

Area West Committee – 17th April 2013

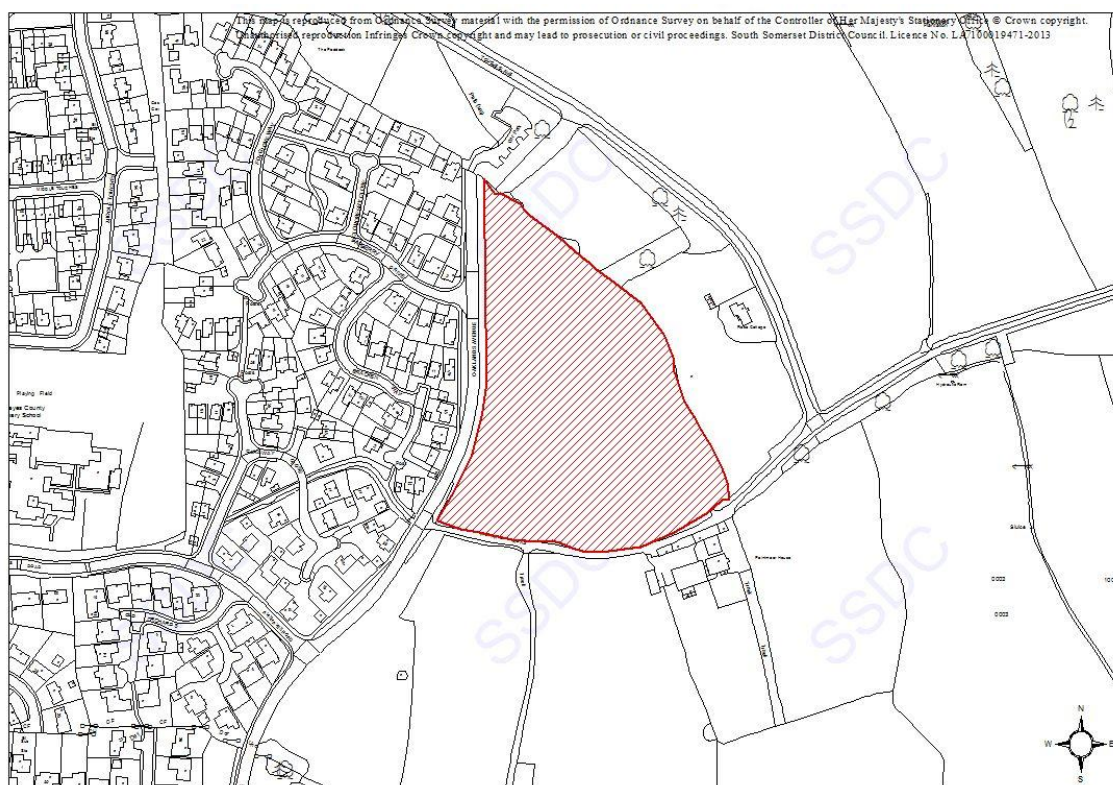
Officer Report On Planning Application: 12/04319/OUT

Proposal :	Erection of 78 dwellings, new access and road (outline) (GR 333736/109130)
Site Address:	Land At Avishayes Road, Oaklands Avenue, Chard
Parish:	Chard
AVISHAYES (CHARD) Ward (SSDC Member)	Cllr N J P Mermagen
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	6th February 2013
Applicant :	Mr Philip Storey
Agent: (no agent if blank)	Paul Harrington The Goods Shed Sandford Lane Wareham Dorset BH20 4DX
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application is presented to committee at the request of the Ward Member and in agreement with the Chair as this is the first application within the Chard Regeneration scheme area to be submitted, and in order for the Committee to consider the various planning issues.

SITE DESCRIPTION AND PROPOSAL



The site is currently a greenfield plot comprising 2.47 hectares, on the eastern edge of Chard. It is located on the northern side of Avishayes Road, to the east of Oaklands Avenue and approximately 400 metres to the north of the A30 (Crewkerne Road). The Chard reservoir and nature reserve is located further to the north. Residential development is located to the west and, other than a couple of isolated dwellings and farm complex, adjoins countryside to the north east, and south. A post and rail fence defines the western boundary with a hedgerow along the southern boundary. The eastern boundary of the site is currently undefined and adjoins a field that runs further to the east. The northern edge of the site runs up to the end of Oaklands Avenue, at the entrance to the nature reserve and reservoir car park. A mature Oak is located in the centre of the field along with a group of mature trees towards the northern end of the application site.

The application seeks outline permission for the erection of 78 dwellings and a new access road. Approval at this stage is sought for the layout and means of access, with all other matters reserved subject to approval of the outline permission. The site formed part of the Chard Key Site (KS/CHAR/1) as defined in the South Somerset Local Plan. As members are aware, the Key Site did not come forward with no development having taken place. The application site has continued to be identified as land suitable for development and forms part of Option 1 of the Chard Regeneration Plan (CRP). Thus, it one of the sites that has been identified as being delivered early in the overall delivery of the CRP.

The application has been supported by a Planning Statement, Design and Access Statement, Transport Assessment, Ecological method Statement, Flood Risk Assessment and an Arboricultural Survey and Impact Assessment.

