

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held at the **Council Chamber - Council Offices** on **Tuesday 29 October 2019**.

(4.25 - 5.55 pm)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Neil Bloomfield	David Recardo
Adam Dance	Paul Rowsell
Henry Hobhouse	Andy Soughton
Tony Lock	Linda Vijeh
Sue Osborne	William Wallace
Crispin Raikes	Paul Maxwell

**Officers**

Jo Boucher	Case Officer (Strategy & Commissioning)
Marc Dorfman	Senior Planning Adviser
Simon Fox	Lead Specialist - Development Management
Angela Cox	Specialist - Democratic Services
Vicki Dawson	Lead Specialist (Environmental Health)
Sarah Hickey	Senior Planning Lawyer
Paul Huntington	Specialist (Compliance & Enforcement)
Dr Tim Brookes	Public Health England
Helen Vittery	SCC Highways

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**96. Apologies for Absence (Agenda Item 1)**

Apologies for absence were received from Councillor Jason Baker who was substituted by Councillor Paul Maxwell. Apologies were also received from Councillor Tony Capozzoli.

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**97. Declarations of Interest (Agenda Item 2)**

Councillor Linda Vijeh declared a personal interest in Planning Applications 14/02554/OUT and 15/03942/FUL as she is an acquaintance of one of the applicant's family members.

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**98. Public Question Time (Agenda Item 3)**

There were no questions from members of the public.

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**99. Planning Applications 14/02554/OUT and 15/03942/FUL - Land at Upper Mudford, Primrose Lane, Yeovil, Somerset (Agenda Item 4)**

**14/02554/OUT:** Outline planning application for up to 765 dwellings (C3); 65 bed Care Home; 2.02ha of employment land (B1); Community Building; Neighbourhood Centre comprising up to 1000m2 retail, (A1, A2,A3, A5) and a Health Centre (D1); new means of access to A359 and to Lyde Road; Master Plan layout, (roads; landscaping; drainage) and associated off site works.

**15/03942/FUL:** Engineering works to create two attenuation basins and a landscape buffer to support application 14/02554/OUT

At the beginning of the presentation, the Senior Planning Lawyer wished to remind the Committee that although members had already attended the Area South and East Committee's earlier today that they consider these applications with an open mind, taking into account the officer's report and presentation, public comments and issues raised at these earlier meetings.

The Senior Planning Adviser introduced the report and informed members that he would not be giving a further officer presentation on these applications as all members of this committee had attended the earlier Area South/Area East committees and heard his detailed presentation in full. **Please see fuller details of the officer presentation in the Minutes for Area South Committee 29-10-19**

He reminded members of the recommendations already made by the Area South and Area East Committee earlier in the day. These were as follows:

***Area South Committee resolved to:***

**14/02554/OUT – APPROVE as in Officer Report, subject to:**

Additional Condition

The Community Hall land shall be transferred to at no cost to SSDC on the completion of the legal agreement, the issuing of the decision notice and the triggering of the planning permission, and no occupation of any of the scheme's dwellings until the infrastructure for the access and operation of the Community Hall, (including drainage, road, footways, cycle paths, utilities and services) is in place and operational, including those for the purposes of constructing the Community Hall.

**Reason:** To support the early development of an integrated joint neighbourhood centre for Wyndham Park and the proposed Mudford Urban Extension, in line with policy YV2 of the Local Plan.

Additional Informative

In line with Condition 10, the developer is advised to submit development and design details incorporating "bird boxes" for all homes with gardens.

**15/03942/FUL – APPROVE as in Officer Report, subject to:**

Amended Condition

**DEVELOPMENT START TIMESCALE:** The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission.

**Reason:** In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Area East Committee resolved to:**

**14/02554/OUT and 15/03942/FUL – REFUSE both applications for the following reasons:**

- a) **Sustainability:** The proposal fails to suitably address concerns relating to Climate Change by not demonstrating how mitigation and adaptation will be delivered, contrary to Local Plan policy EQ1 and the SSDC Environment Strategy. In addition there is no evidence that the development will be developed to the “highest sustainability objectives” as required by Local Plan policy YV2.
- b) **Sustainable Transport:** The proposal fails to deliver at least 30% of travel originating from the Yeovil North Eastern Sustainable Urban Extension site, by “non – car” modes, contrary to Local Plan policy YV5.
- c) **Flooding:** The proposal lies to the south of Mudford village, a village on lower ground and known to flood. The proposal has failed to satisfy concerns that the flood risk is not to be increased in Mudford village and there is a lack of agreeable detail regarding management and maintenance of attenuation features, contrary to NPPF.
- d) **Ground Contamination:** Given the location of the site, the nature and form of the development may not mitigate the ground contamination, (possible anthrax), for which the site has been tested, and therefore could pose an unacceptable risk to public health and safety, contrary to policy EQ7 Pollution Control in the Local Plan.
- e) **Landscape and Visual Amenity Impact:** The location and form of development presents a substantial development on the site’s slope contrary to paragraph 6.32 of the Local Plan. The development will be detrimental to views of the site from the north by removing the rural landscape and the contained urban edge of the Yeovil settlement.

The Lead Specialist – Planning highlighted to Regulation members the importance of the current Local Plan and should members be minded to refuse this application it would prejudice SSDC’s 5 year land supply and put SSDC in worse position in terms of being able to positively plan for development in the District, where councillors and the Local Plan would like them to go.

In response to questions the Lead Specialist – Planning and Senior Planning Advisor advised members that:

- This site is within the current local plan and is accepted as a site for development and therefore would be difficult to defend at appeal should members be minded to refuse the application.

- Appreciate the concern regarding the reduction in affordable homes, however this scheme provides some affordable housing in what is a viable scheme for all parties and would allow the delivery of the much needed community facilities.
- Should the application be refused then no affordable housing would be delivered, therefore there is a balance for all.
- There is some employment land contained within the proposed scheme, which is there to support the concept of sustainable communities.
- Should the developer at any time wish to change this to residential a further planning application would have to be submitted and considered by the planning authority.
- Community Infrastructure Levy (CIL) Regulations did not apply to Urban Extensions since the Local Plan formally set out a whole range of on site and off site community infrastructure that UEs had to provide, (in lieu of a CiL contribution for each home).
- Whilst it was impossible to guarantee “no anthrax”, all tests to date had proved completely negative and the foremost national public authority on such risks was saying the risk was extremely low and that subject to a normal precautionary planning condition the site was safe for development.
- Appreciate concerns raised regarding the impact and statutory responsibility on the surrounding heritage assets, and although there will be an impact, it is not considered to be significant.
- Confident the views from the north are not severely impacted by the development, in addition to the planned benefits from the development.
- Funding will be provided for the ‘bus extension’.
- Viability – the scheme has been reviewed several times. The amount of affordable housing has been increased to 15%, but is still not policy compliant. During negotiations, the scheme had to contend with a doubling of funding requests from SCC Education. The developer/landowner has accepted a lower existing land value and a lower development value. Officers felt the scheme was now marginally viable and a good balance between viability and policy delivery had been presented to Committee. This marginal position meant that a review/clawback was not supported if SSDC wanted to see this scheme go ahead.

