

South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 21st August 2013

4.45 pm

**Holyrood Academy
Zembard Lane
Chard
Somerset. TA20 1JL**

(location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 6.00 pm

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Angela Cox on Yeovil (01935) 462462
email: angela.cox@southsomerset.gov.uk

This Agenda was issued on Monday 12th August 2013

Ian Clarke, Assistant Director (Legal & Corporate Services)

**This information is also available on our
website: www.southsomerset.gov.uk**



INVESTOR IN PEOPLE

Area West Membership

Chairman: Angie Singleton
Vice-Chairman: Paul Maxwell

Michael Best
David Bulmer
John Dyke
Carol Goodall
Brennie Halse

Jenny Kenton
Nigel Mermagen
Sue Osborne
Ric Pallister
Ros Roderigo

Kim Turner
Andrew Turpin
Linda Vijeh
Martin Wale

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses
- Environment – We want an attractive environment to live in with increased recycling and lower energy use
- Homes – We want decent housing for our residents that matches their income
- Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

Consideration of planning applications will commence no earlier than 6.00 pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities,

allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council’s website www.southsomerset.gov.uk

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

Public Question Time

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

Planning Applications

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

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity

to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

Town or Parish Council Spokesperson
Objectors
Supporters
Applicant and/or Agent
District Council Ward Member
County Council Division Member

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

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

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

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

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

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

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Area West Committee

Wednesday 21st August 2013

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the previous meeting held on 17th July 2013**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Cllr. Mike Best
Cllr. Ros Roderigo
Cllr. Angie Singleton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. **Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

5. Chairman’s Announcements

Items for Discussion *Page Number*

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**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council’s Scrutiny Committee prior to implementation.
This does not apply to decisions taken on planning applications.**

Area West Committee – 21st August 2013

6. Area West Committee - Forward Plan

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter/Kim Close (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or (01935) 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached at pages 2 and 3;
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: None.

Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Feedback on Planning Applications referred to the Regulation Committee
 - (b) Chairman's announcements
 - (c) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
18 th September 2013	Crewkerne Market Transfer	To update members on work to launch a new market in Crewkerne.	Zoe Harris, Neighbourhood Development Officer
18 th September 2013	Crewkerne Community Planning Update	For Information	Zoe Harris, Neighbourhood Development Officer
18 th September 2013	Community Offices Update	Update report on Community Offices	Madeline King-Oakley, Community Office Support Manager
18 th September 2013	Historic Buildings at Risk	Confidential report to update members on current Historic Buildings at Risk cases in Area West.	Greg Venn, Conservation Officer
18 th September 2013	Chard & Crewkerne Museum Society	Reports from members on Outside Organisations	Cllr. Dave Bulmer
16 th October 2013	Blackdown Hills AONB	Reports from members on Outside Organisations	Cllr. Ros Roderigo
16 th October 2013	Blackdown Hills AONB Partnership	Report on progress.	Zoe Harris, Neighbourhood Development Officer
16 th October 2013	Crewkerne Leisure Management (Aqua Centre)	Reports from members on Outside Organisations	Cllr. Angie Singleton
16 th October 2013	Ilminster Community Planning Update & Ilminster Forum	Report for information and report from members on Outside Organisations	Zoe Harris, Neighbourhood Development Officer & Cllr. Carol Goodall

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
20 th November 2013	Area West Development Work Programme Overview 2013-14	To present an overview of projects in the Area West Development Work Programme 2013-14.	Andrew Gillespie, Area Development Manager (West)
20 th November 2013	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme.	Colin McDonald, Corporate Strategic Housing Manager
20 th November 2013	Highways Maintenance Programme	To update members on the highways maintenance work carried out by the County Highway Authority.	Mike Fear, Assistant Highway Service Manager, Somerset County Council
20 th November 2013	Meeting House Arts Centre, Ilminster	Reports from members on Outside Organisations	Cllr. Sue Osborne
18 th December 2013	Budget report	For Information	Andrew Gillespie, Area Development Manager (West)
18 th December 2013	Crewkerne Heritage Centre	Reports from members on Outside Organisations	Cllr. John Dyke
22 nd January 2013	Ile Youth Centre Management Committee (Ilminster)	Reports from members on Outside Organisations	Cllr. Kim Turner
<i>To be confirmed</i>	<i>Chard Regeneration Scheme</i>	<i>Report on progress.</i>	<i>Andrew Gillespie, Area Development Manager (West) David Julian, Economic Development Manager David Norris, Development Manager</i>

Area West Committee – 21st August 2013

7. Community Right to Bid – Nomination Received for Assets of Community Value

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: As above
Contact Details: andrew.gillespie@southsomerset.gov.uk or (01460) 260426

Purpose of the Report

The purpose of this report is to consider a nomination received from Dinnington Parish Meeting to place Dinnington Docks Public House, Dinnington onto the SSDC Register of Assets of Community Value.

Public Interest

The Government is trying to provide communities with more opportunities to take control over the ownership and management of local assets. The Community Right to Bid (CRTB) came into effect on 21st September 2012. It provides opportunities for voluntary and community organisations, parish councils and neighbourhood forums to identify land and buildings which they believe to be important and benefit their community, and nominate these to be included on a Register of Assets of Community Value. If the asset then comes up for sale, the community is given time to make a bid to buy it on the open market.

In June 2013 we received a nomination from Dinnington Parish Meeting and it is SSDC's responsibility to consider whether the nomination should be included in the Register.

Further details of the Community Right to Bid, including some Frequently Asked Questions is published at <http://www.southsomerset.gov.uk/communities/ssdc-and-the-localism-act/community-right-to-bid/>

Please note that

Recommendation

That the Public House, car park and beer garden known as Dinnington Docks, Dinnington, in the current ownership of Mrs Hilary Hardisty is placed onto the SSDC Register of Assets of Community Value.

Background

In November 2012, District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value (based on clear criteria which are set out in the Localism Act). When nominations are received, SSDC has 8 weeks to consider them and respond to the applicant. District Executive agreed that all nominations should be considered by the relevant Area Committee followed by District Executive.

On 01/08/2013 District Executive agreed a change in procedures for Community Right To Bid nominations. In future the assessment and registration of nominated assets will be

carried out by the Area Development Manager in consultation with Ward Member and Area Chair. It will no longer be a requirement for either the Area Committee or the District executive to agree to the registration of specific community assets. All nominations will be reported to these committees for information only. The recommendation in this report is therefore a hybrid of previous and latest procedures.

Details of Nomination Received

	Detail	Community Right to Bid Criteria	Fits Criteria Y/N
Name of Property/Land	Dinnington Docks Public House, car park and beer garden.		
Nominating Body	Dinnington Parish Meeting	Does it fit the definition of a 'Community Interest Group?'	Y
Area of interest	Dinnington Parish Meeting is the elected local authority representing the residents of the Parish of Dinnington	Does it have a local connection ie. are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority's area?	Y
Use in recent past	Village Public House	Does its current use or use in the 'recent past' (ie. the past 5 years) further the social wellbeing and interests of the local community?	Y
Proposed Future Use	Not known. The Dinnington Parish Meeting wishes it to remain as the village public house and to prevent it from undergoing any change of use, should that ever be proposed.	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	Y

A map showing the nominated property is attached. (Appendix A)

The current owner is Mrs Hilary Hardisty who has no plans to sell Dinnington Docks at this present time.

The nominating group is an eligible body, and the current and proposed future use of the public house fits with the provisions of the Community Right to Buy.

The nomination is recommended for inclusion on the Register of Assets of Community Value.

Next Steps

If Area West Committee agrees with this nomination then the Town Council, the owner and the Land Registry will be notified and the asset will be placed on the SSDC Register of Assets of Community Value, and published on the council's website.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must notify SSDC of the intention to sell. Relevant community groups are then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property.

If any written intentions are received, the council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the register for 5 years.

Financial Implications

None in relation to this report. Private property owners who believe they have incurred costs as a result of complying with the CRTB procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme.

Council Plan Implications

None in relation to this report. Assessment of nominations is a duty arising from the Localism Act.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None in relation to this report

Equality and Diversity Implications

None from this report, however acting to preserve the current use of Dinnington Docks will in turn continue the current benefits to the public.

Background Papers: *Localism Act 2011*
District Executive Minutes and Agenda November 2012
Assets of Community Value (England) Regulations 2012 Statutory Instruments 2012 n. 2421, 20th September 2012
Nomination Forms received from Dinnington Parish Meeting June 2013

Area West Committee – 21st August 2013

8. Chard Street Market

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter & Kim Close (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Zoë Harris, Neighbourhood Development Officer
Contact Details: zoe.harris@southsomerset.gov.uk or 01460 260423

Purpose of the Report

To request that Area West Committee recommend to District Executive the formal transfer of the Market Charter for Chard from SSDC to Chard Town Council.

Public Interest

Chard Town Council has been operating Chard market under licence from SSDC since September 2012. The transfer of ownership of the Market Charter has been requested by Chard Town Council. It will give the Town Council the right to operate and control markets in Chard.

Recommendations

That Area West Committee recommends to District Executive the formal transfer of the Market Charter for Chard from SSDC to Chard Town Council at no cost which is less than best consideration.

That Area West Committee recommends to District Executive that the revenue savings to SSDC resulting from the reduction in Markets Management costs are used to offset the reduced income and budgets are adjusted accordingly.

Background

In November 2010 Area West Committee supported the setting up of the Markets Improvement Group with the remit to reinvigorate the SSDC markets in Area West and help create a vibrant market town atmosphere. At the time it was envisaged that a joint approach between the three towns would bring about improvements. The detailed work that followed uncovered a variety of issues that differed with each town, highlighting the need for a more local approach to be taken with each individual market.

Chard Market

Chard market is run under a Charter that was originally granted to the town in 1683. The Charter empowers the town to hold three annual fairs and three weekly markets (on a Tuesday, Thursday and Saturday). The Charter was passed from Chard Borough Council to the newly created South Somerset District Council in 1974. South Somerset District Council has since operated a market in Chard on a Saturday for a number of years in various locations.

The work of the Area West Markets Improvement Group looked at a number of successful markets to establish what elements make a vibrant lively market. Evidence from good

practice elsewhere, for example Honiton, Bridport & Ludlow, shows that local ownership, management and control encourages the development of attractive and successful markets.

When the SSDC Markets Supervisor expressed interest in reducing her hours, discussions were held with representative market traders and Chard Town Council to explore ways to manage the Saturday market more locally. Chard Town Council were keen to take on the market and in September 2012 it was agreed at Area West Committee, that the Town Council would manage the Saturday street market under licence to SSDC. At the time it was also agreed that discussions should take place regarding future arrangements for the Charter and its transfer to the Town Council.

Chard Town Council has now been successfully running the Saturday market for 10 months. During that time they have been able to increase the size of the market and have organised additional indoor markets and other Saturday events in the Guild Hall, which is adjacent to the street market, which helps attract more people. There is no strategic need for SSDC to retain the Charter, and transferring it to Chard Town Council fits in with the Localism agenda of supporting communities to do more for themselves.

Legal implications

To make a legal transfer of the Charter from SSDC to Chard Town Council, it will be necessary to instruct our Legal Services.

Financial implications

In September 2012, advice sought from District Valuer indicated a notional market value of £9,000 for the Charter in certain circumstances. A capital receipt of £9,000 would yield annual interest of £270.

It is felt unlikely that such a value could be achieved through sale or tender and it is therefore proposed that the Charter be transferred to Chard Town Council at no cost.

In practice, as previous reports to Area West Committee have shown, it has been many years since SSDC was able to achieve a break even position, let alone a net surplus. Future projections gave no reason to believe that this situation would improve.

As the table below shows, the cumulative annual loss over the 4.5 years to September 2012 was itself more than £9000.

	2008/09	2009/10	2010/11	2011/12	2012/13 (Part)
Costs	10,411	10,575	9,964	9,735	3,671
Income	7,053	7,553	8,017	8,209	3,854
(Loss)/Profit	(3,358)	(3,022)	(1,947)	(1,526)	183

SSDC's costs were based on the salary of the Markets Supervisor, wages for relief cover, travel costs, business rates, advertising and equipment.

When Chard Town Council took over the operation of the market at the end of September 2012, it was on the understanding that SSDC would also look favourably on the Town Council's request to transfer the Charter to them free of charge. The operational advantages of the Charter being held by the Town Council have already been noted and are supported.

It should be noted that Chard Town Council are able to operate the market with much lower overheads, which makes the market more viable in the longer term. It is in everyone's interests to keep overheads to a minimum and not impose additional costs

It is therefore recommended that the Charter be transferred to Chard Town Council free of charge, that is "at less than best consideration".

As a result of the agreed changes to the management of Markets in Area West there will be revenue savings to SSDC. However, these be entirely offset against the lost income and budgets will be adjusted accordingly.

Corporate Priority implications

Ensuring the continuation and future growth of Chard Markets will give people the opportunity to start up new businesses or expand into existing markets, this fits in with Focus One of the Council Plan to have a strong economy which has low unemployment and thriving businesses.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Markets provide the opportunity for local products and produce to be sold and bought, thus reducing food miles.

Equality and Diversity Implications

Markets have the potential to promote diversity, they enable all sections of the community, especially those on a low income to shop and set up a business.

Background Papers: *Area West Committee September 2012*
District Valuer report September 2012
Area West Committee October 2011
Area West Committee June 2011 agenda and minutes
Area West Committee November 2010 agenda and minutes
Audit Committee August 2010
JAC West October 2009 – agenda and minutes

Area West Committee – 21st August 2013

9. Request for a Community Grant – Forton Community Association (Executive Decision)

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Paul Philpott, Neighbourhood Development Officer
Contact Details: paul.philpott@southsomerset.gov.uk or 01460 260359

Purpose of the Report

To provide an update and recommendation on the conditional grant awarded in August 2012 towards the construction of Forton Community Centre.

Public Interest

Forton Community Association was awarded a grant in August 2012 towards construction of a new community centre on the Forton recreational ground. This grant was conditional on the Association securing the balance of their funding by August 2013.

Recommendation

That the provisional grant offer of £12,500 be extended until March 2014. This will enable the Association to resubmit a revised grant application to Sport England.

Name of Applicant	Forton Community Association
Project	Erection of a new community centre
Phase 1	Completion of groundworks. Erection and waterproofing of the shell. Installation of changing rooms. Installation of boiler. Installation of toilet units.
Phase 2	Fitting out
Project Cost Phase 1	£90,000
Project Cost Phase 2	£58,348
Total	£148,348
Conditional grant from SSDC	£12,500
Application assessed by	Paul Philpott, Neighbourhood Development Officer.

Background

Forton is a small rural village comprising 120 houses with a population of approximately 350. At present the only community facility in the village is a small clubhouse for the football team. For many years there has been strong local support for the creation of a better community building.

A grant application was submitted to SSDC in 2007 by Forton Rangers Football Club towards an extension to their clubhouse. A grant of £12,500 was approved towards this

project at the April 2007 Area West Committee. However, the applicants could not take forward their project for a variety of design and financial reasons.

Forton Community Association was formed three years ago. Following village surveys, it was agreed that a new purpose built community centre would better serve the aspirations and needs of the community and the interest groups that would use it.

A revised grant application was submitted to the August 2012 Area West Committee and approved subject to the balance of the project costs being raised within a twelve month period.

The Association applied for funding to Sport England in April 2013 and were informed on the 25th July that their application had been unsuccessful on two points. They have however been given the opportunity to resubmit.

The Association will now address Sport England's feedback with the advice of the SSDC Senior Sport and Healthy Lifestyle Officer and resubmit a revised application. The deadline for the resubmission will be 16th December 2013 with a decision forthcoming in March 2014.

Project Description

The centre will have dimensions of 27.6 metres x 14 metres and a seating capacity of 120 people. The building will have disabled access and toilet facilities. The centre will incorporate changing rooms, a kitchen, bar, meeting room and skittles alley. It will also accommodate a mobile stage. The existing small clubhouse will be retained and continue to be used. Externally provision will be made for bicycle racks. Forton Community Association will also liaise with South Somerset Disability Forum and the SSDC Community Cohesion Officer to inform the internal design of the centre.

Project costs

Project costs were sought in 2012 with the most competitive quote established at £212,000.

To seek a more economic solution, the community came together to pool their resources and expertise to drive the project costs down. Village tradesmen have been identified to undertake the work, and 20 skilled volunteers will contribute in an unpaid capacity.

Tatworth and Forton Parish Council have also provided a £5000 grant to the football club to extend the existing sewerage pipe system to their pavilion. The contractor for this work will install a water pipe in the same trench and extend the trench and the water and sewage pipes the short distance from the football pavilion to the site of the community centre. This will reduce the cost of groundwork even further. The total cost is now projected at £148,348, which is a significant saving.

Table 1:

Groundworks	£6,664
Erection of the centres shell	£23,684
Windows and doors	£7,000
Electrics (internal & external)	£9,000
Boiler	£6,000
Plumbing	£9,652
Tiling of floors and walls	£3,000

Changing rooms fitting out	£6,000
External path	£1,000
External timber cladding for gable end	£2,000
Contractors charge	£8,000
Fees and expenses (planning / building control)	£3,000
Fitting out	£58,348
Contingency	£5,000
Total Project Cost	£148,348

Funding

Forton Community Association plan to complete the project in two phases. The cost of phase 1 is £90,000. Within the last twelve months, the Association has achieved registered charity status (charity No 1148536) and will now not pay VAT on building materials.

So far, Forton Community Association has raised £50,000. They have requested the maximum Area West capital grant of £12,500 towards the balance of the project costs

Table 2:

Funding Source	Amount	Status
Own Funds	£50,000	Confirmed
SSDC	£12,500	Conditional
Sport England/ Local Fundraising	£85,848	Pending
Total Project Cost	£148,348	

Assessment

Table 3

Category	Score	Maximum score
Eligibility	Y	
Target Groups	6	7
Project	4	5
Capacity of Organisation	14	15
Financial need	5	7
Innovation	2	3
TOTAL	31	37

The Community Development Officer has assessed the application and the project has reached an overall score of 31 as outlined in the table above. This application exceeds the minimum score required for funding to be considered.

Following the August 2012 conditional grant offer, the Association have continued to fundraise a further £14,152 towards their community centre with funds at present totalling £50,000. Further fundraising events are planned for the future.

An extension to the SSDC grant offer will demonstrate significant local support for this project to Sport England when they consider the resubmitted grant application.

Recommendation

It is recommended that the August 2012 provisional grant offer of £12,500 to Forton Community Association towards the Forton community centre project, be extended until March 2014. This will enable the Association to resubmit their grant application to Sport England.

Financial Implications

This grant has been ring-fenced from the existing budget and will be awarded subject to the conditions being met.

Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other.

Carbon Emissions & Adapting to Climate Change Implications (NI 188)

The centre will have provision for cycle racks to encourage local use of bicycles. A community centre may also reduce car journeys to attend clubs and events elsewhere.

Equality and Diversity Implications

Forton Community Association has confirmed that disabled access and disabled toilet facilities will be provided. The Association will also work the SSDC Community Cohesion Officer and the South Somerset Disability Forum to inform the internal centre design for phase 2.

Background Papers: *Community Grant Criteria*

(www.southsomerset.gov.uk/communities/funding-for-your-group-or-project)

Grant applications on File

Area West Committee August 2012 Capital Grants

Area West Committee – 21st August 2013

10. Merriott Pavilion (Executive Decision)

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter & Kim Close (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Zoë Harris, Neighbourhood Development Officer
Contact Details: zoe.harris@southsomerset.gov.uk or 01460 260423

Purpose of the Report

For Members to consider an application for funding towards a pavilion with public toilets from Merriott Parish Council.

Public Interest

Merriott Parish Council is requesting a grant of £12,500 towards a new sports pavilion with public toilets currently being built on the recreation ground.

Recommendations

- 1) That Members agree to set aside the SSDC grants policy not to fund projects where the work has already started (see background).
- 2) That Members approve a grant of £12,500 to be released only when the following condition has been met by the applicant:

By 31st October 2013 Merriott Parish Council should submit a robust business plan giving detailed information on the following points:

- Full funding package including detail of what element of the project will be funded by Merriott Youth Football
- Full costs of the project with an explanation of how any contingency costs will be covered
- Future management of the building, detailing the formal structure of the group managing the building, how user groups can have their say and influence decision making and a copy of the written terms of reference or other similar governing document.
- A revised 5 year revenue plan taking into account the business rate figure and providing detail on how all the figures have been decided.
- Letters of support, including an indication of their future use of the facility, from Merriott adult football club and the Cricket Club.
- Any evidence of legal correspondence relating to retrospective S106 contributions and the pavilion project.

