

Officer Report On Applications: 14/02141/OUT and 15/04084/DPO

14/02141/OUT	Outline development of up to 110 houses, 60 bed nursing home, up to 3.74 hectares of employment land, vehicular access from Station Road and Blacknell Lane
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.
Site Address:	Crewkerne Key Site, Land between A30 and A356, Crewkerne
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Members)	Cllr Marcus Barrett Cllr Mike Best Cllr Angie Singleton
Recommending Case Officer:	Adrian Noon, Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	15th August 2014
Applicant :	Taylor Wimpey Homes
Agent: (no agent if blank)	Colin Danks Origin3 17 Whiteladies Road, Clifton, Bristol, BS8 1PB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

Background

In January 2011 Area West Committee members resolved to approve application 05/00661/OUT for:-

Comprehensive 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 approval was subject to a S106 agreement which provided for:-

- 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.

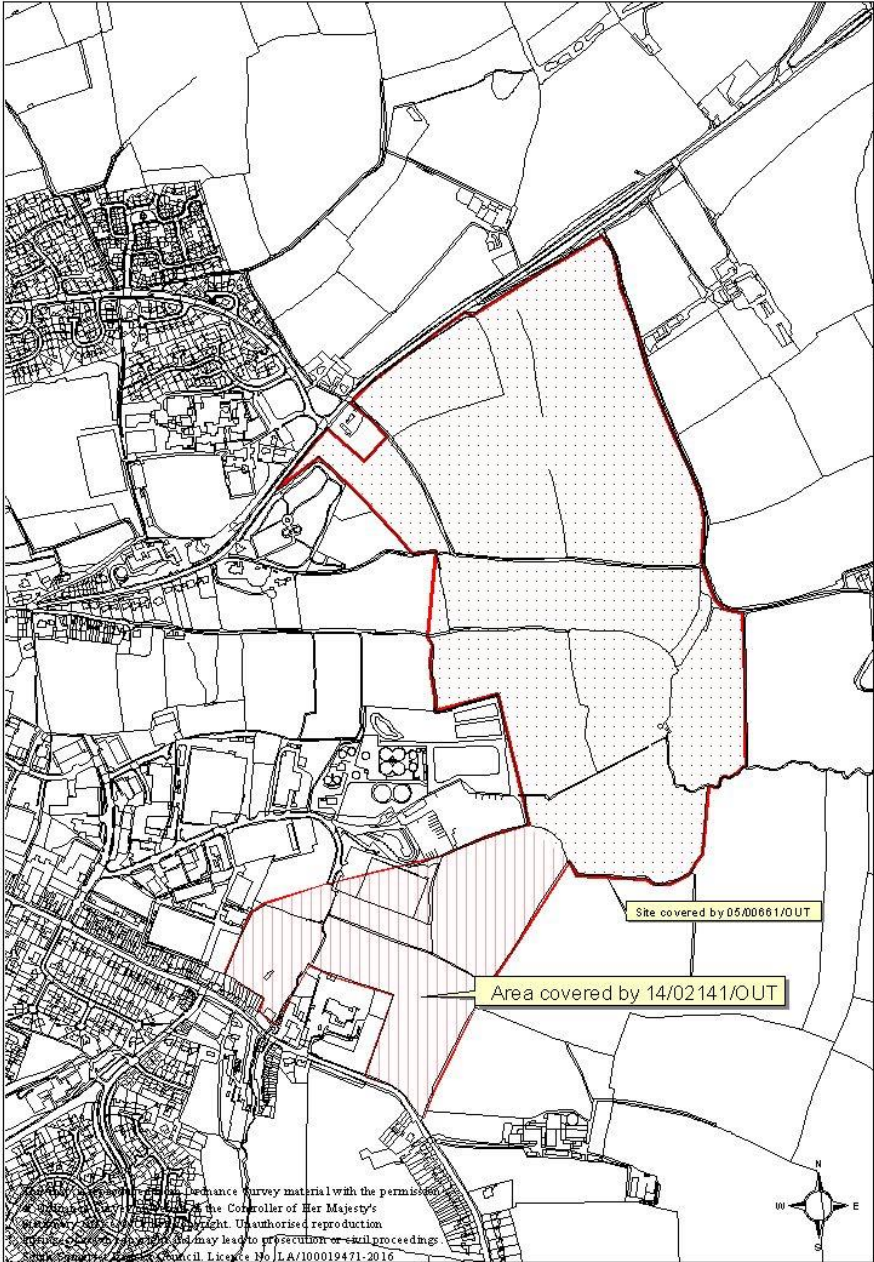
The Current Situation

The applicant believes that in the current market the approved scheme is now unviable and is seeking to add value to the site by seeking outline approval for up to 110 dwellings, a 60 bed care home and on the 10 hectares employment land approved off Station Road by 05/00661/OUT. 3.74 hectares of employment land would be retained – with the care home this would equate to 4.24 ha for employment uses.

At the same time it is contended that the previously agreed obligations, along with further obligations sought in relation to the current proposal and unexpected archaeological costs, are unaffordable. In light of a review of the residential layout at the top of the site, it is suggested that the likely level of development will be approximately 497 houses.

The applicant has therefore requested that the Council reconsiders the planning obligations 'in the round' across the whole site as agreed by 05/00661/OUT in light of the amendments now proposed by 14/02141/OUT. To enable the Council to do so a formal application to amend previously agreed planning obligations has been submitted (15/04084/DPO). These two proposals are considered in the following report.

SITE DESCRIPTION AND PROPOSAL



The allocation as a whole is located to the east of the town comprising of some 50.32 hectares (124.3 acres) of land lying between the A30 Yeovil road and the A356 Misterton road to the south. The northern part, where the original residential element would be, 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 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 would be retained for informal recreation. New balancing ponds associated with the drainage of the site would be located in the northeast corner and southern parts of

the site and these 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, 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. The current outline proposal, which has been amended to increase the retained employment land from the 2 hectares originally proposed, maintains the previously agreed detailed access to Station Road and includes:-

- Up to 110 dwellings
- 3.74 ha of employment land for a range of B1/B2/B8 employment uses
- A 60 bed care home
- The bottom part of a new link road between the A30 and the A356
- Provision for a link to Blacknell Lane

The 2005 submission was supported by an Environmental Statement which addressed the proposal's impacts on traffic, ecology, drainage, landscape, air quality and amenity. That Statement was updated (10/11/11), following the issue of a formal 'scoping opinion' to outline the areas that need to be addressed to take into account changes in circumstance.

The current application is supported by further updates to the Environmental Impact Assessment (EIA) in light of the introduction of residential development to this southern part of the site. In particular the chapters on noise and odours have been updated in light of the proximity of existing and proposed industrial uses to the proposed houses and also the presence of the town's sewage treatment works to the north of this part of the site. Also updated are the sections on transport and travel planning, flood risk/drainage and ecology to reflect the changes proposed on this part of the site.