Dr T Brookes of Public Health England also responded to members that it would be extremely rare for people to be affected by inhalation. No known cases of anthrax from the “development land process”. All cases in recent past from imports of cattle feed or cattle hide – not from “burial sites” and to date no burial site found on Mudford site.

A representative from Mudford Parish Council then addressed the committee and said that members should look at the cumulative impact of this scheme and believed there were additional grounds to reject this application.

A member of the public also spoke in objection to the application and believed the data used by the Highways authority was ‘out of date’. He also felt there was a lack of understanding regarding the Anthrax issue to make an informed decision and that there were still many issues that required answers before consideration of this application.

During a short discussion, a member then proposed which was subsequently seconded that the application be refused for the following reasons:

1. Lack of Affordable housing levels.
2. Sustainable Transport contrary to YV5

### 3. Landscape and Visual Amenity Impact

The Chairman noted this proposal and explained it would be taken first when put to the vote. He then invited members for further comments. These included the following:

- Questioned the development start timescale and why different for each application, this should be 5 years in line for both.
- Requested that should the application be approved, an informative be included to advise the developer to incorporate 'bird boxes' within the development.
- Satisfied with the expert's opinion on the anthrax issue and think the risk here is minimal.
- Appreciate the concerns raised, however believed a compromise has been met as affordable housing requirement is much needed.
- Believe the benefits of the scheme will outweigh the disadvantages.
- Believe the proposal is a good sustainable development with plenty of open space.
- Yeovil takes the brunt of most development in South Somerset.
- The proposal would have a negative impact on the landscape and the visual impact would be visible for miles.
- The proposal would result in a huge loss of green fields.
- The proposal would lead to an increase in traffic and increased pollution and contrary to the climate change emergency.
- Other smaller towns within the district have recently taken a lot of housing development.
- Unhappy with the amount of proposed affordable housing as there is evidence for a higher level and therefore this application does not support the best deal.
- The proposal fails to deliver appropriate transport links to the town with little employment land, this makes for an unsustainable development.

Following discussion, a short adjournment was taken to allow officers to substantiate possible reasons for refusal, to enable the vote, the Senior Planning Advisor read out the proposed reasons for refusal as follows:

1. Lack of affordable housing contrary to the Policy YV2 which set out 30% as the target
2. Sustainable Transport: The proposal fails to deliver at least 30% of travel originating from the Yeovil North Eastern Sustainable Urban Extension site, by "non – car" modes, contrary to Local Plan policy YV5.
3. Landscape and Visual Amenity Impact: The location and form of development presents a substantial development on the site's slope contrary to paragraph 6.32 of the Local Plan. The development will be detrimental to views of the site from the north by removing the rural landscape and the contained urban edge of the Yeovil settlement.

On being put to the vote this was lost by 5 in favour, 8 against and 0 abstentions.

Following a further discussion it was then proposed and subsequently seconded to approve application 14/02554/OUT as per the officer's recommendation as set out in the agenda report and to include the following as proposed by the Area South Committee:

- A clause within the legal agreement and additional condition to support the early development and completion of the community hall
- Informative regarding the inclusion of 'bird boxes' within the scheme.

On being put to the vote this was carried by 8 votes in favour, 4 against and 1 abstention.

A second vote was then taken that planning application 15/03942/FUL be approved as per the officers recommendation as set out in the agenda report and to include the amended condition regarding the development start timescale. On being put to the vote this was carried by 8 votes in favour, 4 against and 1 abstentions.

## **RESOLVED:**

That Planning applications **14/02554/OUT** and **15/03942/FUL** be GRANTED permission subject to the following:

- 1. SUBJECT TO NO HOLDING DIRECTION FROM THE SECRETARY OF STATE**
- 2. SUBJECT TO A SIGNED S106 AGREEMENT** with the Applicant and all those with an interest in the land to secure the matters referred to in the Heads of Terms set out in **SECTION 3 of the report and Appendix 1** with authority delegated to the lead specialist of the council to negotiate the planning obligations (which authority shall include the ability to secure the heads of terms through other mechanisms (e.g. conditions or s278 Agreements), where appropriate.

### **17.1 GRANT PERMISSION FOR APPLICATIONS NO. 15/03942/FUL AND 14/0255/OUT FOR THE FOLLOWING REASON:**

The 2 proposals relates to the north east Yeovil allocated Sustainable Urban Extension site in the South Somerset Local Plan 2006-28, (Policy YV1, 2 and 5 – Yeovil Sustainable Urban Extensions). It is considered that the proposed two schemes would provide a sustainable development with good access to a range of services and facilities. It will make an important contribution towards meeting the district's housing needs, including 15% affordable housing. It would provide a safe means of vehicular and pedestrian access, would not adversely harm residential amenity, ecology or the local landscape and would satisfactorily mitigate for surface and foul water drainage. The proposal is in accord with SD1, SS1, SS3, SS4, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4 and YV2 and 5 of the adopted South Somerset Local Plan, the Core Planning Principles and Chapters 2, 4, 5, 6, 8, 9, 12, 15 and 16 of the National Planning Policy Framework 2019

### **17.2 SUBJECT TO THE FOLLOWING PROPOSED CONDITIONS FOR EACH SEPARATE APPLICATION & PLANNING INFORMATIVES:**

#### **CONDITIONS FOR 14/02554/OUT**

- A. General Conditions**
- B. Site Wide Pre Commencement Conditions for Development of Any Plot**
- C. Conditions to Accompany any Reserved Matters Application for Each Phase of Development**
- D. Instructive Conditions**

#### **A. General Conditions**

1. Development Start Time
2. Reserved Matters
3. Phasing Programme
4. Reserved Matters Timescale
5. Plans List and Land Use Permissions

