

Area West Committee – 20th February 2013

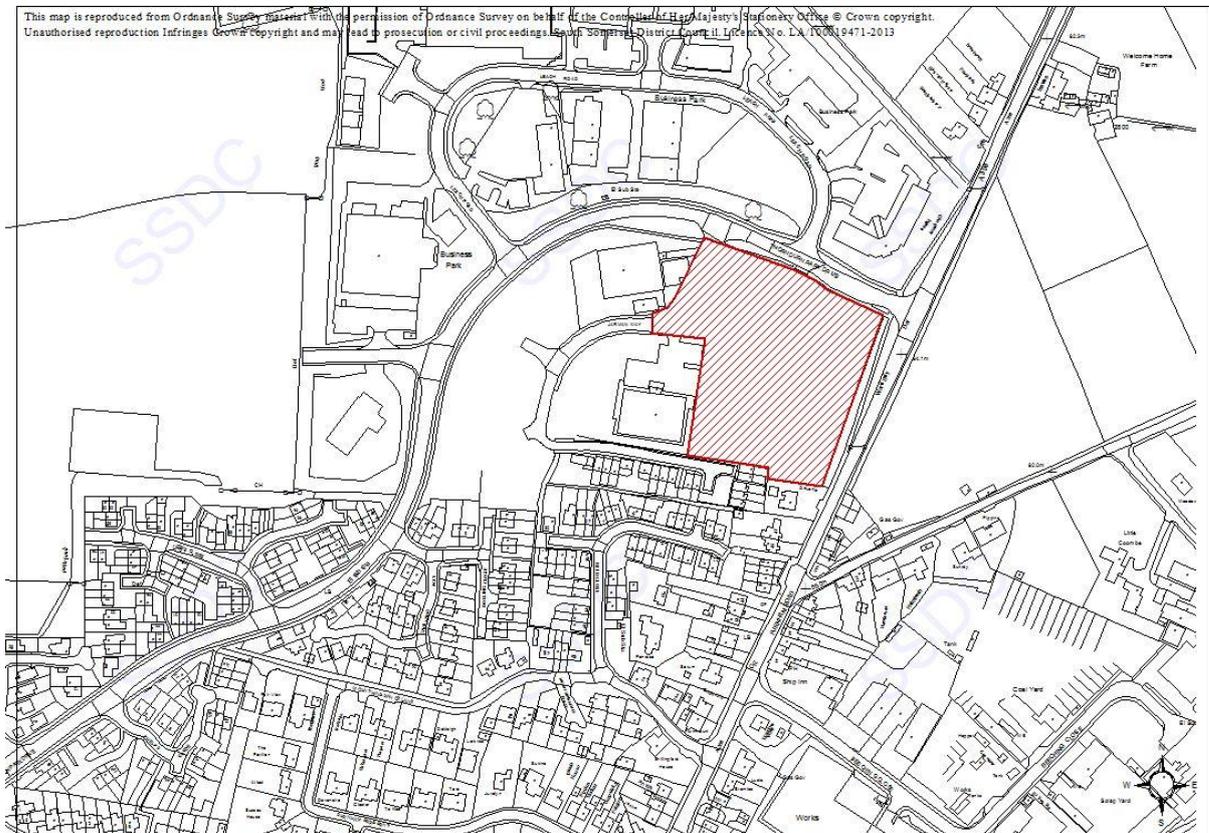
Officer Report On Planning Application: 12/04283/FUL

Proposal :	The erection of 41 No. dwellings and 1 No. 68 bedroom care home together with associated highway infrastructure, parking, landscaping and footpath links. (GR 333019/109864)
Site Address:	Land Off Thorndun Park Drive Chard Somerset
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr J Kenton
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	13th February 2013
Applicant :	Abbey Manor Developments Ltd
Agent: (no agent if blank)	Shaun Travers (3190) Boon Brown Architects Motivo, Alvington, Yeovil, Somerset BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON(S) FOR REFERRAL TO COMMITTEE

Part of the application site is located on land owned by South Somerset District Council.

SITE DESCRIPTION AND PROPOSAL



The site is located on the northern edge of Chard, accessed from and on the western side of the A358 (Furnham Road) and to the south of Thordurn Park Drive. To the north and west of the site are business units comprising part of Chard Business Park. To the east is the A358 and residential properties to the south. It comprises an area of 1.12 hectares of rough grassland and originally formed part of the outline consent in the 1980's for a business park and distributor road. The site is relatively flat with a gradual rise from east to west. Six Plane trees run along the frontage with Furnham Road.

This proposal seeks consent for the erection of 41 no. affordable dwellings and a 68 bed elderly care home along with associated highway infrastructure, parking, landscaping and footpath links. The affordable housing will be provided by Knightstone Housing Association a registered provider of affordable housing. The affordable rented houses will comprise 6 x 1 bed flats, 6 x 2 bed flats, 1 x 2 bed coach house, 8 x 2 bed houses, 9 x 3 bed houses and 1 x 4 bed house. The shared ownership properties will comprise 6 x 2 bed houses and 4 x 3 bed houses. Each of the houses will have their own private garden and sheds will be provided for secure cycle and bin storage. The flats are provided with communal cycle and bin stores and shared open space.

The proposed care home will provide specialist residential care for the elderly, including dementia care, in a building that will meet the latest Care Quality Commission standards. All of the 68 beds are en-suite and other on-site facilities include communal dining, living rooms and amenity space. A landscaped garden will be provided to the east of the building in the north east corner of the site.

Vehicular access is proposed from Jarman Way to the south of Thordurn Park Drive utilising an existing spur to the west of the site. The internal estate road will be adoptable. 72 car parking spaces are provided for the proposed dwellings along with 11 spaces for the care home and an additional 12 spaces for visitors of both. Footpath links are provided along the internal estate road with 2 pedestrian links at the northern and southern ends of the residential site frontage onto Furnham Road.

