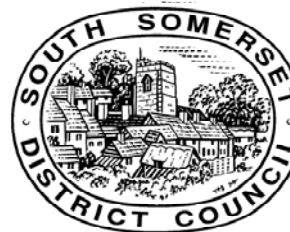


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 19th January 2011

5.30 pm

**Horton Village Hall,
Hanning Road, Horton
Somerset TA19 9QR**

(See location plan overleaf)

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

This Agenda was issued on Monday, 10th January 2011

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

**This information is also available on our
website: www.southsomerset.gov.uk**



INVESTOR IN PEOPLE

Area West Membership

Chairman: Kim Turner
Vice-Chairman: Michael Best

Simon Bending
David Bulmer
Geoff Clarke
Carol Goodall
Jenny Kenton

Nigel Mermagen
Robin Munday
Ric Pallister
Ros Roderigo
Dan Shortland

Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

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

There are no planning applications for consideration at this meeting.

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.

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 3rd 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

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

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 19th January 2011

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the previous meeting held on 15th December 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

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Items for Discussion

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9. Date and Venue for Next Meeting6

NOTE: The Committee will break for refreshments at approximately 6.45 p.m. (after consideration of agenda item 9). Items 10 - 13 will not be considered before 7.00 p.m.

Planning Matters

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11. Planning Appeals.....8

12. Supplemental Report in Relation to Planning Application: 05/00661/OUT9

13. Supplemental Officer Report on Planning Application: 10/03721/FUL30

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 – 19th January 2010

6. Promoting Community Safety in Area West

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Andrew Gillespie, Area Development Manager (West)
Contact Details: andrew.gillespie@southsomerset.gov.uk or 01460 260426

The following two items relate to the same theme, the active promotion of Community Safety in Area West. The short presentations should stimulate debate about tackling community safety issues in our area.

(a) Devon & Somerset Fire & Rescue Service

Marc House from the Devon & Somerset Fire & Rescue Service will attend the meeting to give a short presentation to inform members about their community safety and engagement activities and how they have benefitted Area West.

(b) Police Performance and Neighbourhood Policing

Sgt. Andy Lloyd will attend the meeting and give a short presentation on local issues, crime trends and initiatives.

Background Papers: *None*

Area West Committee – 19th January 2011

7. 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 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 3-4;
- (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
- (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
19th Jan. 2011	Area West Community Safety	<p>Report on the activities and achievements of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area West</p> <p>Report on the work carried out in the community in Area West by the Devon and Somerset Fire Authority</p>	<p>SSDC corporate plan key target area 4.8 (and NI 21) Improve dealing with local concerns about anti-social behaviour and crime by the local council and police.</p> <p>4.0 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.</p>	Inspector Jackie Gold and Sgt. Andy Lloyd, Avon and Somerset Constabulary
16th Feb. 2011	Equalities work within SSDC	A presentation on the role of the Community Cohesion Officer and the equalities work within SSDC	<p>SSDC corporate plan key target area 4.16 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). 4.17 Increase % of people who believe people from different backgrounds get on well together in their local area. 4.18 Increase perceptions that people in the area treat one another with respect and consideration.</p>	Jo Morgan, Community Cohesion Officer

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
16th Feb. 2011	Carbon Reduction Projects	Presentation on carbon reduction projects and how SSDC carbon emission targets are being met.	SSDC corporate plan key target area 2.13 Outcome: A low carbon council adapting to climate change. Measured by: Increasing residents' perception that SSDC leads by example in tackling climate change. 2.14 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	SSDC corporate plan key target area 1.9 Increase overall employment rate (Somerset resident population of working age). 1.11 Outcome: A vibrant and sustainable Yeovil, Market Towns and Rural Economy. Measured by: Increased local sustainability. 3.3 Increase the net additional homes provided. 3.5 Increase the supply of ready to develop housing sites.	Andrew Gillespie, Area Development Manager (West) Robert Murray, Economic Development Officer
16th March 2011	SSDC Streetscene Services	Service report on performance and priority issues in Area West	SSDC key target area 2.8 (and NI195/196) Improve street and environmental cleanliness by reducing levels of graffiti, litter, detritus, flytipping and flyposting	Chris Cooper, SSDC Head of Streetscene Services
16th March 2011	Capital Grant Applications	To consider capital grant applications	SSDC corporate plan key target area 4.22 Outcome: sustainable local communities. Measured by: Increasing those who participate in regular volunteering at least once a month (NI6). 4.23 Increase environment for a thriving third sector (NI7).	Andrew Gillespie, Area Development Manager (West) Zoë Harris, Community Regeneration Officer Area Development (West)
16th March 2011	Markets Improvements Action Plan	To agree the Markets Improvements Action Plan	SSDC corporate plan key target area 1.11 promoting distinctive balanced local economies.	Zoë Harris, Community Regeneration Officer Area Development (West)
<i>Twice per year.</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	SSDC corporate plan key target area 4.16 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>
<i>Twice per year</i>	<i>Ilminster Community Planning Update</i>	<i>For Information</i>	SSDC corporate plan key target area 4.16 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 – 19th January 2011

8. 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.

Area West Committee – 19th January 2011

9. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held at The Guildhall, Fore Street, Chard on Wednesday, 16th February 2011 at 5.30 p.m.

NOTE: The Committee will break for refreshments at approximately 6.45 p.m. (after consideration of agenda item 9). The following items 10 - 13 will not be considered before 7.00 p.m.

Planning Matters

Area West Committee - 19th January 2011

10. Feedback on Planning Applications referred to the Regulation Committee

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

Area West Committee – 19th January 2011

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

Informal Hearing

Hinton St. George – The use of land for 2 no. private gypsy/traveller pitches and associated works, land OS 4154 Merriott Road – Ms. R. Cathcart – 10/03055/FUL.

Written Representation

Broadway – Relocation of garden wall on boundary, replace and increase front parking area, 9 Lamparts Way – Matt Stephens – 10/03705/FUL.

Public Inquiry

Misterton – The erection of 100 no. dwellings together with associated roads, parking, sub-station, open space and affordable housing provision, Bradfords Site, Station Road – Betterment Properties (Wey) Ltd. – 08/04348/FUL.

