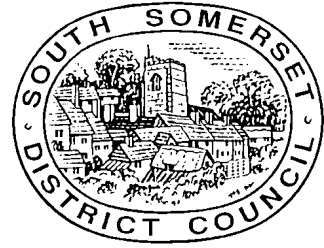


**South Somerset District Council**

*Notice of Meeting*



## Area West Committee

*Making a difference where it counts*

**Wednesday 17th February 2016**

**5.30 pm**

**The Victoria Hall  
Market Square  
Crewkerne  
TA18 7LN**

(disabled access and a hearing loop are available at this meeting venue)



The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 7.00pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 9 February 2016.

A handwritten signature in cursive script that reads 'Ian Clarke'.

**Ian Clarke**, Assistant Director (Legal & Corporate Services)

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



INVESTORS IN PEOPLE

# Area West Committee Membership

The following members are requested to attend the meeting:

**Chairman:** Carol Goodall  
**Vice-chairman:** Jenny Kenton

Jason Baker  
Marcus Barrett  
Mike Best  
Amanda Broom  
Dave Bulmer

Val Keitch  
Paul Maxwell  
Sue Osborne  
Ric Pallister  
Garry Shortland

Angie Singleton  
Andrew Turpin  
Linda Vijeh  
Martin Wale

## South Somerset District Council – Council Plan

**Our focuses are:** (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses
- Environment – We want an attractive environment to live in with increased recycling and lower energy use
- Homes – We want decent housing for our residents that matches their income
- Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other

## Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

## Consideration of Planning Applications

Consideration of planning applications will commence no earlier than 7.00pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A formal written report from the Area Highway Officer should be included on the main agenda in May and September. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

## Members Questions on reports prior to the meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

# Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council’s website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

## Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

## Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

## **Planning Applications**

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

### **If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest**

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

# Area West Committee

**Wednesday 17 February 2016**

## Agenda

### *Preliminary Items*

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 20th January 2016**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

### **Planning Applications Referred to the Regulation Committee**

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Mike Best, Sue Osborne and Angie Singleton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter

at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

#### **4. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

#### **5. Chairman's Announcements**

##### *Items for Discussion*

- 6. Area West Committee Forward Plan** (Pages 9 - 11)
- 7. Merriott Village Hall (Executive Decision)** (Pages 12 - 14)
- 8. Chard Business Hub Project** (Pages 15 - 25)
- 9. Affordable Housing Development Programme** (Pages 26 - 35)
- 10. Local Housing Needs in Area West** (Pages 36 - 39)
- 11. Planning Appeals** (Pages 40 - 42)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 43 - 44)
- 13. Planning Application 15/02183/FUL - Half Pennyfield, Stonage Lane, Haselbury Plucknett** (Pages 45 - 69)
- 14. Planning Applications 14/02141/OUT and 15/04084/DPO - Crewkerne Key Site, Land between A30 and A356, Crewkerne** (Pages 70 - 103)
- 15. Date and Venue for Next Meeting** (Page 104)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

## **Recording and photography at council meetings**

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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# Agenda Item 6

## **Area West Committee - Forward Plan**

*Assistant Director: Helen Rutter (Communities)*  
*Service Manager: Andrew Gillespie, Area Development Manager (West)*  
*Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services*  
*Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055*

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

**Background Papers:** *None.*

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## Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
  - (a) Chairman's announcements
  - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
16 <sup>th</sup> March 2016	A Better Crewkerne and District (ABCD)	Reports from members on outside organisations.	Zoe Harris, Neighbourhood Development Officer Cllr. Mike Best
16 <sup>th</sup> March 2016	Chard Business Hub Project	A report outlining further details of the project	Dylan Martlew, Neighbourhood Development Officer
16 <sup>th</sup> March 2016	Review of Welfare Benefits Service over the financial year 2014-15	Annual Update Report	Catherine Hansford, Welfare Benefits Team Leader
20 <sup>th</sup> April 2016	<i>Report on the Performance of the Streetscene Service</i>	<i>Service report on performance and priority issues in Area West</i>	<i>Chris Cooper, Streetscene Manager</i>
20 <sup>th</sup> April 2016	<i>Community Health &amp; Leisure Service Update</i>	<i>Service update report</i>	<i>Lynda Pincombe, Community Health &amp; Leisure Manager</i>
18 <sup>th</sup> May 2016	<i>Ilminster Forum</i>	<i>Reports from members on outside organisations.</i>	<i>Zoe Harris, Neighbourhood development Officer Cllr. Carol Goodall</i>
18 <sup>th</sup> May 2016	<i>Highways Update</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
18 <sup>th</sup> May 2016	<i>Historic Buildings at Risk</i>	<i>Confidential report to update members on current Historic Buildings at Risk cases in Area West.</i>	<i>Greg Venn, Conservation officer</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
18 <sup>th</sup> May 2016	<i>Area West Committee Working Groups and Outside Organisations – Appointment of Members</i>	<i>To review the appointment of members to various working groups and outside organisations.</i>	<i>Jo Morris, Democratic Services Officer</i>
18 <sup>th</sup> May 2016	<i>Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman</i>	<i>To review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications.</i>	<i>Jo Morris, Democratic Services Officer</i>
15 <sup>th</sup> June 2016	<i>S106 Obligations</i>	<i>6 monthly update report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
15 <sup>th</sup> June 2016	<i>Countryside Service Update</i>	<i>Service update report</i>	<i>Katy Menday, Countryside Manager</i>

