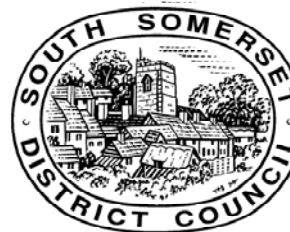


# South Somerset District Council

## Notice of Meeting



# Area West Committee

*Making a difference where it counts*

## Wednesday 15th December 2010

### 5.30 pm

## Henhayes Centre, Off South Street, Crewkerne Somerset TA18 8DA

(See location plan overleaf)

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The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Andrew Blackburn** on Yeovil (01935) 462462  
email: [andrew.blackburn@southsomerset.gov.uk](mailto:andrew.blackburn@southsomerset.gov.uk)  
website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday, 6th December 2010

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

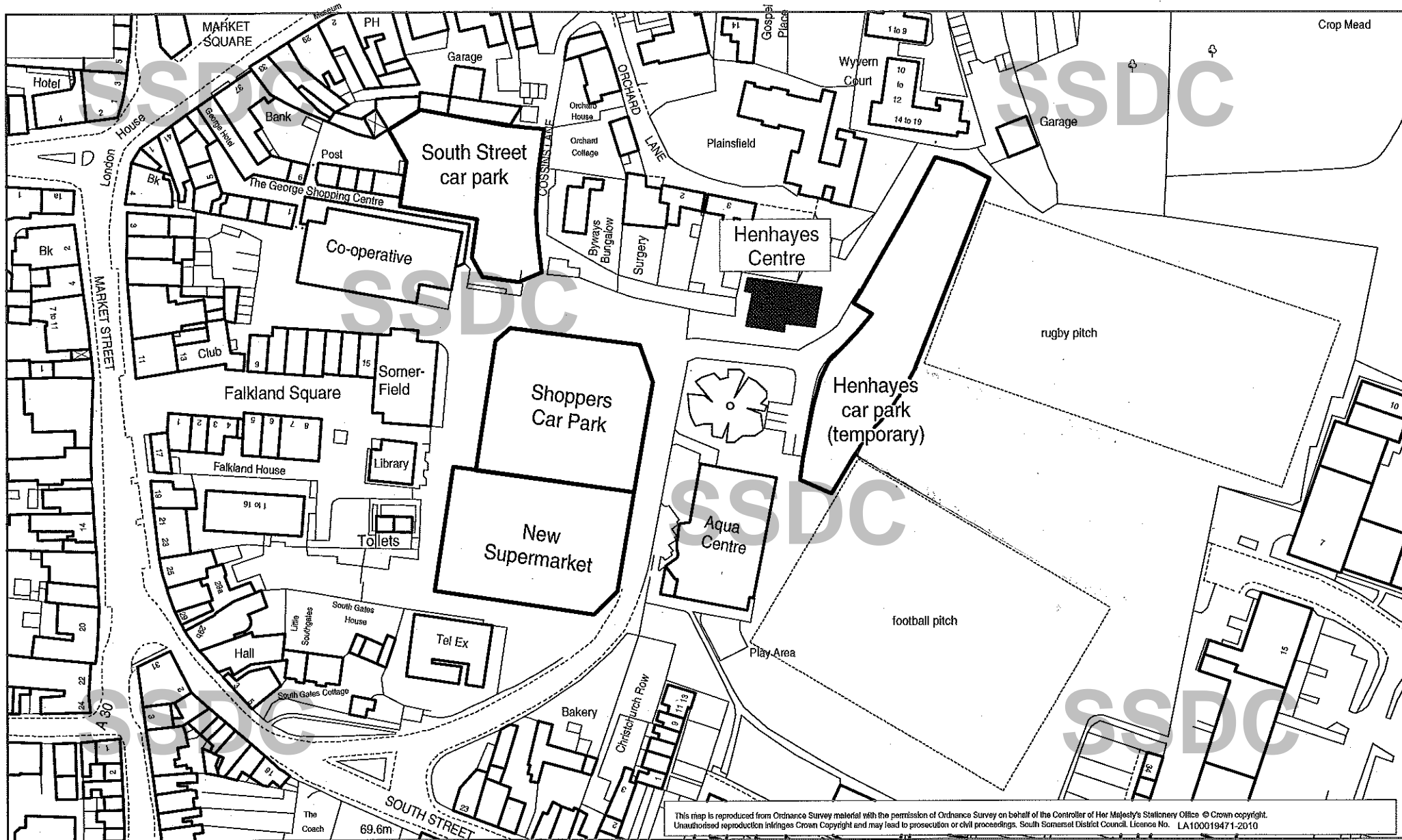


2007-2008  
Neighbourhood and  
Community Champions:  
The Role of Elected Members  
2006-2007  
Improving Rural Services  
Empowering Communities  
2005-2006  
Getting Closer to Communities

**If you need this information in large print,  
Braille, audio or another language,  
please contact 01935 462203**



INVESTOR IN PEOPLE



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## Area West Membership

**Chairman:** Kim Turner  
**Vice-Chairman:** Michael Best

Simon Bending	Nigel Mermagen	Angie Singleton
David Bulmer	Robin Munday	Andrew Turpin
Geoff Clarke	Ric Pallister	Linda Vjeh
Carol Goodall	Ros Roderigo	Martin Wale
Jenny Kenton	Dan Shortland	

### Somerset County Council Representatives

Somerset County Councillors (who are not already elected District Councillors for the area) are invited to attend Area Committee meetings and participate in the debate on any item on the Agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting:-

Councillor Cathy Bakewell, Councillor John Dyke, Councillor Anne Larpent and Councillor Jill Shortland.

### South Somerset District Council – Corporate Aims

**Our key aims are:** (all equal)

- Increase economic vitality and prosperity
- Enhance the environment, address and adapt to climate change
- Improve the housing, health and well-being of our citizens
- Ensure safe, sustainable and cohesive communities
- Deliver well managed cost effective services valued by our customers

### Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

### Consideration of Planning Applications

Members of the public are requested to note that the Committee will break for refreshments at approximately 6.45 p.m. Planning applications will not be considered before 7.00 p.m. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

### Highways

A representative from the Area Highways Office will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

### Members Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

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## Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West.

Agendas and minutes of Area Committees are published on the Council’s website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

## Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

### Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

### Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional

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documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

Town or Parish Council Spokesperson  
Objectors  
Supporters  
Applicant/Agent  
County Council Division Member  
District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

### **If a Councillor has declared a personal and prejudicial interest**

Under the new Code of Conduct, a Councillor will be afforded the same right as a member of the public, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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# Area West Committee

Wednesday 15th December 2010

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the previous meeting held on 17th November 2010**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under the code of conduct.

### ***Planning Applications Referred to the Regulation Committee***

The following members of this Committee are also members of the Council's Regulation Committee:

Cllr Mike Best  
Cllr Kim Turner  
Cllr Linda Vijeh

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. **Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

**5. Chairman’s Announcements**

*Page Number*

***Items for Discussion***

**6. Update on the Development of the Community Cars Scheme (Executive Decision).....1**

**7. Section 106 Obligations .....3**

**8. Area West Committee - Forward Plan .....11**

**9. Reports from Members on Outside Organisations .....14**

**10. Feedback on Planning Applications referred to the Regulation Committee .....15**

**11. Planning Appeals.....16**

**12. Planning Applications .....20**

**13. Date and Venue for Next Meeting .....21**

**THE SCHEDULE OF PLANNING APPLICATIONS APPEARS AFTER PAGE 20.**

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council’s Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.**

Area West Committee – 15th December 2010

## 6. Update on the Development of the Community Cars Scheme (Executive Decision)

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Zoë Harris, Community Regeneration Officer (West)  
*Contact Details:* zoe.harris@southsomerset.gov.uk or 01460 260423

### Purpose of the Report

To update members on the LSP project to develop a network of Community Car Schemes, across South Somerset.

### Public Interest

A proposal to set up a network of parish wide voluntary community car schemes is to be scrapped.

### Recommendation

To note the report and agree to return the £5,000 allocated to this project back to the Service Enhancement budget.