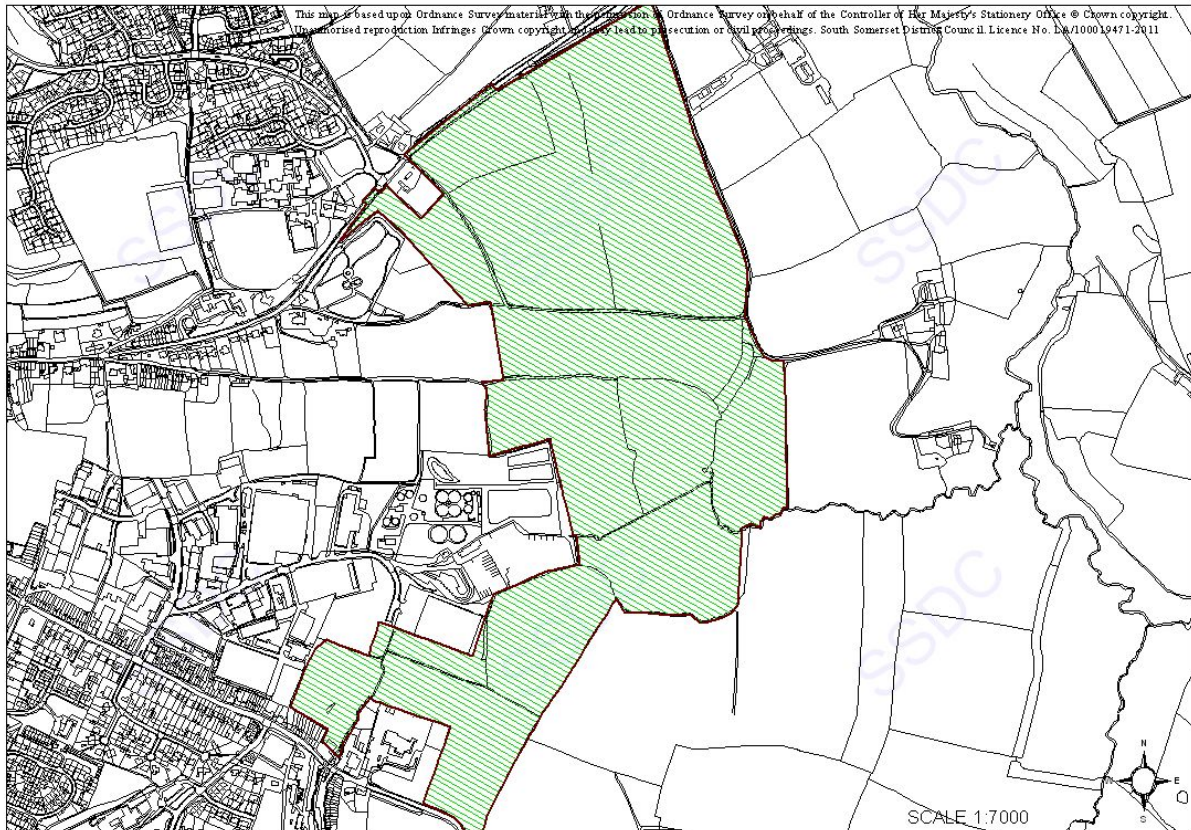
The public inquiry will commence on 25th January 2011 at 10.00 a.m. in the Council Chamber, Council Offices, Brympton Way, Yeovil and is scheduled to take place over a period of three days.

Background Papers: Application files – 10/03055/FUL, 10/03705/FUL & 08/04348/FUL.

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*

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

OFFICER: Stephen Belli (01935) 462464

APPL.NO: 05/00661/OUT APPLICATION TYPE: Outline Application

PARISH: Crewkerne WARD: CREWKERNE TOWN

DESCRIPTION: 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)

LOCATION: Crewkerne Key Site 1 Land East of Crewkerne between A30 (Yeovil Road) and A356 (Dorchester Road) Crewkerne Somerset TA18 7HE

APPLICANT: George Wimpey UK Ltd

DATE ACCEPTED: 5 May 2005

INTRODUCTION

This report is set out as a standard Committee report but with the full details of all consultee comments, and a full list of polices set out in a separate Appendices. In addition the application form and original covering letter submitted in May 2005 are also included in the Appendices as set out below. A short summary of consultation responses and neighbour responses will be included in the body of this report. Selected plans and letters from the applicant with regard to the rebuttal of comments received and sustainable transport links are also provided in [Appendix A](#) as these will help Members to be aware of all the relevant considerations.

[Appendix A](#) – Application form, masterplan, covering letter and supporting information.

[Appendix B](#) – Extracts of all national and local policies relevant to this application

[Appendix C](#) – Copy of all relevant internal consultee comments (SSDC)

[Appendix D](#) – Copy of all relevant external consultee comments.

Members will recall that prior to the submission of this application an Enquiry by Design workshop was held in the town over a period of one week (March 2005) facilitated by the Princes Foundation. The workshop was attended by representatives of the town as well as the principal officers from all the relevant local authorities that would have an input into the proposal. SSDC was represented by the Planning Team Leader, Conservation Manager, Area West Conservation Officer, Landscape Architect, Housing Officer, Ecologist and Rights of Way Officer.

The results of the workshop informed the submission of the application and led to the production of a Design Code, which has been included in the application. That document is some 40 pages in length and so has not been included with this report. However, the document received on 27 January 2006 has been included on the Council's website and is therefore available for Members consideration prior to the meeting. (Please see entry under miscellaneous supporting information in documents list).

In addition to the above documents the application was the subject of an Environmental Impact Assessment as a Schedule 2 application under the Environmental Impact Assessment Regulations. These documents are lengthy and are available for inspection either at the Council Offices or its website. To assist in the consideration of these documents Members are referred to the executive summary contained under the heading PL Statement in the web site documents list. This gives a digestible summary of the relevant factors taken into account by the developers.

PROCESS OF DECISION MAKING

This application is presented to Committee for a formal resolution. If the resolution is to permit the application subject to a legal obligation under Section 106 of the Town and Country Planning Act (as amended) and appropriate conditions, then the next stage will be to refer the application and all the relevant documents to the Government Office for the South West (GOSW).

Whilst GOSW consider the application further discussions will be held with officers and the relevant portfolio holder Members to consider the apportionment of Planning Gain contributions in accordance with the rules set down by the Planning Policy Manager and as already agreed by the Council.

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

Following that process the S106 will be finalised and entered into between all parties (SSDC and SCC and the applicants and any other parties who have an interest in the land). Once the S106 has been completed the planning permission can be issued. This permission will be in outline form. Further meetings will be held between officers and the developer's agent to progress an application or multiple applications for approval of reserved matters. No work can commence on site until such detailed approval has been granted by the Council.

This current application therefore seeks to establish the principle of the development. Officers will provide Members with a PowerPoint presentation at the meeting to further elaborate on the principle issues and characteristics of the site.

LOCATION AND PROPOSAL

The application site is located to the east of the town on a greenfield site comprising of some 50.32 hectares (124.3 acres) of land lying between the A30 Crewkerne to Yeovil Road and the A356 road to the south.

The site comprises mostly agricultural land with the northern part of the site currently in arable use. This will be the location for the residential development and school site. This part of the site adjoins the A30 and lies to the east of the town cemetery. This is the highest part of the site at the top of a scarp slope, which runs roughly east west.

