

## South Somerset District Council

**Minutes** of a meeting of the **Special Area South Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil. on Wednesday 18 December 2019.**

(5.00 - 8.35 pm)

### **Present:**

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

Nicola Clark	Wes Read
David Gubbins	David Recardo
Kaysar Hussain	Gina Seaton
Andy Kendall	Peter Seib
Tony Lock	Jeny Snell
Graham Oakes	Andy Soughton



### **Officers:**

Jo Boucher	Case Officer (Strategy & Commissioning)
Simon Fox	Lead Specialist - Development Management
Marc Dorfman	Senior Planning Adviser
Sarah Hickey	Senior Planning Lawyer
Adam Garland	SCC Highways Authority

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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### **148. Apologies for absence (Agenda Item 1)**

Apologies for absence were received from Councillors John Clark, Karl Gill, Mike Lock, Pauline Lock, Alan Smith and Rob Stickland.

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### **149. Declarations of Interest (Agenda Item 2)**

Councillors Gina Seaton and Nicola Clark wished to state that as Coker Ward members for this committee they had attended various parish council meetings where planning application 15/01000/OUT\* has been discussed, they will however consider this application with an open mind.

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### **150. Public question time (Agenda Item 3)**

There were no questions from members of the public.

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#### **151. Chairman's announcements (Agenda Item 4)**

There were no Chairman's announcements.

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#### **152. Reports from representatives on outside organisations (Agenda Item 5)**

There were no reports from representatives on outside organisations.

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#### **153. Planning Application 15/01000/OUT\*\* - Land at Keyford Dorchester Road Yeovil Somerset (Agenda Item 6)**

*15/01000/OUT\**: Outline application for development of Sustainable Urban Extension to comprise up to 800 dwellings, 2.58 hectares of employment land (Use Classes B1), neighbourhood centre (Use Classes A1, A2, A3, A4, A5, D1, D2 and B1), a 65 bed nursing /care home, community hall, health centre, children's nursery, primary school, play areas and formal sports provision and open space and landscaping, drainage infrastructure and associated highway works (GR 355021/114140)

The Senior Planning Advisor introduced the report and referred to the information document that had been circulated to the members of the committee and members of the public, which provided photographic and plan illustrations of the overall outline application.

Notwithstanding this recommendation, he explained that there was a holding direction on the application. Should SSDC support approval, the scheme would need to wait for the Secretary of State to decide if the application was going to be "called in" for a Ministerial decision, (via a public inquiry) or if the Secretary of State was going to allow SSDC to proceed with the approval.

He also clarified further updates to the report, which included:

- Request from the Somerset Ecology Service for an additional ' Walkover Ecology Survey' regarding concerns on the impact from proposed new northern access tree felling.
- Email from the LLFA who confirm they are happy for the scheme to go ahead as long as secured by conditions 6 and 7.
- Further objections had recently been received from East Coker and Barwick and Stoford Parish Council's via a second consultant's report regarding traffic flow, trip rates, northern access Junction and Quicksilver Roundabout.
- Submission received from Councillor Gina Seaton with documentation showing that most of application site is Grade 1 agricultural land.

With the aid of a comprehensive powerpoint presentation, he proceeded to explain the site in detail, covering:-

- Local Plan Allocation of the Keyford Site
- Site Pictures and Views of the site
- Site Design – existing and proposed, including proposed cycle routes and bus gate.
- Key Planning Policies for the Site including :

- Formal Strategic Site Allocation.
- Land uses, Infrastructure and Development Tests including acceptance of 15% proposed affordable housing and 33-40% open green space.
- Policy Guidance YV2 and YV5.
- Key Objections, Officer Responses and Updates including:
  - Highways and Transport including concerns at Keyford, Quicksilver and Horsey Roundabouts and impact on Church Lane. Also concerns regarding proposed Hendford Hill cycle path.
  - Drainage and Flooding
  - Wildlife and loss of Grade 1 agricultural land.
  - Design and Landscape including impact on the character and landscape of the area.
  - Housing, Employment and New Neighbourhood
  - S106 – Community Benefit/Impact

The Senior Planning Advisor also clarified:

- The trees to be removed at the proposed new entrance of the site, confirming no trees would be disturbed with prospective ecology potential.
- Inclusion of the Additional informative as requested by LLFA.
- Objections from East Coker and Barwick and Stoford Parish Council based on traffic flow and trip rates. SSC Highways have re assessed these and conclude that this scheme would, with the appropriate mitigation measures, secured via the Section 106 legal agreement be acceptable in highway terms.

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

In response to questions from Members, the Senior Planning Advisor and Lead Specialist for Planning, SSC Highways Officer advised:-

- Hypothetically, should the application at the Mudford Key site (recently approved) fail following a decision from the Secretary of State, and objections for this site persist in the long term, it would mean the council's five year land supply would remain fragile and housing would have to be distributed elsewhere. Yeovil is the primary settlement for the vast amount of this growth but it would not lead to an increase in density for the keyford site.
- There would be an option to increase the social rent percentage within the scheme if there were changes to the market.
- Noted concerns regarding the proposed cycle paths and agreed in advance of any approval a report will be brought back to committee to consider and approve the design and delivery options for the cycle paths.
- It is a professional view that proposed cycle routes are located in prominent positions.
- Clarified the current position of Policy EQ1 and the forthcoming policy change. Referred to the pre-commencement condition (no.10) to ensure that prior to commencement on site, the developer can identify how they are going to meet the promotional policies of EQ1.
- Appreciate concerns regarding the traffic flow along Church Lane, however after consideration of the transport assessment and in agreement with the SCC Highways believe the increase from the development over a number of years would not significantly impact the use of Church Lane. It was hoped to promote the main routes in particular the A37.

