

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at **The Victoria Hall, Crewkerne** on **Wednesday 17 February 2016**.

(5.30 - 10.00 pm)

Present:

Members: Councillor Carol Goodall (Chairman)

Jason Baker	Paul Maxwell
Marcus Barrett	Sue Osborne
Mike Best	Angie Singleton
Amanda Broom	Andrew Turpin
Dave Bulmer	Linda Vijeh
Val Keitch	Martin Wale
Jenny Kenton	

Officers:

Andrew Gillespie	Area Development Manager (West)
Andrew Gunn	Area Lead (West)
Angela Cox	Democratic Services Manager
Zoe Harris	Neighbourhood Development Officer
Kirsty Larkins	Housing and Welfare Manager
Colin McDonald	Corporate Strategic Housing Manager
Dylan Martlew	Neighbourhood Development Officer
Adrian Noon	Area Lead (North/East)

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

106. To approve as a correct record the Minutes of the Previous Meeting held on 20th January 2016 (Agenda Item 1)

The minutes of the meeting held on 20th January 2016, copies of which had been circulated, were taken as read, and having been approved were signed by the Chairman as a correct of the proceedings.

107. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Ric Pallister and Garry Shortland.

108. Declarations of Interest (Agenda Item 3)

Councillor Angie Singleton advised that, having taken advice from the Monitoring Officer, although this was not an interest, she was advising the Committee that her husband was the part-owner of a property adjacent to the Crewkerne Key Site, Land between A30 and

A356, Crewkerne (Agenda item 14 – Planning applications 14/02141/OUT and 15/04084/DPO).

109. Public Question Time (Agenda Item 4)

No questions or comments were raised by members of the public.

110. Chairman's Announcements (Agenda Item 5)

The Chairman made the following announcements:

- Mactaggart & Mickel Homes' High Court challenge on the decision to refuse planning permission for a site in Chard has been dismissed. The judge looking at the case decided that the Planning Inspector had acted correctly in upholding South Somerset District Council's decision to refuse the planning application. Mactaggart & Mickel Homes were entitled to apply to the Court of Appeal to have the judge's decision reviewed. But for now the decision remained that the site had been refused planning permission.
 - A member workshop on Policy SS2 would be held prior to the March meeting of the Area West Committee.
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111. Area West Committee Forward Plan (Agenda Item 6)

Reference was made to the agenda report, which informed members of the proposed Area West Committee Forward Plan.

The Area Development Manager (West) advised that the progress report on the Chard Business Hub Project, if agreed at agenda item 8, was likely to come forward in April.

Members were content to note the Forward Plan as attached to the agenda.

RESOLVED: That the Area West Committee Forward Plan be noted as attached to the agenda.

112. Merriott Village Hall (Executive Decision) (Agenda Item 7)

The Neighbourhood Development Officer advised that the hall had a lot of single glazed sash windows which needed to be replaced with double glazing. The removal of a redundant storage building behind the hall had provided the opportunity to improve the access and create a new entrance with a small outdoor seating area to the rear. The Village Hall Committee was seeking £11,000 from the Area West capital budget towards the project.

The Committee was addressed by John Bowman, Trustee and Vice Chairman of the Village Hall Committee. He advised that the hall was almost 100 years old and required some maintenance to keep it efficient. The hall was a very important community facility and a lot of internal works had already been undertaken to meet regulations. The Village Hall Committee had been involved with raising funds and installed a PA and loop system.

The proposal to remove the redundant building would benefit the hall and make it more attractive to hirers and the replacement of windows would make it more energy efficient.

In response to member questions, the Neighbourhood Development Officer and John Bowman advised that:

- the Section 106 contributions from the Broadway Farm development were imminent;
- a planning application for the proposed works had been submitted;
- the parish council were planning to make some improvements to the car park;
- The new entrance would be an additional entrance;
- A fence and gate would be constructed at the rear of the hall that could be locked to improve security;
- Part of the S106 funding would provide the shortfall in funding. Two other grant applications had also been submitted to other organisations. The total amount from S106 contributions would depend on the outcome of the grant applications.