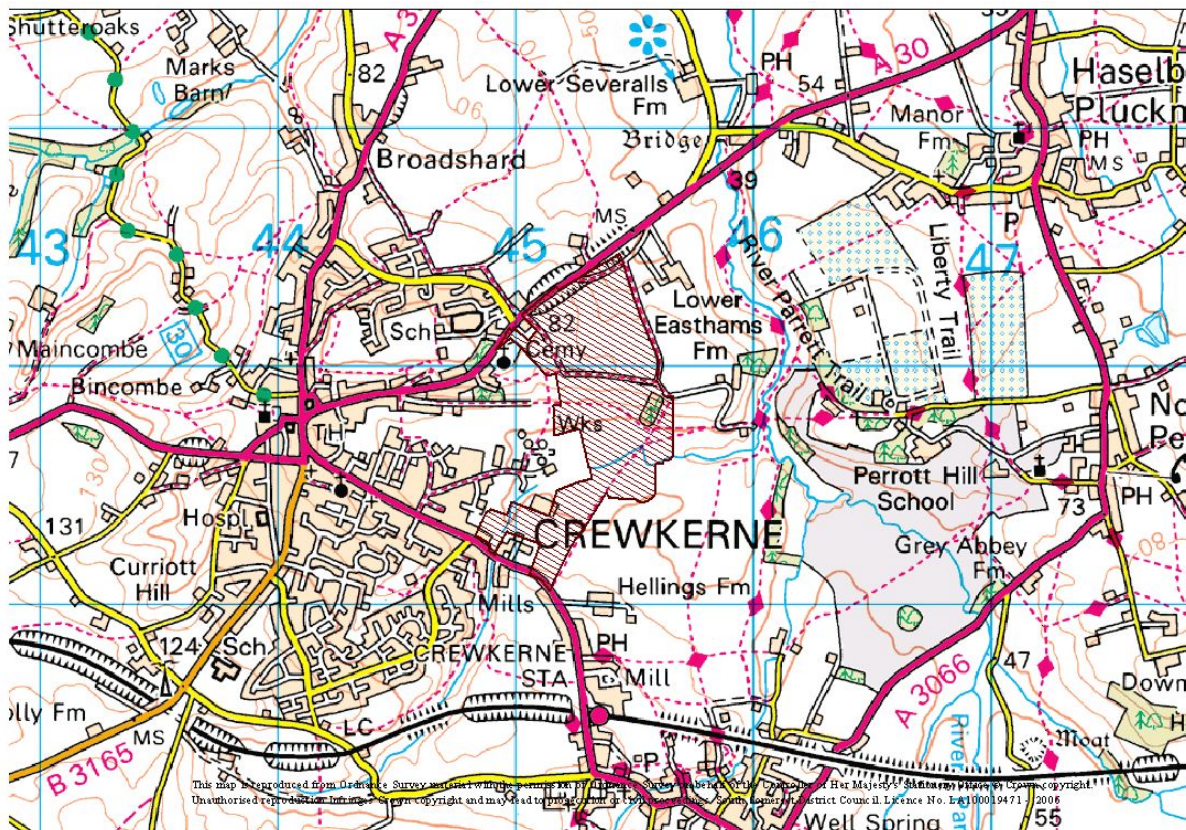
The central part of the site includes the scarp slope with the lowest lying parts of the site mainly grassland. A corridor of open countryside extends westwards from the site boundary into the town centre. This central area will be retained for informal recreation. New balancing ponds associated with the drainage of the site will be located in the northeast corner and southern parts of the site and these will be designed to attract wildlife. In addition to the informal recreation provision there will also be a community sports area including a playing pitch.

The southern part of the site is mainly arable land, which slopes gently upwards to the A356 at the southern boundary. This part of the site adjoins the town's main industrial area at its western boundary. It will therefore be used to provide employment land to complement the adjoining use.

The key aspects of the comprehensive proposal are set out below

- Residential development for 525 dwellings, including a proportion of affordable housing (14.8 Hectares – 36 acres)
- Employment land for a range of employment uses to complement the adjacent existing industrial area (9.8 hectares – 24 acres)
- Local centre and community hall site (0.4 hectares – 1 acre)
- 2 form entry primary school (1.4 hectares – 3.5 acres)
- Playing fields, open space and structural landscaping
- Balancing ponds to cope with surface water
- Strategic highway improvements including a new link road between the A30 and the A356
- A local convenience store
- Footpaths and cycleway throughout the site and links back to the town centre where possible
- Contributions to environmental improvements in the town centre aimed at improving the pedestrian environment

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006



Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

RELEVANT HISTORY:

910302/OUT – Formation of access road and industrial development – WITHDRAWN 23/7/91

900202/OUT - Distributor road, residential development, industrial development, community facilities and public open space etc – REFUSED 24/4/90

POLICY:

The starting point for considering this application is the Development Plan, which comprises the Regional Spatial Strategy (RSS – formerly known as Regional Planning Guidance), the adopted Joint Structure plan Review (2000) and the South Somerset Local Plan (adopted April 2006). The Local Plan replaced the now superseded Crewkerne Local Plan. A full list of relevant policies and the detailed Policy Manager's comments are included in [Appendices B and C](#).

CONSULTATIONS: SUMMARY

Crewkerne Town Council - Recommend APPROVAL subject to phasing of development, 35% affordable housing being achieved, and other matters to be resolved through the S106

SCC Highway Authority - Recommend APPROVAL subject to all necessary highway infrastructure and phasing of link road. S106 agreement required for all off site highway works. Proposed green bridge must be up to highway standards and come forward with a commuted sum for future maintenance.

SCC Ecologist – Requests further details and survey work to be undertaken in respect of protected species; also points to loss of potential neutral grassland which could be potentially a UK/BAP priority habitat. Mitigation measures required and replacement habitats needed.

SCC Planning Department – No comments to make provided application is in line with RSS policy and needs of other departments are taken into account in the development.

SCC Archaeology – Recommend APPROVAL subject to further evaluation and excavation of certain areas affected by physical development works. Can be covered by a condition.

SCC Education – Recommend APPROVAL subject to appropriate contribution to education facilities in the town and the provision of a school site and playing field within the development.

SCC Rights of Way – Supports sustainable transport links but this may involve 3rd party land to secure necessary improvements to existing network of footpaths.

Wessex Water - Water supply adequate subject to new booster station. Foul system adequate but odour modelling required to safeguard housing, SUDS drainage system favoured, separate foul and surface water systems required.

Environment Agency – No objections subject to conditions and notes to cover our interests. Detailed letter setting out conditions to be forwarded prior to Committee.

South West of England RDA - OBJECTS unless it can be demonstrated that the proposal provides an appropriate balance of housing and is sustainable in terms of car usage, delivery of employment etc.

English Nature (now Natural England) - Will only support application if appropriate mitigation measures put in place to protect dormice and badgers in particular. Have provided detailed advice on necessary green bridge proposal for dormice and point to difficulties in achieving a licence under European Legislation following any potential grant of planning permission, unless these matters are fully resolved.

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

DEFRA - No formal comments to make but raises concerns about use of good quality agricultural land, and potential spread of development further into the countryside. Acknowledges allocation of site however in Local Plan.

Countryside Agency – No comments to make as only comment on nationally important schemes.

Ministry of Defence Estates (Safeguarding) - No objections.

Wales and West Utilities - No objections - point to services near or on the site, which will need to be safeguarded.

English Heritage - No comments to make on this occasion.

SSDC Policy - The principle of the development is supported; reflecting as it does the adopted Local Plan allocation KS/CREW/1. The town is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting of the town. The proposal provides for a mix and balance of uses and promotes the principles of sustainable development of uses. In light of the housing trajectory there is a need for planned urban expansion for Crewkerne to support its role and function. The proposal, together with commitments should not result in a disproportionate level of growth for the town.

Should the application be approved conditions should be attached ensuring compliance with the adopted local Plan allocation and providing for a high quality sustainable development. In particular and reflecting the Inspector's stated concerns delivery of employment development will be important to achieve the overall balanced development.

SSDC Landscape Architect - The potential landscape impacts arising from this key site development has long been a major concern: Whilst the area allocated for employment is considered to relate well to the town and its setting, in landscape terms the residential area is not such a well-related urban extension. Substantive landscape impacts will arise from the provision of housing and associated development above Butts Quarry Lane, and the link road alignment.

The original landscape strategy plan, submitted March 2005, was assessed as lacking the necessary mitigation to enable satisfactory integration of the proposal with its context (see consultation response 08/05). Further to negotiation with the applicant, a revised proposal - drawing no; CSA/277/022 revision C - which addresses the major impacts of skyline development; development massing; the separation of built form from the urban setting; and the link road alignment across the escarpment; has been submitted. This revised masterplan in most part satisfactorily addresses the main landscape issues identified by the EIA and earlier assessments (see consultation response 02/06).