The Business Plan will need to be approved by officers in Area Development (West) and Community Health and Leisure before any monies are released.

Background

Section 11 of the SSDC Grant Policy relates to retrospective support and states 'Retrospective support is not eligible for funding'. Information relating to the Grants Policy is contained in the Community Grant Guidance Notes, which are sent to all applicants along

with the application form. On page 2 of the Guidance Notes is a section clearly explaining what the grant scheme will not fund and point 1 states: 'Projects where the work has already started'.

The village recreation ground is managed by Merriott Parish Council and provides a base for Merriott Youth Football Club, a senior football club and a Cricket Club. In addition the site includes a children's playground, a MUGA and tennis courts.

In 2006 the previous changing pavilion had to be demolished after it was condemned and since that time there have been no changing facilities for the sports clubs to use. The Parish Council then started working with the sports clubs, the Football Foundation and officers from SSDC's then Sports, Arts & Leisure to secure funding to build a new changing pavilion, extend the car park and floodlight and resurface the tennis courts. By 2010 the parish council had successfully obtained enough funds from a number of sources, including the Football Foundation, to build the new pavilion. Unfortunately the parish council decided to withdraw from the project and as a result the scheme did not happen.

New pavilion project

In 2012 Merriott Parish Council decided to revisit the pavilion project and at a public meeting attended by 112 residents in May it was unanimously agreed that a new pavilion was needed. The Parish Council scaled back their plans and applied for planning permission for a smaller pavilion, which was granted in November 2012.

The new pavilion, which is currently being built, will include the following facilities:

- 2 changing rooms
- Male & female toilets
- A separate public toilet that has full disabled access and is accessible via an external door meaning that will be available to use during the day even when the rest of the pavilion is shut
- A small hall with a kitchenette area for general use, which can be hired out.
- Machinery and sports equipment storage.

To ensure the pavilion was built in time for the new football season in autumn 2013, Merriott Parish Council commissioned a builder to start on site on June 17th 2013, even though they only submitted the grant application to SSDC at the beginning of June 2013.

Project Costs

The total cost of the project is £143,838. These costs include

Item / activity	Cost
Architect fees	£5,103
Materials	£62,674
Labour	£72,926
Connection to mains water & electric	£3,135
Total	£143,838

The above building costs do include the showers, electrics, plumbing, windows, flooring, heating, benches, galley kitchen and the storage room. These costs do not include any furnishings for the small hall e.g. chairs and tables.

Funds

Merriott Parish Council has agreed to fund the majority of this project through a loan, which they have arranged through the Public Loans Work Board that was agreed on 19th June 2013. The Parish Council will cover the loan repayments over a 20 year period by increasing the parish precept. This was agreed at a Parish Council meeting in June 2012.

The Parish Council are expecting to reduce the repayment costs of the loan by using future Section 106 payments, from building works which they believe will be completed during 2013/14.

The table below provides details of the funding package for this project.

Funding Source	Amount	Status
Public Works Loan	£130,000	Confirmed
Parish Council reserve	£338	Confirmed
Yeovil Wellbeing	£1,000	Confirmed
SSDC	£12,500	Awaiting decision
Total	£ 143,838	

On-going Management

The new facility will be managed by Merriott Parish Council. A Management Committee will be set up which will be chaired by the Parish Council and will include representatives from the user groups.

The Parish Council will retain overall control of the finances and will be responsible for the maintenance and upkeep of the building.

The Management Committee will be responsible for the day-to-day running of the building and recommending the level of charge for the facility and any fundraising required.

The on-going running costs will be met through the hire charges of the pitches and hiring out the hall facility. The table below provides information on the 5 year revenue plan submitted by the Parish Council.

	Year 1	Year 2	Year 3	Year 4	Year 5
Income					
Changing & training	£5,485	£5,677	£5,875	£6,081	£6,294
Additional lettings	£500	£517	£536	£554	£574
MPC meetings & cleaning contribution	£840	£870	£899	£932	£964
Total	£6,825	£7,064	£7,310	£7,567	£7,832
Costs					
Rates	£436	£451	£467	£483	£500
Water & energy & cleaning	£3,300	£3,415	£3,535	£3,659	£3,787
Insurance	£1,200	£1,242	£1,285	£1,330	£1,377
Maintenance	£2,176	£2,252	£2,331	£2,413	£2,497
Total	£7,112	£7,360	£7,618	£7,885	£8,161
Loss	(£287)	(£296)	(£308)	(£318)	(£329)

The income figures for the charges made to the sports clubs for hiring the pitches and changing facilities are based on the current number of games played. The additional lettings figure is estimated. The Parish Council will use the hall for meetings and will also make a contribution towards the cleaning.

The cost figures include the rates, water, energy, cleaning, insurance and a maintenance figure. The Parish Council have assumed they will get 80% rate relief because the building is for community use. However, Parish Councils as preceptors are not eligible for rate relief, so this figure will need to increase.

The maintenance figure is based on 2.3% of the building & lighting capital costs, a formula used by SSDC property services. The Parish Council are assuming that they will not need to use the maintenance sums set aside during the first few years and this will make up a sink fund for later years when it is needed for replacement equipment and repairs.

Assessment of Grant Application

The Neighbourhood Development Officer has assessed this application and it can be seen from the table below that it meets the minimum score of 22 needed for a project to be considered.

Category	Score	Maximum
Target Groups	5	7
Project	3	5
Capacity of Organisation	7	15
Financial need	6	7
Innovation	1	3
Total	22	37

Community Health and Leisure have also looked at the application and are supportive of the principle of new changing accommodation at Merriott Recreation Ground because such facilities are essential to support competitive football/other pitch sports. However, they have reservations about supporting the application in its current format and have raised the following concerns:

- 1) The applicant is relying on a limited number of funding sources. It would be reasonable to expect that some of the key users of the pavilion to have fundraised and contributed to the construction of the new building. The junior football club based at the ground have previously undertaken fundraising activities to secure a new pavilion at Merriott Recreation Ground. I understand that the applicant has suggested that the junior football club may be willing to contribute to internal fixtures and fittings, but if this aspect of the build has not yet been costed, this suggests the overall build cost may not have accurately been determined. It is not clear whether adequate contingency funding is available to meet unforeseen costs.
- 2) Insufficient information is available to determine precisely how the new building will be managed or whether users will have any influence on committee decisions taken. During previous attempts to build a new pavilion, it was evident that there was conflict between some recreation ground users and the parish council. It would be

helpful to have some reassurance that all differences about the current and future management of recreation ground have now been fully resolved and to have clarity about the status of the management body and what management options have been considered by the parish council.

- 3) While it is good to see that a five year revenue plan has been considered by the applicant, if the parish council are to directly manage the new facility, then it is unlikely that the rate relief assumed in the five year forecast will be realised. Therefore clarity over management arrangements and a review of the business plan are required in order to be confident that the facility can be adequately maintained in the future and to ensure only short term funding for the facility will be required (in line with grants policy).
- 4) Developers are often reluctant to pay S106 funds on developments that have already been built. Has the Parish Council taken adequate legal advice about the potential to use S106 contributions towards build costs in retrospect?

Financial Implications

There is currently a balance of £89,394 in the unallocated capital programme for 2013/14. If this grant is approved the balance in the current year will reduce to £76,894.

Corporate Priority implications

This project meets Focus 4 of the SSDC Corporate Plan, which is Health & Communities. It addresses this focus by extending access to sport and outside space to promote healthy living.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Not applicable.

Equality and Diversity Implications

The new pavilion will include a public toilet that is fully accessible to everyone regardless of their mobility.

Background papers: *SSDC Grants policy
AW Committee 17th September 2008 - Merriott Parish Council
Sports Pavilion & Tennis Court Enhancement.*

Area West Committee – 21st August 2013

11. Planning Appeals

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Appeals Received:

Chard – The erection of a pair of semi-detached dwellings. (GR 331923/108607), on land Rear of 16 High Street Chard – Mr R Holland

Haselbury Plucknett - The change of use of land for 2 No. private gypsy/traveller pitches to include 2 No. mobile homes, 2 no touring caravans, 1 day room and associated hard standing, refuse storage and use of existing access (Part retrospective) (GR347413/110447), on land OS4443 Part North Perrott Road, Haselbury Plucknett, Crewkerne.

Tatworth and Forton – The erection of 1 No. detached dwellinghouse with associated access and parking (Revised Application) (GR332989/106020), on land adjoining Upper Springs, Tatworth Street, Tatworth Chard.

Appeals Dismissed:

Cricket St Thomas – The change of use of land to eco friendly campsite and the erection of wooden decking to site eco pods and separate shower/w.c./kitchen facilities. (GR 337245/107841), at Puthill Wood, Cricket St Thomas Estate, Windwhistle, Cricket St Thomas, Chard.

The Inspector's decision letter is shown on the following pages.



Appeal Decision

Site visit made on 18 June 2013

by Nick Fagan BSc(Hons) DipTP MRTPI

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

Decision date: 1 August 2013

Appeal Ref: APP/R3325/A/12/2188253

Puthill Wood, Cricket St Thomas Estate, Chard, Somerset TA20 4BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Benedict Wray against South Somerset District Council.
 - The application Ref 11/04894/FUL, is dated 28 November 2011.
 - The development proposed is the change of use of land to eco-friendly campsite and the erection of wooden decking to site 7 No. eco pods and separate shower/wc/kitchen facilities.
-

Decision

1. The appeal is dismissed and planning permission is refused for the change of use of land to eco-friendly campsite and the erection of wooden decking to site 7 No. eco pods and separate shower/wc/kitchen facilities.

Procedural Issues

2. There have been various amendments to this application since its initial submission, which have been acknowledged by the Council. The number of 'eco pods' has been reduced from 10 to 7 as shown on a revised plan and I have therefore amended the description of development accordingly.
 3. The original proposal to access the site through the existing estate road leading to the hotel has been changed. Access to the site would now be from the B3167 and Colham Lane or via Purtington from the A30 to the north, or from Winsham via Colham Lane or Lime Kiln Lane to the south, as shown on the revised access map.
 4. There have also been various updates on ecological and landscape matters during the course of this application. For the avoidance of doubt I have had regard to the revised Ecological Survey by Michael Woods Associates [MWA] dated April 2012, the MWA Woodland Management Plan also dated April 2012, MWA's response by way of a letter to the Council's initial ecological objections dated 9 August 2012, and another letter to the Council from the agent dated 6 September 2012, as well as comments by the Council and others on these documents.
-

Main Issues

5. The effect of the proposals on the ecology of this Local Wildlife Site, on the landscape of the Grade 11* listed park and garden, and access arrangements to the site.

Reasons

Ecology

6. Puthill Wood is a designated Local Wildlife Site, more recently known as a County Wildlife Site. It contains mixed semi-natural/plantation woodland with at least 8 notable plant species and 14 ancient woodland indicator [AWI] species. There are 3 distinct parts of the wood. The lower lying western area is dominated by Norway spruce and larch with generally sparse ground flora. The central area between the two main paths through the wood contains mature oak with an understorey of rhododendron. The eastern area comprises mixed larch and sycamore plantation with a dense carpet of bluebells as ground cover. It is within this eastern area that the 'glamping' site is proposed.
7. The Council is concerned that the use of this section of the wood for siting the 7 eco-pods would result in a significant loss of bluebells. It estimates this loss would be around 20% of the current ground cover from the direct impact of the footprints of the new pods and the footpaths and 'buffer' zone either side of them and possibly 40-60% arising from incidental trampling of other ground as a result of the campsite use. Although this latter figure is rather speculative I agree the proposal would result in loss or permanent damage to a significant percentage of the bluebells, which are not a protected species but are the dominant flora in this part of the wood.
8. Although pods 1, 8 & 9 are situated close to the main track the other four would be located down long paths off the peripheral western main track. The paths to these pods would be new virgin tracks through the wood. This would obviously involve the loss of bluebell cover necessary to create these paths as well as at the pod sites themselves, as I saw in relation to the existing demonstration pod at site 6.
9. The appellant would put in place a Woodland Management Plan [WMP] that seeks to manage the recreational pressure on the woodland through the provision of a peripheral path running just inside the wood's eastern boundary and linking to the main track at its northern and southern ends. Notice boards and information packs to discourage campers roaming at random through the woods would also be provided.
10. The WMP seeks to mitigate the loss of bluebells from the creation of the pod sites and paths by translocating bluebells from these areas to the central part of the wood where rhododendrons would be cleared. The appellant has also sought to address the Council's concerns by deleting 3 of the initial pod sites and moving others into areas currently containing rhododendron, which would be cleared. It also proposes other benefits, such as thinning the trees in order to stimulate diversity of understorey species and regular management of vegetation.

11. However, it appears to me that the principle of this proposal is wrong. There would be no need for mitigation if the eco-pods were not located on this site. Policy EC6 of the adopted South Somerset District Plan (2006) [LP] states that development having a detrimental effect on local nature conservation interests including County Wildlife Sites will only be permitted where other material considerations outweigh the harm that would be caused to the substantive nature conservation value of the site.
12. Balanced against the harm to this County Wildlife Site is the appellant's desire for diversification into this tourism use, which he states would help diversify the Estate and manage this woodland better. I am aware of the Estate's reasons for choosing this site over other parts of its land but do not consider the economic benefits would outweigh the harm to the wood's ecology, particularly since it is this ecology that is likely to attract such tourists in the first place. The appellant has not quantified the economic benefits of this proposal to the Estate as a whole, and the Estate is clearly a large business concern that derives its income from a number of activities including farming and shooting and I have no evidence before me suggesting this proposal is crucial to the Estate's economic viability. The proposal therefore is contrary to LP Policy EC6. Although LP Policy ME5 encourages appropriate farm diversification schemes it only does so subject to their compliance with other plan policies and provided no harm is caused.
13. The appellant states that the wood was used as part of the former safari park and so the proposal does not extend the leisure use on other parts of the estate into this area. In particular it was used by a large wheeled vehicle for safari rides. However I am not aware that this vehicle traversed the interior of the woods, rather my understanding is that it stuck to the established main tracks and so it did not have a major impact on the bluebells in the same way this proposal would. I consider the impact of campers including families with children living in the middle of the wood would have a greater impact on the ground flora than a vehicle giving rides to visitors along the main tracks during daylight hours. In any case this activity ceased a number of years ago.
14. As well as conflicting with LP Policy EC6 I consider the proposal is also contrary to paragraph 118 of the Framework, which states that if significant harm resulting from development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The proposal attempts to mitigate the development but the starting point should be to locate the proposal on another site causing less harm and, given the size of the Estate, I am unconvinced of the appellant's reasons as to why this is not possible.

Landscape Setting

15. The site lies within the Grade 11* listed park and garden. Because the eco-pods and car parking for them would be located within the wood I do not consider they would be readily visible from the wider landscape of the listed park, particularly from the main setting of the listed house and church to the north.

16. The track to the site off Chalkway is a grassy unfenced track running across a field, barely discernible from the rest of the field. The revised access plan shows the construction of a passing layby in this field. Although some work has been recently undertaken to repair the field drains as this track enters the wood it appears to me that additional hard surfacing may well be required over at least parts of this route in the early spring and late autumn when the weather is wetter and this could have some impact on the wider landscape and the setting of the listed park and garden.
17. The car parking area would be accessed from a rather abrupt slope as the track enters the wood and it would appear that some hard surfacing or reinforcing of this slope and indeed the car park itself may be necessary if only for cars to be able to successfully access the car park, despite the appellant's views that no hard surfacing to either the track or the car park are necessary.
18. However, I consider the precise nature of any such hard surfaces is capable of being dealt with by condition because this would be unlikely to destroy or adversely affect the character, appearance or setting of the historic park/garden and there would therefore be no conflict with LP Policy EH8, which is designed to prevent such adverse impact.

Access

19. The Council do not raise concerns over the access arrangements to the camping site. However objections have been raised by many residents in the roads through which such access would pass. It seems likely to me that visitors arriving from the north and east would be likely to approach the site from the A30, turn south onto the B3167 and then due south down the first part of Colham Lane, then turn east onto Chalkway towards the site.
20. This part of Colham Lane, whilst narrow in places, is generally easily passable by two vehicles. The vehicles in question are likely to be cars, not caravans or trailer homes, due to the nature of the proposed camping accommodation and I do not consider such an access route would be problematic for the various daily vehicle movements associated with the 10 or so cars likely to be attracted by the 'glamping' operation at any one time.
21. Access routes from Purtington and Winsham would be less satisfactory and these are also shown as possible routes on the revised access map. The sharp bend at Purtington for vehicles turning towards the site would be a relatively difficult manoeuvre and parts of this road are very narrow with few passing places. But I see no reason why visitors from the north or east would use this route when there is a much better one as set out above.
22. Visitors from the south may choose to come via Winsham on the south part of Colham Lane or on Limekiln Lane, both of which are steep and narrow with few passing places, but this is equally unlikely when they can access the site via the B3167, a wider and more direct route. In any case I do not consider the movements associated with 10 or so vehicles at one time to be beyond the capacity of even these narrow lanes to cope with, and I therefore consider the access arrangements to be satisfactory.

Conclusion

23. Although I consider there would be unlikely to be an adverse effect on the listed park and garden and access arrangements would be suitable, there would be an unacceptable impact on the bluebells, the dominant ground flora in this part of the wood, contrary to policy in the development plan. I therefore dismiss this appeal.

Nick Fagan

INSPECTOR

Area West Committee – 21st August 2013

12. Planning Applications

Strategic Director: Rina Singh (Place and Performance)
 Assistant Director: Martin Woods (Economy)
 Service Manager: David Norris, Development Manager
 Lead Officer: David Norris, Development Manager
 Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

The schedule of applications is attached at page 29.

The inclusion of two stars (**) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

Human Rights Act 1998 Issues

The determination of the applications which are the subject of reports in the schedule are considered to involve the following human rights issues:-

Article 8: Right to respect for private and family life

- (i) Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.*
- (ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*

The First Protocol

Article 1: Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Background Papers: Individual planning application files.

Area West Committee – 21st August 2013

13. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday, 18th September 2013 at 5.30 p.m. Venue to be confirmed.

Planning Applications – 21st August 2013

Planning Applications will be considered no earlier than 6.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 5.50pm.

Members to Note:

*The inclusion of two stars (**) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.*

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

Page	Ward	Application	Proposal	Address	Applicant
31	WINDWHISTLE	13/01334/FUL	Change of use of land to equestrian and formation of a manège.	The Cattle Barton, Ludney Lane, Allowenshay	Mr N Rutter
36	CHARD COMBE	13/00828/FUL	Demolition of garage and the erection of 1 No. single storey dwelling with associated parking.	47 Glynswood, Chard, Somerset	Mr S Hill
43	BLACKDOWN	12/04518/OUT	Mixed development comprising 350 homes, floodlit full size football pitch, unlit full size training and mini pitches, multiuse club house, spectator facilities and parking. Hub for neighbourhood / community facilities, public open space, landscaping, drainage, associated vehicular & pedestrian access. Land regrading, associated infrastructure and engineering works	Land East Of Mount Hindrance Farm, Mount Hindrance Lane, Chard	Mactaggart & Mickel Homes Ltd, S.E Blackburn Discretion Trust
76	CHARD CRIMCHARD	13/01535/OUT	Residential development of up to 110 dwellings together with formation of new access and related works (outline) (GR 332133/109653)	Land East of Crimchard, Chard	David Wilson Homes South West Ltd

Area West Committee – 21st August 2013

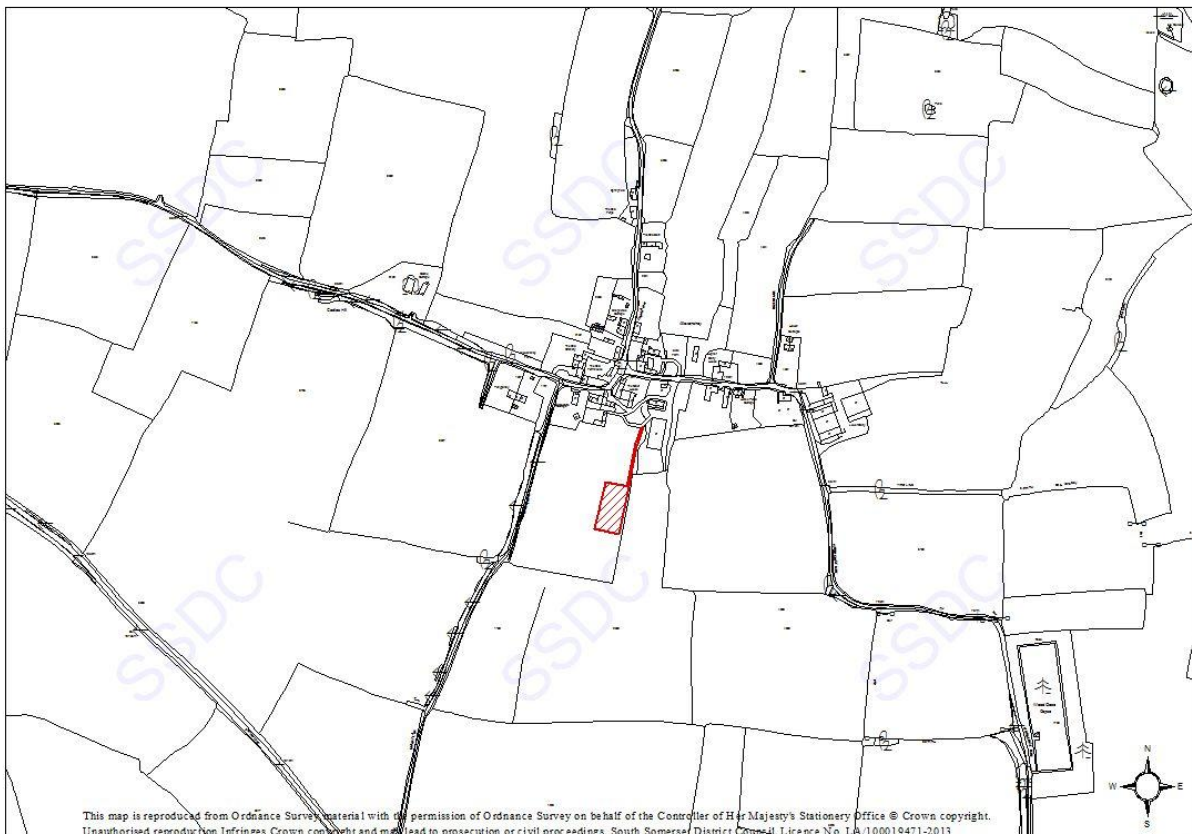
Officer Report On Planning Application: 13/01334/FUL

Proposal :	Change of use of land to equestrian and formation of a manège. (GR 339235/113241)
Site Address:	The Cattle Barton, Ludney Lane, Allowenshay
Parish:	Kingstone
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	7th June 2013
Applicant :	Mr Nick Rutter
Agent: (no agent if blank)	James Ewart Fox, 55 The Park, Yeovil, Somerset BA20 1DF
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is presented to the Committee at the request of the Ward Member and with the agreement of the Area Vice-Chair in order for the Committee to consider issues relating to public interest, landscape impact and use of agricultural land.