The Ward Member, Cllr Paul Maxwell expressed his support for the project and commented that the hall was very popular and well used. The project would enhance the venue and provide security lighting to the rear.

At the conclusion of the debate, Members were content to confirm the award to Merriott Village Hall Committee towards enhancement works from the Area West Capital Budget.

RESOLVED: That £11,000 be awarded to Merriott Village Hall Committee towards enhancement works from the Area West Capital Budget.

Reason: To consider funding towards replacement windows, new entrance and terrace seating at Merriott Village Hall.

(Voting: unanimous in favour)

113. Chard Business Hub Project (Agenda Item 8)

With the aid of a powerpoint presentation, the Neighbourhood Development Officer explained the proposals to develop a Business Hub based in the Holyrood Lace Mill to provide start-up, incubation and innovation support and expand the business base in Chard. He highlighted that the Chard Regeneration Scheme specifically recognised the importance of business incubation in Chard town centre, and that the 2015 Lister Workspace Demand Study identified a shortage of serviced office provision. The Hub would be open to general businesses and would develop a special focus on digital industries. The first stage of the proposal would set up a basic, inclusive Hub with video editing facilities within the Lace Mill. If successful a second stage would seek external funding to develop a prestige Hub.

During discussion, members made a number of comments, which included the following:

- The building had been empty for some time and should be put to good use;
- It had been perceived that businesses were not in the town centre because business rates were too high;
- There was potential in the long run to generate income which SSSC needed to consider in the long term;

- External funding was the way forward;
- Business support was desperately needed in the town and the project was the perfect opportunity to achieve it.

Members noted that a further report would be presented to the Committee outlining the next stage of the project including a detailed costed plan.

At the conclusion of the debate, Members were pleased to confirm the recommendations of the report.

RESOLVED: That Members:-

1. Noted the content of the report.
2. Agreed, in principle, to support the Chard Business Hub project.
3. Agreed to an initial project board to oversee the detailed definition of the project and its initiation, subject to further detailed approval by the Area West Committee.
4. Appointed the five Chard District Council Members to Initial Hub Project Board.
5. Appointed the Neighbourhood Development Officer (West) on behalf of the SSDC Area West Development Team as Project Manager.

Reason: To develop a business incubation hub based in the Holyrood Lace Mill in Chard and to request approval to develop the next stage of the project.

114. Affordable Housing Development Programme (Agenda Item 9)

The Corporate Strategic Housing Manager summarised the report which updated members on the outturn position of the Affordable Housing Programme for 2014/15 in relation to Area West and the position for the current financial year including future prospects. Members were informed that an annual report on the programme was considered by District Executive in October. He highlighted that there had been a significant amount of new affordable housing in Chard and four affordable homes in Crewkerne.

The Corporate Strategic Housing Manager referred to the 2014/15 outturn as outlined in Appendix A to the report and highlighted that seven schemes had been completed resulting in 94 dwellings in Area West including the Community Land Trust Scheme at Norton Sub Hamdon. He advised that there would be no new HCA grant for rented housing in future which increases reliance on S106 obligations. Three schemes had been completed in Chard and four units in Crewkerne. The conversion of Chard Working Men's Club into five flats during the current financial year had also had a positive impact on the street frontage of Chard. There were proposals for a scheme in Misterton and a planning application was expected shortly.

In response to questions from Members, the Corporate Strategic Housing Manager advised that:-

- The level of design depended on the subsidy received and that efforts had been made to increase the design quality of affordable housing;
- The Misterton scheme as outlined in Appendix D was subject to planning permission with the anticipated completion being during 2017.

At the conclusion of the debate, Members were pleased to note the outturn position of the Affordable Housing Development Programme for 2014/15 and the update provided on the current and future year.

RESOLVED: That Members noted the outturn position of the Affordable Housing Development Programme for 2014/15, the position for the current financial year and the prospects for the future.

115. Local Housing Needs in Area West (Agenda Item 10)

The Housing and Welfare Manager introduced the report and with the aid of a powerpoint presentation gave details of how people were banded into housing need. The number of applicants on the register was declining compared to the last few years but this was more about how the register was managed rather than lack of need. She highlighted that Chard, Crewkerne and Ilminster were the areas of highest need at the current time. Demand for one and two bedroom properties was the highest demand but developers were reluctant to build one bed properties.

