



Regulation Committee

Tuesday 20th April 2021

10.00 am

A virtual meeting via Zoom meeting software

The following members are requested to attend this virtual meeting:

Chairman: Peter Gubbins
Vice-chairman: Andy Soughton

Jason Baker
Neil Bloomfield
Malcolm Cavill
Adam Dance

Henry Hobhouse
Tony Lock
Sue Osborne
Crispin Raikes

David Recardo
Paul Rowsell
Linda Vjeh
William Wallace

Any members of the public wishing to address the meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on Monday 19th April 2021.

This meeting will be viewable online via:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Monday 12 April 2021.

Alex Parmley, Chief Executive Officer

**This information is also available on our website
www.southsomerset.gov.uk or via the mod.gov app**

Information for the Public

In light of the coronavirus pandemic (COVID-19), the Regulation Committee will meet virtually via video-conferencing to consider and determine planning applications. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Regulation Committee

Meetings of the Regulation Committee are usually held monthly, at 10.00am, on the third Tuesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

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<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on Monday 19th April 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

This meeting will be streamed online through YouTube at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning Applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am Monday 19th April 2021. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public cannot be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

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

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

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

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

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<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Regulation Committee

Tuesday 20 April 2021

Agenda

Preliminary Items

1. Minutes

To approve the minutes of the Regulation Committee held on 21st July 2020.

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

5. Schedule of Planning Applications (Pages 6 - 7)

6. Planning Application 16/02874/FUL Land Adjoining Holbear Forton Road Chard TA20 2HS (Pages 8 - 54)

7. Planning Application 19/02245/OUT Land At Lawrence Hill Wincanton Somerset BA9 9RT (Pages 55 - 73)

8. Planning Application 20/03701/S73A Clapton Farm Solar Park Land West Of Tinkers Lane Southeast Of B3081 Cucklington BA9 9QE (Pages 74 - 83)

9. Date of Next Meeting

The next scheduled meeting of the Regulation Committee will be held on Tuesday 18th May 2021 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5



Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery
Lead Officer: Barry James, Interim Planning Lead Specialist
Contact Details: Barry.James@southsomerset.gov.uk

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Regulation Committee at this meeting.

Recommendations

Members are asked to note the schedule of planning applications.

The meeting will be viewable online by selecting the committee at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email democracy@southsomerset.gov.uk by 9.00am on Monday 19th April 2021.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
6	BLACKDOWN & TATWORTH	16/02874/FUL	The erection of 252 No. dwellings with associated access and infrastructure	Land Adjoining Holbear Forton Road Chard TA20 2HS	Persimmon Homes SW
7	WINCANTON	19/02245/OUT	Outline application with all matters reserved save for access from A371 - Lawrence Hill for Light Industrial (Use Class B1), general Industrial (Use Class B2), Storage & Distribution (Use Class B8) & Residential Development (Use Class C3) with associated works	Land At Lawrence Hill Wincanton Somerset BA9 9RT	Abbey Manor Homes Ltd

8	TOWER	20/03701/S73A	The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area (without complying with condition 04 of planning permission 15/03373/FUL and condition 03 of planning permission 18/03338/S73A to extend the operational time to 23rd March 2057).	Clapton Farm Solar Park Land West Of Tinkers Lane, Southeast Of B3081 Cucklington BA9 9QE	Clapton Farm Solar Park Limited
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Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Agenda Item 6

Officer Report On Planning Application: 16/02874/FUL

Proposal :	The erection of 252 No. dwellings with associated access and infrastructure
Site Address:	Land Adjoining Holbear Forton Road Chard TA20 2HS
Parish:	Tatworth and Forton
BLACKDOWN AND TATWORTH Ward (SSDC Member)	Cllr Jenny Kenton Cllr Martin Wale
Recommending Case Officer:	Martin Lee Tel: (01935) 462452 e: martin.lee@southsomerset.gov.uk
Target date :	4th October 2016
Applicant :	Persimmon Homes SW
Agent:(no agent if blank)	
Application Type :	Major DwlgS 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

This application is a 'major-major' development of over 200 dwellings which under the current, revised Scheme of Delegation falls to be determined by Regulation Committee. This application is now referred back to the Regulation Committee for further consideration and determination following a deferral from Regulation Committee on 17th July 2018 which resolved the following:

A. That Planning Application 16/02874/FUL be deferred for the following 4 main reasons:

1. The design of the proposed layout of the new homes and proposed distributor road is out of character with its neighbouring settlement design and its location at the southern edge of Chard town. The proposed road neither satisfies the design of an effective distributor road i.e. to carry large volumes of both access and bypass traffic, nor of an estate road, which should provide protected and calmed access to homes.

Reason: This is contrary to Policy EQ2 and TA5 of the SSLP.

2. The design of the distributor road is not commensurate to the amenity of new occupiers. A significant number of the proposed dwellings (100 out of the total of 315 homes) are proposed to front onto the distributor road which by definition will carry large volumes of traffic. The design and layout would also require occupants to cross the distributor road to access the public open space.

Reason: The proposal is therefore contrary to Policies EQ2 & TA5 of the SSLP.

3. The proposed development fails to take the opportunity to improve the character and quality of the local area due to the poor layout and house designs.

Reason: Therefore, it does not constitute good design and is contrary to Policies EQ2 of the SSLP and Chapter 7 (para 64) of the NPPF (Requiring Good design).

4. The proposed development would be brought forward in an earlier phase than outlined in the Chard Regeneration Plan. Accordingly, due to the lack of the completed distributor road connecting the application site to the north with the A30, it would create a severe highway impact on the local road network, particularly causing severe congestion at the central Convent Junction.

Reason: This is contrary to PMT1 and PMT2 of the SSLP.

B. In addition Committee also asked the Applicant and Officers to consider and seek to resolve the following related planning matters:

5. Need for further exploration of better pedestrian links between the proposed development and sports facilities.
6. Need to examine a phasing condition to insure the scheme is developed on good design principles and better supports the ultimate delivery of the proposed distributor road.
7. Importance of the maintenance and management condition for highways and associated infrastructure whether or not roads are to be adopted.
8. Need for an additional condition with regard to electric charging points.
9. Need for an ecology condition to safeguard wildlife.
10. Consider the options for an additional study into the traffic management options in Chard centre, to help deal with increased traffic over the plan period, including from "this proposed development", as more planned homes come forward.

Reason: To ensure that any scheme that comes forward for determination, more fully addresses all the policies in the SSLP, in particular Policies EQ2, TA5, PMT1 and 2.

C. Ward members to be involved in discussions and timetable on any revised application.

Reason: To ensure that any scheme that comes forward for determination, more fully addresses all the policies in the South Somerset Local Plan.

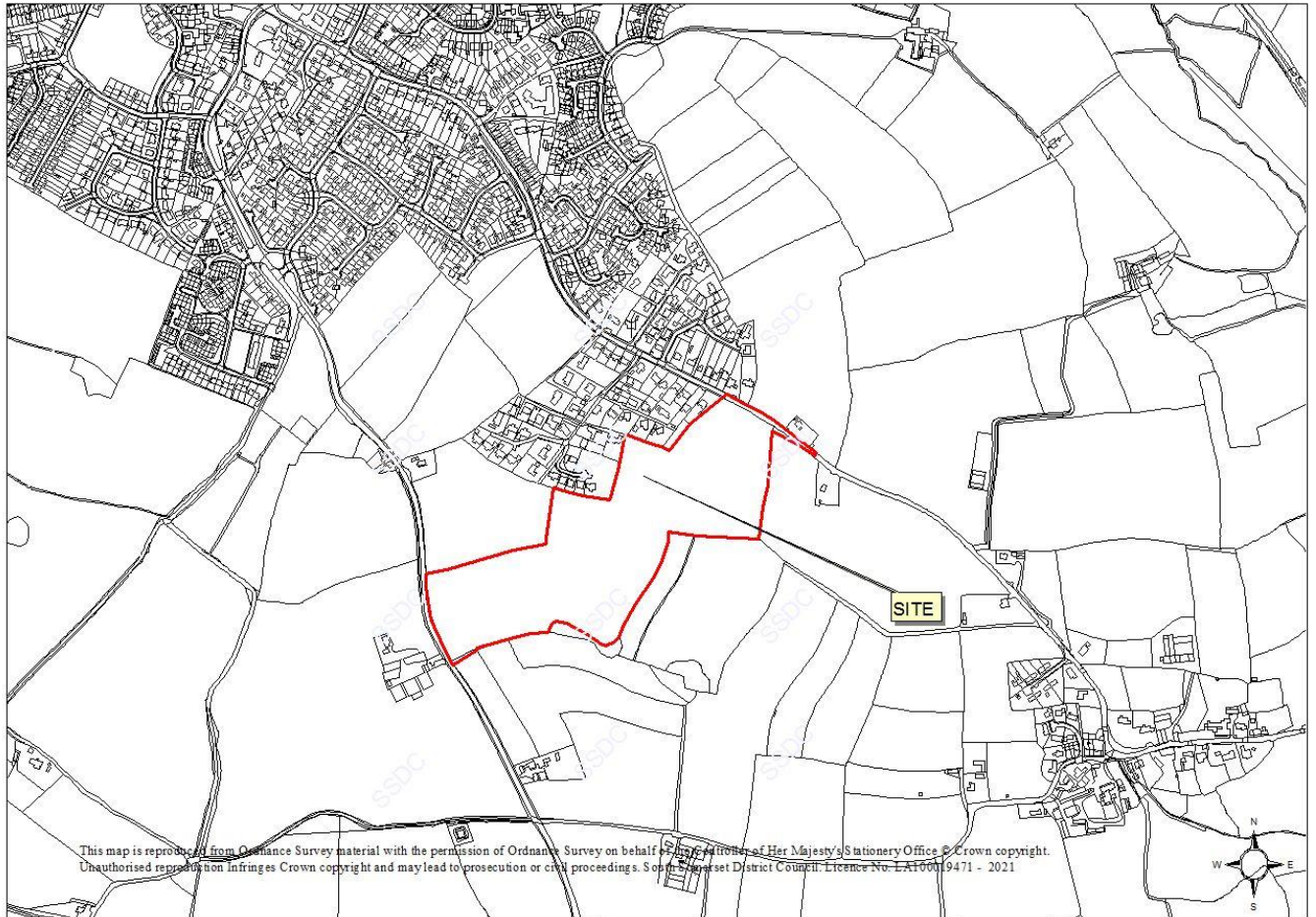
This followed consideration by Area West Committee on the 20th June 2018, at which time the Area West Committee were originally minded to refuse the application on the following grounds:

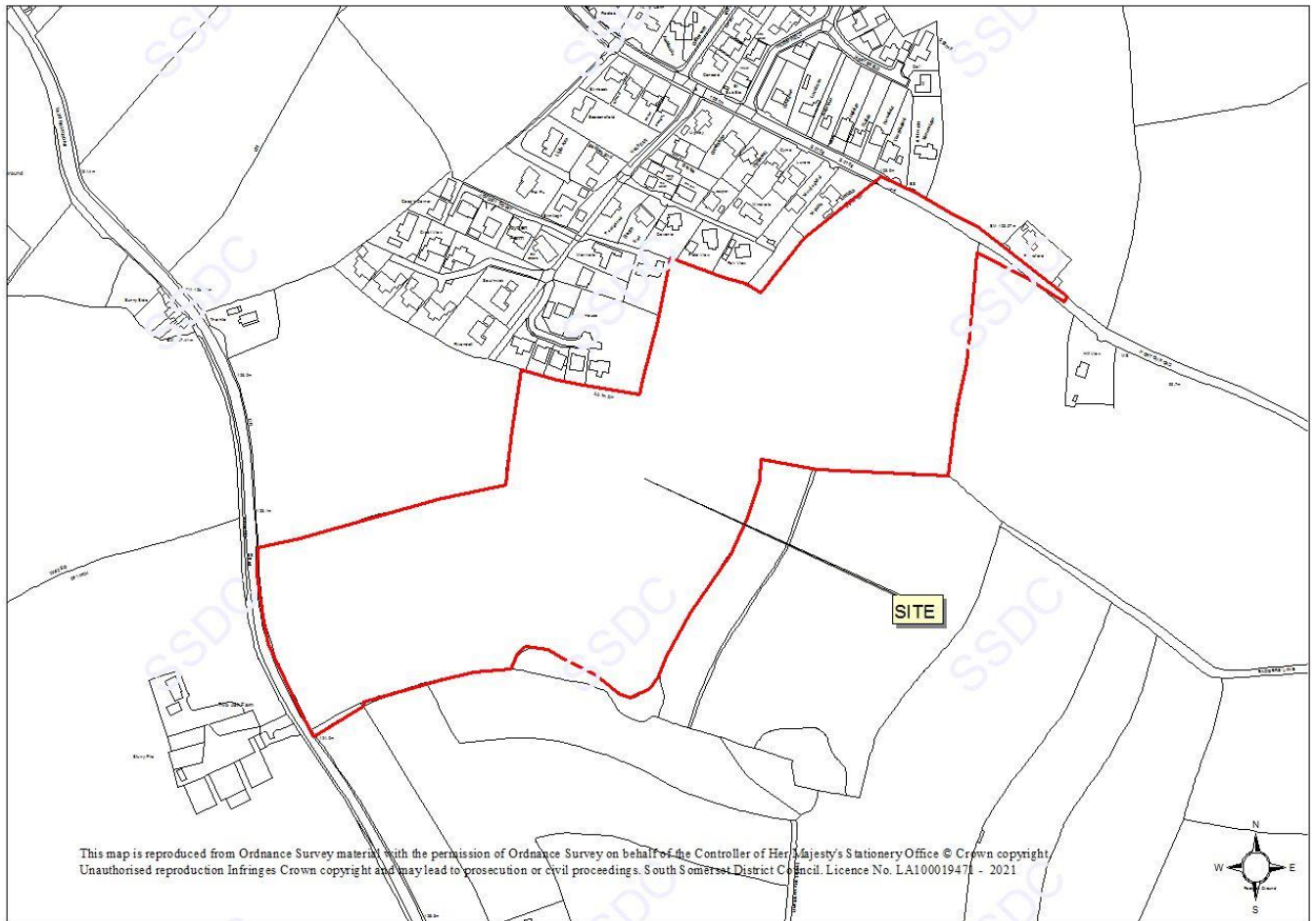
- 1 The design of the proposed layout of the new homes and proposed distributor road is out of character with its neighbouring settlement design and its location at the southern edge of Chard town. The proposed road neither satisfies the design of an effective distributor road i.e. to carry large volumes of both access and bypass traffic, nor of an estate road, which should provide protected and calmed access to homes.
Reason: This is contrary to Policy EQ2 and TA5 of the SSLP.
- 2 The design of the distributor road is not commensurate to the amenity of new occupiers. A significant number of the proposed dwellings (100 out of the total of 315 homes) are proposed to front onto the distributor road which by definition will carry large volumes of traffic. The design and layout would also require occupants to cross the distributor road to access the public open space. Reason: The proposal is therefore contrary to Policies EQ2, and TA5 of the SSLP.
- 3 The proposed development fails to take the opportunity to improve the character and quality of the local area due to the poor layout and house designs.
Reason: Therefore, it does not constitute good design and is contrary to Policy EQ2 of the SSLP and Chapter 7 (para 64) of the NPPF (Requiring Good design).
- 4 The proposed development would be brought forward in an earlier phase than outlined in

the Chard Regeneration Plan. Accordingly, due to the lack of the completed distributor road connecting the application site to the north with the A30, it would create a severe highway impact on the local road network, particularly causing severe congestion at the central Convent Junction. Reason: This is contrary to PMT1 and PMT2 of the SSLP.

The Minutes of the Regulation Committee are provided as an addendum to this report for reference purposes as Appendix A.

SITE DESCRIPTION





The application site is located between the A358 (Tatworth Road) and the B3162 (Forton Road) on the southern edge of Chard. However, the site lies wholly within the parish of Tatworth and Forton. The site is currently a grassed field with an agricultural access from Forton Road and one from Tatworth Road. Hedgerows bound the site with a number of trees spread around the boundaries of the site. The site is largely surrounded by fields other than the residential area known as Holbear, which is located along the top half of the north-west boundary. 3 dwellings face the site on the opposite side of Forton Road with a single dwelling located to the east of the site. Two Ash Farm is located to the west of the site on the opposite side of Tatworth Road.

PROPOSAL

This scheme, as amended, seeks full planning permission for the erection of 252 dwellings (as opposed to the originally proposed 323 dwellings) along with vehicular access and associated infrastructure works. The site forms part of the wider Chard Regeneration Plan which seeks the delivery of 1852 houses over the current local plan period (2006-2028), employment land, 2 new primary schools, highway infrastructure and sport and play facilities.

The scheme will comprise a number of different house types with a range of dwellings sizes from 1 bed apartments through to 4 bed dwellings. The external materials will be a mix of brick, render with tiled and slate roofs.

The main access road will run through the site accessed via a roundabout from Tatworth Road leading to a turning head at the northern end of the site with land protected from future development which will provide a new junction on the Forton Road as and when the residential

development site to the north of Forton Road comes forward to provide the next link in the Eastern Chard Link Road. Dwellings have been laid out to largely front the main access road with some gable end onto the road.

Infiltration ponds will be provided at three points along the southern and eastern boundary as part of the surface water drainage strategy.

This scheme originally proposed 2 new access points, with one each from Tatworth and Forton road. This has now been amended with 1 access point only from Tatworth Road and an emergency access only onto Forton Road. The reason for this approach will be explained under the highway section later in this report.

The scheme layout has been amended several times seeking to address comments and concerns raised by local residents, Tatworth and Forton Parish Council, Chard Town Council, the case officers and various consultees.

The amendments have included replacement of the single large apartment block at the western end of the site with dwellings, reconfiguration of the green space in the centre of the site to provide a LEAP as a formal play area and landscape buffer zone, the cycle route extended to Forton Road to provide a continuous route through the whole development, reduction in dwelling heights and a reduction in density along the north west boundary adjacent to Holbear. The latest amendments have also placed the majority of the dwellings on the Chard side of the spine road thus ensuring the removal of the previous conflict associated with crossing the future link road to access the on-site recreational space.

An amendment prior to the last Regulation Committee had incorporated land further to the east of the site to the south of Badger's Lane and immediately to the west of Forton to provide additional football practice pitches to augment those to be provided on adjoining land abutting Forton which the Council was at that time in the process of acquiring. That further land has been removed from the application but its acquisition and transfer to the Council to supplement the land they have now completed acquisition of is now to be secured through a Planning Obligation.

HISTORY

No relevant planning applications have been submitted on this site. The following was a formal request from Persimmon Homes for a Screening Opinion under the Environmental Impact Assessment Regulations.

14/04444/EIASS - Screening opinion in respect of proposed residential development (335 dwellings), Land off Tatworth Road, Chard, Somerset. EIA not required.

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
2015) SD1 - Sustainable
Development
SS1 - Settlement Strategy

SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
PMT1 - Chard Strategic Growth Area
PMT2 - Chard Phasing
HG3 - Provision of Affordable Housing
TA3 - Sustainable Travel at Chard and Yeovil
TA4 - Travel Plans
TA5 - Transport Impact of New development
TA6 - Parking Standards
HW1 - Provision of open spaces, outdoor playing space, sports, cultural and community facilities in new development
EQ2 - General Development
EQ4 - Biodiversity

Relevant Policy Material
Considerations National Planning Policy Framework
Core Planning Policy Principles
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

Chard Regeneration Plan.

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Due to the number and length of some responses, most have been summarised below. The Town and Parish Council comments have been included in full. Where more than 1 response has been received, the latest comments are included first. Copies of all the responses received are available in full online via the Council's website.

Tatworth and Forton Parish Council: (Latest Comment - 21st March 2020)

Three people present indicated that they had not been advised of any consultation meetings taking place despite the fact they were living adjoining to the proposed site. They were advised that the only indication that the parish council would have given was through the website.

Resolved that whilst the number of proposed properties had decreased it still does not enhance the site and that the matters of concern raised previously by the Parish Council appeared not to have been addressed. It was agreed that the previous reasons for refusal should be reiterated.

Tatworth and Forton Parish Council (March 2018)

The Council does not support these amended plans and wishes to re-affirm its opposition to the development per se, in light of the fact that none of Council's original concerns and objections appear to have been addressed or acknowledged by the applicant. The Council does not believe that any support can be countenanced for such piecemeal amendments whilst the overriding

materials concerns remain unanswered.