SITE DESCRIPTION AND PROPOSAL





The application site forms part of a larger agricultural field located to the south of the owner's property within the small hamlet of Allowenshay.

It is proposed to install a manège on the land that will be surrounded by 1.1m post and rail fence. The facility would be for the personal use of the applicant only and a block of tree planting has been agreed with the Landscape Officer along the northern edge.

HISTORY

12/04602/s73A - Application to removed condition 09, 10, 13, 14 and 15 of permission 10/04675/FUL to remove the work element. Approved 4/1/2013.

11/01371/FUL - The reception of a detached garage and car port. Approved 10/6/2011.

10/04675/FUL - Conversion of agricultural barn into live work unit. Approved 6/1/2011.

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character
 Policy CR6 - Horses and Development

National Guidance
 National Planning Policy Framework - March 2012
 Chapter 7 - Requiring Good Design
 Chapter 11 - Conserving and Enhancing the Natural Environment

CONSULTATIONS

Kingston and Allowenshay Parish Meeting:-

Objected to the original application (without landscaping) for the following reasons:-

- '1. The siting of the manège is inappropriate to the character of the hamlet of Allowenshay. An isolated manage in a rural landscape is contrary to good design practice.
2. The proposed manège is outside the applicant's immediate domestic curtilage and use should be made of existing stable buildings belonging to the applicant in the hamlet.
3. The proposal has a detrimental impact and appearance on the immediate neighbour

The parish meeting would draw your attention to the fact that the site location plan showing the boundaries of the site are incorrect and that no reference is made to the immediate neighbour, the Potato Barn.'

Objected to the amended plans:-

'We note the comments from Mr Robert Archer, the SSDC Landscape Architect, that the preferred option is to locate the manège in close proximity to built form and in an unobtrusive location.

The parish meeting considers the proposed landscaping proposals do not resolve this issue. In fact the opposite. By planting trees on one side of the manège the effect is to draw attention to the development and enforce its incongruity in a landscape context.

We object to the proposal.'

Landscape Officer:-

Asked that alternative locations be considered for the manège but upon discovering that these were not within the applicant's landownership a landscape buffer was negotiated with the agent. The Landscape Officer has now verbally confirmed that he does not object to the application on landscape grounds.

Area Engineer, Technical Services Department:-

No observations.

REPRESENTATIONS

Three representations have been received: one in support with two responses objecting to the development. The supporting response makes the following comments:

- Welcome and support the proposed arena as it will be a benefit to the community giving local children a safe place to ride.

The objectors make the following comments:

- Query if the application relates to the land outlined in red or blue

- The location plan does not fully demonstrate the isolated position of the proposed manège. Manèges are normally larger than that shown on the plan
- Use of the track will cause loss of amenity through noise and disturbance to neighbouring property
- Concern about 'site for future stables' that is shown on the plans as this would be too close to neighbours
- Site is in a prominent rural location and in an isolated position it would be an alien feature and contrary to Policy EC3
- Contrary to Policy ST3 which restricts development in the countryside and CR7 which advises that manèges should be related to existing group of buildings
- Contrary to advice within NPPF for similar reasons as EC3, ST3 and CR7
- Applicants own stables on a separate site and should consider placing the manège in this location

CONSIDERATIONS

The main planning issues with this proposal are considered to relate to landscape impact and impact upon neighbouring amenity.

Landscape Impact

Whilst the proposed site is 75m from the main dwelling, it is considered that the location chosen, against the mature hedge, is the most preferable in landscape terms. The site is relatively flat and as such there will be no significant excavation required to install the arena. The proposed fencing at 1.1m is low and will have very limited visual impact. Overall, whilst the location is not ideal, it is not considered that the landscape impact that would result would be so harmful as to justify refusal of this application. Furthermore, the proposed landscaping scheme will ensure that any impact that does result will be softened by a wide band of new tree planting.

Impact upon neighbouring amenity

Due to the distance between the site and residential properties within Allowenshay, it is not considered that the proposal would cause unacceptable loss of residential amenity as the facility is for private use only and does not include any form of lighting. Appropriate conditions can be attached to provide that this remains the case. It is not considered that there would be such a significant increase in the use of the track alongside the barn conversions at the entrance as to justify refusal of the application.

Summary

The Landscape Officer now considers that the proposal is acceptable in landscape terms as additional planting is proposed to soften the impact of the development. As the arena will be for the personal use of the applicant only it is not considered that there would be a significant impact upon neighbouring amenity.

RECOMMENDATION

Approve

01. It is considered the proposed development would not have a detrimental impact upon the local amenities or landscape character of the area. As such the proposal is considered to accord with Policies ST5, ST6, EC3 and CR6 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1:1250) received 16 May 2013; fence details (1:500) and site plan (1:500) received 28 March 2013; and planting scheme (1:20) received 3 June 2013.

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

03. The landscaping scheme (planting scheme received 3 June 2013) shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3.

04. The manège hereby permitted shall be used for private and domestic purposes associated with the occupiers of The Cattle Barton only and shall not be used for any business of commercial use.

Reason: In the interests of local amenities and highway safety, in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. There shall be no floodlights/external lighting installed or used at the site.

Reason: To protect residential amenity and to protect the dark skies in accordance with saved Policies ST6 and EC3 of the South Somerset Local Plan.

Informatives:

01. The applicant is advised that this consent does not imply any acceptance/approval of the site for future stables.
-

Area West Committee – 21st August 2013

Officer Report On Planning Application: 13/00828/FUL

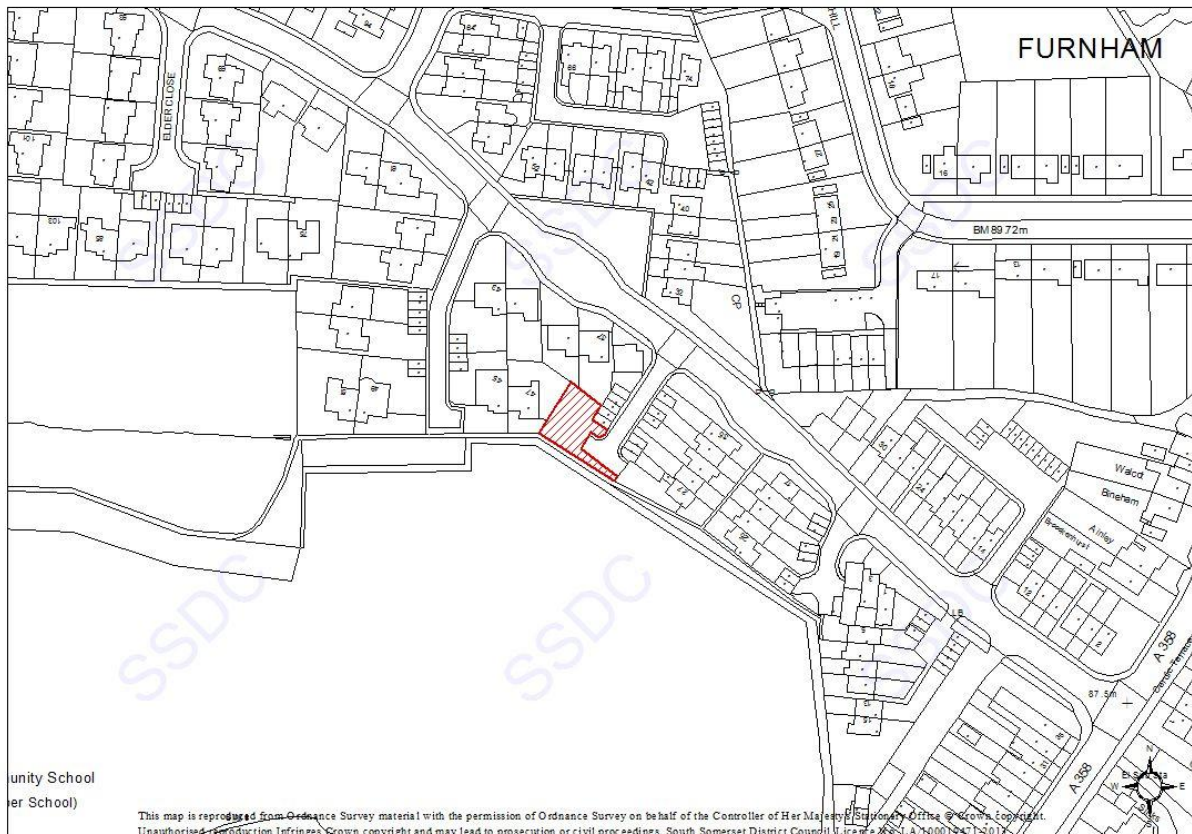
Proposal :	Demolition of garage and the erection of 1 No. single storey dwelling with associated parking. (GR 332529/109101)
Site Address:	47 Glynswood, Chard, Somerset
Parish:	Chard
COMBE (CHARD) Ward (SSDC Member)	Cllr M Wale
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	30th April 2013
Applicant :	Mr Steve Hill
Agent: (no agent if blank)	Mr Ian Pamplin, The Barn Yard, West Street, Seavington St. Mary, Ilminster TA19 0QU
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is presented to the Committee at the request of the Ward Member and with the agreement of the Area Chair in order for the Committee to consider issues relating to design, amenity space and impact upon neighbours.

SITE DESCRIPTION AND PROPOSAL





The application site forms the side garden to No. 47 Glynswood, which forms part of the larger Glynswood development; to the north of the centre of Chard. The site is a rectangular piece of land that includes the existing single garage to No. 47. The site is accessed via a small cul-de-sac that provides access to garages and parking for other properties in the vicinity. The site shares boundaries with residential properties to the north and west and faces a footpath (public right of way) that runs alongside the school playing fields.

This application proposes the erection of a two bedroom bungalow with associated parking for the proposed dwelling and also the existing dwelling at No.47. The property would be constructed in matching materials to No. 47 (brickwork and tiles).

The site is within the development area of Chard.

HISTORY

There is no planning history for this site.

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006:
Policies:-

Chard is recognised as a 'Town' within the 2006 Plan and as such was considered a 'primary' location for future development.

ST5 - General Principles of Development

ST6 - The Quality of Development

NPPF:-

Chapters:-

6. Delivering a wide choice of high quality homes

7. Requiring good design

Other relevant policy documents

Somerset County Council Parking Strategy 2012

CONSULTATIONS

Chard Town Council:-

Recommended refusal of the original plans 'on the grounds of scale of site, overlooking and proximity to adjacent properties (39 and 37), members also agreed that the proposed new development would have an adverse impact on the existing property 47), overcrowding, lack of amenity space, inappropriate streetscape and not in keeping with existing properties, highways issues regarding cars turning in front of the block of garages.'

In response to amended application, the Town Council recommend refusal on the same grounds as before.

County Highway Authority:

On the basis of the amended plans showing additional parking spaces, the County Highway Authority has no objection.

Rights of Way Officer (SCC):-

Advises that any works should not encroach onto the width of the footpath.

Area Engineer, Technical Services Department:-

No observations.

REPRESENTATIONS

Six letters of objection were received in response to the original plans, the comments are summarised as follows:

- Access is via a side road and turning area which is already congested, garages can become blocked. More vehicles will increase this problem.
- Privacy will be lost as new dwelling will look straight into neighbours.
- New dwelling will block light and is very close to boundaries.
- Unstable ground - construction drilling for underpinning will impact upon neighbours
- Concerned about overloading of drainage system
- A tree is to be removed this is not shown on the plans
- Query the landownership shown the part of the plans
- Concern about possible roof conversions.

Four letters of objection have been received in response to the amended plans (summarised):-

- Amendments have resulted in greater proximity to existing dwellings.
- Pitch of roof is different to surrounding dwellings.
- Amended plans haven't addressed issues regarding drains, underpinning, privacy, parking/turning, overlooking.

CONSIDERATIONS

The site is situated within the defined development area of Chard where the principle of development is accepted, subject to compliance with other development plan policies. As such, the main planning considerations relate to impacts upon neighbouring amenity, visual impact and highway safety.

Impact upon neighbouring amenity

Whilst it is recognised that this is a relatively tight urban site, it is not considered that the impacts of a new single storey dwelling in this location would result in such a significant loss of amenity as to justify refusal of the application. The proposed dwelling is of a similar design to those surrounding the site and will be no higher than the adjoining property at No.47. As such, the dwelling will not result in overlooking of neighbouring properties as there will only be doors and windows at ground floor level. The back to back distances will be the same as those within the immediate vicinity. Overall, whilst the concerns of the neighbours are noted, the proposal is for a single storey dwelling with a plot size very similar to the surrounding properties and as such it is considered that it would be difficult to substantiate a reason for refusal based on the grounds of loss of amenity. A condition can be imposed to preclude permitted development extensions and dormer windows.

Visual Impact

As mentioned above the proposed dwelling is of a similar size and design to those in the immediate vicinity and as such it is considered that it will be in character with this relatively densely developed estate. It should be noted that the dwelling at No. 35a, to the north of the site, was granted on appeal and it has a smaller plot than that proposed. In the circumstances, it is not considered that the proposal could be refused on the basis that it is out of character with the area.

Impact upon highway safety.

The plans have been updated in order to include appropriate parking provision, as required by the County Parking Strategy. The cars will exit onto the end of the cul-de-sac and therefore it is not considered that the use of the parking would cause unacceptable difficulties to others using the access road.

In terms of the location of the parking, it is not considered ideal that the existing dwelling will use parking spaces adjacent to the proposed dwelling but it is not felt that it would be so unacceptable as to justify refusal of the application.

Other Matters

Unstable ground - this issue will be dealt with at the Building Regulation stage and it would not be reasonable to refuse the application on this basis.

Drainage - a condition can be imposed to require the submission of details.

Summary

The proposal is for a dwelling of similar size and design to the existing properties in the vicinity. It will be single storey only and will provide appropriate parking. As such, it is considered that the proposal is acceptable in terms of its impact upon neighbours, relationship to the character of the area

RECOMMENDATION

Approve

01. The proposal, by reason of its size, design, materials and location, represents an appropriate development that respects the character of the area, causes no demonstrable

harm to highway safety or residential amenity in accordance with the aims and objectives of saved policies ST2, ST5, ST6 and TP7 of the South Somerset Local Plan 2006 and advice contained within the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s; 07 received 28 February 2013; 01 Rev B, 02 Rev B, 03, 04 Rev A, 05 rev A, and 06 Rev A all received 22 May 2013; and 08 received 3 June 2013.

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

03. 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: In the interests of visual amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

04. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

05. The area allocated for parking on the submitted plan (2 spaces for the existing and 2 spaces for the proposed), shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted and no. 47 Glynswood.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

06. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping (to include drainage) for the parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: In the interests of visual amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is

first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure appropriate drainage facilities are provided.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages/outbuildings shall be erected without the express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

Informatives:

01. The applicant's attention is drawn to the comments of the Rights of Way Officer (Somerset County Council):-

'I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (footpath CH 31/22). I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

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

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)

- create a hazard to users of a PROW
then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.'

Area West Committee – 21st August 2013

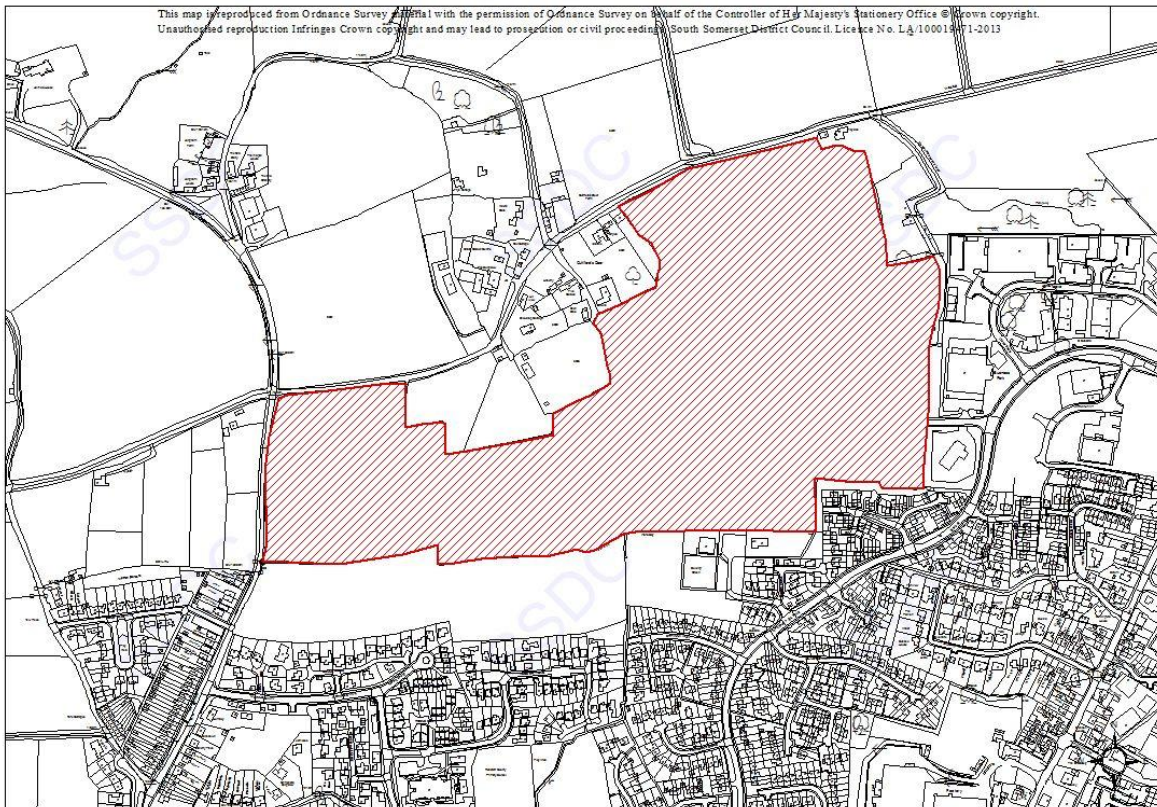
Officer Report On Planning Application: 12/04518/OUT

Proposal :	Mixed development comprising 350 homes, floodlit full size football pitch, unlit full size training and mini pitches, multiuse club house, spectator facilities and parking. Hub for neighbourhood/community facilities, public open space, landscaping, drainage, associated vehicular & pedestrian access. Land regrading, associated infrastructure and engineering works. (GR 332536/110057)
Site Address:	Land East Of Mount Hindrance Farm, Mount Hindrance Lane, Chard
Parish:	Combe St Nicholas
BLACKDOWN Ward (SSDC Member)	Cllr R Roderigo
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	20th February 2013
Applicant :	Mactaggart & Mickel Homes Ltd, S.E Blackburn Discretion Trust
Agent: (no agent if blank)	Mr Marcus Plaw, Colliers International, Broad Quay House, Broad Quay, Bristol BS1 4DJ
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASONS FOR REFERRAL TO COMMITTEE

The application is classed as a 'major major' (over 2 hectares) and therefore under the Council's Scheme of Delegation, has to be referred to Committee.