In response to member question, the Housing and Welfare Manager advised that the majority of people on the register could only afford to rent but she would include details of people moving towards purchasing a property in her next report.

The Chairman thanked the Housing and Welfare Manager for her report.

RESOLVED: That Members noted the report.

116. Planning Appeals (Agenda Item 11)

The Committee noted the details contained in the agenda report, which informed members of appeals received and an appeal dismissed at Barns at Lower Wood Close Lane, Allowenshay, Hinton St George.

117. Schedule of Planning Applications to be Determined by Committee (Agenda Item 12)

Members noted the Schedule of Planning Applications to be determined by the Committee.

118. Planning Application 15/02183/FUL - Half Pennyfield, Stonage Lane, Haselbury Plucknett (Agenda Item 13)

Application Proposal: The erection of 1 No. wooden gypsy lodge, toilet and stables/tackroom (Part Retrospective)

The Area Lead West introduced the report and with the aid of slides and photographs summarised the details of the application as set out in the agenda. He noted that a site nearby had recently been granted planning permission on appeal, having been refused on highway safety grounds at Committee. Although the Highway Authority did not support this application because of the nearby substandard road junction, a traffic survey undertaken on behalf of the applicant showed that a reasonable level of traffic used the lane and the impact of one site would not be high. He noted the Parish Council comments which were listed in the appendix to his report but he did not feel the site would have a significant impact upon the character of the area. He recommended a further condition to control use of the stables to be personal to the applicant only and said his recommendation was for approval.

In response to questions from Members, the Area Lead Planning Officer advised that:-

- There was a compost toilet and one building dating from 2008 currently on the site. Google maps showed that there was nothing on the site in 2006. The applicant would use the existing building as a day room. There would be one static and one touring caravan on the site;
- The quota for traveller pitches in the Local Plan was 23 and so 10 or 11 pitches were still needed to meet this target;
- The Policy for travellers also took account of travelling permanently;
- He was satisfied that the applicant had a nomadic lifestyle;
- The applicant could apply to vary or appeal any unreasonable conditions imposed;
- There was no doubt that the junction was substandard, the issue was whether it was substandard enough bearing in mind that the application was for only one pitch and it could be visited on a daily basis without the permission;
- A condition could be added to ensure that no additional buildings could be erected on the site without permission;
- The need for 23 pitches in the Local Plan was not a maximum target but a minimum target. There was a need for the pitch and even if the target had been reached his recommendation would still be for approval.

Jonathan Hoskyns, Chair of North Perrott Parish Council addressed the Committee. His comments included the following:

- The Parish Council had not considered the proposal for an additional caravan;
- Concerns over the inaccuracy of the plans;
- Concerns over road safety. Photographs had been submitted of skid marks to show the near misses at the junction but had not been included in the report;
- The report stated that there was no relevant history on the site but this was considered inaccurate. Since 2003 the Parish Council had tried to restrict development in the area. A previous application had been submitted for residency and a market garden but was refused permission.

The Committee was addressed by Marisa Rowe, Felicity Thorne and Jobey Hughes in support of the application. Comments raised included the following:

- Support for the proposal on the basis of need;
- Impact on the applicant's health and wellbeing if the application was refused;
- Concerns in relation to the applicant's current living conditions;
- The land would remain as it is and the natural hedging would stay.

The Applicant, Miss Lovie Hughes informed the Committee of her current living arrangements and explained that permission would change her life and give her security and peace of mind.

The Area Lead West advised that there was a wider planning history in the area and that consultation had been undertaken with regard to an additional caravan on site and a traffic survey was also conducted. He further advised that he was proposing that personal permission would remain and would only last as long as the applicant was on site.

During discussion on the item, some members felt that in this case notwithstanding the needs of the applicant, the site was discreet and out of sight, the proposal was minimal and access was already in place and were therefore content to support the application. Some members raised concerns over the difference in opinion of the highway comments and felt that more weight should be given to the views of the Parish Council.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the agenda report subject to the following additional conditions:

- The stables shall only be for personal use by the applicant
- No additional buildings to be erected on the site without planning permission

On being put to the vote the proposal was carried 11 in favour, 1 against and 1 abstention.