Tatworth and Forton Parish Council: (September 2017) Repeated previous comments plus the following:

The Forton road B3162 could not accommodate the volume of traffic from a total of 500 houses. The distributor road should bypass this development and not intermingle with it as this proposal does. This development should be the last phase of the implementation of the Chard local plan so that the distributor road can be introduced at each stage.

There is concern about the impact on the small hamlet of Forton less than half a mile away and the village of Tatworth.

There is no sustainable transport provision in or adjacent to Chard. The local station Chard Junction should be re-opened (with a bus link from Chard to the station) This would provide access to more employment, educational and recreational facilities in Exeter.

The proposed site for the recreational land is some distance from the proposed development. No access is outlined on the plan and none is forthcoming from the Council.

Badgers Lane is not a public footpath and is unsuitable as pedestrian access especially considering that to use this, pedestrians will have to use Forton Road which is totally unsuitable for pedestrians with particular reference to the fact that children could be seen to be the main users of such a facility.

The site is too remote as to be suitable for children in that it is not easily seen from any residential properties or public.

In what form are these attenuation ponds? Is there an element of risk? Is there any parking facilities to go with the football pitches?

Tatworth and Forton Parish Council: (first comments July 2016)

Recommend Refusal with the following reasons:

Traffic Assessment was done in January 16 which was poorly timed. Failed to collect correct statistical data.

Incorrectly used household data.

Walking distances involved in the development assessment are incorrect.

Infrastructure of Chard is not adequate. There are insufficient doctors' surgeries and Schools. Number of cars would be increased dramatically as there is insufficient bus services in the area. Forton Road is too narrow and hazardous.

The surrounding area is a quiet area with a large number of elderly people living there. Topography runs down towards Forton Lane which will increase the risk of flooding.

Wildlife would suffer.

There is already a large number of accidents on the A358 which may be exacerbated. Flooding issues are a major factor and should be considered.

Density of the properties is not appropriate for the land proposed. Housing should support employment in the area.

The size, scale, mass and type of houses that are proposed are not in keeping with the other houses in the area, either in Chard or in Tatworth and Forton in a rural setting.

Social Housing square footage is larger than some of the private houses proposed and should be peppered and not together on the site.

Infrastructure is not in place to support the new houses so is not sustainable.

Overlooking is an issue with some of the properties, particularly the three storey buildings. Apartments are not appropriate in a rural setting.

The route of the road should be moved and be much further south on the development.

Two bedroomed house size is between 50 sq. metres and 59 sq. metres. The Government guidelines state a 2 bedroomed dwelling should be 90 sq. metres, therefore these houses do not meet the government guidelines.

Chard Town Council: (Adjacent TC). March 2018

Resolved: That this application should be refused due to the flood risk and risk of vehicles having to reverse onto the main road.

Chard Town Council: (May 2017)

Resolved: That this application is refused for the following reasons:

Chard Town Council do not see enough difference in the amended plans to the original proposal to change their view on this development.

Capacity of physical infrastructure

The Somerset Local Plan 2006-2028 (5.69) states that: The growth planned in the local plan needs to be supported by infrastructure, community facilities, and services to ensure the development of sustainable places. If infrastructure and the needs of the community are not achieved alongside growth, there will be unacceptable impacts on local areas and residents and the quality of the environment will be adversely affected.

Chard Town Council does not believe that the current infrastructure of Chard is adequate to support a development of this size. In their opinion this leads the proposed development to be unsustainable.

For example, the Estates and Planning Advisor at Somerset County Council has advised that this application will further increase the need for capacity within the Chard Schools which is not forecast to be available at the time this development comes forward.

Highway issues

The number of cars would be increased dramatically by this development as there is insufficient bus services in the area; for example, Stagecoach have just curtailed services to both Taunton and to Yeovil recently. Forton Road is too narrow and hazardous to cope with the increased traffic flow this development will bring. Chard Town Council wish to see traffic using the A358 only until the access / egress onto Forton Road has been addressed.

Detrimental impact upon residential amenities

The Somerset Local Plan 2006-2028 states: New homes will be of the highest standard of design and locally distinctive. Therefore, proposals for development should be of good design and respect the character of the surroundings. The Local Planning Authority will have regard for i) the appearance and treatment of spaces between and around buildings ii) the amenities of neighbouring residents.

Chard Town Council believe that the density of the properties is not appropriate for the land proposed. The size, scale, mass and type of houses that are proposed are not in keeping with the other houses in the area, either in Chard itself, or in Tatworth and Forton which is within a rural setting. It does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment.

The periphery of Chard is characterised by one and two storey buildings and this development, which includes three storey buildings is at odds with this characteristic, meaning these proposals therefore fail to align with the Somerset Local Plan Policy EQ2.

Within EQ2 it states that there is a requirement to provide an appropriate relationship with existing residential developments; nearby, Holbear is characterised by large executive style detached houses and bungalows set in generous grounds. The proposal of 3 storey flats and 2 storey terraced houses, with no buffer between the proposed site and the existing dwellings of Holbear offers no privacy and also show a lack of respect for the existing development.

The National Planning and Policy Framework (NPPF Chapter 67, para 4) states that permission should be refused for the development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In addition, the topography of the site runs down towards Forton Lane which will increase the risk of flooding. Chard Town Council believe that flooding issues are a major factor and should be considered alongside the potential impact on wildlife by employing a lifetime maintenance condition on the development.

Chard Town Council: (Latest Comment – 14th January 2021)

Council wishes to bring the following matters to the attention of the Planning Authority and that they be taken into consideration:

- * Concern was expressed that the material amendments to the main application did not go far enough to meet the concerns of local residents;
- * The proposal will have a detrimental impact on local residents;
- * The proposal will inevitably place additional demand on the existing infrastructure within Chard;
- * There are no proposals to improve the highway network which will be unable to cope with the additional impact of this development;
- * The local schools do not have sufficient capacity to meet the additional demands this development will place on them.

Chard Town Council (July 2016)

Resolved: that this Council recommends refusal for the following reasons - the density of the plan is not acceptable; the green space and total site layout is not acceptable; there needs to be a transport assessment as a whole for the area and we need to know when the infrastructure to support this development will be in place. This Council do feel that given the high standard of development in Holbear this development is not in keeping with the existing properties.

Highway Authority: (Latest Response – 6th April 2020)

I acknowledge receipt of the following documents submitted to support the amended drawings pursuant to planning application 16/02874/FUL:

- ES17.76 - Drainage Statement - Rev. B - 4th September 2019
- ES17.76 - SK03.00 Rev. P1 - Drainage Plan, Overall Strategy Sketch
- ES17.76 - SK03.10 Rev. P1 - Drainage Network Schematic, Overall Strategy Sketch

I have no objection to the overall surface water management strategy proposed but would make the following observations.

1. Whilst it is appreciated that the design proposals reduce the catchment of surface water run-off that would otherwise drain to the low point on Tatworth Road, coincident with the south-eastern boundary of the development site, the significance of the existing drainage ditch running along this boundary cannot be underestimated in terms of its role in accepting run-off from a County Primary road. It is requested therefore that as part of these proposals, allowance is made to ensure that the retained highway drainage system and outfall are in a serviceable condition and that the drainage ditch along this boundary effectively transfers surface water downstream to the 'dry pond' as annotated on the drainage plan. Any culverts or restrictions along the ditch should be clear of any blockages to ensure free flow.
2. The proposed alignment of the main access road runs in close proximity to the south-eastern boundary of the development site and the existing drainage ditch as referred to in item 1 above. It is possible therefore that a section of this ditch will need to be culverted to accommodate the cycleway/footway running along the southern side of this access road.
3. All infiltration basins and soakaways should be located at least 5 metres from any existing or

prospective public highway area to reduce the potential for any detrimental effect upon the long-term stability of the highway.

4. The designer will need to consider the safety of all road users where the internal access roads and footways run in close proximity to the infiltration basins and retained ditches. It is possible that physical means to separate and protect the road user from any identified hazards are introduced in the design.

5. The designer will need to consider the means by which maintenance vehicles and plant access the infiltration basins, soakaways, outfalls/controls and retained ditches from the internal access roads.

6. Wherever possible highway drains should be routed under prospective public highway areas and not across private land thereby removing the need for easements and enabling all future maintenance operations to be undertaken from within the public highway.

7. Surface water running along the southern channel line of Forton Road should be intercepted immediately upstream of the proposed link path into the development.

Regarding the layout plans, the following comments have been provided;

Vehicle tracking - The refuse vehicle tracking is for a 11.4m 4 axle vehicle which is acceptable. The tracking for the turning head fronting plots 21 to 23 is tight but workable. However, the footway fronting

the plots appears to be only 1.0m wide which is substandard and contrary to the Equality Act 2010 and the DfT publication Inclusive Mobility. The tracking for the turning head fronting plots 67 to 69 is tight but workable. The tracking for the road from plot 101 round to plot 147 is tight but workable. The tracking for the turning head fronting plots 176 to 181 is tight but workable as are the access manoeuvres. The tracking for the turning head fronting plots 224 to 228 is tight but acceptable as are the access manoeuvres. However, similar comments apply as above regarding the narrow footway. The tracking for the turning head adjacent to plots 249 and 254 is tight but acceptable. Refuse vehicle tracking for egress and access manoeuvres from and to the spine road are not shown and I would expect these to be considered in the design process for the spine road.

Refuse collection - Some bin walk distances appear to be excessive, in particular for plots 59, 60, 64, 109 and 248. There are other plots of concern. I recommend the refuse authority be consulted for its views.

Parking spaces - Every parking space requires a minimum 6.0m long clear manoeuvring length fronting the space. Some parking spaces have less than the required length – spaces 02, 03, 04, 62, 63 and 204 to 207 for example. Parking spaces that are difficult to access would be likely to result in on-street parking. Every parking space and driveway fronting an adoptable area requires 2m x 2m pedestrian visibility splays measured from the rear of the fronting footway or margin.

Junction and forward visibility - Junction and forward visibility splays must be provided commensurate with design speeds. Within the splays there must be no obstruction to visibility exceeding a height exceeding 300mm above adjacent carriageway level.

Highway Authority: (May 2018 – revised single vehicular access & updated Transport Assessment)

Following submission by the applicant of a Technical Highway Note to assess the traffic impacts of the proposed single access point, the Highway Authority had this independently assessed and confirmed that the conclusions of the Technical Note are robust. In conclusion, the new roundabout to serve the development onto Tatworth Road would operate well within capacity. In addition, with the removal of development traffic on Forton Road, the performance of the junction of Tatworth with Forton Road would improve due to less queueing from Forton Road. The Highway Authority have sought an emergency access onto Forton Road. A condition to secure this has been recommended. Technical elements of the internal spine road and estate roads layout will need to

be revised in order to meet the Highway Authority's adoption standards, otherwise would remain in private ownership. An agreed Travel Plan will be required as previously advised - a condition will be attached accordingly.

On this basis, the Highway Authority conclude that the proposed single vehicular access is acceptable and the traffic impacts could not be considered as severe in terms of the NPPF policy approach.

Highway Authority: (April 2018 - Single access option)

The Highway Authority objected due to the lack of a revised Transport Assessment (TA) to demonstrate the traffic effects/impacts of a significantly revised proposal and lack of an agreed Travel Plan.

Highway Authority: (June 2017)

No objection subject to conditions. The Transport Assessment submitted with the application was independently reviewed for the Highway Authority - it concluded that the traffic modelling was acceptable. Following criticism of the robustness of the TA, in particular the collection of base data in January, rather than a potentially busier month, the Highway Authority asked their consultants to review this again. They were satisfied that whilst seasonal variations do occur, this tends to affect overall weekly/daily flows rather than the peak hour flows. The TA did confirm that the proposed development would create additional congestion within Chard. The key issue then is whether under the NPPF policy guidance the traffic impact would be severe.

Junction modelling was undertaken for 8 different junctions including 1) Forton Road/Tatworth road/Church St Junction, 2) A358 Old Town/Holyrood St Junction, 3) High St/Crowshute Link Junction, 4) Furnham Rd/ Millfield Roundabout, 5) East street/Taptone Road/ Crewkerne road/Victoria Avenue Junction, 6) Furnham Road/East St/ Fore St, 7) Tatworth Road/site access and 8) Forton Road/site access.

The TA concluded that the traffic impact at 3 these junctions (2, 4 and 6 respectively) would result in significant queues and delays. The Highway Authority point out that these are worst case scenarios and would be reduced by the introduction of Travel Plan measures to encourage modal shift and the construction of link road infrastructure. The Highway Authority conclude that all 3 of these junctions would be operating at or over capacity by 2023 without development traffic. Moreover, the traffic levels generated by the development are relatively low with just over 1 additional vehicle per minute. On this basis, the HA do not conclude that the highway impact would be severe and refusal on traffic impact grounds is not reasonable.

Also the Highway Authority commented on the need for changes to be made to the submitted Travel Plan, technical revisions required to the layout of the spine and estate roads in order to become adoptable, otherwise would remain in private ownership, concerned about a large number of properties having their access adjacent to the main spine road, and sought a more suitable junction with Forton Road rather than a simple priority T junction, particularly given the future role of this junction/ road as part of the wider Chard spine road. A number of conditions are recommended including approval of an appropriate junction design at Forton road and Tatworth Road.

Landscape Officer:

3 responses have been received from the Landscape Officer in response to the original application and previous amended plans. No comment is available on the latest amended plans as the Council no longer has a Landscape Officer.

September 2017 - Reduction in density along the northwest boundary is an improvement and the

additional brick finish to the material range is welcome. Still have an issue with the non-traditional dual finish to some of the units.

May 2017 - Layout more legible, coherent frontage onto the main area of open space, large areas of parking and frontage parking have now been reduced, 3 storey blocks are in less prominent areas, however density next to Holbear remains incongruous. Good surveillance around the open space, play area, and open space linkage along the eastern boundary. Landscape impact of the scheme can be mitigated via sympathetic landscape treatment. Still concerned about the lack of variety of materials/finishes across the development and dual finish approach unless this is constructed using a horizontal plinth or vertical quoins.

August 2016 - No objection raised on landscape grounds to the principle of development in this location. Agrees that the visual impact of development on the site would be localised and with additional planting to support the existing landscaping, the development would integrate with both the adjacent town edge and rural landscape pattern. Supports the general grain of development, but identifies the following areas for improvement: use of standard house types do not reflect local vernacular and unimaginative layouts, not agree with the reliance on two choices for walls and roofs, nor the houses finishes of part brick part render - should be a uniform finish. Slate should be essential. Lack of characterisation within the development with too many cul-de-sacs, too much frontage parking, need details of boundary treatments, not support 3 storey apartment blocks at the highest point of the site, provides advice on use of certain tree species, and need details for the open space areas.

Council Arborist:

Originally raised an objection due to concerns about the provision of insufficient tree protection measures, landscaping proposals and a proposed access to the rear garden of Meiktila as it appears to compromise the 13 metre radial Root Protection Areas of x 2 large oaks. However, following clarification, the access road does not run along this boundary, rather rear gardens, will adjoin this boundary. In addition, it was agreed that a condition can be imposed to ensure tree protection measures are provided before and remain during construction.

Following initial comments and concerns about the landscape proposals, a Landscape Management and Maintenance Plan (LMMP) has been prepared which sets out the Landscape Management prescriptions for the various green spaces within the development. The arborist supports this approach and a condition will be attached to secure its delivery.

Ecologist: (Latest Comment – 5th January 2021)

Following recent advice from Natural England you may have been notified that your planning application could require a Habitats Regulations Assessment (HRA), due to recent CJEU Dutch Nitrogen case law.

This is most likely because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates. There is a significant issue with nutrients entering watercourses that flow through this designated site, which adversely change environmental conditions for these species'.

Many new housing schemes (including single dwellings), visitor accommodation/attractions and some other developments, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition, any increase in nutrients (specifically Phosphates) is seen as significant.

In order to inform the initial requirement for a Habitats Regulations Assessment and to provide any subsequent quantitative and qualitative data required for the LPA to complete an Appropriate Assessment, the applicant is advised to work through the following steps. An Environmental and/or

Ecological Consultant will be able to provide assistance in completing the calculation and any required mitigation strategy.

1. Calculation of Phosphate Budget

1.1 Overview: In order to assess the proposed developments phosphate budget the applicant will be required to complete a Phosphate budget calculation. In lieu of catchment specific guidelines Natural England have advised the Somerset Local Planning Authorities (LPAs) to follow the guidance and example calculations included for the Stour catchment in Kent – Advice on Nutrient Neutrality for New development in the Stour Catchment in relation to Stodmarsh Designated Sites (Natural England, July 2020) and updated. Here referred to as the Stodmarsh Guidance Somerset Local Planning Authorities have created a calculator based on the Stodmarsh guidance, which includes figures for Phosphorous kg per hectare for different land use types within Somerset, pre-development. This calculator can be provided by the LPA on request, if not otherwise supplied with this guidance document.

1.2 No mitigation required: If the Phosphate Budget Calculator results in a zero or minus nutrient loading figure, then the need for mitigation is negated. Please submit the calculations within the provided spreadsheet for the LPA to review and confirm next steps.

1.3 Mitigation required: If the Phosphate Budget Calculator indicates a nutrient loading from the proposed development, then mitigation will be required.

1.4 Development types: The following development types are likely to need a Phosphate Budget Calculation to indicate loading levels on the Ramsar site

- * New residential units.
- * Commercial / industrial developments (including hosting employees from outside of the catchment, and/or overnight accommodation).
- * Employment sited (including hosting employees from outside of the catchment, and/or overnight accommodation)
- * Agricultural Development.
- * Prior Notifications.
- * Anaerobic Digesters.
- * Some tourism attractions, including tourist accommodation.
- * Local Development Order's.
- * County planning matters (e.g. Minerals and waste)
- * General Permitted Development Major infrastructure

1.5 Application types: The following application types (for the development types listed in Section 1.2) are also likely to need a Phosphate Budget Calculation to indicate loading levels on the Ramsar site

- * All new full and outline planning applications.
- * Section 73 applications, to amend previous conditions that lead to an increase on floor space and associated nutrient loading.
- * Reserved matters applications that did not assess and mitigate nutrients loading implications out the Outline planning determination.
- * Retrospective works planning applications that result in nutrient loading.
- * Where class Q applications under The Town and Country Planning (General Permitted Development) (England) Order 2015 affects the Ramsar site it is no longer considered class Q development, and such, requires a calculation to inform a Habitat regulations Assessment.

1.6 Residential and other development containing foul water discharge facilities: For residential and

other development containing foul water discharge facilities please confirm and enter the following details into the Phosphate calculator:

* How foul water is to be processed; this will be either through a mains wastewater treatment plant, Package Treatment Plant, septic tank or bespoke treatment methods.

* If it is via the mains wastewater network, or Sewage Treatment Works, details of the Wastewater Treatment Works and the permitted amount of phosphate in mg/litres will be requested from Wessex Water.

* Where Package Treatment Works (PTP), or bespoke treatment or storage methods (Septic tanks) are proposed information on the efficiency of the specific equipment or method of treating phosphates, such as percentage figure e.g., 90%, and information on field ground conditions will be required. On confirmation that this nutrient management option is to be adopted as part of the development the LPA will request the specified further information required to undertake the HRA screening assessment.

* Proposed plans and figures, in Hectares, showing the development's allocation between green space and urban areas, including hardstanding.

* Information of current land use and management, including figures in Hectares.

* Confirmation that the applicant is able to provide nutrient mitigation habitat creation either onsite, or offsite (through alternative owned landholdings, or through secured land purchase).

Options include the creation of specifically designed wetland or appropriate woodland planting to remove phosphates. Method are also to be presented within a Nutrient Neutrality Assessment and Mitigation Strategy.*

* For proposals feeding into mains wastewater treatment where the applicant is unable to provide the required amount of mitigation habitat creation on or offsite then the proposal will need to need to put on hold until the scheme can contribute, through financial payment, towards the Somerset Nutrient Mitigation Strategy. See Section 2 - Methodology

Please note:

*Permanent mitigation habitat creation will be required to be implemented, or secured through legal agreement, e.g. s106, prior to development commencement, or will then need to be in place before any dwelling is occupied, depending on the certainty of the scheme offered. Habitat creation on private land may not be suitable due to the inability to reasonably monitor long term efficiency of the habitat to process nutrients, notwithstanding permanent woodland.

