

## Officer Report on Planning Application: 16/02874/FUL

<b>Proposal :</b>	The erection of 252 No. dwellings with associated access and infrastructure
<b>Site Address:</b>	Land Adjoining Holbear Forton Road Chard TA20 2HS
<b>Parish:</b>	Tatworth and Forton
<b>BLACKDOWN &amp; TATWORTH Ward (SSDC Member)</b>	Cllrs Martin Wale and Jenny Kenton
<b>Recommending Case Officer:</b>	Martin Lee Tel: (01935) 462452 email: martin.lee@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 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 deferral from Regulation Committee on 20<sup>th</sup> April 2021 which resolved the following:

A. That Planning Application 16/02874/FUL be deferred for the following reason:

1. A strategic report on the safety implications for and capacity of junctions within the Chard highway network taking into account the cumulative impact of permitted and proposed developments (in accordance with a previous request from Area West Committee).
2. Further clarification on progress in delivering facilities in Chard for which educational contribution is sought.

The application had previously been deferred from Regulation Committee on 17<sup>th</sup> July 2018 which had 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.

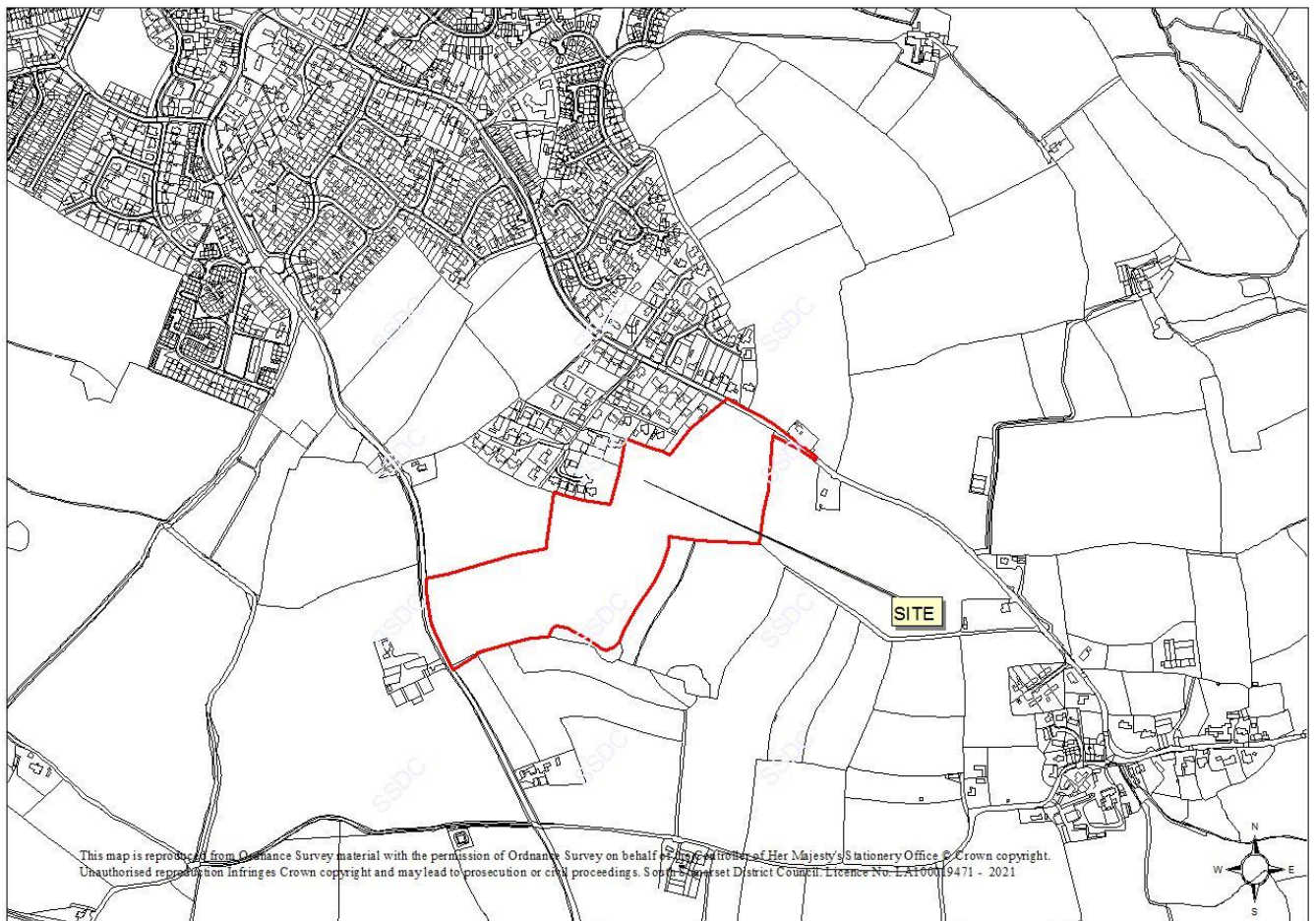
- 3 The proposed development fails to take the opportunity to improve the character and quality of the local area due to the poor layout and house designs.