RESOLVED: That Planning Application No. 15/02183/FUL be **APPROVED** for the following reason:

01. The proposed development by reason of its scale, design, siting and layout will cause no harm to residential amenity, would not cause any detrimental harm to the character and appearance of the area nor create any severe highway impact. The development would also contribute to meeting the Council's gypsy pitch target as outlined in the adopted local plan. The proposal is therefore in accord with Policies SD1, HG7 and TA5 of the South Somerset Local Plan and guidance in Planning Policy for Traveller Sites.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of the Planning policy for traveller sites.

Reason: To accord with Policy HG7 of the South Somerset Local Plan

02. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Miss Lovie

Hughes.

Reason: To accord with Policy HG7 of the South Somerset Local Plan.

03. When the land ceases to be occupied by the named in condition 2 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

04. There shall be no more than 1 pitch on the site. On the pitch hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

05. No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenities of the area and in the interests of highway

safety to accord with Policy EQ2 and TP5 of the South Somerset Local Plan

06. The development hereby permitted shall be carried out in accordance with the following approved plans: Revised site layout plan, stable elevations, floor and elevation plans of the lodge building.

Reason: For the avoidance of doubt and in the interests of proper planning.

07. No external lighting shall be installed within the application site unless the details have first been submitted to and approved in writing by the Local Planning Authority. Once approved, any lighting installed shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

08. No internal access track shall be laid until full details of the materials to be used have first been submitted to and approved in writing by the Local Planning Authority. Once approved, the access track shall not be altered without the written approval of the Local

Planning Authority.

Reason: To protect the visual amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan

09. No occupation of the site shall take place until details of the means of foul and surface water disposal have first been submitted to and approved in writing by the Local Planning Authority. Once the details have been approved, the means of foul and surface water disposal shall be fully installed prior to the occupation of the site.

Reason: To ensure that the site is adequately drained to accord with the NPPF

10. The stables/tackroom hereby approved and the land within the application site shall only be for the private and personal use of the applicant Miss L Hughes and shall not be used for any commercial or business use.

Reason: To protect the amenities of the area and in the interests of highway safety to accord with Policies EQ2 and TP5 of the South Somerset Local Plan.

11. No buildings other than those authorised by this consent shall be constructed on site without the express grant of planning permission.

Reason: To protect the visual amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

(Voting: 11 in favour, 1 against, 1 abstention)

119. Planning Applications 14/02141/OUT and 15/04084/DPO - Crewkerne Key Site, Land between A30 and A356, Crewkerne (Agenda Item 14)

Application Proposal: Outline development of up to 110 houses, 60 bed nursing home, up to 3.74 hectares of employment land, vehicular access from Station Road and Blacknell Lane, Crewkerne

Application to modify S106 agreements dated 31st January 2013 between SSDC and SCC and Taylor Wimpey Lit in respect of planning permission reference 05/00661/OUT

The Area Lead Planning Officer (North/East) summarised the applications and made reference to the following points:

- The application injected some value into the site and revisited the S106 obligations on the original outlined scheme;
- The application was seeking to amend the original scheme in line with the new scheme;
- Odour emissions would be low enough not to affect residential amenity;

- Pre-application discussions had been held on the dormouse bridge although a culvert under the road may work and should be cheaper to construct, however the applicant could fall back to constructing the bridge;
- With regard to the issue of noise and the close proximity to the employment area of the town, based on 24 hour monitoring there was no reason to believe that the noise was unsatisfactory. A condition required the submission of a detailed noise survey;
- Access was as per the original application;
- Archaeology had been investigated on the northern part of the site;
- With regard to the planning obligations off-site leisure provision and landscape planting had been reduced;
- Dormouse mitigation had been reduced due to the culvert rather than a bridge;
- The applicants had offered £7.6m to cover all the S106 obligations;
- There were significant savings within the S106 obligations from landscaping and the use of natural stone on the housing;
- Affordable housing was down from 17.5% to 8.25% all for social rent but pressing need was social rent and there was a reasonable balance;
- The NPPF was clear that allocations for employment land which were not coming forward should be looked at again. The principle was contrary to the Local Plan but there were arguments that constituted exceptional circumstances;
- The District Valuer was satisfied with the revised obligations.