1.7 Development not including foul water discharge facilities: For other developments, that do not include foul discharging facilities, see Section 1.2, a separate calculation for the level of Phosphate loading from the proposal will be required. The Somerset LPAs are developing a bespoke calculator with guidance from Natural England based on nutrient input for these development types, which is anticipated to be published in Spring 2021. In the interim, the applicant is advised to seek professional advice from an Environmental Consultant to assess the amount of phosphate generated from the proposed development. For agricultural development, mitigation methods, including technical specifications for septic tanks and the results of a Simple Calculation of Atmospheric Impact Limits assessment (<http://www.scail.ceh.ac.uk/>) will need to be included within a NNA.

2. Mitigation methods: If the Phosphate Budget Calculator indicates a nutrient loading from the proposed development, then mitigation will be required.

2.1 Calculator results and reporting: Please incorporate the input and output figures from the completed Phosphate budget calculator into the following reports, referencing the steps and stages outlined within the Stodmarsh Guidance:

* Nutrient Neutrality Assessment (NNA), appending the spreadsheet calculation figures, and submit to the LPA.

* For applicants able to provide mitigation within the red or blue boundary, or offsite though still within the same river catchment, then please incorporate the input and output figures from the completed Phosphate budget calculator and the proposed method of mitigation into a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) report, appending the spreadsheet calculation figures, and submit to the LPA.

2.2 Somerset Nutrient Mitigation Strategy: For proposals feeding into mains wastewater treatment where the applicant is unable to provide the required amount of mitigation habitat creation on, or offsite, a strategic approach comprised of the Somerset Nutrients Strategy is being developed by the Somerset LPAs to enable developers to purchase credits through a tariff based system, including financial contributions per development, to fund habitat banking for mitigation habitat creation. However, habitat type, including their efficiencies for processing and storing Phosphorus, their locations and viability has yet to be determined. The strategy is anticipated to be completed within Spring 2021, and as such may lead to delays in determining applications.

3. Habitat Regulations Assessment completion: Once the above details have been submitted the Local Planning Authority, as the 'competent authority' under the Habitats Regulations 2017, we will be able to carry out the Habitats Regulations Assessment for both proposal providing mitigation habitat and contributing towards the Somerset Nutrient Strategy. Note a response on this assessment is required from Natural England before a decision can be made on the application. For those applications unable to provide the full information, or secure the required habitat creation, as indicated above, and thus need to provide financial contributions set out in the forthcoming Somerset Nutrient Strategy, it is advised that the application is withdrawn until said information is provided, or the strategy completed and operational.

Ecological Impact Assessment of the application site carried out by Green Ecology in Nov. 2020.

Habitat: The Site comprises a single large improved grassland field, managed for silage and dominated by perennial rye-grass *Lolium perenne* with occasional common herb species. The field was noted to be in regular use by local dog walkers. A small area (0.17ha) of tall ruderal vegetation and scattered scrub is located near the southern boundary.

An area of semi-natural broadleaved woodland is adjacent to part of the southern boundary, located on a steep north-facing slope. Although outside the Site, the woodland is within the development's 'Zone of Influence'. The woodland is mapped as a 'stepping stone' habitat on the Somerset Ecological Networks map and is considered to be of District (i.e. South Somerset) importance. The field is bound along the majority of boundaries by species-rich hedgerows of high quality. The northeastern hedgerow along Forton Road, western hedgerow along Tatworth Road and the southern boundary between Tatworth Road and the woodland are 'Important' under the Hedgerow Regulations 1997. Hedgerows are Habitats of Principal Importance under the NERC Act 2006 and are of County importance for nature conservation. A prominent ash *Fraxinus excelsior* of high ecological value is present within the eastern hedgerow, close to the woodland.

Amphibians and reptiles: Five records of common amphibians were returned by the data search. No records of the European Protected Species (EPS) great crested newt *Triturus cristatus* were returned and there is no standing water on-Site or adjacent to the Site. The habitats on Site are of low value to amphibians and the Site is therefore considered to be of negligible importance to amphibians.

Several records of reptiles, including adder *Vipera berus*, grass snake *Natrix helvetica* and slow-worm *Anguis fragilis* have been recorded within 2km of the Site. No reptiles were recorded on Site during targeted surveys in 2014 (WYG, 2014). The majority of the Site is considered sub-optimal for reptiles given the habitat and management type and is of negligible importance, however small

numbers of widespread species such as slow-worm in the hedgerow bases cannot be completely ruled out.

Badger: Eight records of badger *Meles meles* were provided by the records centre within 2km of the Site, including records of road traffic accidents on roads to the south.

An active main badger sett is located within and along the edge of the woodland at the southern Site boundary. Fresh spoil and old bedding are present within the woodland and numerous pathways lead away from the sett along the southern boundary to the west. Whilst no latrines or foraging signs were recorded within the field, it is likely to form part of this badger clan's home range. The Site is therefore of Local importance to badgers.

Bats: The following bat species have been recorded within 4km of the Site: Bechstein's bat *Myotis bechsteinii*, brown long-eared bat *Plecotus auritus*, grey long-eared bat *Pl. austriacus*, common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pi. pygmaeus*, Nathusius's pipistrelle *Pi. nathusii*, greater horseshoe bat *Rhinolophus ferrumequinum*, lesser horseshoe bat *R. hipposideros*, barbastelle *Barbastella barbastellus*, noctule *Nyctalus noctula*, Leisler's bat *Nyctalus leisleri*, Natterer's bat *Myotis nattereri*, Daubenton's bat *M. daubentonii*, and whiskered/Brandt's bat *M. mystacinus/brandtii*. A roost comprising low numbers of non-breeding common pipistrelle is present within a proposed development site to the north (Green Ecology, 2019a).

Birds: Records for a range of notable bird species were returned by SERC within 2km of the Site. Whilst several were wetland species associated with Chard Reservoir, species that could be associated with the Site and adjacent woodland include red-listed Birds of Conservation Concern (Eaton et al., 2015) house sparrow *Passer domesticus*, thrushes *Turdus viscivorus/ T. philomelos*, yellowhammer *Emberiza citrinella*, linnet *Linaria cannabina* and spotted flycatcher *Muscicapa striata* and amber-listed bullfinch *Pyrrhula pyrrhula*, along with other common garden and farmland bird species.

During the survey amber-listed house martin and red-listed house sparrow were recorded foraging within the Site, as well widespread species wren *Troglodytes troglodytes*, woodpigeon *Columba palumbus* and blackbird *Turdus merula*.

Invertebrates: A wide range of invertebrates have been recorded within 2km, mainly in association with Stowell Meadow SSSI and Local Wildlife Sites. Notable species returned by SERC that could utilise the habitats on Site include Species of Principal Importance (SPI's) brown hairstreak *Thecla betulae*, wall butterfly *Lasiommata megera* and dingy skipper *Erynnis tages*, which may utilise woodland edges and hedgerows. The presence of a prominent ash tree within the eastern hedgerow close to the woodland may also be of value to mating brown hairstreak. The Site is considered to be of Local importance for invertebrates.

The woodland and hedgerow are likely to support common nesting bird species during the breeding season and provide roosting and feeding habitat during the rest of the year for several species including house sparrow. The Site is of Local importance to birds. The Site is considered to be sub-optimal for foraging barn owls *Tyto alba*, as the grassland lacks the tussocks/ thatch in which small mammals live.

Other notable species: Other notable species recorded within 2km of the Site comprise hedgehog *Erinaceus europaeus* (SPI), otter *Lutra lutra* (EPS) and water vole *Arvicola amphibius* (protected under Wildlife and Countryside Act 1981). There are no watercourses within or close to the Site therefore the presence of either otter or water vole is unlikely. The Site's hedgerows and woodland provide suitable cover for hedgehog, although the presence of badger which are known to predate on hedgehog somewhat limits the likelihood of a high population.

The field however, provides good foraging habitat for hedgehog and the Site is therefore considered to be of Local importance to this species.

Although outside the application site, the woodland is within the development's 'Zone of Influence' and is mapped as a 'stepping stone' habitat on the Somerset Ecological Networks map. All trees are being retained as part of the development and must be protected during construction in accordance with BS5837:2012 – Trees in relation to design, demolition and construction. Whilst the woodland is offsite, a minimum buffer of 15m will be provided to protect it from damage. To prevent recreational pressure during operation, prickly shrubs will be planted along its northern edge. This should be included in a Construction Environmental Management Plan (CEMP). PLEASE NOTE: The conditions outlined are similar to those outlined previously by Larry Burrows.

This needs to be conditioned as follows:

1. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan.

The field is bound along the majority of boundaries by species-rich hedgerows of high quality. The north-eastern hedgerow along Forton Road, western hedgerow along Tatworth Road and the southern boundary between Tatworth Road and the woodland are 'Important' under the Hedgerow Regulations 1997. The development will result in the loss of the entire western boundary to allow a roundabout to be constructed on Tatworth Road. This hedgerow is Important under the Hedgerow Regulations 1997. Small sections of the western and northern hedgerows will also be lost to create pedestrian access.

To compensate for these losses, new species-rich hedgerow will be planted, in excess of the amount lost. New hedgerows must contain at least five native woody species of local provenance and create connectivity to existing hedgerows. A long-term management plan will be required to ensure tall, bushy features are maintained in the future. Several trees within the boundaries have 'Low' to 'Moderate' potential to support roosting bats.

The proposed design retains all mature trees with bat roost potential within areas of public open space and therefore no impacts to roosts will occur. However, this does not take into account of disturbance from construction activity. It is illegal to 'recklessly' or 'intentionally' disturb individual bats whilst occupying a place of rest under the Wildlife and Countryside Act 1981 (as amended). Myotis species bats are reported to be disturbed at 200m distance from road construction activity and a Barbastelle maternity roost was abandoned during the construction of a housing development 200m away in Wellington. Although it is not expected all species to be as sensitive it will be necessary to determine the occupancy of potential roosts by bats in order that appropriate mitigation can be implemented. A method statement needs to be included in a Construction Environmental Management Plan as above.

Activity surveys undertaken in 2013/ 2014 found that the boundaries (hedgerows and woodland) were used regularly by low numbers of common bat species – common pipistrelle and soprano pipistrelle. Light-sensitive Myotis species were recorded on both the southern woodland edge and northern species-rich hedgerows. The rare lesser horseshoe bat was recorded irregularly along the southern boundary. During operation, no lighting is to be directed at the hedgerows and woodland along the southern boundaries, allowing a continuous corridor for bats to be maintained. Light spill to the northern boundary must also be minimised.

The following condition will be required:

2. Prior to construction above ground level, a "lighting design for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and Locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

As a number of records of dormouse were returned as part of the desk study Green Ecology recommends a precautionary approach to hedgerow removal will be employed. This will include timing vegetation removal for when dormice are active but not breeding (autumn or spring) following a fingertip search by a suitably qualified ecologist. Alternatively, above-ground vegetation may be cut to ground level in winter to avoid the breeding bird season, followed by stump removal in spring/summer, after hibernation. This needs to be included within the CEMP as above.

An active main badger sett is located within and along the edge of the woodland at the southern boundary. The main sett requires a 20m exclusion zone in which no construction or storage or materials takes place. This should be clearly marked during construction to prevent accidental damage or disturbance. The proposed attenuation basin is approximately 23m from the sett at its nearest point. During operation, to prevent public access and dogs to the sett, prickly shrubs such as blackthorn, hawthorn and holly are to be planted along the woodland edge. Planting within 10 – 20m of the sett entrances should be undertaken by hand to prevent disturbance. This needs to be included within the CEMP as above.

The woodland and hedgerow are likely to support common nesting bird species during the breeding season and provide roosting and feeding habitat during the rest of the year for several species

including house sparrow. As hedgerow would be lost a method statement to avoid harm needs to be provided. This needs to be included within the CEMP as above. Small numbers of widespread species such as slow-worm in the hedgerow bases cannot be completely ruled out. As hedgerow would be lost a method statement to avoid harm needs to be provided. This needs to be included within the CEMP as above.

Habitat provided as mitigation and or enhancement will need to be managed for the benefit of those species affected and biodiversity generally for the duration of the development in order that any mitigation and or enhancement is effective. This needs to be conditioned as follows:

3. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of any building in the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan.

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall. I recommend that the following is conditioned.

Timing of the hedgerow removal should avoid impacts on nesting birds. Therefore, the following shall be conditioned:

4. No removal of hedgerows, shrubs that may be used by breeding birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. If vegetation removal works are undertaken between 1st March and 31st August then dated photos showing the site before and after clearance will be submitted to the local authority. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan

5. The following will be integrated into or mounted upon buildings or otherwise implemented as appropriate:

a) A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation of 25 plots

b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 5 plots

c) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves on the north facing elevation of 10 plots

d) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations of 20 plots

e) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling on 50 plots

f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

g) The new hedgerow will be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bramble, bird cherry and spindle.

Plans showing the installed features will be submitted to and agreed in writing by the Local Planning Authority prior any construction above ground level

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

Ecologist: (Original Comment)

No objection. The Ecologist has read the submitted ecological report and doesn't raise any issues with its conclusions. 3 conditions are recommended in regard to badger mitigation and to enhance biodiversity within the site.

Natural England:

No objection.

Open spaces officer:

The designs provided on the 'Site Masterplan' identify 1.48 hectares of useable Public Open Space, a provision in excess of that required by SSSC. We are happy with the design and location of public open space; in particular the two areas 'centrally' located within the two halves of the site, breaking up the built form and creating community focus points. The green entrances at both ends of the site are also an encouraging feature, although we would like to confirm whether the area around the properties to the south of the western entrance would be privately managed if these are apartment blocks or would it be incorporated within the site's public open space. The inclusion of a green corridor along the southern boundary of the site is a very positive feature, linking the entrances through the basins and creating a useable buffer between the surrounding areas. Although we haven't included the basins within the POS calculation, we would still be keen to work

with the developer to create landscaped areas here that can be enjoyed by the community. Finally, we would like to clarify who the intended ownership is for the hedgerow/buffer strip along the northern boundary of the site. We would like to see the ownership transferred to the properties rather than with the adoption of public open space, which we are keen to see come to SSDC.

Housing Officer:

Confirmed that they seek 35% of this site as affordable housing. This would total 110 units. The split would be 80/20 in favour of social rent with 20% for intermediate affordable housing solutions. The affordable dwellings should be pepper potted throughout the site and in clusters of no more than 15 units.

The following property mix has been requested although this may be subject to slight amendment: 37 x 1 bed, 39 x 2 bed, 30 x 3 bed, 2 x 4 bed and 2 x 4 bed parlour

The s106 agreement should contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units. Recommended space standards are also outlined.

Environmental Health Officer: (Latest Comment – 14th December 2020)

Previous comment regarding the reporting of any pollution discovered during the development phase still stands.

Environmental Health Officer: (Original Comment)

No objection subject to a condition to deal with any contamination of the site if this is found during construction.

County Archaeologist:

An Archaeological Assessment has been submitted and considers the archaeological potential to be low. This is based on the lack of information concerning the site rather than a systematic evaluation. The report acknowledges this and the County Archaeologist has required a field evaluation to be undertaken prior to the determination of the application. The applicant has been asked for an update on this issue and an oral update will be given to members.

Crime Prevention Design Advisor: (Latest Comments – 22nd December 2020)

No Objection: The revised boundary treatment plan does show the use of screen walls, close board fence, railings and hedging as dwelling boundaries but does not show the location of pedestrian access gates to rear gardens or gates to shared access paths to rear gardens, these should be located as close to the front line of the building, or path as possible. Plots 3 & 4, 7 & 8, 17 & 18, 21 & 22, 148 & 149 are shown with a break in the screen wall next to their rear parking spaces – If these are shared rear access paths, they should be gated front and rear also. Each dwelling should be provided with secure cycle storage within garage where possible or rear garden.

Crime Prevention Design Advisor: (Original Comment)

Seek provision of rear or front garden access gates. A very high proportion of dwelling burglaries occur through the rear of properties. Lack of garden gates facilitates criminal activity to an area with minimal surveillance opportunities. The lack of gates creates long dark alleyways giving cover to the criminal.

Avoid blank gable ends abutting public space and parking areas

The removal of parking spaces alongside the main road is support if they are by the play area.

Wessex Water:

Wessex Water is the statutory undertaker for Chard and South of Chard for potable water supply.

Wessex Water is the statutory undertaker for Chard for waste water services. The proposed development south of Chard at Land adjoining Holbear Forton Road is within South West Water's statutory area for the provision of waste water services.

Wessex Water is currently updating the water supply model for Chard to consider the implications of this site upon the existing network. Results will be communicated in due course. There is an existing 250mm public water main which crosses the site. This main must be accurately located on site and marked on deposited drawings. There must be no building within 5 metres or tree planting within 6 metres of this main. Subject to application, engineering agreement and at the developers cost, it may be possible to divert this main to provide easements within the proposed site layout. The applicant will need to demonstrate that the existing water main will be protected with the appropriate easement or diverted in agreement with Wessex Water.

We note from the submitted Planning Statement that South West Water is modelling the impact of the development upon South West Water's foul drainage infrastructure in the Tatworth catchment. We believe South West Water will promote a pre-commencement condition on this full planning application to ensure a foul drainage strategy can be agreed prior to commencement on site.

The applicant has indicated that surface water will discharge via Suds arrangements and Highway Drain. Matters will require the approval of the LLFA and Highway Authority.

Officer comment: The developer has verbally indicated that the existing water main will be diverted as required.

South West Water: (Latest Comment – 14th December 2020)

No further comments beyond those already given.

South West Water: (Original Comment)

SWW have advised that the public foul drainage network does not have capacity to support the development without causing downstream sewer flooding. In recognition of this, the applicant has funded investigations to establish the extent of improvements required to accommodate the development. As such if the scheme is approved, a condition regarding foul drainage would need to be imposed.

Officer comment: A condition in regard to foul drainage is recommended requiring the developer to submit an application to the relevant Sewerage Undertaker for a public foul sewer requisition under s98 of the Water Industry Act 1991 (which shall include the provision of public sewerage improvement works identified as necessary): 'No dwelling hereby approved can be occupied or brought into use until the scheme of improvement works identified by the Sewerage Undertaker as necessary to accommodate the discharge of foul sewage from the development has been installed'. SWW have advised that this is not uncommon on large developments and one Persimmon have undertaken previously.

Local Lead Flood Authority: (Latest Comment – 19th February 2021)

No objection, subject to following condition and notes being included in any decision:

Condition: No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post

development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

We would welcome the following informative / notes to be provided outlining the information the LLFA will expect to see in order to discharge the above condition:

- * Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.

- * Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters. The 0.1ha resulting from highways improvements must be included within the calculations.

- * Details on any works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- * Infiltration testing, detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown

- * Flood water exceedance routes both on and off site, including details on the arrangements to intercept any flow coming onto the site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, and any flooding during the 100 year +40% climate change event must be retained onsite without causing flooding or damage to properties and highway. Storm events in excess of this must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties and highway.

- * A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. The ownership and responsibility for the dry pond should also be clarified.

- * Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

Local Lead Flood Authority: (Intermediate Comment – 7th January 2021)

We have reviewed the updated Drainage statement and technical response to planning comments and have several comments below:

- * Please be aware that we expect to see groundwater levels to be a minimum of 1m between the

base on any infiltration feature and maximum groundwater level. The technical response to planning comments indicates that groundwater monitoring data was being awaited.

- * Could the applicant clarify that the 0.1ha catchment associated with the existing highways sewers has been included within the calculations.

- * There appears to be surcharging on the 1 year event, which we do not normally expect to see.

- * The applicant should demonstrate that any flooding within the 100 year+40% climate change event is retained onsite

- * We are struggling to locate any updated design of the bund feature, could this be provided for review

- * It is not clear if or how the ditch/dry pond arrangement will be maintained as part of the development, given that the dry pond is outside of the site boundary. It is suggested that an area of 0.1ha resulting from the highway improvements has been factored into the design calculations for the infiltration basin.

- * An allowance for urban creep should be included.

Please be aware that Land Drainage Consent may be required for any works to an ordinary watercourse.

Local Lead Flood Authority: (Original Comment)

The LLFA has no objection to the proposed development. They advise that the development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled. The applicant has not provided sufficient details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details and a surface water drainage condition, to include a lifelong maintenance programme is recommended.

County Education: (Latest Comment – 8th December 2020)

I refer to the above-mentioned planning application received on 13 December 2019 and the following amended plans which have adjusted the total number of dwellings to 252. This amendment will also reduce the likely number of pupils being generated from the development, therefore I have set out the new calculations for the corresponding level of education contributions which are required.

