

South Somerset District Council

Minutes of a meeting of the Area West Committee held as a Virtual Meeting - Virtual Meeting using Zoom meeting software on Wednesday 20 May 2020.

(4.00 - 5.05 pm)

Present:

Members: Councillor Jason Baker (Chairman)

Mike Best	Sue Osborne
Dave Bulmer	Robin Pailthorpe
Martin Carnell	Oliver Patrick
Brian Hamilton	Garry Shortland
Val Keitch	Linda Vijeh
Jenny Kenton	Martin Wale
Paul Maxwell	



Officers:

Tim Cook	Locality Team Manager
Paula Goddard	Specialist - Legal Services
Alex Skidmore	Specialist - Development Management
Adrian Moore	Locality Officer
Rachael Whaites	Countryside Manager
Debbie Haines	Locality Team Leader
Jo Morris	Case Officer (Strategy & Commissioning)
Becky Sanders	Case Officer (Strategy & Commissioning)
Jo Boucher	Case Officer (Strategy & Commissioning)
Angela Cox	Specialist - Democratic Services

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

282. To approve as a correct record the Minutes of the Previous Meeting (Agenda Item 1)

The minutes of the previous meetings held on 20th February 2020 and 15th April 2020 (Area West Informal meeting) were approved as correct records and signed by the Chairman.

283. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Ben Hodgson and Tricia O'Brien.

284. Declarations of Interest (Agenda Item 3)

There were no declarations of interest made by Members.

285. Date and Venue for Next Meeting (Agenda Item 4)

It was noted that the next Area West Committee meeting was scheduled to be held on Wednesday 17th June 2020 using Zoom virtual meeting software.

286. Public Question Time (Agenda Item 5)

There were no questions from members of the public present.

287. Chairman's Announcements (Agenda Item 6)

The Chairman advised that the Committee was now a full decision making meeting, held under the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

He confirmed that voting would be by a named vote and Councillors wishing to speak should indicate using the blue 'raise hand' icon.

288. Area West - Area Chapter 2019/2020 outturn report (Agenda Item 7)

The Locality Team Manager advised that this was the first year delivering the Area Chapter priorities from the Council Plan. He noted that the work had progressed as staff moved to new teams and learned new ways of working. He said some projects had not progressed as quickly and were never achievable within a year and therefore monitoring milestones needed adjusting to the following year. Quarterly updates on the progress had been provided to Councillors by email and on the portal but they should be presented to Committee in future. The funding should also be allocated at the beginning of the financial year for monitoring purposes. The ongoing Coronavirus situation would affect the delivery and funding of some of the projects within the current Area Chapter.

Councillor Paul Maxwell reported that the solar array and battery project at Merriott Village Hall had been completed thanks to the community grant received. He noted that the Village Hall Committee had also received a business grant to assist them during the period of closure due to Coronavirus.

In response to questions, the Locality Team Manager advised:-

- Work was ongoing with other district Councils and the County Council on progressing cycle routes
- The community grants programme was still live and community groups were encouraged to apply
- SSDC were monitoring all funding opportunities for Covid-19
- There was still some business grant funding available
- Economic development and the outcome of meetings with businesses would be part of the Council's recovery plan and would be reported to Members.
- Public Houses could be added to the Council's Assets of Community Value.
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During discussion it was noted that the Heart of the South West LEP were looking at the Stop-Line Way link from Tatworth to Chard. Government funding was available for cycle ways and pedestrianisation which was being co-ordinated by Somerset West and Taunton Council and SSDC would send a representative to join the group. It was also noted that some rural public houses were operated by large chain groups and could be vulnerable to permanent closure, although they were eligible to apply for business grants.

At the conclusion of the debate, the Chairman thanked officers for providing a comprehensive report. Members were content to note the Area West – Area Chapter outturn report 2019/20.

RESOLVED: That Members noted the Area West – Area Chapter outturn report 2019/20.

289. ABCD (A Better Crewkerne and District) (Agenda Item 8)

Councillor Mike Best introduced the report as the SSDC appointed representative for ABCD. He noted that many of the town centre projects were linked to the Key Site planning application for the town.

Members were content to note the report.

290. Area West Committee - Forward Plan (Agenda Item 9)

It was requested that a report on the progress of the Stop Line Way be presented and business recovery following the Coronavirus closure period be included as part of the Support for Communities and Town and Parish Councils during Coronavirus report.