# Agenda Item 7

## **Merriott Village Hall (Executive Decision)**

*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Zoë Harris, Community Regeneration Officer (West)  
*Contact Details:* zoe.harris@southsomerset.gov.uk or 01460 260423

### **Purpose of the Report**

For members to consider a grant for financial assistance to replace windows, construct a new entrance and create a terrace area at Merriott Village Hall.

### **Public Interest**

Merriott Village Hall Committee want to make improvements to the building which will make it more energy efficient, improve the access into the hall and create an outside seating area overlooking the recreation field.

### **Recommendation**

That Members support a grant of £11,000 to be awarded to Merriott Village Hall Committee towards their enhancement works.

### **Background**

Merriott Village Hall is run by a long established charitable trust. The hall is over 90 years old and located next to the recreation ground, which it shares a car park with. The hall is used regularly for a number of activities including majorettes, dog training, badminton, line dancing, brownies and short mat bowls. In addition it's used for a variety of village events and is booked out by residents for private functions such as parties and weddings.

Over the years the village hall committee have spent time and money maintaining and updating the building to ensure it meets the requirements of groups and residents in and around the village.

### **New entrance, windows and terrace seating area**

An opportunity has now arisen to make considerable improvements to the hall, which will not only create a better entrance into the building, but will also allow for the construction of an outdoor seating area overlooking the adjacent playing field.

To the rear of the village hall is a redundant storage building which is owned by the parish council. The building is located just a couple of metres from the back of the village hall and creates a barrier between the hall and the car park. The parish council have decided to demolish the building, so they can create more space in the car park. The demolition of the building will open up the back of the village hall.

Currently the rear of the village hall has 5 windows that look out onto a small strip of wasteland situated between the hall and the redundant building. These 5 windows, like the rest of the windows in the building (14 in total), are old, draughty and in poor condition. The committee would like to replace 13 of the windows with double glazed plastic ones, which will improve the insulation. They then want to replace one of the rear facing windows with a door, thus creating a new entrance from the car park side of the building.

The new entrance will be beneficial to everyone who drives to the village hall, but in particular anyone with mobility difficulties will find it will greatly improve their access into the building. A recent audit of village halls in South Somerset carried out by Access for All, highlighted that it was 30 metres from the rear car park to the front entrance of the hall. The audit stated that dropping people off at the front of the building was not a safe option due to the traffic calming scheme located on the highway in front of the building. Creating a new rear entrance will provide a safer and more convenient entry point into the village hall for anyone arriving by car.

The Village Hall Committee have consulted with Access to All about this proposal and have incorporated their advice into the project to ensure that the new rear entrance can be accessed via a ramp of the appropriate width and gradient.

As well as creating a new entrance the village hall committee would like to spruce up the small strip of land behind the village hall. Currently the land is very scruffy with a large redundant water tank taking up some of the space. The committee propose to lay down some paving slabs on part of the land, which will allow tables and chairs to be placed outside when the weather allows. The rest of the land will be covered with a membrane and gravelled to ensure the area is kept tidy and weed free. Metal railings with a gate will be erected to separate the village halls outside space from the car park.

This project will have a number of considerable benefits for Merriott Village Hall:

- Firstly the new double glazed windows and door will improve the insulation of the building and help make it more energy efficient.
- Secondly, opening up the back of the village hall and creating a terrace area where people can sit will help make the hall more attractive to potential bookers. Being able to see the recreation ground from both the newly created terrace and from inside the hall will make the outlook more attractive and also appeal to people with children that may wish to play on the recreation field.
- Thirdly, the new entrance will mean it is safer and more convenient for people accessing the village hall from the car park, especially anyone using a wheelchair and parents with small children in prams.

## Finance

The cost of the project is outlined below:

Item / activity	Cost (£)
Demolition of the old building	876
Replace 14 windows & 1 window with a door	10,100
External works including paving, ramp, repointing wall, lighting and installation of membrane	10,300
New metal railings and gate	1,614
<b>TOTAL</b>	<b>£22,890</b>

The Village Hall Committee proposes to fund the scheme in the following way:

Funding source	Status	Amount
Parish council	Secured	876
Village hall committee's own funds	Secured	2000
Garfield Weston Foundation	Submitted awaiting decision	4000

SSDC	Awaiting decision	11,000
		<b>£17,876</b>
Section 106 (Broadway Farm)	Secured	To be agreed
Funding Shortfall		<b>£5,014</b>

The Village Hall Committee has been allocated £10,206.53 in Section 106 contributions from the Broadway Farm development and the trigger point for those funds to be released has been reached. However, it should be noted that the Village Hall Committee have 2 other projects planned to improve the hall, these are upgrading the men's toilets and installing a new kitchen. As a result the Village Hall Committee have allocated the balance from the S106 funds to part fund the future planned improvements.

