

## **Officer Report On Planning Application: 16/02874/FUL\*\***

<b>Proposal :</b>	The erection of 315 No. dwellings with associated access and infrastructure and provision of off site playing pitches
<b>Site Address:</b>	Land Adjoining Holbear Forton Road Chard
<b>Parish:</b>	Tatworth and Forton
<b>TATWORTH AND FORTON Ward (SSDC Member)</b>	Cllr Andrew Turpin
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	4th October 2016
<b>Applicant :</b>	Persimmon Homes SW
<b>Agent:(no agent if blank)</b>	
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

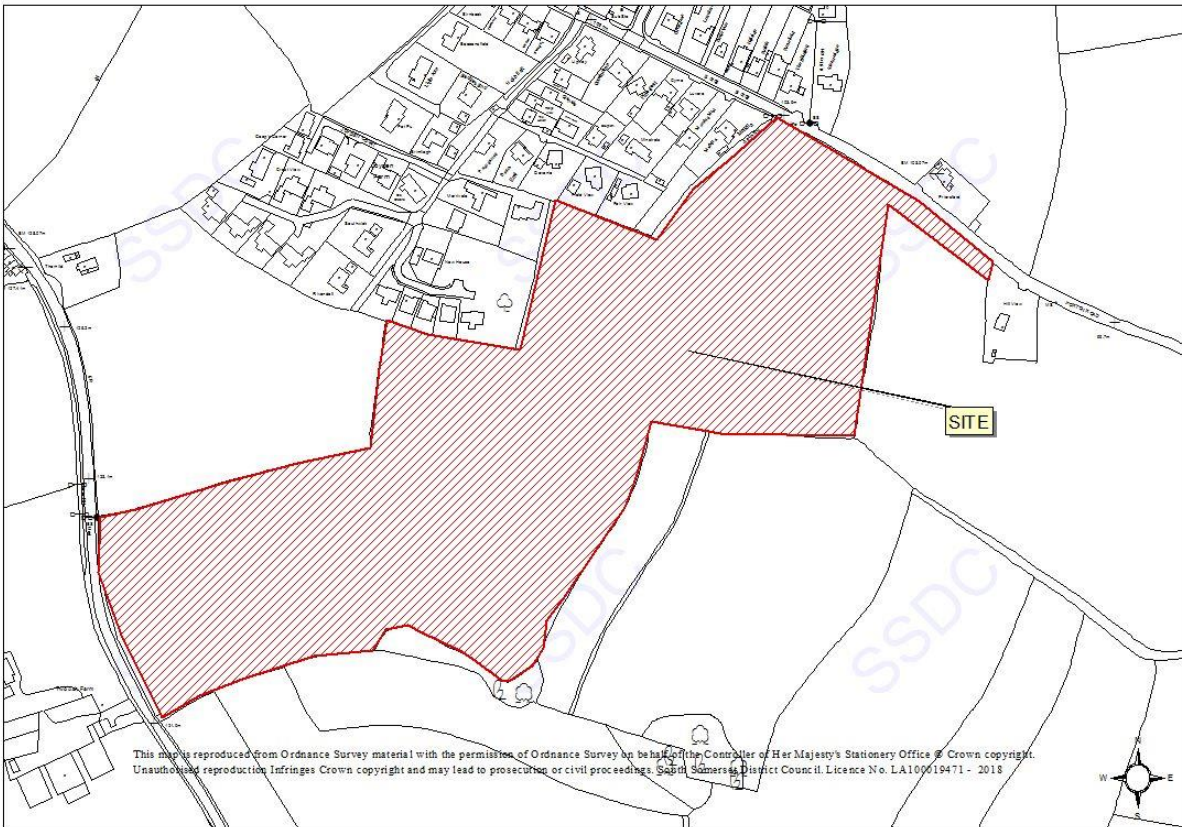
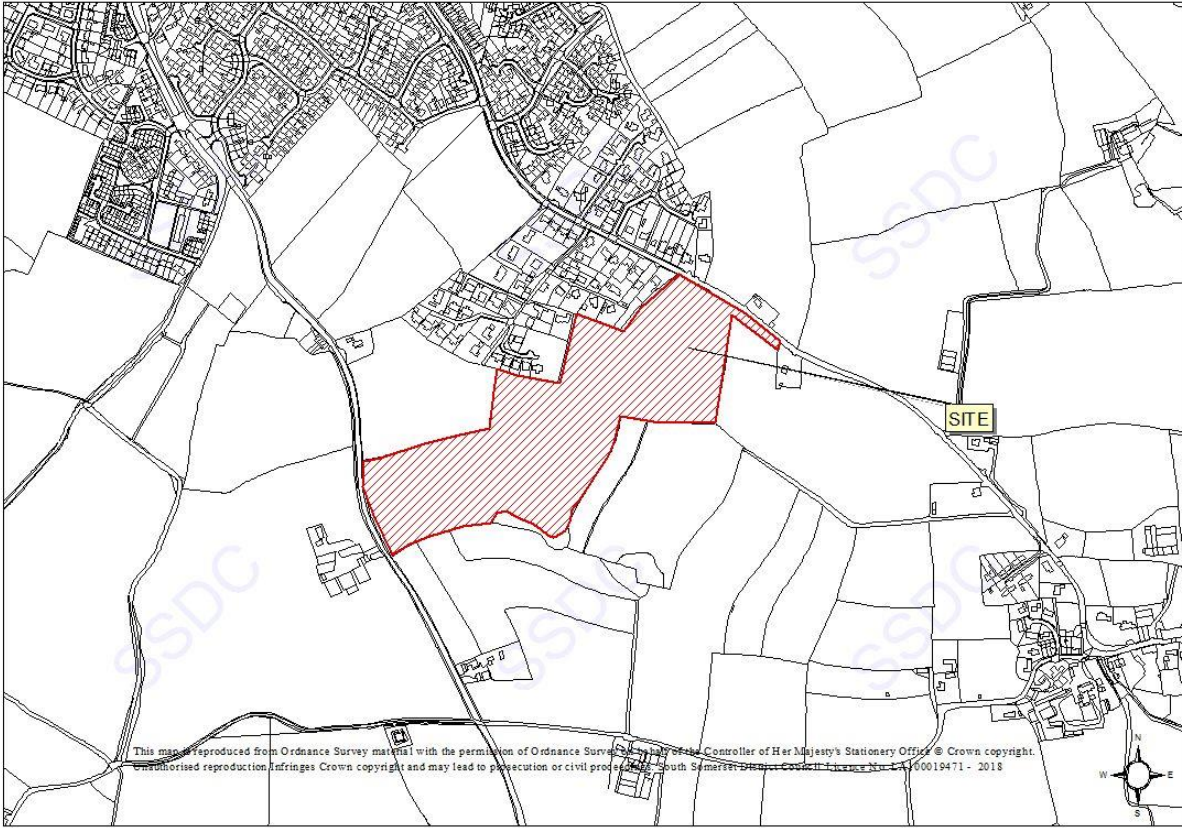
### **REASON FOR REFERRAL TO COMMITTEE**