- Noted concern regarding appropriate netting of trees and hedgerows onsite and agreed an amendment to condition 11 to ensure clear and limited use on site.
- Clarified the viability assessment. Officers and the District Valuer, along with the applicant had reduced development land values from £200k an acre, (agreed by CIL Inspector) to well below £100k as compared to existing land values of £8-20k. Even at the revised development land values the scheme could only deliver 15% along with around £10m of community benefits. Officers explained that in their opinion the scheme was close to marginal and the imposition of a “clawback” would only further threaten the 15% affordable element.
- Noted concerns regarding the improvements that are required at the Quicksilver Roundabout, and agreed in advance of any approval, a report will be brought back to committee to consider the type and timing of any proposed improvements.
- In August 2019 it was reported that the Council currently has a land supply of 4.5 years, therefore a deficit of half a year. A new report is not due to be published until August 2020.
- This site has been allocated for development and there are no technical objections on this site.
- Does not envisage any significant noise impact on the nearby hospice and there had been early discussion in the application process with the hospice regarding this proposed development which did not raise any issues.
- No cycle route had been considered at Two Tower Lane.
- Proposed chimney pots are merely cosmetic.
- The original ‘copse buffer’ was once part of the more comprehensive development originally located further west. Once this policy fell away so did the ‘copse buffer’. This scheme now proposes comprehensive landscape improvements as illustrated within the powerpoint presentation.

Representatives from Barwick and Stoford and East Coker Parish Council spoke in objection to the application. Their comments included:

- Traffic flow data is inaccurate and underestimates the traffic generated from the scheme, which is misleading.
- There will be a significant increase in traffic due to access for the neighbourhood centre.
- Traffic growth is natural with bus and cycle use continuing to fall.
- The development would severely impact on the road network with congestion and regular gridlock, which will impact directly on the economy, environment and the safety of road users.
- The development would have a huge impact on road safety in the local area and impact greatly on the villages of East Coker and Barwick and Stoford.
- The improvements to the Quicksilver roundabout should be done now to avoid unnecessary pollution, driver frustration and rat running.
- There should be improvements made to the staggered junction at Little Tarratt Lane and Two Tower Lane to aid driver and pedestrian safety.
- Concern regarding the traffic impact on Church Lane.
- Loss of grade I highly productive agricultural land.
- Huge increase in traffic flow severely affecting the Quicksilver roundabout and road network in the area, having huge implications on the environment and climate change.
- Appreciate some changes that the developer has already made to the scheme and hopes this will continue should the development be approved.

- Concern the increase in traffic will have on listed buildings within Barwick, in particular the Church of St Mary Magdalene and other buildings along Church Lane.
- Need to take seriously the impacts of climate change and the impact this development will have with the loss of valuable grade I agricultural land.

A resident also read out a statement from the local MP Marcus Fysh in objection to the development.

One of the applicant's then addressed the committee. His comments included:

- It is a key priority to retain the existing green character and landscaping within the scheme.
- Existing footpaths to be incorporated into the scheme and additional links to off site parts.
- Is an exciting scheme for Yeovil and the outlying villages.

A representative from the Planning Consultancy commissioned by the applicants then addressed the committee. His comments included:

- The land is allocated for a sustainable urban extension to Yeovil in the South Somerset local plan 2015.
- The proposal is compliant to both national and local planning policy.
- The scheme has been amended several times to address issues raised by both statutory consultees and local concerns. This includes the re location of the primary school, a new SUDs system and new roundabout now located off the A37 to address concerns with the Little Tarratt Lane and Two Tower Lane junction.
- The proposal will provided new housing, employment and community infrastructure consistent with the vision and spatial strategy of the adopted local plan.

A representative from the Highway consultancy commissioned by the applicants also addressed the committee. His comments included:

- Believe the proposed new roundabout on the A37 to be beneficial for a number of reasons including; less land take requirement, maintaining a quieter environment for the hospice, Yeovil showground access will not be prejudiced and with less adverse impact on the Aldon Estate.
- SSC Highway consider the new proposed roundabout on the A37 to be acceptable.
- The proposed direct access to the centre of the development will help the early delivery of the primary school.
- The trip rates used traffic flows provided by SCC from the Yeovil Strategic transport model and consistently used for all other key developments within Yeovil including the recent Mudford key site application.

Another of the applicants then addressed the committee. His comments included:

- The proposal is a compact sustainable site which allows all houses to be within a 5 minute walk of the centre's facilities or primary school, and will discourage the use of unnecessary car travel.

- Proposed Rose Tower roundabout will provide quick and easy access to the local centre from the A37.
- Detailed tree survey was undertaken.
- Acknowledge concern from local residents regarding flooding, and therefore commissioned Hydrock Engineering to carry out a flood risk analysis. This design, has in principle, been agreed by all authorities.
- Making success of 'garden village' will include potential of front gardens for all houses as well as retaining hedgerows, trees and copses plus additional new planting.
- The scheme is well designed and will provide a range of housing for all age groups and believe will become a flagship development for Yeovil.