In terms of the layout of the scheme, the residential layout is arranged around a single access road and parking courts. Most of the plots are arranged so that the rear elevations face inwards with principle elevations facing towards Furnham Road, the new access road and the grounds of the proposed care home. The northern elevation of the care home will face onto Thordurn Park Drive. Larger buildings are proposed at the north-eastern and western edges of the development. The development will be constructed using a mix of brick, render, weatherboarding and reconstituted slate roofing.

During pre-application discussions, much attention was focused on the provision of public open space and play facilities. The area in the north east corner of the site was originally proposed by the applicant. However, this area will now provide a garden area for the residents of the care home with open and play space requirements being met via a commuted sum off site on Plot 5 of the Chard Business Park with the applicants proposing to do this with an off site contribution.

HISTORY

880194 - Outline consent for development of land as a business park and construction of a distributor road. This was approved subject to a Design Brief intended to shape future reserved matters applications and achieve high quality designs.

96/01070/FUL Erection of an industrial unit on Plot 1. This is the current application site but the permission was never implemented.

There have been other subsequent applications for units on the adjacent business plots.

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

Somerset and Exmoor National Park Joint Structure Plan
STR1 - Sustainable Development
Policy 35 - Affordable Housing
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006)
ST5- General Principles of Development
ST6 - Quality of Development
ST10 - Planning Obligations
EC8 - Protected Species.
EP1- Pollution and Noise
TP7 - Parking provision in residential areas
ME6 - Retention of employment land and premises.
HG6 - Affordable Housing
CR2 - Provision of outdoor playing space/amenity space in new development.
CR3 - Off site provision

National Planning Policy Framework:
Chapter 1 - Building a strong, competitive economy
Chapter 6 - delivering a wide choice of high quality homes
Chapter 7- requiring good design

CONSULTATIONS

Chard Town Council:

Recommend: Deferral pending adequate provision of recreational facilities.

Highway Authority:

Principle

In terms of traffic generation the proposed development may generate a similar level of traffic to that of the extant permission for a B1, B2, B8 use. The nature of the trip patterns connected with the proposed use compared to the current permitted use are likely to be very different with a higher level of longer distance trips.

The site lies at the edges of the settlement and does not accommodate adequate services and facilities, such as, education, employment, health, retail and leisure, and the public transport services in this location are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in NPPF and RPG10, and to the provision of policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted: Apr 00)

Policy TP4 of the South Somerset District Local Plan (adopted Apr 06), and would normally receive a recommendation of refusal from the Highway Authority as a result.

Notwithstanding the aforementioned comments, it must be a matter for the Local Planning Authority to decide whether the planning history or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

Transport Assessment

There are some difficulties with the Transport Assessment but these are relatively minor in relation to the traffic impact. The assumptions made about trip generation and trip distribution are acceptable but the parts concerning traffic impact and accessibility have been queried. The likely implications of these concerns are minimal and would not affect the conclusions.

Parking

There are more difficult issues relating to the parking on site. This is a full application and seeks to fix the layout and parking level. The parking level offered for the residential element is well below the optimum level given in the County Parking Strategy which is based on car ownership levels for each ward. The plan shows 73 allocated spaces and 12 visitor or unallocated spaces whilst the Parking Strategy would give an optimum level of 98 spaces including the visitor spaces which are required when over 50 percent of the spaces are allocated.

The justification for reduced levels is that the bus connections will make car ownership lower but the census data for this ward shows car ownership levels higher than is typical for Zone B. Bus connections may reduce car use but have no impact on car ownership. The justification for lower parking levels is, therefore, unacceptable.

The parking proposed for the care home is broadly acceptable but the Highway Authority would prefer to see the cycle parking covered since it is likely to be used by staff who will be leaving their bicycle for a whole shift.

Parking space sizes also need to be addressed. Spaces fronting the highway should be 5 metres to prevent vehicles overhanging the highway. Spaces which are obstructed, by a wall or fence at the rear for example, should be 5.5 metres long since cars don't drive in until they hit the obstacle but stop short. Spaces fronting garages should be 6 metres to allow room for the operation of the garage door.

Spaces 74 to 87 are very remote from both the care home and the residential development. They are unlikely to be used by visitors to either part of the site and their location should be reconsidered. The shortfall in parking detailed above is likely to be exacerbated if the unallocated parking offered is so remote from the development that it is hardly used.

The submitted plan shows a disabled parking space as part of a tandem space. This seems odd. Tandem spaces can create problems by causing people to park elsewhere in the vicinity rather than risk conflict with other drivers. If the pairs of tandem spaces are to be allocated to particular plots, it seems odd to allocate a disabled space to a particular plot. Tandem spaces are not acceptable as unallocated visitor parking since both spaces will definitely not be used. This is not a normal approach to the layout of parking for this type of development.

Some of the parking spaces are simply not workable. Spaces 21 to 26 cannot be accessed without a great deal of manoeuvring and will not be available at all when other spaces are occupied in that row. They are also tandem spaces and the earlier comment applies equally.

Travel Plan

The form of the Travel Plan (TP) is acceptable but the use of a Framework TP is not acceptable since the end users are known in terms of their use type and area, and it is possible to predict the likely trip generation for each proposed use. A full TP is therefore appropriate. Some worthwhile measures have been included in the TP, however, only the most basic measures have been considered and it is unlikely that these will achieve the necessary modal shift.

The corner stone of the TP is the accessibility audit and this is insufficiently detailed. There is mention of more services and facilities locally but no mention of what these are. The pedestrian, cycling and public transport audits should describe the journey to local facilities and to the town centre for each mode so that an impression can be gained of whether this journey is feasible or attractive and whether some mitigation would make it more attractive. Walking, cycling and bus targets are more likely to be met if the routes are attractive and there are no obstacles. This will also inform the measures that can be employed to encourage sustainable travel.

