

Area West Committee – 21st August 2013

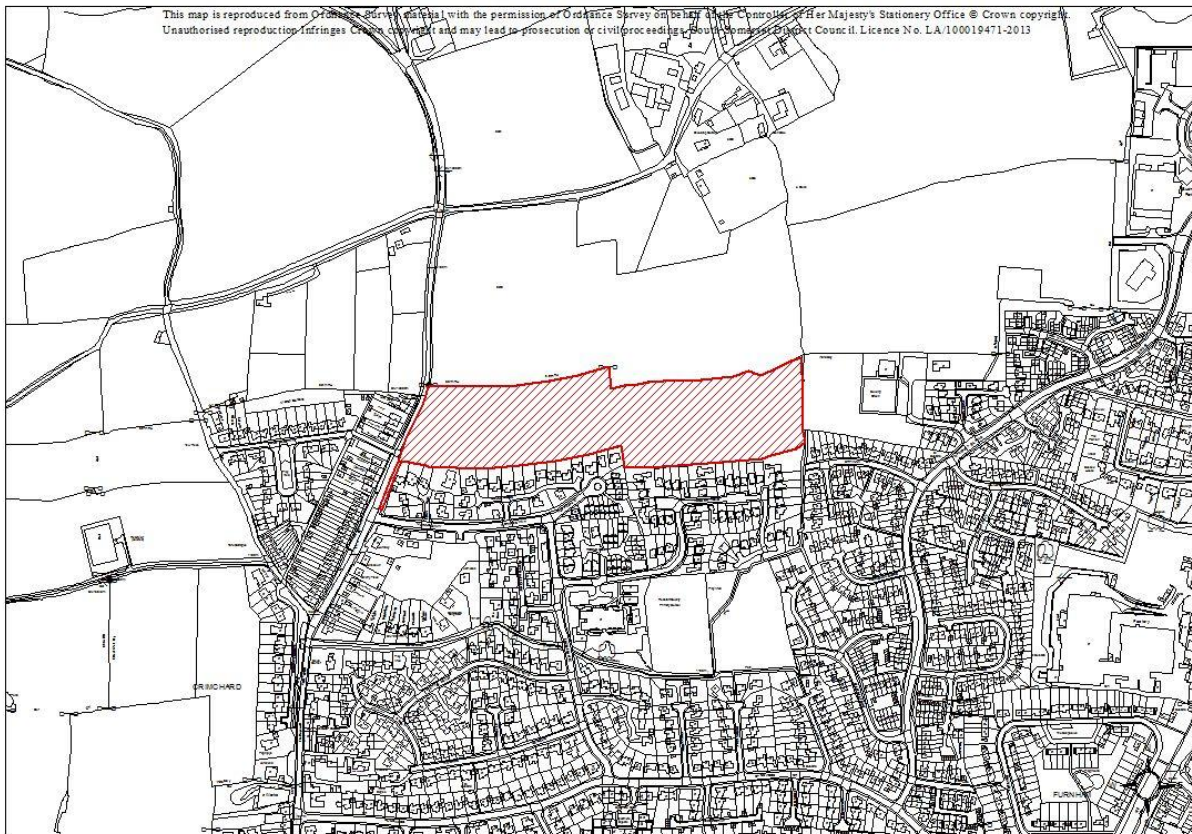
Officer Report On Planning Application: 13/01535/OUT

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

REASONS FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

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

Environmental Impact Assessment:

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

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006)

ST5 - General principles of Development

ST6 - Quality of Development

ST10 - Planning Obligations

EC1 - Protecting the best and Most Versatile Agricultural Land

EC3 - Landscape Character

EC6 - Locally important sites

EC8 - Protected species

TP2 - Travel Plans

HG6 - Affordable Housing

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

CR3 - Off site Provision

National Planning Policy Framework

Achieving Sustainable development

Chapter 1 building a Strong Competitive Economy

Chapter 4 Promoting sustainable transport

Chapter 6 Delivering a wide choice of high quality homes

Chapter 7 Requiring good design

Chapter 8 Promoting healthy communities
 Chapter 10 Meeting the challenge of climate change, flooding and coastal change
 Chapter 11 Conserving and enhancing the natural environment

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

The Chard Regeneration Framework

CONSULTATIONS

Chard Town Council:

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

Adjacent Parish - Combe St Nicholas Parish Council:

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

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

No infrastructure for schools etc. and medical needs.

Highway Authority:

Principle

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

Transport Assessment

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

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

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

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

Chard Regeneration Strategy

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

Travel Plan

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

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

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

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

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

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

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

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

Access

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

Estate Roads

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

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

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

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

Drainage

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

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

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

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

Case Officer Comment:

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

Highways Agency:

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

Planning Policy:

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

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

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

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

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

The key issues were outlined as follows:

Key Issues

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

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

Conclusion

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

Case officer comment:

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

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

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

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

Economic Development:

Summary

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

The current application will only remove capacity at the central junction which SSDC, SCC and Chard Town Council have fought to provide to enable strategic growth on the CEDA. The current proposal is not strategic in that it provides nothing to facilitate further growth.

It directly challenges the viability of the phasing sequence as it removes initial capacity required to bring forward town centre and wider CRS compliant development from which we would leverage further capacity to complete the phases & linked infrastructure.

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

Area Development Manager:

Fully supports the comments of the Economic Development Officer.

Engineer:

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

Environment Agency:

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

construction and waste management.

Landscape Officer:

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

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

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

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

Arborist:

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

County Archaeology:

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

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

Case Officer comment:

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

Community, Health and Leisure:

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

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

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

Open space Officer:

No objection.

Wessex Water:

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

Housing Officer:

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

Ecologist:(summary)

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

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

Case Officer Comment:

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

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

Natural England:

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

Somerset Wildlife Trust: (summary)

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

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

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

RSPB:

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

Environmental Health Officer:

No objections.

Climate Change Officer:

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

Raises no objection in principle to the development.

County Education Officer:

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

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

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

County Rights of Way Officer:

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

REPRESENTATIONS

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

Below is a summary of the comments:

Chard Regeneration Plan:

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

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

Sustainability:

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

Highways:

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

Landscape:

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

Agricultural land:

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

Wildlife:

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

Flooding:

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

Education:

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

CONSIDERATIONS

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

Principle of Residential Development

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

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

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

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

Emerging South Somerset Local Plan.

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

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

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

Highways

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

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

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

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

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

Ecology

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

Flooding/Drainage

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

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

Landscape

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

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

Employment

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

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

The Redrow Appeal Decision, Mitchell Gardens,

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

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

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

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

Loss of Agricultural Land

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

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

Viability

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

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

If planning permission were to be approved it would be subject to:-

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

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

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

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