

Area West Committee – 22<sup>nd</sup> January 2014

**Officer Report on Planning Application: 13/01942/FUL**

<b>Proposal:</b>	Demolish existing buildings and erection of 24 No. dwellings with associated works to include formation of new access (GR 331599/109073)
<b>Site Address:</b>	Land Off Touchstone Lane Chard
<b>Parish:</b>	Chard
<b>COMBE (CHARD) Ward (SSDC Member)</b>	Cllr M Wale
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date:</b>	6th August 2013
<b>Applicant:</b>	Summerfield Homes (SW) Ltd
<b>Agent: (no agent if blank)</b>	Peter Grubb WYG Planning And Environment Hawkridge House Chelston Business Park Wellington Somerset TA21 8YA
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

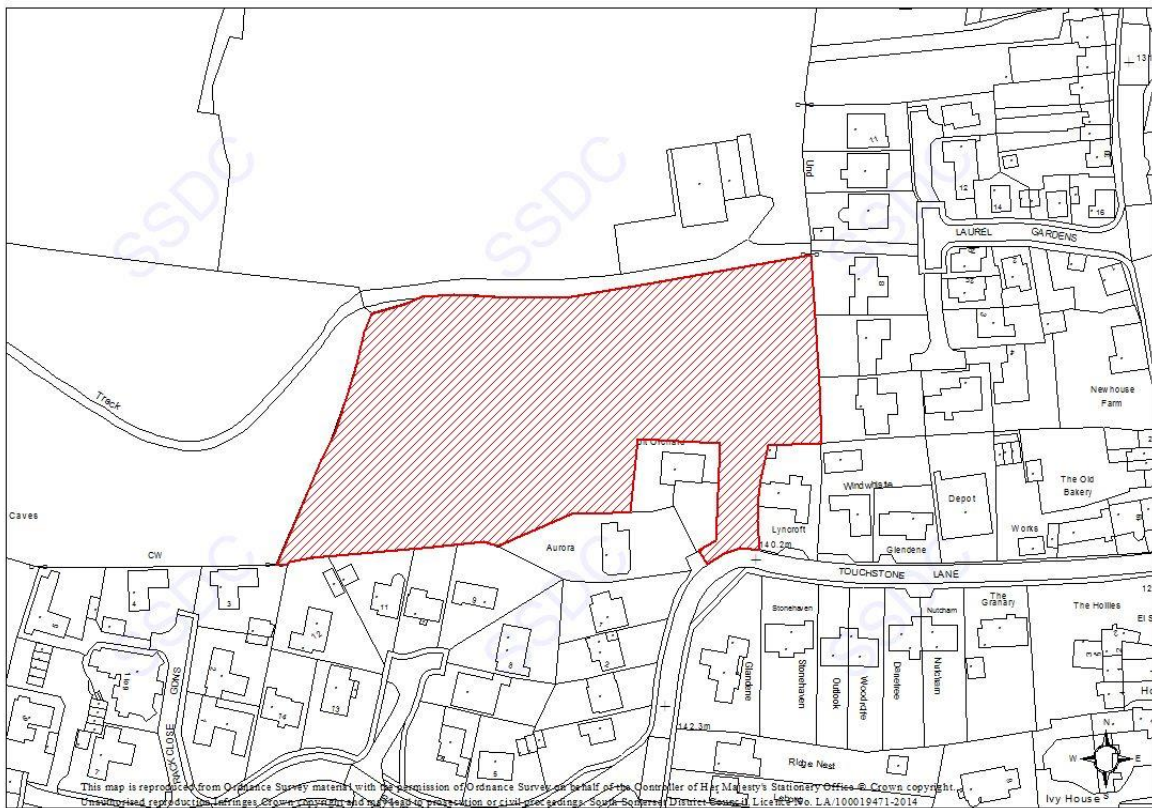
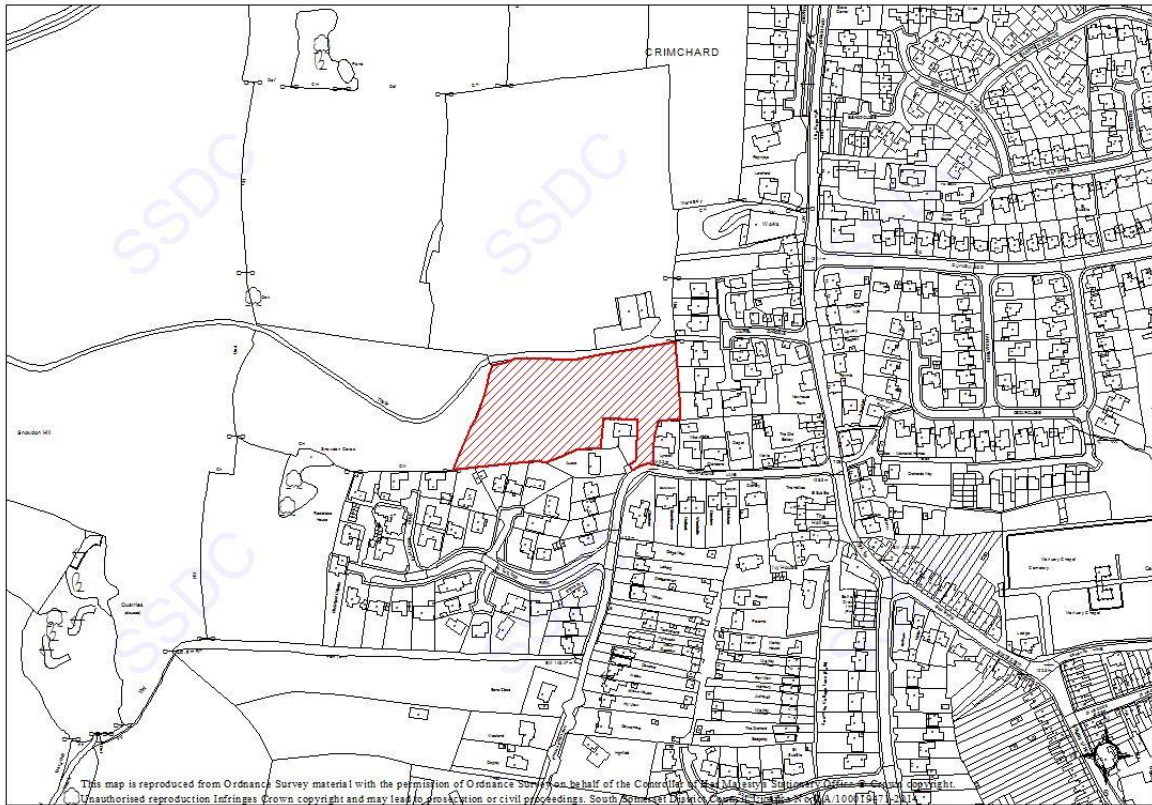
This application for residential development is recommended for approval and is a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