There are items to be resolved to complete the landscape mitigation: These relate to additional planting across the scarp, as part of both dormice and highways mitigation; and the alignment and landscape treatment of cycleway linkages above Easthams Lane. Some fine-tuning of land-use within the central open space is also being sought, to enhance future management of these areas. Once these issues are resolved (see consultation responses 11/05 and 08/06) I am satisfied that the landscape masterplan shall provide a basis for a positive landscape recommendation at this outline stage, and for reserved matters applications in due course.

SSDC Conservation Manager - Generally content with master plan and design code subject to appropriate conditions and the comments of the Landscape Architect

SSDC Economic Development – Whilst supporting the application raises concerns regarding the design of employment units and their marketability.

SSDC Ecologist – Will not be able to support unless protected species are properly considered and full mitigation measures such as a green bridge for dormice are included. Support the concerns raised by English Nature in this regard.

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SSDC Rights of Way – Not convinced with regard to sustainable transport links to town centre. Further proposals needed which may impact on 3rd party land to provide cycleways.

SSDC Housing – Fully supports given considerable need for affordable housing and SSDC corporate objectives.

SSDC Transport Officer – Supports application but details still need to be formally agreed

SSDC Arborist – Recommends certain trees be formally protected prior to any development.

SSDC Technical Services - No objections subject to appropriate surface water drainage measures and adequate foul water system in place.

SSDC Open Spaces Officer – Still awaiting detailed proposals in respect of areas for maintenance and commuted sums to be offered.

SSDC Sport and Leisure – Has serious concerns that proposals do not provide sufficient facilities for the site. Requests that further discussions are held with developer.

REPRESENTATIONS:

The application has been advertised on site and in the Local Press both under Environmental Impact Regulations and as a Departure from the Development Plan as is required (at the time the application was received the SSLP had not been formally adopted – hence the Departure advertisement). The following is a précis of comments received from interested parties. In addition all those parties who made representations regarding the SSLP were individually notified and invited to comment. Where necessary the full comments of the consultees have been included in [Appendix C](#) and [D](#).

Somerset Badger Trust – Need to have specialist surveys carried out and acted upon.

Somerset Environmental Records Centre – Refer to legal and non-statutory protected species.

Campaign for Dark Skies - Site and development could have a major impact on new observatory at Haselbury Plucknett, points to considerable impact of such a large new development on the edge of the town. Potential light spillage from new dwellings and new road could be very intrusive. Gives specific detailed guidance on how this can be overcome.

South Somerset Disability Forum – Whilst the overall aims of having an inclusive community are applauded it is considered that this will not be realised in the plans as they come forward; the site is being overdeveloped; access and gradients are difficult; access to community facilities and play areas also compromised; suitable facilities should be put in place along major access routes; Part M must be followed wherever possible; lifetime homes and homes suitable for wheelchair users should be included in the development; legislation enquires the active promotion of an inclusive environment and equality of opportunity.

CPRE – Objects to the application, number of houses proposed is contrary to Local Plan. This proposal is at odds with the advice contained in PPG3 in that it will involve a substantial greenfield development.

Association of British Insurers – Recommends that no development takes place until all flood risk issues have been fully resolved with Environment Agency.

Wadham School Headteacher – Overall I consider this to be an attractive and well thought out proposal, which should help to revitalise the town and provide a much-needed link between the A30 and A356. Delighted that Ashlands School will be replaced. I do have some concern about additional traffic on the road both in constructing and after completion. These could be issue at the end of the school day with the buses and parents especially when there are traffic signals on the A30. Also need to carefully consider the potential impact on children safety with the cycleway link across the road – I would prefer to see a footbridge.

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Wadham Park Residents Association – welcome new access to Cropmead industrial estate, raise concern about extra traffic running through existing and proposed housing areas, environmental impact on eastern countryside of the town is unacceptable; amount of housing will destroy character of this market town and stretch local infrastructure. They also make the following points:-

- 6000 to 7000 increase per day in traffic movements
- Fully support the strength and quantity of objections raised by local residents
- Traffic lights on A30 will be dangerous
- Double yellow lines on Ashlands Road will impede parking
- Traffic congestion around the school will be intolerable
- Emission and noise pollution will make life unbearable
- Property values will plummet

172 individual letters from the public raising the following points of objection and concern (158 of which are from residents of Ashlands Road estates).

- Concerns expressed regarding access to industrial estate
- Impact on existing industrial units from height and proximity of proposed buildings
- Link road should be completed before any building takes place
- Not convinced that road will divert traffic from town centre
- Must have sustainable transport links to town centre avoiding use of cars
- Concerned about other land in applicants ownership and future plans
- Concerns about the sudden leap in the number of houses being proposed
- Considers that more local infrastructure should be provided such as shops, health clinic etc to serve the new development
- Points to critical impact on Ashlands Road residents flowing from new traffic
- Not enough thought given to means of protection of Ashland's Road residents from excessive amount of new extra traffic
- If this scheme is to go ahead then there should also be a Longstrings by pass as well
- Extra noise, traffic and vibration on Ashlands Road will make life unbearable
- Considerable impact on property values on Ashlands Road
- All side roads on Ashlands estate will be used for parking
- Impact from extra HGV traffic and how this will affect children walking to school
- Can't understand why Council has not gone with Inspectors decision to develop Longstrings instead of CLR
- Double yellow lines along Ashlands Road will make life difficult for dropping off children going to school
- Traffic lights on A30 is ludicrous – accidents will be inevitable
- Will put added strain on town's infrastructure
- Traffic congestion at start and end of school day will be inevitable
- Detrimental impact on peace and quiet in the cemetery from extra traffic etc.
- Should be a bypass for the whole town not a scheme creating a by pass along Ashlands Road
- Ashlands Road was never meant to be a bypass or distributor road
- This scheme was rejected before and at the LP Inquiry – how can it now be steam rolled through against local peoples wishes
- Questions need for this amount of extra housing when Yeovil is also to be expanded
- Increased density will put more pressure on car parking in the town
- Other non-strategic sites such as Maidenbeech should come forward first particularly bearing in mind the time it will take to resolve the S106 agreement to be attached to this application and the need to refer the application to the Government Office.
- Significant impact on local trees of importance some of which are TPO'd
- Whilst being concerned about the principle acknowledges the improvements from this scheme to the earlier draft proposals, landscaping also welcomed
- Ashlands Road because of its gradients and alignment is not suitable for a distributor road. Why not consider Furringdons Lane as a new by pass for the town
- Another letter however refers to the cost and environmental damage in bringing Furringdons Lane up to the standard required.
- Contrary to government policy; contrary to provisions set out in Local Plan; contrary to regional planning guidance; windfalls in town should avoid need for this development
- Link road should be designed to by pass Misterton as well

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- Concerned about pollution of balance ponds and excavated materials being taken off site or burning of waste on site
- Have the views of Misterton residents been considered in respect of screening
- POS seems adequate but is split by link road – could link road be re-aligned

CONSIDERATIONS:

The principal considerations in this case are the:

- National and Local policies and how they impact on the development
- Highway issues including off site works and sustainable transport links
- Ecological issues concerning protected species
- Landscape impact issues both long and short range
- Affordable housing
- Public open space and play space provision
- S106 agreement and level of contributions offered
- Phasing of development

1. POLICY

Members are referred to the full text of the Policy Manager's comments at [Appendix B](#). He identifies the principal issues to be:

- Does the proposal accord with policies governing the sustainable location of the development?
- Is there a need for the housing particularly bearing in mind the intended increase in numbers?
- Do the proposals accord with employment land policy?
- Does the proposal provide a high quality sustainable development?

Clearly it will not be sufficient in this case to rely solely on the fact that the site is allocated in the adopted Local Plan. The Government Office will need to be satisfied with regard to the above.