$0.09 \times 252 = 22.68$ - 23 pupils for early years

$0.32 \times 252 = 80.64$ - 81 pupils for Primary

$0.14 \times 252 = 35.28$ - 36 pupils for secondary

$23 \times 17,074 = £392,702$ funding for early years expansion

$81 \times 17,074 = £1,382,994$ funding for Primary school expansion across Chard or new School

$36 \times 24,861 = £894,996$ funding for expansion of Holyrood secondary

County Education: (Previous Comment)

The three primary schools in Chard have a total pupil capacity of 1049 which is made up as follows: Avishayes Capacity 239, Redstart capacity 420, Manor Court capacity 390

The latest published forecasts indicate that by 2018 a total pupil capacity of 1050 will be required within Chard. This forecast data includes; demographic data as available, and some approved full and reserved matter planning applications. However, there are a number of approved applications in Chard that are not included in this published forecast which will add an additional 27 pupil places to the figure of 1050 - thus 1077 places will be required in Chard by 2018 to meet pupil numbers.

This application together with any others that come forward in Chard will further increase the need for capacity within the Chard schools which is not forecast to be available at the time this development comes forward. It will therefore be necessary to request education contributions. A development of 323 dwellings would generally bring forward the need for an additional 65 primary school places at a notional cost of £14,007 per place. If you are minded to approve this application

SCC as education authority would wish to seek an education contribution of £910,455.

In addition to primary contributions as previously advised SCC will be seeking contributions towards providing additional places at Holyrood in Chard and contributions towards pre-school places in Chard.

A development of 323 dwellings would bring forward the need to provide an additional;

- 65 primary school places at a notional cost of £14,175 per place (£921,375)
- 47 secondary school places at a notional cost of £21,359 per place (£1,003,873)
- 10 pre-school places at a notional cost of £14,175 per place (£141,750)

NHS Somerset CCG

Based on an average of 3 per dwelling, this development could increase patient list size by approximately 756.

Given that the GP Provision in Chard is all closely located, it is difficult to attribute the split of patients between the practices. However based on the existing capacity in Chard and the proposed increase of patients, my findings are as follows.

The practice closest to the development is Tawstock which is currently 15% undersized. The addition of 756 patients would make them 28% undersized. (I appreciate the patient list may be split around the other local practices.)

The boundary from the proposed site also includes the below 2 practices.

- * Springmead = 0% undersized
- * Essex house- 25% undersized

I note that the letter refers to a Draft S106 agreement sent to the council's legal representative in November 2020 and includes the following Heads of Terms.

- * 35% affordable housing (88 units)
- * Contribution towards education
- * On-site provision of open space and Local Equipped Area of Play (LEAP) and the future maintenance
- * Off-site contributions towards Youth Facilities; Playing Pitches; and Changing Rooms and future maintenance
- * Travel Plan
- * Safeguarded land for extension of Eastern Relief Road

There is no mention of a contribution to health infrastructure in this document which surprises me?

Given the fact that there are other developments in the pipeline including (18/04057/OUT -295 dwellings) and the current overall undersized Infrastructure capacity already in place. Somerset CCG will be seeking contributions via s106 or CIL to mitigate the impact on the Primary Care provision in Chard.

Somerset Waste Partnership (Revised Comments – 4th February 2020)

Our main concerns are those properties who appear to be located on private drives – particularly plots 57-65 inclusive, 107,108,109; 137-141 inclusive, 172,173, 244-248 inclusive, and 255,256,257. These will need clarification as to where they should present their refuse and recycling containers.

Ideally we'd like as many properties as possible to be accessed directly from the roadside. We find that where collection points are away from a particular property, that it can become an eyesore with containers left out at all times, causing issues and complaints from fellow residents. These situations are generally much reduced when a container is put right outside someone's property for collection.

Somerset Waste Partnership (Original Comments)

No objection raised to the scheme. They did advise though that the vehicle tracking undertaken didn't cover the largest waste collection vehicle for the new internal estate roads. Their largest vehicle is 11.4m long whereas the tracking covered vehicles up to 11.18 m long. The applicant has been informed and the Highway Authority asked for their advice. A verbal update will be given in regard to any response received.

Sport and Play Officer (21st December 2020)

A full response from the Sport and Leisure team has been received in terms of the planning obligations sought in regard to sport and play provision which would result in an overall level of contribution of £690,954.00 (equating to £2,742.00 per dwelling plus administration fee). A table detailing their assessment and requirements is appended to this report. Officers have been in discussion with the applicant during the course of the application in regard to securing adequate play and sport provision. This has resulted in agreement both for the contributions set out in the table attached but also the arrangements for the transfer of land to the Council to provide off-site sports pitch provision in association with land further to the east adjoining Forton which the Council has recently completed acquisition of.

Sport England: (22nd January 2021)

Sport England is responding again following discussions with the Football Foundation on behalf of the FA and Somerset FA. To avoid any confusion, this response should confirm our position on application ref 16/02874/FUL.

Whilst most sports would like an off-site contribution to sport from new housing as highlighted below (for ease). That is not the same for football.

Sport England re-confirms that the playing pitch land remains a priority for football, as there is a considerable deficit of grass pitch provision in Chard and the surrounding areas, therefore developments that can bring forward new grass pitches is crucial to allow for growth in football provision. We and football would prefer the playing pitch land remains as part of this proposal.

The Football Foundation, on behalf of The FA and Somerset FA, advise that the South Somerset PPS (April 2017) and South Somerset Local Football Facility Plan (2020), the following items remains a strategic priority for football, specific to the Chard area:

The provision of new appropriately sized football pitches in a sustainable location to address long standing and well documented deficiencies and sub-standard facilities in Chard and to meet demand generated by new housing growth. It is noted with the PPS that Chard teams – adult & junior and mini soccer are having to play outside the town because of a shortage of pitches (the nearest 9v9 pitch is at Forton). The total minimum requirement is an additional 4 adult, 3 junior and 2 mini pitches. New pitches should be provided in a sustainable location on a multi pitch site so that a range of pitch sizes can be accommodated, with requisite changing and ancillary facilities.

The priority project for football to address this considerable deficit of grass pitch provision in Chard, are projects that can bring forward new grass pitches is crucial to allow for growth in football provision. There is land next to Forton Rangers Football Club (TA20 2LZ) that should be developed and converted into sports pitches and brought under the site infrastructure.

The RFU comments remain the same to those previously submitted. Chard RFC secondary site is in significant need of infrastructure development – changing rooms, sports lighting and drainage. This is captured in the PPS. Approximate costings would be a good way forward.

- * Utilities - £30k
- * Sports lighting - £50k

* Changing Room Provision - £100k

For cricket, Somerset Cricket Board advise that Chard Cricket wise in the PPS is New Nets on page 44:
https://www.southsomerset.gov.uk/media/1353/s-general-umbraco-content-final_strategy_and_action_plan_south_somerset_pps_sept_2017_v07.pdf

Without fully knowing what the exact design that the club would want to go for and associated specification they would be looking at approx £35k-£50K.

The LTA would suggest a three court park with gates somewhere in Chard. Built over an existing hard standing in a green space / recreation area. Costs will be approx. 3 courts £100k.

Conclusion: Sport England has no objection in principle to housing growth but we continue to OBJECT but would like to see detail of the s106 Agreement for on-site and off-site sporting provision and the principles of Active Design demonstrated to reconsider withdrawing the objection.

Sport England (May 2017)

It would appear that the application has now been revised to include the provision of playing pitches at a separate site to the south of the application site. I understand that these will form an extension of an existing playing field site and are broadly in line with the Council's aims for this area. It is my understanding that there is a Playing Pitch Strategy emerging (though not yet finalised) which would support this. The principle of this provision is therefore welcomed.

However, before I can offer Sport England's full support for this option, I require further information about the proposed pitches - currently none is provided beyond their location. These will presumably require their own planning permission; has planning permission been applied for?

I also require more information as to what is proposed at the site - such as earthworks or any drainage required to make the site suitable for playing pitches, in order to better ascertain exactly what is offered, and input usefully into the pitch design with the aid of my NGB colleagues. I look forward to receiving further information in due course.

Officer comment: The off-site pitch has now been included within the application as there would have been a clear risk of not securing land for a pitch if a separate application to the housing scheme was sought and was subsequently refused. Sport England have stated that to secure their support the pitch would need to be up and running at the very least - they want to make sure this site comes forward. Without a permission in place, there is a risk that no sporting provision is provided.

Sport England: (July 2016)

Sport England are unable to support this application due to the lack of provision for sport and lack of detail in regard to younger children and youth play provision.

REPRESENTATIONS

36 letters/emails were received objecting to the original application raising the following points:

- Increased levels of traffic in the local area
- Local roads will not be able to cope with the additional traffic
- Poor public transport provision will only add to congestion on roads.
- The baseline data collected for the Transport Assessment was collected during January - has not taken account of seasonal variations
- Criticism of the figures used to support the Transport Assessment
- Not appropriate to place heavy goods vehicles onto the estate road
- Insufficient parking
- Distances to services and facilities not accurate

- Site is poorly located
- Density too high
- Poor quality of layout
- Proposed dwellings not in character with existing dwellings at Holbear
- 3 storey dwellings adjacent to existing dwellings will be overbearing and cause loss of privacy
- Harmful impact on the amenity of existing dwellings
- A large number of affordable dwellings next to Holbear
- Harmful impact on local services
- Local infrastructure including schools, medical services will not be able to cope with additional population
- Lack of infrastructure provision
- Uncertain if the proposed drainage proposals will be adequate
- Surface water accumulates on site
- Green spaces not in the best locations within the development
- The scheme is not in accord with the phasing of the Chard Plan
- Lack of employment opportunities
- Loss of a large area of countryside
- Harmful impact on wildlife

1 letter was received supporting the principle but seeking advice on measures to enable disabled residents to access services

15 letters/emails were received in regard to the first set of amended plans making changes to the layout. All of the comments received stated that the amendments do not address the fundamental concerns originally raised about the scheme, and as outlined in summary above.

14 letters/emails were received in regard to the further amendment to include the off-site sports provision and further changes to the site layout. Previous concerns were reiterated about the scheme. In regard to the proposed sports pitch, concerns were raised about access, location of changing facilities, noise, and that there are enough pitches.

5 letters/emails were received in regard to further amended plans in regard to the single vehicular access. Previous objections were reiterated but adding that the proposed single access won't address the highway problems the development will create. Criticism raised again about the collection of the baseline data used to inform the Transport Assessment.

6 individual have submitted further letters/emails in regard to the latest amended plans which reiterate previous concerns and objections and also echo the revised assessment and latest requirements with suggested conditions of the Ecologist.

CONSIDERATIONS

Principle of Development

The site is included as part of the wider Chard Plan Regeneration Area which seeks to provide housing, employment, education facilities, new highway infrastructure and sport and play facilities during the current Local Plan period (2006-2028) and beyond. The Chard plan includes this site for housing with areas of green infrastructure. Therefore, the principle of residential development on this site is accepted. In accord with the NPPF, development should be supported provided that no significant adverse harm can be demonstrated that would warrant refusal of the scheme.

Highway issues

It is not surprising that one of, if not the biggest local concern about the proposed development,

is the potential highway impact of the proposal. A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and also independently reviewed by highway consultants for the Highway Authority. Criticism has been made of the methodology for collecting and forming the base data used to inform and create the traffic modelling figures for the development. However, both the Highway Authority and independent consultant have confirmed that the base data figures are robust.

As outlined above in this report, the Highway Authority have not raised an objection to the development concluding that the traffic impact of the scheme would not be severe. The TA did conclude that 3 local junctions would be at or over capacity by 2023 but that would be the case without this development. With development traffic, additional queueing would occur at these junctions and hence additional delays. However, the Highway Authority concluded that with Travel Plan measures in place to encourage use of other modes of travel and the creation of the wider link road, the impact will not be severe. Thus, whilst there are some technical details to agree, the Highway Authority have not objected. Whilst it is clear that there will be an adverse highway impact as a result of this development, on the basis that the Highway Authority have not objected, it would make it unreasonable to recommend refusal on highway grounds.

As outlined earlier in this report, the application was amended to provide 1 vehicular access only from the Tatworth Road with emergency access only onto Forton Road. This revision arose following discussions with Persimmon about how to address the genuine concerns about the highway impact of the scheme. As confirmed by the Highway Authority, taking development traffic away from Forton Road would assist with the functioning of the Tatworth Road and Forton Road junction.

The site, if approved, would come forward earlier than the Chard plan proposes under its phased recommendations. The Chard Plan advises that this site would come forward towards the latter end of phase 3 once the sites to the north have been implemented with their respective sections of the main spine road in place. The Chard Plan does also advise that sites can come forward out of sequence but must not prejudice the delivery of other sites from coming forward. In this case, delivery of the current application site would not physically prevent other sites to the north from coming forward. However, if permission were to be granted for this site, there is a risk that with this and the site to the west (outline permission for 200 homes) the build out /sales would take a number of years with no other development coming forward providing the new highway infrastructure that the town needs.

One option initially suggested to the developer was to phase delivery of this site to ultimately only allow the whole site to be built and houses sold once the road was in place to the north of this site. However, this was not accepted for contractual reasons. Instead, a Memorandum of Understanding has been submitted by Persimmon which states that they would work closely with the Council to assist with delivery of the required road infrastructure. Whilst this is not legally binding, it is a clear indication that the developer recognises the importance of securing the road infrastructure.

The latest discussions with officers and the Highway Authority has confirmed the legitimacy of imposing a condition to secure the provision of the extension of the spine road to create a vehicular junction onto Forton Road when the further phases of the Eastern Relief Link Road are available for connection to ensure Forton Road does not become overburdened with vehicular traffic. Persimmon has submitted an illustrative plan of the layout of that future junction which demonstrates that the land to be safeguarded in this permission is sufficient to cater for even the most onerous of junction design parameters.

The purpose of the condition is to secure public control over the delivery of an appropriately configured junction within and agreed area of land contiguous with the proposed turning head.

The linkage must also ensure that relevant services that extend along that part of the link road delivered as part of this application can freely connect into any wider utility and service connections as required without ransom to ensure the junction as eventually configured will be able to enable a public and adoptable connection to be taken from the Forton Road, serving land to both the north east and south west.

Residential Amenity

Objections to the scheme have been received in regard to the harmful impact that the proposed dwellings along the northwest boundary would have upon the amenity of those existing adjacent residents in Holbear. The scheme as originally submitted included 3 storey dwellings along this boundary. These were considered unacceptable given the overbearing nature and harmful overlooking that would occur. Those have now been removed and replaced with 2 storey units.

In addition, the original scheme also included a significant number of terrace blocks running along the northwest boundary which contributed to a significantly higher density of development compared with the large detached dwellings in Holbear development. The original scheme included a total of 49 units along this boundary which was considered to be incongruous with the form of dwellings in Holbear. The current scheme has now reduced this number to 34 with predominantly semi-detached units, 7 detached units and 1 no 3 block terrace. Whilst concern remains that this density is still too high, it is considered that this has satisfactorily addressed the original concerns. Moreover, it is not reasonable to expect that the new development would replicate the form or density at Holbear. In addition, the Chard Regeneration Plan identifies that the northern part of this site to be higher density than the southern countryside edge with 40-50 dwellings per hectare. Given the revised layout and a distance of 20 metres between new and existing dwellings where they would face each other, it is considered that there would be no significant adverse harm to neighbouring amenity warranting refusal.

Density

Concern has been raised that the density of the scheme is too high for the site and not in character with adjacent development. Whilst it is accepted that the density is high, the scheme has now been reduced twice from the original 323 dwellings proposed to 252 dwellings, with green linkages running through the development which with an implemented landscaping scheme will assist with breaking up the development form across the site. The density adjacent to existing dwellings has been reduced as outlined above. Moreover, the Chard Plan suggests a density of between 40-50 dwellings per hectare on the northern part of the site, with between 30-40 dwellings on the southern section. On this basis, and with the lack of objection from any statutory consultees on the density, it is not considered that the density is significantly adverse to warrant refusal.

Affordable housing

The scheme makes provision for 110 affordable housing units which is in accord with the Council's policy of 35% affordable housing. Separate blocks of affordable housing units will be limited to a maximum grouping number of 15 dwellings and accord with the housing mix and minimum internal space standards required by the Strategic Housing Officer. There is no national or local policy that explicitly requires pepper potting or that they should not be adjacent to existing market housing. On this basis, the proposed layout and location of the affordable units is considered acceptable.

Ecology

The Ecologist has reviewed the submitted ecological report which identified the existence of badger setts along part of the southern boundary. He supports the recommended mitigation measures contained within that report. Subject to the imposition of conditions in regard to badger, bat, hedgehog, bird mitigation and to secure biodiversity enhancement within the development, the proposed development would not adversely harm ecological interests and, accordingly, no objection is raised on ecology grounds.

Phosphates

Chard is located at the outer edge of the Somerset Levels and Moors Ramsar site surface water catchment. In addition, the Wessex Water sewerage treatment plant serving much of Chard also feeds back into the same river catchment. However to the south east of Chard, the surface water catchment feeds into the River Axe and in addition sewerage treatment can also feed into that treatment catchment. The Somerset Ecology Services Ecologist's comments in relation to nutrient impact on the South West Water sensitive catchment within which the site physically sits have been addressed by additional information Persimmon has submitted demonstrating both the practicality of and their intention that the development's entire foul sewage load is fed solely into Wessex Water infrastructure and treatment plants which lie wholly outside of the Somerset Levels and Moors catchment and have no potential for impact upon the sensitive catchment. This is an option peculiar to this site as it lies on the cusp of the two catchment areas where the two water companies existing mains infrastructure overlaps within the public highway adjoining the site. This solution will need to be secured by condition to demonstrate that there is no inter-relationship between the application site and the European site and its interests. On this basis a Habitat Regulations Assessment is not required as the impacts are not upon the relevant protected catchment.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. Some local concern has been raised about surface water flooding on parts of the site. Site surveys undertaken by the applicant have confirmed historic flooding issues at the west part of the site and down slope on Forton Road. Infiltration studies have been undertaken to assess the potential for infiltration across the site. There is a clay top layer with a gravel layer 3 metres below ground level - this provides sufficient infiltration to manage the runoff from the site. The strategy will therefore be to collect rainwater into infiltration ponds along the north-west part of the site and mid southern boundary allowing water to naturally soak into the ground. In regard to foul water disposal, all foul water will be disposed of to the Wessex Water infrastructure outside the sensitive catchment area thus precluding the need for consideration of potential impact of phosphates. This will be undertaken by the developer. A condition shall be attached to any consent to require that the necessary works are agreed and undertaken prior to first occupation.

Play and sports facilities

A site on the western side of the site has been included as the area for a formal play area LEAP. The play officer has been involved in discussions with the developer to secure this site and to ensure that there is a sufficient buffer zone from residential properties and is not adjacent the main spine road for the development

In regard to sport provision, a Planning Obligation will provide an area of land to the east of the site, to the south of Badger's Lane and adjacent to Forton Rangers, for practice pitch provision to supplement the adjacent land recently acquired by the Council. The Council's practice pitch strategy has identified a shortage of pitches in Chard. Whilst it is acknowledged that this site is in the Tatworth and Forton parish, finding suitable land for pitches in Chard has proven to be very difficult. In the absence of any viability issues, securing monies from development through an obligation is not usually a major issue but securing land upon which to site a pitch proves extremely difficult. In this case, the opportunity to secure land was offered by the developer and in agreement with the sports officer, it was concluded that it would make sense being adjacent to existing football provision. Although the land will be transferred to the Council it will then be for the Council to make any necessary application for planning permission to secure the change of the use of the land (along with that it has just acquired) to recreational use. Sport England has removed their concern over pedestrian access from the development to the land in recognition of the more strategic role the practice pitch provision will make to the District-wide strategy. Their remaining concerns to ensure that the terms of the Planning Obligation are binding are currently being addressed by the

Council's Solicitor. On the basis that the sports officer was supportive of this approach rather than on site provision, in this case off site provision is considered acceptable.

Open space/landscape

The development proposes areas of green space throughout the development with main areas in the northwest, three areas along the southern and eastern boundary and around the play area on the western side of the site. There is also a green link/pathway running along the whole length of the southern boundary connecting Forton Road with Tatworth Road. The Open Spaces officer is supportive of this approach, seeking that the management of those areas are handed over to the Council.

SECTION 106 PLANNING OBLIGATION

The application be approved subject to:

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

- 1) The provision of 35% affordable housing with a split of 80:20 rent /intermediate product;
- 2) Contribution towards the provision of sport, play and strategic facilities including land for off-site sports pitch use
- 3) Contribution towards education provision;
- 4) Submission of a Travel Plan;
- 5) Provision and maintenance of open space, and;
- 6) Provision and maintenance of compensatory ecological habitat.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

CIL is a fixed levy that Councils can charge on new developments to fund infrastructure needed to support development. For viability reasons, CIL is not charged on the Chard Eastern Regeneration sites.