Members will recall that this application was considered at the meeting of Area West Committee on 11th December 2013. Members resolved to defer the application to a future meeting of the Area West Committee in order to seek:

- Amendments to the proposed houses nearest to the adjacent bungalows. If possible these new dwellings should be bungalows;
- Clarification of drainage proposals;
- Clarification of Highway Authority position.

Members also requested that the Highway Authority be invited to the relevant committee meeting.

SITE DESCRIPTION



The site is located on the far western side of Chard, off Touchstone Lane. It extends to 0.98 hectares and is currently an area of grassland. The site slopes significantly from

west to east and is bounded on its southern and eastern sides by residential properties. An agricultural access exists to the north which serves an agricultural building and land. A further agricultural access point exists to the south east onto Touchstone Lane.

## **PROPOSAL**

This application seeks consent for the erection of 24 dwellings and associated works off Touchstone Lane, Chard. 8 of the units (35%) will be affordable. The scheme as amended will provide a mix of dwellings, including 16 two storey detached dwellings, a terrace of 3 two storey dwellings and 5 bungalows (1 detached and 2 pairs of detached bungalows). Plot 1 has also been amended and the proposed dwelling moved further north to provide greater distance between this dwelling and the neighbouring property known as Croft Orchard. The garage and parking arrangements for plot 1 and 2 have been amended accordingly to accommodate this change.

Access will be gained from Touchstone Lane with the upgrading of the current agricultural access. A new internal road will serve the new dwellings running through the centre of the site. Each of the market houses will be provided with garaging and off-road parking spaces whilst the affordable units will be given off-road parking spaces. 6 visitor spaces will also be provided within the development. In total, 62 car parking spaces will be provided.

The application has been accompanied by a Transport Assessment, Drainage Assessment, Ecological Report, Design and Access Statement and a Landscape and Visual impact Assessment.

## **HISTORY**

873111- Residential development of land - Outline approval 1988.

883773 Reserved matters - Construction of access road and erection of 9 bungalows and 3 houses with garages - approved 1989.

9600247 - Erection of 4 dwellings and a block of 4 two bedroom maisonettes with garages/parking - refused and appeal dismissed 1987.

## **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 (SSLP) (Adopted April 2006)

Saved Policies

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - Quality of Development

ST10 - Planning obligations

HG6 - Affordable Housing

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

Policy related material considerations.