**B. Site Wide Pre - Commencement Conditions for Development of Any Plot**

6. Design Principles
7. Foul Sewage Infrastructure
8. Drainage and Surface Water
9. Land Contamination
10. Landscape and Ecological Management Plan (LEMP) & the Biodiversity Net Gain Strategy
11. Sustainable Construction and Minimising Carbon Emissions

**C. Conditions to Accompany any Reserved Matters Application**

12. Adherence to Design Principles
13. Adherence to Designs for a) Foul Sewage and b) Drainage and Surface Water
14. Adherence to Designs for Sustainable Construction and Minimising Carbon Emissions
15. Adherence to Designs for Land Contamination Mitigation
16. Adherence to Designs for Landscape and Ecological Management Plan & the Biodiversity Net Gain Strategy
17. Construction Environmental Management Plan
18. Archaeology
19. Estate Roads
20. Electric Vehicle Charging
21. Parking and Turning Areas to be kept clear
22. Disposal of Highway Surface Water
23. Tree and Hedgerows
24. Landscaping
25. Noise
26. Bats – Lighting Design

**D. Instructive Conditions**

27. Infrastructure – Broadband
28. Wildlife Survey and Support
29. Pre – Occupation and Highways
30. On Site Parking Provision

**E. Additional Condition**

31. Community and Sports Hall

**CONDITIONS for 15/03942**

1. Development Start Timescale
2. Plans List

#### INFORMATIVES for 14/02554/OUT and 15/03942

01. Conditions
02. Approved Drawings
03. Highway Works
04. Environment Agency
05. Sustainable Urban Drainage (SUDS)
06. Drainage
07. Surface Water Attenuation
08. Soakaways
09. Flood Prevention
10. Foul Flow
11. Minimising Light Pollution
12. Slow Worms
13. Hedgerows, Trees and Scrub
14. Ecological Clerk of Works
15. Electricity Supply
16. Noise Management
17. S106 Agreement
18. Fires
19. Highway Legal Agreement
20. Lyde Road/Mudford Hill Junction
21. Traffic Regulation Orders
22. Pre Application and Public Engagement Process

#### ADDITIONAL INFORMATIVE

23. Bird Boxes

#### CONDITION DETAILS FOR 14/02554/OUT

##### A. General Conditions

1. **DEVELOPMENT START TIMESCALE:** The development hereby permitted shall be begun either before the expiration of **5 years** from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason:** To enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015.

2. **RESERVED MATTERS:** Details of appearance, layout, scale and landscaping, (hereinafter called “the reserved matters”) for each phase or part thereof, shall be submitted to and approved in writing by the local planning

authority before the development takes place on the relevant phase and the development shall be carried out as approved.

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

**3. PHASING PROGRAMME:** The development hereby approved shall not be commenced until a written programme, (showing the phasing of the development; the anticipated timings for the submission of Reserved Matters Applications, and the commencement of each phase), has been submitted to and approved in writing by the local planning authority. Any subsequent changes to the agreed programme of phasing shall be submitted to and approved in writing by the local planning authority.

**Reason:** As required by Section 92(2) of the Town and Country Planning Act 1990. (Outline Planning Permission only is granted in accordance with the application submitted).

**4. RESERVED MATTERS TIMESCALE:** Prior to commencement of development of any phase or part thereof, an application for the approval of reserved matters for each phase, or part thereof, shall be submitted to and approved in writing by the local planning authority in accordance with the scheme of phasing agreed under condition 3 and each of the phases shall be completed in accordance with the phasing programme unless otherwise agreed in writing with the local planning authority. In the case of any reserved matter, all applications for approval must be made not later than the expiration of fifteen years beginning with the date of the grant of outline planning permission.

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

**5. PLANS LIST & LAND USE PERMISSIONS:** Outline planning permission is hereby granted for:

- a) Up to 765 dwellings (C3)
- b) Care Home with up to 65 bed spaces
- c) Up to 2.02ha of employment land (B1)
- d) Community Building
- e) Neighbourhood Centre comprising up to 1000m<sup>2</sup> retail, (A1, A2, A3, A5)
- f) Health Centre (D1)
- g) Associated on-site and off - site works

The development hereby permitted shall be carried out in general accordance with the following approved, illustrative plans:

- Illustrative Master Plan (1616\_2004 M)
- Land Budget & Density Plan (1616\_2002 J)
- Green Infrastructure Plan (1616\_2003 B)
- Scale Parameters Plan (1616\_2008 B)
- Landscape Strategy (CSa/2023/108E)
- Movement Parameters Plan (1616\_2010 E)

Detailed planning permission is hereby granted for the new means of access from the site to A359 and to Lyde Road, in general accordance with the following approved, detailed plans:

- Proposed Site Access (A359 Mudford Hill) – Roundabout General Arrangement (13916-C002)
- Proposed Vehicular Access and Signal Controlled Crossing on Lyde Road (13916-SKT02 E)
- Development Block A – Primrose Lane West Access General Arrangement (13916/T14 A)
- Primrose Lane/Spine Road Junction and Turning head (13916/SKT04 A)

**Reason:** As required by Town and Country Planning Act 1990, and in order to ensure compliance with the plans hereby approved. (Outline Planning Permission only is granted in accordance with the application submitted), except for the means of access which is not a reserved matter.

#### **B. Site Wide Pre - Commencement Conditions for Development of Any Plot**

**6. DESIGN PRINCIPLES:** Prior to the commencement of any development, a set of Design Principles shall be submitted to and approved in writing by the Local Planning Authority. These principles shall be formulated broadly in accordance with the aims and objectives of the Primrose Lane, Upper Mudford Design and Access Statement and the Illustrative Masterplan drawing nos.1614-2004-Rev M, both submitted with the outline application and shall include the following details:

(a) **MOVEMENT:** The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, (on site and off site links), setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking, (including a parking strategy i.e. numbers of parking spaces and types).

(b) **LAYOUT:** The proposed layout, use and function of green and open space within the development.

(c) **PARKING:** The approach to and design principles applied to car parking (on street and off-street), disabled parking and cycle parking.

(d) **URBAN STRUCTURE:** Phased layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings, key frontages and key groups.

(e) **PUBLIC REALM & LANDSCAPING:** The design approach for areas within the public realm including landscaping and hard surface treatments, public and private lighting, street trees, boundary treatments, street furniture, sports facilities and play equipment including an explanation of how the design approach and layout will achieve the proposed mitigation as set out in Chapters 7 and 8 of the submitted Environmental Statement.

(f) **SERVICES:** Servicing, including utilities, (gas, electricity, water, broadband), and the design for the storage and collection of waste and recyclable materials.