In response to further questions from members, the Senior Planning Advisor and Lead Specialist – Planning advised:

- That the improvement to the Keyford Roundabout would not threaten Church Lane and its current narrow access is its best protection against its increased use.
- Making Church Lane into a 'one way' system is a separate traffic management issue which can be pursued by the Parish Councils, South Somerset District Council and Somerset County Council.

Councillor Nicola Clark, Ward member complimented the local parish councils approach to this application. She felt the reduction in affordable houses will result in more out commuting and that people will use Two Tower Lane and Church Lane as a direct route to the railway station nearby. She appreciated the need for more housing, but due to the lack of proposed affordable housing provision within the development, believed it would have a detrimental impact on the local community and therefore could not support the application at this time.

Councillor Gina Seaton, Ward member also voiced her concern regarding the application. She believed the development would have a huge impact on the surrounding area and local road network and especially the safety of road users within Church Lane. She also said it was important to listen to local residents, raised concern regarding the impact of flooding downstream in the village of Barwick and Stoford and the significant impact on the views of the local countryside. She said the development was a good design but with so many other concerns, she could not support the application.

During discussion, members made several comments regarding the application including the following:

- Development offers a huge amount of community benefits.
- Appreciate the 15% affordable housing is disappointing however on balance believe a compromise has been met as housing requirement is much needed.
- Acknowledge concerns regarding the traffic safety and impact on Church Lane however, this is not a planning reason to refuse this application.
- Appreciate the need for a cycle route into the town centre and the need to ensure the correct design and delivery options for the cycle paths and pedestrian links.
- Acknowledge concern regarding the loss of Grade I agricultural land, however do not believe this is a reason to refuse this application.
- Comparisons made with the Wyndham Park development and believe this to be a well designed scheme with excellent provision for local facilities.

In conclusion, the majority of members voiced their support of the application and considered it an good designed scheme that would provide excellent community facilities.

Following a further discussion, it was then proposed and subsequently seconded that this application be approved, as per the officer's recommendation, as set out in the agenda report. Also to include the following as clarified by the Senior Planning Advisor:

- Variation to condition 11 to add phrasing with regard to netting of trees and hedgerows.
- Additional condition to ensure that in advance of any approval the final draft S106 legal agreement will be brought back to committee with regard to:
  - the design and delivery options for a cycle path
  - the timing of any improvements that may be needed at Quicksilver Roundabout.

On being put to the vote this was carried by 10 votes in favour, 2 against and 1 abstention.

#### **RESOLVED:**

That Planning application **15/01000/OUT** be GRANTED permission subject to the following:

- 1.1 SUBJECT TO NO HOLDING DIRECTION FROM THE SECRETARY OF STATE
- 1.2 SUBJECT TO A S106 AGREEMENT **with Applicant and all those with an interest in the land comprising the Heads of Terms set out in SECTION 3 of this report.**
- 1.3 GRANT PERMISSION FOR APPLICATION NO. **15/01000/OUT** FOR THE FOLLOWING REASON:

The proposal relates to the south Yeovil allocated Sustainable Urban Extension in the South Somerset Local Plan 2006-28, (Policy YV2 – Yeovil Sustainable Urban Extensions). It is considered that the proposed scheme 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

- 1.4 **SUBJECT TO THE FOLLOWING CONDITIONS & INFORMATIVES:**

#### **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 Informatives**

**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. Foul Sewage Infrastructure
- 7. Drainage and Surface Water
- 8. Archaeology
- 9. Land Contamination
- 10. Sustainable Construction and Minimising Carbon Emissions
- 11. Landscape Ecology Management Plan (LEMP) and Biodiversity Net Gain Strategy. (Additional clause to control netting of trees and hedgerows).
- 12. Bats – Lighting Design

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

- 13. Design Principles
- 14. Adherence Statement – Foul Sewage and Drainage and Surface Water
- 15. Adherence Statement – Archaeology
- 16. Adherence Statement – Land Contamination
- 17. Adherence Statement – Sustainable Construction and Minimising Carbon Emissions
- 18. Adherence Statement – LEMP and Biodiversity Net Gain Strategy & Bats – Lighting
- 19. Estates Roads Details
- 20. Construction Environmental Management Plan (CEMP)
- 21. Electric Vehicle Charging Points
- 22. Parking and Turning Areas Kept Clear
- 23. Disposal of Highway Surface Water
- 24. Trees and Hedgerows
- 25. Landscaping
- 26. Noise

**D. Instructive Conditions**

- 27. Infrastructure – Broadband
- 28. Wildlife Surveys and Support
- 29. Bird and Bee Biodiversity Enhancement
- 30. Pre – Occupation and Highways
- 31. On Site Parking Provision

32. Additional Condition Relating to Proposed Cycle Path between Dorchester Road and Hendford Hill Horsey Roundabout and Improvements to Quicksilver Roundabout

## **INFORMATIVES**

01. Conditions
02. Approved Drawings
03. Highway Works
04. Environment Agency
05. Sustainable Drainage System (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. SCC Highway Legal Agreement
20. Traffic Regulation Orders
21. Pre Application and Public Engagement Process
22. Hazel Dormice
23. Public Rights of Way (PROW)

## **CONDITIONS FOR 15/01000/OUT**

### **CONDITION DETAILS**

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

**1. DEVELOPMENT START TIMESCALE:** The development hereby permitted shall be commenced either before the expiration of 5 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 or part thereof 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 the 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.