RESOLVED: That the Area West Committee Forward Plan be noted subject to the following additional reports:

- Progress on the Stop Line Way link between Chard and Tatworth
 - Support for Communities and Town and Parish Councils during Coronavirus – to include business recovery
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291. Planning Appeals (Agenda Item 10)

Members noted the report which gave details of one appeal dismissed.

RESOLVED: That the report be noted.

292. Schedule of Planning Applications to be Determined by Area West Committee (Agenda Item 11)

Members noted the schedule of planning applications to be determined by the Committee.

293. Planning Application: 19/03482/S73 - Crewkerne Key Site 1, Land East of Crewkerne Between A30 and A356 Yeovil Road, Crewkerne (Agenda Item 12)**

Proposal: Application to vary conditions 3 (phasing) and 9 (highway plans) of planning approval 05/00661/OUT

The Chairman advised that although there were two applications to be determined for the Crewkerne Key Site, there would only be one presentation made by the officer. A separate vote on each application would be taken.

The Specialist for Development Management introduced the report and advised that both applications to be determined related to the same site on the eastern side of Crewkerne. She noted that there had been an application for the whole site in 2005 and a further application in 2014 although there had been some discrepancies in the 2014 application. The applications were seeking variations to the approved plans and conditions relating to phasing and highway plans. The consultee response from Wessex Water had not been received so the recommendation was subject to no adverse comments received from them. The Lead Local Flood Authority raised no objection and their comments were read to Members. Page 29 of the report listed the contributions to be secured through the development and there were some small variations to these but they remained secured. The 2014 application anomaly related to the alignment of the link-road through the site and the drainage scheme and attenuation pond.

The Specialist for Development Management then provided a power point presentation of the site and the mis-alignment of the link-road and its correction and also the securing of the drainage scheme and attenuation pond. She concluded that there were no further changes proposed to the scheme and the recommendation was to grant permission.

In response to questions from Members, the Specialist for Development Management advised:-

- The Highway Authority had not raised any objection to the proposed link-road and the straight part to the south.
- The wildlife corridor / dormouse bridge was still part of the scheme.
- The landscaping scheme would form part of the Reserved Matters application and it was hoped this would mitigate the loss of the mature trees to the south.
- The application did correct a minor technical anomalies
- A Reserved Matters application had been received for part of the site and was awaiting validation.

The Agent for the applicant advised that there would be additional landscaping to mitigate for the loss of the trees to the south of the site and the dormice bridge was still to be included. A Reserved Matters application for part of the site had been submitted and they were moving to the delivery phase.

One of the Ward Members, Councillor Mike Best, advised said the Key Site had been discussed for over 30 years and awards had been won for the design of the development

at the North of the site. He said that the development and the link-road were needed to relieve some of the traffic issues in the town. He asked that Members support the application.

The other Ward Member, Councillor Robin Pailthorpe, said the Town Council were in full support and he hoped that building work would be underway soon.

During discussion, Members voiced their support for the application and noted that the town centre was very congested with traffic at times and the development would assist to alleviate this.

The Ward Member, Councillor Mike Best, proposed that that the officer's recommendation to approve the application be accepted. This was seconded by Councillor Robin Pailthorpe and when put to the vote, this was agreed unanimously.

RESOLVED: That planning application 19/03482/S73 be GRANTED permission, in accord with the officer's recommendation, subject to:-

- (i) The prior completion of an updated Section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following matters in addition to the existing obligations already secured:
 - a) To secure the amendments to the alignment of the link road;
 - b) To secure the delivery of the attenuation pond for both Outline 1 (05/00661/OUT) and Outline 2 (14/02141/OUT); and
- (ii) conditions, as set out below (as well as any additional or modified conditions recommended by Wessex Water and the LLFA):

Justification:

The principle of this development is supported, reflecting as it does the Local Plan allocation KS/CREW/1. Crewkerne is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting or functioning of the town.

It is not considered that the proposal would adversely affect highways safety, ecological or architectural interest of the site, the favourable conservation status of protected species or visual and residential amenity and there would be no risk of increased flooding. Matters of detail, including design and appearance, layout, scale and appearance can appropriately be considered through the submission of subsequent reserved matters applications. As such the proposal accords with the Local Plan allocation KS/CREW/1 and the policies of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

Subject to the following conditions:

01. Details of the appearance, landscaping, layout and scale (herein after called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 10 years from the date of the original permission (05/00661/OUT), i.e. before 4 February 2023, and the development shall begin not later than 10 years from the date of that original permission (05/00661/OUT) or not later than 2 years from the approval of the last 'reserved matters' to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The residential component of development hereby approved shall comprise no more than 525 dwellings.