The Policy Manager has put forward a convincing case to allow this site to come forward at this time. The phasing policy set out in the Local Plan is now irrelevant given the considerable time from any committee resolution before construction works begin. The Policy Manager considers that the site is an appropriate location for this scale and type of development and the development does not harm the local landscape subject to mitigation measures. The proposal provides for a mix of housing, community facilities, employment land and new road infrastructure, which as a total package will support rather than undermine the importance of Crewkerne as the District's third largest town. It is not considered that the proposal, taking into account the additional number of houses over and above that indicated in the original Local Plan, would lead to a disproportionate level of growth for the town.

The number of dwellings now proposed is in excess of that originally shown in the Local Plan. However, the applicants point out that there is a need to ensure that land (particularly greenfield) is used to the most appropriate density taking into account the need to respect landscape setting and the need for other benefits such as affordable housing. More of this is set out later. In principle however, the Policy Manager does not consider that the additional numbers now put forward are unreasonable. Given the other constraints on the site in terms of providing a link road, employment land, community facilities and off site works for highway safety your Officers conclude that the original figure put forward is now unrealistic and will if adhered to lead to a site which is simply not viable.

The Policy Manager does however conclude by stressing the importance of taking into account the comments of the Local Plan Inquiry Inspector. He was at pains to ensure that the employment land came forward at a reasonable rate to complement the housing proposals. Otherwise the need for commuting would inevitably grow and the question mark over sustainability would arise.

With regard to employment land Members are referred to the report carried out by the applicant's agent, which is reproduced in [Appendix A](#). This report stresses the need to ensure that employment land is flexible in terms of the uses envisaged and that a range of differing unit types and sizes is

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provided. The need to link the existing employment land areas at Blacknell Lane and Cropmead with the new road is essential. The Local Plan states

A link road between Blacknell Lane and the proposed A30-A356 south link road to be built in its entirety on the completion of 200 dwellings or four years after the occupation of the first dwelling, whichever is the earliest.

The Council's Economic Development Officer considers that the design code put forward by the applicants will not be appropriate in meeting the needs of local employers and others who may wish to relocate to the site. Clearly this is an issue, which will need to be further considered at detailed design stage. What is important however is to recognise the developer's responsibility to ensure that the access road is provided and that serviced land is made available to allow other agencies and private land owners to come forward with the provision of employment land. Further negotiations with the developer's agent will be required on this point and a firm program of phasing needs to be established prior to any grant of planning permission. Not to do so would render the application liable to a 'call in' from the Government Office for the South West.

2. HIGHWAYS

Members are referred to the letters received from the County Highways Authority at [Appendix D](#). Prior to the submission of the application the Highway Authority played an important and innovative part in the Enquiry by Design process. They came to that event with an open mind and a willingness to think outside the normal realms of estate road management and construction. However, whilst they showed flexibility and a radical approach to design they will still need to be satisfied that the roads constructed are to full public adoption standards.

The Local Plan requires the following improvement works to be incorporated in the development:

- **Link road between A30 (Yeovil Road) and A356 (Station Road), to be provided in entirety on the completion of 200 dwellings or four years after occupation of the first dwelling, depending on which is the earliest**
- **Footway/cycle link to town centre**
- **Appropriate contributions towards improvements to affected highway infrastructure**
- **A link road between Blacknell Lane and the proposed A30-A356 south link road to be built in its entirety on the completion of 200 dwellings or four years after the occupation of the first dwelling, whichever is the earliest.**

The applicants will need to ensure that all the above works are properly phased in accordance with the Local Plan. The key element here is ensuring that the necessary improvements required to local infrastructure are in place. In addition the necessary off site works to ensure safe crossing points, traffic calming near the Wadham secondary school, and other necessary works on the A30 and A356 are completed and linked to a S106 agreement which the Highway Authority will need to be a party to. Members have made these matters a priority also in selecting this site as opposed to the Local Plan Inquiry Inspector's choice of Longstrings. The need to remove traffic from the town centre coupled with the potential for providing better links to the town's industrial areas were key factors in this decision. Any planning permission on the key site must support rather than undermine that stance.

In broad terms after a number of meetings the Highway Authority are in agreement with the application provided all the above matters can be satisfied as well as those set out in their latest correspondence.

It will be noted that the Highway Authority have been fully apprised of the strong local objections from the Ashlands Road residents. However, the principle of the key site is now firmly established having previously taken into account the competing aims of this site as opposed to the site favoured by those residents at Longstrings to the north of the A30. That site is now no longer part of any development proposals although it may come forward at some time in the future. The Highway Authority remain adamant that Ashlands Road was built to distributor road standard and is capable of taking any additional traffic that may result as a development of the key site. Without a highway objection or specific expert technical opinion to the contrary the LPA cannot refuse the application on those

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grounds. To do so would render them liable to an award of costs being made against them at a public inquiry. Clearly there will be an impact on those residents who currently live on or off Ashlands Road. However, one objector did comment that it is the needs of the town rather than one particular segment of the town that needs to come first. Those residents will no doubt consider that their views have been ignored. That however is not the case now and it was not the case when the key site was formally designated by the Council. It is however considered the greater needs of the town and the potential other benefits that will accrue should take precedence.

Members will also note the Highway Authority's comments regarding the green bridge to cater for dormice. Clearly they will need to be satisfied that such a structure is safe, meets their rigorous standards for structures over the highway, and a reasonable commuted sum is provided to ensure future maintenance. Comment as been made to the type of bridge envisaged. More of this will be set out below under ecological issues. If the structure is not to be formally adopted by the County then the cost for future maintenance will need to be borne by those residents who live on the site by way of some long-term management agreement. Clearly the best option here would be that any structure is adopted by the County. Comment has also been made in terms of whether such a bridge could double as a pedestrian/cycle route. To do so however, would push up the cost considerably. In any event the Highway Authority are satisfied with the proposals to cross the new road by ensuring appropriate crossing points and low traffic speeds.

Likewise much concern has been raised by local residents regarding the need for pedestrians and particularly school children to cross the A30. One suggestion to build a bridge has been considered but has been rejected in favour of ensuring that traffic speeds are significantly reduced from their current unimpeded level and that safe crossing points are provided both for walkers and cyclists. The Highway Authority have considered the plans submitted to date in detail and will need to have further detailed plans submitted to them for their approval at a later date. The broad principles of highway safety have however been already agreed.

One issue that has exercised both the minds of Highways and Policy is the sustainable transport links. This is a vital area if the site is to demonstrate a range of transport options to link it with the town centre over and above the use of the private car. A plan will be shown at Committee indicating the applicant's proposals in this respect. What is clear is that whilst pedestrian links are well established it remains to be seen as to the potential for cycleway links without using 3rd party land to accommodate those works. Your rights of way officer has alluded to the potential problems that might arise with regard to converting footpaths into bridleways for example. However, there has to be a real prospect of linking the site with the town centre for cyclists as well as pedestrians. Such a route should of course be useable. There will be other links available to link the residential areas with the town such as along the A30 and the A356 and through the employment areas of Blacknell and Cropmead. The ideal link however remains the most direct east-west links at the top and bottom of the scarp slope. To add to the complication such links will also need to respect the ecological issues surrounding dormice and badger setts. To ignore this element of the scheme will again put the application at risk of a 'call in' from the Government Office.

With regard to all the highway matters set out above but in particular to the requirements of the Local Plan Members will need to allow Officers to negotiate the fine details. However, certain elements will not be open to negotiation such as the phasing of the link road completion, link to employment areas, and necessary highway safety measures and the green bridge. Members are asked to re-affirm their views in this respect.