The application is referred to Area West Committee as it is classed as a 'major-major' application i.e. any proposal for over 200 dwellings.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

# 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 315 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. 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 the northern end and along the southern 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 officer 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 formal play area and buffer zone, the cycle route extended to the existing highway to provide a continuous route through the whole development, the inclusion of land to the east of the site to the south of Badger's Lane to provide football pitches, removal of car parking spaces adjacent to the main road, the removal of 3 storey dwellings along the north west boundary adjacent to Holbear and a reduction in the density of units adjacent to Holbear.

## **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: (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 Councils 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 the 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 20006-2028 (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: (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:** (May 2018 - in response to the single vehicular access and 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 1 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 subsequent amended plans.

(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:**

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 SSDC.

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 sites 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:**

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:**

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:**

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:**

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:**

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)

Officer comment: The number of dwellings has been reduced from 323 to 315 and a slight adjustment may be required to the figures but this can be checked during preparation/discussion of the legal agreement.

### **Somerset Waste Partnership**

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**

A full response is expected from the Sport and Leisure team prior to the committee meeting in terms of the planning obligations sought in regard to sport and play provision. A verbal update will be given at the meeting. Sport and leisure 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 the play area in the centre of the development with an appropriate buffer zone and the off site sports pitch.

### **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 t- 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 have been received in regard to the latest 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.

## **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 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 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.

### **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, approximately 51 dwellings per hectare, the scheme has been revised to secure green linkages running through the development and 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 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. Concern has been raised that the location and spread of those units is not acceptable and that they should be pepper potted throughout the whole site. The scheme proposes a block of 14 affordable units in the far western corner adjacent to the roundabout. 9 will front Tatworth road and the new roundabout. A further block of 14 will be created further to the east of those with market houses located in between. A further block of 24 will be located midway along the southern boundary opposite the play area and adjacent to an infiltration pond, with 5 dwellings and one of the apartment blocks fronting the main road. A group of market dwellings will then separate those from a further block of 19 affordable units. A final block of 34 will be located directly opposite on the other side of the main road.

Whilst it is accepted that these units are not spread evenly throughout the development, separate blocks have been created with over a quarter occupying a prominent position fronting the main road. 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 Council's 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 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.

### **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, as per South West Water's advice above, improvements will be required to the local foul water infrastructure. 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 northern side of the spine road has been included as the area for a formal play area. 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. Appropriate safety measures will be required along its southeastern boundary to ensure safety of all users as it is adjacent to from the main road. This would be carried out in accord with guidance from the Council's play officer.

In regard to sport provision, the application provides an area of land to the east of the main site, to the south of Badger's Lane and adjacent to Forton Rangers, for playing pitch provision. The Council's playing 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, rather securing land upon which to site a pitch is the issue. 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. It is accepted that details will need to be finalised in regard to access and how it may practically operate possibly with Forton Rangers. However, 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, 2 areas along the southern boundary and around the play area. 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,
- 3) Contribution towards education provision;
- 4) Submission of a Travel Plan;



- 5) Provision and maintenance of open space;
- 6) Provision and maintenance of compensatory ecological habitat, and
- 7) Provision of land for off-site sports pitch use.

### **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 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:

Drawing numbers: 2016/CHD 110 P1, 2016/CHD 300 P5, 2016/CHD 121 P14, 2016/CHD 107 P10, 2016/CHD 108 P9, 2016/CHD 122 P12, 2016/CHD 123 P13, 2016/CHD 120 P13, 2016/CHD 100 P14, 2016/CHD 301 P5, 2016/CHD 500-1 P5, 500-2 P5, 501-1 P5, 501-2 P5, 501-4/P5, 503-7 P5, 503-8,P5, 503-9 P5, 503-10 P5, 503-1 P6, 503-2 P6, 503-3 P6, 503-4 P6, 503-5 P6, 503-6 P6, 503-7 P6, 503-11 P6, 503-12 P6, 504-1 P3, 504-2 P3, 504-3 P3, 506-4 P6, 506-5 P6, 506-6 P6, 506-7 P6, 506-8 P6, 506-9 P6, 506-1 P5, 506-2 P5, 506-3 P5, 507-1 P6, 507-2 P6, 507-3 P6, 508-3 P5, 508-4 P5, 508-5 P5, 508-1 P5, 508-2 P5, 509-1 P6, 509-2 P6,510-1 P6, 510-2 P6, 510-3 P6, 510-4 P6, 516-1 P4, 525-1 P5, 526-1 P5, 526-2 P5, 526-3 P5,530-1 P4, 530-2 P4, 550-1 P4, 550-2 P4, 550-3 P4, 550-4 P4, 551-1 P5, 551-2 P5, 551-3 P5, 552-1 P4, 553-1 P5, 553-2 P5, 553-3 P5, 553-4 P5, 560-1 P6, 560-2 P6, 560-3 P6, 560-4 P6, and 630-1 P5.

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

03. 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.

04. 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.

05. 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.

06. 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.

07. 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.

08. 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.

09. 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. The development shall not commence until there has been submitted to, and approved in writing by the Local Planning Authority, a badger mitigation plan detailing measures for protection of badger setts, minimising disturbance and harm to badgers, and enabling badgers continued access within their territory as appropriate for their welfare. The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

18. 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.

19. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with 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. The drainage strategy 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.

These details shall include: -

Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.

- 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 ( x metres minimum), the 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.
- Any works required 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, note, no part of the site must 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 100yr (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, 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

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

20. 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.

21. 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.

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