In addition to the updated EIA, the application is supported by:-

- Design and Access Statement;
- Planning Statement
- Statement of Community Involvement;
- Employment marketing Statement
- Viability Appraisal;
- Landscape Visual Appraisal
- Arboricultural Assessment
- Ground Conditions Report;
- Archaeological Assessment
- Odour Assessment
- Indicative layout plan
- Detailed drawings of the new Station Road Junction (as previously approved by 05/00661/OUT)

Following lengthy negotiations and the advice of the District Valuer the application is offering the following package of planning obligations across the whole, allocated site:-

- 50 affordable houses (c. 8.25% of the total 607 proposed), at social rent to be delivered in the first phase of development;
- The link road to the originally agreed timetable
- The school site as originally agreed

- £7,600,000 to cover:-
 - All financial contributions towards education, leisure off site highways/town centre improvements and travel planning;
 - Ecology mitigation works (dormice and badgers)
 - Abnormal costs – unexpected archaeological works and increase use of natural stone to meet the findings of the Enquiry by Design
 - Enhanced landscape planting of a30 junction and country park open space.

The applicant also owns land to the South of Eastham's Lane that is allocated for informal recreation use (saved policy CR/CREW/8) that could be considered as part of off-site leisure obligations.

The proposed reductions to the obligation package and the means of achieving the savings have been consulted on in tandem with the current proposal. Additionally discussions have been held with the appropriate consultees with regard to mitigating the financial impacts of the 'abnormals', these have centred on the possibility of reducing the level of use of natural stone within the approved residential development; alternatives to the agreed dormouse bridge and the justification for the level of archaeological works deemed necessary within the top part of the site.

PLANNING HISTORY

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|--------------|--|
| 900202 | Permission refused (25/04/90) for the construction of primary distributor road & the residential & industrial development of land together with local centre & community facilities, highway improvements & public open space |
| 05/00661/OUT | <p>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:-</p> <ul style="list-style-type: none"> • 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. |

13/02201/REM Reserved matters approved 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)

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

In South Somerset the development plan comprises the policies of the South Somerset Local Plan 2006-2028. The policies of most relevance to the proposal are:

KS/CREW/1 (saved from the previous local plan) allocates:-

Land between Yeovil Road and Station Road, Crewkerne, is allocated as a key site development to provide the following:

- *Approximately 14.6 hectares (36 acres) for housing, providing about 438 dwellings, including a target of 35% affordable housing;*
- *Site for a new primary school 1.4 hectares (3.5 acres)*
- *Approximately 10.5 hectares (26 acres) for employment, (classes B1, B2 and B8 of the use classes order 1987);*
- *Informal recreation (20 hectares/49.7 acres);*
- *Structural landscaping (5.0 hectares/12.3 acres);*
- *Link road between A30 (Yeovil Road) and A356 (Station Road), to be provided in entirety on the completion of 200 dwellings or four years after occupation of the first dwelling, depending on which is the earliest*
- *Footway/cycle link to town centre*
- *Appropriate contributions towards improvements to affected highway infrastructure*
- *A link road between Blacknell Lane and the proposed A30-A356 south link road to be built in its entirety on the completion of 200 dwellings or four years after the occupation of the first dwelling, whichever is the earliest.*

This application relates to the approximately 10.5 hectares allocated for employment. This allocation is reinforced by Policy EP1 (Strategic Employment Sites) which states that the Crewkerne Key Site is “*strategically important for local and inward investment*”.

SS1 – Settlement Strategy – identifies Crewkerne as a Primary Market Town where provision should be made for housing, employment and other services that increases the settlement’s self-containment and enhances its role as a service centre.

Policy EP1 – Strategic Employment Sites – allocates this site as a strategically significant employment site.

Policy EP3: Safeguarding Employment Land states that employment land will be safeguarded and planning permission will not be granted for alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement’s supply of employment land or job opportunities. There is a requirement for applicants to submit a marketing statement to demonstrate that sites have been actively marketed.

Policy SS3: Delivering New Employment Land identifies the additional employment land required over the plan period and the number of jobs that should be encouraged in each settlement to support sustainable and balanced growth. 577 jobs are to be encouraged in Crewkerne to 2028, 61% of which will be in traditional B uses. 10.10 hectares of additional employment land is required, the source of which is identified as the CLR site.

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

Policy SS5: delivering New Housing Growth identifies a requirement for a minimum of 961 dwellings in Crewkerne to 2028, of which the CLR site is intended to deliver at least 525 dwellings. Over the last nine years, since 2006, 337 dwellings have been built in Crewkerne and an additional 110 dwellings have planning permission (not including any element of the CLR site). The housing being proposed on the southern phase of the CLR site (110 dwellings) when combined with the northern phase (497 dwellings) equates to 607 dwellings. The proposed growth in addition to completions and commitments would result in 1,054 dwellings, 93 more than the minimum identified in Policy SS5.

The accompanying text to SS5 (para. 5.67) advises that:-

“Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres.”

This is reinforced at para. 7.64 which states:-

“Unlike the other Primary Market Towns, there is no new direction of growth to be identified for Crewkerne, as the location of the ‘growth’ has been predetermined by the planning permission for CLR and this is recognised in Policy HG1. Furthermore Policy SS5 recognises that the residual housing requirement for the settlement should come forward adjacent to the development area and enabled by the Development Management process.”

Saved Policy CR/CREW/8 – Land south of Easthams Lane, Crewkerne (approximately 4.5 hectares/11.1 acres) is allocated for informal recreation use.

SD1- Sustainable Development

SS6 – Infrastructure Delivery

HG3 – Provision of Affordable Housing - seeks the provision of 35% affordable housing if it is viable to do so.

HG5 – Achieving a Mix of Market Housing

HG6 – Care Homes and Specialist Accommodation – is supportive of proposals for care homes where they meet an identified local need and are consistent with the Settlement Strategy

TA1 – Low carbon travel

TA4 – Travel Plans

TA5 – Transport Impact of New Development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, 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

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

Of particular relevance to this proposal is paragraph 22 which states:-

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

Other Material Considerations

The Inspector’s Report on the examination into the South Somerset Local Plan 2006-2028 (08/01/15) noted concerns regarding “*the delivery of the single large site primarily because of the infrastructure requirements*”. It was set out at para. 97 that:-

“monitoring of the situation will be required to ensure that should progress not occur as anticipated, other measures would be considered. It was argued that because there is only one identified site, the requirement of NPPF paragraph 47 regarding choice and competition would not be met. However, there would be choice within the site itself and elsewhere on smaller sites within the town. The Council proposes to take a permissive approach when considering housing proposals adjacent to the development area, prior to the adoption of the Site Allocations DPD. This accords with national policy and is therefore recommended (MM5). In the circumstances the Council’s approach is sound.”

On 3 September 2015 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

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

The development of the wider site, to which the planning obligations relate, affects dormice, a European Protected Species', accordingly the following legislation is relevant:-

- Conservation of Habitats and Species Regulations 2010 (a.k.a. 'Habitats Regulations') (European protected animal species)
- Wildlife and Countryside Act 1981 (as amended) (All protected animal species)
- The Protection of Badgers Act 1992
- The Natural Environment and Rural Communities Act 2006 (Section 40: '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 41 lists habitats and species of '*principal importance for the conservation of biodiversity*'.)
- EIA Regulations 2011 (impacts to European Protected Species are considered a significant environmental effect)
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation)

CONSULTATIONS

Crewkerne Town Council – initially objected on the grounds that the additional housing is not needed; location for housing next to industry and sewage treatment works inappropriate; loss of employment land lack of supporting infrastructure for care home.

