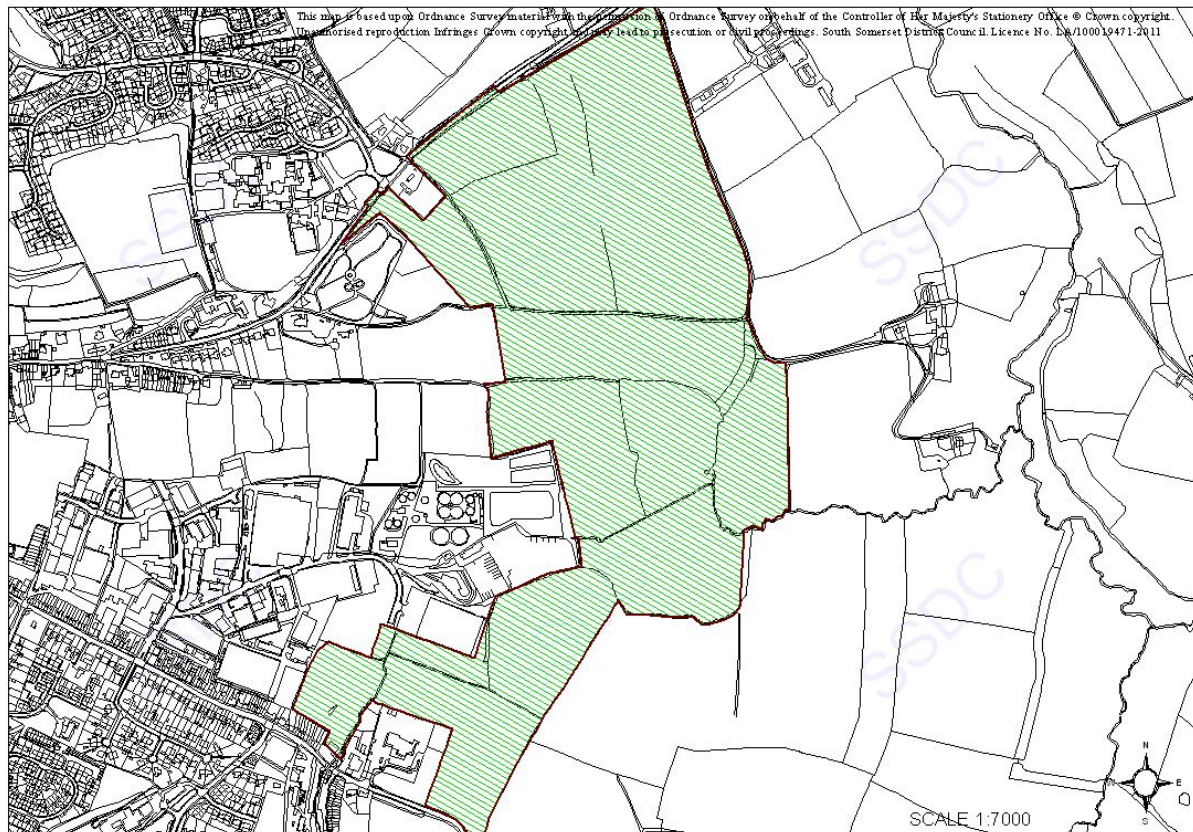


12. Supplemental Report in Relation to Planning Application: 05/00661/OUT

Strategic Director: Rina Singh (Place and Performance)
 Assistant Director: Martin Woods (Economy)
 Service Manager: David Norris, Development Manager
 Lead Officer: Adrian Noon, Area Lead North/East
 Contact Details: adrian.noon@southsomerset.gov.uk or 01935 462370

Proposal :	Comprehensive mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements. GR (345354/109767)
Site Address:	Crewkerne Key Site – Land East of Crewkerne Between A30 (Yeovil Road) And A356 (Dorchester Road)
Parish:	Crewkerne
CREWKERNE TOWN Ward Members	Mr G S Clarke (Cllr) M Best (Cllr) Ms A M Singleton (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date:	4th August 2005
Applicant:	Taylor Wimpey UK Ltd
Agent:	Origin3
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+



Purpose of the Report

To update members on the progress of the planning application for the development of the Keysite at Crewkerne, known as the CLR site and to seek support for the conclusion of the negotiation of planning obligations prior to the formal determination of the application at a later date.

It is not the purpose of this report to set out the basis for the determination of this application nor is it intended to invite members to review the detail or impact of the development, the supporting information, detailed on site proposals (such as the Masterplan, the dormouse bridge or road layout) or the previous resolution to approve the application. It is simply to provide an opportunity for members, who have previously provided input, to steer officers in the negotiation of the final package of planning obligations. The report will lay out the current offer; identify the areas to be resolved; set out a recommended way forward and, on a without prejudice basis, seek members support to continue negotiations to finalise the details of the section 106 agreement that would deliver the obligations.