In response to questions from Members, the Area Lead Planning Officer advised that:-

- The sewage works were currently located to the north of the site and they could be expanded adjacent to the existing works or all works could be relocated elsewhere;
- There had been no obligation at outline stage with reference to photovoltaic panels on roofs. The lower site was likely to be less sensitive and so a condition or informative could be included if members wished;
- The level of odour emissions would not affect the level of residential amenity;
- The provision of on-street parking on Station Road remained;
- The land to be transferred to the town council was off the site and they were willing to take it on in principle for a commuted sum which was within the landscaping budget;
- The missing figure on agenda page 92 should be £1,377,657;
- The applicant was not requesting any changes to the trigger point of 200 houses for the road. If the site were sold the obligation would run with the land. When the trigger point was reached the road would have to be built;
- The Noise Management Strategy would show the developable areas on site for housing and would come back to Committee at REM stage;
- The phasing would need to be agreed. If priority was the employment land then an additional condition could be added or included in the S106 agreement;
- There was no reason to assume that the industrial land area was locked and it could not grow towards the east;
- Wessex Water had been consulted on the drainage and sewerage.

The Committee was addressed by Philip Bailey, Tim Sturgess, Puck Webber and Sophie Larter in objection to the application. Points mentioned included the following:

- Concerns over the location and nature of the access junction;
- Preference for a roundabout rather than traffic lights;
- The proposed route for the link road would feed traffic towards two estate bottlenecks and without significant improvements these would be gridlocked at peak times;
- Concerns over loss of affordable housing;

- Proximity to sewage works;
- Environmental impact on locality;
- Loss of greenfield;
- Concerns over flooding;

The Agent, Colin Danks advised that the site already had planning permission and that the issue was now about viability. He commented that he had worked with officers through the process to make the best contributions. The road had not changed from the original scheme and the housing element made the site viable.

Ward Member, Cllr. Marcus Barrett commented that although there was reduced social housing he believed there were still benefits to the proposal. He supported the need for more employment land and believed there was a reasonable balance with future potential.

Ward Member, Cllr. Mike Best commented that industrial land was important to the town and should not be forgotten. He felt that the development did bring advantages as the schools were currently crowded and the scheme did provide some affordable housing. He felt that the road could provide an access for a bypass for Misterton in the future.

Ward Member, Cllr. Angie Singleton commented that she was disappointed with the proposals but accepted that financially times had changed. Although the affordable housing offer was not ideal she would accept the offer. She said that her main concerns were in relation to employment land noise and odour issues. She also felt that the revised outline layout of the site was unacceptable and would prefer to see the housing to the south of the site where employment was currently situated. She said that the housing and care home should not be adjacent to the recycling centre, scrap yard and sewage works. With regard to the S106 Agreement, she wished to see the involvement of the ward members with regard to the provision of outside play areas and the dormouse bridge.

She noted a discrepancy in the highways contribution set out in the table on pages 94/95. Whilst the total was put at £432,250, the figures added up to £709,250. The difference of £277,000 was questioned. The Area Lead Officer (North/East) apologised for the error which was due to the figure of £277,000 for the commuted sums to A30 works being confirmed late in the day. He advised that this figure would need to be accounted for, but considered there to be sufficient capacity in other obligations for this to be found without unacceptably altering the balance. It was suggested that this be done with the involvement and agreement of the ward members and chair.

Cllr. Singleton also referred to the need for safeguarding planting by transferring the informal recreation areas on site to ensure planting was maintained for an appropriate commuted sum. She was of the view that the employment land nearest to the care home and housing should be kept to B1 use and the light industrial and land furthest away to B2 and B8 use to protect residents. She was unable to accept the outline plans as presented and felt that permission should be subject to a revised outline plan.

The Area Lead Planning Officer (North/East) advised that the site layout could not be conditioned. With regard to a noise condition, he advised that this could be looked at further at the REM stage. He advised that the only part that could not be changed was the access and phasing of the development would be reinforced within the S106 Agreement. He agreed to consult the ward members regarding the details of highways

contributions and finalised financial figures, on-site play areas, dormouse crossing and on-site landscaping.