The Neighbourhood Development Officer has assessed the grant application and has given it the following score.

Category	Maximum score	Score
A Eligibility	Y/N	Yes
B Equalities Impact	7	7
C Need for Project	5	4
D Capacity of Organisation	15	14
E Financial need	7	4
F Innovation	3	3
<b>Total</b>	<b>37</b>	<b>32</b>

Councillor Paul Maxwell, the Ward Member, has been consulted and is in support of the project, and has stated

*I wholeheartedly support this application as this will enhance an extremely important and popular venue and facility in Merriott. The Hall is used by many and various groups and organisations from Merriott and is a thriving and well run hub in the Village. The new entrance and outdoor seating area will be a major improvement and help to compliment the customers enjoyment of the venue.*

### Financial Implications

The grant of £11,000 can be found from Area West Capital budget.

### Council Plan Implications

Supporting this project helps address Focus 4 of the SSDC Council Plan:

- Health & Communities - Will enhance existing hall by improving access and providing outdoor seating area.

### Carbon Emissions & Climate Change Implications

The works include replacing old windows with new double glazed windows and a door, which will improve the insulation and energy efficiency of the building.

### Equality and Diversity Implications

The new entrance will improve access into the building for anyone using a wheelchair.

**Background papers:** Community Grant Criteria

# Agenda Item 8

## **Chard Business Hub Project**

*Joint Chief Executive & Strategic Director:* Rina Singh, Place and Performance  
*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Dylan Martlew, Neighbourhood Development Officer (West)  
*Contact Details:* dylan.martlew@southsomerset.gov.uk 01935-462695

### **Purpose of Report**

To inform members of the project 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.

### **Public Interest**

The business hub will provide low-cost office space and business support for new business start-ups, local businesses and businesses relocating into the area. It will be open to all-comers and will particularly encourage digital and media business.

### **Recommendations**

That Members:

1. Note the content of the report.
2. Agree, in principle, to support the Chard Business Hub project.
3. Agree 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. Appoint the five Chard Members to Initial Hub Project Board.
5. Appoint Dylan Martlew on behalf of the SSDC Area West Development Team as Project Manager.

### **Background**

A business incubation centre in Chard has long been the subject of discussion with Members and effort has been invested to research and develop proposals. In 2006 a proposal was developed for the Chard Enviro-Centre, aiming at a £3M EU funded development of office and light industrial units in a purpose built, environmentally friendly building. In 2010 the Chard Regeneration Framework identified the need for a new incubation workspace in the town centre. There have been various discussions to try to attract investors to set up an incubation space in Chard but as yet none have come forward.

Research shows that there is a shortage of office premises in Chard and suggests that, as rental values are low, developers do not have the confidence to invest and build new premises, because returns are likely to be low and there is little evidence of demand. This is cyclic: no premises means no demand, so none are built. To break this cycle we need someone to take a risk and invest to demonstrate that there is demand. The recent study commissioned by SSDC and carried out by property specialists Thomas Lister suggests that this investment is unlikely to come from private investors because there is no guarantee of a return.

Holyrood Lace Mill in the centre of Chard is owned by South Somerset District Council (SSDC) and the third and fourth floors have been empty for several years. The Lace Mill is

ideally situated; it has allocated parking, internal facilities are good, the building is accessible and secure access is provided. It is important that the building be brought back into commercial use for the benefit of Chard and to generate income for SSDC.

To address the long-term demand SSDC Area West Development has developed the Chard Business Hub project. The project addresses market failure by setting out to demonstrate demand. The project will develop the Chard Business Hub, supporting businesses to start up, expand and move to Chard. The project will promote Chard as it markets the Hub's services and environs to attract clients. The Hub will provide networking for local businesses and support community groups and projects to help its clients develop their skills, promote their services and build relationships. The success of the Hub will build confidence, raise perceptions of Chard and attract investment.

The concept of The Chard Business Hub is well defined (see below). It will require significant investment of public funds and further work is required to define important details and more accurately quantify costs and plan the project. At this stage the Area West Development Team seek confirmation that the additional investment in time and effort to develop this level of detail is supported by Members, and also that a project board be set up to oversee the work. The project board would be comprised of the 5 Chard SSDC members.

In summary, Members are asked to appoint a Project Manager and an Initial Project Board to develop a detailed business plan, project plan and funding proposal, and bring them to the Area West Committee for approval.

