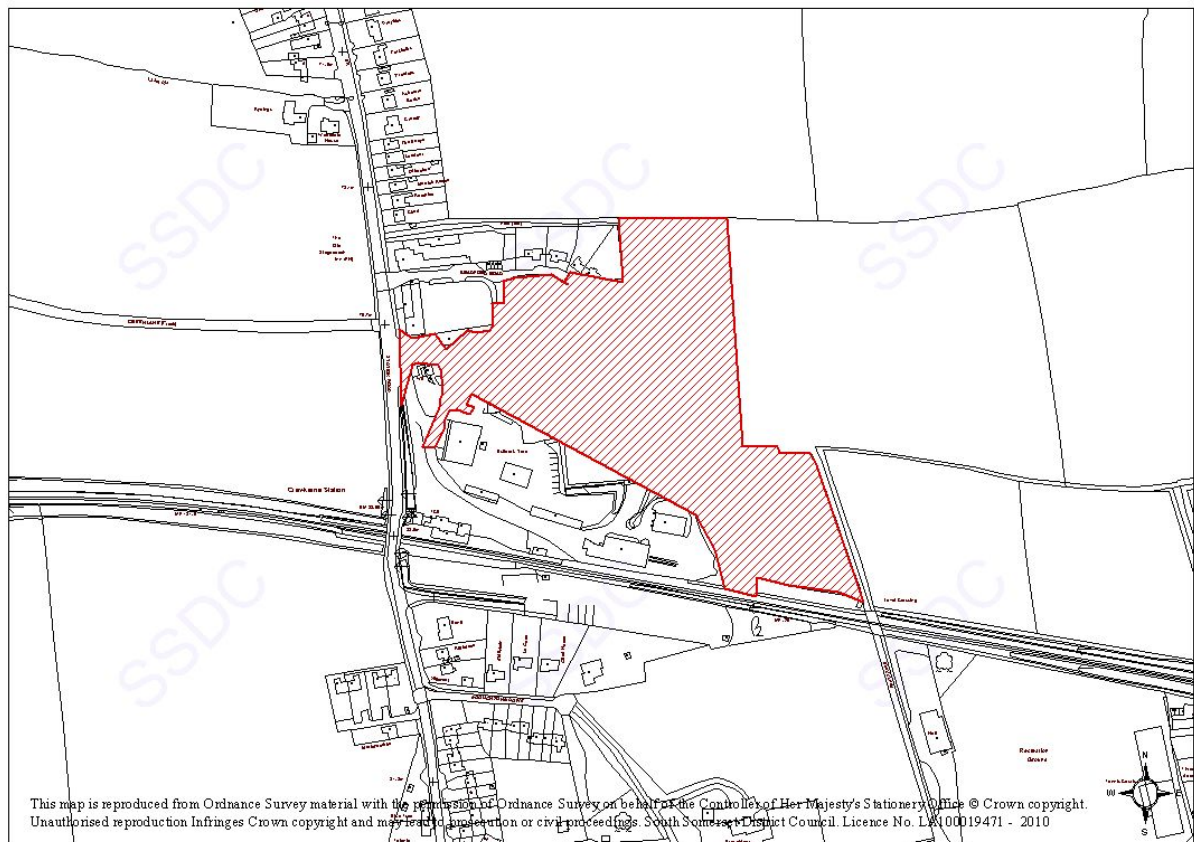


Area West Committee – 19th January 2011

13. Supplemental Officer Report on Planning Application: 10/03721/FUL

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 :	The erection of 100 no. dwellings together with associated roads, parking, sub-station, open space and affordable housing provision (GR 345407/108646)
Site Address:	Bradfords Site Station Road Misterton
Parish:	Misterton
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:	27th December 2010
Applicant:	Betterment Properties (Weymouth) Ltd
Agent: (no agent if blank)	
Application Type:	Major Dwlg's 10 or more or site 0.5ha+



Purpose of the Report

To update members on the progress of the S.106 negotiations that have been carried out since this application was approved at the December 2010 committee meeting and to seek support firstly for the resolution of the outstanding matters in relation to application 10/03721/FUL and secondly for the position officers intend to take in relation to the appeal against the refusal 08/04348/FUL, an identical scheme.

It is not the purpose of this report to invite members to review the detail/impact of the development or the previous resolution to approve the application. It is simply intended to provide an opportunity for members to confirm that officers' negotiation of the package of planning obligations conforms with the resolution of Area West Committee.