The residential scheme will comprise a mix of detached, semi-detached and terraced dwellings. The number of units has been reduced from an original 88 (as shown at the public exhibition) to 78. 20 of the units will be affordable dwellings (25% of the total number of dwellings). 149 car parking spaces are proposed as part of the development. The application site occupies an area of 2.47 hectares although the northernmost section of the site which comprises a number of mature trees, totalling around 0.30 hectares, is not being developed nor is a smaller buffer section along the southern boundary. Thus the proposed developable area comprises approximately 2.10 hectares which gives a housing density of 37 dwellings per hectare.

Vehicular access to the site will be gained from Oaklands Avenue with a new road that will serve this development but importantly form a small section of the overall new link road that is a critical and integral part of the CRP. An alteration to the current configuration of Oaklands Avenue is proposed to create the new road. This road will run in a south easterly direction stopping at Avishayes Road. A further internal estate road will then be created in the centre of the site heading in a north easterly direction and will extend to the eastern boundary of the site. The reasoning behind the layout of these 2 roads, in particular running to the southern and eastern boundaries, is to enable unhindered access to adjacent sites, both of which are identified for future development within the CRP.

On highway related matters, some confusion has been caused by a letter distributed in the town about the proposed Chard Distributor/Link Road. It is important to state that other than the new access road to serve this particular development, which is being accessed off Oaklands Avenue, and which indeed will form a small part of the overall link road, this application is not seeking consent for other sections of the distributor/link road. Importantly, this application does not encroach onto any part of the nature reserve. For

those who are familiar with discussions about the future growth of Chard, a distributor/link road has been discussed and identified on plans for over 30 years. The most recent transport assessment undertaken as part of the CRP identified the need for a link road in order to ease the pressure on the Convent Junction in the centre of the town. It is perfectly correct that local residents are able to express their views on the need for and impact of the link road but this particular application does not include any provision for the link road beyond Oaklands Avenue.

Approval for the design, appearance and scale of the houses is not being sought for approval at this stage although the applicant has stated in the Planning Statement that Morrish are committed to good quality design and will respect the architectural and design context of Chard in their design of the housing.

Landscaping details are also reserved for future approval although some detail has been provided at this stage. The Oak tree in the centre of the site will be retained and incorporated into an area of open space. Moreover, the area of land containing the mature group of trees at the northern end of the site will be retained and will not be developed. In addition the existing hedgerow along the southern boundary will be retained and will be enhanced by a 5 metre landscaped buffer zone running the whole length of this boundary to provide mitigation for dormice.

HISTORY

791776 – Residential use of land (including construction of new highway to provide improved access to Sport and Recreation complex) and construction of foul and surface water sewer. Outline application. Refused 1980.

810632 Residential development of approx. 14 hectares of land to north and south of Avishayes Rad, including construction of highway from Crewkerne Road to Touches Lane. Outline refused 1981.

812314 – The use of land to the south of Touches Lane and east of Avishayes School as a sports and recreation complex. (Withdrawn).

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)

ST5- General Principles of Development

ST6 – Quality of Development

ST10 – Planning Obligations.

EC6 – Locally important sites

EC8 – Protected Species

TP2- Travel Plans

HG7 – Affordable Housing

CR2 – Provision of Outdoor Playing Space and Amenity Space in new development

CR3 – Off Site Provision.

KS/CHAR/1 – Chard Key site.

Emerging South Somerset Local Plan:
 Policy CV1 – Chard Growth Area.
 Policy CV2 – Chard Phasing
 Policy CV3 – Chard obligations.
 Policy HG2 – Housing Density

National Planning Policy Framework
 Chapter 6 – Delivering a wide choice of high quality homes
 Chapter 7 – Requiring good design
 Chapter 11 – Conserving and enhancing the natural environment.

CONSULTATIONS

Chard Town Council:

Recommend refusal on the grounds that the proposed development is too high density and the number of dwellings should be reduced. Also there is insufficient provision for a proposed recreation area and facilities.

Highway Authority:

Principle

This site forms part of the Chard Regeneration Strategy and is identified as suitable for an early phase of the strategy. The site lies on the edge of a residential area within walking distance of some services and amenities. As a result, the principle of development is acceptable.

Transport Assessment

The Transport Assessment (TA) is satisfactory in the way it deals with the likely traffic impact of the development except that the impact on the Convent junction is not considered. The traffic impact at the 4 junctions that have been modelled will be minimal with no capacity problems likely. In response to the scoping request, the Highway Authority requested that the Convent junction also be modelled because this is the junction that is closest to capacity in the town. It may be that the impact is minimal but this should be tested. This is also important for the Regeneration Strategy as a whole because the building of link roads around the town is crucial to relieving the choke point at the centre of the town

Parking

The parking level for the development has been suggested at 1.75 spaces per dwelling. This is an outline application and the house types have not been set so there is an opportunity to properly provide sufficient parking to serve the development when the reserved matters application is made. The development falls within zone B so the appropriate level is; 1.5 spaces for 1 bedroom dwellings, 2 spaces for 2 bedroom dwellings, 2.5 spaces for 3 bedroom dwellings, and 3 spaces for 4 or more bedroom dwellings. These levels are based on car ownership levels in the locality and are optimum levels. This means that the level could be varied up or down depending on the particular circumstance of the site. It is felt that the likely levels of car ownership will be close to the average for the area and that the optimum level should be used.