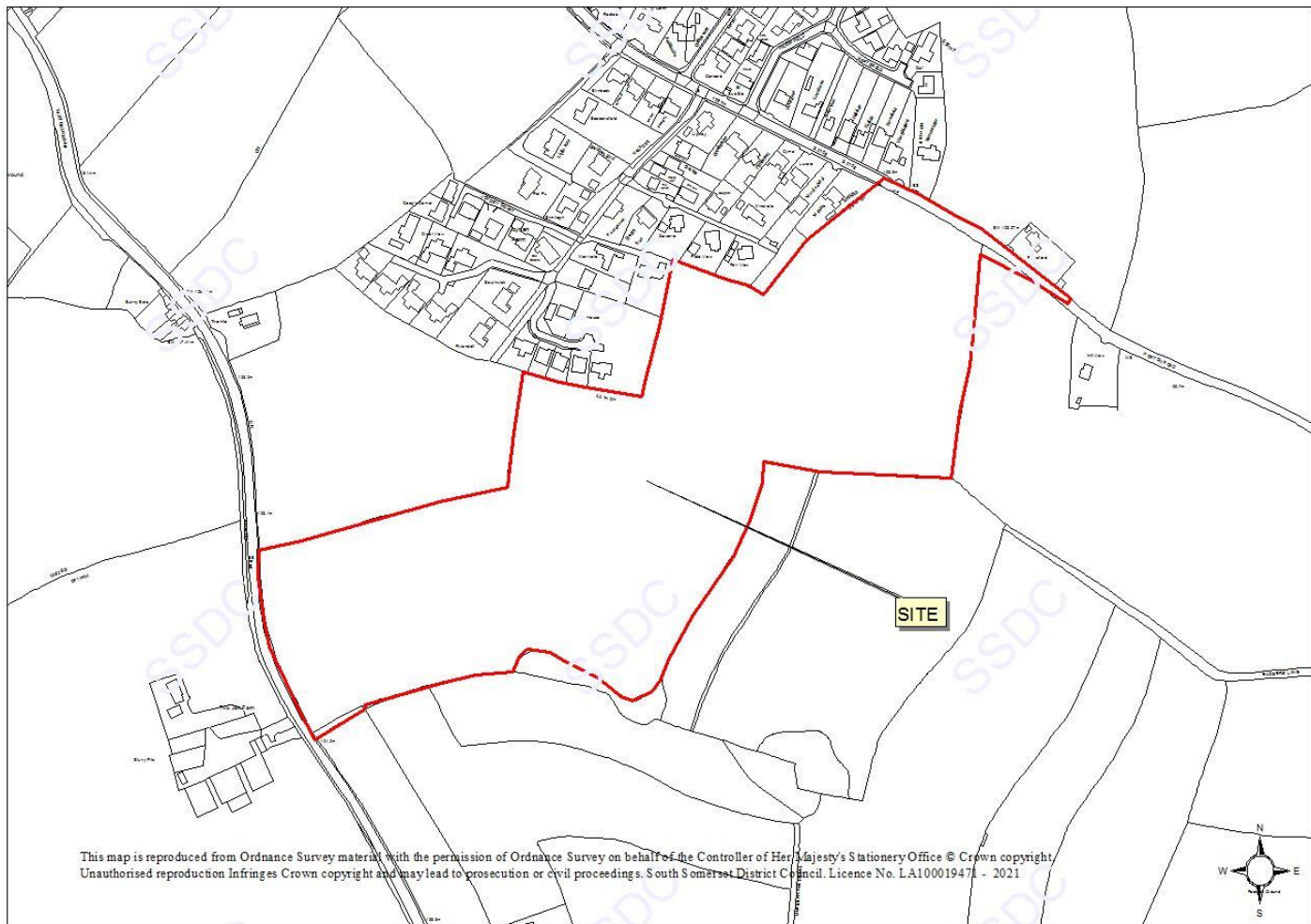
Reason: Therefore, it does not constitute good design and is contrary to Policy EQ2 of the SSLP and Chapter 7 (para 64) of the NPPF (Requiring Good design).