The detail of the monitoring strategy is insufficient. The monitoring period will be between first occupation and 5 years following 80 percent occupation. Annual surveys should be undertaken using the SCC standard formats with 40 percent response rate being considered the minimum. All survey results should be uploaded to iOnTRAVEL so that the meeting or missing of targets can be deduced. In addition to the surveys, ATC installation is essential to validate the survey results.

Safeguard measures have been mentioned but there is no commitment to any specific measures and no safeguard sum has been offered. The safeguard sum is essential to limit the liability of the developer and the best way to arrive at a figure is to devise some safeguard measures and cost them. This will show what is achievable using the sum specified and will give a much greater chance of success should the targets not be met.

The TP will need to be secured by a Section 106 agreement since the financial commitments such as green travel vouchers, the Travel Plan Fee and the safeguard sum cannot be secured by condition. If the TP can be bought up to an acceptable standard, this can be appended to the Section 106 agreement and the words in the agreement kept to a minimum. If a suitable TP cannot be appended, a lengthy and very wordy schedule will be needed to describe the form and content that is expected in the TP.

Estate Roads

The visibility for the entrance to the care home is not acceptable. The submitted plan shows hedges growing right up to the edge of the access. Some pedestrian visibility is required for emerging vehicles to have sight of approaching pedestrians and there should also be visibility of approaching vehicles on the estate road.

Where there are accesses to parking courts, minimum visibility of 2.4 by 18 metres should be provided with nothing in the splays over 300 millimetres.

Some of the footways shown have widths down to 1.5 metres. While it is acceptable in some circumstances where the use is expected to be low to have footways of 1.5 metres, we would normally expect 1.8 metres.

The turning head at the end of the section marked as adopted must be capable of coping with turning an 11.8 metre 4-axle refuse vehicle. This can be confirmed by swept path analysis but it looks a bit tight as it stands.

The drawings indicate that the main part of the road is to be adopted and it is assumed that the parking courts will be retained jointly by future residents.

If some of the roads are to be adopted, a Section 38 agreement will have to be entered into. All the dwellings will be liable to charge under the Advanced Payment Code (APC) but this may depend on whether the necessary section of Jarman Way is adopted which it is not at present. The parking courts that are to remain private will also be chargeable under APC and the construction of these areas will have to be checked and a management company set up to handle the future maintenance of the road in order for these areas to gain the necessary exemption.

Drainage

At present there are no details of the drainage outfall. In order for the road to be adopted or exempted from APC, the end disposal agency, Environment Agency or local Drainage Board for example, will need to give their written consent to accept the additional water. There is no confirmation of this with the planning application but we would need to see a right of discharge before any construction work goes ahead.

There are geo-cellular storage tanks proposed as part of the attenuation strategy. These tanks should not be in close proximity to the existing adopted highway or to any highway that is proposed for adoption. This will minimise the potential for damage to these facilities cause by future maintenance of the highway or utilities apparatus within the highw

As a result, the Highway Authority raises no objection to this application subject to 4 conditions.

Economic Development

Thank you for requesting a consultation from the Economic Development Service. I am supportive of the application and offer the following comments:

Site History:

Chard Business Park was opened in the mid 1990s. It was created as a Business Park with the aim of bringing an additional and broader range of employment opportunity to Chard. In order to maintain the strong business ambience of the Business Park, development has been regulated by restricting the planning use and restricting the specifications for quality of design and build. These restrictions have enabled the Business Park to retain a high standard of appearance and not be perceived as either an industrial park or a retail park.

The plots have been developed slowly but steadily since the park opened. In January 2013 all the plots are either occupied or have planning interest expressed in them. It has taken a number of years to fill the park but that said, it is not unusual for Business Parks

to take considerable time to fill. However, it is often unusual to see a Business Park fill completely, and Chard Business Park could soon be fully utilized.

Plot 1 at the business park is the largest and most prominent site on the park. It occupies the gateway to the business park and arguably is the visible gateway to Chard from the northern A358. It had always been hoped that Plot 1 might attract a large, prestigious development, perhaps similar to the building on the opposite entrance plot with its large office development that variously attracted the former Primary Care Trust and Action Aid.

Marketing

Plot 1 is owned wholly by Abbey Manor Developments. It has been in the ownership of the group for approximately twelve years. During this time the plot has been continuously and extensively marketed and local awareness of the availability of the plot for development has been high. The marketing has included use of the Abbey Manor Group commercial land website (see http://www.yeovil-property.co.uk/property_86.html which features prominently on internet search engines), SSDCs own property database and various commercial agencies. Not least the plot had always been promoted through a large sale board placed visibly and prominently to the fore of the plot facing Furnham Road.

The plot has attracted interest over the years. SSDCs Economic Development team themselves handled several enquiries and signposted these to the AMD group.

The planning statement that accompanies the application indicates that enquiries numbered around 4 per year at the height of the economic climate 2005 to 2008.

For various reasons the plot will have had a limited market;

- The plot is approx 3 acres in size and would be likely to attract only large scale end users
- A plot of this size represents a significant capital investment for prospective developers
- The plot would be expensive to sub-divide into a number of smaller serviced plots with no guarantee of finding end users
- The prestigious location has high specifications for design and quality of build as prescribed by the planning authority. The cost of complying with the design specifications (particularly considering the scale of development on such a site) would be considerable
- Several retail developers have made enquiries but their planning use is not permitted on the Business Park

A list of parties interested in developing the plot is given in the planning statement provided by the applicant and these include: Gooch and Housego, Air Control Industries (ACI), Lentells, Jewsons, Protexin, Kingfisher Vets Group. The SSDC Economic Development team can confirm that they received initial enquiries from some of the above and other prospective developers. These enquiries were signposted accordingly.

It must be said that SSDC has also found it difficult to bring forward its own plots at the business park over the same time period. SSDCs plots have now largely been developed out but Plot 1 is far more challenging because of the size of the plot and the scale of any potential development.

It would be fair to describe the marketing of plot 1 as thorough and continuous and that it has been offered on a choice of either a freehold or leasehold basis.