Recommend refusal of the revised scheme on the following grounds:

- *Loss of employment land. The Council regards the provision of adequate employment land as vital to maintain Crewkerne as a vibrant, sustainable community. In the Council's view, the provision of employment land within the current application remains insufficient.*
- *The proposed location of the care home adjacent to employment land. This noise and smells from the industrial areas (potentially 24 hours per day and at weekends) will impact on the residents of the care home. Equally, the position of the care home directly adjacent to employment areas is likely to compromise the ability of companies seeking permission to locate to this area, through the imposition of restrictions on the allowable levels of noise, smells, traffic movements, etc.*

With regard to the proposal to renegotiate planning obligations the Town Council consider that the provision of a link road remains key to the development. It is recognised that savings need to be identified in order to meet the commercial viability target. Such areas should include a review of:-

- The proportion of natural stone used in the construction of the housing
- The contribution set aside for bus services
- The money set aside for traffic calming measures, which may be a duplication of existing planned Highways measures

The Council remains agreeable to taking on responsibility for the green spaces both offsite and within the development.

Misterton Parish Council (neighbouring Parish) – has concerns about the roads and infrastructure (education, health etc.). The Council agrees that SSDC must ensure that the road is built first.

SSDC Planning Policy Officer – by way of the background to the planned employment growth of Crewkerne it is advised that:-

The figure contained within the Adopted Local Plan (Policy SS3) 10.10 hectares equates to the employment land allocation (CLR) which was saved and carried forward from the previous Local Plan. This approach was accepted by the Local Plan Inspector.

Table 1 (Employment Land Justifications) which supports Policy SS3, establishes that the employment land required to support B use jobs growth up to 2028 is 3ha. This is based on a calculation which uses national average employment density ratios from Employment Densities Guide (2010).

Demand arising from historic completions suggests a figure nearer 3.75 hectares – methodology used to support Rural Centres and accepted by Local Plan Inspector.

Economic Development Officer – initially did not support the proposal as it was not felt that the loss of 8 hectares of employment land had been justified and the offer of 2 HA of employment land is too low. It would meet neither our future demand projections nor the aspirations of the original planning application regardless of the viability issues.

The starting point that we've used in our calculations to estimate the required employment land for Crewkerne is the 2.98 Ha baseline for the predicted growth in jobs for Crewkerne over the plan period. This figure was reasonably rounded to 3 Ha in our initial calculations.

However, this figure does not take into account the latent demand demonstrated by Taylor Wimpey's own evidence (GTH marketing Appraisal 2014) as submitted with their own application. I have previously commented that there is currently an unmet local demand for employment land in Crewkerne. I feel that both the GTH evidence and the unmet demand indicated in our own 2014 survey of local businesses suggests that the total demand is likely to exceed 3HA over the plan period.

I believe that the evidence indicates that there would be a moderate initial demand for land that would then level out over the remainder of the period. I do not believe that 3HA would be a sufficient allocation to meet both the unmet demand plus the land required by the job projection figures.

*It is virtually impossible to predict an exact figure from the known data, but I do feel that the higher figure of **4Ha** (that we are seeking) is not an unreasonable request, especially when one considers that a much higher employment land allocation was accepted by the applicant when the original permission was granted.*

Following discussions with the policy team it was accepted that:-

Four sources of demand have been identified, namely historic completion rates, employment land derived from jobs growth, survey of local business demand and a survey of commercial agents. The resultant demand is summarised below:-

<i>Demand arising from Historic Completions</i>	<i>3.74 hectares</i>
<i>Demand arising from jobs projections 2006-2028</i>	<i>2.98 hectares</i>
<i>Demand Identified by Local Businesses</i>	<i>0.84 hectares</i>
<i>Survey of commercial agents</i>	<i>Inconclusive</i>
<i>Highest Identified Demand for Employment Land</i>	<i>3.74 hectares</i>

Subsequently the applicant has agreed to increase the retained employment land to 3.74 hectares and it is observed:-

County Highway Authority – no objection to the introduction of residential development to this part of the site. In general it is observed:-

“This is an outline application with all matters reserved except for access. The access as proposed along station Road the (A356) and should be provided (by legal agreement) in accordance with that agreed on the extant permission for the CLR.

“The Transport Assessment has been fully reviewed and considered, and it is accepted that the trip generation from the proposal is less than that which could have been generated from the extant consent for employment uses only. It is noted that there is no trigger within the extant s106 to require the delivery of the CLR for the industrial uses in isolation.

“The extant s106 requires the delivery of the CLR at 200 residential units. It is therefore for the Local Planning Authority to determine if the extant s106 also applies to this land and the proposed residential development. It should be noted that the current proposal and accompanying TA did not consider the development in the absence of the CLR.

“The extant s106 agreement will need to be fully reviewed, and/or a new agreement provided ensuring that the proposed access onto the A 356 is secured; that the delivery of the CLR is not prejudiced and a Travel Plan secured.”

Environment Agency – initially raised concerns about the detail of the submitted FRA and the risk of flooding from Viney Brook. Subsequently in light of discussions with the applicant's agent and the receipt of supplementary information have confirm they have no objection subject to safeguarding conditions.

Natural England – note the proximity of the Millwater SSSI, however objection raised to the revised development proposals for this site, subject to the application of their standing advice (and the comments of the Council's ecologist).

SSDC Ecologist – no objection subject to safeguarding conditions to address impact on reptiles, badgers, bats, dormouse habitat and other priority species; enhancements to biodiversity and to ensure that landscape/ecology strategies and management is agreed.

Somerset Wildlife Trust – object due to widespread impact on species using this site.

SSDC Landscape Architect – notes that

“...[this] revised proposal occupies the same footprint as that consented for employment land in the main Easthams key site. In terms of the overall presence of building forms, and intended landscape treatment, there is little change from the approved scheme, and the town edge context is as before. Views toward the site primarily view it within the context of the town, again as before. I have no issues with the LVIA produced in support of the application, hence from a landscape standpoint, there is no basis for an objection.”

Climate Change Officer – objects to suggested layout as it give insufficient attention to solar renewables.

SSDC Environmental Protection Unit – initially raised concerns about lack of detail in odour assessment. Following negotiations with the applicant's consult additional details were proved and there remains a concern that the original siting of the care home would be within the odour plume of the sewage works.

Wessex Water – no concerns raised regarding drainage, however initially an objection was raised:-

“...in the current circumstances with the revised plans we are unable to confirm that Wessex Water is satisfied that there will be no risk of odour complaint and we wish to place a holding objection until we can agree acceptable evidence or mitigating measures in line with the provisions under the NPPF.

“The existing sewage treatment works serves the community of Crewkerne and is a critical asset which will at some point need further capacity for catchment growth. To be clear on this matter we are seeking to avoid a position where we are subject to abatement notice arising from complaints from residents occupying new homes.”