(g) **MATERIALS:** External materials, to include a palette of wall and roof finishes, windows, doors, porches, heads, cills, chimneys, eaves, verges, rainwater goods and the public realm.

(h) **SAFETY & ACCESS FOR ALL:** These will be the design principles that will be applied to the development to encourage security, community safety and equal access to homes, buildings and public realm. Equal access is particularly important for the infirm and disabled.

Thereafter any application for the approval of reserved matters shall comply with the approved Design Principles, unless otherwise varied in writing by the Local Planning Authority

**Reason:** To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015 and EQ2 of the South Somerset Local Plan.

**7. FOUL SEWAGE INFRASTRUCTURE:** No development in any phase shall commence until works for the disposal of foul sewage from that phase or any part thereof, have been provided, in accordance with details first submitted to and approved in writing by the local planning authority.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** To ensure that the development is adequately drained in accordance with the aims and objectives of Policy EQ7 of the South Somerset Local Plan (adopted March 2015) and the provisions of the NPPF.

**8. DRAINAGE & SURFACE WATER:** No development shall take place until details of a strategy for sustainable surface water and ground water drainage, (including temporary drainage provision during construction), and mechanisms for ongoing maintenance and management has been submitted to and approved in writing by the Local Planning Authority (LPA). No development on any individual phase shall take place until details of sustainable surface water and ground water drainage, (including temporary drainage provision during construction, for that phase to accord with the submitted Flood Risk Assessment dated January 2015 have been submitted to and approved by the LPA. The development shall be carried out in accordance with the above approved details and the surface water drainage infrastructure shall be retained and maintained as such thereafter.

Where attenuation for a particular phase is to be provided by the basins approved by 15/03942/FUL, no development shall take place until the relevant attenuation basin has been constructed.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan (adopted March 2015) and the provisions of the NPPF

**9. LAND CONTAMINATION:** The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing. And once approved, testing, assessment, development and mitigation shall be carried out in accordance with the approved details:

- i) A scheme of further investigation, (to a depth of 2m), of the soils encountered in Trial Pit T5 reported on by Forge Environmental in their Supplemental Report of PRI006.D/SAR/003 Rev A (Aug 2018) and referred to in the Public Health England letter to Forge Environmental Management Ltd on 19-2-18
- ii) Prior to the commencement of development in each phase or part thereof the full depth of topsoil will be stripped and stockpiled. If any evidence of significant ground disturbance is identified this will be further investigated in accordance with the methodology set out in Para 3.2 of Forge Environmental Supplemental Report PRI006.D/SAR/003 Rev A (Aug 2018), and additionally by a method submitted to and approved in writing by the Local Planning Authority and in accordance with BS10175 2013
- iii) A scheme of mitigation to avoid risk of pollution of water courses and ground water that may be affected, including off site adjoining land, in incidents of heavy rainfall and/or flooding.
- iv) If during the works on each phase contamination is encountered, (e.g. including signs of burning, odour, staining of the soil, unusual coloration or soil conditions, or animal remains from the past) which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority. This must be reported to the LPA immediately, (within 14 days) and all development work suspended.
- v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved in writing by the Local Planning Authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the report, together with the necessary documentation detailing what waste materials have been found and removed from the site, and how all waste material has been safely dealt with on or off site.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** To ensure that actual or potential land contamination has been investigated and any associated environmental risks have been assessed and mitigated in accordance with the aims and objectives of Policy EQ7 of the South Somerset Local Plan (adopted March 2015).

**10. LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY:** A LEMP (referred to in paragraph 8.5.14 Chapter 8 Environment Statement), shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include the following:

- a) How the Construction Environmental Management Plan - CEMP and the LEMP will be integrated
- b) Description and evaluation of the biodiversity features post “whole site development” will be developed, maintained and managed for 30 years once the final phase of development is completed. This will also include LEMP Aims and Objectives and the Biodiversity Net Gain Strategy
- c) Ecological trends and constraints on site that might influence management.
- d) Preparation of an indicative work schedule (including an annual work plan capable of being rolled forward) and how this will be monitored and developed
- e) The LEMP will cover at least the habitat and landscape design and management of the new development, that is needed to promote bats; badgers; birds; dormice; otters; invertebrates; reptiles; key plant species and pollinators.
- f) The LEMP shall 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.

In particular the “Details of the LEMP & Biodiversity Net Gain Strategy” shall set out protection and mitigation details relating to the following key species:

- **BADGERS:** Anticipated timetable for the carrying out of any mitigation required, and if necessary the details of new sett requirements and foraging habitat, following any closure of any existing setts.
- **BATS - TREES:** A survey by a competent person, at an appropriate time of year to establish if bats are present in the existing trees within the relevant phase which have been approved to be felled. The survey, together with any proposed mitigation strategy shall be submitted and approved prior to any felling or works to the trees.
- **REPTILES**
- **DORMICE**
- **BIRDS,** (including swifts and swallows)
- **POLLINATORS**

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reasons:** In the interests of European and UK protected and priority species and in accordance with policies EC7, EC8 and EQ4 of the South Somerset Local Plan, in order to:

- to protect badgers, their habitat and setts from damage or disturbance during development operations bearing in mind the animal and its setts are specially protected through the Protection of Badgers Act 1992;
- to protect and safeguard slow worms which have been identified on part of the site and which are specially protected under Section 9(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended), and
- to protect dormice and their habitat from damage or disturbance bearing in mind that the dormouse is included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1991 (as amended) and the Conservation (Natural Habitats & Countryside) Regulations 1994 and 2017.

#### **11. SUSTAINABLE CONSTRUCTION & MINIMISING CARBON EMISSIONS:**

Prior to the commencement on site, a “Review Addressing Climate Change in South Somerset Policy EQ1 (RACCSS)” for the whole site, will be produced which sets out how the development proposes to address the following measures set out in Policy EQ1 within the viability parameters already established by the viability appraisal produced for this the outline application:

- Minimisation of Carbon Dioxide emissions through energy efficiency; renewable and low carbon energy solutions
- Minimisation of Flood Risk and maximisation of Water Conservation
- Solar orientation, maximising natural shade and cooling, water efficiency and flood resilience in addressing the impact of Climate change
- How the impact of climate change may affect the measures proposed to enhance the biodiversity of the site.

The scheme (s) once approved shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** in the interests of address climate change and reducing carbon emissions in accordance with policy EQ1 of the South Somerset Local Plan.