There is also a requirement for 0.2 spaces per dwelling where more than half the parking is allocated that is designated to particular dwellings. Unallocated spaces are more efficient in that they are occupied for a greater proportion of the time and this is reflected in the standard. It should be noted that unallocated spaces cannot be confused with on street parking. In order to count as unallocated spaces, they should be in laybys or parking courts away from the running carriageways so that there is a reduced possibility of

obstruction of the carriageway by parked cars making life difficult for refuse and emergency vehicles.

It is also important that the spaces are of the appropriate size. Spaces fronting the highway should be 5 metres long so that there is no possibility of overhanging the highway. Where the back of the space is obstructed, by a wall or a fence for example, the length should be increased to 5.5 metres since drivers do not drive into spaces until they hit the obstruction but stop short and this must be allowed for. Spaces in front of garages should be 6 metres long to allow for operation of the door.

Garage sizes are important if the garages are to be used for car parking and not for the storage of household items. The minimum internal size is 6 by 3 metres so that drivers can drive into the garage and still have room to open the door and get out. Double garages should 6 by 6 metres. Any less than this and they will not be counted as parking spaces.

Travel Plan

No Travel Plan (TP) has been submitted with the application and this unacceptable. The Department of Transport Guidance clearly states that, if a TA is required, a TP is also required. The threshold for a TA is 80 dwellings and, while this development is below that threshold, it is only just below and the traffic problems in Chard mean that proper consideration of the impact should be made. The applicant clearly shares this view since a TA has been submitted. The Somerset County Council adopted guidance on TPs also states that the threshold for a full TP is 50 dwellings. In this instance there is an opportunity to make a real difference with a good TP since it should be possible to encourage sustainable travel to the nearby services and amenities.

A full TP should include measures to encourage sustainable travel and should be accompanied by a thorough analysis of the travel opportunities for future residents. Targets should be set for sustainable travel and a monitoring strategy employed to check on the success in meeting the targets. Measures designed to meet the targets should be specified and the costs of those measures considered to ensure that they are reasonable. In case the targets are not met, a set of safeguard measures should be included to redouble efforts to meet the targets and these measures should also be costed. All of this will include financial commitments so it is not appropriate to secure a Travel Plan by condition. It would need to be included in a Section 106 agreement.

Road Safety Considerations

The proposal has been the subject of a road safety audit to consider the suitability of the junctions proposed. The junction of Oaklands Avenue with the new section of link road is shown as a simple priority junction which is acceptable for the traffic generated by this phase of the development. It was envisaged in the Regeneration Strategy that this would probably be a signalized junction in the long run and sufficient space should be dedicated to the public highway to allow the installation of the signals equipment at a later date.

There is junction with the side road that's serves the northern part of the site off the link road. This junction is shown as a footway crossover. This type of junction is acceptable for junctions serving up to 20 dwellings but it is noted that this junction will serve up to 30 dwellings. It is worth considering a radius junction with a tactile crossing for this level of traffic.

No specific plans have been made for crossing the new link road to link the eastern side of the development with the services and amenities to the west. There are strips shown across the road which could be associated with pedestrian desire lines but detailed

analysis has not been carried out due to lack of a Travel Plan. The reserved matters application should show details of proposed crossing locations and types depending on the level of footfall and traffic anticipated. Puffins, Toucans or Zebras could be necessary depending on what the site analysis throws up as the likely walking and cycling trips anticipated.

There are parallel parking spaces shown along the proposed link road and these could impede visibility in certain instances. If the visibility splays, based on the likely traffic speeds, were to be plotted on the drawings, the impact on visibility could be assessed. At first sight it appears that some of the parked cars could be obstacles to visibility for vehicles at the Oaklands/link road junction but only plotting the visibility splays will confirm this.

Estate Roads

The parallel parking spaces shown around the development have substandard dimensions. The size should be 6 by 2.4 metres but some are shown shorter than this and with no lead-in taper. These spaces will not work and only those spaces that will be effective can be counted as parking. The Highway Authority is keen on a good level of unallocated parking but these spaces must have appropriate dimensions. A reduction in the width will mean that all but the perfectly parked cars will be very close to the link road and this will effectively cause a narrowing of the link road which could interrupt the free flow of traffic.

To the south of the site is a link with Avishayes Road where there will eventually be a connection to the continuing link road. Close to this link is a junction with a side road serving parking courts and access to dwellings. This access is too close to the eventual crossroads and thought should be given to whether this access is needed at all or whether it should be directly from Avishayes Road. A link is also shown to the east of this access from the parking court to Avishayes Road. This link is only wide enough to serve as an emergency access or for the use of pedestrians and cyclists but should not be open to vehicular traffic.

There is a need for all the junctions throughout the development to have sufficient visibility to operate safely. The Highway Authority would seek to adopt the visibility splays with the road and the splays should be shown on the drawings submitted with the reserved matters application once the layout is fixed. This ensures that the position of the buildings and the layout of the roads can be fixed and that the adoption process is straightforward.

The drawings show plans to place trees within or close to the highway. This is acceptable but the species of tree will be crucial and the root protection method is also important. It is possible for tree roots to undermine the roads which would be unacceptable. Ensuring that there are no problems is best achieved by early engagement with the Highway Authority to address these issues at an early stage.