3. ECOLOGY

Members are referred to the comments submitted to date by Natural England (formerly English Nature) and the SSDC Ecologist.

There are a number of protected species, which exist on the site and adjoining the site. Clearly the presence of such species will be of paramount importance. The objections submitted by both parties to date have been the result of a lack of detail and willingness to fully take on board the need to provide adequate mitigation measures to avoid harm to protected species.

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A number of options have been explored with regard to dormice but the only conclusion drawn as to a truly workable solution is the 'green bridge' approach using a living hedgerow above the road. Members are referred to the supporting information in **Appendix B**. Such a structure is likely to meet with the approval of the relevant bodies and is the most likely solution to enable a Licence to be granted by DEFRA. To date the applicants have not been willing to countenance this solution putting forward cost and landscape objections. In terms of cost the overall cost will not be the £500,000 quoted by the applicants agent who appear to have based their costings on a much more complex scheme carried out in Kent. To date no firm costings have been carried out by the applicants. In terms of landscape impact your Landscape Architect is prepared to consider any bridge proposal put forward. A site has been identified as the most preferred link at the junction of Butts Quarry Lane and Easthams Lane. Again Members are asked to re-affirm their commitment to this element of the scheme, without which the whole project could fail. Regardless of any planning permission granted DEFRA will not grant a licence unless they are fully satisfied. Without the licence in place the applicants cannot implement the planning permission granted.

With regard to other protected species such as badgers it does appear that suitable mitigation measures can be put in place to protect their habitats and provide enhancement of such habitats wherever possible by appropriate new landscaping.

Much more detailed work is required by the developers but such details can be covered by appropriate planning conditions.

4. LANDSCAPE AND DESIGN

Both the Council's Landscape Architect and Design Manager attended the Enquiry by Design event. This resulted in a document being produced, which sets aside the normal estate road layout and 'anywhere housing' reproduced by volume house builders as evidenced in the district over recent years. An innovative approach has been adopted by the design team to create places of interest and local distinctiveness. Members are referred to the Design Code produced as part of this application. Your officers consider that it is vital for such a Code to be considered a fundamental part of any permission granted. To that end officers suggest that conditions are imposed requiring future developers to adhere to the principles laid out in the Code. Clearly a great deal of work remains to be done in terms of a future application for approval of reserved matters. However, with a design code in place it matters not who the eventual volume house builder is. What is important is that Members and officers re-affirm their approach to this site and defend future refusals if necessary of any application that does not meet the Code agreed.

Turning to matters of landscape impact, it is clear beyond doubt that the development of this site on the edge of the town will have a considerable impact. This is not unusual or unique to this site but would be the case for any large area of land on the edge of the Crewkerne, which is set amongst such beautiful and attractive countryside. Members are referred to the detailed comments of the Council's Landscape Architect in this regard. Members will further note the conclusions set out by the officer concerned.

The increase in the density of the housing over and above that shown in the Local Plan have been carefully considered in terms of landscape impact. The adoption of the design code and the way in which higher blocks have been limited to certain areas together with the massing and the internal and structural boundary landscaping have been brought together to create an appropriate form of development that should in time fit with wider local landscape views. There are matters of detail, which need to be resolved but none are so insurmountable that they cannot be dealt with by appropriate planning conditions.

It should also be borne in mind that the development of this site will have an impact at night as well as by day in landscape terms. In this respect Members are referred to the views of the Campaign for Dark Skies who make relevant and pertinent points with regard to light pollution. The lighting of the main spine road through the site as well as any potential lighting of playing pitches and all the housing areas will be of critical importance in this regard. Much more consideration needs to be given to appropriate levels and types of lighting. There will clearly need to be a balance between a safe environment and the need to avoid excessive light pollution. Again such matters can be dealt with by appropriate planning conditions requiring full details of all lighting to be submitted as part of any

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

application for approval of reserved matters. Very often such issues are overlooked but on this occasion given the site's edge of settlement position they are of vital importance. Your officers further consider that it should be made a condition of planning permission that security lighting is excluded in residential areas. Such lighting can be highly intrusive and on this site if allowed to go unchecked could have a major impact. The need to provide adequate lighting can be dealt with under the individual detailed designs of the housing units.

5. AFFORDABLE HOUSING

One of the benefits of increasing the overall number of units on the site has been the potential to commensurately increase the element of affordable housing. The Local Plan requires a target of 35% to be met from the key site. It states -

“With reference to affordable housing provision as defined in paragraphs 10.35 to 10.43, the Council is of the opinion that this “key site” meets the Government's threshold within Circular 6/98, PPG3 (2000) and Policy HG7 (Definition and Achievement of Affordable Housing) whereby the local planning authority may negotiate an element of affordable housing based on need. Using the Council's local information from the Housing Needs Assessment (2000), its update (2002) and the methodology outlined in supporting text to the affordable housing policies, a site target of 35% is considered appropriate”.

However, the Local Plan is silent on the preferred mix of affordable housing i.e. the proportion of rented to shared equity. It has been normal practice to base the requirement on the need to provide a 90/10 split in favour of rented. On that basis the applicants have stated that they are only able to provide a total percentage of 15% affordable on the key site. The applicant has put forward arguments based on the viability of the site and the abnormal and front loaded costs that have to be borne by the development. They have provided information to support this assertion and have indicated that the site would not be viable with any greater proportion of affordable housing.

The original yield of affordable housing from 438 dwellings would have been 153.3 units.
The yield from 525 dwellings would be 183.75 affordable units.
The applicants initially offered 35% but have now reduced this to 15% giving a yield of 78.75 units.

The Local Plan further states -

“Where it is demonstrated that the provision of affordable housing, along with other infrastructure and community facilities renders a site unviable the council will reconsider the planning obligations, including affordable housing, to be sought from the site. But the district council will wish to see development in accord with local plan policies proceed as long as the necessary infrastructure, services and community facilities are secured”.

The applicant's figures with regard to overall viability are being checked by consultants acting on behalf of the Council. Clearly the issue of affordable housing is one of paramount importance. The applicants base their figures on a 90/10 split but it may be possible to agree another split as has happened on other key sites in the district, which has resulted in an overall greater percentage of affordable housing but with more shared equity units. Members for example may decide that it would be preferable to have a 35% total but with a different split.

In addition the above information from the applicant pre-supposes that no Housing Corporation Grant will be payable. Clearly such a large site could attract a grant and if that were the case then it would be open for the Council to re-negotiate the actual split between rented and shared equity units. Officers consider that it would be able to insert a formula into the S106 agreement which could govern this.

Officers have already expressed their concern at the suggested percentage of affordable units offered by the applicants. Members will wish to give this matter serious consideration at Committee particularly bearing in mind the recommendation of the Town Council.

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

What is clear is that the Local Plan requires a target of 35%, which should only be set aside and reduced if there is a clear and robust argument proving the site would not be viable. Officers will be able to update Members further on this matter at the meeting.

6. PUBLIC OPEN SPACE AND PLAY SPACE PROVISION

Members are referred to the views of the Head of Service of the Council regarding this element of the proposal as set out in **Appendix C**. At the present time there is a fundamental disagreement between the Head of Service and the applicant. Further clarification has been sought regarding the suggested list of provisions and the way in which this fits with Local Plan policy. Clearly as the applicant rightly points out only those matters which are specifically supported by policy requirements should be included in the requirements laid out to cater for the key site.