**The Chard Business Hub Project Proposal**

<b>The Concept</b>	<ul style="list-style-type: none"> <li>• Aims</li> <li>• Facilities &amp; services</li> <li>• A digital focus</li> <li>• Location</li> </ul>
<b>The Need</b>	<ul style="list-style-type: none"> <li>• Why Chard needs a business hub</li> <li>• Facilities in Chard</li> <li>• Market failure &amp; the need to intervene</li> <li>• How the Hub will help to overcome market failure</li> </ul>
<b>The Project</b>	<ul style="list-style-type: none"> <li>• Where we are and what we need to do</li> <li>• Structure (Stages, phases and timescales)</li> <li>• Governance</li> <li>• Risks</li> </ul>
<b>Outputs, Returns and Costs</b>	<ul style="list-style-type: none"> <li>• Outputs</li> <li>• Returns</li> <li>• Costs</li> </ul>
<b>Summary</b>	

**The Hub Concept - Aims**

- Within three years of operation the Hub will:
- Raise public and business perceptions of Chard
  - Support 12 new businesses to set up in Chard
  - Support 30 local businesses to develop
  - Support 30 community projects
  - Support 15 people to find employment



- Support the creation of 10 new jobs
- Operate at a profit and offer financial returns on investment

### **The Hub Concept - Facilities & services**

The Hub will provide shared work-space, hot-desking, dedicated desks, small offices, meeting rooms, a basic digital media studio, high-speed and high-capacity digital connectivity, telephony, communal space, event space, and office equipment for printing, copying, display and projection. A virtual office service will also be provided.

The Hub will provide events and networking for tenants and the wider community, specifically targeting and engaging the full range of local Chard and area businesses. The Hub will encourage its tenants to engage with community projects to support the community and develop their skills, contacts and reputation. Business support will be provided and external services brokered to support tenants.

The Hub will promote Chard, its tenant businesses and itself to attract individuals and business to use its facilities and set up in Chard.

### **The Hub Concept - A digital focus**

The Hub will welcome all-comers but will seek to attract and develop a strength in digital and media businesses in order to address the shortage of digital skills and services in Chard and the local area. This focus will create opportunities for younger people and create an interesting focus for Chard. The success of the Hub will make Chard an attractive place for business and build confidence and raise perception of Chard locally and beyond.

### **The Hub Concept – Location**

The Hub will be located on the fourth floor of Lace Mill bringing the building back into commercial use and bringing new footfall to the town centre. The Hub will pay commercial rent, rates and service charges, generating revenue for SSDC. As the Chard Regeneration Scheme progresses the Hub can relocate to stimulate other premises if required.

### **The Need - Why Chard needs a business hub**

Chard is dependent on three large businesses which provide around 40 percent of the employment. While this is positive it would be good to diversify and expand the employment base. A business hub would attract and develop new businesses and support existing businesses to expand and diversify the employment base.

Chard has a reputation as having low aspiration, low pay and few opportunities for advancement. A business hub would help to create new opportunities and support people with aspirations to achieve.

Chard is poorly represented online and it appears (from online research) that uptake of digital marketing and services is low in Chard. A business hub with strength in digital services would support Chard to adopt modern promotional and marketing techniques and working practices.

The Chard Regeneration Scheme specifically recognises the importance of business incubation in Chard town centre stating one 'soft' regeneration initiative is to:

*“Work with the council and private sector to encourage the development of new incubation workspace in the town centre to promote social enterprise and innovation. Provide multi-functional spaces that support potential business start-ups and the artistic community of the area. Use the incubation spaces to promote innovation.”* Page 42, Chard Regeneration Framework (Rev.C 2010), LDA Design.

### **The Need - Facilities in Chard**

The 2015 Workspace Demand Study by Thomas Lister states:

*“...there is neither any serviced [office] provision nor any small office provision currently available”* (Section 8.17).

*“...the nearest offer is at Honiton (circa. 14 miles), or for meeting room hire (beyond the Chard Guildhall) at Ilminster (circa. 5 miles).”* (Section 6.18)

Note: The large “Stringfellow” meeting room is available at Holyrood Lace Mill subject to restrictions and a small meeting room is available upstairs at the Elios café.

### **The Need - Market failure & the need to intervene**

2015 Workspace Demand Study by Thomas Lister identifies market failure:

*“Chard is an area which has low property values (partly through poor quality accommodation and partly through lack of perceived demand). As such the potential for the market to deliver any new speculative scheme is severely constrained in terms of [commercial] viability.”* (Section 8.21)

*“As per Yeovil, the ability to provide some funding support to encourage delivery of small units (office and/or industrial) within Chard, with a view to stimulating demand and enhancing viability of development, might be worthy of further consideration.”* (Section 8.24)

### **The Need - How the Chard Business Hub help to overcome market failure**

The Hub will be the heart of soft regeneration:

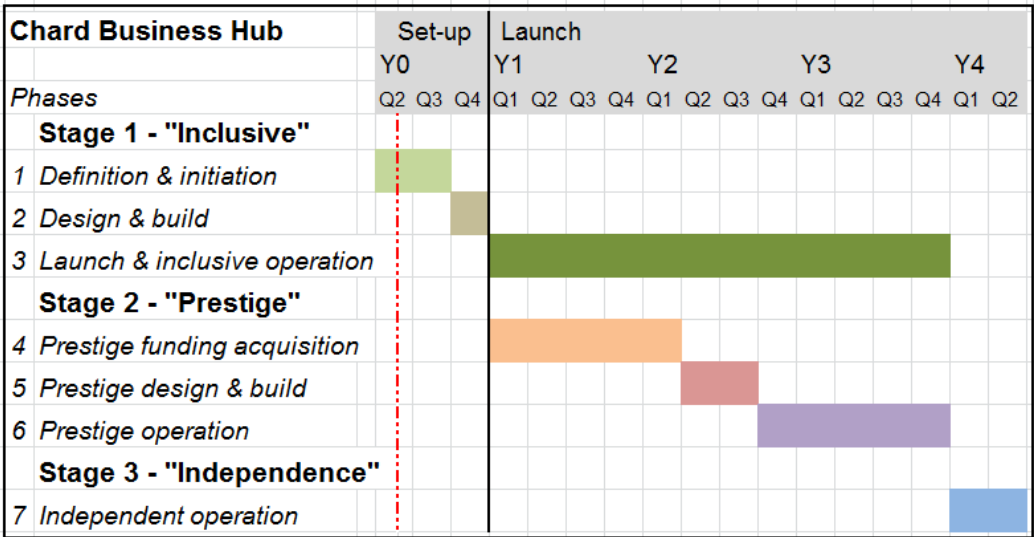
- Attracting people and businesses into Chard town centre
- Building new enterprise and creating new jobs
- Supporting and digitally enabling local businesses
- Supporting and enabling community projects and groups
- Raising the profile of Chard locally, regionally & nationally
- Building confidence, demonstrating demand and attracting investment (new businesses, new facilities)

### **The Project - Where we are and what we need to do**

The hub project is well defined however with significant public funding involved further definition is required. For example forming the Hub as a ‘not for profit’ community interest company (CIC) may make it easier to attract external funding. Insurance costs are dependent on the legal form. Property lease, access management, provision of digital connectivity and internal ICT networks and telephony systems have to be negotiated with SSSC and suppliers. Adaptation of the grade II listed building has to be agreed with SSSC and the conservation officer.

**The Project - Structure (stages, phases and timescales)**

The Hub project is divided into three stages and seven phases.



Note:

- If Stage 1 does not demonstrate demand Stage 2 will not progress.
- Phase 3 “Launch & inclusive operation” will last for two years unless Stage 2 secures funding, in which case it will be extended to three years funded as part of Stage 2.

**The Project - Governance**

To ensure public money is properly spent and the project is properly managed through to successful delivery, strong governance is required.

If appointed the Initial Project Board will agree a governance structure and legal form for the project and its independent operation. These will then be presented to Area West Committee for Members approval.

In the initial phase the project manager will be responsible for the day-to-day running of the project and will report to the Initial Project Board. The project board will be responsible for the overall management and direction of the project. The Initial Project Board will report to the Area West Committee on a monthly basis or as required by them.

**The Project – Risks**

There is inevitably risk when addressing market failure. The project proposal seeks to minimise investment and risk by developing the business hub in two stages: **Stage 1** creates a basic business hub with modest facilities and supports it to run for two years until it is established. Stage 1 will demonstrate demand. **Stage 2** will use this evidence of demand to raise funding to create a prestige hub with better facilities to attract a wider range of businesses.

The following table identifies risks and practical mitigation.

Phase	Risk	Impact	Prob-ability	Mitigation
1	Governance cannot be	High	Low	AW agree alternative

	established			governance structure
1	Suitable project manager cannot be recruited	High	Low	Agree AW NDO resource
1	Holyrood Lace Mill contract terms cannot be agreed	High	Low	Agree alternative premises
2	Costs exceed budget	Low	Low	Reduce specification
2/3	Suitable Hub manager cannot be recruited	Med	Med	(i) Retain project manager as interim Hub manager (ii) Revise offer & trial
2/3	Demand is low	High	Med	(i) Revise marketing strategy & trial (ii) Revise offer & trial
3	Target business are not recruited	Med	Low	(i) Revise marketing strategy & trial (ii) Revise strategy to work with demand
3/7	Hub manager is unable to run the hub successfully	High	Med	Ensure performance clauses are included in contract. Terminate contract after due period and support.
3/7	Hub is not financially viable	High	Med	Revise business model & trial

The critical risks are;

- (i) low take up and/or that
- (ii) the Hub manager cannot attract and retain businesses and run the hub effectively.

Ideally we would establish demand before investing in the project. However, desk based research suggests that it is extremely difficult to establish effective demand with any degree of accuracy, largely due to accessing a suitable target audience and the wide range of factors affecting decisions to start up and relocate businesses.

The 3 stage project proposal helps to minimise the risks.