The Legal Services Manager confirmed that the outline application could not be legally granted subject to a satisfactory layout plan. The permission did not tie the layout and would be considered as part of reserved matters.

The Ward Members requested to be involved in the Discharge of Condition 3.

It was proposed and seconded to approve Recommendation A as outlined in the officer's report. On being put to the vote the proposal was carried 11 in favour and 2 abstentions. It was then proposed and seconded to approve Recommendation B as outlined in the officer's report subject to the agreement of the details of phasing, trigger points, highways contributions and finalised financial figures, on-site play areas, dormouse crossing and on-site landscaping with the ward members and chair. On being put to the vote the proposal was carried unanimously in favour.

RESOLVED: That, subject to satisfactory additional information being provided to address the Environmental Protection Unit's concerns about noise, application 14/02141/OUT be approved, as an amending permission to site wide outline permission 05/00661/OUT, subject to the completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to agree appropriate planning obligations across the allocated site (KS/CREW/1) and the conditions set out below

(Voting: 11 in favour, 2 abstentions)

That application 15/04084/DPO to vary the planning obligations previously agreed in relation to the development of this allocated key site, as now varied by the development proposed by 14/02141/OUT as follows:-

- Provide for the completion of the link road through the site, between the A30 and the A356, prior to the occupation of the 200th house or within 4 years of the occupation of the 1st house, whichever is sooner.
- Provide for the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000m² of employment space or within 4 years of commencement of the employment land or within 7 years of the first occupation of any dwelling, whichever is sooner.
- Ensure the delivery of 50 of the housing as affordable homes for 'social rent' to the satisfaction of the Strategic Housing Manager and to require the developer to make 'best endeavours' to seek additional funding to raise the proportion of affordable housing.
- Provide for the delivery of the serviced school site, free of any archaeological or ecological interest, to the County Council. The school site to be developed with the potential for dual use of the

buildings as a community facility.

- Provide an education contribution of £2,224,112 as requested by the County Education authority, to the satisfaction of the Development Manager.
- Provide for a contribution of £379,871 towards the enhancement of sports and leisure facilities in Crewkerne to as required by the Assistant Director (Wellbeing) to the satisfaction of the Development Manager
- Provide for a contribution of £432,250 towards off site highways mitigation, to include:-
 - £100,000 towards town centre improvements (upon commencement)
 - £31,000 to off-site traffic calming
 - £37,250 towards bus and cycle hard measures
 - £100,000 towards improvements to footpath/cycle path links
 - £164,000 towards bus services to serve the development
 - £277,000 as a commuted sum toward the maintenance of A30 junction works and signalisation

As previously agreed by the County Highways authority

- Provide for the provision and maintenance of on-site play areas to the sum of £329,931 as requested by the Assistant Director (Wellbeing) to the satisfaction of the Development Manager, in consultation with the Ward Members
- Provide for the landscaping and maintenance of the structural landscaping indicated the original Landscape Master Plan, drawing number 08-07-02, including any landscaping necessary for dormouse mitigation measures to the satisfaction of the Development Manager, in consultation with the Ward Members.
- Provide for the completion of appropriate dormouse crossing point of the link road, and associated mitigation works prior to the completion of the link road through the site to the satisfaction of the Development Manager, in consultation with the Ward Members;
- Provide for appropriate badger mitigation measures as required by the Council's ecologist to the satisfaction of the Development Manager;
- Provide for the transfer of land owned by the applicant to either District Council or the Town Council, together with an appropriate

commuted sum for the purposes of the provision of enhanced leisure/recreational facilities, to the satisfaction of the Development Manager, in consultation with the Ward Members;

- Provide for 3 yearly reviews of the viability of the development throughout the construction phase with the allocation of any recovered obligations to uplift the provision of affordable housing as originally agreed.