Reason: To ensure that the mitigation measures negotiated as part of the scheme hereby approved are commensurate with the development as built in accordance with policies SS1, SS5, SS6, HG1, HG3 and HW1 of the South Somerset Local Plan 2006-2028.

03. The development hereby granted permission shall not be commenced unless a written programme, showing the phasing of the development, including the relevant parts of the highway and the provision of the new Link Road and associated works; the planting of structural landscaping and delivery of the public open space; and the timings for the delivery of each phase, has been submitted to and approved in writing by the local planning authority. Such phasing shall accord with the approved plans of this permission and the recommendations of the Environmental Statement and its addendum and compliance notes, submitted in support of the application. Subsequently each of the phases shall be completed in accordance with the phasing programme unless agreed otherwise in writing by the local planning authority.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990 and the requirements of the Town and county Planning (environmental Impact assessment) Regulations 2011.

04. For each phase, or part thereof, all reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme in accordance with the aims and objectives of the approved Masterplan and the recommendations of the Environmental Statement and its addendum submitted with this outline application.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990 and the requirements of the Town and county Planning (environmental Impact assessment) Regulations 2011.

05. Prior to the submission of any application for the approval of the reserved matters in relation to the residential areas, a Design Code for the residential areas, showing how the site would be developed, shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be in accordance with the Approved Masterplan and the principles established by the Easthams Architectural & Design Code (October 2005) by the Prince's Foundation for the Built Environment submitted in support of the application (received 27/01/06). This shall then be used as the basis for all submissions of applications for approval of reserved matters.

Reason: To ensure a high quality form of development and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

06. Prior to the submission of any application for the approval of the reserved matters a 'Landscape and Ecological Management Strategy' for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on the Approved Masterplan and the findings and recommendations of the Environmental Statement and addendum submitted in support of this application and shall set out, on a phase by phase basis, the principles by which the impacts of the development on landscape and ecology will be managed. No trees or hedges shall be removed in advance of the agreement of the site wide Landscaping and Ecological Management Strategy.

Subsequently, prior to the commencement of each phase or part of a phase, as agreed by condition 3, a detailed plan (based on the principles agreed in the site wide 'Landscaping and Ecological Management Strategy') for that phase, including up-to-date surveys and mitigation strategies where necessary, shall be submitted to and approved in writing by the local planning authority. Once agreed such strategies shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with Policies EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028.

07. Prior to the submission of any application for the approval of the reserved matters a 'Landscape Planting Strategy' for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on the Approved Masterplan and the findings and recommendations of the Environmental Statement and addendum submitted in support of this application and shall set out, on a phase by phase basis, the principles by which the landscaping, including structural planting, of the site will be guided. No trees or hedges shall be removed in advance of the agreement of the site wide Landscape Planting Strategy. Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Landscaping Plan based on the principles agreed in the site wide Strategy for that phase, including up-to-date surveys and mitigation strategies where necessary. Once agreed such Plans shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028.

08. Prior to the submission of any application for the approval of the reserved matters a Waste Management Plan, setting out the principles for waste management and refuse collection throughout the site, shall be submitted to and approved in writing by the local planning authority. This shall then be used as the basis for all submissions of applications for approval of reserved matters.

Reason: To ensure that the development is appropriately served by waste management strategies and refuse collection in the interests of the amenities of

future residents in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

09. Within four years of the occupation of the first dwelling the link road through the site shall be fully completed generally in accordance with the details shown on drawing numbers 18-138-020C; 18-138-021C; 18-138-022C; 18-138-023B; 18-138-024B; 18-138-025B; and 18-138-SK02B, full details of which, including levels, drainage, lighting and landscaping, shall have been submitted to and approved in writing by the local planning authority. During this time no more than 199 dwellings shall be occupied unless the link road is provided.

Reason: To ensure that the impact of this development on traffic circulation in Crewkerne is reasonably mitigated in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

10. Notwithstanding the details on the drawings hereby approved, prior to the commencement of the construction of the junction of the link road with the A30 details of all retaining structures, levels changes, landscaping and drainage of the junction shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and highway safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

11. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work involving further evaluation and excavation, followed by analysis and publication of results in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028.