**Stage 1** uses minimal investment to set up and operate a basic business hub, and uses that hub to establish and evidence demand. The maximum exposure if the project runs full term and the hub does not generate an income is projected to be £227,200. This is a worst case scenario and highly unlikely. The minimum exposure is c. £30,200. Further definition will explore the risk and exposure to inform decision making

**Stage 2** uses the evidence and experience of the initial hub to develop the business model and attract the further investment needed to create a more sophisticated, targeted business hub. If there is insufficient evidence of demand in Stage 1 the project will not advance to Stage 2 and losses will be minimised. The objective is that funding for Stage 2, the Prestige Hub, is drawn from other sources using the evidence of demand generated in Stage 1. Any further funding requirement will be addressed by a separate application.

**Stage 3 could see** the evidence and experience of **Stage 2** used to create an independent project.

### **The Outputs, Returns and Costs – Outputs**

The projected outputs mirror the aims, i.e.

- Raised public and business perceptions of Chard
- 12 new businesses supported to set up in Chard
- 30 local businesses supported to develop
- 30 community projects supported
- 15 people supported to find employment
- 10 new jobs created

### **The Outputs, Returns and Costs – Returns**

The hub will generate revenue from renting facilities and selling services. The projections for uptake are based on graduated uptake and a maximum capacity of 70% in Stage 1. The cost of rental and services have been kept low given that local rental rates are low in Chard and the service is new and untried. The intent is that the targets should be challenging but achievable in the current climate and local context.

**Budget analysis (indicative figures)**

**Stage1 – “Inclusive” design, build and supported operation**

Phase 1 – Definition & initiation (6mths)	Project cost	Budget	Notes
Detailed definition and approval	£500	£500	
Project initiation	£1,000	£1,000	
Promotion & communications	£2,000	£2,000	
Project management	£18,850	0	Cost covered through AWD NDO (includes £4000 recruitment cost saving)
Facilities & operating costs	£2,800	0	Costs covered through AWD NDO.
<b>Total</b>	<b>£25,150</b>	<b>£3,500</b>	

Phase 2 – Design & build (3mths)	Project cost	Budget	Notes
Design & specification	£2,000	£2,000	
Base build (including digital media studio)	£36,000	£36,000	
Marketing & promotion	£8,000	£8,000	
Project management	£10,900	0	Costs covered through AWD NDO.
Facilities & operating costs	£10,600	£10,600	
<b>Total</b>	<b>£67,500</b>	<b>£56,600</b>	

Phase 3 – Launch & supported operation	Project cost	Budget	Notes
Year 1			
Launch	£1,000	£1,000	
Project management	£13,600	0	Costs covered through AWD NDO.
Hub management & staff	£8,000	£8,000	
Facilities (rent, rates, service charges)	£22,000	0	Internal recharge
Operating costs	£25,600	£25,600	
INCOME	(£39,000)	(£39,000)	
<b>Total (year 1)</b>	<b>£31,200</b>	<b>(£4,400)*</b>	No net cost if hub revenue hits targets
Year 2			
Project management	£5,000	0	Costs covered through AWD NDO.
Hub management & staff	£9,800	£9,800	
Facilities (rent, rates, service charges)	£23,000	0	Internal recharge
Operating costs	£26,600	£26,600	
INCOME	(£62,000)	(£62,000)	
<b>Total (year 2)</b>	<b>£2,400</b>	<b>(£25,600)*</b>	No net cost if hub revenue hits targets
			*does not include cash-flow
<b>Total Stage 1 <u>net</u></b>	<b>£126,200</b>	<b>£30,200</b>	See notes below.

Note:

1. Total project cost given above is the net cost

Total outgoings	£227,200
Total income	<u>£101,000</u>
Net project cost	£126,200
  
2. The net project cost and net budget are dependent on Hub revenue targets being met. Underperformance would increase project cost and budget.
  
3. Budget totals do not include cash-flow support.

### **Projected Financial returns**

Within the project period;

- £33,200 rental income
- £6,900 business rates

Annually thereafter;

- £14,500 rental income
- £3,000 business rates
- Share of profits (IRO £10,000 pa)

### **The Outputs, Returns and Costs – Costs**

- (i) The project costs include project management fees and a facilities component for the project manager. Initially, it is proposed that the cost of this is met through the project being managed by the AW Neighbourhood Development Officer for Chard. This would be an appropriate and legitimate use of an existing resource in the short term, but it should be noted that in the longer term additional resource may be needed.
  
- (ii) The project costs will also include an amount for rent, rates and service charges which will be paid as income to SSDC.

### **Summary**

#### **The Need**

There is a need for a business hub in Chard and this is recognised by the Chard Regeneration Scheme. There is a severe shortage of office premises and there is market failure: rents are low and a perceived lack of demand makes investment high risk and so commercially not viable. (Lister 2015)

#### **The Hub**

The Hub will promote Chard and the local community will benefit as new businesses are attracted to the town centre increasing use of local shops and providing new services and employment. Digital and media skills from the hub will help local businesses and community organisations to develop. The hub will provide opportunities for people to set up in business and participate in community projects to build their portfolio, promote their services and build local relationships. Based at the Holyrood Lace Mill the hub will bring empty office space into use and provide revenue for SSDC.