RECOMMENDATION

Grant Permission.

01. This proposed development is located within part of the Council's designated area for growth in the Chard Plan and will provide much needed market and affordable housing. The scheme would not adversely harm residential amenity, provide a safe means of vehicular, pedestrian and cycle access and not harm ecological interests. The development will also make contributions towards education provision, sport, play and community facilities and travel planning. The development will also provide the southern section of the crucial new strategic road link between the A30 and the A358. The site is in a sustainable location within reasonable distance of the town centre accessible by foot, and cycle. The proposal is therefore in accord with Policies SD1, SS1, SS4, SS5, SS6, PMT1, PMT2, HG3, TA4, TA5, TA6, HW1, EQ2, and EQ4 of the South Somerset Local Plan (adopted 2015), the Core Planning principles, Chapter 6 and Chapter 7 of the NPPF and the Chard Regeneration Plan.

SUBJECT TO COMPLETION OF THE REQUISITE PLANNING OBLIGATION & 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 approved shall be carried out in accordance with the following approved plans:

- CHD-110 P3 Site Location Plan (Nov 2020)
- Site Layout Rev E (Nov 2020)
- 1678-03 Affordable Housing Distribution Layout (Nov 2020)
- 1678-04 Storey Heights Layout (Nov 2020)
- 1678-05 Materials Layout (Nov 2019)
- 1678-06 Rev C Boundary Treatment Layout (Feb 2021)
- 619 Street Scene 01 (Nov 2020)
- 619 Street Scene 02 (Nov 2020)
- 619 Street Scene 03 (Nov 2020)
- 619 Street Scene A (Nov 2020)
- 619 Street Scene B (Nov 2020)
- 619 Street Scene C (Nov 2020)
- REV 01-02-1102020_AA Housetype Pack (Nov 2020)
- LEAP Persimmon Homes Chard, Tatworth Road Playground Proposal (Nov 2020)
- ES17.76 Rev.C Drainage Statement (Nov 2020)
- ES17.76 SK02.00 P3 Highway & Site Levels Plan – Overall (Nov 2020)
- ES17.76 SK02.01 P3 Highway & Site Levels Plan – Sheet 1 (Nov 2020)
- ES17.76 SK02.02 P3 Highway & Site Levels Plan – Sheet 2 (Nov 2020)
- ES17.76 SK02.03 P2 Highway & Site Levels Plan – Sheet 3 (Nov 2020)
- ES17.76 SK02.04 P2 Highway & Site Levels Plan – Sheet 4 (Nov 2020)
- ES17.76 SK02.05 P2 Highway & Site Levels Plan – Sheet 5 (Nov 2020)
- ES17.76 SK02.06 P2 Highway & Site Levels Plan – Sheet 6 (Nov 2020)
- ES17.76 SK02.07 P2 Highway & Site Levels Plan – Sheet 7 (Nov 2020)
- ES17.76 SK03.00 P3 – Drainage Plan – Overall Strategy Sketch (Nov 2020)
- ES17.76 SK03.10 P2 – Drainage Ntwrk Schematic – Overall Strategy Sketch (Nov 2020)
- ES17.76 SK07.00 P3 – Vehicle Tracking Plan – Overall (Nov 2020)
- ES17.76 SK07.01 P3 – Vehicle Tracking Plan – Sheet 1 (Nov 2020)
- ES17.76 SK07.02 P3 – Vehicle Tracking Plan – Sheet 2 (Nov 2020)
- ES17.76 SK07.03 P2 – Vehicle Tracking Plan – Sheet 3 (Nov 2020)
- ES17.76 SK07.04 P2 – Vehicle Tracking Plan – Sheet 4 (Nov 2020)
- ES17.76 SK07.05 P2 – Vehicle Tracking Plan – Sheet 5 (Nov 2020)
- ES17.76 SK07.06 P2 – Vehicle Tracking Plan – Sheet 6 (Nov 2020)
- ES17.76 SK07.07 P2 – Vehicle Tracking Plan – Sheet 7 (Nov 2020)
- ES17.76 SK09.00 P3 – Overland Flow & Flood Exceedance Plan – Overall (Nov 2020)
- ES17.76 SK20.01 P2 – Highway and Longitudinal Sections – Sheet 1 (Nov 2020)
- ES17.76 SK20.02 P2 – Highway and Longitudinal Sections – Sheet 2 (Nov 2020)
- ES17.76 SK20.03 P2 – Highway and Longitudinal Sections – Sheet 3 (Nov 2020)
- ES17.76 SK20.04 P2 – Highway and Longitudinal Sections – Sheet 4 (Nov 2020)
- ES17.76 SK22.01 P1 – Site Sections – Sheet 1 (Nov 2020)
- ES17.76 SK22.02 P1 – Site Sections – Sheet 2 (Nov 2020)
- ES17.76 SK40.01 P1 – Drainage Construction Details – Sheet 1 (Nov 2020)
- ES17.76 SK40.02 P1 – Drainage Construction Details – Sheet 2 (Nov 2020)
- ES17.76 SK40.03 P1 – Drainage Construction Details – Sheet 3 (Nov 2020)
- ES17.76 SK40.04 P1 – Drainage Construction Details – Sheet 4 (Nov 2020)
- ES17.76 Technical Response to Planning Comments (Nov 2020)
- 0969-EcIA-FM – Forton Road, Chard Ecological Impact Assessment Update (Oct 2020)
- Ecological Update Statement (Nov 2020)

- 2008CHA-R-1 Archaeological Magnetometer Survey (Sept 2020)
- Archaeology and Heritage Desk-Based Assessment (Nov 2014)
- Arboricultural Constraints Report (Sept 2014)
- Travel Plan (May 2016)
- Phase 1 and 2 Ground Condition Assessment (Nov 2014)
- Transport Assessment (May 2016)
- Transport Assessment Addendum (Mar 2018)
- Landscape and Visual Appraisal (May 2015)

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

03. Unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall not be initiated by the undertaking of any material operation as defined in Section 56 of the Town and Country Planning Act 1990 in relation to the development until (i) a planning obligation pursuant to Section 106 of the Act relating to the land has been completed and lodged with the Local Planning Authority and County Council and (ii) the Local Planning Authority has given written notification to the persons submitting the planning obligation that it is to the Local Planning Authority's approval. The said planning obligation will make provision for the purposes of securing a future highway link as part of the Eastern Relief Road by providing a mechanism to enable the:
- (a) transfer of land to either Somerset County Council or South Somerset District Council, and;
 - (b) completion of the required highway works by either Somerset County Council or South Somerset Council.

Reason: To ensure that appropriate arrangements are secured for the future highway link of the site to accord with Policy TA5 of the South Somerset Local Plan.

04. No development shall commence on the dwellings and apartments hereby permitted 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 Policy EQ2 of the South Somerset Local Plan.

05. 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 development is properly drained to accord with the NPPF.

06. No part of the development hereby permitted shall be occupied or brought into use until an emergency access onto B3162 Forton Road has been constructed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to 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 Policy TA5 of the South Somerset Local Plan.

07. No part of the development hereby permitted shall be occupied or brought into use until the

developer has applied for a Traffic Regulation Order (TRO) as may be determined by the Local Planning Authority as necessary to control access to B3162 Forton Road. The TRO shall then be advertised and, if successful, implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

08. No part of the development hereby permitted shall be occupied or brought into use until the construction of the spine road and its junctions with the A358 Tatworth Road has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to 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 Policy TA5 of the South Somerset Local Plan.

09. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of works, and thereafter maintained until the completion of construction works.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

10. No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
Construction vehicle movements; Construction operation hours;
Construction vehicular routes to and from site; Construction delivery hours;
Expected number of construction vehicles per day; Car parking for contractors;
Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
A scheme to encourage the use of Public Transport amongst contractors; and
Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and residential amenity to accord with Policy TA5 and EQ2 of the South Somerset Local Plan.

10. 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 interests of highway safety to accord with Policy TA5 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 Policy TA5 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 Policy TA5 of the South Somerset Local Plan.

13. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport to accord with the NPPF and Policy TA3 of the SSLP.

14. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

15. Before the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site where deemed necessary shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

16. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in

the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ2.

17. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan.

18. Prior to construction above ground level, a "lighting design for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and Locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

19. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation of any building in the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy EQ4 of the South Somerset Local Plan.

20. No removal of hedgerows, shrubs that may be used by breeding birds shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. If vegetation removal works are undertaken between 1st March and 31st August then dated photos showing the site before and after clearance will be submitted to the local authority. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan

21. Plans showing the following installed features integrated into or mounted upon buildings or otherwise implemented as appropriate shall be submitted to and agreed in writing by the Local Planning Authority prior any construction above ground level:
- a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation of 25 plots.
 - b) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 5 plots.
 - c) Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves on the north facing elevation of 10 plots.

d) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations of 20 plots.

e) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling on 50 plots.

f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.

g) The new hedgerow will be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bramble, bird cherry and spindle.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

22. Prior to, (and within 2 months of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

23. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

24. 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: In the interests of the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

25. Prior to commencement of the development, site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme to protect trees during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Informatives:

01. In relation to conditions 5 and 7, the provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
02. The Highway Authority have advised the following: The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. The applicant will be required to secure an agreement under Section 278 of the Highways Act 1980 for the highway works necessary as part of this development, and they are advised to contact Somerset County Council well in advance of the development starting.
03. In relation to condition 19, the Lead Local Flood Authority have advised the following will need to be included in the details submitted in order to secure discharge of the condition:
- * Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
 - * Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters. The 0.1ha resulting from highways improvements must be included within the calculations.
 - * Details on any works required to ensure adequate discharge of surface water without

causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- * Infiltration testing, detailed design and construction in accordance with Building Research Digest 365. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. If soakaways are shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown
- * Flood water exceedance routes both on and off site, including details on the arrangements to intercept any flow coming onto the site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, and any flooding during the 100 year +40% climate change event must be retained onsite without causing flooding or damage to properties and highway. Storm events in excess of this must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties and highway.
- * A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. The ownership and responsibility for the dry pond should also be clarified.
- * Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted. For more information, please visit <https://www.somerset.gov.uk/waste-planning-and-land/apply-for-consent-to-work-on-an-ordinary-watercourse/>

Appendix A

Minute from the Regulation Committee held on 17th July 2018.

Planning Application 16/02874/FUL - Land Adjoining Holbear Forton Road Chard (Agenda Item 6)

Application Proposal: The erection of 315 No. dwellings with associated access and infrastructure and provision of off site playing pitches.

The Area Lead Planner presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans. He reminded members that the principle was supported by the Chard local plan to provide homes within the area and associated infrastructure.

He explained the concept of the distributor road and of individual development sites within Chard each bringing forward a section of the road at various stages, with this development providing an element of this highway structure. He noted the central junction in Chard is at capacity in terms of road use, and therefore to alleviate these issues, this scheme would help to provide alternative highway infrastructure. He also noted that the application had been amended to provide only one vehicular access from Tatworth Road which addressed concerns about the highway impact of the scheme.

The Area Lead Planner acknowledged this development had come forward earlier than outlined in the Chard local plan. He recognised the Chard central junction is at overcapacity and that this will clearly add to the overall traffic, however the Highways authority had undertaken a transport assessment and do not consider this development would have a severe impact, and on this basis, find the scheme acceptable.

He highlighted the key considerations explaining the site is within Chard Local plan, that highway concerns have been fully assessed and considered acceptable and amendments have been made to the proposed dwellings situated at the boundary edge in relationship to the existing houses at Holbear. He said the overall density of the site does not exceed policy guidelines and that the proposed distributor road running through the site, although debatable, was considered acceptable. He noted the site was located within flood zone 1 which was classed as low risk and although the site suffered from some surface water the appropriate drainage system would be included and the Environment Agency and Lead Flood authority had raised no objections.

The Area Lead Planner explained that provision for an offsite playing pitch had been identified and that the Sport & Leisure team considered this option acceptable and that for viability reasons CIL (Community Infrastructure Levy) would not be charged on Chard Regeneration sites.

He therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to approve the application subject to the conditions as set out in the agenda report.

The Senior Planning Advisor then proceeded in detail to explain to members the four main reasons for refusal as resolved by the Area West Committee and set out in the agenda report.

The Area Lead Planner, Senior Planning Advisor and Highways consultant responded to members' questions on points of detail which included the following:

- The internal space of the garages was in accordance with the car parking standards set by the County Council.
- Confirmed the location of the emergency access and the turning head to the north of the site.
- Clarified the information given regarding road tolerances including the acceptable movements of refuse vehicles.
- Confirmed a travel assessment had been carried out by the developer and that the Highway authority had independently assessed and confirmed that these conclusions are robust.
- Acknowledged the concerns regarding the traffic impact and that whilst this development would create additional congestion within Chard this development was not wholly responsible for the increase in traffic and therefore not severe enough to warrant refusal on traffic impact grounds.
- Elements of the internal road layout still need to be revised in order to meet the Highway authority's adoption standards.
- This application provides a provision for offsite playing pitch located at the adjacent Forton Rangers Football Club, and given that finding suitable land for pitches proves very difficult in this area this is considered acceptable.
- The scheme although located on the edge of the town centre is considered to be in sustainable location and provide the necessary affordable homes to maintain and encourage regeneration of the town.
- There was a condition to cover flooding, drainage, sewerage and impact from rainwater. If members were minded to approve the application the condition could be amended to ensure all issues were covered.
- If members were minded to approve the application a condition could be imposed to ensure appropriate phasing of the development of the site and road network.
- Confirmed pedestrian access links into the site would be made via the main Forton Road entrance for existing local residents. There were no other access links into the site.
- Explained a 'memorandum of understanding' with the developer to discuss and maintain the overall phasing of the distributor road. However there was no legal agreement in place to ensure the rest of the road network would come forward.

Councillor Andrew Turpin, Ward member then addressed the committee and raised a number of concerns and felt that a decision on this application should not be made until further information was presented on a number of issues. These included:

- The relief road was very important to the town and felt this should be completed before any development takes place.
- Concern regarding the lack of travel plan and highway safety for pedestrians and cyclists to and from the site.
- The sewerage and flooding problems already in the area would only be exacerbated by this development.
- Endorsed the reasons for referral as agreed by the Area West Committee.

Councillor Dave Bulmer, adjacent Ward member also raised concerns regarding the existing traffic congestion at the main Chard junction which was already over capacity.

He felt this development was well ahead of time and accordingly, due to the lack of the completed distributor road, this development would have a severe impact on the existing road network within the area. He believed this development could be vastly improved both by design and layout and was fundamentally flawed. He welcomed the provision of the playing pitch but considered the lack of adequate pathway links from the site to be extremely dangerous to pedestrian users wishing to access these pitches.

One member of the Tatworth & Forton Parish Council and three members of the public spoke in objection to the application. Their comments included:

- Concern regarding the proposed drainage scheme and whether this was adequate.
- This proposal would only exacerbate the flooding issues in the area.
- Should learn from previous developments and make sure the same issues do not reoccur.
- Lack of employment opportunities.
- Site is poorly located and concern for local children accessing the proposed play areas.
- Significantly increase the levels of traffic in the area with local roads unable to cope.
- Not appropriate to place heavy goods vehicles on the estate roads.
- Site is poorly located.
- Density too high.
- Poor quality of layout and design and have a harmful impact on the amenity of existing dwellings.
- Insufficient parking.
- Severe impact on local services including schools and doctors surgery unable to cope.
- Development out of character with the area.
- The scheme is not in accordance with the phasing of the Chard local plan.
- Not against development but this proposal does not enhance the area or provide high quality housing.
- A number of concerns still unanswered and that a decision on this application should not be made until further information was presented on a number of issues.

The agent then addressed the committee and referred to changes that have been made to this application following comments received. These included:

- Number of plots decreased from 323 to 315.
- Parking layout has been changed to break up the block parking within the street scene, adding more character.
- Entrance access has been altered.
- LEAP now being provided.
- Less proposed dwellings backing onto Holbear Grange.

She confirmed the financial contributions toward local facilities and the transfer of land for the provision for the off-site sports pitch. She said the drainage scheme was acceptable and would provide an effective water management strategy and controlled surface water and therefore believed that significant amendments had been made to this application.

During the discussion, members raised several comments with regard to the application. These included:

- Believed there were many issues still outstanding and could not make an informed decision on the application until all information had been presented.
- Disappointed that the developer had not taken into account the issues of the local community.
- Concern with regard to the phasing of the works in particular the reassurance that the distributor road would be completed.
 - The lack of adequate pathway links from the site deemed to be extremely dangerous to pedestrian users wishing to access proposed play areas.
 - Poor neighbourhood links to local facilities and sports pitches.
 - Poor quality layout and design not in keeping with the character of the area.
 - Density too high.
 - Appreciate Chard is in need of housing.
 - Believe the proposed road is neither an estate road nor distributor road.
 - Questioned the benefits of the relief road running through the estate compared to it being located around the outskirts of the development.
 - Traffic in this location is already severe and questioned the Highway authority's basis for approval to the scheme.
 - Concern whether the drainage provision has been designed in accordance with best practice and local authority requirements.

The Senior Planning Advisor responded to members' questions and confirmed that:

- Condition 19 would ensure an appropriate sustainable drainage scheme would need to be approved before any development commenced on site.
- Should members be minded to approve the application an additional condition could be imposed:

"No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the estate roads, footways, and associated highway works and infrastructure, has been submitted to and approved in writing by the Local Planning Authority. The approved highway works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate management and maintenance of the highway network, whether or not the highway network is adopted, in the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework"

Following a further short debate, members believed there were a number of issues still outstanding before any informed decision could be made and supported a deferral of the application for the reasons as read out by the Senior Planning Advisor as follows:

1. Noted and supported in principle, the four main reasons of concern already established by the Area West Committee as set out in the agenda report.

In addition the Committee had concerns about the following issues, which it requested the applicant and officers examined further:

2. Need for further exploration of better pedestrian links between the proposed development and sports facilities.
3. Need to examine a phasing condition to insure the scheme is developed on good design principles and better supported the ultimate delivery of the distributor road.
4. Importance of the maintenance and management of highways whether or not roads are to be adopted
5. Need for an additional condition with regard to electric charging points.
6. Need for an ecology condition to safeguard wildlife.
7. Consider the further exploration of a study into the traffic management options in Chard centre, to help deal with increased traffic over the plan period, including from the proposed development, as more planned homes come forward.

The Senior Planning Advisor also explained to members that the applicant does retain their rights for appeal and should negotiations not be acceptable they still have the right for non-determination of the application.

He also noted the request that ward members be fully consulted on these discussions and that when the application is brought back to committee all issues raised are fully explained and can easily be identifiable for comparison.

Members were also advised that should they be minded to defer this application it would then go back to the Area West Committee for determination.

It was then proposed and subsequently seconded that the application be deferred for the reasons previously stated by the Senior Planning Advisor. On being put to the vote this was carried unanimously.

RESOLVED:

- A. That Planning Application 16/02874/FUL be deferred for the following 4 main reasons:**
1. The design of the proposed layout of the new homes and proposed distributor road is out of character with its neighbouring settlement design and its location at the southern edge of Chard town. The proposed road neither satisfies the design of an effective distributor road i.e. to carry large volumes of both access and bypass traffic, nor of an estate road, which should provide protected and calmed access to homes. REASON: This is contrary to Policy EQ2 and TA5 of the South Somerset Local Plan.
 2. The design of the distributor road is not commensurate to the amenity of new occupiers. A significant number of the proposed dwellings (100 out of the total of 315 homes) are proposed to front onto the distributor road which by definition will carry large volumes of traffic. The design and layout would also require occupants to cross the distributor road to access the public open space. REASON: The proposal is therefore contrary to Policies EQ2, and TA5 of the South Somerset Local Plan.
 3. The proposed development fails to take the opportunity to improve the character and quality of the local area due to the poor layout and house designs. REASON: Therefore, it does not constitute good design and is contrary to Policies EQ2 and Chapter 7 (para 64) of the NPPF (Requiring Good design).

4. The proposed development would be brought forward in an earlier phase than outlined in the Chard Regeneration Plan. Accordingly, due to the lack of the completed distributor road connecting the application site to the north with the A30, it would create a severe highway impact on the local road network, particularly causing severe congestion at the central Convent Junction. REASON: This is contrary to PMT1 and PMT2 of the South Somerset Local Plan.