Subsequently, in light of additional information provided it is observed:-

The odour assessment has been prepared with some guidance from Wessex Water on the sampling, emission rates and model outputs in conformity with the IAQM guidance and industry protocols.

Odour modelling indicates the level of odour emissions and is represented in the odour report as shown in Figure 4. However there are no values associated with the isopleth plots shown on the plan. We would wish to clarify the value of these plotted odour contours to ensure our understanding of the data is correct.

Development proposals include residential elements and these are sited at the closest point on the northwestern site boundaries to the sewage works. Subject to the odour values being confirmed - Our preference would be to relocate high sensitivity residential receptors away from these areas where possible. Employment uses at this location would be considered a lower risk to a statutory nuisance and loss of amenity for residents.

Points of connection for the disposal of foul and surface water need to be agreed with Wessex Water with flow rates any flood risk measures needed by the Lead Local Flood Authority.

Sewers will be adopted by Wessex Water under a formal adoption agreement.

Further information has been provided to address concerns and it is confirmed that:-

This clarifies and confirms the results data presented in the assessment report. This assessment has been prepared with reference to recent IAQM and DEFRA odour guidance. Dispersion modelling indicates that predicted odour emissions are unlikely to affect proposed residential properties.

We believe that we have taken all reasonable steps to protect the amenity of residents if planning permission is granted for development proposals.

Rights of Way Officer – no objection subject to the applicant not obstructing any rights of way during construction. An informative is suggested.

County Archaeologist – no objection to the development of this site subject to a safeguarding condition.

CPRE – object on the grounds that to allow this application would make a nonsense of the Council's aims of balanced development. If allowed all buildings should be aligned to maximise solar energy potential, 355 affordable housing should be achieved and zero rainwater runoff.

Planning Obligation Requests and Abnormal Costs

In addition to the off-site highways issues and travel planning requirement suggested by the highways authority the following requests and comments have been made.

Housing Development Officer – requests that 35% of the additional housing be provided as affordable units. The applicant has looked into the possibility of providing more affordable units on an 'intermediate' basis (i.e. shared ownership, 'affordable' rent), however it is suggested that if the overall affordable contribution across the site as a whole is to be lowered then all units provided should be at 'social' rent.

Leisure Policy Co-ordinator – initially requested £4,180 per dwelling (£459,800 for 110 units).

Open Spaces Officer – is in agreement that what is identified as future open space could be managed in a much more sympathetic and natural way than was originally anticipated thus producing some potential savings in the future maintenance costs, we would still like to see the areas enhanced with suitable landscaping / planting but are confident that with some effort an alternative design could be accomplished.

We did notice however that a lot of planting has already been undertaken on the escarpment, although it has received little or no maintenance. Were we aware of this? and one assumes that as this has already been done the cost isn't included in the remaining figures.

In response to TW owned land within the green space, I believe that we would be interested in taking this on subject to the usual agreements.

County Education Authority – initially in relation to the additional 175 dwellings a contribution of £306,425 was requested towards the provision of 25 first school places at £12,257 per place. Subsequently it has been confirmed that the cost per place has risen to £14,007 and in relation to the revised proposal for 110 houses £224,112 is requested to provide an extra 16 places.

With regard to the overall education across the site it is commented that:-

"it is not possible to provide the school places this development would generate within existing school facilities necessitating the need for a new school. Whilst acknowledging that there is an agreement in place making provision for a school site and a £2m contribution there is still a very significant funding gap which SCC would need to bridge. Therefore SCC would look to seek an education contribution for this latest application. ."

Conservation Manager – has agreed that the original expectation of 40% of the buildings within the original residential area to be in natural stone could be watered down without unacceptably compromising the expectations of the Enquiry by Design.

Natural England – have been involved in discussions with the applicant’s ecology to explore the possibility of a dormouse tunnel under the road. At the time of writing confirmation that they accept the alternative mitigation measure was awaited.

SDDC Ecologist – defers consideration of the dormouse tunnel to Natural England.

County Archaeologist – With regard to the ‘abnormal’ archaeology investigations on the main part of the site (as covered by 05/00661/OUT) it is confirmed that:-

“following discussions with the applicant’s archaeologists from Cotswold Archaeology (CA) that the figure quoted will be sufficient to mitigate the archaeology through excavation. This is based on an agreed strategy with CA that defined and addresses regional and national research priorities. The mitigation measures are required due to the significance of the prehistoric, Roman and post-Roman remains (such as the villa) and to accord with the NPPF Chapter 12.”

REPRESENTATIONS

4 letters were initially received from local residents raising the following areas of concern:-

- House not needed
- Infrastructure lacking
- Increase traffic
- Employment land is needed
- No attempt has been made to develop the employment land
- Crewkerne would become a dormitory town;
- Advantages of original scheme have been lost;
- Impact of signalised new junction in terms of noise and pollution – traffic should go out through the Blacknell Lane industrial estate;
- Impact on tree along Eastham Lane footpath
- Possible loss of on-street parking outside nos 2, 4 and 6 Station Road

Subsequently, following publicity at a local business event the owners/directors of 5 businesses on the adjoining business park wrote in objection to the proposal raising the following concerns:-

- Loss of room for potential expansion of businesses on the estate;
- A number of businesses declared an intention to expand, the logical place being the approved 10ha of employment land;
- One business is looking to consolidate operations onto a single site in Crewkerne;
- Another claimed to have approached the site owner with a view to taking a plot on the application site but was rebuffed;
- The site has not been seriously marketed, what was offered did not meet local needs;
- Proximity of new dwellings and care home to existing industrial users will stifle future plans and growth and bring security issues and possible noise complaints;
- Close mixing of industrial and residential premises on the development site;

In response to the re-consultations on the revised layout and increase in employment provision 2 further letters were received maintaining objections on the grounds of:-

- Loss of affordable housing;
- Loss of green field with wildlife/amenity value;
- Increased flood risk

- Proximity to sewage works;
- Increased traffic on A356, over weak railway bridge and in Misterton bottleneck;
- Loss of protected trees;
- Loss of on-street parking in Station Road;
- Impact on amenities of residents in Station Road in terms noise and pollution.

CONSIDERATIONS

It is considered that with the allocation of this site and the grant of outline permission the principle of the development of this site has been accepted. Furthermore, the previous outline approval agreed the detail of the access. Accordingly, and notwithstanding local concerns about the impact of the proposed junction with the A356, it would not now be appropriate to revisit this aspect of the proposal which has been accepted in all respects including highways safety and residential amenity.

The keys issues are considered

- Principle
- Loss of Employment
- Introduction of residential development
- Introduction of the care home
- Amenity Issues
- Any changes in circumstance that justify reconsideration of previously acceptable aspects of the development
- Planning obligations

Principle

The lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fail to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this instance, the site is allocated for industrial development and adjacent to Crewkerne, a Primary Market Town, where policy SS5 advises that a permissive approach should be taken to housing proposals.