Recommendations

That subject to the submission of a signed Section 106 agreement, in a form acceptable to the Council's solicitor, in consultation with the Strategic Housing Manager and Development Manager:-

- a) The S.106 agreement be accepted and the decision in relation to 10/03721/FUL be issued. And,
- b) That, subject to the submission of an appropriate Section 106 obligation by the applicant, officers agree a statement of common ground in respect of all matters with the applicant and that this be submitted to the Planning Inspector in relation to the appeal against the refusal of 08/04348/FUL in effect withdrawing the Council's objection.

Background

At the December 2010 meeting of Area West Committee members resolved to approve application 10/03721/FUL 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:-
 1. 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)
 2. provide for improvements to the footpath crossing over the railway line as requested by Network Rail and to specify timing and provide for agreement of detail. Timing to require letting of contract prior to commencement and works to be completed prior to occupation of 20th house
 3. provide a pedestrian crossing in Misterton, near the school and to specify timing and provide for agreement of detail. Timing to require completion prior to occupation of any dwelling.
 4. provide a MUGA within the existing Misterton Parish recreation ground and maintenance
 5. deliver Travel Planning measures as agreed by the Development Manager in consultation with the County Travel Plan Co-ordinator, including bus stop enhancement/provision (on both sides of the road) and footpaths through the site, to the rail crossing and from the rail crossing to the recreation ground. To specify timing and provide for agreement of detail. Timing to require completion prior to occupation of any dwelling.

6. ensure contributions towards sports and leisure facilities in Misterton/Crewkerne as identified by the Leisure Policy Co-ordinator
7. agree the future management of the on site public open space including hedges

The total contributions not to exceed £400,000 at current value subject to the future review of the obligations in relation to later phases of the development

(b) the imposition of the planning conditions as set out in the officer's report with the following amendments:-

- Condition 2 to refer to the revised landscape proposal received on 08/12/10.
- Conditions 3 and 4 deleted on legal advice, being now covered in the section 106 agreement.
- Additional condition (21) as requested by County Archaeologist in his comments dated 26/11/10

Members also resolved that the decision in relation to application 10/3721/FUL guide officers in preparation for the appeal in relation to application 08/04348/FUL.

Since then detailed discussions have been held with the applicants and their solicitors and the S.106 agreement is at an advanced stage with the applicants agreeing to address all concerns raised.

The Current Situation

At the time of writing (07/01/11) a final draft of the S.106 agreement was awaited, however given the applicant's willingness to address officer's concerns it is not anticipated that it will throw up any unresolvable issues. The following sums up the position at the time of writing in relation to the Committee's resolution:-

1. The 10 proposed units (plots 2, 3, 10, 11 and 53-58) would provide a range of house types and sizes acceptable to the Strategic Housing Manager. Although there have been questions about the delivery of the affordable housing, by Three Counties Housing who are not an RSL, the applicant has provided assurances that the delivery would be in perpetuity and indistinguishable from that of an RSL in terms of rents, tenancy agreements etc. Subject to the detailed wording of the S106, including a requirement that all affordable units be provided prior to the occupation of the 70th open market unit, the Strategic Housing Manager has no further objections.
2. The applicants have agreed to provide £16,500 for rail crossing improvements in line with the resolution.
3. The applicants have agreed to the provide £50,000 for a road crossing in Misterton in line with the resolution.
4. The applicants have agreed to provide £100,000 for a MUGA at Misterton recreation ground, of a design and specification to be agreed by the local planning authority. If the MUGA costs less than £100,000 any savings will be offered up as a commuted sum for maintenance by Misterton PC.
5. The applicants have agreed to travel planning measures up to £50,000 to include bus stop enhancement/provision (on both sides of the road) and footpaths through the site, to the rail crossing and from the rail crossing to the recreation

ground, with the balance to support travel plan measures recommended by the County Travel Plan Coordinator in line with the resolution.

6. The applicants have agreed that the balance of the £400,000, including any savings, would be allocated to sports and leisure facilities in Misterton/Crewkerne as identified by the Leisure Policy Co-ordinator. This would include £50,000 towards the cost of on-site play equipment.
7. The S.106 will provide for the future management of the on-site open space, including the hedges, by a management company to a standard to be agreed by the local planning authority .

The applicants have also agreed to 2 review points, firstly 3 years after the occupation of the 1st house with a second review 6 years after the occupation of the 1st house. With the other trigger points that have been agreed in line with the Committee's resolution, it is considered that the development would be either delivered in the market conditions that it was negotiated or that the local planning authority has a reasonable opportunity to reassess the package of obligations.

Areas to be Resolved

On the basis of the above it is solely the wording of the S.106 agreement that remains outstanding and this is subject to ongoing negotiations. Members will be advised of the latest position at the meeting.

Background Papers: *Planning Application file 10/03721/FUL – See Appendix 1*