12. No development shall take place on any phase or part thereof, unless 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. Subsequent development shall be carried out in accordance with the requirements of the approved CEMP.

Reason: In the interest of the amenities of the locality in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028.

13. There shall be no development, except that associated with the link road, within that part of the site liable to flood as shown 1 in 100 year plus climate change floodplain shown in South Somerset District Council's Strategic Flood Risk Assessment drawing Tile Set 3, Tile C.

Reason: To ensure that there will be no risk of flooding to people or property in accordance with Policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

14. No development approved by this permission shall be commenced until a surface water run-off limitation scheme (master plan and phased plans) has been submitted to and approved in writing by the LPA. The scheme must be in accordance with run off limitations proposed in the FRA-Supplementary Statement dated November 2011 by Phoenix Design Partnership Limited. The scheme shall:

- identify details of attenuation features,
- identify future ownership, operation and maintenance liability of all drainage infrastructure works,
- confirm connections to the public/private drainage system,
- detail proposed local SUDs,
- provide details on mitigation from any existing surface water flood risk including risk from the existing culvert under station road,
- flow routes through the site from exceedance or failure,
- provide details of proposed planting scheme(if any),
- be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and to provide satisfactory drainage for the development in accordance with Policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

15. No development approved by this permission shall be commenced until details of the existing and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is subject to the minimum risk of flooding in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

16. The crossing of the Viney Brook water course shall not be commenced until such time as engineering and hydraulic analysis details of the proposed crossing have been submitted to and approved by the local planning authority. The scheme must include flood depths and extents for all events up to and including the 1 in 100 plus climate change and provide a clear indication on the impact on surrounding area. Once approved such scheme shall be implemented in accordance with the approved programme and details.

Reason: To ensure that the link road is not put at flood risk, nor increases flood risk to adjacent third party land upstream of the crossing in accordance with Policies TA5, EQ1, EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To alleviate the increased risk of flooding in accordance with Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

18. There shall be no temporary or permanent storage of any materials, including soil, within that part of the site liable to flood as shown 1 in 100 year plus climate change floodplain shown in South Somerset District Council's Strategic Flood Risk Assessment drawing Tile Set 3, Tile C.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity in accordance with Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

19. Flood warning notices shall be erected in the public open space in numbers, positions and with wording all to be agreed with the local planning authority on the land that is at risk of flooding.

Reason: In the interests of residential amenity and public safety in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

20. The culvert carrying the Viney Brook under the proposed new link road should be designed to allow passage for otters on both banks, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of this structure. The culvert shall thereafter be completed in accordance with the approved details and maintained and retained in this fashion in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the interests of protected species in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028.

21. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

- 1) A preliminary risk assessment which has identified:
 - all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters in accordance with Policy EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters in accordance with Policy EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

23. Streetlighting columns shall not exceed six metres in height and shall be equipped with maximum cut-off and downlighting in accordance with details which shall be submitted to and approved in writing by the local planning authority. There shall be no variation of this height unless otherwise agreed in writing by the local planning authority.

Reason: To protect wildlife habitats, in the interests of visual amenity and to prevent light pollution in accordance with Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028.

24. No more than 200 dwellings shall be occupied prior to the provision of footpath and cyclepath links in the direction of the town centre up to the site boundary, details of which shall have been submitted to and approved in writing by the local planning authority.

Reason: To promote sustainable transport links to the town centre in accordance with Policies TA1 and TA5 of the South Somerset Local Plan 2006-2028.

25. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highways safety, visual amenity and the amenities of future occupiers in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

26. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and

carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety and the amenities of future occupiers in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

27. The development hereby permitted shall not be brought into use until that part of the spine road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highways safety and the amenities of future occupiers in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

28. The development hereby permitted shall be carried out in accordance with the approved plans:

- 18065_L01.02 (Site Plan)
- 18065_L06.03 (Outline 1 – Updated Link Road Alignment)

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

Informatives:

01. *You are reminded of the contents of the Environment Agency's letter of 02/12/11, a copy of which is available on the District Council's website. Specifically the detail required in connection with condition 11 should take the Agency's views into account.*
02. *You are reminded that any hedgerow or tree removal that affects protected species may require a licence from Natural*

(Voting: unanimous in favour)

294. Planning Application: 19/03483/S73 - Crewkerne Key Site 1, Land East of Crewkerne Between A30 and A356 Yeovil Road, Crewkerne (Agenda Item 13)**

Proposal: Section 73 application to amend the approved plans condition (no. 26) of planning consent 14/02141/OUT to amend the highway plans and the provision of supplemental environmental statements to reflect such changes

Please see previous minute No: 293

The Specialist for Development Management advised that she had no further comments to add to her previous presentation on application 19/03482/S73.