SITE DESCRIPTION



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

Following an amendment to the original scheme, 1 field located in the south west corner of the site totalling 4.6 hectares has been omitted from this application, thus the omitted field now divides the site from existing residential properties to the south. This site is now subject to a separate residential application for 110 homes from David Wilson Homes.

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

PROPOSAL

The scheme as amended seeks outline consent for a mixed use development comprising the erection of 350 homes, the relocation of Chard Town Football Club with clubhouse and associated parking, 2 adult training pitches and mini pitch, areas of open space, a small local centre (a convenience store and other local services), equipped play areas, new footpaths and highway works, and new areas of structural planting and landscaping. The means of access is sought for approval as part of this application with all other matters ie layout, design, scale and landscaping reserved for approval at the reserved matters stage.

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

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

The density of the new homes will range from 15 dwellings per hectare (dph) to 35dph and comprise around 12.9ha of the total application area. It is proposed to create the higher density dwellings to the south and far eastern side of the site, and gradually reduce the density towards the northern edges of the site. The dwellings will range from 2 to 4 bed detached, semi-detached and terraced houses and predominantly two storey. The design,

materials and layout will be considered at the reserved matters stage. The submitted masterplan shows that the houses would be located across the whole site other than at the far western and eastern ends along the northern boundary.

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

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

The development will be accessed via the creation of 2 main access points. One will be via Thordurn Park Drive to the east and the second from Crimchard. Access from Thordurn Park Drive will incorporate new footways and cycleways along with footways linking with existing footpaths.

The proposed new access from Crimchard will incorporate new footways and cycleways into the site and a new footway extending approximately 220 metres southwards along the eastern side of Crimchard. Further proposals include a set of 3 way traffic lights to control movement close to both the access into the site from Crimchard and from Bondfield Way. The first set of lights would be located approximately 50 metres to the south of the access into the site with the second set 20 metres to the south of its junction with Bondfield Way. The third set of traffic lights would be at the end of Bondfield Way, close to its junction with Crimchard. The carriageway will be reduced to 3 metres in width between the 2 sets of lights on Crimchard along with the provision of a 1.8 metre wide footpath.

New bus stops with shelters will be established close to the site entrance on Crimchard and the 30mph speed limit will be extended beyond the visibility splay to the north of the new access.

In addition to the above highway works, additional proposals include the provision of a zebra crossing along Furnham Road, to the west of its junction with Dellshore Close. Moreover, it is also proposed to change the operation of the lights at the Convent Junction with the banning of 3 further turning manoeuvres. This will involve banning the right turn from the A30 Fore Street onto the A358, and two left turns -one from the A358 (south) onto Fore Street and from the A358 (north) onto East Street.

Environmental impact Assessment (EIA)

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

Landscape and Visual Appraisal

The landscape and visual appraisal that was undertaken assessed the topography of the site and that of the surrounding area, identifying the key short and long viewpoints into the site. The Design and Access Statement outlines that the development proposals have been prepared to ensure that they respect and respond to the local landscape. The wooded area around Cuttifords Door and 'Wayside' will play an important role in screening and visually separating the site when viewed from outside the site. Additional planting is proposed to complement the existing trees and hedgerows and aims to improve the quality of Chard's built edge. The scheme was amended in the north west corner by bringing the development back around 30 metres in width to include additional planting in this corner. This will also provide additional habitat provision. In addition, planting has been increased along the north eastern boundary to provide an additional landscape buffer and habitat provision. The football pitch and parking area has been moved 10 metres to the south to achieve this additional planting.

Transport Assessment

In terms of highway issues, a Transport Assessment was undertaken and revised following objections from the Highway Authority. An amended Travel Plan has also been submitted. The Transport Assessment concludes that 'subject to adequate mitigation, the development would not result in significant impact and would not prejudice the development principles as presented in the emerging Local Plan'.

Ecology

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

Flood Risk Assessment

In relation to flooding, the site lies entirely within Flood Zone 1 i.e. land assessed as having less than a 1 in 1000 annual probability of river or sea flooding'. The FRA states that the fields are flanked by land drainage ditches and these direct run off eastwards, converging at the south-east corner of the woods, north of the business park, flowing then to Chard Reservoir. Permeability tests were undertaken across the site and this concluded that site infiltration is low, thus surface water runoff will need to be attenuated at greenfield rates using open storage ponds before being discharge to the ditches. The report states that this will ensure that the risk of flooding downstream of the site is not increased. The report mentions the recent localised flooding events, particularly along Cuttifords Door Road, though it states that there was no on site flooding. The use of swales, ditches, rain water harvesting, permeable paving and appropriate threshold levels will be included amongst the mitigation measures.

Open Space Assessment

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

Heritage Assessment

The Heritage Assessment identified no evidence of heritage assets within the site of such significance such as to preclude development. The report concludes that there is sufficient

information contained in the report to accompany the outline application. The requirement for /scope of any further work and/or mitigation will be agreed with the County Archaeological Officer at reserved matters stage.

Lighting Impact Assessment

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

Affordable Housing

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

Agricultural Land

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

Arboricultural Report

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

Phasing

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

HISTORY

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

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

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

There is no other recent relevant planning history.

Adjacent Site

13/01535/OUT - Residential development of up to 110 dwellings with new access and related works (outline), Land East of Crimchard. (Current application).

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 Document

South Somerset Local Plan (adopted April 2006)

ST5 - General Principles of Development

ST6 - Quality of Development

ST10 -Planning Obligations

EC1 - Protecting the Best and Most Versatile Agricultural Land.

EC3 - Landscape Character

EC6 - Locally important sites

EP3 -Light Pollution

TP2 - Travel Plans

TP5 - Public Transport

HG6 - Affordable Housing

CR2 - Provision of Outdoor Playing Space and Amenity Space in new Development

CR3 - Off site provision

National Planning Policy Framework

Achieving Sustainable development

Chapter 1 building a Strong Competitive Economy

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 10 Meeting the challenge of climate change, flooding and coastal change

Chapter 11 Conserving and enhancing the natural environment

Other material considerations:

The emerging South Somerset Local Plan 2006-2028.

Policy PMT1 - Chard Strategic Growth Area

Policy PMT2 - Chard Phasing

The Chard Regeneration Framework 2010

CONSULTATIONS

Combe St Nicholas PC (original comments on the 450 scheme):

Parish Councillors discussed this application, and after considering comments received during public time which they support, it was resolved unanimously to recommend refusal on the following grounds. Copies of all the reports received during the public time have been sent to you from the various sources.

This application is contrary to the Local Plan, which this Parish Council supports, currently in its final stages. Great Concern was shown under these various sections.

Highways - The amount of extra traffic generated by 450 houses will greatly add to the already increasing traffic using the `back road to Taunton` - i.e. through Combe St.Nicholas Parish. The numbers of vehicles using these unclassified roads has recently been recorded by the Speed Indicator Device (SID) which shows 1500 a day through Wadeford, and 1200 through Combe (one way). The 3-way traffic system at Bondfield Way/Crimchard/Chard main will cause queuing traffic adding time to everyone's journey.

Flooding - The Developers state that there is no problem with flooding. Recent photographs prove the opposite. The Cuttifords Door road to Hornsbury Hill regularly floods and more

buildings will cause more run off.

Housing - The number of houses involved will change this part of our Parish from a rural to an urban site. 75% of this application is within Combe St.Nicholas Parish. At present there are 650 properties within the whole of our Parish. An extra 350 approx. at least will increase the figure by 50%.

Identity - The hamlet of Cuttifords Door would be incorporated into Chard built up area - Local Plan protects small settlements.

Environment - Concern that surveys as such were carried out in the wrong time of year, giving false figures. Insufficient consideration given to the impact on wildlife - hedgerows needs protection and also the trees (much less in number than stated by the Developer)

Infrastructure - No provision made for additional amenities needed for the extra 450 houses. Schools in the area, including Combe St.Nicholas School (transport needed) are already full, and Doctors/dentist will be required.

Combe St Nicholas PC - comments received following receipt of amended scheme:

The PC maintain their objection to the scheme. Commend that with 110 proposed by David Wilson Homes, there is an increase in the number of homes to 460. The Councillors would like to propose that all objections made before by residents etc are still valued and should be taken into account as there is basically no difference to the original application.

Chard Town Council: Original comments: (original scheme for 450 homes included land within the parish of Chard.

Resolved unanimously to recommend refusal on the following grounds:

This proposed application is contrary to the emerging Local Plan and also the Chard Regeneration Plan.

Highways- insufficient and inadequate provision for additional transport and traffic, proposed one way system from Wadeford would create additional traffic congestion.

Flooding - this area is already prone to flooding and further development would create significant problems with additional run-off.

Land - careful consideration should be given regarding the quality of land. If it is designated as agricultural land then the loss of sustainable land for the provision of food must be considered.

Environment - insufficient consideration given to impact on wildlife protection and wider environmental issues.

Infrastructure - insufficient provision for additional amenities and facilities such as schools, dental and doctors surgeries.

Identity - the settlement at Cuttifords Door would lose its unique distinctiveness and become merged with Chard, therefore losing its character and identity.

Chard Town Council: additional comments following receipt of amended plans:

Recommend refusal on the same grounds as the previous recommendation that the development is contrary to the Regeneration Scheme and the emerging Local Plan. It is also noted that the schools in the area are at capacity and could not cope with a large increase in the number of pupils if the proposed amount of housing were to go ahead.

Planning Policy: (summary)

The Policy Officer outlined the documents that form the Development Plan ie the saved polices of the South Somerset Local Plan 1991-2011. Since writing the original response, The Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan have now been revoked. Reference is made to the National Planning Policy Framework (NPPF). In particular, the presumption in favour of sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits of a development. Moreover, the need for Council's to have a 5 year supply of housing land. Concern is also raised that whilst the applicants consider that their development can come forward as well as the planned strategic growth, it is highly likely that should it be approved,

the strategic allocation in the emerging plan will be further delayed, in particular employment provision.

The strategic vision for Chard was formulated after a number of years and resulted in the Chard Regeneration Framework. This seeks to prioritise investments and improvements to deliver the comprehensive physical regeneration and development of Chard. Growth Option 3 has now been taken forward as part of the emerging South Somerset Local Plan 2006-2028. Part of the application site is located within land as coming forward for employment and use and for the relocation of Chard Town Football Club.

Key issues outlined by the Policy Officer:

The key areas of concern with regards to this proposal are as follows:

1. It is contrary to the Chard Regeneration Plan - this is a proposal for a large scale development which partially proposes development in a location that has not been identified as having potential for future growth, even in the longer term.
2. Lack of employment land provision - if this proposal comes forward it is likely to delay the delivery of employment land meaning that there will be less opportunity for the residents of Chard to work in the town they live in.
3. Site is poorly related to the Town Centre.
4. Impact on / coalescence with Cuttifords Door.
5. Landscape impact (saved Policy EC3)
6. Highway impact - a major area of concern and driving force for the phasing approach set out in the Chard Regeneration Framework Implementation Plan was the impact of strategic growth on the central Convent Link junction - the comments of the Highway Authority will be key in relation to this issue.
7. Ecological impact (saved Policy EC8)- I believe dormice and badgers are present on site and would expect the Council's ecologist to comment in detail on this matter.

Conclusion

In accordance with the NPPF a clear approach to delivering growth locally has been set out in the Chard Regeneration Framework documents and taken forward as a strategic allocation in the emerging Local Plan; approval of this planning application could jeopardise the delivery of strategically planned growth in Chard. This is a large scale proposal with no employment land provision and fundamentally fails in terms of the economic aspect of sustainable development required by the NPPF. The proposal is premature and prejudicial to the delivery of the Chard Regeneration Scheme through the South Somerset Local Plan.

The proposal potentially precludes further development of Chard by utilising existing infrastructure (traffic) and is seeking to use up that infrastructure without providing the means to compensate for this and enable further development.

Highway Authority:

Below is the full response recently received from The Highway Authority. The response below includes the original comments from the Highway Authority and, in addition the updated responses following amendments made to the Transport Assessment and the Travel Plan. The original recommendation from The Highway Authority was to recommend refusal on 3 grounds:

1. site is located outside of the confines of any major settlement in an area that has very limited public transport and the development will increase the reliance on the private motor car and foster growth in the need to travel;
2. The impact of the development as described in the Transport Assessment has been underestimated and the likely effects will be unacceptable; and

3. Contrary to Travel Planning policies as outlined in the Somerset County Council Guidelines for Travel Planning. No suitable Travel Plan was submitted in order to make provision for sustainable travel to and from the site.

Highway Authority:

I refer to the above planning application received in my department on 7 Dec 12 and amendments to both the Transport Assessment and the Travel Plan received. I have included revised comments based on the additional information received to previous comments made by my colleague J Gallimore (January 2013) about the highway and transportation aspects of the scheme. :- Revised comments in italics.

Principle

The development is outside development limits and, although some of the land is part of the Chard Regeneration Strategy, this development exceeds the limits of that development. It will be a major traffic generator and is remote from services and amenities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000) and Policy TP4 of the South Somerset District Local Plan (adopted Apr 06).

During the life of the application the above mentioned policies have been revoked and therefore are no longer applicable in the context of sustainability. Therefore, notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether there is overriding planning need, which outweighs the transport policies that sought to reduce reliance on the private car.

Transport Assessment

The Transport Assessment in its current form is unacceptable since it takes no account of the Chard Regeneration Strategy and relies on census data for trip distribution which takes no account of the location of the development.

The trip distribution for the traffic generated by the development is based on census data from 2001 which details travel to work data for the Crimchard Ward. No employment is being created so it is not reasonable to assume that the same number of trips to work, 15 percent, will be carried out within the Ward. Many of the trips generated by the proposal are forecast to be short, to Thorndun Park primarily, and it is hard to envisage this number of future residents being employed in this area. *This has now been addressed.*

Traffic growth has been generalised by using the forecast rate of growth from statistics. This ignores the Chard Regeneration Strategy which details where development is to take place and the sequence of development which allows for a much better prediction of likely traffic growth. It is also more accurate in forecasting the impact on junctions particularly the Convent junction in the centre of Chard. It is acceptable to apply the general growth factor to through trips but local trips can be much more robustly forecast. *The SATURN Phase 3 model has now been used to analyse the potential impact so this is no longer relevant.*

The impact of the development on the Convent junction has been studied and the saturation level has been forecast to rise from 108 percent to 129 percent in the AM peak in 2026, and from 120 percent to 148 percent in the PM peak. This has been modeled using LinSig. A solution has been put forward which involves banning 3 turning movements at this junction

and altering the pedestrian cycles. This appears to bring the junction back to within capacity but it ignores the likely route taken by drivers who turning movements are thwarted. They have the option of continuing to the Victoria Avenue roundabout in several cases and returning to the Convent junction. This additional traffic has not been modelled and would seriously impact on the apparent gains from the changes. *This has been addressed through sensitivity testing. This shows that the net effect of the development would be significant (with or without the proposed banned turns) in 2026. However, it should be noted that this is for 450 dwellings and not the revised figure of 350 dwellings.*

Compared with the Transport Assessment supporting the Regeneration Strategy, the levels of turning that are proposed to be banned are underestimated by a factor of 10. *This is based on the 2026 SATURN Phase 4 CRF model. This related to a misunderstanding over the temporary nature of the banned turns.* This clearly assumes that the Regeneration Strategy will have no success in providing the necessary links between the strategic routes through the town. With planning applications already submitted for some of these developments and strong interest from developers in other sites, this is a short sighted view. It also ignores what traffic seeking these banned turns will actually do. Carrying on to the Tesco roundabout and coming back to the Convent junction seems likely to complete 2 of these manoeuvres where there is no alternative. This has the effect of increasing the traffic at the junction which has not been considered. *This has now been addressed.* There is also the impact of these "U turners" at the Tesco roundabout which has not been considered. *This has now been addressed.*

The results of the SATURN modeling have been widely used in forecasting and drawing conclusions about the future traffic flows. The SATURN model itself was not supplied with the Transport Assessment so it is not possible to see exactly what assumptions have been made and how the options have been tested. Some strange decisions have been made in selecting options excluding and including this development and the assumptions challenged above have been included. The results are, therefore, unreliable and the Highway Authority traffic modelers would need to be able to carry out more detailed scrutiny of the models used. *SATURN modeling has been supplied now on discs and whilst there are some problems with the modeling these are not of the consultants making.*

Additional comments:-

The main issue to be considered is the absence of permanent mitigation at the Covent Signals to offset the development's impact. The proposed gyratory system laid out in the Chard Regeneration Framework (CRF) can not be treated as such because it is directly linked to creating capacity for planned development set out within the same document. This development does not form part of that plan. The SSDC officers will need to consider whether this is acceptable.

The proposed mitigation at the Convent Link signal controlled junction does mitigate the impacts of this proposal and prevent a 'severe' impact from occurring in this location. This is in the form of three banned turning movements which would create spare capacity at the junction for so long as they are in place. However, this is likely to create problems for existing drivers currently using the banned turning movements who would be forced to find alternative routes which would be likely to increase their journey times. The impact of drivers using these alternate routes has not been assessed, except within the sensitivity test for 2026.

Other traffic impacts caused by the development would appear to be suitably addressed by the measures put forward.

An important point to note, which is raised in Paragraph 2.43 (page 7), is that part of the proposed site is designated in the CRF for employment. This in essence would mean that a

total of 20,849sqm of designated employment land (out of a total of 44,345sqm for the whole of Chard) would be replaced with housing. The possible knock-on consequence of this is that if employment land is not found elsewhere then it would be reasonable to expect that an increase in long-distance journeys to areas of employment out of town would occur. The impacts of this shift have not been identified within the submitted information, which may be a concern to the Planning Officer when considering the impacts of this development on Chard and the wider network.

Parking

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

The level of parking required will be specified in the County Parking Strategy which is part of Local Transport Plan 3 which was adopted in March 2012. The site lies on the cusp of Zones B and C for the purpose of the strategy and it is felt that Zone C is more appropriate since the site is so remote from services and amenities. This means that the optimum level is: 1 bedroom dwelling 2 spaces; 2 bedrooms 2.5 spaces; 3 bedrooms 3 car spaces; 4 bedrooms 3.5 car spaces. The half spaces look odd but this reflects the fact that 2 bedroom houses could have 2 or 3 cars in roughly equal proportions. The half spaces need to be evened out across the development. It is possible to deviate from these levels up or down depending on sufficient justification. It will be very difficult to justify a reduction from this level given the location.

The Strategy also requires visitor parking at a level of 0.2 per dwelling where less than half the parking is unallocated. Unallocated spaces are more efficient than on plot spaces since they are available for use by visitors and the standards reflect this. Unallocated parking should not be confused with on-street parking. Unallocated spaces are off the carriageway but not allocated to a particular plot whereas routine on-street parking can lead to the carriageway becoming obstructed. Unallocated spaces need to be in laybys, perpendicular bays or in parking courts.

Parking space sizes also need to be considered. Spaces fronting the highway should be 5 metres long to prevent vehicles overhanging the highway. Spaces which are obstructed, by a wall or fence at the rear for example, should be 5.5 metres long since cars don't drive in until they hit the obstacle but stop short. Spaces fronting garages should be 6 metres to allow room for the operation of the garage door.

The size of garages makes a huge difference to the level of use. If a garage is to be counted as a parking space it must be easy to use for drivers. This means that a standard saloon can be driven into the garage leaving enough room for the driver to open the door and get out of the vehicle and then shut the garage door. The minimum internal dimensions are, therefore, 6 by 3 metres.

Travel Plan

The Travel Plan (TP) is well structured but the content is quite light. With the measures currently proposed, it is very unlikely that the targets will be met. Because this site is in a remote location, it is essential that the likelihood of sustainable travel is maximized or the development is simply going to be a generator of car movements.

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

The cornerstone of a good TP is the initial site audit. This should identify where the routes for walkers, cyclists and public transport users are and how attractive they are. This will determine how successful the TP will be in reducing car use. The site has some steep gradients and the routes into town involve steep gradients. This is not conducive for walkers and cyclists, and these routes would have to be traffic free or lightly trafficked to be attractive. Because this has not been considered there are no plans to improve or upgrade these routes.