In the absence of a 5 year housing land supply the paragraph 49 of the NPPF is engaged and:-

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

Such approach is not fundamentally different to the permissive approach advocated by policy SS5, although it should be stressed that the benefits in terms of the contribution the proposed houses would make to the Council's shortfall must also be given significant weight in the planning balance.

As identified in the local plan inspector's report (para.97) there are risks identified with seeking to deliver the majority of growth on a single site. The Inspector took the view that monitoring is needed and other measures will have to be considered should progress not occur as anticipated.

In light of this background it is not considered that it would be unreasonable to reject residential development as a matter of principle. A permissive approach must be taken and the scheme must be considered on its merits with both a presumption in favour of sustainable development and significant weight given to the benefits of delivering additional housing.

Loss of Employment

Saved policy KS/CREW/1 allocates this site for employment uses and in this respect the current proposal for a mixed use development is quite clearly contrary to local plan policy. As stated by Section 38(6) of the Planning and Compulsory Purchase Act 2004 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Paragraph 22 of the NPPF suggests that there should be a framework within which land allocations are reviewed and:-

"Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

It is considered that a reasonable starting place is the most recent local plan evidence base, as opposed to the evidence upon which the original 10 hectares was put forward in the course of the formulation of the previous local plan which covered 1991-2006. The policy team have identified 4 sources of information:-

1. Source 1 – 3.74ha based on the historic rate of completion
2. Source 2 – 3.0ha based on the number of B-use jobs envisaged by the adopted local plan over the plan period. This plans for a total of 577 additional jobs in Crewkerne to 2028 of which 352 would be B-use, with the remaining 225 coming in other areas – such as retail and services (i.e. health, education etc.).
3. Source 3 – 1.68ha based on a survey of workspace needs.
4. Source 4 – a Survey of local developers and Commercial agents was inconclusive. It was advised that there is currently limited demand with a sufficient churn of premises to cope with existing demand. Looking forward it was felt that the demand derived from historic completions was possibly the best indicator of future land requirements, although was a qualitative overview rather than a quantitative analysis.

The applicant has provided a commercial marketing report which contends that there is no demand locally that would justify bringing forward the whole allocated 10 hectares. What limited interest there is seem to be for smaller parcels that would not be economically viable given the need for this part of the site to deliver the bottom third of the link road and the Blacknell Lane link.

On this basis it is suggested that the appropriate defensible minimum figure for retained B-use land is 3.74 hectares. Notwithstanding local concerns it is not considered that there is any reasonable evidence that would justify seeking a higher figure. The applicant has agreed to amend the scheme and it is noted that the 3.74 ha reflects the historic delivery rate of employment land in Crewkerne as is supported by the commercial agents surveyed. It would also safeguard the aspiration for the delivery of 352 B-use jobs over the plan period. The acre home would also contribute to the 225 other jobs planned for.

On this basis whilst the proposal clearly does not comply with the saved policy it is considered that there are material considerations that justify accepting the principle of a mixed use development of this allocated B-use employment site, as suggested by paragraph 22 of the NPPF, subject to consideration of the detailed impacts of the proposal.

Introduction of Residential Development

In terms of sustainability it is not considered that this site is in an unsustainable location relative to the services and facilities available in the town. The level of growth proposed (110 dwellings) when combined with the northern part of the site (497 dwellings) equates to 607 dwellings. This proposed growth, in addition to completions and commitments, would result in 1,054 dwellings, 93 more than the minimum identified in Policy SS5. This scale of this growth is acceptable and proportionate when considered against the role of Crewkerne as a Primary Market Town.

Introduction of a Care Home

Policy HG6 supports this type of accommodation where it meets an identified local need and is consistent with the Settlement Strategy. Given the role and function of Crewkerne and evidence such as the SHMA regarding the nature of South Somerset's population, the provision of a care home would contribute to the range and choice of living accommodation available locally

Amenity Issues

As with any mixed use scheme there is a concern that there could be conflicts of use between residential and commercial elements within the scheme. In this instance there is also a concern that placing residential uses, including a care home, in close proximity to the existing industrial users would give rise to similar conflicts. In particular there is a fear that complaints from new residents could compromise the way in which existing businesses can operate.

With regard to the former issue it is considered that the relationship between users within the site could adequately be considered at the reserved matters stage. At this point the detailed layout would enable the appropriate balance to be struck to ensure both an adequate standard of amenity for future residential occupiers and suitably flexible employment space.

Turning to the relationship with existing business premises the applicant's noise survey places the whole of the site within the 55dBA contour and as such it is their contention that future residents would not be subjected to excessive or unreasonable levels of noise. Accordingly complaints would be unlikely to arise.

Whilst 55dBA is a widely accepted noise threshold, the Council's environmental protection team are concerned that the submitted noise plan simply reflects the existing situation and were business models/practices to change on the industrial estate the situation could deteriorate.

Such concerns are shared and it is accepted that it would be unreasonable to place new residents at risk of noise. Furthermore the NPPF advises against compromising the flexibility of existing, lawful activities with poorly sited development. The applicant has been asked to provide a more detailed noise contour map of the site to demonstrate that the proposed houses can be accommodated onsite, whilst allowing for sufficient space/buffering between noise sensitive properties and existing potentially nuisance activities. Such space would need to be adequate to allow for noisier activities within the neighbouring buildings than might push the 55dBA contour into the site

Such information would need to demonstrate that there is sufficient space for the 55dBA contour to expand into the site, and that buffering can be incorporated into the layout at the reserved matters stage. If this information is received and accepted by the Council's environmental protection unit it is considered that in principle the site could accommodate residential development without undue impact on either residential amenity or the ability of existing premises to continue to operate.

In these circumstances it would be recommended that conditions to be imposed to require the agreement of a site wide noise strategy prior to the submission of the reserved matters and that the reserved matters be informed by the agreed strategy and accompanied by detail noise mitigation measure. On this basis the proposal would comply with policies EQ2 and EQ7.

Further concerns have been raised about the proximity of the sewage treatment works and the potential for unacceptable odour impacts. The applicant has carried an Odour Assessment, which concludes that the occupiers of the proposed houses would not suffer unduly. This is now accepted by Wessex water and the Council's environmental protection unit

Members are reminded that layout is a reserved matter and the relationship with the treatment works can be considered in detail at the reserved matters stage. On this basis it is considered that the proposal complies with the requirements of policies EQ2 and EQ7 with regard to possible odour impacts.

Accordingly, whilst there are local concerns about the noise and the relation between residential development and existing industrial users and impact of odours from the sewage treatment works, it is considered that it has been demonstrated that both residential amenity and the future viability of the existing employment units can be safeguarded. The imposition of conditions would ensure that suitable detail is provided to reinforce this.

Changes in Circumstance

The original Environmental Statement has been updated and contends that the introduction of mixed use development to this part of the site would result in no changes in terms of the impact of the development that could not be reasonably mitigated.

Highways Safety

The original approval assumed the delivery of the link road prior to the occupation of the 200th house on the site. The applicants are not seeking to amend the trigger points and the County highways authority do not raise any highways objections. Any modest increase in car traffic stemming from the proposed dwellings is likely to be off-set by the reduction in commercial traffic, particularly HGVs, that would have been associated with 10 hectares of employment land.