The Agent for the applicant confirmed that he had no further comments to make other than those relating to the previous application.

The Ward Member, Councillor Mike Best, proposed that that the officer's recommendation to approve the application be accepted. This was seconded by Councillor Robin Pailthorpe and when put to the vote, this was agreed unanimously.

RESOLVED: That planning application 19/03483/S73 be GRANTED permission, in accord with the officer's recommendation, subject to:-

- (i) The prior completion of an updated Section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following matters in addition to the existing obligations already secured:
 - a) To secure the amendments to the alignment of the link road;
 - b) To secure the delivery of the attenuation pond for both Outline 1 (05/00661/OUT) and Outline 2 (14/02141/OUT); and
- (ii) Conditions, as set out below (as well as any additional or modified conditions recommended by Wessex Water and the LLFA):

Justification:

Notwithstanding the allocation of this site for employment uses there are material considerations that justify a policy exception to accept a mixed use development of this site. The proposal would maintain a reasonable level of employment land to meet the anticipated need in the town over the plan period and there are significant benefits in terms of the delivery of additional housing to meet the District wide shortfall as well as the need in the town identified by policy SS5. The proposal would have not undue adverse impact on highways safety, food risk, ecology, landscape character or visual or residential amenity. The revised package of planning obligations across the site reflects the viability of the allocated site and is necessary to ensure the delivery of this stalled site whilst maintaining the mitigation measures without which the development would be unacceptable. As such, whilst acknowledging, the policy conflict, there are significant benefits and material considerations that outweigh any harm that might arise.

Subject to the following conditions:

- 01. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 5 years from the date of this permission and the development shall begin not later than 5 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

- 02. The residential component of development hereby approved shall comprise no more than 110 dwellings.

Reason: To ensure that the mitigation measures negotiated as part of the scheme hereby approved are commensurate with the development as built in accordance

with Policies HG1, KS/CREW/1, HG3, HW1 and SS6 of the South Somerset Local Plan 2006-2028.

03. The development hereby granted permission shall not be commenced unless a written programme, showing the phasing of the development, including the relevant parts of the highway and the provision of the new Link Road and associated works; the planting of structural landscaping and delivery of the public open space; and the timings for the delivery of each phase, has been submitted to and approved in writing by the local planning authority. Such phasing shall accord with the recommendations of the Environmental Statement and its addendum, submitted in support of the application. Subsequently each of the phases shall be completed in accordance with the phasing programme unless agreed otherwise in writing by the local planning authority.

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

04. For each phase, or part thereof, all reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme in accordance with the aims and objectives of the approved Masterplan and the recommendations of the Environmental Statement and its addendum submitted with this outline application.

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

05. As part of the first reserved matters a Landscape and Ecological Management Strategy for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on the Approved Masterplan and the findings and recommendations of the Environmental Statement submitted in support of this application and shall set out, on a phase by phase basis, the principles by which the impacts of the development on landscape and ecology will be managed. No trees or hedges shall be removed in advance of the agreement of the site wide Landscaping and Ecological Management Strategy.

Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Landscape and Ecological Management Plan based on the principles agreed in the site wide Strategy for that phase, including up-to-date surveys and mitigation strategies where necessary. Once agreed such Plans shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with policies KS/CREW/1, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028.

06. As part of the first reserved matters a Landscape Planting Strategy for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on the Approved Masterplan and the findings and recommendations of the Environmental Statement and addendum submitted in support of this application and shall set out, on a phase by phase basis, the principles by which the landscaping, including structural planting, of the site will be guided. No trees or hedges shall be removed in advance of the agreement of the site wide Landscape Planting Strategy.

Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Landscaping Plan based on the principles agreed in the site wide Strategy for that phase, including up-to-date surveys and mitigation strategies where necessary. Once agreed such Plans shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with policies KS/CREW/1, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028.