### Background

Earlier in the year a project originated from the South Somerset Together LSP to develop a network of community car schemes across the District. Three Area Committees each contributed £5,000 towards this project, which proposed to employ a part time Development Officer on an 18 month contract, to help set up and support up to 10 parish wide community car schemes and an accompanying umbrella group. In February 2010 Area West Committee agreed to support the project financially with £5,000 on condition that other partners, and particularly the NHS also contributed.

### Update on Funding the Proposed Community Car Scheme

The costs of setting up and running this project were expected to be in the region of £28,000. From experience it was recognised that the majority of the journeys would be to health related services e.g. GP surgeries, dentists, nursing homes etc. As a consequence, and as a partner of the LSP, the NHS was asked to contribute £5,000 towards the project. Somerset NHS felt that as they had recently set up Transporting Somerset, a service that transports patients into hospital appointments, they were not able to contribute towards another transport related scheme.

A subsequent funding bid to the RDPE (Rural Development Programme for England) failed. Last month the working group met and decided there was no value in pursuing this project further.

### Financial Implications

To return the £5,000 allocated towards the Community Cars project to the Service Enhancement Budget.



**Corporate Priority Implications**

No corporate priority implications.

**Carbon Emissions and Adapting to Climate Change Implications**

No climate change implications applicable.

**Equality and Diversity Implications**

No equality & diversity implications.

**Background Papers:** *AW Committee Report February 2010*

*Report to South Somerset Together 25 September 2009 –  
Community Transport*

Area West Committee – 15th December 2010

## 7. Section 106 Obligations

*Strategic Director:* Rina Singh (Place & Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* Neil Waddleton, Section 106 Monitoring Officer  
*Contact Details:* neil.waddleton@southsomerset.gov.uk or 01935 462603

### Purpose of the Report

It was agreed at the regular meeting of the Area Chairs that it was necessary for the newly appointed Section 106 Officer to introduce himself to each of the Area Committees and provide information in relation to Section 106 agreements that have been signed in the last 3 years for each area (see monitoring report attached at pages 6-10).

### Public Interest

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with Section 106 Obligations can be considerable.

This may take the form of changes to highways, contributions toward increased schools provision, creation/maintenance of open spaces, recreational areas and so on. The costs arising from these are often significant and require negotiation and settlement between officer and the developer, through the use of nationally agreed formulae.

There is a variety of ways in which these requirements can be delivered. Normally the developer makes a payment to allow the relevant authority to provide the requirement e.g. schools or play areas. Alternatively, the developer may be charged with completing the work directly, for example a new highway junction.

By their very nature Section 106 Obligations require specified actions/payments to take place within a pre-defined timescale or event (known as 'triggers') and it is essential that the Section 106 officer has a system and processes in place that ensures the agreements are effectively managed.

Members will appreciate that the level of contribution that was secured from each development was dependent upon several factors, particularly the 'formula' that was being used for calculating the Sports, Arts and Leisure contribution at the time of each application. It is also important to emphasise that it is very difficult to make meaningful comparisons between obligations that were sought on different developments, as each scheme has to be considered on its own merits.

### Recommendations

- (1) Members note the report and endorse the actions taken in respect of the monitoring of Section 106 Planning Obligations and;
- (2) Comment on the report detail required for future Area West Committee meetings.

## **Background**

A Section 106 Officer was appointed on 1 April 2010. This post sits within the planning team with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions are monitored. The S106 Officer has already undertaken the following:

### ***Data Management***

Formerly, data relating to S106 agreements has been held within a number of different services across the Council. Work has been carried out to cross-reference these with the data held in the main legal database. We are now in a position where we have captured in one-list, details of agreements to be entered into one system ahead of the monitoring process beginning.

### ***Monitoring System***

A monitoring system has been developed with the required functionality to enable the S106 Officer to effectively manage the legal agreements and the obligations within them. Management and monitoring reports can be designed and extrapolated from the system. The population of the database is well underway.

### ***Agreement Pro-forma***

In conjunction with the Principal Solicitor and Assistant Director (Legal and Corporate Services) a pro-forma has been produced for all Planning Officers to complete detailing requirements to be covered when drawing up the legal agreements. This will allow consistency in capturing details and hopefully help the agreements to be produced more efficiently.

## **Additional Information**

In addition to the above the new 106 Officer has been working with officers from other services, investigating agreements where triggers have been reached and actively sought and distributed contributions where appropriate.

It is anticipated that a training workshop event will be held as part of the member training to be held after the local elections in May next year to provide members with a greater understanding of 106 agreements and an update on the proposed changes to the system.

## **Financial Implications**

No direct financial implications from this report however members will be aware that ineffective management of planning obligations does have the potential to require the district council to refund contributions to developers.

## **Corporate Priority Implications**

The effective management of planning obligations will be beneficial in achieving all of the Councils Corporate Priorities.

**Carbon Emissions & Adapting to Climate Change Implications (NI188)**

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby contributing to a reduction in carbon emissions and helping to adapt to climate change.

**Equality and Diversity Implications**

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

**Background Papers:** None

## SECTION 106 MONITORING REPORT Area West

If Members have queries relating to specific legal agreements then it is recommended that they contact the 106 Monitoring Officer directly as he will be able to provide a more detailed overview of the requirements and the current status.

Application Details Location and Description	Agreement Notes Trigger Remarks and Status	Financial and Non-Financial Contributions
<p>09/02922/FUL Parish: Chard Ward: Avishayes (Chard) Developer: Rollo Homes Ltd</p> <p>Old Station Building Great Western Road Chard Somerset TA201EQ</p> <p>Internal and external alterations, the erection of a rear extension, car parking and the change of use of premises from business use (Class B1) to a shop (Class A1). (GR 332940/109221)</p> <p>Agreement Date 18-May-10</p>	<p>Agreement also restricts the range of goods sold on the premises.</p> <p>The Owner shall pay the District Council or if the District Council shall so direct the Somerset County Council a sum of £4,320 to be used as a contribution towards the cost of implementing a MOVA traffic control scheme for the traffic lights at the junction of the A358 with the A30 at Chard such payment to be made on or before the commencement of the Development</p> <p>Enquiry with SCC 29/11/10.</p>	<p><b><u>Highways</u></b></p> <p>Highways contribution, £4320.00 towards costs of implementing a MOVA traffic control scheme for the traffic lights at the junction of the A358 with the A30 at Chard.</p>
<p>08/01966/OUT Parish: Whitestaunton Ward: Blackdown Developer: Michael Philip Hine &amp; Diana May Hine</p> <p>The erection of an agricultural workers dwelling (GR 328663/111395)</p> <p>Land At Northay Lane Whitestaunton Chard Somerset TA20 3DN</p> <p>Agreement Date 27-Jul-09</p>	<p>Agricultural workers dwelling - Not to sell let or otherwise dispose of the Site and buildings or any part or parts without prior consent of the Council.</p>	
<p>07/02889/FUL Parish: Buckland St Mary Ward: Blackdown Developer: Hastoe Housing Association Limited</p> <p>Land Adjacent Telephone Exchange Rookery Road Buckland St Mary Chard</p> <p>The erection of 4 affordable local needs houses with associated parking and landscaping (GR: 326956/113121)</p> <p>Agreement Date 04-Apr-08</p>	<p>Planning obligations within agreement come into effect on grant of planning permission.</p> <p>Agreement was securing development for the build of Affordable Housing.</p>	