Accordingly it is considered that, subject the appropriate highways safeguarding conditions the proposal complies with the requirements of policy TA5.

Drainage

It has previously been accepted that this part of the site can be satisfactorily drained. Whilst the detail of the drainage strategy would have to be amended to reflect a mixed use scheme, the principles, as related to a development of a large industrial scheme, are reasonably application to the current proposal. Conditions are therefore recommended to ensure that the detail and future management arrangements of the drainage system are agreed. On this basis the proposal complies with policy EQ1.

Ecology

The applicants have updated their original ecology report and further surveys have been carried out. No ecological issues have been identified on this part of the site. Accordingly subject to the safeguarding conditions recommended by the council's ecologist it is considered that the mixed use development of this lower part of the allocated site would have no adverse ecological impacts and complies with policy EQ4.

Archaeology

The applicants have updated their original archaeological report which identifies no archaeological issues on this part of the site. Accordingly subject to the safeguarding condition recommended by the archaeologist it is considered that the mixed use development of this lower part of the allocated site would have no adverse impact on this historic assess and complies with policy EQ3.

Landscape

The principle of the development of this site has been accepted. It is not considered that the proposed change from industrial development to a mixed use development in any change increases in the landscape impact. Accordingly subject to appropriate landscaping conditions it is considered that the proposal complies with policies EQ2 and EQ4.

Other Issues

This is an outline application and it is considered that, subject to appropriate safeguarding conditions, the reserved matters (appearance, layout, scale and landscaping) can all adequately be considered at a later stage

SECTION 106 PLANNING OBLIGATIONS

Application 14/02141/OUT seeks to add value to the development of the allocated site. The applicant also seeks to renegotiate the previously agreed planning obligation package entered into as part of the approval of 05/00661/OUT. In effect the Council is being as to consider what planning obligations are reasonable necessary to secure the viable delivery of a development comprising:-

Up to 607 houses, up to 3.74 ha of employment land, primary school site, care home, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements

There are two strands to the planning obligations, firstly there are those already agreed and secondly there are those that have been requested in relation to the extra 110 dwellings now proposed on this southern part of the site. Additionally there are the 'site abnormalities' these are set out in the table below.

	Approved scheme 05/00661/OUT	Requested in relation to 14/02141/OUT	Combined scheme offer
Number of houses	Up to 525	Up to 110	607
Affordable Housing	17.5%	35%	50 units (8.25%)
Employment land	10 ha	3.74ha	3.74ha
Highways	Link road from A30 to Station Road, with link to Blacknell Lane		
PLANNING OBLIGATIONS			
Highways Contributions			
Town Centre Improvement	£100,000		£7,600,000 offered to cover all obligations and abnormalities
Bus & Cycle Hard Measures	£37,250		
Bus Service Contribution	£164,000		
Traffic Calming	£31,000		
Cycle upgrade	£100,000		
Travel vouchers	£78,250		
Signage & travel Information	£20,000		
Travel packs	£28,875		
Travel plan contribution	£4,000		
Travel plan co-ordination	£70,000		
Commuted sums to A30 works	£277,000		
TOTAL	£910,375		
Education	Site + £2,000,000	£224,112	
On-site LEAP & NEAP	£182,702	£397,100	
Off-site Leisure	£260,000		
Dormouse Mitigation	£491,095		
Total contributions	£3,844,172		
ABNORMALS			
Badger mitigation	£35,000		
Landscaping planting to A30 junction & county park	£1,500,744		
Commuted sum to above	£527,000		
Use of 40% natural stone	£2,594,340		
Archaeological investigations	£935,744		
Total abnormalities	£5,592,828		
TOTAL	£9,437,000	£621,212	£7,600,000
Total (agreed and requested)		£10,058,212	
		SHORTFALL	£2,458,212

The District Valuer (DV) suggests a package of obligations comprising 50 affordable housing, the provision of the link road and £7.6M to cover planning contributions and additional costs (archaeology, country park landscaping, the enhanced use of natural stone to meet the requirements of the Enquiry by Design etc.) would be a reasonable response to the viability of the site as a whole. This acknowledges the price paid for the site, the costs for the development, the accepted abnormals and a reasonable profit margin (17.5% on open market and 6% on the affordable).

The Council has no reason to doubt the case put to the DV or justification to dispute the advice received. Accordingly officers have sought to achieve the savings of £2,458,212 in a balanced manner. However there are some obligations that all parties have been reluctant to reduce. First the link road, this is seen as a vital contribution to local infrastructure that is necessary to mitigate the impact of the development as a whole and secure the future growth of the town. It therefore remains a part of the scheme to be delivered to the previously agreed timescales – prior to the occupation of the 200th house or four years from first occupation.

Secondly it is acknowledged that the infant schools in Crewkerne are at capacity with a very real need to find a school site and provide a new school as a matter of increasing urgency. Ashlands School (the nearest to the main residential part of the site) is incapable of expansion. The provision of a school site and an education contribution of £2,224,112 would enable a new 5 form school to be provided, possibly as a satellite to Ashlands, with room to expand should the school wish to relocate at a later date.

It has therefore been considered important to safeguard the education contribution which has significant infrastructure implications for the town as a whole and is necessitated by a development of 607 houses.

Turning to other obligations/abnormal costs these are considered as follows:-

Affordable Housing

It has been accepted that this site would always struggle to deliver the 35% expected by HG3, indeed the allocation indicates a 'target' of 35% affordable housing. The Council's housing officer has reluctantly accepted the lower figure, which he would expect to be all for 'social rent', however the developer should be required to make best endeavors to secure funding to uplift the affordable element.

Highways

The agreed obligations are split into 3 components, financial contributions towards off-site works (£432,250), travel planning measures (£201,125) and commuted sums toward the works around the new access to the A30 (£277,000). It is considered that the hard measures would encourage future occupiers of the development of use alternative modes of transport to the private motorcar. They are also necessary to provide good links between the main, northern residential part of the site and the town. They would also benefit occupiers of the southern part of the site and constitute a permanent investment in the infrastructure of the town.

The commuted sums toward the maintenance of the new signalized junctions to the A30 are considered to be reasonably necessary to enable the County Council to adopt this critical infrastructure, without which the development would not be acceptable.

Finally are the 'soft' planning measures, there are a policy requirement (TP4), however they could be considered to be an extra on top of the hard measures already discussed. Furthermore it is noted that a third of this travel planning budget accounted for by monitoring and the practical benefit of such measures is queried.

The County highways authority is adamant that such measures are necessary to deliver a required modal shift – normally a 10% decrease in single occupancy car journeys. However they can provide no evidence as to the effectiveness of travel plans in rural market towns such as Crewkerne.

On this basis it is considered reasonable, in this instance, to remove the £201,125 previously agreed for travel planning and not to request additional travel planning measures in respect of the mixed use development proposed by 14/02141/OUT. It is accepted that to do so would be contrary to policy TP4, however it is considered that the viability case presented by the applicant, and accepted by the DV constitutes a material consideration to justifies making a policy exception in this case.

