. It is accepted that elements of the scheme have been improved but it is not considered that the concerns in relation to the fragmented nature of the scheme have been satisfactorily overcome. Therefore, it is considered that there is clear justification to refuse the application in terms of the quality of the design and layout.

Natural Environment

A further important policy objective of the NPPF is to conserve and enhance the natural environment. In this case, the landscape officer has stated that there is no landscape objection with the principle of developing this site. Furthermore, key natural features of the site ie trees and hedgerows are being retained and incorporated into the scheme. Moreover, the layout has been revised to take account of badgers with buffer zones around their setts and the creation of foraging areas. Thus, whilst this scheme would be in accord with the NPPF requirement to conserve the natural environment, this reflects saved policies in the SLP. Whilst the conservation of existing habitats and protected species is welcome, this does not provide sufficient justification to support a residential scheme on this site.

Historic Environment

In relation to conserving and enhancing the historic environment, the NPPF requires that when determining applications, applicants should describe the significance of any historic asset affected, including any contribution made by their setting. In this case, the Conservation Manager has raised a concern about the harm that would be caused to the setting of the Conservation Area adjacent to the north west corner of the application site. The Conservation Area extends approximately 40 metres along the north west boundary of the site including The Pool House and most of Field Bars House. The Conservation Manager is concerned that the open setting of the Conservation Area to the rear of Field Bars House would be harmed by the closeness of the development, in particular with the proposed garage blocks close to the boundary. He has advised that greater separation is required in order to maintain the setting of the Conservation Area. One possible option

would be to extend the area of green space further along the north west boundary. However, as it currently stands, there is an objection to the harm to the setting of the Conservation area.

English Heritage have also identified the importance of the Conservation Area. They have welcomed the retention of the open space and tree cover that runs along the A30, being an important element of the entrance way into town. The setting back of the proposed development maintains the perception of openness in this part of the Conservation Area and thus its open setting is preserved.

English Heritage have commented on the lack of a Heritage Statement to accompany the application. This was required as part of PPS5 which has now been revoked with the publication of the NPPF. However, the NPPF does require applicants to describe the significance of any heritage asset that may be affected. The level of detail should be no more than is sufficient to understand the potential impact of the proposal on their significance. In this case, it is considered that the applicant has addressed the issue of the listed building to the north east of the application site. The Conservation Manager has not raised any objection to the impact of the development on the listed building or its setting. As a result of the proposed new development being set back from the High Street to provide a sufficient buffer between the trees and new houses, the nearest terraced block of houses will sit behind the listed building. As a consequence of this, and along with the right of way and additional planting located in between the new building and listed building, it is not considered that this heritage asset would be harmed by this new development.

Residential Amenity

Concerns were raised from local residents that adjoin the site with regard to the earlier layouts in relation to overlooking and harm to their residential amenity. Amendments have been made to the layout of those proposed dwellings closest to the adjacent occupiers in order to address those concerns. Due to the distances between the existing and proposed dwellings, along with the retention of the existing boundary hedgerows and new boundary fencing, overlooking will be minimised preventing any detrimental harm to residential amenity. It is recommended however, due to a conservatory attached to the southern elevation of The Pool House that the first floor window on the north west elevation of plot 36 has restricted opening and obscure glazing installed.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

A Section 106 planning obligation or Unilateral Undertaking would be required in respect of affordable housing at 35%, contributions in relation to sport, play, leisure and strategic facilities and the Travel Plan.

****RECOMMENDATION**

Refuse permission.

FOR THE FOLLOWING REASONS:

1. The proposed development is located on a green field site outside of the development area as defined in the South Somerset Local Plan. In addition, the site is not included within the preferred Growth Option for Chard as outlined in the draft Core Strategy. No overriding need has been justified for this development. Therefore the development is contrary to the aims and objectives of Policy ST3 of

the South Somerset Local Plan and to Chard Growth Option 3 in the draft Core Strategy.

2. The proposed development by reason of its fragmented house layouts, unacceptable house design and the provision of affordable housing in terraced blocks concentrated in one large group, would not create a quality built environment nor would it deliver an inclusive and mixed community, contrary to the aims and objectives of Chapter 6 and 7 of the NPPF.