## SECTION 106 MONITORING REPORT

### Area West

Application Details Location and Description	Agreement Notes Trigger Remarks and Status	Financial and Non-Financial Contributions
<p>07/04736/FUL Parish: Crewkerne Ward: Crewkerne Town</p> <p>The erection of 114 No. dwelling houses (GR 343850/108551)</p> <p>Land At Maiden Beech, Cathole Bridge Road Crewkerne Somerset</p> <p style="text-align: center;"><b>Agreement Notes Trigger Remarks and Status</b></p> <p>Bus Pass pre-paid ticket that permits the holder to free travel for 1 year, not exceeding £250 in value.</p>	<p><b><u>Sport and Leisure</u></b></p> <p>Changing Room Contribution: £175,378 to be paid immediately following the occupation of 35 Residential Units. To provide new or enhanced changing room facilities within 10 miles of Crewkerne.</p> <p>Playing Pitch Contribution: £40,652 to be paid immediately following the occupation of 35 Residential Units. To provide new or enhanced sports provision within 10 miles of Crewkerne.</p> <p>Equipped Play Area Commuted Sum: £44,000 to be transferred before no more that 50 Residential Units brought into occupation. To be provided to the District Council to adopt the LEAP and the recreational open space upon which it stands.</p> <p>Sports Hall Contribution: £54,822 to be paid immediately following the occupation of 70 Residential Units. To provide new or enhanced sports hall provision within 10 miles of Crewkerne.</p> <p>Swimming Pool Contribution: £28,904 to be paid immediately following the occupation of 70 Residential Units. For new or enhanced swimming pool provision within 10 miles of Crewkerne.</p> <p>Youth Facilities Contribution: £17,028 to be paid immediately following the occupation of 105 Residential Units. To provide or enhance facilities for children above the age of 12 in the Crewkerne area.</p> <p>Highways &amp; Transportation Contribution: £296,000 to be apportioned as follows:</p> <p><b><u>Highways</u></b></p> <p>First Traffic Management Contribution: £87,000 to be paid immediately following the occupation of 35 Residential Units.</p> <p>Second Traffic Management Contribution: £87,000 to be paid immediately following the occupation of 70 Residential Units.</p> <p>Third Traffic Management Contribution: £87,000 to be paid immediately following the occupation of 105 Residential Units.</p> <p>Traffic Management Contributions towards County Council costs of implementing the proposals contained in the Town Centre Study relating to the management of traffic in the town centre of Crewkerne and highway works in the immediate vicinity of the application site.</p> <p>Rural Bus Interchange Contribution: £35,000 to be paid immediately following the occupation of 35 Residential Units. To be put towards cost of the rural bus interchange within Crewkerne.</p> <p><b><u>Education</u></b></p> <p>Education Contribution: £236,251 to be apportioned as follows:</p> <p>Temporary Classroom Contribution: £89,000 to be paid immediately following the occupation of 15 Residential Units.</p> <p>First Education Contribution: £73,625.50 to be paid immediately following the occupation of 35 Residential Units.</p> <p>Second Education Contribution: £73,625.50 to be paid immediately following the occupation of 70 Residential Units.</p> <p>Contributions for enhancing education facilities in the Crewkerne area and particularly within the catchment area where in lies the application site.</p>	

## SECTION 106 MONITORING REPORT Area West

Application Details Location and Description	Agreement Notes Trigger Remarks and Status	Financial and Non-Financial Contributions
<p>09/00890/FUL and 09/00891/LBC Parish: Iminster Ward: Iminster Town Developer: Robert John Doak</p> <p>The Methodist Church Rooms West Street Iminster Somerset TA19 9AB</p> <p>Alterations and the conversion of building into 4 self contained dwellings (GR 335788/114718) Agreement Date 08-Jun-10</p>	<p>Submission and agreement of specification setting out necessary works of repair required to the Methodist Chapel for approval before commencement of any works.</p> <p>No more than 2 of 4 units sold until agreed works to the Methodist Chapel completed to the written satisfaction of the Council.</p> <p>Received no discharge of conditions, not commenced.</p>	
<p>07/05553/FUL Parish: Iminster Ward: Iminster Town Developer: Rex Edward Rogers &amp; Leon Augustus Vowles &amp; Christina Mary Vowles</p> <p>North Yard 122 Station Road Iminster Somerset TA19 9BL</p> <p>Erection of 14 no. residential dwellings to include 5 no. 3 bed houses, 6 no. 2 bed houses, 1 no. 2 bed flat and 2 no. 1 bed apartments with associated highway access. (GR 334926/115078)</p> <p>Agreement Date 23-Nov-09</p>	<p>Contributions to be index linked and paid on or before the occupation of the first dwelling.</p> <p>Contributions paid 07/07/2010</p>	<p><b>Sport and Leisure</b> Equipped Play Contribution: £12,650, comprising £6,958 for the equipment and £5,692 for the long term maintenance of the equipment.</p> <p>Playing Pitch Contribution: £20,845 towards all or any of the following a) The laying out of new formal playing pitches at the Recreation Ground off Canal Way, Iminster. b) The reconstruction, improvements or renovation of existing pitches at the same location. c) The improvement of any buildings, structures and facilities used in connection with such pitches.</p> <p>Strategic Community Facilities Contribution: £7,020 for facilities in the Iminster area.</p> <p>Youth Facilities Contribution: £1,633 construction, renovation or improvement of any building or facility for young people of Iminster.</p>
<p>08/01643/FUL Parish: Chard Ward: Jocelyn (Chard) Developer: South Somerset Homes Limited</p> <p>Land Opposite 24 And 25 Bradfield Way Chard Somerset</p> <p>Demolition of nos. 9-21 Bradfield Way and the erection of a new 62 unit sheltered accommodation with car parking (GR 332561/108278)</p> <p>Agreement Date 19-Jan-09</p>	<p>S106 agreement to deliver Affordable Housing</p>	

**SECTION 106 MONITORING REPORT**  
**Area West**

<b>Application Details Location and Description</b>	<b>Agreement Notes Trigger Remarks and Status</b>	<b>Financial and Non-Financial Contributions</b>
<p>07/00583/FUL Parish: Chard Ward: Jocelyn (Chard) Developer: South Somerset Homes Limited</p> <p>Land And Properties At Auckland Way And Beckington Crescent Montague Way Chard Somerset</p> <p>Demolition of existing houses and erection of 27 flats and 38 houses together with the provision of 94 car parking spaces (332622/108191)</p> <p>Agreement Date 28-Nov-08</p>	<p>Financial Contributions to be paid prior to the first occupation of any dwelling.</p> <p>Payment Received 03/12/08. Enquiry with Leisure that money spent against how was secured.</p>	<p><b><u>Sport and Leisure</u></b></p> <p>Playing Pitch Contribution: £5,981</p> <p>Strategic Sport &amp; Leisure Contribution: £5,802</p> <p>Off-site Recreation Contribution: £11,385 for provisions at Jocelyn Park, Chard</p>
<p>08/02686/FUL Parish: Cricket St Thomas Ward: Windwhistle Developer: Walter John Dawe Taylor &amp; Anthony Stephen Reginald Taylor</p> <p>London Lodge Farm Windwhistle Cricket St Thomas Chard Somerset TA20 4DQ</p> <p>Proposed demolition of agricultural buildings and erection of 20 holiday lodges and 1 administration lodge with associated access, car parking and landscaping works (Revised Application)(GR 338367/109592)</p> <p>Agreement Date 21-Jul-10</p>	<p>Supplementary agreement varying clause 1(b) of the principal agreement clarifying the term "dwellinghouse"</p>	



**SECTION 106 MONITORING REPORT**  
**Area West**

<b>Application Details Location and Description</b>	<b>Agreement Notes Trigger Remarks and Status</b>	<b>Financial and Non-Financial Contributions</b>
<p>08/02067/FUL Parish: Cricket St Thomas Ward: Windwhistle Developer: Mead Realisations Ltd</p> <p>Manor Farm Hewish Lane West Crewkerne Crewkerne Somerset TA18 8QT</p> <p>Change of use and conversion of agricultural buildings to form 5 dwellings together with B1 commercial unit with associated parking and carports (GR 342070/108528)</p> <p>Agreement Date 14-Jun-10</p>	<p>Agreement to "tie" barn to unit as a "live &amp; work unit"</p>	
<p>07/05198/FUL Parish Dowlish Wake Ward: Windwhistle Developer: Mr &amp; Mrs Rich</p> <p>Land at Chard Lane Farm Chard Lane Dowlish Wake Ilminster Somerset</p> <p>Alterations to access and the erection of an agricultural workers dwelling with car port and the temporary use of land as a site for mobile home. GR (337144/112294)</p> <p>Agreement Date 12-May-10</p>	<p>Restrictions of ownership and occupation relating to agricultural workers dwelling.</p>	
<p>05/00295/FUL Parish Dowlish Wake Ward: Windwhistle Developer: Cerdic Property Investment (Chard) Ltd &amp; Mr &amp; Mrs JB Sully</p> <p>Moolham Farm Moolham Lane Dowlish Wake Ilminster Somerset TA19 0PD</p> <p>Conversion of existing building to dwelling and workspace accommodation. Change of use of land and buildings to B1 commercial use (GR 336404/113439)</p> <p>Agreement Date 10-Apr-08</p>	<p>S106 to secure the non-fragmentation of the proposed dwelling from the business uses on the site and a suitable and appropriate phasing of the development including appropriate elements of the landscaping scheme being brought forward prior to the conversion of the dwelling.</p>	