National Planning Policy Framework (NPPF)  
 Core Planning Principles  
 Chapter 4 - Promoting sustainable transport  
 Chapter 6 - Delivering a wide choice of high quality homes  
 Chapter 7 - Requiring good design  
 Chapter 11 - Conserving and enhancing the natural environment.

Other relevant documents  
 Somerset Car Parking Strategy

Other Policy Considerations

Verrington Hospital Appeal Decision 11/02835/OUT - this established that the Council did not then have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13).

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

## **CONSULTATIONS**

### **Chard Town Council: (Comments on original submission)**

Recommend: Unanimous Refusal on the following grounds:

The area is known for flooding, and with the sloping of the land at the site it will cause the runoff water to cause Laurel Gardens to flood.

The dwellings will overlook the rear of the existing bungalows at Laurel Gardens.

The development is not in keeping with the rest of the area as the existing dwellings are all bungalows.

It will cause an impact on traffic on the highway due to access to the site being on a right angled turn.

The roads leading to the site are narrow and there is no pedestrian access.

The development is not within the Local Plan proposals.

### **Chard Town Council: (comments on first set of amended plans):**

The Town Clerk has now made a delegated decision in consultation with the Chairman of the Planning and Highways Committee and the Ward members on the amended plans for 13/01942/FUL and would like to recommend refusal for the amended plans for the same reasons as before which were on the grounds that:

- The area is known for flooding, and with the sloping of the land at the site it will cause the runoff water to cause Laurel Gardens to flood.
- The dwellings will overlook the rear of the existing bungalows at Laurel Gardens.

- The development is not in keeping with the rest of the area as the existing dwellings are all bungalows.
- It will cause an impact on traffic on the highway due to access to the site being on a right angled turn.
- The roads leading to the site are narrow and there is no pedestrian access.
- The development is not within the Local Plan proposals.

**Chard Town Council: (Revised plans with bungalows)**

Comments are awaited and will be reported orally at Committee.

**Highway Authority: (original comments):**

I have reviewed the above application and there are two concerns which I feel needs to be addressed. First is the visibility splay. I believe this issue was raised by my colleague J Gallimore who stated in his pre-application correspondence that:-

The proposed access on to Touchstone Lane appears to have sub-standard visibility if third party land is avoided. There is no highway margin on that side of Touchstone Lane which means that, despite being on the outside of a bend, visibility will be limited. The applicant will have to demonstrate that he has control of enough land to gain the necessary visibility. A speed survey might show that speeds are less than the 30 mph that applies past the site but there will still be a requirement to provide visibility. Adopting the road will also involve adopting the visibility splays and this will dictate whether the scheme is acceptable. It is not clear from the submitted plan how much land the developer controls. There are overhead power lines crossing the access and the height of these lines will be crucial. It may be that the lines have to be transferred underground.

The plan submitted for this applicant still does not demonstrate that visibility (2.4m x 43m) both directions can be achieved without encroaching on third party land (Lyncroft).

From a highway perspective a plan should be submitted showing the appropriate visibility splays as stated above. If this cannot be achieved then a speed survey should be undertaken to demonstrate that the visibility that can be achieved is within acceptable limits based on the recorded data.

Secondly the parking matrix falls short of parking spaces for the 3 bedroom dwellings providing 2no spaces, however, I am equally concerned that no visitor spaces are provided at 1 per five dwellings.

Both issues do need to be reconsidered by the applicant.

**Highway Authority (additional comments following submission of additional plans/information):**

The Highway Authority is now satisfied that the means of access is acceptable. The applicant has demonstrated that they have sufficient land within their control to provide the necessary visibility splays. Moreover, sufficient resident and visitor parking spaces have now been provided to meet the adopted County parking standards.

**Officer comment post committee:**

Members resolved at the December meeting to seek clarification from the Highway Authority as to their position regarding the proposed vehicular access. In addition, the

case officer will request that a Highway Officer attends the committee meeting to explain their position on this proposal. A letter had previously been sent from the Highway Authority confirming their position but not received by the case officer until after the December committee meeting. This clarifies their position as follows:

**Highway Authority comments:**

The proposed development lies along Touchstone Lane, an unclassified road that is subject to a 30mph speed restriction at this point. The site is deemed sustainable being within walking distance of both the town centre and other services including amenities such as schools.

The proposal is to create a new highway access into the development off Touchstone Lane that leads into the development site with a turning head at the end. There were initial concerns with regard to the visibility splays at the new junction with Touchstone Lane, however, the Transport Statement included speed data that confirmed that vehicle speeds along Touchstone lane were considerably less than the 30mph limit and therefore the required visibility splays of 2.4m x 25m were deemed appropriate for use in this instance. Further amendments to the access arrangements have been undertaken and it has now been demonstrated that the correct visibility splays can be achieved within either highway or applicant ownership.

