

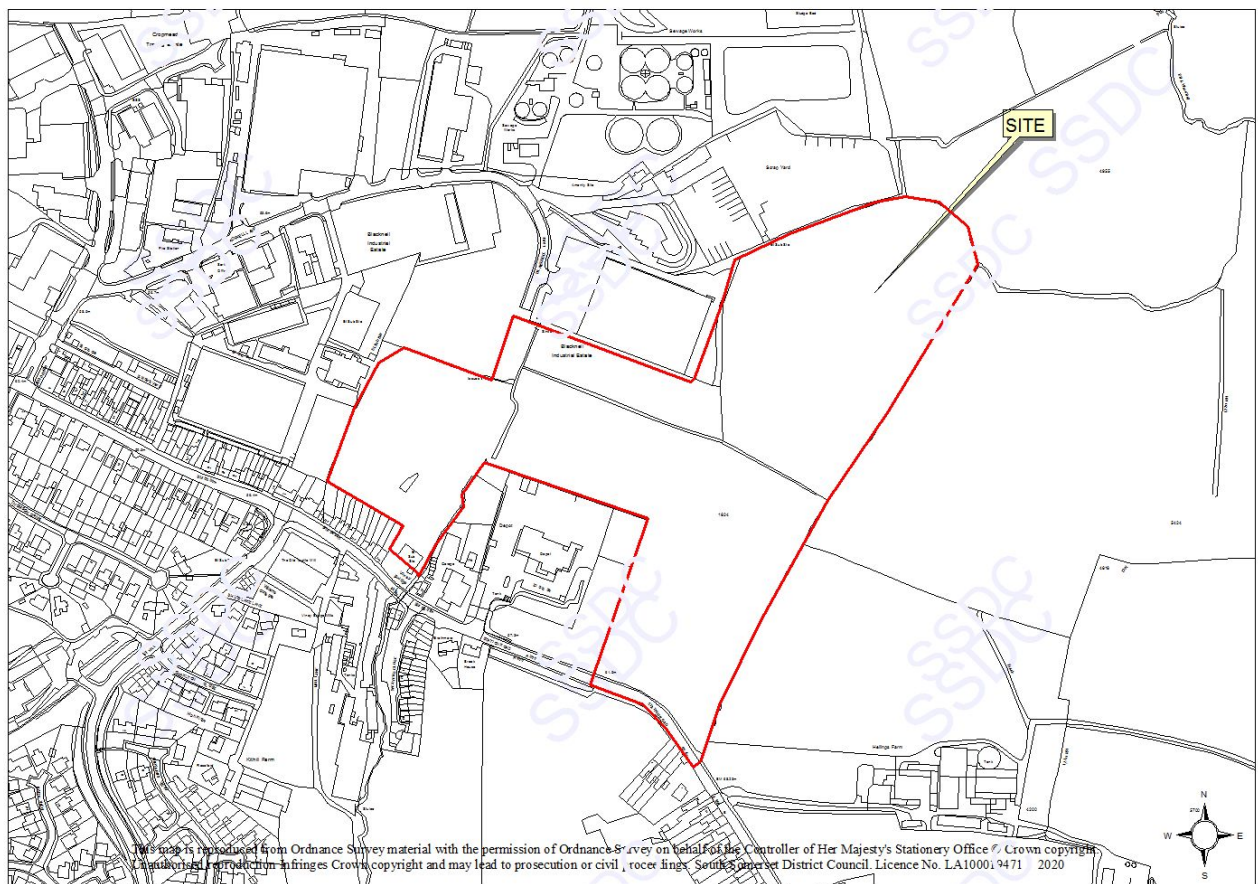
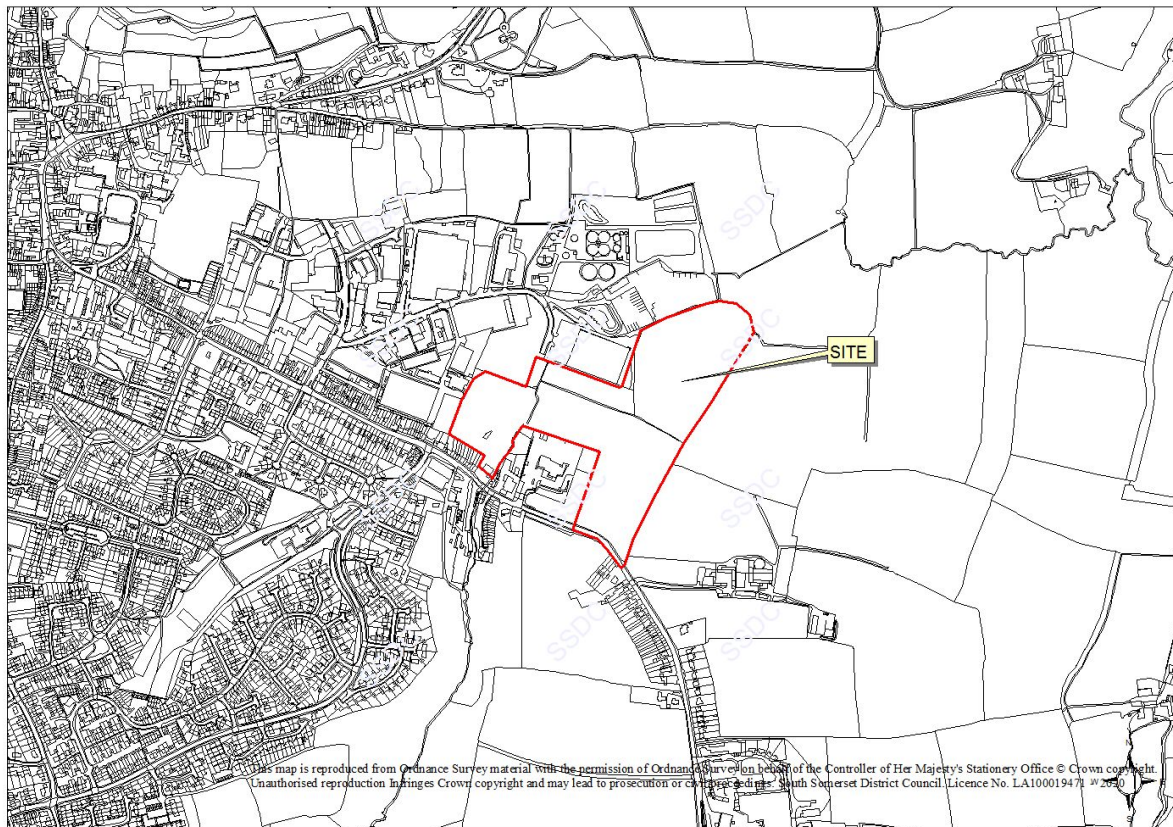
Officer Report on Planning Application: 19/03483/S73**