The TP identifies a route into town, the green route, but this is not very direct and will involve sections without footways, poor lighting and poor surfacing. No measures are proposed to address these shortcomings and this will remain an unattractive route. Another route, the blue route, is more direct but there is not sufficient detail to assess how suitable this route is. Once again the lack of crossings, poor surfacing and lack of width for cycling are identifiable but there are no plans for improvement. Both routes have steep gradients in places but this disadvantage has not been acknowledged.

There is mention of bus service in the section that deals with pre-application discussions but no measures are proposed to improve the bus services. There are a few details of the current bus services but the nearest stops are not shown for each service. The upgrade of the services to half-hourly from hourly at present would help to make bus travel more attractive but there are no measures proposed to this end.

In the same way, creating bus stops and diverting buses into the site would make catching a bus more attractive. If the distance walked to a bus stop is reduced, the attractiveness increases to a great extent. Achieving the targets for bus travel could be better achieved if some of these measures were included.

There are some measures like pedestrian and cycle permeability that will become more important once the detailed layout has been fixed. If the main desire lines are fixed, however, this will inform the layout. It will also help to highlight where improvements off site can be useful in creating attractive routes. The provision of cycle parking is important. The minimum standard is one cycle parking space per bedroom and the spaces provided should be accessible from the road when the garages and parking spaces are occupied. For instance, if a garage is extended to provide cycle parking, potential cyclists should not have to move their car out of the garage to get their bike out and then replace their car once the bike is extracted. Once people are sat in their cars and the engine is running, making the journey by bike is unlikely.

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

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

While the TP proposes a welcome pack for future residents, there is no mention of a green travel voucher scheme which would encourage new residents to consider sustainable travel from the point of moving in. A smarter travel leaflet which is site specific should be included with easy to read information about how to travel more sustainably. Promotional events could be held to promote sustainable travel such as health workshops and bike maintenance

sessions. Small cheap gifts could be included in the welcome pack to further encourage better travel habits such as reflective cycle clips or reflective vests. A site car-share scheme could be set up and integrated with the Somerset wide scheme. This is a good way to cut costs for residents by sharing petrol and parking costs on the daily journeys which can yield good cash savings for the participants and reduced trips for the TP.

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

In monitoring the traffic levels, the TP mentions multi-modal traffic surveys and residential travel surveys but there is no mention of ATC counts. This is an essential way of collecting data for a residential development of this sort so that the details from the other types of survey can be verified empirically. All monitoring data should be entered on the iOnTRAVEL website where SCC can monitor the targets. This is essential in measuring the success of the TP.

The targets set out in the TP seem very ambitious. The baseline modal share figures from the census data are quite low and might reflect Chard as a whole but not Crimchard Ward. The targets for bus travel and cycling look very ambitious especially considering there is no improvement proposed to the poor infrastructure between the site and the town centre. With no plans to bring buses into the site, the distance to a bus stop could be prohibitive for many travellers. The route into town for cyclists will be steep on the journey home whatever happens and improvement in attractiveness will be essential to overcome the reluctance that people might feel due to the gradient.

The revised Travel Plan is still not acceptable ...please see audit response.

Estate Roads

This is an outline application and only access is to be determined at this stage. This means that the layouts are indicative and likely to change. It is important to define the parameters for reserved matters, should this ever come forward, and there are concerns that the Highway Authority would seek to raise. The primary route through the site conforms to the Regeneration Strategy but this proposal is much bigger than was envisaged in the Strategy. Thought should be given to whether the design code should be revisited if this development goes ahead especially in relation to the road widths and layouts. There has been no consultation with the Highway Authority on this proposal in any detail and it is felt that the principles will need to be tested if this scheme progresses.

There is mention of self binding gravel for shared surfaces throughout the design. This is unacceptable since the deterioration of the surface is likely to occur in a very short time and this will require constant maintenance. The Advanced Payments Code will apply in this instance and where streets don't meet the requirements of the Highway Authority, a considerable liability could fall to the developer to cover the future maintenance.

There is mention of tree planting in the proposed streets but very little detail on the types and positioning. Any planting in areas to be adopted by the Highway Authority or adjacent to adopted areas must be agreed in advance. The species of any trees will be crucial as well

as any root ball protection measures so that tree roots don't interfere with the road underpinnings.

The layouts submitted are illustrative only but they show a lack of suitable turning heads for refuse and emergency vehicles. There is a distinct limit, as defined in Manual for Streets, to how far refuse vehicles can be expected to reverse when servicing households and these appear to be exceeded in the layouts. Modern houses are heavily serviced and provision must be included for the service vehicles to carry out this servicing in a reasonable manner.

Drainage

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

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

Conclusion

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

From a Highway Authority perspective the applicant has addressed many of the concerns within the original Transport Assessment, and it would appear that the proposed banned movements at the Convent Signalised Junction will prevent severe impact of the development and whilst there is still work still be undertaken on the Travel Plan on balance there is no highway objection.

Highways Agency:

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

Landscape Officer: (Original Comments):

I have now had opportunity to review this application and its associated documentation submitted in support of the above proposal, which seeks to construct 450 homes, and a floodlit football pitch with secondary pitches, along with associated access and highway arrangements and open space/landscape provision, to the north edge of Chard between the current residential areas off Morangis Way, and Cuttisford's Door. I have also visited the site, and am familiar with the wider landscape context of the proposal.

The application site lays within the scope of this council's peripheral landscape study (March 2008) which undertook an assessment of the capacity of Chard's peripheral land to accommodate built development. The study found that land against the immediate edge of the town had a 'high' capacity for additional growth, yet that capacity rapidly lessened on moving north and away from the town's edge, judging land immediately alongside Cuttisford's Door Lane to have only a moderate to low capacity for built development - for precise grading, see figure 5 of the study. This reflects the sensitivity of this edge relative to the rural land to the north. The proposal before us indicates a development footprint that

concentrates the main area of built form toward the current edge of town, yet extends that footprint into areas evaluated by the peripheral study to be sensitive. Consequently, whilst I agree that there is scope for some development along this edge of town, to thus round off Chard's northward extent, the proposal before us appears too extensive.

The application includes a landscape and visual impact assessment (L&VIA) of the town. I have read through the L&VIA, which has assessed in detail the likely impacts upon both the character and fabric of the site's landscape, and evaluated the probable extent of the visibility of the proposals from a number of vantage points in and around the site. I consider the L&VIA to be a thorough and professional piece of work, and would not disagree with much of its conclusions, which in most part are not at odds with the findings of the peripheral study. I do take a different view however, on (i) the location of the 'secondary visual envelope' (fig. 7.158 L&VIA) and (ii) the general evaluation of the site's visual sensitivity as perceived from land to the north. As this is fundamental to determining the site's northward extent, and an acceptable form of landscape mitigation, then I shall comment on this in greater detail:

Whilst Chard is topographically contained to west and east, by the Blackdown Hills and Windwhistle Hill respectively, there is no such emphatic containment to north or south. However, the peripheral landscape study identified a visual buffer that follows a broad shoulder of land which falls from Catchgate Lane, running west to east to Cuttisford's Door, and encompassing land either side of Cuttisford's Door Lane. This includes land within the application site. Whilst not providing a distinctive skyline, this wide shoulder is sufficiently raised to intercede in views toward Chard from the north, obscuring a prospect of urban form. As such it is a 'secondary visual envelope' as identified by the L&VIA's figure 7.158, though I place it further south than the L&VIA to include the northern edge of the site - as is evidenced from field survey. I believe this position to be confirmed by the L&VIA, where a visual receptor (VR15) is taken as representative of the general location, which views onto the hedgerow at the site's north edge, and the full canopy of a mature ash some 60 metres inside the site (to give a sense of the depth of this shoulder). The L&VIA assesses this viewpoint as 'high sensitivity' - and notes the relevance of this intermediate shoulder in obscuring views of the town. I consider VP15 as offering broad representation of views from this general elevation, which extends from the higher ground of Combe St Nicholas village, spreading east to include properties along Whiteway, and within Clayhanger, out to Holemoor Farm, and including the lanes and many rights of way that link these settlements.

In relation to the site's north edge, this attaches a 'high' sensitivity to all these receptors, just as it attaches a similar sensitivity to this raised part of the application site. From these receptors, the proposal brings urban development onto an undeveloped skyline, which consequently would cease to offer containment of the town, and change the visual character of this rural shoulder, and the rural prospect of it. I view this as a far greater magnitude of change than the 'very low' ascribed by the L&VIA, for the overall impact to be considered at least moderate, with limited scope for mitigation as the masterplan indicates development running up to the north boundary. Consequently I consider the development footprint as too extensive, and offer landscape grounds (policy EC3) on which to base a refusal.

I should mention that the peripheral landscape study identified land elsewhere - primarily to the east and southeast of Chard - as having a greater capacity for development, and this view is developed by the Chard Regeneration Framework. Looking at the future growth of Chard, development of the land to the east/southeast of the town would be less intrusive than this proposal, which again tells against the application from a landscape perspective. Hence only if you consider that there is a case for development here, would I not discount a more contained development in this location, but this would require a revised proposal to come forward that did not extend into those areas indicated by the peripheral landscape study as having less than a moderate capacity to accommodate built development. Looking

also at the proposed masterplan, I would also advise some fine-tuning of the layout to;

- (a) Significantly pull back the housing in the northwest field, to form at least a 100 metre non-developed buffer between the housing edge, and the site's north boundary, designed in part as woodland to ensure strong containment of the residential edge;
- (b) Ensure the hedges that represent the parish boundary are retained in a meaningful manner;
- (c) Increase the 'feathering' of the proposed residential footprint with Cuttisford's Door, and;
- (d) Pull the football club's main pitch further south, whilst increasing the open space and woody buffering of the northern edge along the roadside east of Cuttisford's Door. I view the night-time impact of the more concentrated white light of pitch lighting as adversely impacting this rural edge, whilst the development footprint of clubhouse and parking is not sufficiently distant from this edge, or adequately mitigated.

Landscape Officer: Additional comments following submission of amended scheme.

The revised documentation submitted in support of the above development is noted. I see that the main change is the removal of the field in the southwest corner from the application, and I can state that this raises no landscape issues, particularly as it is likely that this field will come forward as a development site in due course, enabling contiguity of built form from Chard's current edge. Relative to this field's omission, I can advise that my earlier consultation response of 2 January 2013 still stands.

Additionally, a number of minor changes have been made to the layout in answer to the earlier consultation responses, which include four issues raised by my landscape response.

Turning to the proposal now before us, I shall restrict my comments to those changes advised above;

- (a) the extent of housing development in the northwest corner of the site is a major concern that I commented upon at length in my 2 Jan response. It is agreed by both parties that housing will come into view as seen from an increased number of receptors in the vicinity of Combe St Nicholas, the main difference between us lays in the negative weighting attributed to that impact. The layout plan now proposes to keep an area free of development along the northern boundary, circa 30 metre depth; proposing lower density development of 15 dwellings per ha. in this area; and providing a tree belt to buffer the impact. I view this as an improvement over the original layout. However, my view is that it remains insufficient. I have commented upon the value of this intermediate skyline in both my consultation response, para 4; and the peripheral landscape study of Chard. Whilst I can see that in time, maturing woodland planting may have some capacity to visually contain the extent of the town's northward growth, I am also aware that public access woodland will not equate to the form of planting proposed by illustration 11.26, being much more open; nor is high density woodland immediately alongside residential areas a particularly 'good neighbour', whereas intervening open ground makes for better urban design. Neither will planting counter the impact of the development's early years. My view remains that this broad shoulder should remain undeveloped, with housing set further back - which looking at the rural edge study (D&A section 5.9) suggests simply losing 5-6 plots, and realigning the edge to face onto the open space and woodland.
- (b) satisfied this is achieved
- (c) again, there is some improvement over the original design. With some fine-tuning of the layout implied by the rural recreation edge study in section 5.9 of the D&A, to enable public access through the additional structure planting, and an increased feathering of residential form in the NWcorner of this area, this will become acceptable

- (d) as with (a) the revisions now offered are an improvement over the original, but do not quite go far enough. The clubhouse is better sited in relation to the site's north edge, and proposed residential form, but I am not convinced that sufficient space for the woody buffering is allowed to counter the more concentrated white light of pitch lighting as experienced from the north of the site.

In conclusion, whilst I acknowledge improvements have been made to reduce the landscape impact of the scheme, they do not quite go far enough to enable me to change the view I set out in my initial consultation response of 02/01. Consequently, I still consider there are landscape grounds for objection, LP saved policies ST5 para4, and EC3.

Ecologist: (Original comments)

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

- Dormice are present and are likely to occupy the majority of hedges on the site. The Environmental Statement has assessed the site to be of District level importance for dormice.
- Cumulative impacts from fragmentation of hedges for new roads, cat predation, and lighting are likely to make around 2.4km of hedge no longer capable of supporting dormice. Woodland planting of around 4.5ha will be required to compensate for this loss.
- Unless adequate compensation habitat can be provided (and demonstrated prior to granting consent), the application fails to satisfy Local Plan Policy EC8, the NPPF, and most importantly, the strict requirements of the Habitats Regulations 2010 which would require the application to be refused.
- The majority of hedges are used to some extent for foraging and commuting along by bats. I support their retention and recommend a lighting strategy will be required to minimise impacts.
- Badgers are present and can be retained on site and subject to some mitigation to minimise harm.
- Reptiles (slow worm, common lizard, grass snake) are present and will require mitigation and/or translocation.

Ecologist: Additional comments received following submission of amended plans:

I've considered the two addendums (April 2013 and May 2013, both by Michael Woods Associates) to the Environmental Statement. I still disagree with the conclusions of Michael Woods Associates (MWA) regarding impacts to dormice. MWA have applied the findings of several studies to reach the conclusion that countryside hedges currently supporting dormice will continue to do so once the same hedges are within an urban environment. I don't consider the studies they refer to are sufficiently relevant to this development scenario, nor there to be other research or published guidance in this respect, to support the minimal level of impact that MWA conclude. I consider it more likely that there will be a significant detrimental impact and that the proposal doesn't include sufficient mitigation and compensation.

As dormouse is a European Protected Species, the planning decision needs to satisfy the strict requirements of the Habitats Regulations. I'm unable to confirm that the test of 'maintaining favourable conservation status' will be satisfied by this proposal. Failure to satisfy this test would make a planning consent vulnerable to judicial review. I therefore consider this to be a strong reason for refusal and maintain my objection to this proposal.

Amended plans - May 2013 addendum

The May 2013 addendum addresses the removal of the south west field from the application

site, but also considers the cumulative effects of both developments together. Unsurprisingly, whilst it notes there will be some small changes, it generally concludes the scale and significance of impacts cumulatively will be similar to the original application and as described in the original Environmental Statement. I have no detailed comments particular to this addendum.

Dormouse impacts - April 2013 addendum

Background

Based on the results of surveys, it is assumed (by both MWA and myself) that dormice 'will be distributed through hedgerows at a density approaching their carrying capacity for hedgerow habitat.' Most of the hedges are likely to be occupied by dormice. Following development, many of these hedges will have become enveloped within urban development. I concluded in my original response (19 Feb) that some 2,400 metres of hedge that currently support dormice are unlikely to support dormice post development.

Cumulative sites

This addendum precedes the removal of the south west field from the application site and is based upon the original application boundary. However, I consider that dormouse issues should be considered for both development sites jointly (i.e. cumulative impacts), and that issues and measurements quoted in this addendum (based on the original site area) are generally applicable to the now reduced site area.

Development impacts

MWA discuss issues of dormice in urban areas, cat predation, lighting and habitat fragmentation in section 4.2 with reference to several studies. MWA generally conclude that these potential impacts are unlikely to have a significant detrimental impact in this case. I strongly disagree with MWA's conclusions in this respect and provide further comment below.

MWA - Research such as that undertaken by Eden (2009), Wouters et al (2010) and Schulz et al (2012) all demonstrate that dormice will build nests close to road carriageways (a highly disturbed environment).

I'm aware that dormice are frequently found in suitable habitat adjacent to busy roads, particularly principal roads (A roads) in rural areas. Main roads might be noisy environments during the day (when dormice are sleeping due to being nocturnal) and at night will be subject to some intermittent lighting from vehicle headlights although many such rural routes are free from street lighting. However, I don't consider them to be 'a highly disturbed environment'. On the contrary such dormouse sites are generally free from humans, dog walkers and cats. Also opportune predators of dormice such as foxes and owls tend to suffer high mortality rates adjacent to main roads leading to lower predation pressure. The dormouse habitat is generally more extensive and better connected than in urban areas. I don't consider parallels can be drawn between main roads and large scale housing developments.

MWA - Carroll and numerous other researchers have reported dormice visiting bird feeders, including both during daylight hours and when feeders are artificially lit.

I believe the majority of records of dormice visiting bird feeders in domestic gardens in Carrolls study were found to occur principally, or almost exclusively, in gardens that were in rural or suburban edge locations and where there was reasonable connectivity to further dormouse habitat. I'm not aware of any studies that have found significant (or any) dormouse evidence in gardens or other potential dormouse habitat located in principally urban environments.

MWA - However, evidence from Harris & Yalden (2008) indicates that predation rates of dormice from all predators, even when at ground level in hibernation, are very low. It is clear that dormice can persist despite presence of domestic cats being present, both on this site (as it adjoins the existing built-up area) and in gardens elsewhere (e.g. Carroll, 2013).

I don't have a copy of this book so I'm unclear whether 'all predators' specifically included

cats or only native predators (e.g. fox, various birds of prey, and mustelids) applied in a more general context as opposed to an urban development scenario. Due to the rarity of dormice, and their very low density where they do exist, no native predators would be able to survive on just dormice. It is therefore unlikely that any native predators have adapted their hunting to search the niches that dormice occupy. Domestic cats on the other hand will investigate or hunt within the habitat used by dormice, and during the night when dormice are active. Furthermore, in an urban environment the density of cats will be much higher than that of natural predators in the countryside. I therefore conclude that cats are likely to introduce a significant predation impact in the context of a large urban development.

MWA - The South Somerset District Council Ecologist has suggested habitat fragmentation would be caused by the creation of 9-12m gaps in the existing hedgerows. However, studies such as that undertaken by Chanin and Gubert (2012) have recorded dormice crossing 10m gaps (8m of road carriageway and 2m of grass verges), Wouters et al (2010) recorded a dormouse crossing at least 15m of surfaced layby and research from elsewhere in Europe has found no evidence of fragmentation effects across 20m gaps between habitat patches (Keckel et al, 2012). Dispersal movement of dormice over much greater distances (250-500m) over unsuitable habitat has also been recorded in mainland Europe (e.g. Buchner, 2008). Therefore, whilst it is likely that 9-12m gaps would not be regularly crossed by individual dormice (i.e. individual home ranges would not be expected to span the gap), evidence suggests that these will have no measurable fragmentation impact on dormice and the creation of an east-west link road is not considered to represent a significant habitat fragmentation, due to the narrow widths of hedgerow to be removed and the careful design of the highways where these do fragment existing hedgerows.

The study by Chanin and Gubert only recorded habitat patches of 0.2 ha or greater, and found dormice breeding was much less likely in habitat patches smaller than 0.5 ha. The habitat patches were also generally of significantly greater width that would be the case in this development. The remnant hedges within this site post development will be more in the order of 0.1 ha and much narrower in width giving dormice less seclusion or protection. The Chanin study also states 'Our results do not contradict those of Bright et al. (1994) and Bright (1998) who stated that common dormice were 'reluctant' to cross gaps'. Whilst this study adds to the evidence that dormice do sometimes cross roads, I don't consider it gives significant support to the view that dormice on this proposed development site will survive in the hedges enveloped by urban development.

Studies in Europe have recorded dormice crossing greater distances across non-woody habitat. However, this has generally been across arable habitat and is more akin to a semi-natural habitat than an urban environment.

In conclusion, I still consider the cumulative effects of habitat fragmentation (by roads and footpaths), cat predation, and possibly lighting are likely to render those hedges that become enveloped by urban development, incapable of continuing to support dormice. I don't consider the studies referred to by MWA provide sufficient support to conclude that dormice will continue to inhabit these hedges following development, nor am I aware of any further studies that could be used to support such a conclusion.

Scale of impact

I welcome the greater detail on measurements of dormouse habitat (detailed in section 4.1 and shown on plan 11128(SK)036 rev.D). Given the lack of any industry standard, I'm satisfied with the approach of presenting habitat extent as area instead of length. However, I consider the typical distances travelled by (or 'home ranges' of) individual dormice will influence how the shape of habitat (e.g. linear hedge versus block planting) affects its carrying capacity (numbers of dormice that it will support).