B. In addition Committee also asked the Applicant and Officers to consider and seek to resolve the following related planning matters:

5. Need for further exploration of better pedestrian links between the proposed development and sports facilities.
6. Need to examine a phasing condition to insure the scheme is developed on good design principles and better supports the ultimate delivery of the proposed distributor road.
7. Importance of the maintenance and management condition for highways and associated infrastructure whether or not roads are to be adopted
8. Need for an additional condition with regard to electric charging points.
9. Need for an ecology condition to safeguard wildlife.
10. Consider the options for an additional study into the traffic management options in Chard centre, to help deal with increased traffic over the plan period, including from "this proposed development", as more planned homes come forward.

REASON: To ensure that any scheme that comes forward for determination, more fully addresses all the policies in the South Somerset Local Plan, in particular EQ2, TA5, PMT1 and 2.

C. Ward members to be involved in discussions and timetable on any revised application.

REASON: To ensure that any scheme that comes forward for determination, more fully addresses all the policies in the South Somerset Local Plan.

(voting: unanimous)

Agenda Item 7

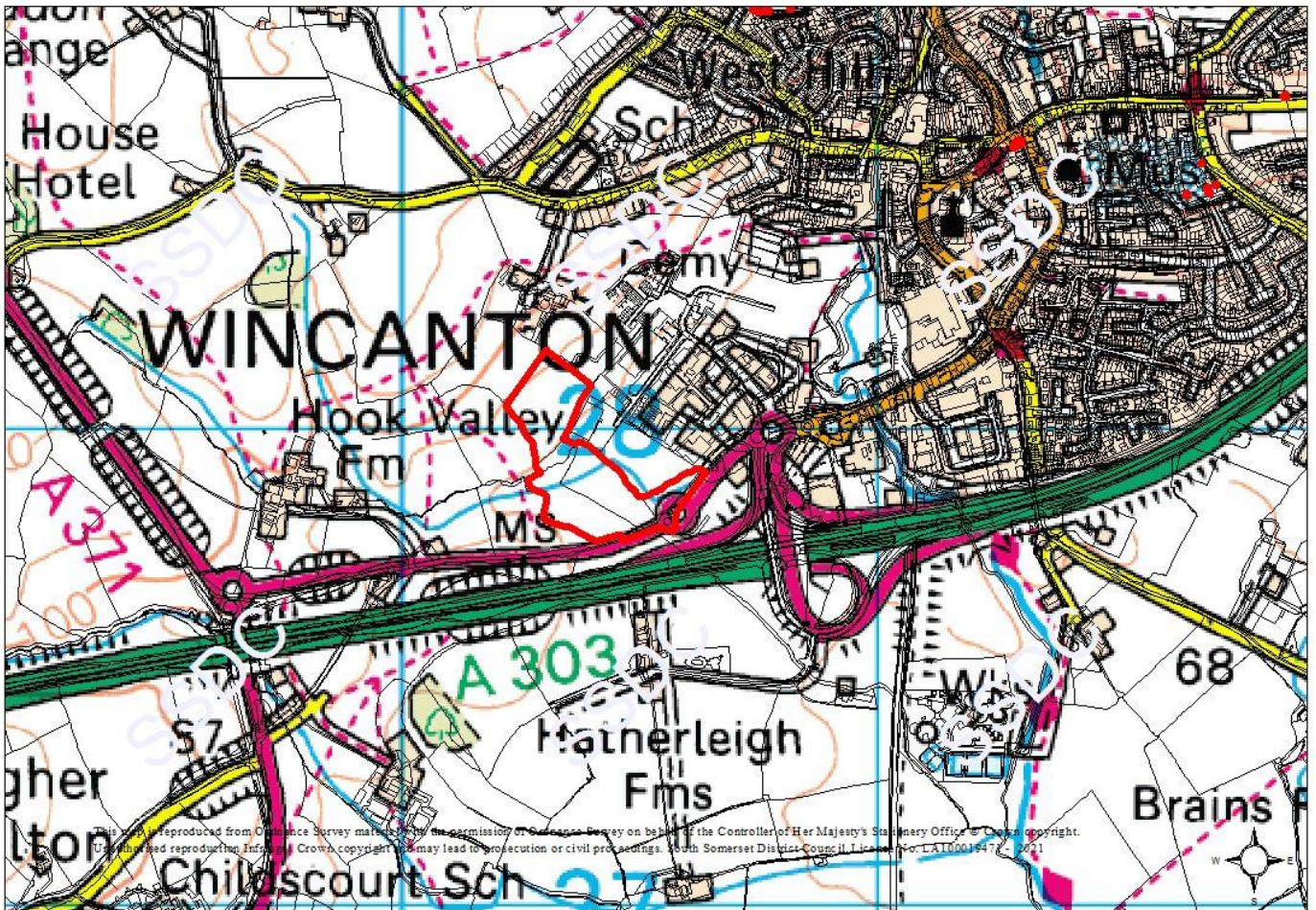
Officer Report On Planning Application: 19/02245/OUT

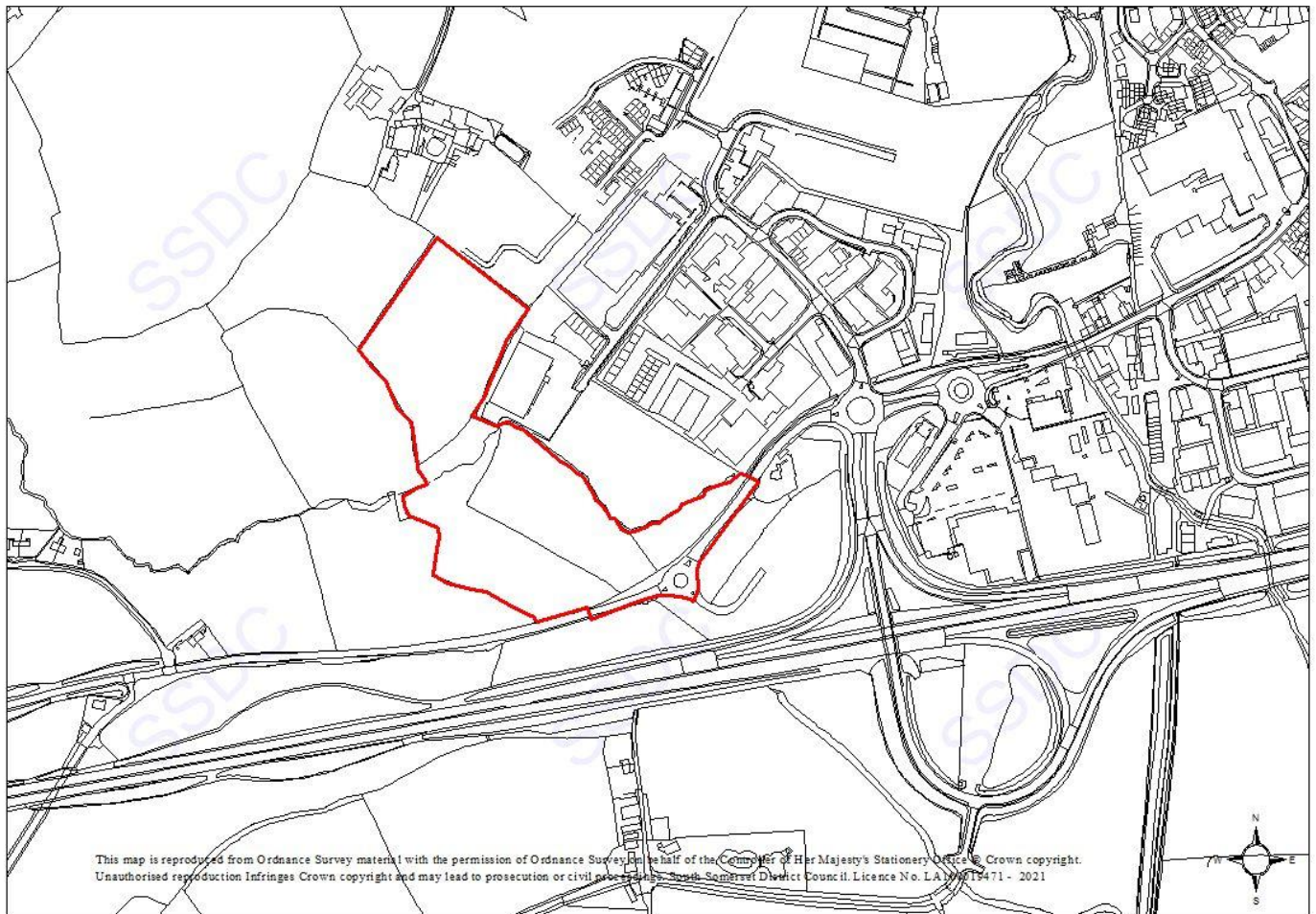
Site Address:	Land At Lawrence Hill Wincanton Somerset BA9 9RT
Ward :	WINCANTON: Cllr Nick Colbert; Cllr Colin Winder
Proposal : CIL Liabile = YREM	Outline application with all matters reserved save for access from A371 - Lawrence Hill for Light Industrial (Use Class B1), general Industrial (Use Class B2), Storage & Distribution (Use Class B8) & Residential Development (Use Class C3) with associated works
Recommending Case Officer:	Colin Begeman (Principal Specialist)
Target date/Ext of time	12th November 2019 17th July 2020
Applicant :	Abbey Manor Homes Ltd
Type : 05	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

This application is classified as a "major major" and is referred to the Regulation Committee for determination under the Scheme of Delegation.

SITE DESCRIPTION AND PROPOSAL





The site lies to the north of Lawrence Hill, the A371, on the western side of Wincanton. It extends to approximately 14.64 acres/5.93 hectares and comprises of agricultural parcels which are currently greenfield. The parcels have mature hedgerow vegetation on their boundaries. The southern area of the site is intended for employment use and lies at the lowest level. The land rises from south to north. In between the two areas of proposed development runs Holway Brook, a tributary of the River Cale watercourse. A public footpath (WN 30/50A) runs to the west of the site.

The application is submitted in outline form with all details reserved apart from access from A371 (the red line of the site extends onto the A371 public highway and the roundabout, where a new arm and elongation of the roundabout is proposed to serve the development site).

The proposal comprises of approximately 9,000 sqm of B1 (light industrial/office), B2 (general industrial) and B8 (storage & distribution) floorspace on the southern part of the site (the application provides an indicative mix of B1 - 50%, B2 - 25%, B8 - 25%); up to 80 dwellings (C3 use) on the northern part of the site adjacent to New Barns Farm; associated works, including drainage infrastructure, footpath/cycle links, landscaping, open space and parking.

There is a potential secondary access to Crocker Way, which along with landscape, scale, layout and appearance are reserved for future consideration. The illustrative plan submitted shows a cycle and pedestrian link from Crocker Way at this stage, with a small area for play and lines of tree planting on the indicative internal residential estate road. Site boundaries are shown as a landscape buffer, either retention of existing, enhancement or new planting. SUDS areas are shown in the southeast corner of the site (adjacent to the access point) and centrally between the employment and residential areas, where there is also public open space.

In addition to the plans a number of documents have been submitted in support of the application including a

Planning Statement, Design and Access Statement, Statement of Community Involvement, Landscape Visual

Impact Assessment, Transport Assessment, Travel Plan, Flood Risk Assessment/Drainage Strategy, Foul Drainage Assessment, Ecological Impact Assessment, Heritage & Archaeological Report, Arboricultural Assessment, Noise Assessment, Ground Investigation Report and Utilities Statement.

Environmental Impact Assessment Regulations - the planning application falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). The

Local Planning Authority is required to make a formal screening decision relating to the requirement for

Environmental Impact Assessment because of the scale and nature of the proposed development. The screening opinion was issued on 12th October 2018 and concluded that the development is unlikely to have significant environmental effects and therefore an Environmental Statement was not required (reference 18/03137/EIASS).

PLANNING HISTORY

01/01658/OUT - Residential, employment (B1, B2, B8) and associated development (outline); land OS 4884,4600,7616,4812,7530,3040,5339,4626,3826 adjacent to Alfreds Way, Wincanton Business Park. Refused 16th July 2004 (this application extended to parcels to the north and northwest of the 19/02245/OUT site).

PLANNING POLICY AND GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2 and 47 of the NPPF, state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

PWWRM

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015) and the Wincanton Neighbourhood Plan adopted January 2018.

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS3 - Delivering New Employment Land
Policy SS5 - Delivering New Housing Growth
Policy SS6 - Infrastructure Delivery
Policy PMT4 - Wincanton Direction of Growth
Policy EQ1 - Addressing Climate Change in South Somerset
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy EQ4 - Biodiversity
Policy EQ5 - Green Infrastructure
Policy EQ7 - Pollution Control
Policy TA4 - Travel Plans
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

Wincanton Neighbourhood Plan 2018-2028

The Plan was adopted in January 2018 following the appropriate procedure, and its contents must therefore be considered when determining this reserved matters submission.

Policy 1 - Visually Sensitive Areas

Policy 3 - Trees and Hedgerows

Policy 5 - development on the outskirts of the town

Policy 7 - mix of housing types

Policy 8 - starter homes for local people

Policy 14 - Key Pedestrian and Cycle Routes

National Planning Policy Framework (as revised)

Paragraph 11 notes that decisions should apply the presumption in favour of sustainable development.

Chapter 4 - Decision making

Chapter 5 - Delivering a Wide Choice of High Quality Homes

Chapter 12 - Achieving well-designed places

Chapter 16 - Conserving and Enhancing the Historic Environment

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions, and sets out how well-designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Local Plan Review (Preferred Options Draft)

The draft Local Plan Review includes the policy review for housing and employment land provision in Wincanton identified as an early requirement of the adoption of the Local Plan in 2015.

Policy WN1 - Housing Growth West of Wincanton Business Park and New Barns Farm (about 220 dwellings) Policy WN2 - Employment Growth West of Wincanton Business Park (4.8 hectares)

CONSULTATIONS

Highway Authority

No objection; SCC does not have concerns regarding outstanding design detail at this stage as these will be covered as part of the reserved matters application and the technical approval process connected to the required legal agreement, including the provision of a full travel plan, which will be secured under the S106 agreement.

Conditions to be imposed relating to required gradient access; disposal of surface water provision; visibility; clean vehicles leaving the site; submission of Construction Environmental Management Plan; construction and laying out of estate roads etc; provision of appropriate parking.

The Highway Authority has confirmed that it has no objections to the amended scheme of off-site highway works removing the pedestrian crossing at the roundabout on Lawrence Hill.

Highways England

No objection. Recommend the emerging Local Plan Review gives consideration to the future capacity of the A371/Dyke's Way roundabout, and merge/ diverge activity for the A303(T) to confirm whether existing layouts are appropriate for forecast traffic demand.

SCC as Lead Local Flood Authority

Initial response: unable to recommend that we would be content with the proposal until these concerns have been addressed to the EA's satisfaction. This is especially significant as the site drainage drains towards a designated main river, and discharge rates should be confirmed as acceptable to the EA.

Follow-up response: flow routes have been taken into consideration when developing the masterplan (application is in outline form only and could change). Due to the extent of surface water flow routes across the site risk will need due consideration, locating more vulnerable uses away from the higher risk areas. Flows from offsite will need to be intercepted and managed across the site to prevent placing buildings at risk or causing further problems offsite. Attenuation basin 2 is located within Flood Zone 3, and the developers need to be aware that such features might not function effectively under flood conditions in the receiving system. We recommend such features are located outside of areas at risk or are designed to provide adequate storage for the period during which any outfall becomes submerged.

There is mention of an existing drainage ditch through the southern part of the site. We request further information on the functionality and connectivity of this system as the scheme emerges.

We would expect a variety of multifunctional SUDS features within the scheme to meet wider sustainability needs. While the FRA explores some of these features it is noted underground storage features are not a sustainable means of drainage because they do not provide the required water quality, public amenity or biodiversity benefits, underpinning principles of SUDS. The developer should consider source control measures and ensure appropriate measures of pollution control for the different land uses at the site. "Pipe to pond" is not recommended. Any works within the cross section of an ordinary watercourse may require Land Drainage Consent from ourselves, this includes the southern central drainage ditch.

Subject to the above being taken into consideration, we would recommend imposing a condition relating to the surface water drainage scheme, and informative relating to Land Drainage Consent.

SSDC Open Space

Assessment, based on dwellings of two bedrooms or more, made to consider the increased demand upon for outdoor playing space, sport and recreation facilities. Likely increase of population by approximately 178; using the SSDC standards within the relevant adopted documents this requires 356.8 sqm equipped play space, 89.2 sqm youth facilities, 2,140.8 sqm playing pitches, 18.73 changing rooms. The Council has conducted an infrastructure assessment and there are deficiencies in most areas.

A LEAP of a minimum 500 sqm should be provided on site, located centrally, to address the already existing deficiency (spend calculated as £67,904). Other provision would best be located off-site. An appropriate financial contribution of £2,131 per dwelling, total £170,494 for provision. A contribution of £849 per dwelling, total £67,951, should be made as commuted sums for maintenance. Total contribution of £238,445 with administration fee (£2,384) resulting in a £3,010 contribution per dwelling.

SCC as Local Education Authority

The pupils generated from this proposal would be as follows:

70 x 0.09=6.3 (7 Early Years)

70 x 0.32=22.4 (23 Primary)

70 x 0.14=9.8 (10 Secondary)

The development is in the Wincanton Primary school catchments and King Arthur's Community school. The early years settings and the secondary school have sufficient capacity at present. However this proposal and the others in the area will create pressure on Wincanton Primary and we therefore request the following Education contributions towards ensuring the capacity of Wincanton primary will be able to accommodate the children from this development. Financial contribution should be sought: 23 x 17,074=£ 392,702 for Wincanton Primary School.

SSDC Environmental Health

Initial response raised a number of comments relating to noise emissions, working hours, no burning on site, submission of a construction method statement. Following further information being submitted it was confirmed there is no objection relating to noise as the report addressed the concerns raised.

Environment Agency

Initial concern however following submission of further information we withdraw the objection subject to a condition relating to carrying out the development in accordance with the submitted flood risk assessment and ensuring finished floor levels are set at a minimum of 300mm above the 100yr plus 30% flood level as described in the additional information provided by the agent. The Council's Emergency Planners should be consulted relating to safe evacuation/exit in the event of flooding. Informative note relating to pollution prevention during construction, waste management and bio security.

Somerset Ecology Services

Initial response: Green Ecology carried out an Ecological Impact Assessment at Land North of Lawrence Hill, Wincanton, Somerset. This comprised a desk study, walkover survey and surveys for badger, riparian mammals, dormouse, reptiles and bats were undertaken in 2019 to provide baseline data for the Site, following an Extended Phase 1 Habitat Survey and recommendations in 2017.

The report states that surveys are continuing for bats, reptiles and dormice. I would need to see the results of these surveys, incorporated into the Ecological Impact Assessment, along with an updated phase 1 habitat plan showing existing habitats onsite (i.e. loss of orchard / scattered broadleaved tree within field 2) before I can comment further. Until the report update is provided, I will need to place an holding objection.

Follow up response: Further to updated surveys - no objections subject to conditions.

Wessex Water

Pre-application discussions took place to assess a point of discharge for the predicted foul sewerage flows generated by the proposed development. The Foul Drainage Assessment is a fair record of assessment to date.

Foul flows are passed to Wessex Water's Laurence Hill pumping station. A review of this pumping station will be required if this planning application is approved. Depending on catchment growth further storage may be required at the pumping station with upgrades to existing pumps. Improvements will be managed by Wessex Water. Our appraisal will be made on the basis of predicted foul flows from

industrial use being of domestic type only. The applicant must contact Wessex Water for advice if discharge of a non-domestic nature are proposed.

There are public water mains in the vicinity of the proposal. Network modelling will be initiated should the application be approved to determine point(s) of connection. The applicant must contact Wessex Water for advice if water supply demand of a non-domestic nature is required.

Surface water is proposed to be attenuated on site and discharged to the on-site watercourse; approval will be required from the LLFA. There must be no surface water connections to the foul sewer network. Buildings above two storeys will require on site boosted storage.

Wincanton Town Council
Recommend approval.

South West Heritage

Initial response: a desk-based assessment was submitted which concludes that based on existing evidence there is relatively low potential for archaeological remains. However it is based on limited evidence and the site sits within a landscape with prehistoric and Roman period activity. Therefore there is potential for unknown archaeology on the site. 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 geophysical survey (and based on results trial trenching) as indicated in the National Planning Policy Framework (Paragraph 189).