Additionally it should be noted that, even in the absence of a full travel plan as required by TA4, the cycle, footpath and bus contributions would all encourage future occupiers to use alternative to the private motorcar. Furthermore a condition could still require a modest travel planning to promote the options that this development would enhance,

Leisure Contributions

In the course of determining the original application the leisure obligations were severely reduced to just £260,000, to be split equally between local facilities and strategic facilities. Since then the CIL regulations have come into force, preventing the pooling of more than 5 contributions. This has meant that strategic contributions are no longer sought, a saving of £130,000.

It is considered that the on-site component of these obligations (£329,931 towards LEAPs and NEAPs) is necessary to make the development acceptable and as such must be retained. This leaves £379,871 as a contribution towards mitigating the impact of the development on leisure facilities in the town.

The applicants own land off Easthams Lane that is allocated for informal recreation use (CR/CREW/8). It is considered that this is land, on the cycle and walking route to town from the site, where leisure and recreational facilities could be provided to meet the needs of future occupiers. The Town Council are willing to take this land, subject to appropriate an appropriate commuted sum to secure its initial maintenance.

It is considered that the acquisition of this land would provide opportunities that would mitigate the previously agreed reduction in the off-site leisure contribution. Such reduction would not be compliant with the methodology behind policy HW1, however the viability of the development again is considered to constitute a material consideration that justifies an exception.

Ecology

The Council's ecologist has set out the legislative framework within which the District Council must consider whether or not the favourable conservation status (FCS) of the dormice (a European Protected species) would be protected. Even though Natural England ultimately grant the licence for works affecting European Protected Species case law clearly indicates

that failure of a local planning authority to fully consider whether their FCS would be safeguarded would potentially render any decision defective.

Whilst dormice have been recorded on the application site, the principal impact of the development would be experienced by a population to the west of the site which would become isolated by the link road. Unable to maintain links to the surrounding countryside it is feared that this group would no longer be viable. It has been suggested that they are trapped and relocated, however there are very good reasons why this is not possible:-

1. Dormice do not relocate well; tending to become highly stressed by the experience, they are often predated.
2. The affected dormice are on third party land and the co-operation of the owner cannot be guaranteed.
3. Natural England rarely grant licences for re-location. When they do so it is only for very small populations.

Accordingly the only option has been to consider the best way to maintain a physical link between the affected dormice and the open countryside to the east which would provide a route to and from the affected area. As an arboreal species, dormice will not cross any significant open space on the ground. It is therefore accepted that the proposed link road would present an insurmountable barrier to the dormice.

Previously it was considered that the only option would be a bridge to enable them to cross the road. In the course of the current applications the option of a passage under the road has been discussed with Natural England who are receptive to the idea, subject to the detail. It agreed an estimated saving of £200,000 could be achieved.

The current s106 obliges the developer to achieve a solution that maintains the favourable conservation status of the dormice and it is possible that reversion to the previously accepted bridge would be necessary. The applicant's however are confident that this will not happen are willing to accept the saving offered at their own risk.

The badger mitigation measures are not disputed.

Landscaping

The approved scheme allows for significant landscaping of what will be a heavily engineered feature at the entrance to the site on the A30. Additionally considerable structure landscaping is planned for along the scarp, along the road and within the country park in the centre of the site. Such landscape planting is also integral to the dormouse mitigation strategy and commuted sum is included to allow for the adoption of the country park or to forward fund the initial period of maintenance by a management company.

The Town Council has indicated a willingness to take on the responsibility for the country park; the A30 junction would be adopted by the County Council and there is a commuted sum for this. On this basis it is considered that there is leeway to review the £2,027,744 set aside for landscaping. It is suggested that £ would be sufficient to adequately landscape the land in question and provide a suitable commuted sum to enable the Town Council to adopt the country park and the land off Easthams Lane. This would represent a saving of £927,744.

Use of natural Stone with the north residential area

The original allocation was supported by the findings of an enquiry by Design by the Princes trust which envisaged a high quality development utilizing a high level of natural stone. In the original viability appraisal of application 05/00661/OUT a cost of £2,594,340 was attributed to achieving this. In light of the renewed viability pressure this has been reviewed.

The approval of 05/00661/OUT was subject to a condition which required the agreement of a site wide Design Code. This condition has been discharged prior to the submission of the reserved matters application. It sets out a requirement for 40% of the properties on the northern part of the site to be in natural stone, the southern part of the site, being in a very different context, would not be covered by this expectation).

The approved reserved matters drawing show the affected building to be wholly in stone. This has been reviewed by the conservation manager who accepts that 40% of buildings fronted in stone would achieve the aims of the Enquiry by Design and the Design Codes. The applicant agrees that this would achieve a saving of £1,000,000.

Archaeology

The original cost of the unexpected archaeological investigations has been challenged and reduced by some £500,000 to the now accepted figure of £935,744. The Council's archaeological advisor accepts that this is a reasonable and justified sum, necessary to safeguard the historic assets as required by policy EQ3. It is accepted that no further savings can be found here.

Nevertheless this position would be reviewed on a 3 yearly basis throughout the lifetime of the development and any significant uplift in profitability to trigger a reappraisal of the obligations. This would also apply to any decrease in profitability, any the applicant could argue that the planning obligations should go down.

Conclusions on Planning Obligations

On this basis a saving of £2,553,869 could be achieved additionally the applicant has agreed that they would be willing transfer the ownership of their holding at Easthams Lane to either the District or Town Council. Whilst it is disappointing that the originally envisaged planning obligations cannot be achieved it is considered that the key benefits of this development would be maintained, namely:-

- The delivery of the link road and Blacknell Lane link to the originally agreed time;
- The provision of the school site and the substantial contribution towards funding an urgently needed new school;
- The provision of sufficient employment land to meet the identified need in the town;
- Then provision of sufficient housing, including a modest contribution towards affordable housing, to meet the needs of Crewkerne over the plan period;
- The maintenance of sufficient measures to mitigate the impact of the development on ecology, historic assets and the highways network;
- The maintenance of adequate measures to provide future occupiers with the opportunity to use appropriate alternatives to the private motor car to access the services and facilities available in the town;
- The provision of a country park.

Although the suggested package of planning obligation is again diminished it reflects the latest viability review and falls to be considered in light of government advice. This is very clear in that where a site has been accepted for development, it is not reasonable to maintain an insistence on planning obligations that would jeopardise the viability of the development and result in the site not being developed.

The obligations that have been renegotiated do not undermine measures that are necessary to make the development acceptable with regard to highways safety, ecology, flood risk/drainage or the level of development. Rather they have sought to review the mitigating measures in terms of the landscape planting, the level of use of natural stone, off site leisure contributions, soft travel planning measures, the amount of affordable housing and ecological mitigation works.

It is considered that the reduced measures will not prejudice an acceptable mix, form and appearance of development coming forward with reasonable mitigation measures in terms of landscaping, drainage, highways safety/capacity. They would however make the scheme viable at this point in time giving the applicant the necessary certainty to enable a start to be made.