To support their view the applicants have submitted a letter of rebuttal dated 3 October 2005. This letter is attached at **Appendix A**. The letter also usefully rebuts the objections put forward by SWRDA and a local objector.

The applicants have now provided detailed costings and their suggested contribution to play space provision. These are being considered by the Head of Service and a response will be given by your officers at the meeting.

In addition to the above there are also issues to be resolved regarding the maintenance of open spaces and play areas. There will be a need to provide a commuted sum for such on going costs. A list of such sums has been produced by the applicants but again it is likely that the proposals will fall short of the sums normally required for future maintenance. A further update on this will also be given at Committee.

7. SECTION 106 AGREEMENT

The applicants have set out the following as essential infrastructure costs

Highways

- On site road costs with new junctions and connections
- New link road between A30 and A356
- New link road to Blacknell Lane
- On site pedestrian and cycleway links
- Off site road costs including town centre works
- Pedestrian and cycle links to town centre via green wedge
- Safe crossing points for pedestrian and cycles

Drainage

- Surface water drainage using SUDS
- Balancing ponds
- New culverts and pipes
- Requisition of sewers
- Adoption fees/commuted sums

Foul water drainage

- Strategic sewers
- On site rising main
- On site pumping station
- Adoption fees/commuted sums

Strategic earthworks

- Cut and fill works
- Escarpment stabilisation
- Fill to provide sports pitch

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Utilities etc

- Gas, water, British Telecom, Electricity
- Commuted sums for adoption of services
- Professional fees

The applicants have agreed to provide contributions regarding the following broad headings

Highways

- Bus provision with the new link road providing a new bus link
- Bus stops and shelters within the development area
- Bus stops to serve the employment areas as well as the residential areas
- Public transport contributions based on a sum per new dwelling
- Pedestrian/cycle crossing the A30 (Toucan type crossing)
- Traffic calming measures around Ashlands secondary school
- Alterations to speed limits on A30 reducing from 40mph to 30 mph
- Town centre improvements i.e. signalisation of Market Street
- Pedestrian/cycle links to the town along Easthams and Butts Quarry Lanes
- Commuted sums for highway maintenance of traffic signals
- Off site road costs such as improvements to junctions

Education

- Pre school contribution
- First school contribution
- Middle school contribution
- Provision of a site for a new first school together with playing field
- Temporary accommodation contribution

Recreation

- Community parkland in north east corner of site
- Casual informal play areas comprising 1 NEAP, 1 LEAP and 9 LAPS
- Other local open space and amenity land

Landscaping

- Landscaping along A30 boundary
- Landscaping along eastern boundary and housing area escarpment
- Landscaping within residential areas including town square
- Landscaping along lanes
- Balancing ponds landscaping

Committed sums

- Sports fields
- Landscaping
- Amenity areas

In addition the applicants have offered affordable housing at 15% i.e. 79 units (rounded up).

To support the above the applicants have provided on a strictly confidential basis the cost derivations and their expected profits from the development. These papers have not been circulated (because of the need to retain commercial confidentiality) but have been given to relevant officers and the economic advisors acting for the Council. Checks are currently being made by those advisors and officers to ensure that the figures quoted are realistic.

It is clear so far that the suggested level of contributions on certain items fall short of that expected. There will need to be a balancing exercise carried out by the relevant portfolio holders of the Council

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

to apportion the sums of money available once this has been agreed between the applicants and the Council.

This brokering between the portfolio holders is in line with the process agreed by District Executive, albeit it was initially intended to implement this prior to the application coming to Committee. It has been more recently agreed however that this can be dealt with after any principle resolution of the Council to grant planning permission. Officers will also need to scrutinise all bids submitted by various departments to ensure that the bid is in accordance with the advice set out in the Government's Planning Gain circular 05/2005.

Any recommendation set out below must therefore bear in mind that there needs to be further negotiations between the various Head of Service and Portfolio holders. In this case in addition it may be the case that Officers have to negotiate further with the developers to ensure that costs put forward are realistic before an agreed planning gain sum can be finalised.

8. PHASING OF DEVELOPMENT

The Local Plan sets out certain elements of phasing which are considered to be non negotiable i.e. the provision of the link road between the A30 and the A356 following the construction of the first 200 dwellings or four years following the occupation of the first dwelling whichever is the earliest. Similarly the Local Plan requires the link between Blacknell Lane and the new link road within the same timeframe. It is likely that the Highway Authority will also insist on these provisions being adhered to.

However, other elements of the development are not specifically referred to by the Local Plan and can be more fluid. It is likely that the developer will require a degree of flexibility in the way in which the site is delivered. Whilst officers can and should negotiate they and Members must bear in mind that a pragmatic approach should be adopted. It would not be helpful to any party to insist on a rigid and inflexible phasing plan which cannot be altered once agreed.

Certain elements of the development are crucial from a road safety point of view. For example the timing of the provision of off site works, traffic signals, crossing points of the A30 and traffic calming around the school. Whilst some of these works may have to be put in immediately as a first phase, other works could be put to a later date. The Highway Authority will need to advise further in this respect and officers suggest that any phasing plan is specifically agreed with the relevant Planning portfolio holder, Area West Chairman, local ward members and if needs be the Vice Chairman of the Area West Committee if the Chairman has to declare an interest.

Once a phasing plan has been agreed it is anticipated that there will be a need to review the plan if something unexpected happens. Officers suggest that any conditions or planning agreement is worded to include an element of flexibility to allow Members and officers to reconsider where necessary.

Further discussions will be necessary to conclude the actual phasing over and above those items considered to be non-negotiable. Officers recommend this be left to the relevant officers and Members to resolve as part of the S106 and other planning conditions.

CONCLUSION

There are still issues outstanding with regard to the objections of Natural England, and the final views of the Environment Agency. The latter initially objected to the original proposals but it is likely that they will now withdraw their objection on receipt of final plans from the developers to deal with flood risk and water attenuation. Their letter should be received prior to Committee.

The recommendation below is therefore subject to all the outstanding issues relating to the S106, planning conditions, and resolution of the Natural England objections being resolved. Once these matters are dealt with there is no impediment to a positive recommendation. Members are reminded that because the site involves greenfield development over the threshold size quoted in the Greenfield Land Direction the application will need to be referred to the Secretary of State who can exercise call in powers.

Appendix 1 – Previous Officer report as considered at Special Committee Meeting - 1st November 2006

REASON FOR GRANTING PERMISSION

It is considered that the development of the Crewkerne Key site is a vital element of the adopted South Somerset Local Plan in bringing forward a strategic requirement for housing and employment in the town. The principle of this development is supported, reflecting as it does the adopted Local Plan allocation KS/CREW/1, Land between Yeovil Road and Station Road. The town is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting of the town. The proposal provides for a mix and balance of uses and promotes the principles of sustainable development of uses. In the light of the housing trajectory there is a need for planned urban expansion for Crewkerne its role and function. The proposal, together with commitments, would not result in a disproportionate level of growth for the town. It is considered that the proposal complies with National and Local Plan Policies as set out in this report.

RECOMMENDATION:

PERMIT in accordance with the application form and location plan submitted on 5 May 2005, the Architectural and Design Code received on 27 January 2006 and the revised Master Plan site layout received October 2006, **SUBJECT TO:**

- A) The application be referred to the Secretary of State under the Town and Country Planning (Residential Development on Greenfield Land) (England) Direction 2000;
- B) The withdrawal of the objection submitted by Natural England with regard to protected species;
- C) In the event that the Secretary of State does not wish to intervene, the following matters and formulation of planning conditions be delegated to the Head of Development and Building Control in consultation with the relevant Portfolio Holders, Area West Chairman, and ward members to conclude should the Secretary of State confirm that the application need not be called in; and the applicant to enter into an agreement under S106 of the Town and Country Planning Act 1990 (as amended).