### **C. Conditions to Accompany any Reserved Matters Application**

**12. ADHERENCE TO DESIGN PRINCIPLES:** A “Statement of Adherence” shall be submitted as part of any Reserved Matters application.  
Adherence to **Condition 6 DESIGN PRINCIPLES**

The Statement of Adherence and scheme (s) once submitted in writing to and approved by the Local Planning Authority, shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015 and EQ2 of the South Somerset Local Plan.

**13. ADHERENCE TO DESIGNS FOR A) FOUL SEWAGE INFRASTRUCTURE and B) DRAINAGE & SURFACE WATER:**

Prior to the development of any phase or part thereof, a “Statement of Adherence” shall be submitted in writing and approved by the Local Planning Authority as part of any Reserved Matters application.

Adherence to **Conditions 7 and 8 FOUL SEWAGE INFRASTRUCTURE DRAINAGE & SURFACE WATER.**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** To ensure that the development is adequately drained and to prevent flooding by ensuring the satisfactory storage of/disposal of foul and surface water from the site. In accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan (adopted March 2015) and the provisions of the NPPF

**14. ADHERENCE TO DESIGNS FOR SUSTAINABLE CONSTRUCTION & MINIMISING CARBON EMISSIONS:**

Prior to the development of any phase or part thereof, a “Statement of Adherence” shall be submitted in writing to and approved by the Local Planning Authority as part of any Reserved Matters application.

Adherence to **Condition 11. SUSTAINABLE CONSTRUCTION & MINIMISING CARBON EMISSIONS.**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** in the interests of address climate change and reducing carbon emissions in accordance with policy EQ1 of the South Somerset Local Plan.

**15. ADHERENCE TO DESIGNS FOR LAND CONTAMINATION MITIGATION:**

Prior to the development of any phase or part thereof, a “Statement of Adherence” shall be submitted in writing to and approved by the Local Planning Authority as part of any Reserved Matters application.

Adherence to **Condition 9. LAND CONTAMINATION**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reason:** To ensure that actual or potential land contamination has been investigated and any associated environmental risks have been assessed and

mitigated in accordance with the aims and objectives of Policy EQ7 of the South Somerset Local Plan (adopted March 2015).

**16. ADHERENCE TO DESIGNS FOR LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY:** Prior to the development of any phase or part thereof, a “Statement of Adherence” shall be submitted in writing to and approved by the Local Planning Authority as part of any Reserved Matters application.  
Adherence to **Condition 10. LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY.**

The approved Statement of Adherence and scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by the Local Planning Authority.

**Reasons:** In the interests of European and UK protected and priority species and in accordance with policies EC7, EC8 and EQ4 of the South Somerset Local Plan, in order to:

- to protect badgers, their habitat and setts from damage or disturbance during development operations bearing in mind the animal and its setts are specially protected through the Protection of Badgers Act 1992;
- to protect and safeguard slow worms which have been identified on part of the site and which are specially protected under Section 9(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended), and
- to protect dormice and their habitat from damage or disturbance bearing in mind that the dormouse is included on Schedule 5 and fully protected under Section 9 of the Wildlife and Countryside Act 1991 (as amended) and the Conservation (Natural Habitats & Countryside) Regulations 1994 and 2017.

**17. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP):** No development shall take place on any phase or part thereof, until a Construction Environmental Management Plan (CEMP) for that part of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall include construction vehicle movements, construction operation hours, and construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors together with measures to prevent the emission of dust, mud, slurry, and other debris on the highway and for the mitigation of other construction impacts, (including lorry wheel washing). The CEMP will also include physical measures and sensitive working practices to avoid unnecessary biodiversity and wildlife disturbance and destruction and shall be based on the mitigation measures set out in Chapter 8 of the submitted Environment Statement (ES). These will be measures that will support the post development “Landscape & Ecological Management Plan” described in paragraph 8.5.14 of ES Chapter 8, (and referred to in Conditions 10 and 16 above). If appropriate an ecological clerk of works will be used to oversee biodiversity and wildlife protection during construction. If appropriate the CEMP may include registration with the “Considerate Constructor Scheme”. All development shall then be carried out strictly in accordance with the approved Construction Environmental Management Plan, which shall be based on the mitigation measures set out in Chapter 8 of the submitted Environment Statement

**Reason:** To minimize the impact of construction activities on local residents to accord with Policies TA5, EQ2 and EQ7 of the South Somerset Local Plan (adopted March 2015).

**18. ARCHAEOLOGY:** No development shall take place on any phase or part thereof, unless the implementation of a programme of archaeological work involving further evaluation and subsequent mitigation has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of preserving the archaeological interests to accord with the 2006-28 South Somerset Local Plan.

**19. ESTATE ROAD DETAILS:** For each phase or part thereof the proposed estate roads, footways, footpaths, public rights of way, (footpath and bridle ways), cycle ways, tactile paving, bus stops/bus lay-bys, verges, junctions, street lighting, (for residential, commercial and open space areas), 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 provision & spaces and street furniture - shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before any construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, facility specifications and method of construction shall be submitted in writing to and approved by the Local planning authority.

**Reason:** In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

**20. VEHICLE ELECTRIC CHARGING POINTS:** Prior to first occupation of the dwellings in a phase, or part thereof, hereby permitted, provision will be made for electric vehicle charging points, of at least 16 amps, for each dwelling adjacent to their designated parking spaces or garages or in communal charging areas shown on the approved plan. Sufficient provision for at least one electric vehicle charging points per dwelling shall be provided in this way.

The scheme (s) shall be implemented in accordance with the approved details, the relevant phase (s) and in accordance with the anticipated timetable agreed unless otherwise varied in writing by 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.

**21. PARKING AND TURNING AREAS KEPT CLEAR:** Within the phase which includes the Local Centre an area shall be allocated for parking and turning on the submitted plans and, once details have been approved, these areas shall be constructed in accordance with the approved plans and thereafter shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

**Reason:** In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

**22. DISPOSAL OF HIGHWAY SURFACE WATER:** Within each phase or part thereof provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

**Reason:** In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

**23. TREES & HEDGEROWS:** All existing trees, hedges or hedgerows shall be retained where possible, unless shown on the detailed drawings approved as part of the reserved matters as being removed or relocated. All trees, hedges and hedgerows on any phase or part thereof of that part of the site being developed shall be protected from damage for the duration of works on that area to the satisfaction of the local planning authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of trees, hedges or hedgerows removed without the local planning authority's consent or which die or become, in the opinion of the local planning authority, seriously diseased or otherwise damaged within 5 years following contractual practicable completion of the relevant approved phase of development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the local planning authority.