The estate road layout is acceptable in terms of alignment but will be subject to agreement if it is to be adopted by the Highway Authority and APC (Advanced Payment Code ) will apply. The applicant has also amended plans showing revised parking number both for visitor parking Drg No; 0489-112 (rev c) which is acceptable.

Therefore, there are no highway objections to the proposal subject to conditions.

**Landscape Officer:**

The site is bounded by housing on two sites, to create a credible relationship with the built form of the town. The main sensitivity is that of its rising ground. In terms of its visual profile, it is noted by the application's landscape appraisal, that the main external points of vantage that perceives the site to be rising up the hillside, are on the opposite side of the valley within which Chard is sited. From this distance, this site is a very minor component at the town's edge. Close to the site, the impact of development is limited to the immediate surround, primarily on those properties that lay below (to the east of) the site. Whilst there is a general sensitivity about any urban edge site, I do not consider this location to be so sensitive so as to preclude development.

The layout before us has evolved from earlier consultations with the applicant's team, and given the constraints of the site's scale and gradient, offers a tolerable form of development alongside a housing edge of indistinct character. I am wary of the proposal to locate 2-storey housing immediately above bungalows at the site's east edge, and consider this too-dominant a relationship, but otherwise the housing arrangement would appear to be acceptable.

A landscape proposal is submitted detailing landscape treatment on site (drawing 478-04C) which I view as being appropriate. If you are minded to approve this application, please condition the landscape scheme to be undertaken no later than the season following completion of the site's construction works.

**Landscape Officer: (Additional comments in respect of the bungalow scheme):**

I have no issue with the proposed layout amendments.

Looking in detail at the landscape proposal, I note that a number of the tree species selected for inclusion within the public space are fruiting types, with the native crab apple (*Malus sylvestris*) and plum (*Prunus domestica* 'victoria') yielding sizeable fruits. These particular fruiting trees are not considered suitable for public space, not only as the fruits are of a size that can be used as 'projectiles' by children, but as they will also attract wasps. Consequently I would advise these two trees are substituted *Malus hupehensis* would be a suitable replacement for the native crab apple, whilst the numbers of *Prunus avium* 'plena' can be raised in place of the Victoria Plum. (**Officer comment** - this can be dealt with via a landscaping condition and subsequent discharge of condition).

**Ecologist (original comments):**

The 'Ecological Impact Assessment' (lead ecological consultants, April 2013) submitted by the applicant isn't complete. There are a number of specific surveys to be completed this summer. Some of the potential issues could have implications for the development plans or site layout, and/or require specific mitigation measures that would need to be specified in conditions.

Government Circular ODPM 06/2005 ('Biodiversity and geological conservation - statutory obligations and their impact within the planning system') advises:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'

Furthermore, all bat species and dormice are subject to the strict provisions of The Habitats Regulations 2012 to which local planning authorities must have regard to in the exercise of their functions. To ensure any planning permission is legally compliant with these regulations, it will be necessary to establish any impacts or otherwise upon bats and dormice before permission is granted.

I'm unable to give detailed comments on this application and recommend it isn't permitted until ecological surveys have been completed and submitted.

**Ecologist- (revised comments following submission of additional information and completion of surveys): (Summary of comments)**

Following the submission of an addendum to the original Ecological Impact Assessment, the hazel dormouse survey was completed and a mitigation strategy produced to cover construction and post construction. The Ecologist is satisfied with the mitigation and compensation proposals and recommends that those are subject of a condition. However, due to the removal of some dormouse habitat, the committee report will need to include an assessment against the 3 Habitat Regulations tests i.e. will the conservation status be favourably maintained. The Ecologist has advised that in view of the relatively small amounts of dormouse habitat, with the provision of appropriate mitigation and compensation measures, that the Habitat tests will be satisfied.

**County Education Officer:**

The pupil population forecasts indicate that there is expected to be a severe shortfall of primary school places available as developments come forward in the plan period. There are currently some un-used places, these are not surplus as we know that they will be required to meet the demographic growth of the school population, without taking into account additional demand for places required to meet the demands of new development.

Advises that a development of 23 dwellings will require 5 primary school places at a cost of £12,257 per place giving a total contribution of £61,285.

**Officer comment:**

Given that there is some capacity at present at the local primary school, as with the Council's approach to other sites in Chard with capacity either at the secondary or primary school, it is not considered reasonable to seek a contribution. This approach has also been supported by an Inspector at a recent appeal in Langport. Capacity is currently available in the local schools and the request for a contribution for school places was not considered reasonable.