**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) 750 dwellings only (C3);
- b) 2.58ha of Employment Land (B1)(including a 65 bed Care/Nursing home);
- c) Community Building;
- d) Neighbourhood Centre comprising up to 1000m<sup>2</sup> retail (A1, A2, A3, A4, A5, D1, D2 and B1),
- e) Health Centre
- f) Children's Nursery,
- g) Primary School,
- h) Play Areas and Formal Sports Pitches and Sports Pavilion
- i) Open Space and Landscaping,
- j) Drainage Infrastructure
- k) Highway Works – On-site and Off-site

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

P16-0185_05M	Indicative Framework Masterplan (22 August 2019)
Figure 3.1	Land Use Parameter Plan
Figure 3.2	Building Heights Parameter Plan
Figure 3.3	Access and Movement Parameter Plan
Figure 3.4	Green Infrastructure Parameter Plan

Detailed planning permission is hereby granted for the new means of access to the site from A37 Dorchester Road, in general accordance with the following approved, detailed plans IMA-17-085:

- 009 - Keyford Southern Access including Bus Access details on Placket Lane
- 014 – Plan 25 Bus Services
- 021 – Pan 21 Cycle Network
- 033 – Plan 5B Northern Roundabout
- 034 – Plan 26 Footway/Cycle path
- 035 – Plan 20A Shared Footway/Cycleway Adjacent to A37
- 037-A - Rose Tower Roundabout Indicative Levels
- 4835/719/1B - Rose Tower Roundabout - Proposed Hedging, Banking and Retained Trees
- 4835/71/2B - Rose Tower Roundabout - Trees Proposed to be Removed

**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. FOUL SEWAGE INFRASTRUCTURE:** No development in any phase or part thereof shall be commenced until details of the works for the disposal of foul sewage from that phase or any part thereof, have been provided and approved in writing by the Local Planning Authority.

The scheme (s) once approved shall be implemented in accordance with the approved details for the relevant phase (s) 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.

**7. DRAINAGE & SURFACE WATER:** No development on any phase or part thereof shall take place until details of a strategy for sustainable surface water and ground water drainage, which accord with the submitted Flood Risk Assessment dated January 2015, (including temporary drainage provision during construction); and mechanisms for ongoing maintenance and management have been submitted to and approved in writing by the Local Planning Authority. No development on any

individual phase shall take place until details of sustainable surface water and ground water drainage, for that phase have been submitted to and approved 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

**8. ARCHAEOLOGY:** No development shall take place on any phase or part thereof, unless the implementation of a programme of archaeological work for that phase or part thereof involving further evaluation and subsequent mitigation has been secured in accordance with a Written Scheme of Investigation (WSI) 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.

**9. LAND CONTAMINATION:** Before commencement of development of any phase or part thereof, the nature, degree and extent of actual or potential contamination of that phase or part thereof, shall be investigated to the satisfaction of the Local Planning Authority. Such investigation shall include as a minimum, the preparation of a Phase 1 (desk study) contamination report. If actual or potentially significant risks are identified then further investigations shall be undertaken. Such investigation shall be submitted to the Local Planning Authority for written approval. If any unacceptable risks to identified receptors are highlighted, a detailed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. Such remediation works as necessary shall be fully implemented and completed before any building, on the contaminated area identified, is built and occupied. Any investigation risk assessment and remediation shall be carried out in compliance with recognised guidance, methodology and protocols.

**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. 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 agreed timetable - unless otherwise varied in writing by the Local Planning Authority.

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

**11. LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY:** A LEMP shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the LEMP shall include the following:

- a) 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. This means the production of a “biodiversity off setting calculation using the DEFRA metric to demonstrate that the proposed master plan provides adequate habitat creation to the value of what will be lost”, in addition to the proposed biodiversity enhancements.
- 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; 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.
- 11 g) The LEMP shall be clear on only the very limited use of any netting of trees and hedgerows on the site so as not to prevent important bird and wildlife habitats or the development and growth of such habitats. The LEMP will pronounce on netting before, during and after the development is completed.

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.

**12. 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 Environmental Statement, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall show how and where external lighting will be installed (through the provision of lighting contour plans and technical specifications) to demonstrate that areas to be lit will not unduly disturb or prevent bats using their territory or having access to their resting places.

All external lighting on any phase or part thereof shall be installed in accordance with the approved lighting strategy and shall be maintained thereafter in accordance with the design.

**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

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

**13. DESIGN PRINCIPLES:** With or prior to the submission of any Reserved Matters application in relation to any phase or part thereof, **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 Version 3 of the Keyford Design and Access Statement (February 2019) and the Indicative Framework Masterplan P16-0185\_05M (22-8-19), 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 and off site), 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 & OPEN SPACE:** 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), including disabled parking and cycle parking.

(d) **URBAN FORM & 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, 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) **SERVICING:** 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, sills, chimneys, eaves, verges and rainwater goods.