The development proposal

To bring the plot forward, AMD have submitted a planning application that proposes a mixed development for employment use and housing.

The proposed development will be for a nursing home to the fore of the plot, and an affordable housing scheme of approx. 41 dwellings to the rear of the plot. The housing will help meet the current high demand for affordable housing in the town.

Nursing homes on this scale tend to generate around 1 FTE job per bed-space, so it would be reasonable to assume that this scheme could create approx. 70 FTE jobs for the Chard area. The actual number of jobs created is likely to be higher if part-time jobs are taken into account. The employment generated by this scheme will cover a wide range of skills and this would be a very welcome addition to the limited employment opportunities in the town.

It may also be contended that the jobs created will offer a similar or even higher density of employment than many other developments that might have occupied this site. Many factories or distribution depots built on a similar sized plots offer less employment than this proposal.

In considering this development the following points are noteworthy:

- Plot 1 has been vacant since the creation of Chard Business Park despite the ongoing marketing
- This particular vacant site is a conspicuous feature of the Business Park and the Chard gateway and deserves a high quality development
- Development opportunities for employment (at this scale) are rare, especially in the prevailing economic climate
- Refusal of this application will mean that plot 1 will be returned to the market at a time when viable development proposals are scarce. The plot could remain undeveloped for some further time
- The applicant reminds us of the New Planning Policy Framework (paragraph 22) that instructs Planning Authorities not to retain employment land (that has been reasonably marketed for such purpose) where there is little prospect of workspace development in the future. Under the NPPF, plot 1 could return to the planning committee in the future with a legitimate request for 100% housing. This application therefore offers a reasonable proposal that should receive due consideration

It should also be noted that the scheme will now assist in enabling an offsite play provision. The applicant had originally intended to meet the provision generated by this scheme, entirely within Plot 1. However, following discussions with officers and local members the applicant has agreed to assist in providing local open space and play provision on the edge of the business park. Contributions will be taken through a Section 106 agreement and will meet the requirements generated by this application and help SSDC to meet historic unmet provision. The preferred location for open space and play provision will be at Plot 5 on the business park for which the applicant has already submitted a request to change the use of the plot. The application for Plot 5 will be dealt with separately.

Conclusion

I am supportive of this proposal and raise no objection to the application.

Landscape Officer:

I have reviewed the above application and its supporting information seeking the construction of 41 new dwellings and a 68-room carehome at the above site, and I am familiar with the landscape context.

In terms of the immediate built context, I note that the proposal occupies an open site initially designated for employment buildings, and that it has housing to its south, and employment buildings to its north and west. By arranging the built form with the larger scale of the care home to the north, and the proposed residential to its south, and abutting the current residential area, an appropriate transition of both building form and scale is enabled. I have no issues with the layout proposal, providing;

- (1) The Council's Arborist is satisfied that there is sufficient offset from the roadside plane trees, and;
- (2) Open space can be delivered to the west of the site, and that its arrangement secures an undisturbed setting for the protected oak trees.

I note that a landscape proposal has been offered that relates to the housing area (drawings 1216-002B: Trees and 1216-001B: Shrubs). I have a number of comments on these, looking first at the tree proposals;

- (a) I would advise against *betula pendula*, and suggest the use of something with a stronger tracery, e.g; *acer campestre* 'streetwise' or *Pyrus calleryana* 'chanticleer'
- (b) Rather than *prunus padus*, which can be a little indifferent in these soils, opt for its cultivar *P.p* 'albertii' which adapts better to urban contexts
- (c) *Malus sylvestris*' fruit is not favoured by our maintenance teams, *M. hupehensis* is a better urban option, with smaller fruits, and its resistance to scab and mildew is also perceived as a positive
- (d) Utilise *Alnus cordata* rather than *A. glutinosa*, as it is more tolerant of dry soil conditions

Regarding the shrub proposals;

- (e) look for an alternative to *euonymus* groundcover, which is often slow and erratic in its cover
- (f) rather than the native form of dogwood, (*Cornus sanguinea*) select a cultivated form for its stem colour/foilage effects, and;
- (g) *vinca minor atropurpurea* - as (e).

Unless I am missing it, I am not seeing a landscape proposal for the care home. However, if you are minded to approve this application, then i am content that this can be conditioned.

Ecologist

I'm satisfied with the applicant's commissioned ecology report ('Phase 1 Habitat Survey Report', Acorn Ecology Ltd, Sep 2012) and agree with its conclusion that this site has relatively low ecological value. I have no objection and no recommendations to make.

Engineer:

The drainage principles set out in the Floor Risk Assessment are satisfactory. Details to be submitted for approval.

Climate Change Officer:

From a carbon emission perspective there are some pleasing aspects to this development but also some inadequacies in the DAS;

1. As this development is unlikely to be built until 2013, we should expect renewables to be explicitly detailed at the application stage because the carbon emissions requirement Level 4 of the code for sustainable homes being incorporated to building regulations is very unlikely be achieved without an element of renewables and these may have an impact on the appearance of the development. The DAS states the development will only reach Code Level 3. The carbon emission requirement would therefore fail building regulations.
2. Although they will contribute to a low carbon building, the DAS describes mechanical and heat recovery ventilation and high efficiency gas boilers as renewable energy technologies, which they are not.

The majority of the dwellings have east west orientation despite the fact that all dwellings could be arranged to have south facing roof space and back gardens within the constraints of the site. This does not make the most of the opportunity to install solar thermal or solar photovoltaic technologies at the development stage and sterilises the roof space from future installation.

The intention to install photovoltaic arrays to the care home is welcome. Generation during daylight hours would match well with the building's occupation. The inclusion of solar thermal panels to the minority of dwellings with suitable south facing roof spaces on the dwellings is welcome.

This site presents an excellent opportunity to install a central wood chip boiler to power a heat main providing space heating and hot water to all buildings. Connection to the gas main and provision of a separate boiler for each building would then not be required saving on development costs. The larger utility companies can provide the equipment, manage the installation and become the heat service provider for the site if the developer wishes to avoid the initial investment and forego the financial benefit of the renewable heat incentive. Ownership of a wood heat system attracts the very generous renewable heat incentive which makes the investment very worthwhile.