Area West Committee – 15th December 2010

## **8. Area West Committee - Forward Plan**

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Agenda Co-ordinator:* Andrew Blackburn, Committee Administrator, Legal & Democratic Services  
*Contact Details:* [andrew.blackburn@southsomerset.gov.uk](mailto:andrew.blackburn@southsomerset.gov.uk) or 01460 260441

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached at pages 12-13;
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The forward plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The forward plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

**Background Papers:** None.

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Andrew Blackburn, 01460 260441 or e-mail [andrew.blackburn@southsomerset.gov.uk](mailto:andrew.blackburn@southsomerset.gov.uk)
- (3) Standing items include:
  - a. Quarterly Budget Monitoring Reports
  - b. Reports from Members on Outside Organisations
  - c. Feedback on Planning Applications referred to the Regulation Committee
  - d. Chairman's announcements
  - e. Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
15th Dec. 2010	Community Cars Scheme	To consider in principle making a financial contribution towards a project to develop a network of Community Car Schemes across South Somerset	<b>SSDC corporate plan key target area 3.11</b> Outcome: Increased choice and quality of life for older and vulnerable people. Measured by: Increasing the percentage of residents who feel that older people in their local area receive the services and support they need to continue to live independently at home (NI 139). <b>3.12</b> Increase the % of vulnerable people who are supported to maintain independent living.	Zoë Harris, Community Regeneration Officer (West)
19th Jan. 2011	Area West Community Safety	Report on the activities and achievements of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area West  Report on the work carried out in the community in Area West by the Devon and Somerset Fire Authority	<b>SSDC corporate plan key target area 4.8 (and NI 21)</b> Improve dealing with local concerns about anti-social behaviour and crime by the local council and police.  <b>4.0</b> Outcome: A community that feels safe. Measured by: Increasing the % of people who feel that local public services are working to make the place safer.	Inspector Jackie Gold and A/Inspector Andy Lloyd, Avon and Somerset Constabulary

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
<b>16th Feb. 2011</b>	Equalities work within SSDC	A presentation on the role of the Community Cohesion Officer and the equalities work within SSDC	<b>SSDC corporate plan key target area 4.16</b> Outcome: An empowered community where all people take part in shaping their neighbourhood. Measured by: Increasing % of people who feel that they belong to their neighbourhood (NI 2). <b>4.17</b> Increase % of people who believe people from different backgrounds get on well together in their local area. <b>4.18</b> Increase perceptions that people in the area treat one another with respect and consideration.	Jo Morgan, Community Cohesion Officer
16th Feb. 2011	Carbon Reduction Projects	Presentation on carbon reduction projects and how SSDC carbon emission targets are being met.	<b>SSDC corporate plan key target area 2.13</b> Outcome: A low carbon council adapting to climate change. Measured by: Increasing residents' perception that SSDC leads by example in tackling climate change. <b>2.14</b> CO2 reduction from Local Authority operations.	Keith Wheaton-Green, Climate Change Officer
16th Feb. 2011	Chard Regeneration Scheme including Key Site development	Report on Progress	<b>SSDC corporate plan key target area 1.9</b> Increase overall employment rate (Somerset resident population of working age). <b>1.11</b> Outcome: A vibrant and sustainable Yeovil, Market Towns and Rural Economy. Measured by: Increased local sustainability. <b>3.3</b> Increase the net additional homes provided. <b>3.5</b> Increase the supply of ready to develop housing sites.	Andrew Gillespie, Area Development Manager (West) Robert Murray, Economic Development Officer
<b>16th March 2011</b>	SSDC Streetscene Services	Service report on performance and priority issues in Area West	<b>SSDC key target area 2.8 (and NI195/196)</b> Improve street and environmental cleanliness by reducing levels of graffiti, litter, detritus, flytipping and flyposting	Chris Cooper, SSDC Head of Streetscene Services
<i>Twice per year.</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	<b>SSDC corporate plan key target area 4.16</b> Outcome: An empowered community where all people take part in shaping their neighbourhood. Measured by: Increasing % of people who feel that they belong to their neighbourhood (NI 2).	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>

Area West Committee – 15th December 2010

## **9. Reports from Members on Outside Organisations**

This is an opportunity for members who represent the Council on outside organisations to report items of significance to the Committee.

Members are asked to notify the Chairman before the meeting if they wish to make a report.

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Area West Committee - 15th December 2010

**10. Feedback on Planning Applications referred to the Regulation Committee**

There is no feedback to report on planning applications referred to the Regulation Committee.

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Area West Committee – 15th December 2010

## 11. Planning Appeals

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* David Norris, Development Manager  
*Contact Details:* david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

### Recommendation

That the report be noted.

### Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

### Report Detail

#### Appeals Lodged

##### Written Representation

**West Crewkerne** – Application for a certificate of lawfulness for proposed use of land for the siting of a mobile home for use ancillary to main dwelling, Court Farm House, Clapton Road, Clapton – Mr. John Williams – 10/01444/COL.

**Misterton** – The erection of a two storey and single storey extension to rear of dwellinghouse, 4 School Hill – Mr. & Mrs. A. Sweetman – 10/03086/FUL.

#### Appeals Dismissed

##### Written Representation

**Chard** – The carrying out of alterations, the insertion of replacement windows and the change of use of shop and offices to shop and 2 no. houses, 9 Fore Street – Bradley Management – 09/04947/FUL & 09/04948/LBC.

Delegated Decision – Refusal.

The Inspector's decision letter is attached at pages 16-18.

**Background Papers:** Application files – 10/01444/COL, 10/03086/FUL, 09/04947/FUL & 09/04948/LBC.

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## Appeal Decisions

Site visit made on 2 November 2010

by **Olivia Spencer BA BSc DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2010

### Appeal Ref: APP/R3325/E/10/2128972

#### 9 Fore Street, Chard, Somerset TA20 1PH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Bradley Management against the decision of South Somerset District Council.
- The application Ref 09/04948/LBC, dated 17 December 2009, was refused by notice dated 26 March 2010.
- The works proposed are change of use of a shop and offices to a shop and 2no. houses with associated internal alterations.

### Appeal Ref: APP/R3325/A/10/2127891

#### 9 Fore Street, Chard, Somerset TA20 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bradley Management against the decision of South Somerset District Council.
- The application Ref 09/04947/FUL, dated 17 December 2009, was refused by notice dated 26 March 2010.
- The development proposed is change of use of a shop and offices to a shop and 2no. houses with associated internal alterations.

### Decision

1. I dismiss the appeals.

### Main Issues

2. The main issues are firstly, the effect of the proposed development on the special interest of the building which is listed grade I and secondly, the effect on the living conditions of future occupiers of the proposed dwellings with regard to noise and disturbance.

### Reasons

#### *Listed building*

3. The appeal property forms part of a complex of structures with late 16<sup>th</sup> century and early 17<sup>th</sup> century origins. That part which is the subject of the appeal in particular retains many features of the original house. Of special note is the barrel vaulted court room with rare and fine plasterwork, but the grandeur and quality of the building is evident also in other large rooms, some with decorative plaster ceilings. Although altered in the 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> centuries, these rooms together with other structural and decorative details



provide an extraordinary record of the historic origins and evolution of the building. It is in this and in its rarity that the particular significance of the building principally lies.