**Housing Development Officer:**

Regarding the affordable housing element of the scheme - current policy requires 35% affordable housing split 67:33 in favour of social rent without access to further public subsidy (e.g. grant from HCA). I would expect 8 affordable units - (based on 23 in total) - 6 social rent and 2 shared ownership or other intermediate solutions.

Following on from discussions with the developer may I suggest the following property mix:-

2 x 1 bed flats  
4 x 2 bed bungalows  
2 x 2 or 3 bed houses.

I would like to see bungalows on this development because of the location. It would be my intention that these properties would be targeted at older existing tenants, moving out of larger accommodation and therefore freeing up much needed family sized houses in the area. Older residents would also not be subject to the bedroom tax and so under occupancy would not be an issue. I would want the flats and bungalows to be social rent products and the 2 x 2/3 bed properties to be another intermediate product, I believe the developer would like to propose 'Discounted Market' properties and I would support this.

I would expect the affordable units to be pepper potted throughout the site and suggest that they are developed to blend in with the proposed market house styles. I would want the 1 beds to have the appearance of a house.

**Community, Health and Leisure:**

A total contribution of £112,742.91 is sought for play, sport and strategic facilities. This figure is broken down as follows:

Equipped play and youth facilities = £23,669. To enhance facilities at Redstart Park or another or new play area suitably located to serve the development.

Playing pitches = £9,126. Will go towards existing or a new recreation ground in Chard.



Changing rooms = £18,529.91. To go towards new or existing community changing facilities in Chard.

Community Halls = £11,957.41. Towards new or existing community hall in Chard.

Strategic facilities:

Octagon Theatre, Yeovil = £7,200.

Artificial Grass pitches = £1,849. Towards enhancement of the sand based AGP at CRESTA, Chard.

Swimming pools = £4,210. Towards provision of a new pool in Chard or existing pool.

Indoor tennis courts = £5,451. New indoor tennis centre in Yeovil.

Sports hall = £8,763. New sports hall in Chard or enhancement at CRESTA.

Commuted sums = £20,867.

#### **Open space Officer:**

Confirmed that no on site open space will be sought as the number of houses are below the threshold.

#### **Environment Agency:**

No objection subject to conditions and informatives in respect of surface water drainage limiting surface water runoff to existing greenfield rates, minimising pollution risks, sustainable construction and waste management.

#### **Engineer: (original comments)**

Contents of the drainage statement are noted and I am aware of flooding problems experienced at Laurel Gardens nearby which are caused by surface run-off from land to the west. This problem acknowledged in the drainage statement and identifies the need to deal with this issue. Details will be required. Use of soakaways for roofwater is acceptable subject to satisfactory percolation tests. Control of surface water from highways is indicated and details will be required for approval.

#### **Engineer: (additional comments following December committee meeting)**

There is an existing flooding problem at Crimchard which I investigated a few years ago. The attached plan shows routes of surface water run-off from the higher ground to the west. This run-off ended up flowing down the agricultural access from Laurel Gardens and then into Crimchard where a number of properties are at risk of flooding. We introduced some drainage systems in an attempt to intercept this flow although I'm not sure how effective this is now. The landowner was also approached by FWAG (Farming & Wildlife Advisory Group) and land management was discussed with a view to different cropping practices being used in order to alleviate the surface water run-off problem. Again I'm not sure how effective this has been.

The important point is that this run-off was focussed on Laurel Gardens and I don't think any of the surface water run-off emanated from the proposed development site. Looking at developer's plan the site seems to be surrounded on the western and northern boundaries by earth banks which probably give it some protection from run-off from the

higher land to the west and effectively separates it from the rest of the catchment area.

I note the use of some large blocks of soakaways to deal with roof water and this arrangement should be effective. The run-off from highways is to be controlled in oversized pipes, as indicated on the plan, with a final controlled outfall to the surface water sewer in Touchstone Lane and, like Wessex Water, I have no problem with this arrangement. I suspect that this existing system outfalls into the culverted watercourse at Dyehouse Lane to the east of Crimchard and directly opposite Touchstone Lane.

The drainage strategy for this proposed development is basically sound but won't address or exacerbate any existing flooding attributed to the Laurel Gardens route.

**Wessex Water:**

No objection. Advise that the developer will need to agree connections onto the existing sewer system.

**Climate Change Officer (summary of comments):**

Advises of the new building regulations Part L in terms of using high efficiency alternative systems. Suggests the use of solar PV and a single wood chip or pellet boiler to supply a district heat system for the site. An objection is currently made because the dwellings as currently designed and orientated will not comply with post July 2013 building regulations as there is no provision for renewable energy generation equipment.