(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.

#### **14. 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 6 and 7 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

#### **15. ADHERANCE TO CONDITION 8. ARCHAEOLOGY**

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.

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 preserving the archaeological interests to accord with the 2006-28 South Somerset Local Plan.

**16. 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).

**17. 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 10. 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.

**18. ADHERENCE TO DESIGNS FOR LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY & BATS - LIGHTING:** 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. LANDSCAPE & ECOLOGICAL MANGEMENT PLAN (LEMP) & BIODIVERSITY NET GAIN STRATEGY** and to **Condition 12. BATS - LIGHTING**

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.

**19. ESTATE ROAD DETAILS:** For each phase or part thereof the proposed estate roads, footways, public rights of way (footpaths and bridleways), cycle ways, tactile paving, 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 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. 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. 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 during construction and mitigation measures. These will be measures that will also support the post development element of the "Landscape & Ecological Management Plan". 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.

**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).

**21. ELECTRIC VEHICLE CHARGING POINTS:** Prior to the occupation of any house, flat or bungalow, provision will be made for an electric vehicle charging point of at least 16 amps, adjacent to their designated parking spaces or garages, at a ratio of 1 per dwelling. With regard to communal parking areas for flats, charging points will be provided prior to occupation, in numbers and locations to be agreed in writing with the Local Planning Authority.

Subject to SSE or such other electricity supplier as may be approved by the Local Planning Authority, being able to provide the necessary power, the scheme shall be implemented in accordance with the approved details 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.

**22. PARKING AND TURNING AREAS KEPT CLEAR:** Within the phase which includes the Local Centre an area shall be allocated on the submitted plans for parking and turning 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).

**23. 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, in the relevant phase or part thereof, 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).

**24. 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).

**25. 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 Environmental Statement, including 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 part thereof, 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).

**26. NOISE:** Prior to the erection of the superstructure of any dwelling within any part of the site defined as noise sensitive as set out in chapter 10 of the Environmental Statement - Noise and Vibration, a scheme of noise mitigation for that dwelling shall be submitted to and approved by the Local Planning Authority. Any measures identified for any building within the defined noise sensitive area shall be completed prior to the occupation of that building.

**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).

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

**27. INFRASTRUCTURE – BROADBAND:** Prior to the occupation of any dwelling, the developer will register the site for new broadband provision with “Openreach” or another appropriate broadband provider. Prior to the occupation of any dwelling within a phase or part thereof, the developer will ensure that the appropriate ducting for Broadband is provided to and 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 more than two 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. BIRD & BEE BIODIVERSITY ENHANCEMENT:** The National Planning Policy Framework (170d) requires biodiversity enhancement within development. Enhancement measures are possible via the installation a number of bird boxes and bee bricks, the latter of which would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall.

The following features will be installed into the structure of dwellings as appropriate:

- a. Schwegler Bat Nest Box or similar, installed away from windows on the north elevations of five different dwellings
- b. A grouping of three Schwegler Swift Bricks or similar, integrated away from windows into north facing external walls at least 5m above ground level in 20 different dwellings.
- c. A grouping of three Schwegler Swallow Nests or similar, integrated away from windows on external walls at least 5m above ground level on 20 different dwellings.
- d. Bee bricks built and integrated into the walls of the southern elevation of 20 different dwellings.

A scheme detailing the locations and installation of the boxes and bricks will be submitted to and approved by the Local Planning Authority prior to the commencement of construction of any phase or part thereof.

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

**30. 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 the existing highway.

**Reason:** In order to ensure that adequate access arrangements exist for each building prior to occupation

**31. 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).

## 32.CYCLE PATH and QUICKSILVER ROUNDABOUT (Additional Condition)

In advance of any approval a report will be brought to Area South Committee on:

- a) the design and delivery options for a cycle path and associated road/pedestrian crossings and improvements between the Dorchester Road (A37) and the Horsey Roundabout on Henford Hill (A30) and
- b) the type and timing of any improvements that may be needed at Quicksilver Roundabout

**Reason:** In the interests of promoting sustainable travel and highway safety to accord with Policies TA1 and TA5 of the South Somerset Local Plan (adopted March 2015)

### INFORMATIVES

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 Section 106 Agreement 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 DRAINAGE SYSTEM (SUDS):** It is recommended that the developer(s) investigate the use of a Sustainable Drainage System (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 abstraction.
07. **SURFACE WATER ATTENUATION:** The proposed surface water attenuation ponds could be designed to provide a wetland habitat and the Local Planning Authority 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 untrafficked paved areas shall be discharged to any soakaway or swale.
09. **FLOOD PREVENTION:** You should ensure that the proposal does not affect any flood defences 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. **SECTION 106 AGREEMENT:** Your attention is drawn to the need for an agreement to be made under Section 106 of the Town and Country Planning Act 1990, for this site.
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 on 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.
20. **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.
21. **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.
22. **HAZEL DORMICE:** The developers and their contractors are reminded of the legal protection afforded to hazel dormice and their nests, (Conservation of Habitats and Species Regulations 2017). If dormice are encountered during the implementation of this permission it is recommended that works stop in that location and professional advice sought on protection and mitigation.
23. **PUBLIC RIGHTS OF WAY (PROW):** Development insofar as it may affect PROWs should not be started, (and the PROWs should be kept open for public use), until the necessary, (diversion/stopping up) Order has come into effect. Failure to comply with this standard procedure may result in prosecution. Works to on-site and off-site PROWs should be subject to a S106/278 agreement, signed with SSDC and/or SCC.