Dormouse habitat post construction has been measured and divided into 3 categories - highly fragmented (blue), partially fragmented (yellow), and unfragmented (pink). The 'highly fragmented' habitat (0.21 ha) is described as 'likely to be too small to support viable home ranges'. The 'partially fragmented' habitat (0.60 ha) is described as 'separated from the continuous habitat to the north but still provides a significant interconnected network of unfragmented habitat capable of supporting multiple individual home ranges.' This partially fragmented habitat will become separated from the unfragmented habitat to the north by the spine road throughout the site, which with the footpath/cycleway will be 12.75m wide.

I assessed the extent of effective dormouse habitat loss in my original response as being around 2,400 metres of hedge. The addendum provides measurements of habitat area for the whole site as existing and for three categories of habitat post development. The latter includes areas of new planting and discounts sections of hedge that will be removed. It isn't possible from this information to accurately assess how much existing habitat, by area, will be impacted. However, from this information, I estimate it will be in the region of 0.9 hectares of dormouse habitat that will effectively be lost (approximately the total of the blue and yellow areas plus part of the pink area that will be surrounded by urban development).

Mitigation and compensation

Natural England Standing Advice states:

5.3 Compensation should ensure that once completed, there should be no net loss of dormouse habitat. In fact where significant impacts are predicted there will be an expectation that compensation will provide an enhanced habitat (in terms of quality or area) compared with that to be lost. Compensation should also remedy any loss of connectivity brought about through the development.

The amended application includes some buffer planting along northern boundaries and approximately 0.64ha of new planting as a block in the north west corner of the site.

The addendum states:

5.2.3 This increased extent of hedgerow and structure planting is now proposed to address the concerns raised by the South Somerset District Council Ecologist in relation to maintaining sufficient suitable habitat for dormice following completion of construction at this site.

5.4.2 Structure planting would comprise a species-rich mixture of tree and shrub species, with a high proportion of 'understorey' rather than 'canopy tree' planting, as this is the habitat in which dormice have been recorded at highest population densities. ... Consequently species-rich structure planting without dominant canopy species is considered to be preferable to closed-canopy woodland for this site, which would support a lower dormouse density and take a very long time to achieve maturity.

Dormice are territorial and hence I consider it unlikely that the proposed planting along much of the northern boundary will enable any significant increase in dormouse numbers. Instead, I would regard this as an approximately appropriate amount of buffer planting to help protect and maintain the existing population of dormice in these parts of the site.

The block planting in the north west corner (of approximately 0.64 ha) could be considered as providing some long term compensation habitat. However, I regard it to be an insufficient amount for the following reasons:

1. The area proposed is less than that which will effectively be lost to dormice (approximately 0.64 ha of new habitat to compensate for approximately 0.90 ha lost). Given that Natural England guidance (Standing Advice, NE Licencing website: Interim FAQs hazel or common dormouse, 13/11/2012, and the Dormouse Conservation Handbook) generally advocate a larger area of compensation than that to be lost, I consider 0.64 ha falls far short of that required.
2. I believe the type of planting proposed by MWA, intended to be of optimum benefit for dormice ('without dominant canopy species') could conflict with landscape aspirations where this planting block would be intended to provide screening and require a

significant canopy component to achieve this. If this landscape function is given priority, then the quality of habitat created is likely to be of poorer quality for dormice and require a larger area to compensate for this.

New planting also takes some time (likely to exceed the construction phase of the development) to reach the stage where it provides food resource and nesting opportunities comparable to existing habitat. Further provisional mitigation measures will be required in this respect.

Economic Development:

Recommend Refusal.

Summary

Non-strategic, ad hoc development in Chard erodes highway capacity and undermines a strategic and sustainable growth plan - one that following extensive consultation is currently being successfully delivered and is to be adopted in the Local Plan. This phased growth plan has been commended for its local community & business consultation and is currently being delivered.

The current application argues it can reduce the adverse implications for the town's transport system by employing a series of challenging adjustments, while doing little to facilitate the further growth to town needs in coming years. It challenges the viability of the phasing sequence as it removes all junction 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. It is the view of SSDC's Economic Development service that this application must be refused to preserve the on-going delivery of the agreed Regeneration Plan for Chard. We recommend that permission be refused for this application for a number of reasons:

- 1) The proposal offers nothing in employment terms. 350 houses with no associated jobs provision is at odds with the approach to placemaking and sustainable community development supported by this authority and the HCA.
- 2) More serious than this immediate lack of employment is the adverse longer term impact of this development on the town's central junction which would remove capacity to deliver the 13 ha. of employment land required by Chard up to 2028 (Chard Implementation Plan, Oct. 2010). This opportunistic proposal is not in the economic interest of the town and will critically damage its ability to grow and provide employment in the future.
- 3) The proposed scheme represents an unacceptable deviation from the phased CRS growth plan for this area, both in scale and sequence. The CRS phasing was carefully developed (in partnership with all relevant local authorities) in consultation with local residents, businesses and landowners - including the Blackburn Trust's former agents.
- 4) The applicant's scheme is likely to remove all development capacity from the town's central A30/A358 junction and delivers no strategic transport infrastructure to enable future growth. Through forward funding the MOVA signal improvement at the main junction, this capacity has been engineered into the transport system by SSDC (with SCC & local approval) specifically to create capacity for the phased CEDA development plan currently underway.
- 5) The applicant only seeks to show that the adverse impact of this ad hoc scheme might be minimised. This approach is very different to the phased development plan now bringing forward development plots which incorporate required sections of the distribution road to allow on-going strategic development to come forward (see GR 333736/109130 for an example).
- 6) Given the location of the proposed development, the site seems incapable of delivering any sustainable solution to the town's need to provide an alternative north-south route to reduce pressure at the congested central junction and allow wider housing and

employment development.

- 7) The detailed Transport Assessment (Aug, 2010) completed to inform the robust development of the CRS 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'.
- 8) The proposed scheme represents a challenge to the continued delivery of a robust and established Regeneration Plan for the town. Chard Town Council, Somerset District Council and Somerset County Council have formalised their support for this Chard Regeneration Plan and with the HCA, continue to be form the Project Board overseeing its on-going delivery.

Area Development Manager;

Fully supports the comments made by Economic Development.

Open Spaces Officer:

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

1. I am not clear how much Open Space they are proposing ; the 0.8ha indicated on page 5 of the "Assessment of Open Space Provision" and page 37 of the "Design and Access Statement" would be acceptable. The 0 .05ha on page 19 of the former document would not.
2. The developer's recreational focus is primarily upon sport, play and the relocation of football facilities which is disappointing
3. SUDs are not included in the Open Space allocation and depending on their design may be unacceptable or need fencing and landscaping if sited within the Open Space
4. I do not support the Open Space in the north western corner, whilst I appreciate that structural landscaping is needed, Open Space on the periphery does not serve the entirety of this section. There is also a shortage of Open Space in the eastern section of the site
5. There is a linear piece of Open Space to the south east corner that abuts the existing bund which would be best either relocated or linking into additional Open Space in this section of the plan.
6. There are a shortage of trees along some of the street lines
7. Is there adequate parking for the formal recreation users?

Case officer comments:

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

Community Health and Leisure:

A total contribution of £1,716,853 is sought for equipped play, youth facilities, playing pitches, changing rooms, community halls and strategic facilities. The cost of the non strategic facilities = £963k with all being sought on site, other than for possibly the community hall, although provision of a community centre is mentioned in the supporting application documents. The strategic facilities total is just over £418k with around £225k towards the CRESTA centre in Chard and the remainder to The Octagon and indoor tennis court provision in Yeovil. A full summary is provided at appendix A.

County Education Officer:

Advises that the primary schools in the town would not have the capacity and the catchment Redstart School is already over capacity. There is also a shortage of pre-school places in Chard. Holyrood have some capacity, however the combined impact of the anticipated level of development for the town will mean that additional accommodation will need to be provided. Based on 350 homes, the following contribution is being sought:

Primary - 70 places @ £12,257 per place = £857,990.

Secondary - 50 places @ £18,469 per place = £923,450
 Pre-school - 11 places @ 12,257 per place = £134,827

Total = £1,916,267.

Environment Agency:

Originally raised an objection due to the absence of a Flood Risk Assessment. However, a Flood Risk Assessment had been submitted and a copy was forwarded by the case officer. The Environment Agency raise no objection to the application subject to a condition in respect of submission of a surface water drainage scheme. The details shall include how the scheme shall be maintained and managed after completion along with criteria that the surface water scheme must meet. The EA also supports the other flood risk measures as outlined by the applicant. Following submission of the amended scheme and updated Flood Risk Assessment, the EA reaffirmed that they raised no objection to the development.

Council Engineer:

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

Environmental Health Officer:

No objection subject to conditions in respect of a noise impact assessment in relation to the football club. Dependent upon the outcome of this assessment, mitigation measures may be required to protect future and existing occupiers adjacent to the pitch. In addition, details of any lighting scheme to be submitted to and agreed in writing with the LPA.

County Archaeologist:

The County Archaeologist does not agree that further studies can be carried out at the reserved matters stage, and if further survey is required then there is insufficient information on the impacts on potential heritage assets. For developments of this scale with the potential for buried heritage assets, a geophysical survey should be carried out to inform any sub surface archaeology. If remains of indeterminate significance are revealed by the survey, trial trenching should be carried out to assess their significance as required by the NPPF. Accordingly, the applicant is recommended to be asked to provide further information on any archaeological remains on the site prior to the determination of this application.

Case officer comment:

Any update regarding the above will be reported orally at committee.

County Rights of Way:

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

South Somerset Disability Forum:

Outline the need for the developer to comply with accessibility requirements prescribed in The Equality Act 2010 and Building Regulations part M. They are also happy to offer their advice in meeting these requirements.

Climate Change Officer:

Welcomes solar orientation being mentioned in the application details and the use of south facing backs to facilitate solar gain. Encourage all dwellings to orientate in this fashion. Encourages use of renewables in order to meet Code Level 4 for sustainable homes and also use of a central wood chip boiler to provide heat and hot water to all of the dwellings.

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

Royal Society for the Protection of Birds:

The recommendations set out in the ecological survey do not meet the criteria of good practice as outlined in the document 'Green Infrastructure and Biodiversity', for example providing nesting places for building dependent birds. Recommend a condition seeking a landscape and wildlife management plan.

REPRESENTATIONS

705 letters and emails have been received in relation to this application. 600 raise a number of objections whilst 105 support the application. In addition, a petition with 1238 signatures objecting to the proposal has been submitted from residents of Wadeford, Combe St Nicholas, Cuttifords Door and Chard. The Mount Hindrance Action Group and The Cuttifords Door and District Residents Association have submitted detailed representations objecting to the development. 18 responses have been received in relation to the amended plans - all objecting and reiterating earlier comments.

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

Chard Regeneration Plan and NPPF

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

Employment:

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

Education

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

Landscape

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

Highways

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

Impact on Wildlife

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

Flooding/Drainage

- there has been flooding in the local area
- The fields within the site are often waterlogged
- Cuttiford's Door road to the A358 frequently floods, sometimes becoming impassable
- Recent rainfall water ran from west through the site leaving gravel/debris on the roads.
- Proposal insufficient to deal with future flood risk.

Impact on Cuttiford's Door

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

Amenity land

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

Redrow decision

- the Redrow site is not comparable to this development and thus the findings of the Inspector do not justify granting consent for this development.

Chard Town Football Club

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

Loss of agricultural land

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

Other issues

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

Supporting comments:

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

The points raised include:

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

CONSIDERATIONS

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

Principle of Development

The starting point for consideration of this proposed development are the saved policies of the South Somerset Local Plan (SSLP) which was adopted in 2006. The site is outside of the development area for Chard as defined in the SSLP. Policy ST3 is a saved policy and seeks to strictly control development outside of development areas. However, as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently has a 4 year 10 month supply of housing. Accordingly, Policy ST3 insofar as its application as a housing restraint policy, is not up-to-date. As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that whilst the Council currently does not have a 5 year supply of housing, albeit only just falling short, the approval of this application would result in adverse impacts that would significantly and demonstrably outweigh any benefits of the scheme. These areas of adverse impact are outlined in this report but include ecological and landscape harm, conflict with and contrary to the Chard Regeneration Framework, lack of employment land provision and conflict with the government's aims and objectives in terms of achieving sustainable development.

Emerging South Somerset Local Plan.

It should be noted at this stage that the emerging Local Plan has recently been subject to an Inquiry and following the Inspector's subsequent preliminary findings letter, the Local Plan process has been suspended. The 3 main areas of concern that the Inspector raised did not include the Chard Regeneration Framework. Therefore, whilst only limited weight can be attached to the emerging local plan and thus the regeneration proposals for Chard, it is clear that the Inspector does not object to the Local Plan proposals for Chard. Subject to the other

main areas of concern being satisfactorily addressed, and the Plan being 'sound' the Chard proposals will then form part of the adopted South Somerset Local Plan 2006-2028.

It is useful to note that following a letter written by a third party to the local MP, the Secretary of State, Mr Pickles, replied stating that in cases where this is no up-to-date Local Plan or 5 year housing supply, new development will still have to conform to the NPPF overall, in particular that development must be well located and sustainable. Moreover, a response to a follow up letter direct to the Secretary of State from the same third party, stated that in the absence of a 5 year housing supply, decisions must be made in accordance with the local plan and other considerations. Moreover, greater weight is likely to be given to the availability of land in the plan the closer it is to the full 5 year supply. Again, the same applies the closer a plan is to adoption. However, whilst the above may not be untrue, it does appear from reading the Planning press and appeal decisions that the 5 year supply of housing is a fairly critical issue. However, notwithstanding this latter point, as outlined previously, it is considered that there are adverse impacts that significantly and demonstrably outweigh the benefits of the scheme.

The Chard Regeneration Framework has been formulated over a period of years following the non-delivery of the Chard Key Site. It is supported by the Town Council and local residents. It proposes an appropriate level of growth for the town to 2028. It is clear that Chard requires growth to be delivered in a properly planned and undertaken in a strategic manner. Key to the successful future growth of Chard is a need to ensure that the homes, employment, schools and other services and facilities are built with the necessary infrastructure. The Chard Regeneration Framework will deliver the regeneration of the town. However, it is not considered that the proposed development will provide any of the required infrastructure needed in the town. Importantly, the majority of the site is outside of the Council's proposed strategic growth area for Chard. A small section of the site is included within Phase 1 of the Chard Plan but this is for an employment site and relocation of Chard Town Football Club. No employment land is proposed as part of this scheme and the football club is located on land further to the north. Accordingly, the proposal is not in accord with the Council's planned and strategic approach to the town.

A sustainable form of development?

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

Whilst it is not doubted that the development would meet some of the District's housing needs and also provide some welcome new facilities, there are some major concerns about the development as outlined in this report. Importantly, it is not considered that the development would meet the 3 key dimensions to the government's definition of sustainable development that the planning system is expected to help deliver.

In terms of the environmental role, it is not considered that the development satisfactorily protects or enhances the natural environment. The ecologist has raised a strong objection in terms of the harmful impact of the development on dormice - an internationally protected species. Moreover, it is not considered that the development would achieve the aim of minimising waste and pollution, given that, in the absence of employment land, future residents are likely to need to travel out of town for work. Moreover, due to the location of the site on the northern edge of town and distance from the key services and facilities in the

centre of town, notwithstanding the provision of bus stops on the edge of the development and new footways/cycleways, an increase in trips by private vehicle is likely to result, thus increasing pollution levels and harming the environment. Accordingly, it is not considered that the environmental plank of sustainable development would be achieved with the approval of this development.

In terms of meeting the economic role, the first obvious point to make is that the proposed development does not make provision for any new employment land. The promotion of economic development and employment is a key issue for the Government and a key aim of the regeneration proposals for Chard. Not only is there no employment provision but land upon which the Council has chosen to place new employment provision (phase 1) will be replaced with housing. It is considered that the Council's chosen area for the expansion of existing employment provision in the town is in the right place and would be provided in the short term in order to meet the employment needs of Chard. It would also be part of a coordinated development with the provision of appropriate infrastructure. The 'loss' of the employment land within phase 1 would also result in delays in providing employment for the town, thus seriously undermining the Chard Framework. Moreover, the development would not meet the economic function of sustainable development.

This in complete contrast to the aims and objectives of Chard Regeneration Framework. This is considered to provide a balanced mix of development in the right place and to provide both housing and employment in the short and longer term, along with the provision of the appropriate infrastructure. This will provide a genuinely plan led approach to creating development which has been created by empowering local people to have a genuine input into shaping the future of their town. This is a key element of the NPPF and would meet the economic role of sustainable development.

In terms of the social role, whilst it is accepted that this development would help towards providing some new facilities, in particular play and sporting facilities that would help towards creating healthy communities, the development would struggle to meet the criteria of accessible local services that meets the community's needs. Most of the town's key services and facilities are located in the town centre and thus are not immediately accessible. The local primary and preschools are at full capacity and therefore, whilst, financial contributions are being sought, it is likely that those children will need to travel further within Chard or outside the town if the local schools can't accommodate them. Therefore, it is not considered that the full social role can be achieved by this development.

It is therefore considered that the proposed development does not constitute sustainable development as defined by the government and therefore should be refused.

Highways

The applicant submitted a Transport Assessment which was revised following an objection received from the Highway Authority. The original reasons for refusal are outlined earlier in the report. A Travel Plan has also been received. The Highway Authority have assessed the revised Transport Assessment and, as can be noted from their comments outlined above, are now satisfied that the issues previously raised have now been addressed and do not raise an objection to the Transport Assessment nor indeed to the proposed development.

Whilst The Highway Authority have now withdrawn their objection, it does appear from their response that whilst the introduction of 3 banned turning movements at the Central Junction will prevent a 'severe' impact from occurring, this will create problems for drivers currently using the banned turning movements. Those drivers will be forced to find alternative routes which would be likely to increase their journey times. The Highway Authority have stated that the impact of the journey times on those drivers using the alternative routes has not been assessed, except within the sensitivity test for 2026. The sensitivity testing however shows

that the effect of the development would be significant (with or without the banned turns) in 2026. Moreover, without an assessment of this impact, it is difficult to assess whether this impact on journey times would be severe. However, The Highway Authority have not raised an objection on this issue nor sought further information. Therefore, no objection is raised by the Local Planning Authority.

The Travel Plan is still not acceptable and requires further work. An oral update will be given on the Travel Plan at the committee meeting. The required parking levels are outlined by the Highway Authority - however this is a matter that would be raised at the reserved matters stage when the detailed layout would be discussed. In respect of the design and layout of the estate roads, again this will be a matter for the reserved matters application, although it will be advisable to for the applicant to discuss this issue with The Highway Authority at an early stage.

Ecology

A summary of the Council's Ecologist original comments and a full copy of his comments in response to additional information and amended plans are outlined earlier in this report. In addition, the proposals for new habitat creation along with the retention and enhancement of existing habitat have been previously outlined. The need for mitigation was previously outlined by the ecologist in respect of badgers, bats and reptiles. The ecologist's focus in his second response was in relation to the impact on dormice.

Members will note that the ecologist does not agree with the conclusions of the consultant in terms of impacts to dormice, concluding that 'it is more likely that there will be a significant detrimental impact and that the proposal doesn't include sufficient mitigation and compensation'. Moreover, failure to satisfy the requirements of the Habitats Regulations ie 'maintaining favourable conservation status', which the ecologist cannot confirm will be the case, can leave a planning consent vulnerable to judicial review. The ecologist therefore considers this to be a strong reason for refusal and maintains an objection to the proposal.

In addition, the ecologist does not agree with the consultant's conclusion in respect of the impact on dormice in urban areas, of cat predation, lighting and habitat fragmentation. Again, it is concluded that these issues will have a significant detrimental impact on dormice in this case.

In terms of habitat fragmentation, the ecological consultant has forwarded evidence that gaps in hedgerows of up to 20 metres do not result in harmful fragmentation effects. Thus the proposed 9-12 metre gaps would, on the basis of the evidence, not result in any measureable fragmentation impact on dormice. Moreover, the creation of the east -west link road would not represent a significant habitat fragmentation due to the narrow widths of the hedgerow to be removed and the careful design of the highways. However, the Council's ecologist, whilst accepting that the evidence suggests that dormice do sometimes cross roads, he does not accept that the study referred mentioned gives significant support to the view that dormice on this proposed development site will survive in the hedges enveloped by urban development.

The ecologist considers that 'the cumulative effects of habitat fragmentation (by roads and footpaths), cat predation, and possibly lighting are likely to render those hedges that become enveloped by urban development, incapable of continuing to support dormice. I don't consider the studies referred to by MWA provide sufficient support to conclude that dormice will continue to inhabit these hedges following development, nor am I aware of any further studies that could be used to support such a conclusion'.