- 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 from July 2018 are provided as an addendum to this report for reference purposes.

## 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 dwellings 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 northwards through the site accessed via a roundabout from Tatworth Road at its southern end 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. This protected land will also accommodate an emergency vehicle access, cycle access and pedestrian access from the estate road on to Forton Road. Dwellings have been laid out so as to sit predominantly on the north western side of the main access road with a small cluster of larger dwellings towards the northern end of the main access road sitting on its eastern side. Dwellings along the main access road present main facades to the road, many set back behind private parking courtyards.

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 Road and Forton Road. The amended proposals now have 1 access point only from Tatworth Road and emergency, cycle and pedestrian access only onto Forton Road. This approach has been followed to address previous concerns over the capacity of the Forton Road Junction with Tatworth Road to accommodate the potential traffic generated by the development and will be explained further 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:

- Reduction in dwelling numbers from 323 to 252
- 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
- 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 northwest boundary adjacent to Holbear.
- Placing the majority of 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
- Inclusion and exclusion of 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 had been in the process of acquiring. That further land has been removed from the application site boundary but its acquisition and transfer to the Council to supplement the land the Council has now completed acquisition of is now to be secured through a Planning Obligation.

## **HISTORY**

No relevant planning applications have previously 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 ProvisionSS5 - Delivering New Housing GrowthSS6 - Infrastructure Delivery  
PMT1 - Chard Strategic Growth AreaPMT2 - Chard Phasing  
HG3 - Provision of Affordable Housing  
TA3 - Sustainable Travel at Chard and YeovilTA4 - Travel Plans  
TA5 - Transport Impact of New developmentTA6 - Parking Standards  
HW1 - Provision of open spaces, outdoor playing space, sports, cultural and community facilities in new development  
EQ2 - General DevelopmentEQ4 - Biodiversity

#### Relevant Policy Material Considerations

National Planning Policy Framework Core Planning Policy Principles  
Chapter 6 - Delivering a wide choice of high quality homesChapter 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 - 21<sup>st</sup> 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 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) (Latest Comment – 14<sup>th</sup> 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:** (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 (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:** A detailed response is awaited at the time of this Report's writing and a verbal update will be provided at the meeting.

### **Highway Authority:** (6<sup>th</sup> April 2020)

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/Tapstone 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.

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.

Landscape Officer (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.

Landscape Officer (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 that the access road would not run along this boundary and rear gardens will 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 – 5<sup>th</sup> 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 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.

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 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 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.

The intended ownership of the hedgebank buffer strip has been clarified as individual property owners with the open space to be adopted by SSDC.

**Housing Officer (Latest Comment)**

The proposed provision is now 88 units out of 252 (not 110 out of 323) but this is still 35% and policy compliant. The mix will be as follows:

88 affordable dwellings - 70 social rented & 18 as intermediate dwellings = 80/20 split

31 x 1 bedroom

33 x 2 bedroom

20 x 3 bedroom

3 x 4 bedroom

1 x 4 bedroom parlour

**Housing Officer: (Original Comment)**

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.

The revised proposal now meets all the relevant requirements for affordable housing provision.

**Environmental Health Officer:** (Latest Comment – 14<sup>th</sup> 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:** (Latest Comments – 20<sup>th</sup> April 2021)

The submitted geophysical survey indicates that locally significant archaeological remains are likely to be impacted by the proposal.

For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

**County Archaeologist:** (Original Comment)

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.

**Crime Prevention Design Advisor:** (Latest Comments – 22<sup>nd</sup> 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 confirmed the existing water main will be diverted as required and that the developer has reached agreement with Wessex Water for all sewage disposal and subsequent treatment to be via their infrastructure within the River Axe catchment, effectively removing the issue of phosphates and its block upon development which connection to South West Water infrastructure would have generated

**South West Water: (Latest Comment – 14<sup>th</sup> 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. In the light of the officer comments in relation to Wessex

Water above this condition will still be imposed but will now relate to Wessex Water infrastructure.

**Local Lead Flood Authority: (Latest Comment – 19<sup>th</sup> 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 – 7<sup>th</sup> 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 – 8<sup>th</sup> 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 x 252=22.68 - 23 pupils for early years

0.32 x 252=80.64 - 81 pupils for Primary

0.14 x 252=35.28 - 36 pupils for secondary

23 x 17,074=£392,702 funding for early years expansion

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

36 x 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 pre 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 (Revised Response – 30<sup>th</sup> April 2021)**

As a result of the proposed development above, Somerset CCG would like to request that Section 106 contributions are provided to offset the proposed increase in patient numbers. Any monies contributed will be utilised to ensure that the Somerset health system can continue to provide a high quality and continuity of care in Chard.

