

Area West Committee – 21st August 2013

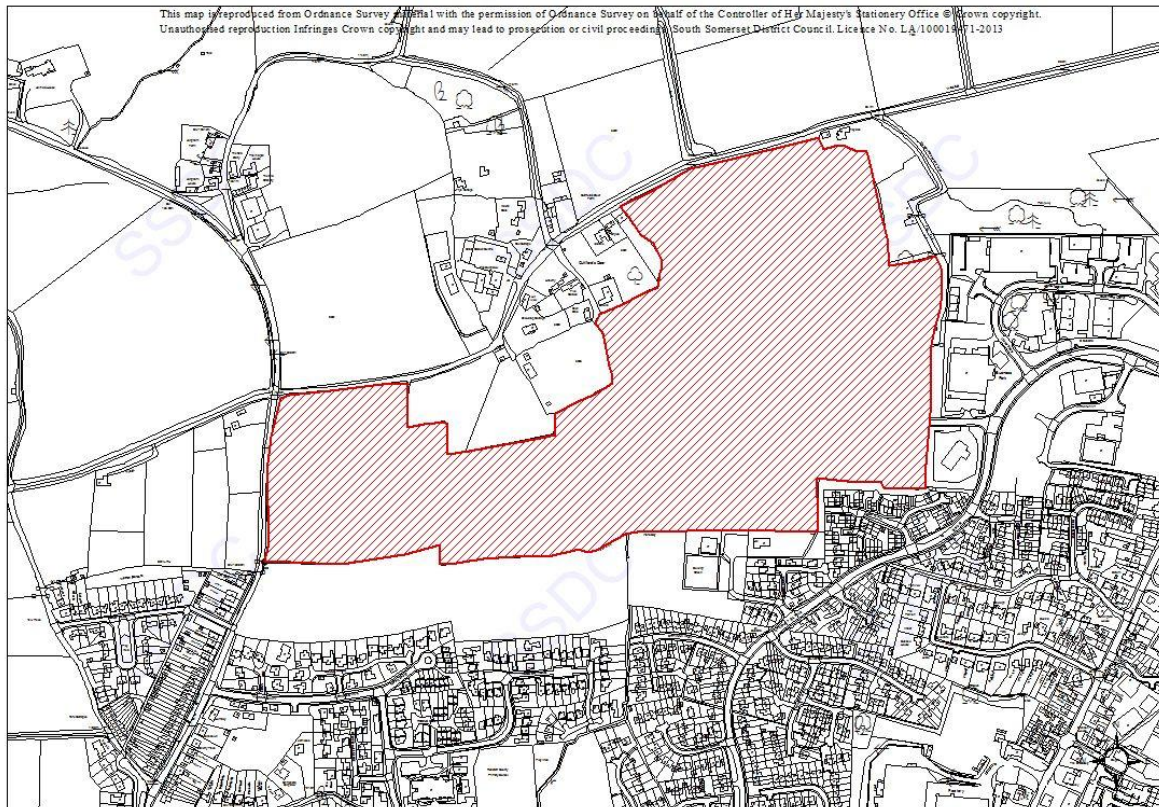
Officer Report On Planning Application: 12/04518/OUT

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 Cuttifords 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).