Drainage

The existing drainage for Avishayes Road is provided by road side ditches which drain the highway. It is proposed to widen Avishayes Road and surface water will be collected from the highways within the development. It is not at all clear that the existing ditches will be able to cope with the additional water and the Highway Authority can only assume that the existing drainage is suitable for its current level of catchment and no more. If the developer proposes to use the existing drainage, he will have to assess the current catchment and the condition of any existing drainage to prove that the condition is suitable and that there is sufficient capacity for extra water.

There could be a requirement for some attenuation on site and there is also the possibility of disposing of surface water by percolation in soakaways. Attenuation tanks should not be placed under the highway unless Agreement In Principle (AIP) has been gained from the Highway Authority in advance. The type and size of the attenuation is crucial and some types are prone to failure which can then compromise the road.

Soakaways should be at least 5 metre from any highway. Highways are like structures in that they are susceptible to uncontrolled water infiltrating the underpinnings. If the fines in the sub-grade and sub-base get washed away there could be subsidence and the road could fail. The drainage strategy for the reserved matters application should clearly detail the approach to be taken and the means of achieving a positive drainage solution for the site including end disposal permission from the eventual disposal agency.

The Highways officer recommends 4 conditions.

Countryside Manager:

As the owners and managers of Chard Reservoir Local Nature Reserve we wish to draw the planners attention to some existing management issues on site at the Local Nature Reserve that we believe would be compounded should the number of dwellings and hard standing be increased in the land immediately adjacent to the nature reserve.

In the persistently wet weather of 2012 we have increasingly struggled to balance the water level management at the reservoir. The level of the reservoir is raised and lowered by operation of a sluice gate at the north eastern end of site near to Chaffcombe Road. The level of the reservoir has been known, in 2012, to raise 4' in one rainfall event. Capacity has to be created in the reservoir to hold this water, so as not to inundate the village of Donyatt downstream on the course of the River Isle. The speed of the water's rise is increased by greater amounts of overland flow, which is in turn affected by the amount of hard standing. We would like to be reassured that sustainable drainage systems were designed into the proposed development so as not to further complicate the water level management works at the reservoir.

In addition to volume of water I would ask that pollution in the reservoir also be considered with increased amounts of surface run off from urban developments. The reservoir currently experiences a range of pollution including litter from Chard High Street through to foul water and pollutants overflowing from foul sewers in flood water conditions. As the reservoir is a site for recreational angling it is of paramount important that we protect the health and hygiene of the site, and the visitors using it, and accessing the water. I would hope that mechanisms for preventing any form of further pollution entering the water would be carefully considered.

Finally the creation of 78 new dwellings on the edge of the reservoir is obviously going to increase foot fall, dog walking and recreational use of the site and I think it vital that appropriate provision is made for the new residents of these properties and the green spaces they will be accessing.

Countryside Manager - Additional comments:

The Countryside Manager met and discussed the option for a play facility to the north of the site, adjacent to the nature reserve car park. The following comments were received: Both agreed that the location could be great for both Play and Countryside. Countryside are keen to secure management of as much of the greenspace in the area to protect the dormouse population through appropriate habitat management and a new play space at this location would compliment the existing LNR well (picnic areas and formal play provision do come up in visitor surveys as requests). The existing on site ranger provision would also be key in the future management of a play space in terms of bin

emptying, litter picking and general management. I attach here the land registry doc from Kathy Ashe that confirms the muddy track that comes off Touches Lane, adjacent to our existing gravel car park, is SSDC land and could be nicely incorporated into a new scheme.

Countryside are keen to progress this joint approach to the greenspace and development.

Open spaces officer:

I would like to see the truncated section of the old north south field boundary retained and protected. Protection afforded to the northern section of the eastern boundary in the vicinity of the mature oaks. I trust the arboricultural report has identified what tree works are required and which trees are worthy of retention?

I do not understand the significance or meaning of the bold green arrows, particularly as the “linked green landscapes” is not within the site – is the developer proposing to provide a path way into this land? I would have concerns about this, as this area of land is not well drained and I would agree is “topographically complex” - I think this area of land is best left undisturbed.

As regards to the allocation of Open Space, the developer needs to comply with policy CR2, with the Open Space being primarily located around the focal oak and group of trees to north.

Highways Agency:

No objection. The Highways Agency are content that the proposals will not have any detrimental impact on the Strategic Road Network.

Economic Development:

Officers and Members will be aware that this proposal is a vital aspect of a much wider sustainable growth plan for Chard which will deliver the jobs, housing and connectivity that the town needs to grow beyond the planned period.

Having considered the Planning Statement and associated documents, we are assured that the developer’s proposals for this site are consistent with the phasing principles of the Chard Regeneration Scheme (CRS) and warrant support from all 3 authorities who now seek to promote the Regeneration Framework for Chard.

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). See www.southsomerset.gov.uk/chardregen

It is worth making clear that the design which we now see from Morrish Homes has been shaped through extensive consultation with all relevant SSDC officers, with Highways, and with local residents. Adhering (to an acceptable degree) with the detailed design and strict street design codes detailed within the Chard Regeneration Plan (Sept, 2010), this application is welcomed as the first Phase 1 CEDA development to deliver part of the required distribution road. At the same time, the applicant will be delivering a quality scheme which sets the bar very high for further planned CEDA development.