Site arrangement is crucial to successful exploitation of solar gain to enable pleasant sunny gardens (with minimum daily shading), maximum solar light and heat penetration, solar thermal or photovoltaic technologies. We should routinely expect south facing backs (with adequately sized glazing) and roof space. It is clearly evident that inclusion of renewable energy technology has been an afterthought rather than a crucial design element to be considered at the beginning of the design process.

Despite missed opportunities, it is possible that the combination of energy efficient and renewable technologies deployed will meet 2013 building regulations and so I am unable to object.

Housing Development Officer:

In respect of the dwellings, I wholly support the provision of 41 affordable homes. There is a high level of housing need in Chard.

Currently there are 544 households on the register seeking Chard as their preferred place to live. This figure represents 11% of the total number of households on the

register for South Somerset. Were this scheme developed it would provide much needed affordable housing in Chard and we are in favour of Knightstone developing this scheme.

Leisure Policy Co-ordinator:

A total of £4,504.81 per dwelling or a total of £184,697.07 is being sought equipped play, youth facilities, playing pitches, changing rooms, community halls, theatres, synthetic pitches, swimming pools, indoor tennis and sports halls. The breakdown of the contribution is attached at appendix A.

The response acknowledges the potential viability issues and the application only being acceptable if equipped play and youth facilities can be secured on plot 5 as there is no other means of mitigating against the impact of the application. There is also an option of using the pitch contribution towards developing plot 5 if required.

Spatial Policy:

The proposal site lies within the Development Area for Chard in a location where the principle of development is accepted provided it is in accordance with other saved Local Plan policies and proposals.

Policy ME6: Retention of Land and Premises

The proposal site forms part of an outline planning permission (application no. 880194) for the development of land for use as a business park and the construction of a distributor road. It is my understanding that reserved matters have been approved and implemented on a number of plots within Chard Business Park, but not on this particular plot, so whilst there is no extant consent the principle of this land being in employment use has been established. Plot 1 has been included as part of the employment land commitment in the Council's Employment Land Review 2009.

Policy ME6 seeks to protect existing or allocated employment land or premises except where there is an over-riding need which outweighs the employment value of the land or premises. The application site covers an area of 1.12 ha, one plot amongst a number within a larger business park. Whilst Chard Business Park has been successful in economic development terms there is obviously an issue in terms of delivery of this site and this will have to be balanced against the fact that this proposals seeks to provide affordable housing and a care home which will offer some local employment and help to meet an identified affordable housing need (see below).

National Planning Policy Framework (NPPF) - The Presumption in Favour of Sustainable Development

It is noted that the applicant makes reference to paragraph 22 of the NPPF which states:

Planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities.

The NPPF also places significant weight on the need to support economic growth and planning for new and emerging sectors. In the context of paragraph 22, the Local Planning Authority need to be realistic and if the site has been adequately marketed (this

will be addressed by the Economic Development Team), then you will need to weigh up the job creation and community facilities being delivered through the establishment of a care home and the provision of affordable housing against the realistic potential of the site coming forward for purely employment use.

Paragraph 49 of the NPPF states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.

The Appeal Decision for land to the rear of Wincanton Community Hospital, Dancing Lane, Wincanton (APP/R3325/A/12/2170082) has established, as at 29th August 2012, that the Council does not have a 5 year supply of deliverable housing land.

Paragraphs 11-16 of the NPPF specifically address the presumption in favour of sustainable development. Paragraph 14 defines sustainable development in terms of plan-making and decision-taking. The three dimensions to sustainable development are set out in paragraph 7 with further clarification provided in paragraphs 8-10. Sustainable development is expected to perform an economic, a social and an environmental role, paragraph 8 is clear that sustainable development consists of a combination of all three elements.

With regards to an economic role this proposal would provide employment opportunities locally not only for those involved in the construction of any buildings that may be approved, which is a short term benefit, but also longer term employment opportunities through the jobs that would be created at the Care Home.

From a social perspective the proposal would provide much needed affordable housing in Chard and provide specialist care for elderly people. The Taunton and South Somerset Strategic Housing Market Areas Housing Market Assessment (Feb 2009) identifies that there is an annual need for 659 affordable homes in South Somerset. The need at Chard is the second highest after Yeovil . As of 09/10/12 the Housing Register identified 574 households in Chard to be in housing need. It is therefore not disputed that an additional 41 affordable homes in Chard would be welcome. Paragraph 50 of the NPPF refers to the creation of "inclusive and mixed communities" and the clustering of this many affordable homes in one location would not normally be encouraged, however this has to be balanced against the level of need in Chard. Additionally the provision of homes for the increasingly ageing population across the District is an issue recognised in the emerging Local Plan. The evidence submitted with the planning application shows that there are a total of 9 care homes within an 8km radius of Chard offering a total of 236 registered beds, an increase of only 5 beds since 2007.

Whilst not performing any specific environmental protection role a well-designed scheme could potentially positively enhance this prominent site on the edge of Chard.

Highways

As you are aware a key area of concern with regards to development in Chard and in particular the delivery of the Chard Eastern Development Area is the impact of additional traffic on the central A30/A358 'Convent Link' junction. A Transport Assessment has been submitted with this proposal which concludes that the impact on that junction would be insignificant and could not be considered 'severe' in terms of the NPPF. Consequently no mitigation measures are necessary. The response from the Highway Authority will be important in determining the soundness of this conclusion.

Conclusion

From a Planning Policy perspective the retention of this employment land must be balanced against the provision of a care home which will provide local employment opportunities as well as a social role and the provision of affordable homes in a location where the need is high. The NPPF is supportive of economic growth in new sectors and the need for affordable housing is not disputed. Plot 1 of Chard Business Park forms a key part of the employment stock for the town for B1 type employment uses and its loss will present a position where there is very little employment land available in Chard for such uses (as at 31 March 2011 there was only 0.59 ha of land committed for B1/C uses). In such circumstances saved Policy ME6, which complies with the NPPF where there is evidence of need for employment land, should therefore apply and on this basis a planning policy objection is lodged.