We anticipate a patient increase of approximately 562 patients. Based on our calculations, we will be seeking a contribution of £76,510.68.

#### **NHS Somerset CCG (Original Response)**

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 with be seeking contributes via s106 or CIL to mitigate the impact on the Primary Care provision in Chard.

#### **Somerset Waste Partnership (Revised Comments – 4<sup>th</sup> 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 (21<sup>st</sup> 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: (22<sup>nd</sup> 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](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.

Officer comment: The land required to provide the desired off-site practice pitch has now been incorporated within a legal obligation requiring the transfer of the land to the Council before works commence on site on the housing development proposed. Without the proposed permission in place, there is a risk that no sporting provision is provided as the land already acquired west of Forton would be of insufficient size to provide the desired facilities without the addition/transfer of this additional land. The Council will make its own subsequent application for planning permission for the change of use of that land to recreation so that the facilities may be brought on stream in tandem with the phased development of the dwellings proposed.

### **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 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.

### **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

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

Fifteen 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.

Fourteen 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.

Five 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.

Six individuals 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.

Two further letters/emails have been received immediately prior to and since the last Regulation Committee with reiterate previous concerns and objections, including privacy and boundary issues, and raise issue with the content of the officer report.

## **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 and a section of the Eastern Relief Road for Chard. The developer has indicated the following anticipated delivery timeline for the housing:

Start January 2022:	2022 completions = 20 dwellings
	2023 completions = 50 dwellings
	2024 completions = 50 dwellings
	2025 completions = 50 dwellings
	2026 completions = 50 dwellings
	2027 completions = 32 dwellings

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, cycle and pedestrian 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, removing the proposed development's motorized traffic 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 was submitted by Persimmon which stated that they would work closely with the Council to assist with delivery of the required road infrastructure. Whilst this would not have been legally binding, it was a clear indication that the developer recognised 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 an 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.

A legal undertaking is also to be secured which will transfer the land and sufficient finance required to the Council in order to enable implementation of this northern junction to the Forton Road at the appropriate time when the sites to the north of Forton Road come forward for development once the issue of Phosphates has been resolved.

An Addendum to the Transport Assessment has been submitted following further consultation and discussion with SCC Highways which provides further updated analysis on the transport implications of the proposed development.

### **Residential Amenity**

Objections to the scheme have been received in regard to the harmful impact that the proposed

dwelling 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. The LLFA is now satisfied with the proposals subject to appropriate conditions.

### **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 concern is 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;
  - 6) Provision and maintenance of compensatory ecological habitat, and;
  - 7) Contribution towards health provision

### **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 F (March 2021)
  - 1678-03 Rev B Affordable Housing Distribution Layout (March 2021)
  - 1678-04 Rev B Storey Heights Layout (March 2021)
  - 1678-05 Rev B Materials Layout (March 2021)

- 1678-06 Rev D Boundary Treatment Layout (March 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 04-18-03-2021\_AA House type Pack (March 2021)
- 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 P4 – Drainage Plan – Overall Strategy Sketch (March 2021)
- 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 submitted and approved in writing by the Local Planning Authority. The emergency access onto B3162 Forton Road shall be 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. If the TRO is confirmed as necessary, 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

LocalPlan.

08. No part of the development hereby permitted shall be occupied or brought into use until a phasing scheme for the construction of the spine road and its junctions with the A358 Tatworth Road has been submitted and approved in writing by the Local Planning Authority. The construction works shall be 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 LocalPlan.

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 phasing scheme for the network of cycleway and footpath connections has been submitted to and approved in writing by the Local Planning Authority. The cycle and footpath connections shall be constructed in accordance with the approved details.

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

14. 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.

26. Prior to the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To safeguard and record heritage assets in accordance with the following policy of The South Somerset Local Plan (2006-2028): EQ3 - Historic Environment

27. Prior to first occupation of any dwellinghouse hereby permitted, a phased scheme for the installation of a network of electric charging points (of a minimum 16amps) for electric vehicles shall be submitted to and approved by the Local Planning Authority. The charging points for each phase of the development shall be fully installed and brought in to commission prior to the first occupation of any dwelling on each phase. Once installed such charging points shall be retained thereafter and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

28. The first floor gable end landing window of Plots 134 and 171 shall be of fixed, non-opening construction and fitted with obscured glazing prior to first occupation and maintained as such thereafter.

Reason: To protect the living conditions of the occupants of existing neighbouring property in accordance with Policy SD1 of the adopted Somerset Local Plan.

#### **Informatives:**

01. In relation to conditions 6 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/>