This phased development is strategic in that it delivers the connectivity required for further (phased) growth in the town. This strategic approach it is wholly in line with the approved Regeneration Plan, and is featured in the Draft Local Plan (to be adopted).

This proposal compliments the successful ongoing work to deliver Phase 1 elsewhere in Chard and is precisely the type of Phased growth that SSDC wanted to create

development capacity for when it forward-funded the MOVA signal system improvements at Chard's central junction. For these reasons, our strong recommendation is for this application to be supported.

Policy Planner:

(Conclusion of comments).

This proposal seeks to bring forward part of Phase 1 of the Chard Regeneration Plan (2010), a masterplan for the regeneration and strategic growth of Chard which has been produced collaboratively with the District, Town and County Councils as well as the local community and which is being taken forward through the emerging Local Plan (Policies PMT1 and PMT2). From a transport perspective the proposal is a part of the strategic growth that the MOVA traffic light software was installed to accommodate. Given that SSDC does not currently have a 5 year supply of housing land and this proposal will deliver new housing, including affordable housing and important road infrastructure to support the delivery of the planned strategic growth in Chard it is supported from a planning policy perspective. However, the applicant will need to provide the District Council with the evidence to demonstrate why it is considered that the delivery of 35% affordable housing is not viable.

Conservation Manager:

The illustrative layout appears to have responded to the design requirements in the Chard regeneration plan and I can support the general approach to this parcel of land.

My one reservation is associated with the treatment suggested for Avishayes Road itself and the development immediately adjacent. The close integration of existing roads into the expanding urban area is generally desirable so here direct frontage onto at least part of Avishayes Road might be desirable, having in mind the quality or otherwise of the existing hedges. This is perhaps a matter for reserved matters but I note that the plan for the exhibition titled Site Plan Coloured 942.33 shows a better relationship between the existing road and the proposed development opposite Paintmoor House.

Landscape Architect:

The site is located within the general area zoned for growth on Chard's east side, immediately alongside the existing housing of Oaklands Avenue. With the principle for growth established, the main landscape concerns are those of;

- (1) retention of the best trees on site - there are some fine specimen oaks both within and adjacent the application site;
- (2) retention of the best hedgerows;
- (3) the creation of a positive relationship with Avishayes Lane, and;
- (4) a general arrangement that is sympathetic to the grain of the landscape.

Whilst this is an outline proposal, I note that an indicative plan is submitted within the application material. Looking at this plan alongside the above objectives, I consider that the layout responds positively to its landscape context in most part. However, there is one part of the indicative masterplan that I believe will benefit from reworking, and that is the southern edge of the development, immediately to the east side of what will be the link road: I consider the relationship between the link road's extension south; Avishayes Lane; and the proposed housing on the north side of Avishayes Lane as being weakened by the introduction of a parallel street serving the small housing group at this southern edge. Much better if the street is dispensed with, and its immediate space off the Link Road replaced by a further housing plot that continues the main road's frontage. The small courtyard behind is then accessed solely, as indicated, from the larger courtyard to the north. I trust this is clear! There may be variations of this, indeed another option was considered earlier in the design process, so I trust there will be a

revision to this part of the plan should this application gain consent, and a reserved matters submission comes in.

Landscape Architect: (comment on amended layout plan)

I note the amended plan (dwg 0942.38E) includes the removal of the vehicular access alongside the Avishayes Road, south of plot 41. This re-arrangement of the plan deals with my earlier concern of potential parallel streets, consequently I can now advise that I am now fully supportive of the indicative layout before us.

Environment Agency:

No objection subject to conditions and informatives in relation to surface water drainage works and details with regard to disposal of foul drainage.

Engineer:

Drainage proposals as set out in the Flood Risk Assessment are satisfactory. Details required for approval in due course.

Wessex Water:

Wessex Water have confirmed that the foul and surface water strategy as outlined in the FRA is acceptable. It advised that new foul sewers and drains will need to be adopted to public status by the sewerage undertaker.

Climate Change Officer:

For the most part this is clearly a well-designed development.

Solar orientation has evidently been considered in the layout of the site. It is particularly pleasing to see south facing roof space when the fronts and backs face east and west. However, if solar orientation had been given the highest priority, then a greater number of dwelling could be orientated to south. Building fabric including window design and insulation is to a high standard and will contribute to low carbon emissions.

As this development is unlikely to be built until 2013, we should expect renewables to be explicitly detailed at the application stage because the carbon emissions requirement Level 4 of the code for sustainable homes being incorporated to building regulations is very unlikely be achieved without an element of renewables and these may have an impact on the appearance of the development. The DAS mentions an intention to deploy solar thermal or photovoltaic technologies. I presume further detail will be provided when reserved matters are being considered.

This site presents an excellent opportunity to install a central wood chip boiler to power a heat main providing space heating and hot water to all buildings. Connection to the gas main and provision of a separate boiler for each building would then not be required saving on development costs. The larger utility companies can provide the equipment, manage the installation and become the heat service provider for the site if the developer wishes to avoid the initial investment and forego the financial benefit of the renewable heat incentive. Ownership of a wood heat system attracts the very generous renewable heat incentive which makes the investment very worthwhile.