It is recognised that the applicant has indicated that on-going marketing has failed to bring forward B1 type development and if this marketing is considered sound by the Economic Development Officer then in practical terms it will be difficult to maintain a policy objection particularly given the significant employment provision (albeit not in a B1 type use) and community uses coming from the development.

Officer comment:

In response to the above comments received from the Spatial Policy Manager, the agent submitted the following comments:

An objection is lodged from the Council's Policy Team on the basis that the proposal is contrary to Policy ME6 of the adopted Local Plan. This objection is fundamentally flawed in my opinion as the application site does not constitute 'employment' land.

As clearly set out within our planning statement, the wording of Policy ME6 specifically refers to: Proposals for the alternative use of existing and allocated employment land and premises. The supporting text to Policy ME6 at paragraph 9.30 explains that It is important to retain employment uses (land or buildings) which are in industrial use or which were last used for this purpose. It must surely be accepted that the application site meets none of these criteria in that it is not:

In existing employment use;
Allocated employment land; or
Last used as employment land.

I do not agree that "the principle of the application site being in employment use has been established" This view is simply based on the site forming part of an outline planning unit granted permission in 1988 (25 years ago), which has long since lapsed, and against which reserved matters were never even submitted in relation to the application site. Full permission was granted later in 1996 but also lapsed without implementation in 2001.

To conclude the site is not, and never has been, in use for employment purposes. Neither is it allocated employment land. As such Policy ME6 does not apply. Any planning permissions granted for employment use have lapsed some considerable time ago without implementation. The site cannot surely be considered as an employment 'commitment' on the basis of this brief history of lapsed consents, especially when considering its location within the designated Development Area of the adopted Local Plan where the principle of other new development per se is acceptable in accordance

with Policy ST3. My view on this matter is surely supported by the evolution of the current Local Plan in that:

The site was identified as part of a Major Area of Change/Commercial within the Deposit Draft Local Plan 1998, presumably indicating that an extant permission for commercial use existed at this time;

By the time the Local Plan was adopted in 2006 the "Major Area of Change - Commercial" was no longer identified, presumably as any permission for commercial use had since lapsed and the site could no longer be deemed a commitment.

Notwithstanding that this policy objection may be difficult to maintain having regard to other material considerations (i.e. the marketing exercise and paragraph 22 of the NPPF), it is important that this planning policy position is clarified prior to committee.

Officer Comment:

In response to the above comments, the Spatial policy Manager stated:

1. The Planning Policy response did not state that the land is in employment use, the response makes it clear that there is no extant consent for employment use, what it does say is that it has been generally accepted that Plot 1 Chard Business Park forms part of Chard's employment land supply since that outline approval in 1988 and the later full permission. Lapsed employment consents were included as part of the supply for the purposes of the ELR. Stage 1 of the ELR specifically mentions the high profile plot.
2. In terms of ME6 we would therefore argue that existing applies in terms of overall site/Business Park as part of the supply rather than actual use.
3. Plot one is included in the Chard Business Park Development Brief which has been in place for years.
4. The land owner has marketed the site for employment use over a number of years, including since the 1988 outline permission expired , therefore he must have accepted the principle of employment use on that plot.

Environmental Health:

Revised comments following an original comments that acknowledged preapp discussion and asking to see the acoustic report.

Further to my previous memo concerning the above application.

I acknowledge that no acoustic report has been submitted and I can confirm that in this case one is not required.

The only response I can provide is that the proposed housing in close proximity to this existing shirt factory would not be subjected to any adverse noise levels.

What does need to be noted is that by allowing such a development of residential properties this close to this industrial unit class use B8, a change of ownership and use may result in future conflict due to noise.

REPRESENTATIONS

No representations have been received.

CONSIDERATIONS

Principle of Development

The site is located within the development area as defined in the South Somerset Local Plan and thus there is a presumption in favour of development subject to compliance with other relevant local and national policies. The site was originally granted permission as part of the outline consent for the Chard Business Park in the late 1980's. However, this site has never for been developed for employment purposes and there is no current extant planning permission for such uses. It remains an undeveloped piece of land. Therefore, whilst the site has historically formed part of the Chard Business Park, has been actively marketed for employment use over a number of years, and has formed part of the Spatial Policy supply of employment land, the site is not allocated as employment land in the South Somerset Local Plan nor does it have current employment permission. Moreover, notwithstanding the employment land issue, the NPPF (para 22) makes it clear that 'planning policies should avoid the long term protection of site allocated for employment use where there is no reasonable prospect of a site being used for that purpose'. It is clear that, although the site has been actively marketed for employment purposes, the site has not delivered any employment and, even if it was accepted that it had a current employment use, it is perfectly acceptable for the Council to consider suitable alternative uses for the land.

It is important to note that whilst the care home is not strictly an employment use (ie not within the B1 to B8 land use classes), it could generate up to 70 FTE jobs which may possibly far outweigh those that could be generated by a large storage warehouse on the site.

Need for the proposal

The Council currently does not benefit from a 5 year land supply of housing as required by the NPPF. Therefore, the Council clearly requires housing to meet the needs of its population. In particular, there is a pressing need for the provision of affordable housing, as outlined by the Council's Housing Development Officer. There are 544 households on the register seeking Chard as their preferred place to live representing 11% of the total number of households on the register for South Somerset. The acute need for such housing is therefore very apparent.