Follow-up response: based on the Geophysical survey there does not appear to be any archaeological issues associated with this proposal, so we have no objections on archaeological grounds.

Representations

Eight responders have submitted comments, summarised below:

- Wincanton cannot cope with another housing development; it is suffering from Yeovil's shortfall in providing its allocation of new housing and the town has exceeded its allocation
- There is insufficient infrastructure to cope with additional people; the health centre and education facilities are under pressure, parking is a problem around the primary school and at the health centre
- There are very few leisure facilities in Wincanton
- There is brownfield land available (e.g. the old Hopkins Concrete site) rather than using greenfield
- The bus service is inadequate
- There are a limited number of shops on the high street
- Construction and emergency vehicles are unlikely to be able to gain access to the site through Atkins Hill/Crocker Way as vehicles are double parked/on pavements. Estate roads also not yet finished and has potholes. More construction vehicles would mean more misery for residents. There is no reason traffic should be directed through the estate when there is a wider safer route down the A371 and into the building site.
- The extra traffic will endanger children playing in the street or walking to and from school
- The existing hedgerow between the Crocker Way development and the proposed development must be retained
- One responder had no objection but queried some of the constraints and relationship between the site and his property

More recently in November 2020 an objection was made alleging that the pedestrian crossing points within the proposed off-site highway works on Lawrence Hill could not be delivered as this involved third party land. Discussions have been held with the County Highway Land who has advised that the

land in question is "Highway Maintainable at the Public's Expense". Notwithstanding, amended plans have been submitted (February 2021) removing the crossing point on the roundabout to which the Highway Authority has confirmed they have no objections.

OFFICER REPORT

Principle of Development

Wincanton is one of the few areas within the District that does not fall within the catchment area of the Somerset Level and Moors Ramsar sites and the associated phosphate loading. This application does not contribute to the phosphate loading of these sites and is acceptable in that respect and is not considered to be a constraint in bringing this proposal forward.

Wincanton has the status of Primary Market Town in the adopted Local Plan, and a quantum of employment development was identified for the town with the intention of contributing towards delivering 599 new jobs. This was based upon a Sustainability Appraisal that took into account access to the strategic road network, proximity to other business uses, avoidance of the impact of HGV movements upon the town, and the potential deliverability of sites for development. The Plan states that the bulk of the development requirements for Wincanton would be delivered within the direction of growth area. Policy PMT4 states "The direction of strategic employment growth will be to the south west of the town, north of Lawrence Hill and west of Wincanton Business Park". Inset Map 14 shows the Direction of Growth area; the application site is wholly within it.

The adopted Wincanton Neighbourhood Plan 2018-2028 includes the objectives "identifying the most sustainable locations for further development" and "new employment space near the A303". It notes that businesses need better quality, larger footprint units so they can adapt as their business grows. The south west of the town is noted as being the focus for development, stating "the design, layout and extent of development respects the special landscape towards Hook Valley Farm, and does not become visually obtrusive by building towards the northern elevated field (adjoining West Hill)". An application for up to 210 dwellings (reference 19/01593/OUT) within this "visually sensitive area" identified by the Neighbourhood Plan has recently been refused.

From a strategic employment perspective the site is in an area where the Council would like to see development come forward, an objective enshrined in Policies SS3 and PMT4 of the local plan, and therefore the principle of the employment development is accepted.

As the proposal includes an element of residential, with up to 80 dwellings proposed in the northern section of the site, it is necessary to give proper consideration to its acceptability given the direction of growth is specifically intended to deliver business development.

Prior to the adoption of further housing allocations, Local Plan Policy SS5 states that a permissive approach should be taken when considering housing proposals within the directions of growth at the Market Towns (including Wincanton), subject to the scale of the proposal being appropriate and not prejudicial to the settlement strategy. An additional 80 dwellings would result in a sustainable form of development without detrimental impact upon the role of Wincanton as a Primary Market Town towards the top of the settlement hierarchy.

The adopted Wincanton Neighbourhood Plan, which forms part of the Development Plan, is supportive of the principle of residential growth on the application site, which avoids the most visually sensitive areas on this side of the town.

The adopted Local Plan contains a commitment that a policy review of housing provision within Wincanton will be undertaken within 3 years (i.e. by March 2018). This housing policy review for Wincanton has not taken place within this timeframe and now forms part of the Local Plan Review.

The Local Plan Review identifies a need for a further 220 dwellings in the town and proposes allocation of the application site to meet such needs.

The principle of residential development therefore accords with Local Plan Policy SS5 and the Wincanton

Neighbourhood Plan. Its compliance with emerging policy to fulfil the commitment within the adopted Local Plan to review housing provision in Wincanton is also a material consideration.

It is considered therefore that, subject to other planning considerations, the principle of the development in this location can be acceptable. If consent is granted however it needs to ensure the employment aspect of this proposal comes forward and not just the more lucrative residential development. It would therefore be appropriate to impose a condition requiring the applicant to submit a phasing programme for the timing of delivery of the commercial and residential uses, off-site highway works and open spaces for the approval of the Local Planning Authority. It is considered reasonable to allow flexibility at this point in time in setting trigger points at this outline stage taking into account the marginal viability of the scheme and the uncertain economic conditions.

Viability

A Viability Report has been submitted, dated 20th April 2020.

The report uses BCIS as a guide and a developer profit of 20% for open market housing, 6% for affordable units and 15% of employment land sale. It considers the financial contribution via legal agreement to be a total of £733,282 (without contribution to POS or additional cost due to indexation). It notes that it is more likely that the residential element of the development will involve a compromise situation rather than total policy compliance with regard to housing type and affordable housing, and reviews the residential development to the north for comparative sales data (noting the likelihood that house prices will be suppressed due to the pandemic). From an employment development perspective, it is assumed it would be provided on a serviced basis with a land value of £300,000 per acre.

Based on the aforementioned parameters used the report shows the scheme is not viable with or without affordable housing and generates a negative Residual Land Value in both scenarios; notably due to the significant costs of delivering the employment land. The residential part of the development isn't large enough to cross-subsidise the servicing of the employment land.

The report contends that the benefits of delivering employment land outweighs the "short term benefit" of delivering affordable housing at this location. Policy HG3 of the adopted Local Plan requires 35% of dwellings to be delivered as affordable if viable to do so.

The report was sent to the District Valuer for comment:

The District Valuer's report (10th August 2020) also undertakes two appraisals, one including 35% affordable housing and another with zero affordable housing. The District Valuer also concludes that neither scenario is viable using industry standard profit margins.

The Applicant's letter dated 11th September 2020 confirms that they are prepared to enter into a S.106 agreement incorporating the financial contributions towards education, public open space and travel planning (£733,282.00) but without any affordable housing, thereby accepting lower profit margins. The Applicant will look to recover commercial margins by seeking a share of the infrastructure costs from later development within the Direction of Growth and proposed by the Local Plan Review, which would benefit from this first phase of development.

A summary of the Applicant's financial viability exercise has been provided and made publicly available.

The Viability Report indicates that the cost of delivering serviced employment premises is sufficiently burdensome to compromise the viability of the proposal. There is a material benefit of delivering more employment premises in Wincanton and the development will deliver a significant amount of square footage. As such it is considered that it is worth reducing affordable housing policy requirements to facilitate the development. Policy HG3 of the Local Plan allows for viability to be taken into account.

Landscape and Visual Impact

A Landscape and Visual Impact Appraisal has been submitted in support of the application. It notes there are no landscape or heritage designations affecting the site (it is outside the Visually Sensitive Areas as identified in the Neighbourhood Plan).

The site is on land which abuts the existing built development before the land rises towards the west. The LVIA considers views into the site from a number (10) of viewpoints, and assess the impact of the development upon character and visual amenity. Whilst there will be the permanent change to the site and loss of greenfields the impacts are not considered to be excessive or unacceptable. The site's development presents a logical extension of both residential and employment development at this location.

The report considers any suitable mitigation actions that could be taken to integrate the development into the landscape effectively. Buffer zones along existing hedgerows, boundaries and watercourse, and additional planting, are key elements of mitigation that are proposed.

Overall it is considered that the landscape and visual impacts of the proposal have been properly considered and the development can be acceptable subject to suitable landscaping and appropriate controls imposed by conditions on any grant of planning permission, which will assist with assimilating the development into its location.

Site Layout and Design

The proposal is in outline form and a masterplan has been submitted showing:

- The elongated roundabout and new arm to provide access to the development;
- Seven buildings, with indicative locations for signage and architectural features, within the employment part of the site with associated access and parking;
- Residential area (for up to 80 dwellings) showing two levels of density and served by a primary route followed by secondary/tertiary estate roads;
- SUDS areas;
- Planting/areas of open space including a LAP (Local Area for Play); o A cycle/pedestrian link to Crocker Way.

The siting of the built development takes into account the constraints of the site (e.g. the available access location, flood zones). The residential aspect is in the most appropriate part of the site, served by a spine road from the site access, as is the employment development. The proposed buffer zones and planting are acceptable as a means of mitigating against the landscape change that will take place as a result of the development. Some loss of natural features will have to occur to deliver the development but the layout is considered appropriate and respectful of the site and its constraints.

The Neighbourhood Plan identifies a link to the northern part of the site in Policy 14 relating to improving cycling and walking routes; this proposed layout delivers this aim.

Overall it is considered that the masterplan shows a development that can be acceptable on this site.

Transport/Access

The application was accompanied by a Transport Assessment and Travel Plan. The TA detailed the anticipated level of traffic generation from the uses proposed, presenting it split into residential, B1 and

B2/B8. It assumes 75% of journeys to employment uses and 55% to residential are to be made by vehicles. The split between those three categories are 50-139-41 AM peak and 40-144-32 PM peak. B2 and B8 was separated using TRICS data.

Whilst Highways England had some reservations about some parts of the methodology used, the assessment of traffic levels were agreed. HE consider the impact upon the A303 and, having given regard to the information submitted, do not anticipate an increase in junction delay or weaving on approach to the roundabout as a result of the proposed development and would not lead to the extension of queuing traffic onto the A303(T) mainline. Queues would be accommodated clear of the trunk road.

The proposed access is submitted as an elongated roundabout providing a 6.5m primary carriageway into the site off the 30mph A371, incorporating footways. The Highway Authority has raised no objection to the amended plans removing the pedestrian crossing across the northern arm of the roundabout and is satisfied that the single uncontrolled pedestrian crossing proposed further along Lawrence Hill to the north east is acceptable.

The Highway Authority recommended a number of conditions to impose of planning permission was to be granted, along with measures secured via legal agreement. Conditions to be imposed relating to required gradient access; disposal of surface water provision; visibility; clean vehicles leaving the site; submission of Construction Environmental Management Plan; construction and laying out of estate roads and access; provision of appropriate parking.

Flood Risk and Drainage

The application was supported by a Flood Risk Assessment and Foul Drainage Assessment. The FRA assesses the site and the threat of flooding from the relevant sources. The majority of the site is in Flood Zone 1 however due to the watercourse parts of the site are in Flood Zone 2 and 3. The FRA includes reference to a flood mitigation strategy and surface water drainage strategy which notes the benefits of using SUDS. The surface water strategy assesses run-off rates and allows for a 1 in 100 year rainfall event plus 40% allowance for climate change. The permeability of the site should be carefully assessed at reserved matters stage.

The SUDS provision that will be detailed at Reserved Matters stage should accord with advice given by the LLFA and provide multiple benefits, including pollution control; any grant of planning permission will include a condition setting out the expectations relating to SUDS along with an informative note giving further advice on what is expected.

The Foul Drainage Assessment includes a preliminary strategy and it should be noted that when final detail design is undertaken this may well have to change. An informative note will remind the developers that foul drainage details are required to be kept under consideration and that the Local Planning Authority receives up-to-date details when reserved matters submissions are made.

The Environment Agency, Lead Local Flood Authority and Wessex Water have assessed the relevant submitted documentation and have not raised objections to the proposals. A number of conditions are recommended to cover flood risk and drainage considerations.

Ecology

Following the receipt of additional wildlife surveys Somerset Ecological Services has raised no objections subject to conditions requiring the submission of further detail to address bats and lighting, a construction environmental management plan, a landscape and ecological mitigation plan, mitigation compliance and a scheme of biodiversity enhancements.

Education

A residential development of this scale would generate 7 Early Years, 23 Primary and 10 Secondary school pupils.

The County Council advises that there are currently spaces available in the nursery/early years providers and the secondary providers, however this level of primary school children would create pressure on primary spaces.

If granted consent therefore a permission would need to be accompanied by a Section 106 agreement requiring education contributions for primary school expansion or new build totalling £23 x £17,074 = £392,702.

Noise

A Noise Impact Assessment has been submitted which focused on the impacts of noise and the suitability of residential development on the northern part of the site. Noise surveys (at two points) were undertaken to define the ambient noise levels during daytime and night time. A noise map was created and showed that the residential area was in an area of negligible risk to noise in both day and night time. The relevant tests as set out in the appropriate guidance have been satisfied. The Council's Environmental Health consultation indicated that they are happy with the information submitted.

When considering the potential impacts of noise impact upon new residents, it is considered that a development could be accommodated on this site, with some mitigation measures incorporated, without significant detriment.

CONCLUSION

This site is currently farmland and lies in an area identified for strategic growth within the adopted Local Plan. An application that includes a large area of employment development is to be welcomed.

The application includes an area of residential development. Whilst the land is not allocated for residential development, Policy SS5 supports commensurate levels of housing growth in such locations prior to residential allocations being adopted by the Local Plan Review. The residential proposal is also supported by the Wincanton Neighbourhood Plan which forms part of the statutory Development Plan.

Policy HG3 of the adopted Local Plan indicates that 35% of the proposed dwellings should be affordable if it is viable to do so. A viability report has been submitted and it indicates, even with no affordable housing, the viability of the proposal is questioned when assuming industry standard parameters. However, the Applicant is prepared to accept lower profit margins with the aim of recovering greater margins from later development in the Direction of Growth which will benefit from the infrastructure provided. The employment land is beneficial to Wincanton and therefore a relaxation of affordable housing policy requirements is considered appropriate given the wider benefits of the scheme

It is appropriate to ensure that the employment land comes forward and not just the residential uses, therefore an appropriate condition requiring prior approval of a phasing programme for delivery of the different uses should be imposed.

The one detail to be approved at this stage - the primary access from Lawrence Hill (A371) - is also considered acceptable, subject to additional detail being submitted relating to construction at reserved matters stage.

RECOMMENDATION

Conditional Approval subject to a Section 106 Agreement relating to financial contributions to Education, Leisure, Travel Plan and provision of a LAP totalling £733,282.00.

01. The proposed development will provide employment and housing in a sustainable location enhancing the role of Wincanton as a Primary Market Town and without harm to the character and amenities of the area, landscape, highway safety or ecology. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028), the Wincanton Neighbourhood Plan (2018) and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. Application for approval of the appearance, landscaping, layout and scale of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall be carried out in accordance with the following

approved plans: Plans

- Site Location Plan, dated 1st August 2019
- Elongated ICD Roundabout Plan, reference 45188/5501/SK02 Rev D dated 8th February 2021

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

04. Details of the potential secondary access from Crocker Way, appearance, landscaping, layout, and scale of any phase of development hereby permitted (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development within any phase or part thereof. The development shall be carried out as approved.

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

05. Prior to the commencement of development, a phasing programme detailing the timing for the provision of the commercial and residential uses, open spaces and access/off-site works from A371 shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that employment development within the strategic direction of growth for Wincanton and open spaces come forward in a timely manner

06. Prior to commencement of development of any phase or part thereof, full details of the construction of the site access and highway works shown on Dwg No. 45188/5501/SK02 Rev D shall be submitted to and approved in writing by the Local Planning Authority. The gradient of the proposed access shall not be steeper than 1 in 10.

Reason: to ensure the appropriate standards of construction of the access to the site and the remodelled roundabout, in accordance with Policies SS6 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

07. Prior to the commencement of the any phase of development or part thereof hereby permitted a scheme, including its detailed design, that makes provision for the disposal of surface water to prevent its discharge onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The agreed provision for each phase shall be installed in conjunction with that phase and thereafter maintained at all times.

Reason: In the interests of highway safety, continued access and flood risk, in accordance with policies SS1, SD1, EQ1 and EQ2 of the South Somerset Local Plan.

08. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays. The visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: in the interests of highway safety.

09. No development of any phase or part thereof shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure the development proceeds in accordance with best practice and any potential negative impacts upon the environment and amenity are mitigated.

10. Prior to the commencement of development a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local

Planning Authority. The scheme will include details of a programme of implementation and maintenance for the lifetime of the development and will aim to enhance biodiversity, amenity value, water quality, pollution prevention and provide flood risk benefit. The drainage scheme shall ensure that surface water runoff is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. There shall be no surface water connection to the foul drainage network. The details required to be submitted shall include:-

- Details of phasing and information of maintenance of drainage systems during construction of each phase.
- Details for provision of any temporary drainage during construction, including demonstrating measures will be in place to prevent unrestricted discharge and pollution to the receiving system.
- Information about the design storm period and intensity, discharge rates and volumes (both pre- and post-development), temporary storage facilities, means of access for maintenance (allowing a minimum of 6 metres), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and surface waters.
- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- Flood water exceedance routes both on and off site. The scheme shall demonstrate that no part of the site shall be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100 year event (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, relevant management company or maintenance by any other arrangements that will secure the ongoing operation and maintenance of the system throughout the lifetime of the development.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of protection against flood risk, and to ensure the development is served by a satisfactory, sustainable system of surface water drainage that is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework and Policy EQ1 of the adopted South Somerset Local Plan.

11. The development shall be carried out in accordance with the submitted flood risk assessment (ref 'Land at Lawrence Hill, Wincanton - Flood Risk Assessment' dated 8 August 2019 and letter from Stantec dated 24 October reference 45188/4001/TAU/PJ/AJ/CMq). Finished floor levels are to be set a minimum of 300mm above the 100year event plus 30% flood level as described in the additional information submitted by the agent. Levels must be appropriately interpolated across the site and agreed in writing via the Local Planning Authority.

Reason: to reduce the risk of flooding to the proposed development and future occupants

12. As part of any reserved matters application, a plan showing parking spaces in accordance with the Somerset County Council Parking Strategy shall be submitted to an approved in writing by

the local planning authority. Each parking space shall be properly consolidated in the approved manner before any dwelling it is intended to serve is first occupied and shall thereafter be made available at all times solely for the parking of vehicles in association with those dwellings.

Reason: In the interests of ensuring appropriate parking and highway safety for the site, in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

13. Prior to the commencement of development, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include technical details and siting of all proposed external lighting and will demonstrate how areas to be lit will not disturb or prevent the activities of bats. All external lighting shall be installed in accordance with the specifications and locations set out in the agreed strategy, and these shall be maintained thereafter in accordance with the design. No other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of bats, a protected species, in accordance with the provisions of the Chapter 15 of the National Planning Policy Framework.

14. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:
- (a) Description and evaluation of features to be managed.
 - (b) Aims and objectives of management.
 - (c) Management prescriptions and work schedule.
 - (d) Details of the body or organization responsible for implementation of the plan.
 - (e) Ongoing monitoring and remedial measures.
 - (f) The roles and responsibilities and operations that will be overseen by an Ecological Clerk of Works.

The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

15. The development shall be carried out in accordance with the scheme of biodiversity and ecological enhancements set out at Section 6 of the Ecological Impact Assessment (July 2019) by Green Ecology.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework and Local Plan Policy EQ4.

16. Prior to the commencement of any works above damp-proof course, details of the external materials for the walls and roofs of the building under construction shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and amenities of the area in accordance with Local Plan Policy EQ2.

17. No building shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory system of foul drainage in accordance with Local Plan Policies EQ1 and EQ7

18. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

19. Before the development hereby permitted commences the applicant must either:
- a. Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA. Or;

b. The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

For a. and b. all required measures shall be installed before the development is first occupied.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Local Planning Policy.

20. No removal of hedgerows shall take place between 1st March and 15th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of nesting wild birds and in accordance with policy EQ4 of the South Somerset Local Plan

21. Prior to occupation, a "lighting design for bats" shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan

Informatives:

01. Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted

For more information, please visit <https://www.somerset.gov.uk/waste-planning-andland/apply-for-consent-to-work-on-an-ordinary-watercourse/>

02. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission, for example in the demolition of the barn, it is recommended

that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

The proposed planting of a hedgerow would suffice to fulfil the National Planning Policy Framework (paragraph 170(d)) requirement for biodiversity enhancement to be provided within development.