**Reason:** To ensure that hedges, hedgerows and trees to be retained are adequately protected from damage to their health and stability throughout the construction period in accordance with Policies EQ2 and EQ5 of the South Somerset Local Plan (adopted March 2015).

**24. LANDSCAPING:** No phase of the development or part thereof hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping for that phase or part thereof, which shall seek to achieve the mitigation measures set out in Chapter 7 of the submitted Environment Statement, 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 buildings in that phase 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 visual amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan (adopted March 2015).

**25. NOISE:** Prior to the erection of the superstructure of any dwelling within a phase or part of a phase within those parts of the site defined as noise sensitive in ES Chapter 12 - Noise and Vibration, a scheme of noise mitigation shall be submitted to and approved by the Local Planning Authority. Any measures identified should be completed prior to the occupation of buildings within the defined noise sensitive area.

**Reason:** To ensure proper planning of properties potentially affected by noise in the interests of amenities of occupiers and in accordance with saved Policy EQ7 of the South Somerset Local Plan (adopted March 2015).

**26. BATS – LIGHTING DESIGN:** Prior to commencement of development of any phase or part thereof, where there is potential for adverse impacts on bats as identified in the submitted Environment Statement, a lighting strategy 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 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

#### **D. Instructive Conditions**

**27. INFRASTRUCTURE – BROADBAND:** Prior to the occupation of any dwelling, the developer will register the site with "Openreach" for new broadband provision. Prior to the occupation of any dwellings within a phase or part thereof, the developer will ensure that the appropriate ducting is provided within that phase.

**Reason:** *In the interests of low carbon travel and the aims of Policy TA1 of the South Somerset Local Plan (2006-2028).*

**28. WILDLIFE SURVEYS AND SUPPORT:** If any phase of the development is to be commenced after a date that is 2 years from the date of this consent, no part of that phase of development shall be carried out unless it has been agreed in writing with the Local Planning Authority whether a further supplemental survey, in respect of that part, shall be commissioned in respect of any wildlife

survey over two years old at the time of commencement. Should such a survey be required then any mitigation requirements that may be identified by it shall be fully implemented.

**Reason:** In order to protect legally protected species in accordance with Policies EC7 and EC8 of the South Somerset Local Plan (adopted March 2015).

**29. PRE – OCCUPATION & HIGHWAYS:** 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 order to ensure that adequate access arrangements exist for each building prior to occupation

**30. ON SITE PARKING PROVISION:** The areas allocated for parking shall be properly consolidated before the building(s) to which they relate are first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

**Reason:** In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan (adopted March 2015).

#### **ADDITIONAL CONDITION**

**31. COMMUNITY & SPORTS HALL:** The Community Hall land shall be transferred to SSDC on the completion of the legal agreement, the issuing of the decision notice and the triggering of the planning permission, and no occupation of any dwellings until the infrastructure for the access and operation of the Community Hall, (including drainage, road, footways, cycle paths and services) is in place and operational, including those for the purposes of constructing the Community Hall.

**Reason:** To support the early development of an integrated joint neighbourhood centre for Wyndham Park and the proposed Mudford Urban Extension, in line with policy YV2 of the Local Plan.

#### **CONDITION DETAILS for 15/03942**

- 1. DEVELOPMENT START TIMESCALE:** The development hereby permitted shall be begun before the expiry of **five** years from the date of this permission.

**Reason:** In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **PLANS LIST & APPROVED DEVELOPMENT:** The development hereby permitted for 2 attenuation ponds and associated landscaping and infrastructure, shall be carried out in accordance with the following approved plans and documents:

- Illustrative Master Plan (1616\_2004 M)
- Flood Risk Assessment (submitted 15<sup>th</sup> September 2015)
- General Arrangement of Attenuation Pond 1 (13916-C101 E) (submitted 7<sup>th</sup> September 2018)
- General Arrangement of Attenuation Pond 2 (13916-C102 E) (submitted 7<sup>th</sup> September 2018)
- Pond Catchment and Phasing Plan (13916-C107 A) (submitted 7<sup>th</sup> September 2018)
- Proposed Fill Area Plan Layout and Sections (13916-C104 A) (submitted 7<sup>th</sup> September 2018)
- Landscape Strategy (CSa/2023/108 E) (submitted 10<sup>th</sup> May 2019)

**Reason:** As required by Town and Country Planning Act 1990, and in order to ensure compliance with the plans hereby approved.

#### **INFORMATIVES for both 14/02554/OUT and 15/03942/FUL**

01. **CONDITIONS:** You are advised that for the purposes of the conditions set out above, the term 'commencement' shall be taken as defined in the S106 which accompanies this application, wherein 'commencement' is defined.

02. **APPROVED DRAWINGS:** You are advised that for the purposes of the above conditions the term 'approved drawings' takes the meaning of those to be approved under any subsequent Reserved Matters together with the base plans set out at Condition 5 and the Environmental Statement, whichever is the later to be approved.

03. **HIGHWAY WORKS:** In regard to the highway works, the applicant is advised to contact the Highway Authority as soon as practicable in order that the appropriate legal agreement can be completed prior to the commencement of highway works.

04. **ENVIRONMENT AGENCY:** You are advised to consult the Environment Agency in respect of any discharge.

05. **SUSTAINABLE URBAN DRAINAGE SYSTEMS (SUDS):** It is recommended that the developer(s) investigate the use of SUDS for surface water drainage on this site, in order to reduce the rate of run-off and to reduce pollution risks.

06. **DRAINAGE:** Provision must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected. In addition the development must not adversely affect any legal water interests in the area, including wells, springs and private abstract.