Moreover, the demand for high quality elderly persons accommodation is also increasing as the age of the general population increases. This need has been outlined in a Summary Care Home Report undertaken by Pinders and supplied with the application. This states that within an 8 mile radius of the application site, there is currently an elderly population of 325 persons requiring residential care in 2012. However, the stock of available care homes within this catchment area is 236 bed spaces. Thus, there is a clear shortfall between demand and supply. Moreover that this demand will increase in the future. In addition, the submitted Planning Statement makes it clear that a number of the existing care homes in Chard do not meet the latest Care Quality Commission standards. Thus, the current proposal will help to address both qualitative and quantitative issues in respect of care home provision.

Highways/Parking issues

Whilst the Highway Authority did not raise an objection to the proposed development, as can be viewed above, a number of points were made in respect of the sustainability of the site, parking provision, the Travel Plan, design of the estate roads and drainage.

In terms of the sustainability of the site, it is located within the development area and has previously benefited from permission for employment use. Therefore, the Council contends that the site is not in an unsustainable location and is appropriate for development. The applicant's Transport Consultant has stated in response to the Highway Authority that the bus service runs every hour past the site along with good footways into the town.

In terms of the number of parking spaces, the scheme is providing a total of 85 spaces for the residential development with the Highway Authority seeking a total of 98 spaces. As a result of pre-application discussion, the applicant has provided 12 visitor spaces to the west of the care home, thus providing additional spaces over and above the number of allocated spaces. It must be borne in mind that the County Parking Strategy seeks an optimum number of spaces, not a minimum. Moreover, given that the site is considered to be located in a sustainable location, the number of spaces is considered to be acceptable.

With regard to the comments about the size of parking spaces, the highway consultant has stated that all spaces adjacent to the proposed adopted highway are 5.5 metres long. Moreover, that the parking courts would be private areas and it is only in these areas where the bays are 4.8 metres long. However, as these are in private areas, this is not considered to be an issue that would warrant refusal.

In response to the issue about a disabled space forming part of a tandem space, these disabled bays have been omitted and tandem parking bays would be allocated to a single dwelling. Moreover, a covered cycle parking will now be provided and spaces 18-27 have now been redesigned. Details of an amended Travel Plan can be sought and included as part of the S106. The layout of the estate roads have also been amended along with an increase in the size of the turning head and the footpaths widened.

Design

It is considered that the design of the scheme is acceptable. The care home will be located along and form a significant part of the northern boundary with Thordurn Park Drive. This will be a three storey building, other than the café area (single storey) and will form a prominent development along the entrance into Thordurn Park Drive. It will also be similar in scale to the existing large commercial units and thus will provide an appropriate transition between the commercial and residential units. The care home will be of contemporary design with connections to Chard's industrial past with the use of large curved brick facades, along with timber cladding and brick parapet walls at roof level. There will also be large panels of glazed curtain walling, zinc roofs to the care home and mono-pitched roofs to some of the dwellings. The dwellings will be a mix of brick, render and timber cladding. Windows will be a mix of Upvc and aluminium. This is considered to be an appropriate palette of materials for this development.

In terms of scale of the proposed dwellings, there will a range of 2 and 3 storey units throughout the site with the 3 storey units being located at more prominent locations within the layout. In particular, plots 17-22 at the entrance to the residential properties, and plots 27-32 in the north-east corner close to the junction of Furnham Road and Thorndurn Park Drive. It is considered that this is an appropriate approach and will provide a strong physical focus for the development at prominent locations within the development.

Impact of the proposal on adjacent occupiers

In terms of the impact of the proposal on adjacent business occupiers, it is not considered that the proposed scheme will create any significant harm that would warrant refusal of the application. Employment units are located to the north, across Thordurn Park Drive and to the west. No objection has been received by those occupiers and it is considered that due to the layout of the scheme, this development can sit amicably alongside the existing employment users. One issue identified at the pre-application stage involved the proximity of the shirt factory located to the south west of the site. However, following discussion with the Environmental Health Officer, it was agreed that the noise restrictions imposed as part of the approval for the shirt factory offers sufficient control to satisfactorily safeguard the residential amenity of future occupiers.

In terms of the impact on existing residential units that are located adjacent to the southern boundary of the site, it is not considered that the development will be overbearing or create any harmful overlooking. The closest existing occupiers located in Reed Close have properties that either face gable end onto the application site or, as in the case of those towards the south west of the site, have their frontages facing towards the site, thus no harmful overlooking will occur. A condition will be imposed to agree boundary treatments, and this will further assist with securing privacy of existing and future occupiers.

Provision of open and play space

Members will be aware that a development of this scale will require a planning obligation in respect of sport, leisure and open space provision. The applicant was originally proposing to provide this on site, and indeed, the early layout for the scheme placed this in the north east corner of the site. However, following extensive pre-application discussion with the applicant, officers and the ward member, it was considered that wider planning gain could be achieved if this play and open space provision was provided off site. The developer is agreeable to making a commuted sum in this regard. During this discussion, Plot 5 of the Chard Business Park was identified as a suitable site for such play and open space provision. In a similar way to the application site, plot 5 has failed to find any buyers for employment purposes, particularly given site constraints such as protected trees which would reduce the amount of developable space. Plot 5 is now subject to a current application for such a use. It was considered that this plot would provide facilities not only for occupiers of the new development but importantly would also be used by other existing local residents where provision is currently lacking.

Viability

The applicant has undertaken and submitted a viability appraisal. This has set out the sum of money that the applicant considers the proposed development can reasonably afford to contribute in terms of the planning obligations sought as part of this development. As per Council protocol, the viability appraisal has been forwarded to the District Valuer for an independent assessment. It is hoped that the District Valuer's report will be submitted to the Council in time for the case officer to be able to orally update members at committee.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

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 items/issues:

- 1 The provision of affordable housing, and
- 2 A contribution, to include a commuted sum, towards the provision and maintenance of sport, play, strategic facilities and open/amenity space.
- 3 Submission of a Travel Plan

RECOMMENDATION

Grant Permission

01. The development will provide much needed affordable housing and an elderly persons care home. The scale, design and layout of the development is acceptable and will not harm the character and appearance of the area nor harm any neighbouring amenity. A safe means of vehicular and pedestrian access is provided along with an appropriate level of parking. The development is therefore in accordance with Policy ST5, ST6, ST10, EC8 EP1, TP7 and ME6 of the South Somerset Local Plan and Chapters 1, 6, and 7 of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

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

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

03. 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 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

04. 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 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

05. No work shall commence on the development site until an appropriate right of discharge for surface water or agreement with the appropriate authority for a percolation solution 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 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. 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 and boundary treatments, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenities of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

07. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

08. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of (IN) from the date of occupation of the building for its permitted use.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect the Plane trees during the course of the development and to maintain the amenity of the area to accord with Policy ST5 and ST6 of the South Somerset Local Plan.