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
Site Address:	Crewkerne Key Site 1 Land East of Crewkerne Between A30 and A356 Yeovil Road, Crewkerne
Parish :	Crewkerne
CREWKERNE Ward (SSDC Member)	Cllr R Pailthorpe Cllr M Best Cllr B Hodgson
Recommending Case Officer :	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	19th March 2020
Applicant :	Taylor Wimpey Exeter C/O Agent
Agent: (no agent if blank)	Ms Hannah Bizoumis Stantec 10 Queen Square Bristol BS14NT
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE:

The application is a 'major major' development and recommended for approval and as such is required to be referred to committee under the scheme of delegation.

In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2 starred for the immediate future to safeguard the Council's performance, pending a more substantive review. This application is 2-starred under the Scheme of Delegation meaning the application will be referred to the Regulation Committee if the Area Committee resolves that the application should be refused.



SITE DESCRIPTION AND PROPOSAL

This application relates to the Crewkerne key site which is located on the eastern side of Crewkerne and is approximately 50 hectares in area. The site currently has two associated extant planning permissions which the applicant refers to as Outline 1 and Outline 2 and which sit together as one overarching scheme and are linked by a single Section 106 agreement.

Outline 1 relates to planning approval 05/00661/OUT, which granted permission for a large scale mixed use development comprising up to 525 houses, employment land, community facilities, playing fields, public open space and landscaping and associated infrastructure including a link road and highway improvements.

Outline 2 relates to a later planning application, approval 14/02141/OUT, which was submitted in respect of the southern portion of the wider site. Under the earlier scheme this part of the site was to include no residential dwellings and instead was to accommodate the employment element of the scheme along with other associated infrastructure. However, they successfully argued that the scheme as originally approved was unviable and through this 2014 application gained permission for up to 110 dwellings and a 60 bed care home, this in turn led to a reduction in the overall land for employment use to 3.74 hectares. This potentially brings the total number of residential dwellings across the whole site to 635.