**Police Architectural officer: (original comments)**

Sought windows in the gable end walls in the affordable houses to allow surveillance of the vehicle bays.

**REPRESENTATIONS (original scheme):**

22 Letters and emails have been received raising the following objections:

- Will lose our view from our property
- Flood risk
- Surrounding roads are not suited for any increase in traffic
- Houses would tower over adjacent bungalows.
- Development here not in accord with the excellent and well received Chard Plan.
- Development not needed - houses to be provided in Chard Plan.
- Access will be located on a dangerous, very sharp 90 degree bend.
- Increased level of traffic using the access will make this corner even more dangerous
- Writer outlines an accident that they had along Touchstone Lane.
- Many new misses along Touchstone lane
- Cars parked along Touchstone lane render it a single lane road.
- Touchstone Lane is not suitable for more traffic - substandard width and alignment.
- Junction with Crimchard is an existing problem with parked cars
- Houses not in keeping with adjacent bungalows
- Loss of wildlife and trees.
- Previous planning applications refused on this site for smaller developments
- Inaccurate Transport Statement - there are no footways serving both sides of Touchstone lane.
- Inaccurate cross sections/plot heights - houses will be higher in relation to bungalows
- Houses will overlook, be overbearing and cause loss of privacy to occupiers of the bungalows

- Access will extend across third party land.
- Touchstone lane is particularly dangerous during icy conditions.
- Junction of Touchstone Lane and A30 dangerous, approach section to A30 is single carriageway.
- Local drainage system at capacity.

**Amended plans/information:**

6 letters/emails have been received in respect of the receipt of amended plans and additional information. These restate previous concerns and continue to raise objections to the proposed development.

**Amended scheme (bungalow scheme):**

No letters/emails have been received to date. An oral update will be given in terms of any additional representations being received. One call was received about incorrect levels being shown on the cross section drawings.

**CONSIDERATIONS**

**Principle of Development**

It is accepted that the site is located outside the defined development area of Chard, where residential development is normally strictly controlled by local and national planning policies. However in the decision at Verrington Hospital (11/02835/OUT) the Inspector concluded that the Council could not demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector at Slades Hill (12/03277/OUT) concluded that the Council still cannot show a 5 year land supply.

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle. Secondly it acknowledges that the emerging local plan designates Chard as a Market Town capable of accommodating some 1,450 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2012). This reflects the fact that Chard, as a larger town containing a variety of shops, services, facilities, and employment opportunities, is a sustainable location for residential development.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis of this clear NPPF presumption in favour of sustainable development unless there are adverse impacts that would justify a refusal, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

### **Chard Regeneration Plan**

The site is not located within land identified within the Chard Regeneration Plan. A number of local residents have correctly raised this point. It is a consideration that has to be taken into account when assessing the merits of the proposal. The Chard Regeneration Plan proposals form part of the emerging local plan which, as members are aware is yet to be adopted. Whilst the Local Plan Inspector did not raise the Chard proposals as a major issue, due to the current suspension of the Local Plan, and the further period of consultation, only moderate weight can be attached to the emerging local plan policies. It is therefore considered that greater weight must be attached to the Council's current lack of a 5 year housing supply and its location on the edge of a sustainable settlement.

### **Highways**

Concern has been raised to the proposal in respect of the highways implications of the proposal. Local residents are objecting to the scheme on the basis that the means of access into the site will be on the northern side of a right angled bend. Moreover, that the access road i.e. Touchstone Lane and its 2 main junctions with Crimchard and the A30 are substandard and thus not suitable to serve the additional traffic that will be generated by the proposal. Comments have also been received that the legal parking of cars along Touchstone Lane render it a single width access road. The Highway Authority have assessed the application and following the receipt of additional details do not raise an objection in respect of the means of access to the site nor in terms of the suitability of Touchstone Lane to serve as the access road to the development. In addition, parking levels have been increased to meet the County Council's parking standards. Following the December committee meeting, a letter has been received from the Highway Authority that states their position in respect of the proposed access. As Members will note from that response, The Highway Authority are satisfied that suitable visibility splays are provided and will provide a safe means of access. The case officer has requested the presence of a highway officer at the committee meeting to outline their position on this application and to respond to any questions/queries from Members.

In addition to the proposed site access, members will recall that the Highway Authority sought plans with regard to the access road in the north east corner of the development. This road serves an agricultural building outside of the site which houses a carnival float. As there are access rights from this building through the application site to Touchstone Lane, the Highway Authority requested plans to show that the carnival float can satisfactorily enter and exit through the application site. Tracking plans have now been received showing this detail and the Highway Authority are satisfied with those details.