JUSTIFICATION

Notwithstanding the allocation of this site for employment uses there are material considerations that justify a policy exception to accept a mixed use development of this site. The proposal would maintain a reasonable level of employment land to meet the anticipated need in the town over the plan period and there are significant benefits in terms of the delivery of additional housing to meet the District wide shortfall as well as the need in the town identified by policy SS5. The proposal would have not undue adverse impact on highways safety, food risk, ecology, landscape character or visual or residential amenity. The revised package of planning obligations across the site reflects the viability of the allocated site and is necessary to ensure the delivery of this stalled site whilst maintaining the mitigation measures without which the development would be unacceptable. As such, whilst acknowledging, the policy conflict, there are significant benefits and material considerations that outweigh any harm that might arise.

CONDITIONS

01. Details of the appearance, landscaping, layout and scale (herein after called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than 5 years from the date of this permission and the development shall begin not later than 5 years from the date of this permission or not later than 2 years from the approval of the last “reserved matters” to be approved.

02. The residential component of development hereby approved shall comprise no more than 110 dwellings.

Reason: To ensure that the mitigation measures negotiated as part of the scheme hereby approved are commensurate with the development as built in accordance with policies KS/CREW/1, HG3, HW1 and SS6 of the South Somerset Local Plan 2006-2028.

03. The development hereby granted permission shall not be commenced unless a written programme, showing the phasing of the development, including the relevant parts of the highway and the provision of the new Link Road and associated works; the planting of

structural landscaping and delivery of the public open space; and the timings for the delivery of each phase, has been submitted to and approved in writing by the local planning authority. Such phasing shall accord with the recommendations of the Environmental Statement and its addendum, submitted in support of the application. Subsequently each of the phases shall be completed in accordance with the phasing programme unless agreed otherwise in writing by the local planning authority.

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

04. For each phase, or part thereof, all reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme in accordance with the aims and objectives of the approved Masterplan and the recommendations of the Environmental Statement and its addendum submitted with this outline application.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

05. Prior to the submission of any application for the approval of the reserved matters a 'Landscape and Ecological Management Strategy for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on the Approved Masterplan and the findings and recommendations of the Environmental Statement submitted in support of this application and shall set out, on a phase by phase basis, the principles by which the impacts of the development on landscape and ecology will be managed. No trees or hedges shall be removed in advance of the agreement of the site wide Landscaping and Ecological Management Strategy.

Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Landscape and Ecological Management Plan based on the principles agreed in the site wide Strategy for that phase, including up-to-date surveys and mitigation strategies where necessary. Once agreed such Plans shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with policies KS/CREW/1, EQ1, EQ2, Eq4 and EQ5 of the South Somerset Local Plan 2006-2028.

06. Prior to the submission of any application for the approval of the reserved matters a 'Landscape Planting Strategy for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on the Approved Masterplan and the findings and recommendations of the Environmental Statement and addendum submitted in support of this application and shall set out, on a phase by phase basis, the

principles by which the landscaping, including structural planting, of the site will be guided. No trees or hedges shall be removed in advance of the agreement of the site wide Landscape Planting Strategy.

Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Landscaping Plan based on the principles agreed in the site wide Strategy for that phase, including up-to-date surveys and mitigation strategies where necessary. Once agreed such Plans shall be adhered to throughout the relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with policies KS/CREW/1, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028.

07. Prior to the submission of any application for the approval of the reserved matters a Waste Management Plan setting out the principles for waste management and refuse collection throughout the site shall be submitted to and approved in writing by the local planning authority. This shall then be used as the basis for all submissions of applications for approval of reserved matters.

Reason: To ensure that the development is appropriately served by waste management strategies and refuse collection in the interests of the amenities of future residents in accordance with policy EQ2 of the South Somerset Local Plan 2008-2028.

08. Notwithstanding the details on the drawings hereby approved, prior to the commencement of the construction of the junction of the link road with the A356 details of any retaining structures, levels changes, landscaping and drainage of the junction shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented prior to the occupation of any unit unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

09. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

10. No development shall take place on any phase or part thereof, unless a Construction Environmental Management Plan (CEMP) for that part of the development has been submitted to and approved in writing by the local planning authority. Subsequent development shall be carried out in accordance with the requirements of the approved CEMP.