## **Appendix 2.**

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

***Cash contributions of £9,517,934 would be provided by the scheme plus an estimated cycling and walking fund of £1,231,996 – totaling, at least, £10,749,930. This sum is set out in Appendix 1 of the Area South Committee report 18-12-19 and as it relates to the published Viability Assessment.***

***Overall the total cash s106 funding package proposed at Keyford, (750 homes – 42ha) is £10.7m – is equal to £14,333 per home and £255,950 per ha.***

*Community Benefit contributions are now proposed under 11 headings:*

- **EDUCATION - £6,466,627**
- **OPEN SPACE, PLAY, SPORT AND COMMUNITY HALLS – £1,414,370**
- **OPEN SPACE AND PLAY MAINTENANCE AND MANAGEMENT FUND - £500,341**
- **SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY INNOVATION FUND – £150,000**

- TRANSPORT TRAVEL PLANNING ON SITE - £851,597
- TRANSPORT WALKING AND CYCLING - £1,231,996
- LOCAL COMMUNITY AND CULTURE - £55,000
- S106 FEES AND MONITORING - £80,000
- TRANSPORT AND HIGHWAYS OFF - SITE - IN KIND
- GREEN INFRASTRUCTURE – IN KIND
- AFFORDABLE HOUSING – IN KIND
  - 3.1 EDUCATION – £6,466,627
    - £3,606,029 PRIMARY EDUCATION CONTRIBUTION IS MADE UP OF A PAYMENT OF £5,463.68 FOR EACH OF THE 660 STANDARD DWELLINGS PROPOSED ON THE SITE (750 TOTAL MINUS 60 RETIRED LIVING FLATS AND MINUS 30 BUNGALOWS WITH AN OVER 50S OCCUPANCY RESTRICTION).
    - £2,297,156 SECONDARY EDUCATION CONTRIBUTION IS MADE UP OF A PAYMENT OF £3,480.54 FOR EACH OF THE 660 STANDARD DWELLINGS PROPOSED ON THE SITE.
    - £563,442 PRE-SCHOOL EDUCATION CONTRIBUTION IS MADE UP OF A PAYMENT OF £853.70 FOR EACH OF THE 660 STANDARD DWELLINGS PROPOSED ON THE SITE
    - AND SCHOOL LAND TO BE PROVIDED “IN KIND” - 7 CLASSROOM, SINGLE FORM ENTRY PRIMARY SCHOOL VALUED AT £312,381.
    - 3.2 OPEN SPACE, PLAY, SPORTS AND COMMUNITY HALLS - £1,414,370
      - £182,500 - SPORTS PAVILION FUND
      - £668,820 - THE PLAY/LEISURE/YOUTH FACILITIES FUND, (1NO. LARGE 2,000 SQM NEAP, 2NO. 400 SQM LEAPS AND 1 MULTI-USE GAMES AREA - MUGA)
      - £193,050 - ON – SITE SPORTS PITCHES
      - £370,000 - COMMUNITY HALL FUND
    - 3.3 OPEN SPACE AND PLAY MAINTENANCE AND MANAGEMENT FUND - £500,341
    - 3.4 SUSTAINABLE CONSTRUCTION AND RENEWABLE ENERGY INNOVATION FUND - £150,000
    - 3.5 TRANSPORT TRAVEL PLAN, BUS(S), FOOTPATHS AND ASSOCIATED ON-SITE IMPROVEMENTS - £851,597
      - £50,000 FOR A TRAVEL PLAN COORDINATOR;
      - £120,000 FOR A TRAVEL PLAN PACK;
      - £25,000 FOR THE TRAVEL PLAN;
      - £20,000 FOR GREEN TRAVEL MEASURES
      - £15,000 FOR TRAFFIC REGULATION ORDERS
      - £385,000 FOR A BUS SERVICES CONTRIBUTIONS AND EXTENSIONS (LIKELY TO BE BUSES 56 AND 68, INCLUDING £60,000 TO EXTEND BUS SERVICE ROUTE 56);
      - £5,000 TO PROVIDE A BUS STOP ON YEOVIL ROAD;
      - £84,400 TO PROVIDE BUS STOPS ON LYSANDER ROAD
      - £15,000 FOR TEMPORARY BUS STOPS. (BUS STOPS ON THE SITE WILL BE COVERED BY SITE INFRASTRUCTURE WORKS

- £1,500 FOR INTERPRETATION BOARDS AND SIGNAGE TO THE MONARCH'S WAY PUBLIC RIGHT OF WAY AND
- £130,697 TOWARDS FOOTPATH AND CYCLE PATH IMPROVEMENTS