A local resident who lives next to the junction of Touchstone Lane with the proposed access road into the site, has stated that a piece of his land would be required to provide the necessary visibility splay. This matter was referred to the agent who has confirmed that they have the necessary land within their control to satisfy highway requirements. In any case, the matter of land ownership is a civil matter and, notwithstanding the grant of a planning permission, the developer would need to ensure that they have all of the necessary other consents and/or permissions that may be required to implement the permission.

## Residential Amenity

The southern and eastern boundaries of the site adjoin existing residential properties. Given the distance and orientation of properties, the relationship between the proposed and existing dwellings along the southern boundary, particularly the dwellings known as Croft Orchard, Aurora and those at the northern end of Rackclose Park, is considered to be acceptable. However, concern was raised by local residents about the relationship between plots 20-24 along the far eastern side of the site and the 3 nearest properties in Laurel Gardens. Those properties in Laurel gardens are all bungalows and sit at a much lower ground level than the application site. The case officer was concerned with the original scheme in terms of harmful overlooking and an overbearing impact on the occupiers of the bungalows.

Members will recall from the earlier report that a number of discussions were held with the applicant and agent about how to resolve those concerns. The case officer suggested replacing the dwellings on plots 20-24 with bungalows and/or moving the dwellings further to the west away from the bungalows. The preference of the officer was for bungalows. The options were considered by the applicant and amended plans were submitted that retained 2 storey dwellings but moved them further to the west. Obscure glazed windows would also be inserted into the first floor windows on the eastern (rear) elevations. The original distances in terms of the rear walls of the new properties to the rear walls of the bungalows varied between 19 to 22 metres. A conservatory is attached to the rear of the central bungalow. The distances now vary between 22 to 25 metres. These distances are now beyond the established distance of 21 metres that is usually sought between properties in order to achieve an acceptable degree of privacy.

In addition to the distance between properties, the significant difference in ground floor levels between the application site and adjacent properties also has to be considered. Members will recall that a strong concern was raised by a local resident about the accuracy of the cross sections and levels shown on the plans. The case officer and colleague visited the appeal site and neighbouring property to establish the correct levels. It was confirmed that the height of the neighbouring bungalow was not shown at the correct height and this was reported to members at the meeting. Notwithstanding this issue, members raised concern at the relationship between the proposed new dwellings at the eastern end of the site and the neighbouring bungalows. The members therefore deferred a decision on the application to seek an amended scheme that would address this concern.

Since the committee meeting, amended plans have been received that replace the 5 dwellings on plots 20-24 with 5 bungalows. The distance between the rear walls of the proposed and existing bungalows vary between 23.5 to 26 metres. A conservatory is attached to the central bungalow, thus bringing it closer to the new bungalows. Concern has again been raised by a neighbour about the accuracy of some of the levels shown on the cross section drawings that show the physical relationship between the new and proposed bungalows. Based on the measurements that the case officer established on site, the eaves height of No 7 Laurel Gardens is 140.8 metres and not as shown on the plan (142.06), thus a difference of 1.26 metres. In addition, the garden of no 7 is shown as being flat whereas there is a clear slope. A revised plan showing the correct levels has been requested. Notwithstanding the need for a revised plan, the case officer is aware of the correct levels and is able to assess the relationship between the new and existing bungalows.

The proposed bungalows on plots 20-24 will be at a similar distance from the existing bungalows in Laurel Gardens when compared with the earlier (two storey dwelling) scheme. However, there is an appreciable difference in terms of the height of the

proposed dwellings with a reduction of between 2 to 3 metres. The difference in heights between the proposed and existing bungalows has now been reduced from around 7 metres to 4 metres. Whilst the bungalows will clearly still be on higher ground, the new bungalows will respect the amenity of the adjacent occupiers and are considered to be acceptable.

### **Design**

The bungalows will be of simple design but are considered to be appropriate for their location. The introduction of bungalows on this part of the site will not only result in a better physical relationship with the existing neighbouring properties but also fit in with the prevailing character of bungalows in the local area.

### **Flooding/Drainage**

A number of local residents have raised concern in respect of flooding and drainage issues. Indeed, the case officer has been shown pictures and video of water running through from the site through properties in Laurel Gardens and then onto the road to the east of the site. There is no doubt that drainage of surface water is an issue due to the topography of the local area i.e. a significant drop in height from west to east. The accompanying Drainage Statement identified this as an issue and the Council's engineer is aware of flooding problems at Laurel gardens. This application is not able to solve or stop the wider flooding issues that arise in the local area but must not make the existing situation any worse. Neither the Environment Agency or the Council's Engineer have objected to the development but would require via conditions details to be submitted in respect of surface water drainage.