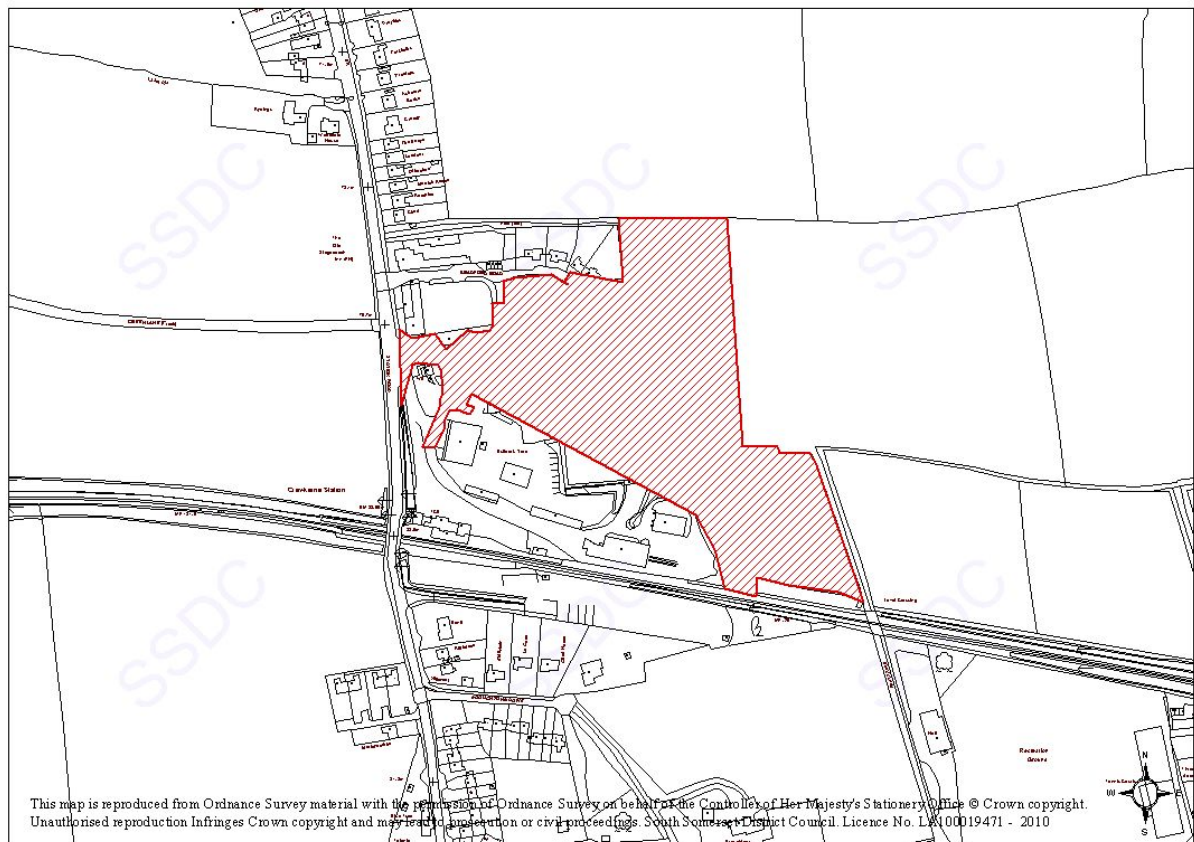
Detailed S106 contributions and phasing of the development to include the payment of contributions to cover the elements set out above in this report specifically to cover:-

- Highway infrastructure, both on site and off site works
- Public open space and play facilities, and future management
- Education facilities,
- Public transport and travel plan,
- An appropriate level of affordable housing,
- Strategic landscaping and future management
- Strategic drainage and future management
- Ecological mitigation measures and green bridge provision

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:	Bradford's 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*

Appendix 1 – Previous Officer report as considered at Area West Committee – 15th December 2010

Area West Committee – 15th December 2010

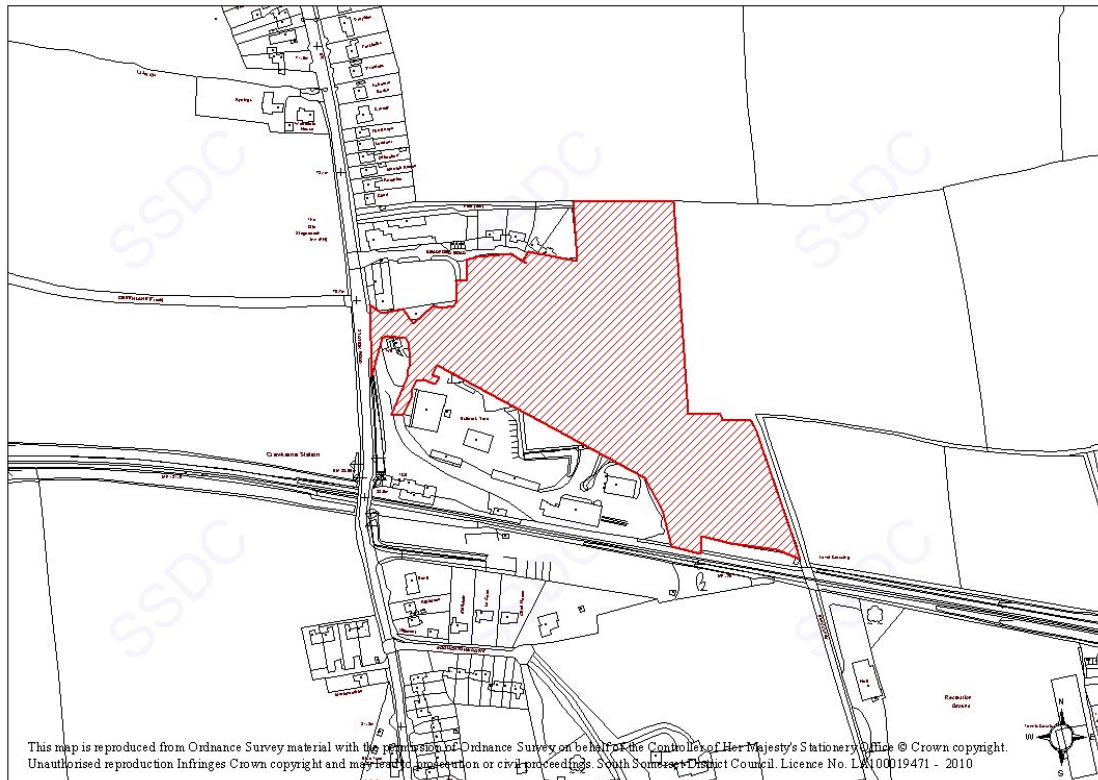
Officer Report On Planning Application: 10/03721/FUL

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:	Bradford's Site Station Road Misterton
Parish:	Misterton
CREWKERNE TOWN Ward	Cllr. Mike Best Cllr. Geoff Clarke Cllr. Angie Singleton
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+

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

Appendix 1 – Previous Officer report as considered at Area West Committee – 15th December 2010

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:-

Appendix 1 – Previous Officer report as considered at Area West Committee – 15th December 2010

- 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.

Appendix 1 – Previous Officer report as considered at Area West Committee – 15th December 2010

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

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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.

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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.

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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.

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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

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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,

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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

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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

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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.

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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

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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 .

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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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