07. **SURFACE WATER ATTENUATION:** The proposed surface water attenuation ponds will be designed to be continued to be grazed. If given this purpose there are also ways they could be used to provide a wetland habitat, the LPA would support this. You are advised to contact the local planning authority ecologists about the detailed design.
08. **SOAKAWAYS:** Only clean, uncontaminated surface water from roofs and paved areas shall be discharged to any soak away or swale.
09. **FLOOD PREVENTION:** You should ensure that the proposal does not affect any flood defenses and you should consult the Lead Local Flood Authority in this respect.
10. **FOUL FLOW:** In terms of foul flow the development will be unable to gravitate to the anticipated connection point and will require an on-site pumping station. You are advised to consult the Environment Agency and Wessex Water at the earliest opportunity.
11. **MINIMISING LIGHT POLLUTION:** Any floodlighting shall take the form of Full Cut-off (FCO) lighting, set at 90 degrees to the ground. Any such lighting should minimise shedding light into wildlife habitats and nearby housing.
12. **SLOW WORMS:** Any slow worm survey that may be required should include: methods for the safe trapping and translocation of slow worms from areas where they are likely to come to harm from construction activities, identification of refuge or reception areas, the provision of protection to those areas, and methods for preventing slow worms re-entering the areas from which they have been translocated.
13. **HEDGEROWS, TREES & SCRUB:** You are advised that the removal of hedgerows, scrub and trees must be timed to avoid the bird nesting season (March-September) in order to comply with the Wildlife and Countryside Act 1981 (as amended).
14. **ECOLOGICAL CLERK OF WORKS:** You are recommended to consider retaining an "Ecological Clerk of Works" to oversee the implementation of works in relation to wildlife to accord with the law, British Standards and good practice.
15. **ELECTRICITY SUPPLY:** You are advised to contact Scottish and Southern Electricity, Yeovil in respect of electricity supply, installation of underground cables and provision of new on-site electricity sub-stations together with off-site works.
16. **NOISE MANAGEMENT:** In the interest of good practice it is recommended that noise levels for the scheme should aim to achieve Leq 16 hr: 50 and 55dB in outdoor living areas. For indoor living areas during the night time (23.00 - 07.00hrs) the recommended level is Leq 8hr: 30 dB to prevent sleep disturbance. For indoor areas during the day time (07.00-23.00hrs) a level of Leq 16hr: 40dB is generally acceptable.

17. **S106 AGREEMENT:** Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.

18. **FIRES:** You are advised that no burning of materials should take place where it could cause damage to any tree, tree group or hedgerow retained or planted on the site or adjoining land.

19. **SCC HIGHWAY LEGAL AGREEMENT:** The applicant will be required to enter into suitable legal agreements with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

20. **LYDE ROAD/MUDFORD HILL PRIORITY JUNCTION:** In the interests of financial efficiency it would appear beneficial for the works to install the signalised junction on Lyde Road/A359 Mudford Hill to be a joint scheme between this developer and the developer of the adjacent Wyndham Park site.

21. **TRAFFIC REGULATION ORDERS:** Any amendments to existing highway user rights on any route should be confirmed via an appropriate Traffic Regulation Order prior to works commencing on the routes affected. Undertaking works without the benefit of a suitable Order may constitute a breach of the Highways Act 1980 and appropriate actions will be undertaken by this Authority. In the event of permission being granted, the Highway Authority would recommend that the following conditions are imposed.

22. **PRE APPLICATION & PUBLIC ENGAGEMENT PROCESS:** The applicant is encouraged to enter into early pre application and public engagement on the details of the scheme to help improve the design and delivery of the pre commencement and reserved matters conditions.

#### **ADDITIONAL INFORMATIVE**

23. **BIRD BOXES:** In line with Condition 10, the developer is advised to submit development and design details incorporating “bird boxes” for all homes with garden

## Appendix 2.

### PROPOSED/VOTED ON S106 COMMUNITY BENEFITS LEGAL AGREEMENT - HEADS OF TERMS

Proposed s106 cash contribution is proposed to be £9,648,238, plus an estimated £904,892 for off - site highway works, giving a total s106 package of some £10,553,130. **(Please see Appendix 1 “Viability Assessment and proposed s106/278 Community Benefits” in the SSDC Planning Report 29-10-19).**

**(In addition to the formal s106 package of £10.5m, the following estimated community benefits are also proposed to be provided:**

- **£4.8m for affordable housing (15% - 115)**
- **Community land valued at £9m, (sports pitches land for the primary school at £400k; formal sports pitches valued at £1m and open space and parkland at £7.6m)**
- **Public open space works valued at £1.8m and**
- **Other on site infrastructure works valued at £0.9m)**

**Transfer of the Community/Sports Hall land at no cost to SSDC; make early provision of the Community/Sports Hall cash contribution and ensure early facilitation of safe and constructed access and all services to the Community/Sports Hall land, from The Circle, Wyndham Park, on behalf of SSDC.**

**Community Benefit contributions are proposed under 6 headings: Education; Open Space, Leisure and Play; Community and Culture; Green Infrastructure; Affordable Housing and Highways and Transport.**

**These sums and projects were developed out of a negotiated balance between Local Plan policy requirements, site development costs and projected market values from the provision of 765 homes with different percentages of affordable homes, in different quantities of affordable tenures, (details in Appendix 1 “The Scheme Viability Assessment”). This document was also put out to public consultation.**

**The components of what is known as “Legal Agreement Heads of Terms” are proposed to be as follows:**

#### “3.1 Education

**The £3,400,000 Primary and Pre - School contribution to extend existing primary school at Wyndham Park to create a 14 class school with Preschool facilities. Land will be provided for playing fields and for Primary School to be extended - value £400,000.**

**The £2,684,988 Secondary Education contributions is made up of a payment of £3,509 for each of the 765 dwellings proposed on the site.**

### 3.2 Open Space and Play

The **Public Open Space** Contribution of **£824,400** would comprise:

- £30k for growing/allotments
- £180k for 2 LEAP play areas (£90k each)
- £267,371 for proposed Large Play Area on the boundary between Mudford/Wyndham close to the existing Wyndham Park Primary School
- £47,499 for the proposed Large Joint MUGA. (It is proposed that the £80k MUGA Wyndham s106 is added to the £47,499 to make a budget of £127,499 to create a joint MUGA next to the proposed Mudford Large Play Area. This would still leave £63,691 of Wyndham s106 funds to spend on landscaping for the Wyndham Circus site and the original Wyndham MUGA site).
- £299,530 – Playing pitches

### 3.3 Open Space and Play Commuted Sum

**The Play and Open Space Commuted maintenance and management fund is proposed to be £553,771.**

### 3.4 Highways and Transport

The **Transport** Contribution of **£1,394,750** would comprise:

- £189,750 to fund a travel plan coordinator and travel plans to promote sustainable transport for each home, (details to be agreed as part of any reserved matters scheme)
- £300,000 for a Bus Service contribution,
- £60,000 for Bus stops and shelters,
- £550,000 for the Lyde road cycle project to link the site, Wyndham neighbourhood via Lyde Road to Pen Mill Station and the town centre
- £200,000 for an urban cycle route to the town centre via Runnymede Road/Cavalier Way to community sports facilities, Birchfield School and the town centre.
- £80,000 for the riverside walk/ country park pedestrian and cycle links,
- £10,000 signage for the Mudford village cycle lane route, and
- £5,000 for the cost of the traffic regulation orders.