This would give both officers and the applicant clarity as to the Council's expectations for this important development in Crewkerne. Subsequently the application would be referred back to Area West Committee with a detailed report for formal determination when members will be able to consider all relevant issues, including whether there have been any material changes to circumstance, the supporting information, detailed on site proposals, including the Masterplan, the dormouse bridge and road layout, and conditions. At that stage the detail of the obligations would be formally considered.

Recommendations

- (1) That members note the progress to date;
- (2) that members confirm their support for the position officers propose to take in relation to the outstanding matters.

Background

At a special meeting of the Area West Committee on 1 November 2006 members unanimously resolved that application 05/00661/OUT be approved subject to:-

- referral to the Secretary of State
- the resolution of objections raised by the Environment Agency and Natural England and the submission of a revised Masterplan
- the agreement of planning obligations under a Section 106 Agreement

with the S106 agreement and conditions to be “delegated to the Head of Development and Building Control in consultation with the relevant portfolio holders, Chairman of the Area West Committee and ward members”.

The application was referred to the Secretary of State who raised no objection to the approval of this application. The revised Masterplan was received and accords with officers' expectations and the Environment Agency's objections have been addressed in line with the officer's report to Committee. Conditions have been agreed in principle between officers and the applicant.

Unfortunately there have been substantial delays in resolving Natural England's objections with regard to the impact on dormice and in agreeing the package of

obligations. However, following input from the Council's ecologist, Natural England and the District Valuer substantial progress has now been made with the applicant providing a detailed dormouse mitigation strategy that includes a 'dormouse bridge' over the new link road. A detailed package of planning obligations has been tabled, which generally reflects the current viability of the scheme as agreed by the District Valuer.

The dormouse mitigation measures are acceptable to Natural England and the Council's ecologist and the planning obligations have been subject to detailed discussions, including a member's workshop and a meeting convened under the Council's Planning Obligations Protocol. These discussions have guided negotiations to date and have resulted in the applicants revising their offer to reflect the priorities identified.

The Current Situation

With the dormouse mitigation measures now agreed and a revised package of planning obligations offered, the outstanding issues solely relate to the detail of the obligations and the mechanism for review.

The current offer reflects the District Valuer's advice that, in the current market, the development, including the provision of the link road, the school site, landscaped areas and employment land (as per allocation KS/CREW/1 in the local plan) is only viable with 17.5% affordable houses (all for rent) and c. £8.6m towards planning obligations. Included within this figure is an allowance for an enhanced use of natural stone to meet the findings of the Enquiry by Design conducted at the allocation stage.

The original expectation was for 35% affordable houses and c. £15.3m for planning obligations. Whilst the reductions are disappointing, the advice of the District Valuer cannot reasonably be ignored; he does however urge that the Council seek to agree 'overage' clauses in the Section 106 agreement to enable future review of later phases on the development in light of prevailing market conditions.

The following table, which is provided for information, sets out the current offer against the initially requested obligations. Its inclusion is to inform members of the progress of negotiations, and it is not intended that members seek to debate the detail.

	S.106 contributions originally sought	Initial S106 offer (as considered by the DV)	Current S106 offer
Affordable Housing	35%	17.5%	17.5%*(1)
Highways Contributions			
Town Centre Improvement	£ 100,000		
Public Transport/ Travel plans	£ 375,624		£ 300,000
Off site Traffic Calming	£ 335,624	£ 335,624	£ 335,624
Education*(2)			
First School Contribution	£ 919,275		£ 2,000,000*(3)
2 temporary classrooms @ £120,000	£ 240,000		
Pre-school provision Contribution	£ 196,112		
Middle School Contribution	£ 921,780		
College Contribution	£ 1,071,202		
On-site Leisure/Recreation Contributions			
On-site LEAP & NEAP	£ 182,702	£ 182,702	£ 182,702
Community Hall Contribution	£ 1,000,000		
Strategic Landscaping/Woodland Planting	£ 120,000		
Commuted sums to above	£ 400,000		
POS/woodland planting as per Masterplan	£ 2,150,000	£ 2,150,000	£ 950,000*(4)
Commuted sum	£ 527,000	£ 527,000	
Works/Landscaping at site entrance			£ 550,744*(5)
Off-site Leisure/Recreation Contributions			
Playing Pitches	£ 265,000		£ 260,000
Floodlights	£ 40,000		
Changing Rooms	£ 599,333		
Skate Park	£ 97,000		
Swimming Pools	£ 133,354		
Sports Hall	£ 252,934		
Other Contributions			
School site set up costs	£ 210,467	£ 210,467	£ 210,467
Ecology - Dormice Mitigation	£ 462,134	£ 491,095	£ 491,095
Ecology - Badger protection works	£ 35,000	£ 35,000	£ 35,000
Use of Natural Stone	£ 4,683,000*(6)	£ 4,683,000*(6)	£ 2,740,500*(7)
TOTAL	£ 15,317,541	£ 8,614,888	£ 8,056,132

*(1) 17.5% to be averaged across the development with 15% in the 1st phase (200 houses) and 19% over second phase (325 houses).