07. As part of the first reserved matters a Waste Management Plan setting out the principles for waste management and refuse collection throughout the site shall be submitted to and approved in writing by the local planning authority. This shall then be used as the basis for all submissions of applications for approval of reserved matters.

Reason: To ensure that the development is appropriately served by waste management strategies and refuse collection in the interests of the amenities of future residents in accordance with policy EQ2 of the South Somerset Local Plan 2008-2028.

08. Notwithstanding the details on the drawings hereby approved, prior to the commencement of the construction of the junction of the link road with the A356 details of any retaining structures, levels changes, landscaping and drainage of the junction shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented prior to the occupation of any unit unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

09. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with policy EQ3 of the South Somerset Local Plan 2006-2028.

10. No development shall take place on any phase or part thereof, unless 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. Subsequent development shall be carried out in accordance with the requirements of the approved CEMP.

Reason: In the interest of the amenities of the locality in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

11. No development hereby approved shall commence until a detailed surface water drainage scheme for the site, generally in accordance with the submitted Flood Risk Assessment has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

12. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

1) A preliminary risk assessment which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors,
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: To protect controlled waters in accordance with policy EQ7 of the South Somerset local Plan 2006-2028.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters in accordance with policy EQ7 of the South Somerset local Plan 2006-2028.

15. Streetlighting columns shall not exceed six metres in height and shall be equipped with maximum cut-off and downlighting in accordance with details which shall be submitted to and approved in writing by the local planning authority. There shall be no variation of this height unless otherwise agreed in writing by the local planning authority.

Reason: To protect wildlife habitats, in the interests of visual amenity and to prevent light pollution in accordance with policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

16. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity and highways safety in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

17. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety and the amenities of future occupiers in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

18. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028

19. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, details of measures for the protection of badger setts (until such time that Natural England has issued a licence permitting their closure), ecological supervision of works and update surveys for badger setts. The works shall be implemented in accordance with the approved details and timing of the approved badger sett protection measures, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028.

20. No works shall be undertaken to any trees that have been identified as having potential to be used by roosting bats until a prior survey and assessment for bats has been completed in full by a licenced bat consultant, and any resulting legal requirements complied with.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028.

21. No hedge nor scrub, nor any part thereof, nor any tree, shall be removed until a European Protected Species Mitigation Licence (in respect of dormouse) has been issued by Natural England and a copy thereof (i.e. confirmation) submitted to and approved by the local planning authority. Thereafter, only the sections of hedge or trees specifically identified by the licence, or by subsequent such licences, shall be removed, and shall be done so in accordance with the conditions of the relevant licence. Unless otherwise permitted in writing by the local planning authority.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028

22. Precautionary measures for minimising harm to Priority Species (Common Toad, Otter, Hedgehog) shall be undertaken as detailed in the Environment Statement, and the relevant Landscape and Ecological Management Strategy (LEMS) or Landscape and Ecological Management Plan (LEMP).

Reason: To safeguard priority species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028.

23. Prior to the commencement on each phase of the development hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat and bird boxes for that phase (including provision for swallows and swifts) shall be submitted to and approved in writing by the Local Planning Authority. Once approved, such biodiversity enhancement measures shall be implemented as part of the development and maintained at all times thereafter in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

24. Prior to the occupation of any dwelling or any industrial unit a measures only travel statement, as relates to that part of the development, shall be submitted to and approved in writing by the local planning authority. The approved measures in such travel statements(s) shall thereafter be implemented as part of the development.

Reason: To promote sustainable travel in accordance with policy TP4 of the South Somerset local Plan 2006-2028.

25. As part of the first reserved matters a 'Noise Management Strategy' for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on an update full noise survey of the site and shall set out, on a phase by phase basis, the principles by which the impacts of noise on the development will be mitigated. It shall also show that the development will be laid out in such a manner so as not to compromise the operation of existing users on the adjoining industrial estate.

Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Noise Management Plan based on the principles agreed in the site wide Strategy for that phase. Once agreed such Plans shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with policies EQ2 and EQ7 of the South Somerset local Plan 2006-2028.

26. Development shall be carried out in accordance with the following approved plans:

- 18065_L01.01 (Site Location Plan)
- 18-138-019B (Proposed Link Road Gateway General Arrangement)

Reason: To clarify the development hereby approved.

Informatives:

01. *The health and safety of the public using the footpaths must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpaths, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpaths resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.*

(Voting: unanimous in favour)

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Chairman