4. Partitions and a staircase inserted into the office and the room behind it would substantially alter the appearance and proportions of these spaces which the Architectural and Historical Assessment undertaken for the appellant in 2004 notes originally formed part of a large grand room. That the kitchen partition would be glazed would do little to reduce its impact in this respect. The newly enclosed spaces would be relatively cramped and awkwardly shaped, and the large mullion window which once would have been a dramatic feature of the chamber would be reduced to serving a corridor.
5. The opening above the stair would require removal of part of the ceiling and floor above, together with some loss of the 19<sup>th</sup> century plaster cornice. No details have been provided to demonstrate how this could be achieved without significant harm to the historic fabric of the building. Similarly I have seen no evidence of what harm may be caused by the insertion of the proposed party walls or how the installation of services would be accommodated. Of particular concern in this regard is the proposed drainage works below the floor of the proposed kitchen nearest the front of the building and the proposed raising of the floor in the rear kitchen. Little if any information has been provided of the nature, age and significance of these floors or what may lie beneath them, and no details have been provided to demonstrate the effect the raised floor in the rear kitchen would have on the plank and muntin screen which it would abut.
6. I note also that the works would include the removal of a stair which though probably late 19<sup>th</sup> century nevertheless forms part of the evolving history of the building and numerous small scale alterations and repairs for which very little detail is given. In these circumstances I can only conclude that the scheme would result in substantial harm to the building's significance.
7. *Planning Policy Statement 5: Planning for the Historic Environment* and the accompanying Practice Guide advise the where a proposal causes harm this needs to be weighed against other public benefits such as the conservation of the asset. I understand that the property has been marketed for office use for a considerable time but I have seen no evidence as to whether the price asked fairly reflected the nature and condition of the building. Nor do I for the reasons given consider that it has been demonstrated that the proposal would cause minimum harm to the special interest of the building. Simply stating as the appellant has done that no significant features would be affected and that the works are justified to facilitate restoration and continued use of the building is not sufficient to enable proper consideration of the proposal in accordance with national guidance.
8. I conclude overall on this issue therefore that the proposed development would fail to preserve the special interest of the listed building contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP) 2000 and Policies ST5, ST6 and EH3 of the South Somerset Local Plan (LP) 2006.

#### *Living conditions*

9. The courtyard is small and the refrigeration units fixed to the face of the rear wing of no.7 are close to the appeal building. All habitable rooms of the proposed rear dwelling unit would face onto this courtyard and future occupiers would I consider, find noise from the units intrusive particularly in the summer.

months when they may wish to open windows. I conclude therefore that the proposal would have a detrimental effect on the living conditions of future occupiers of the appeal building contrary to national and development plan policies which seek to promote the development of high quality residential environments.

*Olivia Spencer*

INSPECTOR

**S.SOM.DC**

**01 DEC 2010**

**RESOLUTION CENTRE**

Area West Committee – 15th December 2010

## 12. Planning Applications

Strategic Director: Rina Singh (Place and Performance)  
 Assistant Director: Martin Woods (Economy)  
 Service Manager: David Norris, Development Manager  
 Lead Officer: David Norris, Development Manager  
 Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

The schedule of applications is attached following page 20.

The inclusion of two stars (\*\*) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

### **Human Rights Act 1998 Issues**

*The determination of the applications which are the subject of reports in the schedule are considered to involve the following human rights issues:-*

#### *Article 8: Right to respect for private and family life*

- (i) *Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.*
- (ii) *There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*

#### *The First Protocol*

##### *Article 1: Protection of Property*

*Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

*Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.*

**Background Papers:** *Individual planning application files.*

Area West Committee – 15th December 2010

**13. Date and Venue for Next Meeting**

The next scheduled meeting of the Committee will be held at Horton Village Hall, Hanning Road, Horton on Wednesday, 19th January 2010 at 5.30 p.m.

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## Planning Applications – December 2010

### Members to Note:

*The inclusion of two stars (\*\*) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.*

*The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.*

Page	Ward	Application	Proposal	Address	Applicant
1	Crewkerne Town	10/03721/FUL	The erection of 100 no. dwellings together with associated roads, parking, sub-station, open space and affordable housing provision	Bradfords Site, Station Road, Misterton	Betterment Properties (Weymouth) Ltd.

## Area West Committee – 15th December 2010

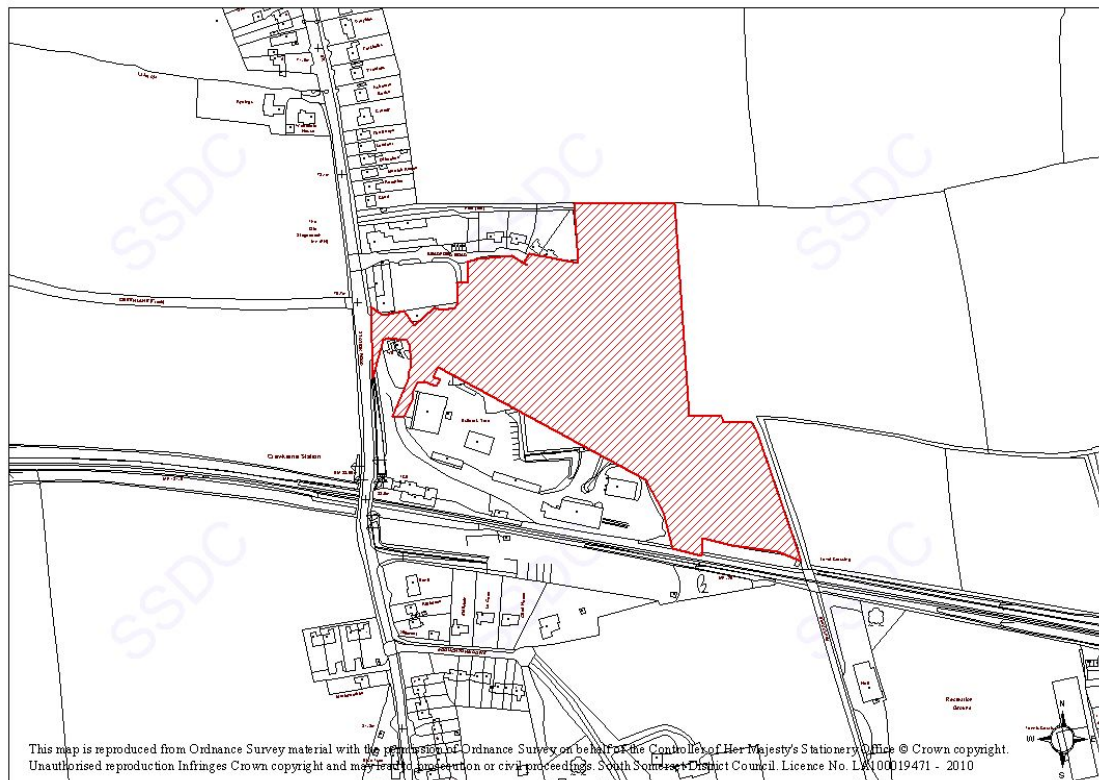
### Officer Report On Planning Application: 10/03721/FUL

<b>Proposal:</b>	The erection of 100 no. dwellings together with associated roads, parking, sub-station, open space and affordable housing provision (GR 345407/108646)
<b>Site Address:</b>	Bradfor's Site Station Road Misterton
<b>Parish:</b>	Misterton
<b>CREWKERNE TOWN Ward</b>	Cllr. Mike Best Cllr. Geoff Clarke Cllr. Angie Singleton
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date:</b>	27th December 2010
<b>Applicant:</b>	Betterment Properties (Weymouth) Ltd
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Major Dwlg's 10 or more or site 0.5ha+

#### REASON FOR REFERRAL TO COMMITTEE

This application is before Committee at the request of the Development Manager with the agreement of the Chairman due to its significance and history.

#### SITE DESCRIPTION AND PROPOSAL



This 3.17 hectare site is located on the east side of Station Road, to the rear of the builders merchants and to the north of Crewkerne Railway station and is wholly in the parish of Misterton. It comprises a former agricultural feed mill site, now largely cleared, and former agricultural land. The site is within development limits, apart from the south-eastern part

which falls outside the boundary. Where the site adjoins countryside it is bounded by hedgerows.

A public footpath (CH20/2) runs across the northeast part of this site, although this is currently subject to an application to divert it along the eastern side of the site. This path then proceeds south via a foot crossing over the railway line to the playing fields and the main part of the village, including the village hall and school. Another footpath, the Monarch's Way, runs along the northern side of the site. The nearest and only neighbouring residential properties are nos. 1-7 (odd) Bradford Road to the north of the site; all other adjacent properties are commercial (offices and builders merchant to the west and railway station to south) with open countryside to the east.

This is a full application for residential development of 100 units at a density of 31 per hectare comprising:-

- A three storey apartment block on the south-west boundary containing 4 one-bedroom and 10 two-bedroom flats;
- 47 two-bedroom houses;
- 36 three-bedroom houses
- 3 four-bedroom houses
- 198 parking spaces;
- associated open space including a 'village green' within the development and a LEAP within a substantial area of informal open space in the southeast part of the site adjacent to the railway line.