*(2) Updated figures provided by SCC, 23/07/10

- * (3) As agreed by SCC and to be designed to facilitate dual use of hall for community use
- * (4) As agreed with Landscape Architect
- * (5) Applicants advise that this was originally included in the £2.15m for Strategic Landscaping/Woodland Planting
- * (6) Cost originally attributed by applicant and included in Build Costs considered by the DV
- * (7) Reflects reduced use of natural stone following discussions with conservation manager

To address comments offered at the member's workshop and the planning obligations meeting the package of obligations has been 'balanced' by a review of the level of use of natural stone and the landscape planting. This has released £2,591,756, which has been reallocated to education (£2.0m), public transport/travel plans (£300k) and off-site leisure/recreation facilities (£260k). There is however a shortfall of £558,756 compared to the initial offer considered by the District Valuer when formulating his opinion that the scheme is viable with 17.5% affordable housing with £8.6m towards mitigation measures.

The developer has withdrawn the £527,000 initially offered as a commuted sum towards the maintenance of the public open space/woodland planting, which would be maintained by a management company along with all other open space areas (the LEAP and NEAP, the strategic planting, the attenuation areas and the dormouse bridge) for which no commuted sum has been advanced.

Areas to be Resolved

- The shortfall in planning obligations of £558,756 is attributable to the withdrawal of the £527,000 (commuted sum) and £31,756, which appears to be missing from the equation. Given the District Valuer's advice this must be accounted for. The applicant contends that the £527,000 would be used as 'seed' money to prime the management company, however no evidence has been provided to demonstrate that this would be necessary. The missing £31,756 needs to be accounted for.
- Members have indicated that the £100,000 initially sought for town centre improvements is vital. This needs to be provided for.
- The landscape architect has advised the applicant's agents that their costings for the POS/woodland planting should allow for works to existing hedges/trees. A modest sum in the region of £50,000 is suggested.
- The £550,744 for works at the site entrance (off the A30) has only recently been separated out of the POS/Woodland planting budget, whilst it may be reasonable it has not been scrutinised.
- The allowance for £2,740,500 for use of natural stone has not been assessed against the recommendations of the Enquiry by Design. The conservation manager is of the opinion that there may be scope for a further reduction in its use whilst still complying with the Enquiry.
- Whilst the proposed dormouse bridge would ensure that the 'favourable conservation status' of this European protected species would be maintained, the fact remains that the dormouse population that would be affected has not, despite repeated requests by officers, been surveyed. The applicants maintain that there

are fundamental difficulties with this, as the land in question (to the west of the site) is in third party ownership and not therefore in the control of the applicant. It has been indicated that they would be willing to make best endeavours to survey the land and devise an alternative strategy if appropriate. Any savings would be used to enhance other obligations.

- The mechanism for review needs to be agreed. The applicants have indicated that two future review points would be acceptable to them, firstly upon submission of the reserved matters for the second phase and secondly three years after the approval of the second phase. Should the entire development be completed within this timescale, this would be acceptable. However it is considered reasonable to assume 525 houses would be built over at least a 5-10 year time scale, if not longer. A more robust review framework is therefore considered necessary.
- The allocation of this site includes the requirement for a connection to be made between the new link road and Blacknell Lane prior to the occupation of the 200th house or within 4 years of commencement. The applicants point out that that this would be funded by the development of the employment land for which there is little current demand in Crewkerne and the provision of this should be tied to the phasing of this part of the site.

This position is not considered unreasonable and it is pointed out that the applicants accept the need to provide the link road prior to the occupation of the 200th house or within 4 years of commencement. This would enable commercial traffic to avoid the town centre.

Suggested Course of Action

- (1) That the shortfall of £558,756 be clarified and any recovered money be allocated to works to existing hedges/trees as part of the POS/woodland planting (£50,000) and any excess be used to uplift the off-site leisure/recreation contribution.
- (2) That £100,000 of the £300,000 proposed for public transport/travel plans be identified for town centre improvements as originally requested.
- (3) That the £550,744 for works at the site entrance be clarified to the satisfaction of the landscape architect and any money recovered be used to uplift the off-site leisure/recreation contribution.
- (4) That the applicant be asked to further clarify the detail of the proposed management regime.
- (5) That the level of use of natural stone be examined by the conservation manager in light of the recommendations of the Enquiry by Design. Any further savings to be used to uplift the off-site leisure/recreation contribution.
- (6) That the applicant be urged to agree to make best endeavours to survey the affected dormouse population prior to the commencement of development. If an alternative strategy is appropriate any savings to be recycled to other obligations which have been reduced.

- (7) That officers negotiate a review mechanism, to be secured by S.106 agreement, based on a three yearly review from occupation of the 200th house.
- (8) That officers agree a phasing plan of the employment area that specifies the timing of the Blacknell Lane link.

Background Papers: *Planning Application file 05/00661/OUT – See Appendix 1*