03. Please be advised that subsequent full or reserved matters approval by SouthSomerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice. You are advised to visit our website for further details

<https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

Agenda Item 8

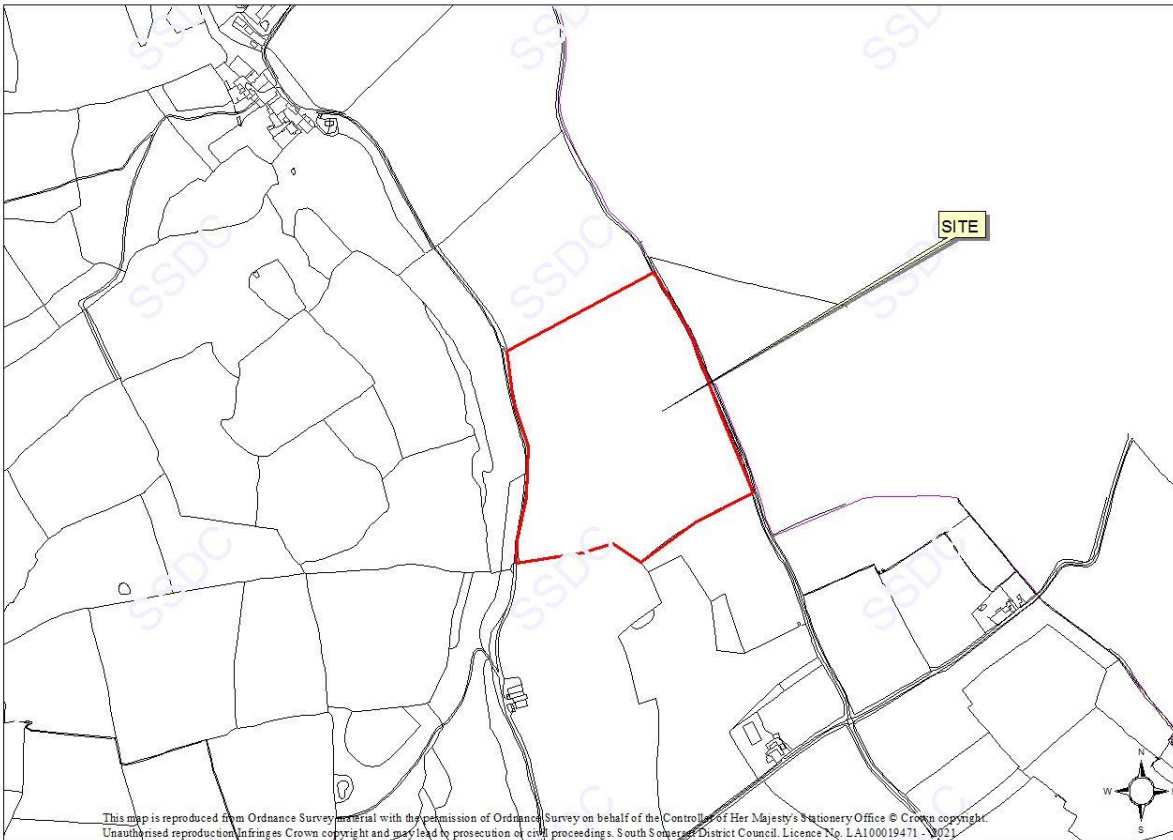
Officer Report On Planning Application: 20/03701/S73A

Site Address:	Clapton Farm Solar Park Land West Of Tinkers Lane, Southeast Of B3081 Cucklington BA9 9QE
Ward :	TOWER : Cllr Robin Bastable
Proposal : CIL Liabile = N	The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area (without complying with condition 04 of planning permission 15/03373/FUL and condition 03 of planning permission 18/03338/S73A to extend the operational time to 23rd March 2057).
Recommending Case Officer:	David Kenyon (Specialist)
Target date/Ext of time	23rd March 2021 23rd April 2021
Applicant :	Clapton Farm Solar Park Limited
Type : 05	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE

The application is referred to Regulation Committee as it comprises a large scale major development proposal ('Major Major'). Concern has been expressed by the adjoining Pen Selwood Parish Council about the premature nature of this application submission and one objection has been received from a third party on grounds that there is no justification to further extend the operational life of the solar park.

SITE DESCRIPTION AND PROPOSAL



This application is seeking planning permission to extend the time period for the operation of an existing solar farm (Clapton Farm Solar Park) at Tinkers Lane, Cucklington. The operative planning permission (ref. 18/03338/S73A) conditioned that the Solar Farm must be removed on or before the 17th November 2040. As a result of market changes and technological advancement, which allow solar farms to be maintained for longer periods of time, Bluefield who are the parent company of Clapton Farm Solar Park Limited is seeking to increase the time period that the solar farm is permitted to operate for up to 40 years from the date the solar farm was first registered with OFGEM as capable of electricity generation. This date was the 23rd March 2017 and therefore this application seeks to extend the operational lifetime of the solar farm until the 23rd March 2057. This application is therefore seeking an extension of 16 years, 4 months and 7 days (including the end date) from the operative permission.

Planning permission was first granted on 17th November 2015 for the erection of a 5 MW solar photovoltaic array and associated works and infrastructure for a temporary period of 25 years (application ref. 15/03373/FUL). The works included:

- Framework and solar panels 0.5m to 2.8m in height with up-right piled supports to a depth of 1.2m.
- 4 no. inverter stations comprising several different structures having an overall area extending to 14.7m by 4.6 and height of 2.3m.
- 2 no. switchgear 6m by 3m and 3.27 above ground level.
- Spares container 2.3m by 1.2m and 2.9m high.
- Access arrangements off the existing field access from Tinker's Lane.
- 2m high security fencing around the boundaries of the solar array.
- 5 no. CCTV on 6m high pole mounted - 4 no. thermal imaging cameras and 1 no. fixed day/night camera. To date, these cameras have not been erected / installed.

A subsequent S73 application (ref. 17/00512/S73) permitted the 25 years to run from the connection date (31st March 2017) rather than from the date of the 2015 permission (although that permission was never implemented) and a further S73 application (ref. 18/03338/S73A) extended the temporary period of operation of the solar farm until 17th November 2040.

The application site is located within open countryside, a little less than 1 km north of Cucklington and 1 km south of the A303's interchange with the B3081. The application site comprises a single agricultural field with its eastern boundary adjacent to Tinker's Lane. The overall field area is approximately 13 hectares, although the area of the solar farm within the security fence extends to only 6.35 hectares. The majority of the site is classed Grade 3b agricultural land while 2 hectares (out of 6.35 hectares on which the solar array has been erected) is classed 3a agricultural land.

The site's north eastern corner is close to Tinker's Lane junction with the B3081. The site's western boundary aligns with a Restricted Byway, an historic drove way. The site is enclosed by established hedgerow and located on a plateau falling in a west to east direction. The land to the west beyond the site slopes steeply down, whereat there are extensive views out over the Blackmore Vale, whereas to the east and south is undulating with a gradual slope eastward and again, extensive views.

RELEVANT HISTORY

15/01091/EIASS - Proposed Installation of a photovoltaic array - EIA not required.

15/03373/FUL. The erection of solar photovoltaic panels and associated works and infrastructure, including switchgear, inverter stations, access tracks, security fencing, security cameras, grid connection, together with temporary construction access, compound and unloading area.

Conditional approval 17.11.2015 - 25 years temporary permission, i.e. until 17th November 2040.

Condition 04 stated:

The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

15/04696/FUL. Cable route application in association with the solar farm application 15/03373/FUL at Clapton Farm (cable connection between the solar park and national grid connecting point). Conditional approval 10.12.2015.

15/05612/DOC. Discharge of conditions 3 (Landscape and Ecology Management Plan), 5 (Details of access and contractors' parking/compound area), 6 (Construction Environmental Management Plan), 7 (Road Condition Survey) of approved application 15/03373/FUL. Conditions discharged 16.03.2016.

16/04071/NMA. Application for a non-material amendment to planning application 15/03373/FUL (Solar PV panels) with amended drawings 1171-0201-00 issue 13 (layout) 1171-0205-03 issue 01 (fencing detail) 1171-0206-09 issue 01 (mounting detail) and 1171-0207-14 issue 01 (inverter station).

This application sought to alter the approval by:

- Reducing the number of panels from 21,978 panels to 19,008;
 - Altering the degree of the panels to 22 rather than 15- 20 degrees;
 - Varying spacing of the rows 2.47m to 2.95m rather than the fixed 2m spacing gaps; and
 - Two inverters rather than 4 being more than halved in length, 6.06m rather than 15.18m, but slightly higher 2.9m rather than 2.4m and wider 2.44m rather than 2.05.
- Agreed 10.10.2016.

17/00372/NMA. Application for a Non Material Amendment to planning permission 15/03373/FUL for amendments to the inverter stations, panel angles and spares container.

- This application sought to alter the approval by:
- Reducing the number of inverters stations from four to three, with two placed in the same location; Confirming panel angles at a 15 degree angle and up to a height of 2.4m; and
- Providing spares container details. Agreed 27.01.2017.

17/00512/S73. S73 application to vary the wording of Condition 4 of approval 15/03373/FUL to provide a time frame of 25 years.

Temporary permission for 25 years had been given from the date of the original permission, i.e. 17 November 2015 application ref 15/03373/FUL. This S73 application sought to vary condition 4 of that permission so that the 25 years would run from the connection date, namely 31 March 2017, rather than the date of the original planning permission.

Conditional approval 18.04.2017 - 25 years temporary permission from connection date, i.e. until 31st March 2042. This permission was not implemented and has now lapsed.

17/02841/FUL. Buried high voltage connection cable for solar farm (revision to approval 15/04696/FUL) - retrospective.
Conditional approval 06.10.2017.

17/02943/NMA. Application for a Non Material Amendment to 15/03373/FUL for the installation of a farmer's gate and change of design to perimeter fencing.

This application sought to alter the approval by:

- Inserting a farmer's gate at the north-east corner of solar farm; and
- Changing the design of the perimeter fencing from deer mesh to panel mesh. Agreed 11.08.2017.

18/03338/S73A. Application to vary conditions 02 (approved plans), 03 (Landscape and Ecology Management Plan) and 10 (landscape planting scheme) on 15/03373/FUL to allow changes to landscaping as shown on drawing number 694-03S.

Conditional approval 14.12.2018 - 25 years temporary permission reflecting the original condition 04 attached to permission 15/03373/FUL, i.e. until 17th November 2040. Condition 03 stated:

The development shall be removed and the land restored to its former condition on or before 17th November 2040, or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

19/03213/NMA. Non Material Amendments to planning approvals 15/03373/FUL and 18/03338/S73A to allow for the relocation of the 5 approved security cameras and their reduction in height and change in materials/ appearance.

This application sought to alter the approvals by:

- Slightly varying the siting of the 5 camera positions; and
- Erect said cameras on 3 metres high posts constructed of solid timber (oak) instead of the approved 6 metres high galvanised steel poles. Agreed 28.11.2019.

19/01786/FUL. Installation of a CCTV camera system comprising of a network of wooden pole mounted cameras, related cabinets and ducting, plus ancillary and related equipment. Conditional approval 15.01.2020.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006 -2028)

SD1 - Sustainable Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

EP5 - Farm Diversification
TA5 - Transport Impact of new development
TA6 - Parking Standards

National Planning Policy Framework - February 2019

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 8 - Promoting healthy and safe communities
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

The Climate Change Act 2008 (as amended)

The Climate Change Act 2008 created a new legal framework for the UK to reduce, through domestic and international action, greenhouse gas emissions to at least 80% below 1990 levels by 2050.

3.3. On the 28th June 2019, section 1(1) of the Climate Change Act 2008 was amended changing the requirement that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline to at least 100% lower than the 1990 baseline.

The Energy white paper, entitled Powering our net zero future - published on 14 December 2020. This sets out how the UK will *'clean up its energy system and reach net zero emissions by 2050'*. The document acknowledges that a *'low cost, net zero consistent system is likely to be composed predominantly of wind and solar'* and states that *'Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios.'*

CONSULTATIONS

Cucklington Parish Meeting: No comments received.

Pen Selwood Parish Council:

Fully supports the reduction of the carbon footprint and supports the use of solar panels when the instalment is created on poor agricultural land. The use of good quality land should not be permitted. Advancements in technology are improving at pace and it may well be the case that this solar park is redundant by 2040. An application to extend the life of this solar park would, therefore, be more appropriate nearer the expiry date of the existing consent, say 2038. At this point the situation could be assessed in line with the requirements at the time by the people who will be most affected by it.

Bourton Parish Council: No comments received.

Dorset Council: No comments received.

SSDC Environmental Protection Unit: Wishes to raise no adverse comments.

Highways Authority: Standing advice applies.

SSDC Highway Consultant:

In addition to the SCC comment, this planning application appears to seek permission to extend the operational lifetime of the solar farm. Such a proposal would not lead to any significant adverse highway safety implications. Any highways-related conditions imposed previously would still be applicable.

REPRESENTATIONS

64 third parties have been notified, a site notice displayed and an advertisement has been placed in the local newspaper. One representation objecting to the application has been received and argues that at present there is no justification to further extend the operational life of the solar park. The letter of representation is set out in full on the website.

CONSIDERATIONS

The National Planning Policy Framework advises that, when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emission. Also, to approve the application if its impacts are (or can be made) acceptable (paragraph 154).

Local Plan Policy EQ1 is applicable in considering renewable energy proposals. Bullet point 3 states that 'Development of renewable and low carbon energy generation will be encouraged and permitted, providing there are no significant adverse impacts upon residential and visual amenity, landscape character, designated heritage assets, and biodiversity.' Policy EQ2 also refers to the need to safeguard landscape character of the area and visual appearance is clearly a weighty matter in considering environmental harm.

Permission exists for the establishment of a solar array on the site, which has been implemented. The original permission was granted for a temporary period of 25 years (condition 04 of 15/03373/FUL) commencing from the date the permission was granted on 17th November 2015 (i.e. until 17th November 2040).

The solar farm was due to commence operating - i.e. generating electricity for feeding into the grid - on 31 March

2017, a period of approximately 16 months into the 25-year permission. For that reason, a S73 application (17/00512/S73) was submitted in 2017 requesting that the period for operating the solar farm be extended to accommodate the delay between obtaining the permission and commencement of generation. The permission for a temporary period of 25 years (i.e. until 31st March 2042), extended to allow for the construction and installation period, was considered acceptable and was granted during April 2017. However the permission was not implemented.

A subsequent S73A application (18/03338/S73A) was granted permission for the variation of several conditions to allow changes to landscaping. Condition 03 of that permission reflects the 25 years temporary permission, i.e. until 17th November 2040.

This current application seeks variation of the temporary time limits imposed by the above conditions attached to the planning permissions 15/03373/FUL and 18/03338/S73A to extend the operational lifespan of the approved solar farm from 25 years to 40 years, i.e. an extension of time of 16 years, 4 months and 7 days (including the end date) from the operative permission.

In support of this application, the applicant's agent has offered the following information:

"Since the advent of large-scale renewable energy developments, it has been common practice to apply or receive temporary planning permission for a period of 25 to 30 years. Whilst largely an arbitrary time period this was closely aligned with the subsidy arrangements with manufacturer warranties typically covering the same period and therefore developers initially basing their financial investment decisions on this same period.

In planning terms, and with reference to NPPF para 55, the primary reason for a time limit condition was the 'necessity' of setting a clear date by which solar farm decommissioning was to be completed, and also to ensure that decommissioning was controlled through the submission of appropriate method statements at the appropriate time. Providing appropriate decommissioning clauses are retained in any agreed revised planning condition allowing an extended period of operation, those objectives can still be secured.

The solar farm comprises predominantly lightweight structures and fixings that can be easily disassembled and removed. Frames including ground anchors are designed to be long-lasting and rustproof and upon decommissioning are also easily dismantled and removed without the need for the use of heavy machinery.

The panels themselves are also capable of an electricity generating life much greater than the 25 year period. Therefore, whilst the efficiency of the installed solar panels and infrastructure will reduce over time it has been determined that the solar farm can continue to operate viably beyond the 25 year period in a subsidy-free market. In essence, the project is able to make very effective use of the existing infrastructure and grid connection during years 24-40, and continue to make a significant contribution to Government renewable energy generation targets.

In 2018, the Solar Farm produced 5,141 MWh of electricity. Bluefield has determined that assuming an efficiency of 71.2% for years 24-40 (whilst the solar farm was granted consent in late 2015, the application was not implemented until 2017 so by the 17th November 2040 the solar farm would have been operating for just over 23 years), the extended operation would result in the following benefits: 4,568 MWh/ per annum of electricity generation equivalent to the needs of 1,474 homes per annum and 1,594 tonnes of carbon dioxide savings per annum. This is a significant material consideration in support of the proposals.

Considering the full 16-year period these figures total 73,088 MWh of renewable electricity production, equivalent to the electricity consumption of 23,496 households, and 25,504 tonnes of carbon dioxide saving. This is a significant material consideration in support of the proposals, and would be in addition to the renewable energy generation and carbon dioxide reductions arising from operation in years 1-23.

In giving this consideration, this is a relatively sizeable increase in time, however there are no obvious concerns raised. While it is acknowledged that approval would result in the effects of the development being longer in duration, there would be no change in the nature of the impacts, while it is noted that these remain temporary and would be fully reversible in time. The benefits of the proposal include the opportunity to continue generating renewable energy, supporting national and local objectives relating to the installation and continuation of renewable energy sources. The above changes would allow the solar farm to operate for up to the full 40 year period before entering the decommission phase where the land would be restored to agriculture. This would allow maximisation of renewable energy generation and is consistent with Government guidance in respect of renewable energy projects.

Overall, there are considered to be no long-term adverse impacts resulting from the proposal to extend the operational lifespan of the solar park from 25 years to up to 40 years from the date the solar farm was first registered with OFGEM as capable of electricity generation.

In addition to the amendment of the above mentioned conditions relating to the operational period of the solar farm, there are a variety of other conditions attached to the previous permissions that need to be reiterated or varied in order to issue a new decision.

Conclusion

The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was first registered with OFGEM is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the application is recommended for approval.

RECOMMENDATION

That application reference 20/03701/S73A be approved for the following reason:

01. The proposal to vary the operational lifespan of the solar farm for a temporary period of up to 40 years from the date the solar farm was first registered with OFGEM is considered acceptable, and has no material impact on the temporary nature of the permission, which continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety or the impact on the setting and local environment. The proposal is in accordance with the aims and objectives of the NPPF and Policies SD1, TA5, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans which form part of the planning permission dated 14th December 2018 (ref 18/03338/S73A):

Drawing no. 1088-0200-01 "Site Boundary Plan";

Drawing no. 694-03S "Landscape Proposals";

"Addendum to provide updated Landscape and Ecology Management Plan (LEMP)" dated 10th October 2018; and

"Planning statement" dated 10th October 2018,

together with the following drawings and correspondence which form part of the grant of planning permission dated 17th November 2015 (ref 15/03373/FUL):

1088-0200- 01 Issue 01

1171-0201- 01 Issue 011

1171-0204- 00 Issue 01

1171-0205- 04 Issue 01

1171-0903- 05 Issue 01

1171-0206- 15 Issue 01

1171-0207- 16 Issue 01

1171-0207- 40 Issue 01

1171-0208- 10 Issue 01

1171-0208- 54 Issue 01

1171-0208- 71 Issue 01,

Colour tones of all associated structures shall accord with the details given in the applicant's letter of the 20 October 2015.

Landscape and Ecology Management Plan (LEMP)

and the details submitted in response to conditions 03, 05, 06, 07 and 08 of 15/03373/FUL and approved by letter dated 16th March 2016 under application ref 15/05612/DOC.

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

02. The development hereby permitted shall cease on 23rd March 2057, or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner. Within 6 months of power generation ceasing, or such other period as agreed in writing, all solar farm structures, materials and any ancillary equipment shall be removed and the land restored to agriculture use, in accordance with a restoration plan that has previously been submitted to and agreed in writing by the Local Planning Authority. Such details shall include the time scale for decommissioning.

Reason: In the interests of character and appearance further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

03. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site in accordance with the approved details and fully implemented and thereafter maintained until the use of the site discontinues.

Reason: In the interests of highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

04. No means of external illumination/lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. Any trees or plant which form part of the approved landscaping scheme set out on drawing number 694-03S that 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: In the interests of visual amenity and landscape character further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.