With adequate deployment of solar and/or wood heat technologies it will be possible to meet 2013 building regulations with the site design as presented. If the development is not started until 2016 then much greater consideration will need to be given to carbon saving technology to meet the revised building regulations expected to be implemented from that date.

I would expect a planning condition to ensure deployment of renewable energy technology.

County Education:

The County Education Officer has sought a contribution of £423,785 towards education places to serve the proposed 78 dwellings. The breakdown in places is as follows:

Primary – 16 places (£12,257 per place, giving a total of £196,112),

Secondary – 11 places (£18,469 per place giving total of £203,159), and

Pre-School – 2 places (£12,257 per place giving a total of £24,514)

The primary schools in the town would not have the capacity to serve the total anticipated level of development for the town; and the key development site will include a new primary school site to help meet the shortfall. In the meantime, it is only correct for each development to make a pro-rata contribution to the educational requirement. There is also a shortage of pre-school places in Chard; and whilst Holyrood secondary school has some capacity at present, again, this would not be sufficient to meet the needs arising from the growth of the town.

Leisure Policy Officer:

(Original Comments)

The Leisure Policy Officer has recommended that as the application does not provide on-site equipped play provision, and thus does not meet saved Policy CR2 of the South Somerset Local Plan, the application should be refused. The site is outside of the catchment of the Neighbourhood Equipped Play Area (NEAP) at Henson Park, thus it is recommended that a Local Equipped Area for Play (LEAP) should be provided on site.

A total contribution of £382,345.53 is being sought for local and strategic sport and leisure facilities. This includes the provision of equipped play on site and contributions towards youth facilities, playing pitches, changing rooms and community hall off site, all within Chard. Contributions for strategic facilities within Chard include improvements to the grass pitches, swimming pools and sports hall at CRESTA, and towards the indoor tennis facility and the Octagon Theatre in Yeovil.

Officer comment:

The case officer discussed the provision of play facilities with the Leisure Policy Officer. It was also one of the issues that concerned the Town Council. Given that this would not be the only development in the vicinity as part of the wider Chard regeneration proposals, the case officer sought to establish the best and any possible alternative options for play provision. The preferred option is on land to the north of the application site. This has been assessed by one of the officers from the Sport and Leisure team and have confirmed that in principle it can offer a good opportunity for a NEAP. Accordingly if members are mindful to approve the application with off site play provision, it is recommended that, subject to contributions being available following the outcome of the District Valuer's assessment, then negotiations are undertaken to secure off site play provision. This will require a separate planning application.

Ecologist:

Summary (Original response)

Dormice are present (and breeding) in the hedge along the southern boundary of the site. In the short term, this hedge should be retained and protected from the impacts of development by a 5m wide buffer that is kept free from any development. This will require some amendment to the proposed layout.

In the long term, the southern boundary hedge is likely to be an important corridor (Local Plan Policy EC7) for the migration or dispersal of dormice between an area of dormouse

habitat to the south of the application site and the wider countryside to the north and east. The future creation or continuation of a road through this hedge will have a significant impact on dormouse movements over a wider area. Prior to severance of this hedge, a dormouse mitigation and compensation plan for this wider area (north east quadrant) will be necessary (Section 106 item?) and will require planting of compensation habitat at least several years in advance.

Slow worms and grass snakes were recorded and the site was assessed as likely to have a 'medium' sized population. Legislation doesn't specifically protect their habitat but does protect the animals themselves. A mitigation plan (by condition) will be required.

Badgers have an established foraging and commuting route through the site but no setts were present. The development will disrupt this route and an alternative route will be required (a 1m wide buffer along the east boundary is likely to be the most appropriate). Detailed badger mitigation proposals should be a validation requirement for the full application.

Natural England:

Natural England have advised about their standing advice in terms of dormice and reptiles. It is recommended that any approval includes conditions covering a detailed mitigation and monitoring strategy for dormice, adders, and/or common lizards, grass snakes and slow worms.

Environmental Health:

No objections.

REPRESENTATIONS

27 letters and emails have been received raising the following objections to the application:

- No point in building houses during a recession. Mortgages are difficult to obtain and estate agents are struggling to sell properties in the area
- Do we need more houses when there are few jobs?
- How many parking spaces are being provided? Don't want cars being parked on the highway causing safety issues
- Insufficient parking levels.
- This area is a nature reserve.
- Harmful impact on the nature reserve
- This project is cut and dried – objections are a waste of time.
- Density too high and not in conformity with the Chard Plan – this point was made clear at the public exhibition. Public views ignored.
- Residential construction in this area of Chard is in the form of detached and semi-detached houses and bungalows, not in terrace form as proposed.
- Design and layout is akin to a social housing scheme.
- Design and layout not in character with Chard.
- Link road cannot be justified
- Scale and proposed materials not in keeping with locality
- No front gardens
- Flooding issues
- Dwellings with facades looking out onto Oaklands Avenue will create parking issues for existing residents.
- Harmful impact on wildlife
- Will inconvenience users of the nature reserve.