The houses would be a mix of 2-storey detached, semi-detached and terraced properties fronting onto a series of internal roads with parking courts to the rear. The access, which would be shared with the builders merchants and the railway station, would be direct from the A356. There would be no direct access to the site via Bradford Road.

The proposal is supported by a Design and Access Statement, a Flood Risk Assessment, a Transport Assessment, a Wildlife Survey Report, a Reptile Translocation Report, a Statement of Community Involvement, a Green Travel Plan, a Sustainability Statement, a Landscape Proposal and a Ground Investigation Report.

The applicants have also offered a package of developer obligations to mitigate the impact of the development on the locality, namely:-

- 10 affordable homes
- the provision of a pedestrian crossing in Misterton near the school
- improvements to the existing foot crossing over the adjacent railway
- the provision of a multi-use games area (MUGA) in the village recreation ground
- Travel planning measures to reduce the impact of additional car traffic
- Contributions towards measures to improve existing local sports and leisure facilities to address additional use arising from the new houses.

The applicants have made it clear that the total financial contributions should be no more than £400,000 otherwise the scheme would be unviable. An 'open book' appraisal of the finances of the development has been provided on a confidential basis. This has been referred to the District Valuer for appraisal whose final comments have now been received (25/11/10).

## **HISTORY**

There is a long history of consents for the development of the feed mill, warehousing and builders depot. Of more relevance are previous outline consents for development dating back to 1995, namely:-

- 95/05714/OUT Outline permission granted for Access improvements, formation of builders merchant's premises and residential development (26/05/95). This approval was not subject to any S.106 planning obligations.
- 97/02437/OUT Renewal of 95/05714/OUT approved (06/01/98).
- 00/03190/OUT Renewal of 95/05714/OUT approved (21/06/01).
- 04/00446/OUT Outline permission granted for residential development and associated access improvements (07/04/05). This included the provision of 16.97% affordable housing, based on a multiplier derived from the increase in site area and equates to 35% on the additional residential area above that approved in 1995.
- 06/01654/REM Reserved matters approved for new access (21/08/06).
- 08/02511/FUL Planning permission granted for formation of new access (01/09/08) – identical to the access approved in 206.
- 08/04348/FUL Planning permission refused for erection of 100 no. dwellings together with associated roads, parking, sub-station, open space and affordable housing provision on the grounds that:-
1. *This development of 100 residential units with 17 affordable units would fail to adequately provide for affordable housing. It has not been satisfactorily demonstrated that the development cannot provide nearer to 35% affordable housing justified by the evidence available to the District Council. As such the proposal would fail to contribute to a sustainable and balanced community and is therefore contrary to policy HG7 of the South Somerset Local Plan and Goal 9 of the South Somerset Sustainable Community Strategy.*
  2. *This development of 100 residential units makes no appropriate provision for infrastructure improvements necessary to reasonably mitigate the impact of the development on the community. No acceptable justification has been put forward for this failure to make provision for:-*
    - a) *a road crossing within the village*
    - b) *improvements to local education facilities,*
    - c) *improvements to sports, arts and leisure facilities*
    - d) *robust travel planning*
    - e) *improvements to the foot crossing over the railway line**and as such the proposal would fail to contribute to a sustainable community contrary to policies ST5, ST10, TR2, CR2 and CR3 of the South Somerset Local Plan, Goal 3 of the South Somerset Sustainable Community Strategy and policies 49 and 50 of the Somerset and Exmoor National Park Joint Structure Plan.*

## **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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.



The policies of most relevance to the proposal are:

National Guidance  
PPS1 – Sustainable Development  
PPS3 – Housing  
PPG13 – Transport  
PPG17 – Planning for open space, sport and recreation  
PPS25 – Flooding

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

STR1 - Sustainable Development  
STR2 - Towns  
STR4 - Development in Towns  
Policy 33 – Provision for Housing  
Policy 35 - Affordable Housing  
Policy 37 - Facilities for Sport and Recreation within Settlements  
Policy 39 - Transport and Development  
Policy 40 - Town Strategies  
Policy 42 - Walking  
Policy 48 - Access and Parking  
Policy 49 - Transport Requirements of New Development  
Policy 50 – Traffic Management

Saved policies of the South Somerset Local Plan (April 2006):

ST3 – Development Limits  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
ST7 - Public Space  
ST9 - Crime Prevention  
ST10 - Planning Obligations  
EC3 - Landscape Character  
EC8 - Protected Species  
EU4 – Drainage  
EP5 – Pollution  
EP6 – Demolition and Construction Sites  
TP1 - New Development and Pedestrian Movement  
TP2 – Travel Planning  
TP3 – Cycle Parking  
TP4 - Road Design  
TP5 – Public Transport  
TP7 – Residential Car Parking Standards  
HG1 – Provision of New Housing Development  
HG4 – Density  
HG6 – Affordable Housing Targets  
HG7 – Affordable Housing Thresholds  
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
CR3 – Off-site provision  
CR4 - Amenity Open Space

South Somerset Sustainable Community Strategy

Goal 1 – Safe Communities  
Goal 3 – Healthy Environments  
Goal 4 – Quality Public Services  
Goal 7 – Distinctiveness  
Goal 8 – Quality Development  
Goal 9 – Homes within a Balanced Housing Market

## Policy-Related Material Considerations

It is noted that since the determination of the previous application the new coalition government has cast significant doubt over the status and future weight of the emerging Regional Spatial Strategy (RSS10). The local planning authority therefore gives little weight to its policies. The removal of the minimum density requirement of PPS3 is to be noted.

However there have been no changes to the local plan policies referred to in the previous reasons for refusal.

Other Relevant Documents:

None.

## CONSULTATIONS

*Misterton Parish Council* – reiterate their previous concerns, namely:-

- The need for an effective drainage scheme that would cope with storms;
- Impact of increased traffic in Misterton, including the observation that a solution to traffic congestion in Misterton is now a necessity.
- Measures to minimise disruption during construction;
- the unsightly impact of the site;
- question the need for rented affordable housing;
- Improvements to the foot crossing (bridge or tunnel) over the railway to accommodate increased foot traffic;
- No use of new roads by HGVs using Bradford's entrance.

The Parish have been notified of the District Valuer's comments and asked if they wish to add any final observations. Any comments received will be reported to Committee.

*Crewkerne Town Council* – echo Misterton PC's concerns about the need for safe rail crossing. Consider the need for affordable housing to be acute and consider the low percentage to be unacceptable.

*County Highways Officer* – notes that no objection was previously raised. Observes that:-

*“... this current application will still be served via a right turn lane facility permitted under planning application 08/02511/FUL and one that is subject to a separate Section 278 Legal Agreement. The junction has previously been audited and its layout approved and is suitable to cater for the traffic likely to be generated by the proposal.*”

*“The Highway Authority is satisfied that the development is providing a reasonable contribution to improvements to the surrounding highway and pedestrian infrastructure through the contribution to the implementation of a pedestrian crossing facility at Misterton C of E Primary School, improvements to the footpath crossing the railway line on route to the recreation ground and a significant sum provided for promoting smart travel choices and green travel secured through the Travel Plan.*”

*“With regards to the internal layout, whilst there are a few items that will need addressing these are not significant and as such the Highway Authority is generally satisfied with the layout of the estate road. The proposal also provides parking in line with standards as set out within Somerset County Council's Parking Strategy.”*

Accordingly no objection is raised subject to appropriate safeguarding conditions.

*County Travel Planning Coordinator* – is understood have largely agreed an appropriate package of Travel Planning measures to mitigate the impact of the additional dwellings. Final comments will be reported to the committee.

*Network Rail* – considered the existing rail crossing to be unacceptable in its current form to accommodate addition footfall arising from the proposed development. Recommends that should the development be approved the following improvements be provided:-

- *Galvanised metal fencing on the approaches*
- *Galvanised metal wing fencing*
- *Crossing surface with non slip*
- *Galvanised metal crossing gates with self closing mechanism*

*“Overall this will cost £16,500 and should be funded entirely by the developer as this increase in risk is of the developers own making and not Network Rails. The improvements would help to reduce the level of risk to the crossing and assist users with passing over the crossing. Network Rail would wish to see improvements to the foot crossing locked into an s106 agreement and as an imposed condition.”*

*County Rights of Way Officer* – No objection, however it is noted that the development will affect footpath CH20/2 which is currently subject to a diversion order. No objection has been made to that Order, although the footpath should be kept clear until such time as the order has been finalised.