#### **The Project**

The Hub and the project to deliver it need more work to define and agree the detail necessary to support the investment of public funds. The Area West Development

Team seek confirmation that this additional work is supported by the Members and ask that funding is set aside to deliver the project.

To oversee this work it is proposed that a project manager and an initial project board are appointed to direct definition of the project. Once agreed the project will be brought back to Area West Committee for Members to approve the plans and governance, and allocate funding.

### **The Finance**

Detailed definition is required to establish more accurate costs however the indicative figures show the hub project would have a total cost of £227,200 over the 2¾ years. The projected income is £101,000 giving a net project cost of £126,000.

If the AW development team project manage the project then project management costs are covered under the NDO's role making a net project cost of £77,850.

If rent, service charges and rates payable to SSDC as owners of the Lace Mill are deducted the net project cost becomes £30,200.

These net costings are dependent on the hub meeting income targets. These targets are set at a maximum of 70% of capacity.

### **Financial Implications**

There are no financial implications arising directly from this report. However, approval of the recommendations will lead to a further report with recommendations to allocate funding as indicated.

### **Implications for Corporate Priorities**

#### **SSDC Council Plan 2012-2015**

Focus 1 – Jobs: The Chard Business Hub will

- maintain the jobs we have and bring new jobs to our towns
- encourage the creation of new, high value employment by attracting investment and fostering the growth of small and medium sized companies
- promote business diversification and innovation
- provide opportunities and support for employment including youth employment

Focus 2 – Environment:

- Reduce commuting, shopping and business miles by the provision of local facilities, local employment and uptake of digital technologies.

Focus 4 – Health & communities

- Supporting local community groups and businesses to promote and engage through participation in community projects and using media and digital technologies.

#### **Chard Regeneration Scheme**

*“Work with the council and private sector to encourage the development of new incubation workspace in the town centre to promote social enterprise and innovation. Provide multi-functional spaces that support potential business start-ups and the artistic community of the area. Use the incubation spaces to promote innovation.” Page 42, Chard Regeneration Framework (Rev.C 2010), LDA Design*



## **Carbon Emissions & Adapting to Climate Change Implications**

Chard is of a size where a healthy resident could easily walk or cycle to the centre to their workplace. The hub would reduce commuter car miles and subsequent carbon emissions. Use of digital technology also reduces the need to travel

## **Equality and Diversity Implications**

The hub will open to all and will be promoted to all groups and members of the community. Any promotional materials will be produced to an accessible standard.

The building and fourth floor are accessible and conform to equality and diversity legislation.

Access4All will undertake a full access review and will also advise on plans for the hub as they come forward.

## **Background Papers**

1. Chard Regeneration Framework (Rev.C 2010), by LDA Design
  2. Workspace Demand Study (October 2015), by Thomas Lister
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# Agenda Item 9

## **Affordable Housing Development Programme**

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### **Purpose of the Report**

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2014/15 in relation to Area West, the position for the current financial year and future prospects.

### **Recommendation**

The Committee are asked to note 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.

### **Public Interest**

This report covers the provision of affordable housing in Area West over the past year, during the current year and anticipates the likely delivery of more affordable homes being constructed in the future. It will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and its Housing Association partners.

“Affordable” housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder). A more detailed description of these terms and the various types of affordable housing can be found on the leaflet reproduced as Appendix A.

This report covers the level of public subsidy secured (which is necessary in order to keep rents at below market rates) and sets out where affordable housing has been completed. It does not cover the letting of the rented housing or the sale of the shared ownership homes; in short, it is concerned with the commissioning and delivery stages only.

### **Background**

The overall programme is usually achieved through mixed funding (Social Housing Grant [administered by the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association reserves and planning obligations obtained under s106 of the Town and Country Planning Act 1990) and the careful balancing of

several factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was considered by the Area West Committee on 15<sup>th</sup> October 2014 which considered the outturn for the previous financial year (2013/14) and the position for the then current financial year (2014/15). An annual update report on the programme was provided to the District Executive on 1st October 2015. The report to the District Executive gives more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

In recent years a significant element of the affordable housing delivery programme has been produced through planning obligations within larger sites being brought forward by private sector developers. However the delivery of these is tied to wider economics, not least the developers view of prevailing market conditions and the speed at which they estimate completed properties will sell at acceptable prices. Typically the required affordable housing is agreed at the outset of larger sites, but delivered as the site progresses over a number of years.

Housing Associations typically provide rented property on two different rent regimes – ‘social rent’ and ‘affordable rent’ – both are affordable in the sense that they are both sub-market but they are calculated using different formulae. In South Somerset, as in most of the South of England, ‘affordable rent’ tends to be more expensive than ‘social rent’. The Chancellors announcements during 2015 imposing an overall reduction in Housing Association rents over the next four years has significantly affected borrowing ability (based on projected rental streams), leading to shortfalls in the funding arrangements for schemes already part way through the pipeline. Further background detail on this aspect can be found in the report that was considered by the District Executive in October 2015.