- Loss of value to homes
- Lack of a recreational space
- Harmful impact on residents of the Old Farmhouse/The Briars which care for adults with complex needs.
- Increase in noise and pollution.
- Number of accidents will increase.
- Houses should face into the site not onto Oaklands Avenue
- Accept need for more house but not in the manner proposed.
- Too many social houses and more problems
- Will there be a change in the number of affordable homes given the governments' proposal to relax the percentage of affordable homes?
- The link road will take significant levels of heavy traffic. The original distributor road around the edge of town is the only option.
- Higher traffic levels on Oaklands Avenue
- Chard is lacking the infrastructure to cope with such a development.

132 signed copies of a letter distributed in the town have been submitted. The vast majority have signed and submitted a slip at the bottom of the letter. The letter mentions the Council's proposal for a distributor road planned to link the A30 with the A358 and in particular concern about the harm that will be caused to the nature reserve.

It must be stressed that this current application does not involve any section of the proposed link road other than within the application site. This issue has been covered earlier in the report.

CONSIDERATIONS

Principle of development:

The site has long been established as suitable for development having formed part of the Chard Key Site as defined in the South Somerset Local Plan and now identified as one of the earliest sites to come forward in the Chard Regeneration Plan, which has been incorporated into the emerging local plan. Thus, the principle of bringing this site forward for residential development is acceptable.

Density and Layout

The proposed scheme was subject to a public exhibition prior to the submission of the application and pre-application consultation with the Local Planning Authority. The majority of responses, as expressed by the applicant, received at the public exhibition focused upon the density of the development and the level of car parking. As a result of the comments received, the number of units has been reduced to 78 units, a reduction of 10. Notwithstanding this reduction, many local residents have expressed a concern that the density of the proposed development remains too high. The density amounts to around 37 dwellings per hectare. Whilst this may be higher than adjacent residential development, it is considered to be an acceptable density, being well within accepted targets for housing density and would be in accordance with the Chard Regeneration Plan that indicated a medium density of 40 dwellings per hectare.

Elements of the layout have been criticised, in particular the introduction of terraced housing and no front gardens. However, it is considered that the layout is acceptable and responds well to the principles established in the Chard Regeneration Plan, for example providing strong street frontages. It provides a balanced mix of house types with the affordable units spread reasonably within the development. Existing hedgerows and trees will also be maintained and integrated into the scheme.

The layout has been amended in order to accommodate a 5 metre landscaped buffer zone along the southern boundary in order to provide mitigation for dormice. This revision has also resulted in the loss of the internal road within the south eastern part of the site and which ran parallel with Avishayes Road. This is considered to improve the layout in this part of the scheme.

Highways

The scheme will provide a small but important section of the Chard link road, which has been identified in the Chard Regeneration Plan as being required in order to alleviate the pressure on the Convent Junction in the centre of the town. As outlined above, this application does not include any part of the link road beyond the application site and Oaklands Avenue. Indeed, the exact path of the link road to the north of the site to link with the A358 has yet to be agreed and is currently unfunded.

In terms of the Transport Assessment undertaken by the developer, the Highway Authority accept the minimal impact the development will have on the 4 junctions modelled. The Highway Authority did ask for the Central Junction to be modelled. Having discussed this issue with the Highway Authority and the fact that that they did not object to the application, it was accepted that modelling was not required. Modelling was undertaken as part of the transport work carried out by LDA which informed the Chard Regeneration Plan. Moreover, the improvements to the central junction established via the installation of the MOVA system has increased capacity in order to accommodate early development in the Chard Regeneration Plan.

In terms of parking levels, 149 spaces are currently proposed, giving an average of 1.75 spaces per dwelling. However, the precise mix/size of dwellings will only be agreed at the reserved matters stage and thus an assessment will need to be made then in order to establish whether an increase in spaces will be required.

A Travel Plan has not been submitted as part of the application. However, it is considered that such a plan should be submitted as per the advice of the Highway Authority and this will be sought as part of the section 106 requirements.

An amended plan has been submitted in response to the Highway Authority's comments on the layout of the estate roads. The Highway Authority's comments are awaited on the amended plan and an oral update with respect to any comments received will be given at committee.

Affordable Housing

The current scheme proposes 20 affordable units or 25% of the total number of dwellings. This is 10% short of the Council's 35% target. The applicant has indicated that it is not viable to increase this number and as such this is one of the issues currently being assessed by the District Valuer. The need for affordable housing within Chard is second only to the need in Yeovil within the district and thus, the Council will be seeking to achieve 35% affordable units unless it is proven to be unviable. A lower percentage may have to be accepted dependent upon viability.

Some comments have been received by third parties stating that the number of affordable units proposed is too high and that the government have advised that Council's can reduce their affordable housing targets. In response to the first point, there is a significant need for such housing in Chard, as outlined above, and the number of affordable units should be increased to meet the Council's 35% target. Moreover, the NPPF makes it clear that Council's should meet the needs of all their communities and to create inclusive and mixed communities. The point about reducing affordable housing targets was in relation to high targets rendering schemes unviable and thus stalling

development. As outlined above, the Council have sought the advice of the District Valuer in order to establish what level of affordable housing may be viable.

