

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

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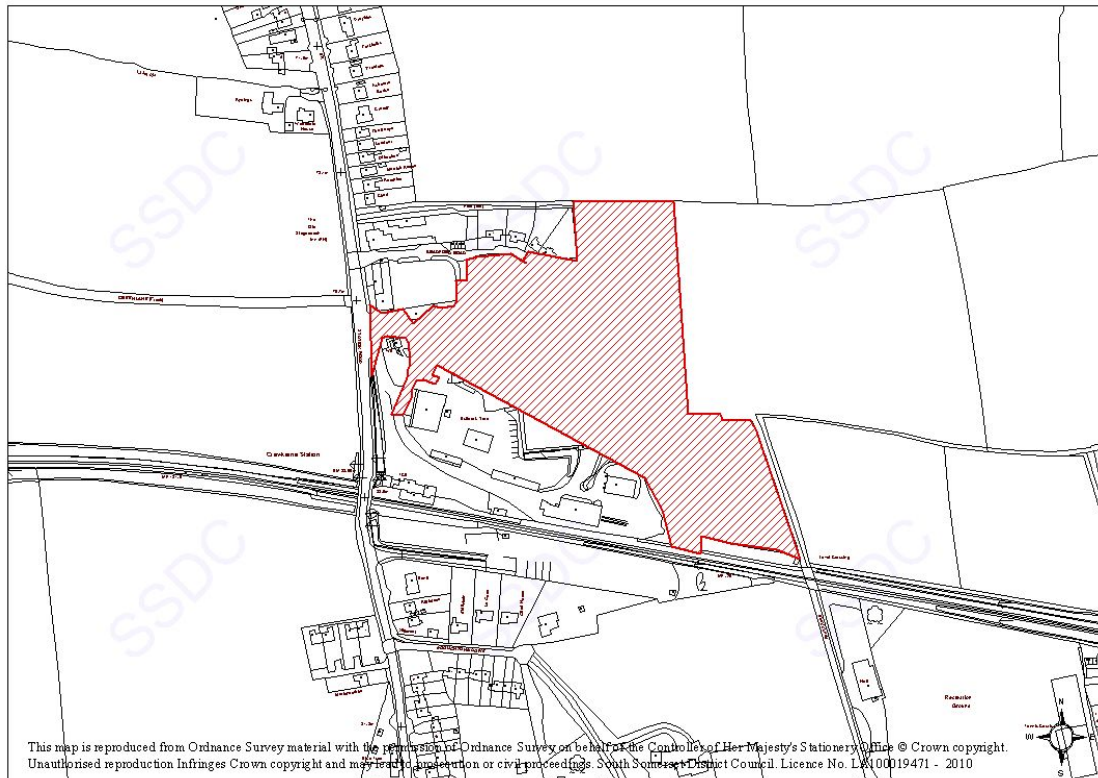
### Officer Report On Planning Application: 10/03721/FUL

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

#### REASON FOR REFERRAL TO COMMITTEE

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

#### SITE DESCRIPTION AND PROPOSAL



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

## **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

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

### 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.

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

*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.

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

*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.

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

### **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



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

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,

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

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

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

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

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

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.

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

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

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

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 .

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

**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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