At a similar time to planning application 14/02141/FUL being considered the applicant submitted a separate application to vary to the S106 agreement to allow for variations to the associated planning obligations and so that these obligations were applicable to and included the amendments to this latest scheme. Both of these applications were approved and the matters secured under the revised S106 agreement were:

- the completion of the link road through the site, between the A30 and the A356, prior to the occupation of 200 houses or within 4 years of first residential occupation, whichever is sooner;
- the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000sqm of employment space or within 4 years of commencement of the employment land or within 7 years of the first occupation of any dwelling, whichever is sooner;
- the delivery of 17.5% of the housing as affordable homes for 'social rent';
- the delivery of the serviced school site;
- an education contribution of £2,000,000;
- a contribution of £260,000 towards sports, arts and leisure facilities;
- a contribution of £635,624 towards off site highways mitigation and sustainable travel planning, to include:-
 - £100,000 towards town centre improvements (upon commencement);
 - contributions to off-site traffic calming and improvements to footpath/cycle path links (prior to first occupation);
 - contributions towards bus services to serve the development (upon completion of the link road);
 - contributions towards travel planning measures;
- the provision and maintenance of on-site play areas;
- the landscaping and maintenance of c.24 hectares of 'country-park', including any landscaping necessary for dormouse mitigation measures;
- the completion of the dormouse bridge prior to the completion of the link road through the site with a requirement for the developer to make all reasonable endeavours to re-assess the dormouse population prior to commencement of the dormouse bridge and, if justified, to agree appropriate alternative mitigation
- appropriate badger mitigation measures as required by the Council's ecologist;
- 3 yearly reviews of the viability of the development throughout the construction phase.

The agreed obligations reflected the District Valuer's then advice that, the development, including the provision of the link road, the school site, landscaped areas and employment land (as per allocation KS/CREW/1 in the local plan) was only viable with 17.5% affordable houses (all for rent) and c. £8.6m towards planning obligations. Included within this figure was an allowance for an

enhanced use of natural stone to meet the findings of the Enquiry by Design conducted at the allocation stage.

Site description

The site sits between the A30 Yeovil road and the A356 Misterton road to the south. The northern part (Outline 1), where the main residential element is approved, adjoins the A30 and lies to the east of the town cemetery. This is the highest part of the site at the top of a scarp slope, which runs roughly east-west.

The central part of the site (Outline 1) includes the scarp slope with the lowest lying parts of the site mainly grassland. A corridor of open countryside extends westwards from the site boundary into the town centre. This area has been identified as a good habitat for dormice. This central part of the site is to be retained for informal recreation. New balancing ponds associated with the drainage of the site would be located in this area and will be designed to attract wildlife. In addition to the informal recreation provision there will also be a community sports area including a playing pitch.

The southern part of the site, as covered by the application 14/022141/OUT (Outline 2), slopes gently upwards to the A356 at the southern boundary. This part of the site adjoins the town's main industrial area at its western boundary and open countryside to the east and is comprise the employment and care home elements along with residential development for up to 110 dwellings and provides the southern part of the link road where it leads on to Station Road.

Both the 2005 and 2014 submissions were supported by an Environmental Statement which addressed the proposal's impacts on traffic, ecology, drainage, landscape, air quality and amenity. The current application is supported by further updates to the Environmental Impact Assessment (EIA) in response to the proposed amendments to the layout of the link road and the attenuation measures. The updates address transport and travel planning, ecology, flood risk / drainage, noise and air quality.

Proposal

The current application is seeking to vary condition 26 (approved plans) of planning approval 14/02141/OUT in order to correct what can be described as discrepancies between the two planning consents. In essence these relate to small alignment divergences for the spine road between the two approvals and are sought in order to make the spine road workable and deliverable for both schemes.

The current application is also seeking a mechanism to secure the delivery of the drainage pond to Outline 2 which sits outside the redline area for this approval and within the site area for Outline 1 but has always been intended to serve both schemes.

The applicant has also noted that there is a discrepancy in the plans listed on the planning approval and that listed in the associated S106 agreement.

These matters will need to be addressed through an amended S106 agreement prior to the issuing of any approval in relation to the current revised application.

In parallel with this, a separate Section 73 application has been submitted to vary planning consent 05/00661/OUT. Whilst separate planning applications, the two s73 applications should be read together.

HISTORY

19/03482/S73: Section 73 application to amend conditions 3 (phasing) and 9 (highway plans) of planning approval 05/00661/OUT. Pending consideration.