*Environment Agency* – have considered the submitted flood risk assessment and raise no objection subject to safeguarding conditions.

*Wessex Water* – Considers there is sufficient capacity in the existing public sewerage and supply systems. Raises no objection subject to surface water being discharged via a sustainable system to reduce the maximum rate of discharge.

*Area Engineer* – considered the proposal for dealing with surface water as set out in the FRA to be acceptable.

*Environmental Protection Unit* – recommend conditions in the event that permission is granted.

*Climate Change Officer* – welcomes the submission of the Council's Renewable Energy Requirement Proforma, but objects on the basis of a lack of information about renewable energy equipment.

*Conservation Manager* – has been involved with the evolution of the design and layout. No objection raised to this resubmission.

*Landscape Architect* – previously raised no objection , however has identified issues with the submitted drawings which appear to indicate that an earlier version of the landscaping proposal has been submitted. The applicant's have agreed to address this issue and the Landscape Architect's final comments will be reported to Committee.

*Ecologist* – no objection subject to safeguarding conditions.

*Open Spaces Officer* – has objected to the inclusion of a play area within the village green. This is not the case as in the context of the previous application it was moved to the area of public open space to the south of the site. Clarification of the officer's position has been sought as it is noted that no objection was previously made. Final comments will be reported to the committee.

*Leisure Policy Co-ordinator* – recommends that a contribution of £583,070.95 (£5,830.71 per dwelling) be sought towards the provision of play and youth facilities, playing pitches, sports facilities and theatres/arts centres to meet the demands arising from the occupiers of the new houses.

*Play & Youth Facilities Officer* – no objection.

*Strategic Housing Manager* – objects to the low level of affordable housing proposed – would expect 35% affordable housing with a tenure split of 67/33 in favour of rented accommodation. However the viability of the scheme is noted and it is accepted that the 10 units proposed would match the identified need in Misterton

*District Valuer* – considers that the development is viable, albeit with reduced obligations, concludes that:-

*The current assessment ..... shows that the current offer by the applicants of 10 social rented units and £400,000 S106 is reasonable. Because it falls so far below the policy requirement for 35% affordable housing, I would advise that an uplift clause is entered into whereby if the market recovers an additional sum in lieu of affordable housing can be obtained. I would advocate that this is linked to the sales values of the private units allowing for the target profit threshold to be reached before a 50/50 split of any surplus.*

## **REPRESENTATIONS**

4 letters received from local residents making the following comments:-

- Impact of increased traffic on Misterton which can't cope now;
- No need for additional houses given many houses for sale and new houses at Maiden Beech;
- Impact on Crewkerne (lack of parking and congestion);
- Impact of delivery vehicles to new houses;
- Significant increase in use of inadequate and unsafe foot crossing over railway;
- Overhanging plots to Bradford Road, particularly a garage affecting no. 6 Bradford Road;
- Concern about position of boundary with Bradford Road and implications for future rights of access to properties on Bradford Road;
- Need for signage to Bradford Road.
- Lack of screening to Bradford Road

## **CONSIDERATIONS**

It is considered that the principle of the residential development of this site has been established with the previous outline grant of permission. Whilst this was approved under the emerging local plan, the development boundary remains substantially the same. The refusal of the previous application did not cite the principle and there is not therefore considered to be any conflict with policy ST3 and the site could potentially deliver housing that would contribute to the need and targets identified by policies HG1 and HG6. The objection on the basis of need is not considered sustainable.

Previously the detailed design and layout, access and drainage and impact on residential amenity were considered acceptable. Given that there have been no changes to the design/layout of the proposal or changes to policy these aspects are considered equally acceptable now, subject to reiteration of the previous observations as follows:-

### **Design and Layout**

As a result of amendments and revised supporting information it is considered that the design, detailing, layout, provision of on site open space and landscaping are now acceptable. No local objections have been received to these aspects of the proposal, which are supported by specialist officers and any outstanding details (e.g. materials, boundary treatments etc.) could be covered by conditions. This aspect of the proposal is therefore considered to comply with policies ST5, ST6, ST7, EC3, CR4, HG4 and the on-site criteria of policy CR2.

## **Access and Drainage**

The access arrangements are identical to those agreed by applications 06/01654/REM and 08/02511/FUL and, along with the parking provision, are considered acceptable by the highways officer, with technical matters appropriate for condition. Similarly the surface water drainage is considered acceptable in principle by the Environment Agency, Wessex Water and the District Council's engineer, with any outstanding issues being resolvable by condition. Accordingly concerns that have been raised in these respects are considered to have been adequately addressed. Accordingly policies EU4, TP4, TP7, TP3 and the relevant criteria of policies ST5 and ST6 are satisfied and any technical matters could be addressed by condition.

## **Residential Amenity**

It is not considered that the proposal would trigger any concerns for residential amenity. The outlook of the properties in Bradford Road would be maintained and arguably improved with the cessation of the feed mill use and removal of the redundant buildings. The proposed buildings nearest to these properties, plots 1, 4, 5, 6, 7, 8 and 9, would be sufficiently separated from the existing dwellings to prevent any adverse impacts. Any permission could be subject to a condition requiring the agreement of a Construction Management Plan to safeguard residential amenity.

Within the development adequate amenity space and parking would be provided to meet the needs of future occupiers. It is considered that the layout provides for well overlooked public spaces – indeed the scheme has been specifically amended to ensure that the proposed LEAP would benefit from natural surveillance. The layout of the parking courts would also allow for 'passive' surveillance and the 'designing out of crime'.

It is not considered that the proposal poses any immediate threat to residential amenity through overlooking. Nevertheless any permission would need to be subject to a condition to remove permitted development rights that would allow the subsequent insertion of additional windows to sensitive elevations.

On this basis it is considered that the proposal would comply with policies ST5, ST9 and EP6.

Accordingly the key issue is considered to be whether or not this re-submission adequately addresses the previous scheme's failings with regard to planning obligations.

## **Planning Obligations**

The District Council has sought the provision of affordable housing and contributions towards off-site sports, arts and leisure facilities as required by policies HG7, CR2 and CR3. The County Council has sought travel planning measures and the provision of a road crossing in Misterton to address policies. It has been accepted that the previously requested education contributions are not necessary.

It should be noted that wider 'traffic' issues in the village are clearly an existing problem and therefore not attributable to this development. The highways officer considers a crossing to be a reasonable improvement that can be justified in the context of this development. Network Rail suggests that improvements to the existing footpath over the railway line are necessary. Policies ST10 and ST5 provide the basis for seeking measures to reasonably mitigate the impacts of development.

The applicant has previously resisted all requests beyond the provision of 17 affordable units – the sole obligation placed on the 2004 permission. However in light of the refusal they have accepted that, whilst the viability of the development is finely balanced a more balanced package of obligations is necessary to address the Council's concerns.

The local planning authority is mindful of the economics of development in the current market and in line with the District Council's standard approach an independent appraisal of the

viability of the development has been sought from the District Valuer. It is his advice that the current 'offer' is reasonable, however it is suggested that 'overage' clauses are applied that would seek to redress the obligations in relation to later phases of the scheme that might be completed in an improved market. It is considered that this would be reasonable and necessary to prevent any permission, with depressed obligations, accepted in light of current market conditions, being 'banked' for development in a more favourable economic climate.

On this basis it is accepted that the development would be subject to reduced obligations in relation to affordable housing and sports, arts and leisure facilities than would normally be accepted. However it is to be noted that the ten affordable homes matches the need identified in Misterton and would, in part, satisfy policy HG7. The provision of a MUGA exceeds the policy requirement of CR2 in relation to youth facilities.

The Parish and Town Councils have been vocal in their desire for a new footbridge crossing over the railway. The need for this is not supported by Network Rail and it is noted that such structure would probably be expensive – possibly beyond the viability of this development and would require third party land. Given the lack of support from the relevant body (Network Rail) it is not considered reasonable to insist upon a bridge and there are not considered to be any suitably qualified advice that would justify over-riding Network Rail's comments.