Particular concern is expressed by local residents that the introduction of hard surfaces will lead to an increase in flooding and drainage issues. The Environment Agency has sought details via condition to control surface water drainage and to limit surface water runoff to existing greenfield rates. Moreover, the Council's Engineer has advised that parking areas etc. will need to be a constructed with permeable surface or a soakaway system. Those details will be conditioned and details will need to be submitted and agreed by the Local Planning Authority. It is considered that in the absence of an objection from the EA or the Council's Engineer and with appropriate conditions in place, drainage of the site can be satisfactorily mitigated.

The issue of drainage/flooding was raised by members at the committee meeting and further clarification was sought regarding the proposals. The Council's Engineer provided additional comment (as outlined earlier in this report). Whilst accepting that there are flooding issues in the local area, he is satisfied that the submitted drainage proposals are acceptable.

### **RECOMMENDATION**

The application be approved subject to the prior completion of a Section 106 Planning obligation (in a form acceptable to the Council's solicitor before the decision notice granting planning permission is issued, to secure the following:

1. 35% affordable housing to the satisfaction of the Strategic Corporate Housing Manager, with a tenure split of 67:33 in favour of social rent to other intermediate solutions.
2. The sum of ££112,742.91 for play, sport and strategic facilities to the satisfaction of the Assistant director (Wellbeing) as follows:

Equipped play and youth facilities - £23,669 to enhance facilities at Redstart Park or another or new play area suitably located to serve the development.

Playing pitches - £9,126 towards existing or a new recreation ground in Chard.

Changing rooms - £18,529.91 towards new or existing community changing facilities in Chard.

Community Halls - £11,957.41 towards new or existing community hall in Chard.

Strategic facilities:

Octagon Theatre, Yeovil = £7,200.

Artificial Grass Pitches - £1,849 towards enhancement of the sand based AGP at CRESTA, Chard.

Swimming pools - £4,210 towards provision of a new pool in Chard or existing pool.

Indoor tennis courts - £5,451 towards new indoor tennis centre in Yeovil.

Sports hall - £8,763 towards new sports hall in Chard or enhancement at CRESTA.

Commuted sums - £20,867.

and the following conditions:

Justification

01. The proposed development of this edge of town site by reason of its location in proximity to the services and facilities available in the town, scale, design, layout, satisfactory means of access will constitute sustainable development and without unacceptable harm to the character and appearance of the area or the amenities of existing residents. The development will provide much needed housing including affordable housing, a safe means of access and will mitigate against the ecological impact of the development. As such the development complies with the saved policies of the South Somerset Local Plan and to guidance in the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

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

Reason: To protect the amenity of the area to accord with saved policies ST5 and ST6 of the South Somerset Local Plan and guidance in the NPPF.

03. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall

be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with saved Policy ST5 and ST6 of the South Somerset Local Plan.

04. No development shall take place until a construction management plan has been submitted to and approved in writing by the Local planning Authority. This shall include: construction working and deliver hours, an identified area for the storage of construction materials, the route for construction vehicles to and from the site, a parking area for contractors vehicles and details in respect of measures to ensure that dust, dirt and mud is controlled and the measures to ensure local roads are kept in a clean and tidy condition.

Reason: To protect the amenity of the area and to ensure the roads are maintained in a safe condition to accord with Policy ST5 and ST6 of the South Somerset Local Plan.

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

Reason: To protect the amenity of the area to accord with policy ST5 and ST6 of the South Somerset Local Plan.

06. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the site is properly drained to accord with the NPPF.

07. The works shall be implemented in accordance with details and timing of the submitted Dormouse Mitigation Strategy (EAD ecological consultants, 9 October 2013), as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

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



08. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing No; 0489-102 Rev E, 0489-111 Rev C, 0489-108 Rev D, 0489-204, 0489-205, 0489-105, 0489-112 Rev C, 0489-103 Rev D, 478-04 Rev H, 0489-110 Rev C, 0489-109, 0489-104 Rev D, 0489-200-209, 0489-212-213, 0489-105-2/4 .

Reason: For the avoidance of doubt and in the interests of clarity.

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

Reason: In the interest of residential amenity to accord with saved Policy ST6 of the South Somerset Local Plan.

10. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number (Drg 0489-112 Rev C). Once constructed the access shall be maintained thereafter in that condition at all times.

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

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

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

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

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

13. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

14. The area allocated for parking on the submitted plan, drawing number (Drg 0489-112 rev C), shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

15. No part of the development hereby permitted shall be occupied or brought into use until full design details of the North eastern access restricting traffic movement has been submitted and approved in writing by the Local Planning Authority. Such works shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

**Informatives:**

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
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