15/04084/DPO: Application to modify S106 agreements dated 31st January 2013 between SSDC and SCC and Taylor Wimpey Ltd in respect of planning permission reference 05/00661/OUT.

14/02141/OUT: Outline development of up to 110 houses, 60 bed nursing home, up to 2 hectares of employment land, vehicular access from Station Road and Blacknell Lane. Permitted.

13/02201/REM: Reserved matters application for development comprising 203 dwellings, the first section of the Crewkerne link road, drainage and service infrastructure, landscape and ecological mitigation measures (Phase 1 of 05/00661/OUT). Permitted.

05/00661/OUT: Outline permission granted for mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements. This comprised:

- 525 dwellings, including 17.5% affordable housing (14.8 Hectares - 36 acres)
- Employment land for a range of employment uses (9.8 hectares - 24 acres)
- A local centre, including a convenience store
- A primary school site(1.4 hectares - 3.5 acres)
- Open space and structural landscaping
- Balancing ponds/attenuation areas to manage surface water
- A new link road between the A30 and the A356
- Detailed design of the new junctions with the A30 and A356
- A dormouse bridge over the link road, to be linked to the habitat to the west of the site and the open countryside to east by additional planting to enable a 'wildlife corridor' to be maintained across the site.
- Badger mitigation proposals
- On-site footpaths and cycle ways and enhanced links to the town centre
- A detailed package of planning obligations, agreed following an 'open-book' appraisal of the viability of the scheme by the District Valuer.

9000793/OUT: Construction of primary distributor road & the residential & industrial development of land together with local centre & community facilities, highway improvements & public open space. Refused.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

EP3 - Safeguarding Employment Land

HG1 – Strategic Housing Site

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - March 2019

Part 2 – Achieving sustainable development
Part 5 – Delivering a sufficient supply of homes
Part 8 – Promoting healthy and safe communities
Part 9 – Promoting sustainable transport
Part 11 – Making effective use of land
Part 12 – Achieving well-designed places
Part 14 – Meeting the challenge of climate change, flooding and coastal change
Part 15 – Conserving and enhancing the natural environment
Part 16 – Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

Crewkerne Town Council: No objections.

Misterton Parish Council: No objections.

Merriott Parish Council: No comments received.

County Highway Authority: Raised no objections and made the following comments and observations:

“The new drawings have been audited for safety and the following comments have been received;

The highway works are subject to a S106 Agreement and consists of a road linking the A356 Station Road to the A30 Yeovil Road via two new signalised junctions. A Toucan Crossing will also be provided along with off-carriageway cycle infrastructure.

The following drawings have been provided for consideration: -

Drawing No Rev:

Highway Alignment [Sheet 1 of 6] 18-138-020 C
Highway Alignment [Sheet 2 of 6] 18-138-021 C
Highway Alignment [Sheet 3 of 6] 18-138-022 C
Highway Alignment [Sheet 4 of 6] 18-138-023 C
Highway Alignment [Sheet 5 of 6] 18-138-024 B

For the junction onto the A30

The junction on the A30 to the northern end of the Crewkerne Link Road has been subject to a number of detailed audit submissions already in November 2013. The design team should confirm that the information contained on the original Phoenix drawings has been incorporated into this latest design and highlight those areas that have changed.

For the A356 Station Road junction:

- It is recommended that suitable and sufficient infrastructure such as tactile paving and signs are provided to connect the existing footway into the new cycle infrastructure.
- It is recommended that a clear signing strategy is put in place and the location of advanced signing is identified at an early stage to ensure that the land is available to erect the signs.
- It is recommended that an Advanced Stop Line is provided on the western arm for cyclists.
- It is recommended that swept path drawings are provided for the largest known vehicles that will travel through the junction. It is also recommended that these drawings are passed to the Avon and Somerset Police Abnormal Loads team at Avonmouth to make comment and provide any observations.
- It is recommended that a phasing diagram is provided for the junction so that the audit can see how the junction might operate. If north west bound vehicles are expected to wait and turn right in gaps, then a marked area should be provided to ensure they are clear of through traffic.
- It is noted, from the drawings provided, that controlled crossings will be provided across the south-eastern arm of the proposed junction. There is no footway on the south-eastern side of the carriageway, and it is not clear where the demand will come from to cross at this location. The designer should provide some background information to the reasons behind this design and whether it is proposed to provide onward connections. The controlled crossing should be removed if it does not serve any existing or anticipated desire line.
- It is recommended that smaller junction radii are provided.
- It is noted, from the drawings provided, that long lengths of shared cycle route will be provided alongside the carriageway. It is recommended that a segregated route is provided for pedestrians.