The improvements to the rail crossing and the provision of a pedestrian crossing reflect the desires expressed by the Parish and Town Councils and would satisfy the requirements of policy TP1. The inclusion of Travel Planning measures is a welcome promotion of alternatives to the private car and addresses policy TP2.

### **Other Issues**

The Council's ecologist and environmental health officers raise no objections. It is not therefore considered that there would be any conflict with policies EC8 and EP5 subject to the recommended safeguarding conditions. The scheme provides for adequate space for cycle storage within the curtilage of the dwellings and a communal facility could be provided for the apartment building.

With regard to the outstanding comments of local residents the following observations are provided:-

- Whilst the housing market may currently be experiencing difficulties it is not considered that this could justify ignoring the wider need for additional housing identified by policy HG1 and echoed in the emerging Core Strategy.
- No strategic consultees have referred to an inability of Crewkerne to accommodate additional growth. There is not therefore considered to be any justification to block the development of this windfall site.
- The comment about the overhanging garage is noted, however this garage was omitted in a revision of an earlier scheme however it is still shown on a landscaping drawing. The applicant's regret this error and will provide correct drawings prior to Committee. The offending structure is not shown on the planning layout or detailed house type drawings.
- the access via Bradford Road for existing residents would be unaffected by the completed development and a construction management condition could provide a safeguard during the construction phase.
- any signage required in relation to Bradford Road is not a planning issue and would be picked up under other legislation.

### **CONCLUSION**

This application proposes the same house types, design and layout as was previously considered acceptable and seeks to address the unacceptable failings of the previous application with regard to affordable housing and off site mitigation measures in relation to traffic impact and foot crossing improvements. It remains the case that the general layout,

relationship with existing dwellings, parking, landscaping, drainage and access arrangements are acceptable.

The proposed package of planning obligations is now more rounded and seeks to address a fuller range of possible impacts. Unfortunately the viability of the development is 'fragile' and on the advice of the District Valuer it is accepted that it would not be reasonable in this instance to demand the full range of obligations sought, subject to an appropriate review mechanism. Accordingly it is considered that the provision of 10 affordable homes that would match the identified need in Misterton; the provision of a MUGA and a pedestrian crossing in Misterton; improvements to the rail crossing as requested by Network Rail and Travel Planning measures strikes a reasonable balance that reflects the viability of the scheme.

## **SECTION 106 PLANNING OBLIGATIONS**

A Section 106 Agreement would be necessary to ensure that 10 of the new houses are affordable and that the development provides for:-

- Improvements to the footpath crossing over the railway line as requested by Network Rail.
- A pedestrian crossing in Misterton, near the school.
- A MUGA with the recreation ground.
- Travel Planning measures as agreed by the County Travel Plan Co-ordinator.
- Contributions towards sports and leisure facilities in Misterton/Crewkerne as identified by the Leisure Policy Coordinator.
- The future management of the on site public open space.
- A future review of the obligations in relation to the later phases of the development.

The total contributions not to exceed £400,000.

## **RECOMMENDATION**

That planning permission be granted subject to:

- (a) the prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
  - deliver 10 of the new houses as affordable units for rent (of a size, location and tenure to be agreed by the Strategic Housing Manager)
  - provide for improvements to the footpath crossing over the railway line as requested by Network Rail
  - provide a pedestrian crossing in Misterton, near the school
  - provide a MUGA within the recreation ground
  - deliver Travel Planning measures as agreed by the County Travel Plan Co-ordinator, including bus stop enhancement
  - ensure contributions towards sports and leisure facilities in Misterton/Crewkerne as identified by the Leisure Policy Co-ordinator
  - the future management of the on site public open space
  - a future review of the obligations in relation to later phases of the development

The total contributions not to exceed £400,000.

- b) the imposition of the planning conditions set out below on the grant of planning permission.

## **JUSTIFICATION**

The proposed house types, design, layout, relationship with existing dwellings, parking provision, landscaping and drainage and access arrangements would have no adverse

impact on visual amenity, the amenities of existing or future residents, flood risk or highways safety. No objections have been raised on the grounds of pollution or adverse impact on ecology, The proposal is supported by a package of planning obligations to mitigate the impact of the development by providing for 10 affordable homes that would match the identified need in Misterton; the provision of a MUGA and a pedestrian crossing in Misterton; improvements to the rail crossing as requested by Network Rail and Travel Planning measures. As such the proposal would comply with policies ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, EP5, EP6, TP1, TP2, TP3, TP4, TP5, TP7, HG1, HG4, HG6, HG7, CR2, CR3 and CR4 of the South Somerset Local Plan.

## **CONDITIONS**

1. The development hereby permitted shall be begun within three years of the date of this permission.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and supporting information initially received 10/09/10, 20/09/10 and 27/09/10, as updated by revised landscape proposal received XX/12/10.

**Reason:** To clarify the development hereby approved as the submitted plans have been amended.

3. No dwelling hereby permitted shall be occupied until such time as improvements to the pedestrian rail crossing to the south east of the site have been completed in accordance with details to be submitted to and approved in writing by the local planning authority .

**Reason:** In the interests of pedestrian safety in accordance with policy TP1 of the South Somerset Local Plan.

4. No dwelling hereby permitted shall be occupied until such time as a pedestrian crossing facility has been provided in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of pedestrian safety in accordance with policy TP1 of the South Somerset Local Plan.

5. No dwelling hereby permitted shall be occupied until such time as a scheme to enhance bus stop provision on the A356 adjacent to the site has been implemented in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable development in accordance with policy TP5 of the South Somerset Local Plan.

6. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan

7. The development hereby permitted shall not be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of



porous materials to the parking and turning areas, where appropriate and once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual and residential amenity and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with saved policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

8. No development hereby permitted shall be commenced until details of the design, material and external finish to be used for all windows and doors, including recessing and cill and lintel details where appropriate, shall be approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan, adopted 2006.

9. The development hereby permitted shall not be commenced until such time as a scheme for the disposal of foul water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect the natural environment in accordance with policy EU4 of the South Somerset Local Plan.

10. No development hereby approved shall be carried out until details of a sustainable surface water drainage system, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques in accordance with the recommendation of the Flood Risk assessment submitted with the application and once approved shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

**Reason:** To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

11. No development shall be carried out until such this as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced until a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

13. The development hereby permitted shall not be occupied until a scheme of management for the areas of landscaping has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

**Reason:** To ensure the suitable management of the landscaped areas in the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

14. The recommendations of the updated ecology report by Acorn Ecology Ltd, dated 21/09/10, received 27/09/10 with regard to slow worms shall be adhered to at all time during the development. If for any reason it is not possible to do so all work on the affected part of the site shall cease and not recommence until such time as an alternative strategy has been submitted to and agreed in writing by the local planning authority .

**Reason:** To safeguard the ecologic interests the site in accordance with policy EC8 of the South Somerset Local Plan.

15. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. Such details shall not include access for construction vehicles via Bradfords Road and the development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

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 saved policies ST5, ST6 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000)

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 in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

18. Prior to commencement of the development the right turn lane facility off the A356 together with the Estate Road (as approved by application 08/02511/FUL and subject to a separate Section 278 agreement, as shown generally in accordance with drawing

No. 3714/06) shall have been fully implemented in accordance with the approved design and specification to the satisfaction of the Local Planning Authority.

**Reason:** In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

19. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

20. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

21. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 5 working days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site until such time as an alternative remediation scheme has been submitted to and agreed in writing by the local planning authority .

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

22. The development hereby approved shall not be commenced until details of phasing of all aspects of the proposal have been submitted to and approved in writing by the local planning authority. Once approved such phasing shall be adhered to throughout the development unless agreed otherwise in writing by the local planning authority.

**Reason:** To ensure the comprehensive development of the site in line with the planning obligations that have been agreed in accordance with policy ST10 of the South Somerset Local Plan.

**Informatives:**

1. An assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, should be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 20. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 21.
  2. You are reminded of the precautionary measures suggested in the Wildlife Survey Report (Acorn Ecology, July 2008), pg.8.
  3. You are reminded of the comments of the Environment Agency, a copy of which is available on the Council's web-site.
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