09. 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 satisfactorily drained in accordance with the NPPF.

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

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

11. No development shall take place until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. The plan shall include days and hours of working and construction deliveries, the routing of construction traffic, details to keep mud/dirt off the local public highways (to include wheel washing facilities) and a plan showing the location of the constructors compound and area for the parking of construction vehicles.

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

12. The development hereby approved shall be undertaken in accordance with the following approved plans:
Drawing numbers: 3190/17, 3190/01 Rev A, 3190/16, 3190/15, 3190/14, 3190/13, 3190/12, 3220/04,3220/05, 3220/06, 3190/18, 3220/01/rev A, 3220/02,3220/03, 3190/02 rev b, 3190/04 rev b, 3190/03 rev c, 3190/05 rev b, 3190/06/rev b, 3190/07,rev a, 3190/08 rev a,3190/09,rev a, 3190/10,3190/11.

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

Committee Report Summary

Report for:	A Gunn	Date:	10th December, 2012
Application No:	12/04283/FUL	Approvals:	Steve Joel
Prepared by:	A Cameron	Version:	1

Capital Contributions:

Local Plan Policy	Relevant leisure infrastructure space category	Requirement [sq m]	Current Infrastructure Capacity / (Deficiency) [sq m]	Proposed Mitigation	Contribution Sought £
Local Facilities					
CR2	Equipped Play Space	158.20	(16,016)	Off Site - contribution towards the provision of equipped play facilities as part of the development of Plot 5 as public open space	£30,107.64
CR2	Youth Facilities	39.55	(4,518)	Off Site - contribution towards the provision of youth facilities as part of the development of Plot 5 as public open space, or towards another appropriate site within 600m of the development site	£5,911.75
CR2	Playing Pitches	1,233.40	(107,180)	Off Site - contribution towards the development of Plot 5 as public open space or the provision of a new recreation ground in Chard, or enhancement of existing community pitches.	£15,468.58
CR2	Changing Rooms	10.20	(534)	Off Site - contribution towards the provision of new changing facilities in Chard, or enhancement of existing community changing facilities.	£31,406.03
ST10	Community Halls Rural	#REF!	(361)	Off Site - contribution towards the development of a new community hall in Chard or the enhancement of an existing hall	£20,266.41
Local Facilities - Total					£103,160.41
Strategic Facilities					
ST10	Theatre and Art Centres	3.96	(5,871)	Off Site - contribution towards expanding and enhancing the Octagon Theatre in Yeovil.	£12,203.18
ST10	Artificial Grass Pitches	22.51	(1,866)	Off Site - contribution towards the enhancement of the sand based AGP at CRESTA, Chard (Policy AGP7)	£3,134.34
ST10	Swimming Pools (Community)	0.96	6 + qualitative	Off Site - contribution towards the provision of a new pool in Chard (Policy SP4) or the enhancement of the existing pool at CRESTA (Policy SP6)	£7,136.79
ST10	Indoor Tennis Centres	2.09	(3,771)	Off Site - contribution towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (Policy ITC1).	£9,239.65
ST10	Sports Halls (Community)	4.13	(389)	Off Site - contribution towards the development of a new sports hall in Chard (Policy SH9) or enhancement of the existing sports hall at CRESTA (Policy SH5)	£14,853.57
Strategic Facilities - Total					£46,567.53
Total:					£149,727.94

Commutated Sums:

Local Plan Policy	Relevant Category of Open Space	Proposed Site	Contribution Sought £
CR 2/3	Equipped Play Areas	Off Site - contribution towards the provision of equipped play facilities as part of the development of Plot 5 as public open space	£17,390.65
CR 2/3	Youth Facilities	Off Site - contribution towards the provision of youth facilities as part of the development of Plot 5 as public open space, or towards another appropriate site within 600m of the development site	£2,185.68
CR 2/3	Playing Pitches	Off Site - contribution towards the development of Plot 5 as public open space or the provision of a new recreation ground in Chard, or enhancement of existing community pitches.	£11,037.58
CR 2/3	Playing Pitch Changing Rooms	Off Site - contribution towards the provision of new changing facilities in Chard, or enhancement of existing community changing facilities.	£2,526.53
Total:			£33,140.44

S106 Trigger Points:

Local Plan Policy	Relevant leisure infrastructure space category	Standard Trigger Policy	Proposed Occupied Dwelling Trigger Point	Payment
Circular	1% Community Health and Leisure Service Administration Fee	Upon occupation of the first 25% of proposed dwellings	10	£57,424.40
Local Facilities				
CR2	Equipped Play Space			
CR2	Youth Facilities			
CR2	Playing Pitches	Upon occupation of 50% of proposed dwellings	21	£80,705.14
CR2	Changing Rooms			
ST10	Community Halls			
Strategic Facilities		Upon occupation of 75% of proposed dwellings	26	£46,567.53
ST10	Theatre and Art Centres			
ST10	Synthetic Turf Pitches			
ST10	Swimming Pools			
ST10	Indoor Tennis Centres			
ST10	Sports Halls			
Total:				£184,697.07

Total:

Overall Contribution Total	£182,868.38
1% Community Health and Leisure Service Administration Fee	£1,828.68
Overall Level of Planning Obligation To Be Sought	£184,697.07
Overall Contribution Per Dwelling	£4,504.81