It is noted that the majority of these comments from the Audit Team can be attended to through the technical approval process associated with amending the existing s106 agreement as an alteration to the phasing agreement is required in order to facilitate a s278 agreement to secure and construct the junction at the southern end of the link road.

In this regard, the Highway Authority does not object to this application subject to appropriate work being required to amend the existing s106 agreement and secure a new s278 agreement.

SSDC Highway Consultant: Refer to SCC advice.

SCC Rights of Way: I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that run through the site at the present time (public footpaths CH 33/36, CH 33/35, CH 33/37, CH 33/40, CH 19/27, CH 19/21, CH 19/22, CH 19/52, CH 33/51) and PROWs that run adjacent to the site (public footpaths CH 33/17, CH 33/38, CH 33/41, CH 33/34, CH 33/39, CH 33/41, CH 33/46). The long-distance path, The Liberty Trail, also passes through the site.

We have no objections to the proposal, subject to the following:

1. Specific Comments

Please note that the County Council has made an order to modify the Definitive Map and Statement by upgrading public footpaths CH33/34 (part), CH 33/35 and CH 33/36 to restricted byways. The order received objections and has therefore been submitted to the Secretary of State who will be holding a public inquiry in autumn 2020. A copy of the order is attached. Further details on the

modification process can be found on the relevant SCC's webpage: <https://www.somerset.gov.uk/waste-planning-and-land/apply-to-add-delete-or-upgrade-a-public-right-of-way/>

The assessment of the road crossings for path CH 33/35 and CH 33/36 could change depending on the outcome of the public inquiry. Safety audit requirements will be different if the crossings end up being for equestrian routes (bridleway or restricted byway), and if the public use cannot be adequately catered for on their current alignment then a diversion order will be necessary. If the site does not go through the adoption process, a s278 agreement will be required to control the works that will occur on the public rights of way.

2. General Comments

Any proposed works must not encroach onto the width of the PROW. The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW 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 public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

Police Designing Out Crime Officer: No comments.

Natural England: No comments.

SSDC Ecologist: No objections or recommendations.

SSDC Tree Officer: No comments received.

SSDC Environmental Protection Officer: No comments.

SW Heritage Trust Archaeologist: As this is an application to vary conditions dealing with phasing and highways there are no archaeological implications to this proposal and we therefore have no objections on archaeological grounds. However, there is an archaeological condition on the original permission that requires excavation of the significant archaeological site within the proposal area and this email has no bearing on that condition.

Environment Agency: I have checked our records and we have assessed the above application and can confirm that we have no comments to make as this consultation did not fall within a category (N) to which we required a consultation on.

Lead Local Flood Authority (County Drainage): Latest comments in response to the submission of additional information relating to the attenuation feature had yet to be received at the time of writing this report and will be updated to Committee verbally.

Initial comments - Whilst we have no objection to the realignment of the spine road to regularise the approved planning drawings, we would request further information on the attenuation feature.

The "Environmental Statement Flood Risk and Drainage Compliance Note – Section 73 OUT1" states that "the team are now in a position to update the size of pond required for the OUT2 offsite drainage mitigation" however doesn't expand upon this any further. Any changes to the approved attenuation due to this planning application should be explained and demonstrate that the system will function appropriately.

Wessex Water: No comments received at the time of writing.

REPRESENTATIONS

Written representations have been received from 5 local households raising the following concerns and observations:

- This will be a traffic disaster for Crewkerne.
- Concerned at the light-controlled junction proposed on Station Road which features a pelican crossing directly outside the terrace of houses known as 2, 4 and 6 Station Road. Concerned about the higher levels of sound and air pollution by vehicles idling whilst waiting for light phases and how it will impact on our ability to park in front of our own homes and access to our properties. This could be avoided by re-positioning this junction or having a roundabout instead.
- Is it true that the local flood plain will be re-positioned? It is unclear how this is possible and in view of climatic matters this should be re-visited.
- The location of the care home so close to the sewage treatment works and industries is wrong.
- The plans showing the new alignment of the link road do not seem to show any dormouse crossing.
- For the signalled junctions, link road to Station Road and Yeovil Road, are the paths from east side and west side encouraging people, including school pupils to use the crossing. The paths on the north side of the road, are these wide enough for the expected numbers. Also there is a path parallel on the west side of the link road, is this needed?
- Balancing ponds – an additional one is to serve the additional housing and industry in the southern part of the site? Will petrol / oil interceptors be installed to prevent contamination and protect pond life.