The total costs of works for **off - site Infrastructure improvements** has been assessed as **£904,892** for the purpose of the viability assessment. These works will include improvements to Mudford Road/ Lyde Road Signal junction, road markings at St Michaels Avenue/ Mudford Road Junction and the pedestrian and cycle access improvements on Lyde Road, Primrose Lane and Runnymede Road.

These are estimated costs. Any s106/s278 agreement that may accompany any agreement to approve, would require the delivery of these works, whatever the costs, within reason.

### 3.5 Strategic Facilities – Community Building and Sustainable Development Innovation Fund

- **£370,329 from the proposed Mudford SUE** to jointly fund a new Community Hall, Sports Hall and Changing Rooms for both the Wyndham Park and Mudford communities. (To this sum it is proposed to add the reserved SSDC allocated £400k capital funding and £299,671 reserved Wyndham Park s106 funds for a community centre. **This would make a Community Buildings fund of £1,000,000).**
- **£150k for a Sustainable Construction and Renewable Energy Innovation Fund.** Should the scheme be approved, the applicant is required to submit a Sustainable Construction condition, and the proposed Fund would be available to the LPA to challenge the applicant's proposals and incentivize sustainable improvements – particularly in renewable energy. A £10k cap for feasibility and assessment work is proposed with the remaining £140k to be allocated to formal incentives and improvements.

### 3.6 Community Projects

- **£15,000** has been allowed for a contribution towards **public art on site**
- **£120,000 for Mudford Parish Council**, to contribute to the following PC highlighted projects: traffic calming; public car park extension and the local cemetery.

### 3.7 Green Infrastructure

The total cost of the works for Green Infrastructure, (NB not part of the proposed cash s106 sums) has been assessed as some **£1,881,635**. These works will include ground modelling, structural landscaping, incidental open space, buffer planting and the landscaped event space. Land will be provided for all these areas.

### 3.8 Affordable Housing (AH)

Of the 765 proposed units, Affordable Housing (AH) is proposed to be 15% and is costed at **£4,809,088**. Total AH units proposed to be provided is 115, comprising 30 social rent; 28 affordable rent; 30 shared ownership and 27 discounted sale.

The affordable housing policy target for the two Yeovil Urban Extensions is 30%, subject to viability considerations. It has been assessed that given all the community benefits required for a new neighbourhood, given the appraised land and development costs and reasonable developer profit and risk - that 15% is a reasonable AH contribution.

Appendix 1 sets out the proposed development's "Viability Assessment". This demonstrates that whilst the SSDC CIL Inspector was prepared to accept a land valuation of £200k per acre for housing land, (equivalent to some 9/10 times more than existing agricultural land values at £20/22k per acre), the current

Mudford proposal seeks a Residual Land Value of £75k per acre – only 3 to 4 times more than existing use value. This demonstrates value for money for the risk of housing development over a 10 year development programme. For this reason, no “housing clawback” s106 element is proposed.

### 3.9 SSSDC s106 Legal Fees

The sum of **£115,000** has been allowed for the cost of local authority fees (County and District) in dealing with the S.106 and the Bonds required for the works. Notwithstanding this estimate the applicant/developer will be required to pay any and all reasonable County/District fees/costs - even if they go above the estimated level of £115k.

And a sum of **£20,000** has been allowed for s106 Monitoring which has been allowed since 1<sup>st</sup> September 2019. A total of £135,000

### 3.10 S106 Trigger Headings

Should planning permission be approved the following infrastructure and community benefits along with appropriate trigger dates and delivery will be incorporated into a S106 agreement:

- i) A395 (Mudford Hill) New Access, Roundabout and Site Spine Road
- ii) Lyde Road New Access and Bus Gate, (including bus gate, pedestrian, cycle, emergency vehicle and turning heads).
- iii) Potential Collingwood Roundabout New Access and Bus Gate: Prior to commencement of development. Details will include pedestrian, vehicle and cycle links from Collingwood Roundabout to the proposed community centre, to the spine road and access for emergency vehicles and buses.
- iv) Primrose Lane Design and “Traffic Calming” (i.e. designs for modifications to the highway layout where Primrose Lane meets the internal spine road).
- v) A359/Lyde Road Junction Improvements, to deliver a “two lane improvement” on all arms, taking appropriate account of the “traffic signalization” scheme at this location and the A359/Combe Street Land new roundabout, (both these latter to improvements, to be provided by the separate Wyndham Park scheme that has been previously approved and subject to a separate s106 agreement).
- vi) A359 and St Michael’s Avenue Junction Improvement comprising a “keep clear” markings.
- vii) Cycle and Pedestrian Network, Links and Crossings - a scheme of pedestrian and cycle improvements, including footways, cycle ways toucan crossings on, adjacent to or approaching Lyde Road and Mudford Hill. These aim to support pedestrian and cycle access between the site and Wyndham Park, Pen Mill Station and the town centre.
- viii) Contributions towards Bus Services; Routes, Infrastructure and Costs
- ix) Residential and Commercial Travel Plans
- x) Affordable Housing
- xi) Community, Health and Leisure: land and financial contributions for community facilities, including community and sports hall; sports

- changing rooms/building and pitches; youth facilities; equipped play spaces
- xii) Open Space and Landscaping: long term maintenance and management regime and retention of 40% open space development component
- xiii) Community and Employment Land: servicing of land
- xiv) Education: land for sports pitches and financial contributions for pre - school, primary and secondary
- xv) Mudford Parish Council
- xvi) Public Art and neighbourhood infrastructure
- xvii) Indexing
- xviii) S106 legal and professional fees
- xix) A "Reallocation of Funds" clause that ensures that should allocated developer funds for community benefits not be required to deliver the benefit, (e.g. "costs less") or because the community benefit would be provided or part provided in a different way or from alternative funding sources, then the original developer funds would be reallocated to a s106 SSDC pot for benefits to this site, to be approved by SSDC.
- xx) Other s106 trigger headings that may be found "necessary, reasonable and related to the site and development" should the application be approved.
- xxi) And - Transfer of the Community/Sports Hall land at no cost to SSDC, and the provision at no cost of safe and constructed access and all utilities and services to the Community/Sports Hall land, from The Circle, Wyndham Park, on behalf of SSDC.

(voting: 8 votes in favour, 4 against, 1 abstention)

**100. Date of Next Meeting (Agenda Item 5)**

Members noted the date of the next meeting.

.....  
 Chairman  
 .....  
 Date