OVERALL CONCLUSION

The Council is presented with a two-fold approach to address the viability of the key site. Application 14/02141/OUT seeks to add value by introducing a mixed use scheme of up to 110 dwellings, 3.74 hectares of employment land and a 60 bed care home, to the previously approved employment site off Station Road. Concurrently 15/04084/DPO seeks to agree a package of planning obligations on a site wide as an alternative to those agreed with the approval of the original site wide outline permission (05/00661/OUT). Apart from the changes to the employment area all aspects of 05/00661/OUT would remain as approved.

The combined development comprises:-

- Up to 607 houses – c. 497 on the northern part of the site, up to 110 on the southern part of the site;
- School site and local centre, LEAP and NEAP on northern part of site
 - hectares of B-use employment land, 60 be care home and LEAP on southern part of site;
- Country park/open space in central part of site
- Detailed access arrangement and new junctions at A30 and A356 with link road between
- Associated landscaping and ecological works

The package of planning obligations is set out in the following table.

Combined Obligations - 05/00661/OUT & 14/02141/OUT	
Number of houses	607
Affordable Housing	50 units at social rent (8.25%)
Employment land	3.74 ha + 60 bed care home
Highways	Link road from A30 to A356 with link to Blacknell Lane
Land off Easthams Lane to be transferred to District or Town Council	
PLANNING OBLIGATIONS	
Highways Contributions	

Town Centre Improvement	£100,000	
Bus & Cycle Hard Measures	£37,250	
Bus Service Contribution	£164,000	
Traffic Calming	£31,000	
Cycle upgrade	£100,000	
Commuted sums to A30 works	£277,000	
Total highway contribution	£432,250	
Education	Site + £2,224,112	
On-site LEAP & NEAP (north)	£182,702	
LEAP (south)	£147,229	
Off-site Leisure	£379,871	
Dormouse Mitigation	£291,095	
Total Obligations contribution		£3,657,259
ABNORMALS		
Badger mitigation	£35,000	
Landscaping planting to A30 junction & county park (incl. any commuted sum)	£1,377,657	
Use of 40% natural stone to frontages	£1,594,340	
Archaeological investigations	£935,744	
Total abnormalities		£3,942,741
	TOTAL	£7,600,000

It is accepted that with these contributions the proposal would not comply with policies KS/CREW/1 (less than 10.5 hectares of employment land); HG3 (less than 35% affordable housing); TA4 (lack of a full travel plan) and policy HW1 (reduced leisure obligations). Nevertheless it is considered that there are material considerations that justify making a policy exception in this instance.

Firstly it is clear that the Council's evidence base indicates that there is little evidence, if any, to justify the 10.5 hectares of employment land in the allocation. The applicant's proposal of 3.74 hectares reflects the most optimistic prediction of demand over the plan period and the proposed care home would contribute toward the identified need for non-B-use jobs.

Secondly, with regard to planning obligations, policy SS6 sets out that the level of developer contribution will be proportionate to the nature, scale and viability of the development having regard to the scale of development, the capacity of existing infrastructure and the potential impact of the development.

In this respect regard must be had of the viability of the development and the advice that has been given by the District Valuer. The suggested, reduced contributions are considered to strike the appropriate balance between maintaining contributions to infrastructure under most pressure and reasonably mitigating the impacts of development on this scale.

On this basis it is considered that a policy departure is justified in respect of the mixed use development proposed by 14/02141/OUT and the re-negotiation of the site wide obligations requested by 14/04084/DPO. Such decision would reflect clear government advice to planning authorities to adopt a flexible approach to 'stalled sites'.

Turning to the Council's lack of a 5 year housing land supply, the delivery of much needed housing to meet the District's need must be given significant benefit in the 'planning balance'. Additionally the Council is committed to a permissive approach to housing proposals adjacent to Crewkerne.

It is considered that the benefits of the proposal in terms of delivering housing, infrastructure improvements, the jobs that would be created in the construction phases and by the economic activity of future residents outweighs the limited harms identified above. Furthermore there are considered to be material circumstances that justify approving this development contrary to local plan policy.

RECOMMENDATION

- A. That, subject to satisfactory additional information being provided to address the Environmental Protection Unit's concerns about noise, application 14/02141/OUT be approved, as an amending permission to site wide outline permission 05/00661/OUT, subject to the completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to agree appropriate planning obligations across the allocated site (KS/CREW/1) and the conditions set out below.
- B. That application 15/04084/DPO to vary the planning obligations previously agreed in relation to the development of this allocated key site, as now varied by the development proposed by 14/02141/OUT as follows:-
- Provide for the completion of the link road through the site, between the A30 and the A356, prior to the occupation of the 200th house or within 4 years of the occupation of the 1st house, whichever is sooner.
 - Provide for the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000m² 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.
 - Ensure the delivery of 50 of the housing as affordable homes for 'social rent' to the satisfaction of the Strategic Housing Manager and to require the developer to make 'best endeavours' to seek additional funding to raise the proportion of affordable housing.
 - Provide for the delivery of the serviced school site, free of any archaeological or ecological interest, to the County Council. The school site to be developed with the potential for dual use of the buildings as a community facility.
 - Provide an education contribution of £2,224,112 as requested by the County Education authority, to the satisfaction of the Development Manager

- Provide for a contribution of £379,871 towards the enhancement of sports and leisure facilities in Crewkerne to as required by the Assistant Director (Wellbeing) to the satisfaction of the Development Manager
- Provide for a contribution of £432,250 towards off site highways mitigation, to include:-
 - £100,000 towards town centre improvements (upon commencement)
 - £31,000 to off-site traffic calming
 - £37,250 towards bus and cycle hard measures
 - £100,000 towards improvements to footpath/cycle path links
 - £164,000 towards bus services to serve the development
 - £277,000 as a commuted sum toward the maintenance of A30 junction works and signalisation

As previously agreed by the County Highways authority

- Provide for the provision and maintenance of on-site play areas to the sum of £329,931 as requested by the Assistant Director (Wellbeing) to the satisfaction of the Development Manager
- Provide for the landscaping and maintenance of the structural landscaping indicated the original Landscape Master Plan, drawing number 08-07-02, including any landscaping necessary for dormouse mitigation measures to the satisfaction of the Development Manager.
- Provide for the completion of appropriate dormouse crossing point of the link road, and associated mitigation works prior to the completion of the link road through the site to the satisfaction of the Development Manager;
- Provide for appropriate badger mitigation measures as required by the Council's ecologist to the satisfaction of the Development Manager;
- Provide for the transfer of land owned by the applicant to either District Council or the Town Council, together with an appropriate commuted sum for the purposes of the provision of enhanced leisure/recreational facilities, to the satisfaction of the Development Manager
- Provide for 3 yearly reviews of the viability of the development throughout the construction phase with the allocation of any recovered obligations to uplift the provision of affordable housing as originally agreed.

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.

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 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. 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 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. 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 KS/CREW/1, EQ1, EQ2, 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 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 EQ2 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 of the development hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat and bird boxes (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 art 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. Such conditions as reasonably recommended by the Environmental Protection Unit to mitigate the impact of noise.

Informative

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.
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