In terms of the scale of dormice habitat available, the ecologist acknowledges the creation of additional habitat and also refers to the loss of habitat, including those areas that will be highly and partially fragmented. The ecologist considers that the additional planting along the northern boundary will enable any significant increase in dormice numbers. Moreover, whilst

acknowledging that the block planting in the north west corner of approximately 0.64ha could be considered as providing some long term compensation habitat, this is considered to be an insufficient amount as it does not replace the amount of habitat that would effectively be lost due to fragmentation and is likely to conflict with the wider landscape requirements.

Landscape

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

There are two key areas of concern that the landscape officer has raised. These are 1) the location of the 'secondary visual envelope' and 2) the general evaluation of the site's visual sensitivity as perceived from land to the north. These issues are outlined in detail earlier in the report but the key point is that those 2 issues are fundamental when determining in landscape terms the acceptable northward extent of the development and an acceptable form of landscape mitigation. The landscape officer concludes that the development footprint is too extensive and extends too far northwards, encroaching onto a visually sensitive part of the landscape, in particular the north west and north east parts of the development.

The scheme was amended to take account of the concerns of the landscape officer. The suggested layout now includes a 30 metre buffer with a tree belt to reduce the impact. The density of housing towards this more sensitive area is also low at 15 dwellings per hectare. However, these measures are not considered to be sufficient. The clear view of the landscape officer is that this area of land extending around 60 metres from the northern boundary, is too sensitive and should remain undeveloped.

In terms of the revisions to the north east corner, again the revised plans have improved the landscape issue raised but are not sufficient to warrant a withdrawal of the landscape objection. The football clubhouse is now better sited further away from the northern edge and closer to the proposed residential form. However, it is not considered that sufficient space for the woody buffering is provided to counter the more concentrated white light of pitch lighting as experienced from the north of the site. Accordingly, the proposal is contrary to Local Plan saved policies ST5(4) and EC3 and a landscape objection is maintained.

Flooding/Drainage Issues

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

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

Employment

The proposed scheme does not provide any employment land. The applicant states that the development will provide employment during the course of its construction and that jobs will also be created in some of community facilities, in particular the community hub that will be created with a local convenience store and other local services/facilities. However, whilst any new employment is welcome, the direct employment that would be generated by the construction of the development would only be for a limited period. Moreover, the likely number of jobs generated on site with a local convenience store and other similar type services will be small.

The lack of employment provision on site does not accord with either the Chard Regeneration Framework nor indeed with the aims and objectives of the NPPF. Phase 1 of the regeneration plans for Chard includes employment provision on land to the west of the existing Chard Business Park, the very land upon which this application is proposing for housing. Indeed, there is concern that the loss of this land from proposed employment use to housing will delay the early delivery of employment land and thus employment opportunities in Chard. This will neither help regenerate the town as explicitly outlined in the Chard Regeneration Framework nor achieve a mixed sustainable form of development, as espoused by the NPPF.

The applicant has stated that land is available (within the applicant's control) to the north east of the site that could be provided for employment purposes. However, this does not form part of the current proposals. Moreover, the case officer has not made any planning assessment of this site nor aware of any previous assessment by the Council of the suitability of this plot for employment use. Notwithstanding the merits or otherwise of that alternative site, it is the application as submitted that has to be assessed. Given that this application is proposing a significant number of homes, along with the clear employment aims of the Chard Regeneration Framework, and the high importance attached to economic development and employment creation within the NPPF, the lack of employment provision as part of this application is not acceptable. Therefore, the lack of employment provision is not in accord with and contrary to the NPPF and the Chard Regeneration Framework.

Relocation of Chard Town Football Club

A significant element of the application involves the relocation of Chard Town Football Club. The new playing pitch and associated facilities will be located in the north east section of the site. Phase 1 of the Chard Regeneration Framework does include land on the northern side of Chard for the relocation of the football club along with employment land provision. However, this Phase 1 land is located further to the south than the current proposal and much closer to the current built northern edge of Chard.

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

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

In terms of the proposed location of the football club and associated facilities, it is located further north than proposed within Phase 1 of the Chard Regeneration Framework, thus it is in conflict with the Council's proposed siting for the football club. Moreover, the proposed site within the current application is sensitive in landscape terms and as a result the landscape officer has raised an objection in respect of this particular part of the scheme. The landscape officer has concern about the night-time impact of white light caused by floodlighting of the main pitch adversely affecting this rural edge. In addition, concern is raised about the location of the clubhouse and parking and the lack of adequate planting to mitigate against the adverse impact.

In response, the location of the football club and clubhouse has been amended and moved around 10 metres further to the south, along with additional tree planting along the northern edge along the roadside, east of Cuttisford's Door. Whilst the landscape officer acknowledged the revised plans were an improvement over the original, the proposals do not go far enough to overcome the landscape objection. The clubhouse is better sited being pulled away from the northern edge but is not convinced that sufficient space for the planting is provided to counter the more concentrated white light of pitch lighting as viewed from the north of the site. Thus there remains a landscape objection to this element of the proposals.

Loss of Agricultural Land

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

Viability

Members will be aware that an increasing number of development schemes are facing viability issues and put simply, are not viable with fully policy compliant planning obligations. Moreover, the government have made it clear through the NPPF and the recently introduced right for developers to appeal against affordable housing requirements, that Local Planning Authorities should, 'be sufficiently flexible to prevent planned development being stalled'. The developer in this case has not stated that the contributions as sought in terms of affordable housing, play, sport and open space requirements, highway works and education contributions would make the scheme unviable. However, although a draft Section 106 has been submitted and forwarded to relevant officers for their comments/discussion, the content, financial contributions and timescales are indicative and for discussion and negotiation between the parties.

Other issues

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

Concern has been raised that the local schools are at full capacity and would not be able to

expand to accommodate the likely anticipated number of children that would result from this development. The County Education Officer has confirmed previously and in commenting upon this application that both the local Primary and preschool places are full. He does confirm that there is capacity at the secondary school. In order to mitigate against the impact of the development, contributions have been sought by the Education Officer totalling just over £1.9m. The applicant has indicated through the submission of a draft s106 Planning Obligation that full contributions for the primary and preschool will be provided with a lesser amount to be provided for the secondary school. It is considered that this will satisfactorily mitigate against the impacts of the development in terms of educational need.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

If planning permission were to be approved it would be 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 items/issues:

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

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed scheme does not provide any employment land and therefore will not provide a mixed and balanced development. Moreover, housing is proposed on land identified for employment use within the Chard Regeneration Plan (CRP), thus the proposal is in conflict with the CRP and would delay the early delivery of employment land in Chard. Accordingly, the proposal is not considered to be a sustainable form of development as defined by the government and therefore would be contrary to the NPPF and Policy PMT1 and PMT2 of the emerging Local Plan.
02. The proposal will result in removal and fragmentation of habitat, and consequent reduction in population of Hazel Dormouse, a European Protected Species subject to protection under The Conservation of Habitats and Species Regulations 2010. The proposal fails to adequately satisfy or demonstrate that favourable conservation status of Hazel Dormouse will be maintained. Furthermore, Hazel Dormouse is a 'priority species' and this proposal fails to protect a priority species population on this site. The development is therefore contrary to Chapter 11 of the NPPF, Policy ST5 (point 3), ST6 (point 4) and EC8 of the South Somerset Local Plan.
03. The proposed development would by reason of encroachment of built form into an identified area of high landscape sensitivity, in the northern part of the site, result in an adverse landscape impact. Accordingly, the proposed development is contrary to saved policies ST5 (point 4) and EC3 of the South Somerset Local Plan.
04. The proposed development is contrary to the Council's strategic approach to the delivery of future development in Chard, contrary to Policy PMT1 and PMT2 of the emerging South Somerset Local Plan (2006-2028).

Area West Committee – 21st August 2013

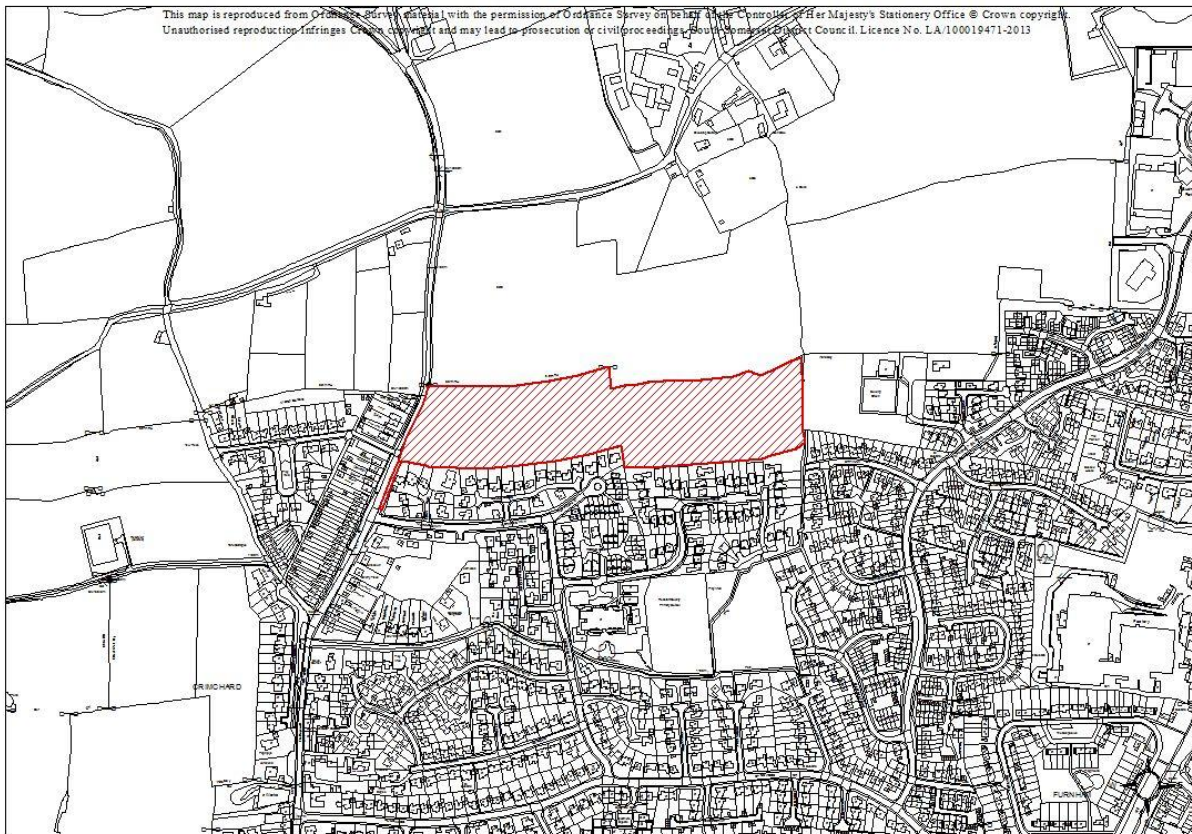
Officer Report On Planning Application: 13/01535/OUT

Proposal :	Residential development of up to 110 dwellings together with formation of new access and related works (outline) (GR 332133/109653)
Site Address:	Land East Of Crimchard, Chard
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr J Kenton
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	15th July 2013
Applicant :	David Wilson Homes South West Limited
Agent: (no agent if blank)	Mr Andrew Penna, A P Planning Limited, 34 Almorah Road, Bristol BS3 4QQ
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASONS FOR REFERRAL TO COMMITTEE

The application is classed as a 'major major' (exceeds 2 hectares) and therefore in accordance with the Council's delegated procedure, has to be referred to Area West Committee.

SITE DESCRIPTION AND PROPOSAL



The site is located on the northern edge of Chard, adjoining residential properties to the south and west. To the north is an agricultural field and the east is a bowling club. Crimchard Road bounds the site to the west with hedgerows on all 4 boundaries.

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

This application seeks outline consent for the erection of up to 110 houses, open and play space, formation of a new access and associated works and surface water attenuation area. Approval is sought at this stage for the means of access with all other matters reserved for future approval.

The application has been accompanied by a Design and Access Statement, including Sustainability Statement, an Archaeological Assessment, ecology reports, Flood Risk Assessment and drainage strategy, Landscape Visual Assessment, Planning Supporting Statement, Statement of Community Involvement, Transport Assessment and Travel Plan and a Tree Survey.

The Design and Access Statement outlines the proposed layout and describes the Masterplan which has been developed for the site. Access into the site will be gained from Crimchard with the creation of a T- junction. The development will be served with an internal estate road running fairly centrally west - east through the site with other roads leading off to serve the proposed dwellings.

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

The Design and Access Statement outlines the applicant's approach to the site, which is informed by an analysis of the character of the site and surrounding area.

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

The flood risk assessment and drainage strategy confirm that the site is not within an identified floodplain or an area at risk of flooding. Surface water will be controlled and managed to existing local watercourses and existing drains to the east and west. A sustainable urban drainage basin located at the east end of the site, will accommodate run off arising from the development during periods of extreme rainfall.

The landscape and visual assessment assesses the site and its surroundings. The report outlines that it is well contained within the local landscape with existing banks and hedgerows surrounding the site. Moreover, it states that the site is not visually prominent and can be developed without impact on the setting of Cuttifford's Door to the north.

The Statement of Community Involvement outlines that the proposals have been subject to consultation with officers at the Council along with a public exhibition.

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

The tree report has identified the trees on site located within the hedgerows and will be retained as part of the scheme.

The Design and Access Statement mentions the adjacent application at Mount Hindrance, which David Wilson Homes does not support. A significant section is included assessing the key issues and implications of the Redrow appeal decision at Mitchell Gardens, Chard from last year. The applicant's view is that the Inspector reached a number of key conclusions which are directly comparable and relevant to the David Wilson application, including the 5 year housing supply issue and impact of the scheme on the Chard Regeneration Plan.

The Design and Access Statement outlines the relevant planning policies, both national and local polices and adopted and merging policies. Moreover, it talks about the suitability of the site for housing and relationship to the Chard regeneration proposals. The D+A statement also outlines potential planning conditions and indication of the potential Heads of Terms.

HISTORY

The most relevant planning history is that the site originally formed part of a current planning application for a mixed use development known as the Mount Hindrance application (App No: 12/04518/OUT).

Environmental Impact Assessment:

The site was originally screened as part of the Mount Hindrance application - EIA was required for the whole of the Mount Hindrance development. EIA not required for this application at Crimchard.

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

EC1 - Protecting the best and Most Versatile Agricultural Land

EC3 - Landscape Character

EC6 - Locally important sites

EC8 - Protected species

TP2 - Travel Plans

HG6 - Affordable Housing

CR2 - Provision of outdoor playing space and amenity space in new development

CR3 - Off site Provision

National Planning Policy Framework

Achieving Sustainable development

Chapter 1 building a Strong Competitive Economy

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 10 Meeting the challenge of climate change, flooding and coastal change
 Chapter 11 Conserving and enhancing the natural environment

Other material considerations:
 The emerging South Somerset Local Plan 2006-2028.
 Policy PMT1 - Chard Strategic Growth Area
 Policy PMT2 - Chard Phasing

The Chard Regeneration Framework

CONSULTATIONS

Chard Town Council:

Recommend refusal on the grounds of negative impact on the area, lack of infrastructure, highway issues and not in keeping with the Local Plan.

Adjacent Parish - Combe St Nicholas Parish Council:

The Parish Councillors object to this application. This development would be outside the Chard Regeneration Plan area.

In addition to the flooding problems, spoiling the environment, etc. the proposed access is in the narrowest place along the part of Crimchard. Already the bus has trouble passing vehicles in this area. Extra traffic will make this much worse. Drivers will not be turning right and then down Glynswood to get to Taunton - they are bound to turn left and then right and go down through Cuttifords Door, making problems there and at Hornsbury Hill much worse, or they will continue through all the bends of Combe St.Nicholas and cause more traffic at the Eagle Cross junction on the A303. A recent SID report from Glynswood has shown traffic already travels far in excess of the speed limit now.

No infrastructure for schools etc. and medical needs.

Highway Authority:

Principle

The site lies outside of the development limits of Chard and remote from the town centre and most services and amenities. The plans to encourage sustainable travel in the Travel Plan will be crucial to the success in terms of principle. The principle of development in this location is very much open to question and it must be for the Local Planning Authority to decide whether this development is likely to encourage the use of private cars or whether the need for the development outweighs such considerations.

Transport Assessment

The basic assumptions and methodology of the Transport Assessment are acceptable although there are one or two anomalies. In particular, the Transport assessment ignores any junctions south of the Convent junction although it is accepted that the impact is likely to be small. Also the distribution of traffic along the southern section of the A358 and the B3162 has been omitted.

The examination of the routes to and from the site contains some interesting observations. The fact that cyclists can easily cycle on the estate roads through the site has no effect on the cycle accessibility for the site. The routes beyond the site are not conducive to cycling and this is an important point to be made. Equally the report speaks of links to the right of

way to the east of the site but shows the link as an arrow. This link will be crucial to the pedestrian links to the site.

A PERS audit has been included within the Transport Assessment but it is not clear what conclusions are being drawn from this audit. The various roads have been given scores and RAG index values with colour codings. In order for this information to be of any value, it must be put together into an assessment of routes to services and amenities that future residents are likely to use. Simply saying that this or that street has a RAG grading of amber or green tells the reader nothing about how easy it is to walk to a primary school or a convenience shop. This also does nothing to show the connectivity of the routes or the barriers to connectivity which might benefit from mitigation of some sort such as a crossing or resurfacing.

Chard Regeneration Strategy

This site is included in the Chard Regeneration Strategy but much later in the sequence once some of the link roads have been built to relieve problems at the Convent junction. The benefit of the MOVA recently installed by SSSC at the Convent junction can be seen in the capacity that is shown up in the traffic impact analysis. This capacity has been installed to facilitate development in other parts of Chard as part of the Regeneration Strategy. While the impact of these dwellings appears to be slight, it is still an impact that does not leave the capacity free for developments that contribute to the highway network. In a similar way to the Mitchell Gardens/Snowdon Farm application, the capacity issues do not amount to a reason for refusal on their own since the capacities of the junctions would not be exceeded by the inclusion of the development traffic. Whether the loss of spare capacity that is intended to facilitate development in line with the Regeneration Strategy is acceptable, is a planning consideration. It is strongly advised that a refusal on the grounds that the success of the Regeneration Strategy is put at risk from this development.

Travel Plan

As already discussed, the site audit that informs the Travel Plan is poor. There is little to be seen about routes to services and amenities for walkers and cyclists, and, while public transport information is provided, there is no information about how to access bus services and the shelters or facilities available such as timetables at the stops. Without this information collected, it is hard to see how a programme of measures to promote sustainable travel can be devised. The Travel Plan should look to make walking, cycling and public transport more attractive than at present to encourage more use by future residents.

Further to the poor site audit, the Action Plan is very weak on measures to achieve the modal shift targets. The site audit should highlight the ways in which walking and cycling can be encouraged and how public transport usage can be enhanced. New bus stops could bring bus travel closer to future residents and improvements to walking routes could make walking much more likely. This is not an exhaustive list of possible measures but examples of measures that could be employed. Once suitable measures have been identified and included in the Action Plan, these can then be costed and a reasonable level of commitment deduced as well as protecting the developer from limitless financial liability.

In the event that the targets are not met, there should be a schedule of safeguard measures that could be employed to get the Travel Plan back on track. These measures can also be costed and could involve cycle training or maintenance, or health promotion events. These measures can be costed as with the main Travel Plan measures so that the level of commitment can again be assessed and the developer's commitment capped.

The period of operation of the Travel Plan should be in line with the current guidance. The

monitoring period should be between first occupation and 5 years from 80 percent occupation.

The targets have not been set out in line with current guidance. Absolute figures as well as percentages should be shown and the figures should relate to the predictions in the Transport Assessment. The census data should be transposed to relate to the baseline mode targets and a reduction of at least 10 percent in single occupancy vehicle movements should be achieved.

The role of the site Travel Plan Coordinator will be crucial and is not well defined in the Travel Plan. The period of operation is again important as is the time dedicated. 1 day per month is insufficient to carry out all the monitoring and implementation tasks that will be needed. Time will have to be allowed to organise the promotional events and information initiatives.

The Travel Plan will involve financial commitments not least the Travel Plan fee and the Green Voucher scheme payments to residents. This means that it cannot be secured by condition and that a Section 106 agreement is necessary. The main features of the Travel plan will be set out in the agreement but it will be easier if an approved Travel Plan can be included in the agreement rather than having to describe every element in the legal document.