CONSIDERATIONS

This Section 73 application relates to planning approval 14/02141/OUT (Outline 2), which granted permission for an amended scheme for the southern portion of the Crewkerne key site. Under that application permission was granted to reduce the overall level of employment land coming forward and also allowed an additional 110 dwellings and a 60 bed care home. Whilst this approval was a separate application to the earlier scheme approved in 2011 (05/00661/OUT) it forms part of a single master plan for the whole key site site, with one over-arching S106 agreement to secure the various planning obligations, and as such should be considered as a single scheme alongside Outline 1.

Unfortunately since Outline 2 was approved it has come to light that there are discrepancies with the alignment of the link road that runs through the length of the site, with the road not fully aligning between that approved for Outline 1 and that approved for Outline 2. It has also become apparent that the attenuation feature which is located within the southeast corner of the public open space on the master plan, is to serve both schemes, but sits outside the redline site area for Outline 2. This needs to be secured appropriately through the Outline 2 permission.

In all other respects the schemes remain unaltered and the planning obligations secured through the existing associated S106 agreement will remain intact.

Alterations to the link road

The proposed amendments to bring the link road into alignment, and therefore a workable and deliverable state, are very minor. The Highway Authority has no objection to the proposed revisions and the slight adjustments to the roads realignment is such that they are not considered to result in any new amenity or environmental impacts above and beyond that resulting from the approved schemes. On this basis these changes are considered to be acceptable.

Drainage matters

The drainage scheme includes an attenuation pond which is to be located within the southeast corner of the public open space, which occupies the central part of the key site, and is to serve both Outline 1 and Outline 2. The location of the pond remains unaltered from that previously approved, but as noted above this drainage feature needs to be secured appropriately for both schemes.

The Statutory Consultees for drainage and flood matters are the Environment Agency, Wessex Water and the Lead Local Flood Authority (LLFA). At the time of writing this report the Environment Agency had confirmed that they had no objection to these amended applications, however comments had yet to be received from Wessex Water. The LLFA in their response noted that the submitted *“Environmental Statement Flood Risk and Drainage Compliance Note – Section 73 OUT1”* states that *“the team are now in a position to update the size of pond required for the OUT2 offsite drainage mitigation”* however doesn’t expand upon this any further. Any changes to the approved attenuation due to this planning application should be explained and demonstrate that the system will function appropriately”. The applicant has provided additional information in response to this query which has been passed to the LLFA, however, they have yet to provide their final comments. As such comments from both Wessex Water and the LLFA will have to be reported verbally to Committee.

On the basis that neither the LLFA or Wessex Water raise any objection to these applications, the proposed amendments are not considered to raise any new substantive drainage or flooding concerns.

Other matters

The very minor nature of the proposed amendments are such that they will not give rise to any new ecological or environmental concerns. The concerns raised by local residents are noted, in particular in regard to the impact of the new junction arrangements on their ability to park on the road as well as air quality from vehicles waiting for the signals to change. However, such impacts

formed part of the considerations of the original applications, the current applications are not proposing any changes to these junction arrangements, it would therefore be unreasonable to revisit these matters at this stage. There are a number of public rights of way that cross the sites, however, again the amendments are not considered to give rise to any new issues in their respect.

As noted earlier in this report the original applications were supported by Environmental Statements. EIA Compliance notes relating to ecology, air quality, noise, flood risk, transport and access have been provided for the current applications in addition to the original ES's. Since the original approvals were granted there have been no relevant or significant changes to planning policy or to surrounding development or the local environment. Subject to no objections being received from Wessex Water or the LLFA, then none of the Council's consultees will have raised any objections to the amendments. With this in mind and considering the nature and very small scale of the proposed amendments it is accepted that these matters have been addressed satisfactorily.

Conclusion

In summary, the proposed amendments, by reason of their nature and minor scale, are such that they raise no new substantive environmental or highway safety concerns. Comments from Wessex Water and the LLFA were still awaited at the time of writing this report, however, subject to their raising no objection to the proposal and any conditions or other recommendations that they may wish to make then the proposal will not be considered to lead to any new or increased flood risk or drainage concerns.

Accordingly, subject to no objections being raised by Wessex Water or the LLFA, the application is recommended for approval.

RECOMMENDATION

The application be approved 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, flood 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.*