Ecology

Members will note that the Council's Ecologist raised a number of issues in respect of the layout and the need for either on or off site mitigation to compensate for the impact of the proposal on dormice, badgers and reptiles. As a result, the layout plan has been amended to provide a 5 metre buffer along the southern boundary. This revised plan is acceptable to the ecologist. A condition will be imposed as part of any consent in respect of a mitigation plan in respect of reptiles and badgers. Land is available to the east, north east and south to provide the compensatory habitat for dormice as outlined by the ecologist. The exact area and amount of land required will be subject to negotiation with the applicant and adjacent landowners. This requirement will form part of the section 106 planning obligation negotiations.

Viability Issues

In order to adequately mitigate against the impacts of the development, the Council will require the applicant to enter into a legal agreement (a section 106 planning obligation) to provide affordable housing, sport, play and strategic facilities, education provision, a Travel Plan and off site habitat planting for dormice.

Members will note from the responses received from the relevant officers the levels of contributions being sought. In response to these planning obligation requests, the agent has stated that with '25% affordable provision there is no scope for any 'departmental' S106 contributions other than modest play provision'. Thus the applicant is stating that the scheme would not be viable with the level of planning obligations currently being sought. The Council acknowledges that the scheme does make provision for the link road within the site. However, the level of planning obligation currently being offered by the applicant falls considerably short of what is being requested. Thus, in accordance with the Council's agreed procedure in cases when the viability of a scheme is being contested, the matter has been referred to and will be assessed by the District Valuer. The District Valuer's report is expected to be submitted to the Council before the meeting of the Area West Committee and an oral update will be given to members.

Other issues:

Concern has been raised about the proposed design and materials for the dwellings. However, those issues are reserved for future approval and thus do not need to be considered as part of this application. Comments have been received stating that the application site forms part of the nature reserve. For clarification, no part of the application site is located within the nature reserve.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

The application be approved subject to:

- a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:
 - 1) The provision of 35% affordable housing;
 - 2) Contribution towards the provision of sport, play and strategic facilities;
 - 3) Contribution towards education provision;
 - 4) Submission of a Travel Plan; and
 - 5) Compensatory habitat planting for dormice.

RECOMMENDATION

Subject to the satisfactory resolution of the viability issues currently being assessed by the District Valuer, the application is recommended for approval.

01. The proposed development forms part of Option 1 of the Chard Regeneration Plan, will provide 78 dwellings, including affordable homes which will help meet the housing need for Chard. The scheme will also provide a small but important section of the link road proposed as part of the Chard Regeneration Plan. The proposed layout, density and means of access is considered to be acceptable and would not harm the character and appearance of the area, would not be detrimental to residential amenity, would preserve existing hedgerows and trees and would provide adequate mitigation for protected species. The proposal is therefore in accordance with ST5, ST6, ST10, EC6, EC8, TP2, HG7, CR2, CR3, and KS/CHAR/1 of the South Somerset Local Plan, Policies CV1, CV2, CV3 and Policy HG2 of the emerging Local Plan and Chapters 6, 7 and 11 of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design of the dwellings, plot boundaries, materials, and landscaping.

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

04. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area to accord with Policy ST5 of the South Somerset Local Plan.

05. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area to accord with Policy ST5 of the South Somerset Local Plan.

06. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area to accord with Policy ST5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety to accord with Policy ST5 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

09. Prior to any commencement on site, a parking strategy for the site shall be submitted to and approved by the Local Planning Authority in compliance with the adopted County Parking Strategy. The parking strategy shall be fully implemented for each dwelling prior to their occupation.

Reason: To ensure compliance with the County Council's adopted parking strategy.

10. No work shall commence on the development site until a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy ST5 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to reptiles, has been submitted to and approved in writing

by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

12. No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include details of construction work hours, construction delivery hours, the routing of construction vehicles to and from the site, the location of the constructor's compound both for the parking of construction and contractor's vehicles and storage of materials, and the methods/practices for minimising the level of dirt and mud being brought onto the public highway and a scheme to ensure the local roads are cleaned on a regular basis.

Reason: To protect the amenity of local residents during construction and to ensure the local highway network is maintained in safe and clean condition.

13. Before the development hereby permitted is commenced, foul and surface water drainage details, based on sustainable drainage principles, to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site.

Reason: To protect the environment by ensuring separation of clean and foul waters.

14. The development hereby approved shall be carried out in accordance with the following approved plans:
Drawing No: 0942.38E -Illustrative Layout and Block Plan, 0942.36 - Location Plan.

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

15. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include retention of the Oak tree in the centre of the site and trees in the northern part of the application site, retention of all boundary hedgerows, indications of all other existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenities of the area in accord with Policy ST5 of the South Somerset Local Plan.

Informatives:

01. The applicant is advised of the comments received by the Council's ecologist in respect of badgers. An alternative foraging and commuting route for badgers will be required - the most appropriate alternative route would appear to be eastwards along the south boundary (within the dormouse buffer zone), and then along the east boundary of the site. Further badger surveys may be necessary (to check extent of badger territories) and mitigation is likely to require a 1m wide buffer along the east boundary of the site. Mitigation for badgers, including any further surveys, and inclusion of a north-south protected badger corridor on site layout plans should be a validation requirement for the full or reserved matters application.

 02. The EA have advised that there must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively. Foul drainage should be connected to the main sewer.
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