3.6 TRANSPORT WALKING AND CYCLING IMPROVEMENTS OFF-SITE LINKED TO ON-SITE WALKING AND CYCLING NETWORK - £1,231,996

- £361,370 FOR A LINK BETWEEN LOVERS' LANE AND SOUTHWOODS;
- £53,570 FOR A CYCLE WAY VIA KINGSPRING LANE TO NASH LANE;
- £376,310 FOR A CYCLE WAY ALONG DORCHESTER ROAD INCLUDING A TOUCAN CROSSING TO LOVERS' LANE;
- £24,553 FOR A CYCLE WAY TO SANDHURST ROAD AND
- £255,498 FOR A FOOTWAY FROM TARRATT LANE TO THE JUNCTION OF EAST COKER ROAD AND TURNERS BARN LANE, PLUS 5% FEES AND 10% CONTINGENCY,

**WHILST PARAGRAPH 3.6 IS NOTIONALLY WITHIN THE S106 CASH LIMIT, THE KEYFORD SCHEME WILL HAVE TO FUND THESE BENEFITS WHATEVER THEIR REASONABLE COSTS.**

3.7 TRANSPORT HIGHWAY, FOOTPATH, CYCLEWAY AND BUS INFRASTRUCTURE OFF-SITE IMPROVEMENTS. **THERE IS SOME OVERLAP OF INFRASTRUCTURE IMPROVEMENTS BETWEEN PARAGRAPH 3.6 AND 3.7. LIKE 3.6 ALL THE ITEMS IN 3.7 WILL BE REQUIRED TO BE FUNDED WHATEVER THE REASONABLE COST, (HW1-14 DRAWING NOS IMA-17-085 PLAN 13 B):**

- *The provision of the Rose Tower Roundabout, a new three arm roundabout to provide access to the development from the A37 Dorchester Road. HW1.*
- *Provision of a fifth arm from the Keyford Roundabout into the south-east of the site to form the Southern Access into the Keyford site. HW2.*
- *Provision of access off Pavyotts Lane into the most south eastern element of the proposed development, (and to also retain good access/egress to The Red House public house and the Redmead dwelling house). The partial widening of Pavyotts Lane and provision of a footway on the northern side. Pavyotts Lane to remain as the road access to Pavyotts Farm, (including its business and residential uses) and the proposed sports field – however there would be no through route to Placket Lane/ Yeovil Road. This route would be more supportive of pedestrians, cyclists and public transport. HW3.*
- *Provision of a 'Bus Only' access into the development off Yeovil Road via Placket Lane including a new footway and a passing place between Yeovil Road and the Bus Only link. HW4.*
- *The downgrading of Placket Lane between Pavyotts Lane and the bus only Link to exclude vehicles except at access points to the development, (detail to be agreed with SCC). HW5.*

- **The provision of new pedestrian access points into the development both along Placket Lane and along the A37 Dorchester Road. HW6.**
- **Provision of a footway/cycle way to the site from Sandhurst Road, along the north side of Lower East Coker Road including access into the development. HW7.**
- **Footway improvements to the junction of East Coker Road and Turners Barn Lane. HW8**
- **Improvements to Tarrat Lane. Tarrat Lane to be retained as a “bridleway/footpath/cycleway (Green Lane)”. HW9.**
- **The provision of a footway/cycle way along the western side of the A37 Dorchester Road between Little Tarrat Lane and East Coker Road and a Toucan crossing across the A37 just south of East Coker Road with a footway/cycle way connection from the crossing to Lovers Lane on the east side of the Dorchester Road. HW10.**
- **Off-site footpath/cycle way link from the A37 along Lovers' Lane to Henford Hill. A Toucan crossing across Henford Hill where Lover's Lane meets the Hill. A cycle path from Horsey Roundabout to Lover's Lane on the south side of Hendford Hill. Subject to funding and final negotiation an additional or alternative improved cycle/footpath could also be provided from Lover's Lane to Southwoods and then to Henford Hill and Horsey Roundabout. (It should be noted that this second option is favoured by the applicant and East Coker/Barwick Parish Councils). This is subject to a further report to Area South Committee. HW11.**
- **Potential Improvements to Quicksilver Roundabout, (two lane access from West Coker Road and Dorchester Road), subject to an agreed traffic assessment trigger over an agreed period, (to be agreed by SSSC and SCC). Subject to a further report to Area South Committee. HW12**
- **The provision of at least three bus stops on Lysander Road, all with shelters, to accommodate the possible re-routing of the 56/N8 services to connect the site with the Leonardo Helicopters employment area. Other bus service re - routing and/or extension proposals linked to Nos 68. HW13.**
- **Proposed new offsite cycle link to Nash Lane via Kingspring Lane. HW14.**

### 3.8 LOCAL COMMUNITY AND CULTURE - £55,000

- **EAST COKER PC PLANNING PROJECTS £20K**
- **BARWICK & STOFORD PC PLANNING PROJECTS £20K**

- ON SITE PUBLIC ART £15K, (ALLOWING A FURTHER £10K ALLOCATED TO THE SUSTAINABLE CONSTRUCTION INNOVATION FUND)

### 3.9 GREEN INFRASTRUCTURE (IN KIND)

- £1,498,457 IS THE ASSESSED COST OF WORKS FOR GREEN INFRASTRUCTURE. THESE WORKS WILL INCLUDE GROUND MODELLING, STRUCTURAL LANDSCAPING, BUFFER PLANTING, BOUNDARY FENCING, PLANTING OF STREET TREES AND STRUCTURAL LANDSCAPING AND PLANTING.
- £1,200,000 – ASSESSED VALUE OF THIS LAND