Access

The proposed access to the site will be from Crimchard and the Transport Assessment has established that a simple priority junction will operate well within capacity. The visibility splays shown are acceptable but the access is only just within the 30 mph zone which means that traffic approaching from the north could be still slowing from greater speeds. The natural bend in the road means that intervisibility between emerging vehicles and approaching traffic could be further than the minimum requirement.

Estate Roads

It is appreciated that the layout is indicative and that the road has yet to be designed. It is not clear where the limit of adoption is likely to be, however, and this should be made clear with the reserved matters submission. The turning heads within the site must be capable of turning an 11.78 metre 3 axle vehicle which is the standard refuse vehicle for Somerset. This should be confirmed by swept path analysis. The main road through the site should be 5.5 metres wide with 2 metre footways both sides and all other roads should be 5 metres wide with 0.5 metre margins if they are to be shared surfaces. The indicative plan shows some longish straights which are not conducive to low speeds. Introducing more bends and other events such as junctions will create a more informal layout which will encourage caution in drivers.

There appear to be trees planned in the vicinity of the estate roads and the species selected and their root ball protection schemes should be cleared with the Highway Authority before any construction begins.

The layout is indicative and the supporting documents mention adhering to the Somerset Parking Strategy which is acceptable. For these parking spaces to be acceptable there are standards to be complied with. Spaces fronting the highway including footways should be 5 metres long to prevent any possibility of overhanging. Where a space is obstructed at the rear, by a wall or fence for example, the length should be increased to 5.5 metres so that drivers don't have to hit the obstruction to park in the right place. Spaces in front of garages should be 6 metres to allow for operation of the door. Garages should have minimum

internal dimensions of 6 by 3 metres so that drivers of average cars can enter the garage and still have room to open the door and get out. Double garages should be 6 by 6 metres for the same reason.

Drainage

The Flood Risk Assessment proposes to discharge surface water collected on the site into an existing ditch that runs to the east of the site. This proposal will require the agreement of the relevant authority in the form of a right of discharge before any construction work begins. The Highway Authority would prefer to see a right of discharge agreed and presented with the reserved matters application.

There is mention of the use of swales to collect highway water runoff but the Highway Authority wishes to see gulleys and connections used to collect highway surface water. This is considered more sustainable since it requires considerably less maintenance and is likely to last a lot longer. This water, it appears, is to be attenuated on site and the method of storage is crucial. The type and position of attenuation tanks must be agreed before any construction starts on site since this could radically affect the layout.

The use of the eastern ditch is cause for concern. As well as collecting run-off from the existing site, it may be collecting run-off from other nearby fields. There is no assessment of the catchment area and thus the quantities that the ditch is currently handling. The developer is offering to deal with the some run-off problems for the dwellings on the south side of the site as well as directing all the collected surface water into the ditch. It seems apparent that the capacity of the ditch to accept all this additional water needs thorough investigation and not simply vague plans for attenuation. The Highway Authority will need to see this investigation prior to any construction starting on site.

As a result, the Highway Authority raises no objection to this application subject to the following conditions.

Case Officer Comment:

7 conditions are recommended which includes a Grampian style condition requesting that construction of the access is completed prior to work commencing on site. Other conditions requested relate to a parking strategy, discharge of surface water, and satisfactory completion of internal road works.

Highways Agency:

No objection. The forecast peak hour traffic on the A303 from this proposed development falls well below the 30 two way trips threshold in the Highways Agency's Protocol for Dealing with Planning Applications and will have a minimal impact on the A303.

Planning Policy:

The Policy Officer outlined the key policy documents including the Development Plan (saved policies of the South Somerset Local Plan). Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

The Policy Officer then outlined details in relation to the emerging South Somerset Local Plan 2006-2028 which includes the strategic vision for Chard. Reference is also made to the NPPF.

As you are aware work has been undertaken over a number of years to set out a strategic vision for Chard, this has been produced through a regeneration partnership consisting of South Somerset District Council, the South West RDA (now HCA), Somerset County Council and Chard Town Council who appointed LDA Design - a leading masterplanning consultancy to prepare the Chard Regeneration Plan (2010) and Implementation Plan (2010). Together

with the Vision and Strategic Transport Appraisal these documents form the Chard Regeneration Framework and seek to prepare a long term vision and place making plans for the town to prioritise investments and improvements to deliver the comprehensive physical regeneration and development Chard needs. Growth Option 3 of the Chard Regeneration Plan has been taken forward through the Local Plan process, and the emerging South Somerset Local Plan 2006-2028 identifies a strategic allocation to the east of Chard for mixed use development including, within and beyond the plan period for around 2716 new homes, 19 ha of employment , 2 new primary schools, 4 neighbourhood centres, highway infrastructure and improvements and sports and open space provision - including the relocation of the football club (Policies PMT1 and PMT2). The proposal site lies within Growth Option 4 which identifies growth potential to the natural limits of Chard.

The approach taken at Chard is in keeping with the NPPF; paragraph 1 states: "It (the NPPF) provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities." This is the approach that has been taken at Chard and was recognised by the Inspector in his decision letter on the Redrow (Mitchell Gardens) appeal (Appeal ref: App/R3325/A/12/2176355).

The key issues were outlined as follows:

Key Issues

The key areas of concern with regards to this proposal are as follows:

1. It is contrary to the Chard Regeneration Plan - this is a proposal for a large scale development which proposes development in a location has been identified as having potential for future growth, but in the longer term.
2. Highway impact - a major area of concern and driving force for the phasing approach set out in the Chard Regeneration Framework Implementation Plan was the impact of strategic growth on the central Convent Link junction - the comments of the Highway Authority will be key in relation to this issue.
3. Ecological impact (saved Policy EC8) - I believe dormice and badgers are present on site and would expect the Council's ecologist to comment in detail on this matter.

Conclusion

In accordance with the NPPF a clear approach to delivering growth locally has been set out in the Chard Regeneration Framework documents and taken forward as a strategic allocation in the emerging Local Plan; approval of this planning application could jeopardise the delivery of strategically planned growth in Chard. This is a large scale proposal with no employment land provision and fails in terms of the economic aspect of sustainable development required by the NPPF. The proposal is premature and prejudicial to the delivery of the Chard Regeneration Scheme through the South Somerset Local Plan. The proposal potentially precludes further development of Chard by utilising existing infrastructure (traffic) and is seeking to use up that infrastructure without providing the means to compensate for this and enable further development.

Case officer comment:

Following the recent close of the Examination into the South Somerset Local Plan 2006-2028 and subsequent Inspector's preliminary letter, the Policy Officer confirmed that the Inspector raised no issues regarding the soundness of the emerging settlement hierarchy and the status of Chard as a Primary Market Town (Policy SS1), nor has he raised any concerns regarding emerging Policy PMT1. With regards to emerging Policy PMT2 the Inspector has raised the following point for clarification, in his letter he states the following:

"There is a requirement in policy PMT2 (Chard phasing) that the phasing of development should occur as set out in the Chard Implementation Plan (CIP). However, the CIP is a non-statutory document and therefore has less status than the LP will have on adoption. The CIP cannot be given statutory weight (which is implied by the reference to it in the policy) because it has not been through a statutory process and therefore it would be more appropriate for any references to the CIP to be in the supporting text."

The Examination has now been suspended until early 2014 in order to allow the District Council to address all areas of concern. A minor modification will be made to Policy PMT2 and the supporting text to address the Inspector's comments.

The NPPF (para 216) states that the more advanced the stage of preparation, the greater the weight that may be given to emerging plans. Given the fact that the Local Plan Examination is now in suspension it is considered that the emerging Local Plan policies can be afforded little weight; however the fact that no soundness issues have been raised with regards to Policies SS1, PMT1 and PMT2 should be noted.

Economic Development:

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 will only remove capacity at the central junction which SSDC, SCC and Chard Town Council have fought to provide to enable strategic growth on the CEDA. The current proposal is not strategic in that it provides 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.

We must then 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.

Area Development Manager:

Fully supports the comments of the Economic Development Officer.

Engineer:

The Drainage Strategy set out in the Flood Risk Assessment is as discussed in pre-app consultation and is generally satisfactory. Run off rates towards the lower end of the options are preferred due to the unknown details of existing culvert outfall. Condition drainage details to be submitted for approval.

Environment Agency:

Originally raised an objection to the scheme but were concerned about the lack of detail relating to where the surface water drainage /culverted watercourse goes once it leaves the residential site. Following discussion with the applicant's consultant regarding flood risk issues, the Environment Agency withdrew their objection subject to conditions and informatives, in relation to surface water drainage, details of the structural integrity and capacity of the downstream culvert network, implementing safeguards during the construction phase to minimise pollution from the development, use of sustainable

construction and waste management.

Landscape Officer:

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

The application site lays within the scope of the peripheral landscape study of Chard which was undertaken during the Spring of 2008. This study reviewed the town's immediate surround with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to:

http://www.southsomerset.gov.uk/media/230799/peripheral%20landscape%20study_chard.pdf The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the application field is found to have a high capacity to accommodate built development, despite the sensitivity of land to the north of the site. Consequently, there is no landscape objection to the principle of development of this field.

I note that a detailed landscape and visual impact assessment has been carried out in support of this application, and I would not take issue with its findings. It helpfully sets out strategic landscape objectives (section 4.3) that feed into the concept masterplan. I would agree with those objectives, and in most part they translate into the concept masterplan, though I would take issue with the location of the LEAP and associated open space location, which will be better placed west of where currently indicated, consistent with the findings of the L&VIA's fig. 28, and the need to break-up housing mass on rising land, but that is a discussion for another day, should this outline approval gain consent.

Arborist:

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

County Archaeology:

The applicants D and A statement says that there is potential for archaeological remains on the site based on a desk based assessment carried out by the applicants contracting archaeologist and therefore the proposal is likely to impact on a heritage asset. However, there is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their significance as required by NPPF

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

Case Officer comment:

This request was forwarded to the agent. It is considered that if the application is approved a condition can be imposed on the outline consent seeking the information required by the County Archaeologist.

Community, Health and Leisure:

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

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

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

Open space Officer:

No objection.

Wessex Water:

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

Housing Officer:

I would expect 39 affordable units - (based on 110 in total) - 26 social rent and 13 share ownership or other intermediate solutions. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles and would prefer the 1 beds to either be a house or to have the appearance of houses. There also needs to be some dialogue as to the required affordable housing property mix base on the current need for Chard.

Ecologist:(summary)

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

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

Case Officer Comment:

Conditions would be imposed on any approval in relation to the mitigation measures outlined by the ecologist in respect of dormice, badgers, lighting and biodiversity enhancement. In terms of amending the layout, the application is in outline only and the layout is reserved for future approval. The applicant is aware of the ecologist's recommendation in respect of the badger corridor.

The applicant's ecological consultant sought clarification from the council's ecologist in respect of the badger corridor. It was confirmed that an alternative exit and route for badgers that avoided gardens was sought. Thus, the council's ecologist has retained the request for the corridor but did accept that it wasn't practical for badger proof fencing for existing properties along the southern boundary.

Natural England:

Offer advice in terms of bats, dormice, reptiles, local wildlife sites, landscape, biodiversity enhancements and green infrastructure potential. Advise to check Natural England's standing advice and to seek the advice of the Council's Ecologist. No position is taken in terms of support or refusal of the application.

Somerset Wildlife Trust: (summary)

Raise significant concerns about the development, in particular in relation to proximity to the Mount Hindrance Farm Hedges Local Wildlife Site. They don't agree that there wouldn't be a

significant increase in cat predation - would result in an increased threat to dormice.

Support the proposals in respect of ecology but ask for other measures to be put in place to enhance provision for wildlife including, enhancement of the eastern hedge, need a wider buffer along the northern hedge, seek native species planting, enhancements for bat and birds, careful control of external lighting, wildlife corridors through the site and further survey to assess whether the site does support valuable populations of other species.

RSPB:

Pleased to note that the majority of the site's hedgerows and mature trees will be retained, along with new habitat. However, seek increased opportunities for new nest sites for birds within the houses and offer advice on how best to accommodate nesting opportunities within houses.

Environmental Health Officer:

No objections.

Climate Change Officer:

Pleased to note renewables are mentioned in the Design Statement but no explanation of how this will influence the design and layout. Gives advice on layout and orientation of properties and in terms of changes to Part L of the building regulations (high efficiency alternative systems for new buildings). Expects renewables to be explicitly detailed at reserved matters stage.

Raises no objection in principle to the development.

County Education Officer:

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

Primary - 22 Places = £269,654
 Secondary - 16 Places = £295,504
 Pre-School - 3 places = £36,771

A total contribution of £601,929 is therefore sought for this development.

County Rights of Way Officer:

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

REPRESENTATIONS

340 letters/emails have been received objecting to the development. Objections have been received from the Mount Hindrance Action Group and Cuttiford's Door District Residents Association.

Below is a summary of the comments:

Chard Regeneration Plan:

- Development is contrary to the development plan and to the Chard Regeneration Plan
- Development is in the wrong place

- Would compromise regeneration plans for Chard.
- Years of work creating the proposals for Chard would be severely jeopardised.

Sustainability:

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

Highways:

- Increased traffic congestion at key junctions in the town and on local roads within the town and to villages outside of Chard.
- Local roads not suitable to serve the development, narrow, poor visibility.

Landscape:

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

Agricultural land:

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

Wildlife:

- Harmful impact on wildlife
- Development would act as a deterrent to wildlife and will not return to the site.

Flooding:

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

Education:

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

CONSIDERATIONS

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

Principle of Residential Development

The starting point for consideration of this proposed development are the saved policies of the South Somerset Local Plan (SSLP) which was adopted in 2006. The site is outside of the development area for Chard as defined in the SSLP. Policy ST3 is a saved policy and seeks to strictly control development outside of development areas. However, as per the guidance in the NPPF, relevant policies for the supply of housing are considered not up-to-date if the Council is not able to demonstrate a 5 year supply of housing. The Council currently has a 4 year 10 month supply of housing. Accordingly, Policy ST3 insofar as its application as a housing restraint policy, is not up-to-date. As a result, applications should be considered in the context of the presumption in favour of sustainable development. Moreover, applications should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

In this case, it is considered that whilst the Council currently does not have a 5 year supply

of housing, albeit only just falling short, the approval of this application would result in an adverse impact that would significantly and demonstrably outweigh any benefits of the scheme. It is considered that approval of this application would be contrary to and seriously harm the Council's well planned and strategic approach for Chard as outlined in the Chard Regeneration Framework.

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

Emerging South Somerset Local Plan.

It should be noted at this stage that the emerging Local Plan has recently been subject to an Inquiry and following the Inspector's subsequent preliminary findings letter, the Local Plan process has been suspended. The 3 main areas of concern that the Inspector raised did not include the Chard Regeneration Framework. Therefore, whilst only limited weight can be attached to the emerging local plan and thus the regeneration proposals for Chard, it is clear that the Inspector does not object to the Local Plan proposals for Chard. Subject to the other main areas of concern being satisfactorily addressed, and the Plan being 'sound' the Chard proposals will then form part of the adopted South Somerset Local Plan 2006-2028.

It is useful to note that following a letter written by a third party to the local MP, the Secretary of State, Mr Pickles, replied stating that in cases where this is no up-to-date Local Plan or 5 year housing supply, new development will still have to conform to the NPPF overall, in particular that development must be well located and sustainable. Moreover, a response to a follow up letter direct to the Secretary of State from the same third party, stated that in the absence of a 5 year housing supply, decisions must be made in accordance with the local plan and other considerations. Moreover, greater weight is likely to be given to the availability of land in the plan the closer it is to the full 5 year supply. Again, the same applies the closer a plan is to adoption.

However, whilst the above may not be untrue, it does appear from reading the Planning press and appeal decisions that the 5 year supply of housing is a fairly critical issue. However, notwithstanding this latter point, as outlined previously, it is considered that the conflict with the Chard Regeneration Plan would result in an adverse impact that significantly and demonstrably outweighs the benefits of the scheme. Moreover, the Council is currently reviewing its 5 year housing land supply with the expectation that it will be able to demonstrate a 5 year supply before the end of the year.

Highways

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

In particular, to direct traffic away from the Central Junction which is close to capacity and simply would not be able to cope with the planned growth for Chard.

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

The MOVA system was introduced to increase capacity at the junction to accommodate the early phases of development in the Chard Regeneration Plan and not for significant ad hoc developments in the town.

Whilst it is accepted that from a technical viewpoint, the capacity of the junction would not be exceeded, there is a strong concern that a combination of this development added to the Redrow and other approved developments in the town, would absorb a significant amount of the available capacity at the junction. The result is an adverse and significant impact on the ability of the Chard Regeneration Plan to be delivered.

Ecology

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

Flooding/Drainage

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

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

Landscape

The application was supported by a Landscape and Visual Assessment. This has been used to inform the proposed Masterplan for the site and it concludes that the site has the landscape capacity to accommodate residential development. The Council's Landscape Officer has not raised an objection to the proposal confirming that residential use of the site would be compatible with existing housing development to the south. Moreover, this site was included within the scope of the peripheral landscape study undertaken in 2008 by the landscape officer. This project sought to identify land that has a capacity for development and concluded that this site has a 'high' capacity to accommodate built development. Thus there is no landscape objection to the principle of residential development in this field.

It is considered that the location of the play area and open space would be better placed further to the west in order to break up housing mass on rising land. However, approval for the layout is not being sought at this stage and these issues would form part of any future reserved matters discussion.

Employment

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

In this case, notwithstanding the above policy position, it is considered that the lack of employment land within this application is not sufficient to warrant refusal of the application. The future growth of the town as outlined in the Chard Regeneration Framework makes provision for employment land up to 2028. It is accepted that the current application at Mount Hindrance, if granted, would seriously impact upon the ability of the town to deliver this allocated employment land, certainly in the short term. It does not provide any employment land and proposes housing on the very site intended for employment land. The Crimchard proposal is different in that it doesn't directly compromise future employment land, nor was it proposed for employment use as part of growth Option 4. On that basis, it is not considered

The Redrow Appeal Decision, Mitchell Gardens,

The applicant has placed a significant amount of emphasis in making the case for the application on the appeal decision at Mitchell Gardens from last year. An Inspector granted consent for 61 dwellings on land outside of the designated development area for Chard. Moreover, it was not included within Growth Option 3 for Chard. Whilst it is accepted that there some similarities between the two proposals, the Council does not agree that the Redrow decision justifies granting consent for this application.

The first key point is that every application has to be considered on its own merits taking into account relevant policies, and having fully assessed the responses received from consultees, Town Council and local residents. The Inspector concluded that the Redrow development would not undermine the Chard Regeneration Plan, in particular, the additional traffic would not cause significant harm at the Convent Junction. However, it was clear from his report that further developments may well cause significant problems at this key junction in the town.

In addition to the above points, the Redrow scheme was significantly smaller than the Crimchard scheme (61 houses compared with a proposed 110 houses) and is located much closer to the town centre (approx. 500 metres). Moreover, since the appeal decision, greater progress has now been made towards the implementation of the Chard Regeneration Plan with the approval of a scheme within the first phase at Oaklands Avenue and the development consortium developing their plans for the eastern side of town with proposed public consultations this year and submission of a planning application next year.

Crucially, the Inspector acknowledged the Council's planned and strategic approach to Chard, as being the correct way to plan development for Chard. It is therefore concluded that very little weight should be attached to the Inspector's decision for the Redrow development.

Loss of Agricultural Land

The development would result in the loss of agricultural land and has been used for the

growing of arable crops. Council records indicate that the land is classed as good quality Grade 3a agricultural land. The NPPF states that the economic and other benefits of the best and most versatile agricultural land should be taken into account. It is clear that from reading a few recent planning appeals where the loss of agricultural land has been raised, the issue is an important consideration although possibly not in itself sufficient to warrant refusal. In this case, whilst it is clearly productive as evidenced by the recent growing of crops, on balance, in the absence of evidence regarding the economic benefits of crops grown on the site, and the fact that the Council has identified the land as suitable for development beyond the full implementation of the Chard Regeneration Plan, it is not considered that the loss of agricultural land warrants refusal of the application.

Viability

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

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

If planning permission were to be approved it would be 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 items/issues:
1. The provision of affordable housing,
 2. Contribution towards the provision of sport, play, open space and strategic facilities.
 3. Phasing of the development.
 4. Highway infrastructure and works.
 5. Education contribution
 6. A Travel Plan

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposed development is not located within the Council's preferred Area for Growth for Chard (Growth Option 3). It will also absorb some of the additional highway capacity created at the Convent Junction for the benefit of early phase development within the Chard Regeneration Plan. This development is contrary to the Council's strategic and planned approach to the delivery of future development in the town. The proposal is therefore contrary to the sustainable development objectives outlined in the NPPF and Policy PMT1 and PMT2 of the emerging South Somerset Local Plan 2006-2028.