Reason: In the interest of the amenities of the locality in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

11. No development hereby approved shall commence until a detailed surface water drainage scheme for the site, generally in accordance with the submitted Flood Risk Assessment has been submitted to and approved in writing by the local planning authority. Such scheme shall include measures to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

12. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

1) A preliminary risk assessment which has identified:

- all previous uses,
- potential contaminants associated with those uses,
- a conceptual model of the site indicating sources, pathways and receptors,
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for

a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: To protect controlled waters in accordance with policy EQ7 of the South Somerset local Plan 2006-2028.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters in accordance with policy EQ7 of the South Somerset local Plan 2006-2028.

15. Streetlighting columns shall not exceed six metres in height and shall be equipped with maximum cut-off and downlighting in accordance with details which shall be submitted to and approved in writing by the local planning authority. There shall be no variation of this height unless otherwise agreed in writing by the local planning authority.

Reason: To protect wildlife habitats, in the interests of visual amenity and to prevent light pollution in accordance with policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

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 Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

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 and the amenities of future occupiers in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

18. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028.

19. The development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Local Planning Authority, details of measures for the protection of badger setts (until such time that Natural England has issued a licence permitting their closure), ecological supervision of works and update surveys for badger setts. The works shall be implemented in accordance with the approved details and timing of the approved badger sett protection measures, unless otherwise approved in writing by the local planning authority.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028.

20. No works shall be undertaken to any trees that have been identified as having potential to be used by roosting bats until a prior survey and assessment for bats has been completed in full by a licenced bat consultant, and any resulting legal requirements complied with.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028

21. No hedge nor scrub, nor any part thereof, nor any tree, shall be removed until a European Protected Species Mitigation Licence (in respect of dormouse) has been issued by Natural England and a copy thereof (i.e. confirmation) submitted to and approved by the local planning authority. Thereafter, only the sections of hedge or trees specifically identified by the licence, or by subsequent such

licences, shall be removed, and shall be done so in accordance with the conditions of the relevant licence. Unless otherwise permitted in writing by the local planning authority.

Reason: To safeguard protected species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028

22. Precautionary measures for minimising harm to Priority Species (Common Toad, Otter, Hedgehog) shall be undertaken as detailed in the Environment Statement, and the relevant Landscape and Ecological Management Strategy (LEMS) or Landscape and Ecological Management Plan (LEMP).

Reason: To safeguard priority species in accordance with policy EC8 of the South Somerset Local Plan 2006-2028

23. Prior to the commencement of the development hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat and bird boxes (including provision for swallows and swifts) shall be submitted to and approved in writing by the Local Planning Authority. Once approved, such biodiversity enhancement measures shall be implemented as part of the development and maintained at all times thereafter in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with policy EQ4 of the South Somerset local Plan 2006-2028.

24. Prior to the occupation of any dwelling or any industrial unit a measures only travel statement, as relates to that art of the development, shall be submitted to and approved in writing by the local planning authority. The approved measures in such travel statements(s) shall thereafter be implemented as part of the development.

Reason: To promote sustainable travel in accordance with policy TP4 of the South Somerset local Plan 2006-2028.

25. Prior to the submission of any application for the approval of the reserved matters a 'Noise Management Strategy' for the entire site shall be submitted to and approved in writing by the local planning authority. Such strategy shall be based on an update full noise survey of the site and shall set out, on a phase by phase basis, the principles by which the impacts of noise on the development will be mitigated. It shall also show that the development will be laid out in such a manner so as not to compromise the operation of existing users on the adjoining industrial estate.

Subsequently, each application for the approval of the reserved matters shall be accompanied by a detailed Noise Management Plan based on the principles agreed in the site wide Strategy for that phase. Once agreed such Plans shall be adhered to throughout the

relevant construction phase unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with policies EQ2 and EQ7 of the South Somerset local Plan 2006-2028.

Informative

01. The health and safety of the public using the footpaths must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpaths, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpaths resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

(Voting: unanimous in favour)

120. Date and Venue for Next Meeting (Agenda Item 15)

Members noted that the next meeting of the Area West Committee would be held on Wednesday 16th March 2016 at 5.30pm at Swanmead Community School, Ilminster.

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Chairman