### 3.10 AFFORDABLE HOUSING (IN KIND)

- 15% AFFORDABLE HOUSING IS PROPOSED, (AS OPPOSED TO THE POLICY TARGET OF 30/35%) - 112 AFFORDABLE HOMES. SOCIAL RENT 30; AFFORDABLE RENT 30 SHARED OWNERSHIP 26 AND DISCOUNTED SALE 26.
- THE TOTAL COST OF WORKS FOR AFFORDABLE HOUSING AT 15% HAS BEEN ASSESSED AS £3,788,677 WHICH REPRESENTS THE DIFFERENCE IN RESIDUAL LAND VALUE BETWEEN THE DEVELOPMENT WITH THE PROPOSED AFFORDABLE HOUSING COMPARED WITH THE DEVELOPMENT WITH NO AFFORDABLE HOUSING, I.E. ALL OPEN MARKET HOUSING. APPENDIX 1 S106 PROPOSALS AND VIABILITY ASSESSMENT MAKES CLEAR THE VALUE FOR MONEY OF THE WHOLE PROPOSAL, ITS MARGINAL VIABILITY, AND THE INABILITY OF THE SCHEME TO PROVIDE ALL THE ASSOCIATED COMMUNITY BENEFIT AND THE TARGET MINIMUM OF 30% AFFORDABLE HOUSING. THE EXISTING USE VALUE OF THE 42.2 HECTARES/104.2 ACRES IS £20,416 PER ACRE, (THIS INCLUDES REASONABLE “RESIDENTIAL AMENITY VALUE” – SO ABOVE BASIC AGRICULTURAL LAND VALUE). THE BENCHMARK LAND VALUE ACCEPTED BY THE DISTRICT VALUER IS £138K PER ACRE – WELL BELOW THE £200K ACCEPTED BY THE SSDC CIL INSPECTOR. AND THE RESIDUALISED LAND VALUE, (I.E. THE GROSS DEVELOPMENT VALUE LESS COSTS, S106 AND PROFIT) IS £97K PER ACRE – ONLY 4/5 TIMES MORE THAN EXISTING USE VALUE AS OPPOSED TO THE NORMAL/ACCEPTABLE “10 TIMES”. BASED ON THESE ASSESSMENTS 15% AFFORDABLE HOUSING, ALONG WITH ALL THE OTHER PROPOSED CONTRIBUTIONS AND BENEFITS IS SUPPORTED BY OFFICERS AS AN OVERALL SUSTAINABLE DEVELOPMENT. AND FOR THIS REASON, NO “HOUSING CLAWBACK OR REVIEW” MECHANISM IS PROPOSED EITHER IN THE S106 OR CONDITIONS.

### 3.11 S106 LEGAL FEES AND MONITORING FEES - £80,000

- £20K ALLOCATED TO SSDC S106 MONITORING
- £60K ALLOCATED TO S106 LEGAL FEES – HOWEVER THE APPLICANT WILL BE REQUIRED TO PAY ALL REASONABLE SSDC AND SCC LEGAL FEES

3.12 PROPOSED S106 COMMUNITY BENEFIT OBLIGATION TRIGGER HEADINGS

- EDUCATION CONTRIBUTIONS
- OPEN SPACE, PLAY AREAS AND SPORTS/COMMUNITY HALLS CONTRIBUTIONS
- TRANSPORT TRAVEL PLAN, BUS SERVICES, FOOTPATHS, CYCLE PATHS AND ASSOCIATED ON - SITE CONTRIBUTIONS
- TRANSPORT HIGHWAYS AND BUS SERVICES INFRASTRUCTURE OFF - SITE CONTRIBUTIONS
- LOCAL COMMUNITY AND CULTURE CONTRIBUTIONS
- AFFORDABLE HOUSING
- THE PROVISION AND DELIVERY OF THE HEALTH CENTRE/SURGERY; NEIGHBOURHOOD CENTRE; SCHOOL, CHILDREN'S NURSERY AND SCHOOL GROUNDS; PLAYING FIELDS AND SPORTS PAVILION; COMMUNITY HALL; ALL PLAY AREAS AND OPEN SPACE/PARKLAND AND EMPLOYMENT BUILDINGS
- LEGAL FEES AND S106 MONITORING FEE
- INDEXING OF S106/278 FUNDS
- A "REALLOCATION OF FUNDS" CLAUSE THAT ENSURES THAT SHOULD THE ALLOCATED DEVELOPER FUNDS FOR COMMUNITY BENEFITS NOT BE REQUIRED, (E.G. "COST LESS") OR BECAUSE THE COMMUNITY BENEFIT WOULD BE PROVIDED OR PART PROVIDED IN A DIFFERENT WAY – THEN THE ORIGINAL DEVELOPER FUNDS WOULD BE REALLOCATED TO A S106 SSDC POT FOR BENEFITS TO THE SITE, APPROVED BY SSDC.
- OTHER S106 TRIGGER HEADINGS THAT MAY BE FOUND "NECESSARY, REASONABLE AND RELATED TO THE KEYFORD SITE AND DEVELOPMENT" SHOULD THE APPLICATIONS BE APPROVED.

(voting: 10 in favour, 2 against, 1 abstention)

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Chairman

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Date