The Government has begun to promote a new form of Starter Home although these still currently fall outside the definition of affordable housing in the current NPPF. The current drafting of the Housing and Planning Bill (still making its way through Parliament as this report was composed) will put a new duty on local authorities to promote Starter Homes. As currently framed a Starter Home will effectively be a discounted market product where the discount is 20% of the market price, repayable if resold within five years and only available to first time buyers under the age of 40. There will also be an overall price cap of £250,000 outside London.

### **2014/15 Outturn**

During 2014/15 ninety-four properties were developed in Area West, the details of which are shown at Appendix B. Seven schemes were delivered by four different Housing Associations in four different settlements, in total benefiting from just over £1¾ million in capital subsidy provided mainly through the HCA.

This includes the Community Land Trust scheme at Norton-sub-Hamdon, the first such scheme to complete in South Somerset, as the site straddles the parish (and thus the Area) boundaries, being mainly within the parish of Chisleborough.

Three of the schemes were in Chard with three different Housing Associations providing a total of fifty-seven properties. In addition, twenty-six properties on three sites in Chard were delayed until this financial year making this outturn slightly lower than anticipated when reported to the Area Committee in October 2014.

Two sites – part of the Mitchell Gardens scheme in Chard and the entire Canal Way scheme in Ilminster – produced affordable housing through planning obligation alone, a total of twenty-nine new homes. On these two sites the rented element comes under the social rent regime, as determined by the relevant planning policy. On every other site the homes for rent came under the affordable rent regime.

The majority of new homes in Chard have been delivered by two Housing Associations – Knightstone and Stonewater - using grant funding from the HCA. In the case of the second (and final) phase of Stonewater's scheme at Great Western Road, grant was initially made available by the District Council but 'de-allocated' following the HCA award. The award of HCA grant determines that the rented element comes under the affordable rent regime.

The completion of the these two grant funded schemes, together with the completion of the obligated houses at Mitchell Gardens and the other schemes that have slipped into the current financial year, represents significant delivery in Chard after several years of very low delivery (at least in terms of general needs housing).

Although four dwellings are reported on the appendix in Crewkerne, only two of these are new homes. The other two are acquisitions from within the private sector stock, as previously reported. All four were delivered by Yarlinton, with the two new build homes being on land they already owned at Hardy Court.

### **2015/16 Current Programme**

The programme for the current financial year is shown at Appendix C. Three schemes have already completed, in Chard and Horton, and a fourth, also in Chard, is underway, involving three different Housing Associations. A total of thirty-two new homes will be produced, benefitting from just over £¾ million in capital subsidy mostly made available by the HCA.

There have been a number of changes since the last report to the Area Committee, sixteen months ago.

- The Council had previously allocated £240,000 to Yarlinton to develop a scheme at Broadway Farm, Merriott. This proposal fell through and the funds were formally deallocated by the District Executive as part of the Quarter 1 Capital Monitoring Report considered in August 2015.
- The HCA allocated Yarlinton £ 166,000 to develop six houses on land they already owned at Millfield in Chard. The original proposed scheme proved to be unfeasible and Yarlinton were pushed hard to find an alternative use for these funds within the timescale demanded by the HCA. They now propose to develop a scheme of six dwellings on land at South Cadbury, currently subject to planning permission, which saves the HCA allocation within South Somerset but reduces overall delivery from that originally anticipated in Area West.
- The Council allocated £120,000 and had agreed to the disposal of land at Furnham Road Chard to Knightstone for the creation of nine new dwellings for rent. Difficulties with land costs on this site, together with the reduction in borrowing ability from revised outcome rents caused a funding shortfall and Knightstone are no longer pursuing the scheme.

The three completed schemes include the most recent rural exception site in the district where Hastoe have created six new properties for rent on former county council land immediately adjacent to their previous exceptions development at Shave Lane in Horton. The scheme benefitted from grant funding from both the District Council and the HCA.

The Yarlington scheme at Mitchell Gardens in Chard represents the final phase delivered under the planning obligation by Redrow on this site. Affordable housing delivery on this site has straddled three different financial years and, once again, is the only new source of social rent this financial year.

The other Chard scheme has been the conversion by Stonewater of the old Chard Working Men's Club into five flats – one of which is two bedroomed, the other four being one bedroom. In addition to creating new homes, this scheme will bring a prominent empty property back into use and received a small amount of additional funding from the district council under the empty property grant regime. Stonewater's acquisition of Chard Working Mens Club achieved some land assembly as they already owned properties adjoining the land at the rear of the building, allowing the potential for a future infill scheme of four 2 bedroomed properties

The scheme underway is Stonewater's other Chard site at Millfield, another scheme involving a mix of capital subsidy from both the Council and, mainly, the HCA. It is currently anticipated that this scheme will complete at the very end of the financial year so any delays, for example brought about by bad weather, would mean it is likely to slip into next financial year.

Whilst unlikely, it remains possible that there may be another acquisition, such as a mortgage rescue or a 'Bought not Built' within Area West before the end of this financial year.

#### **Future Programme Prospects: 2016/17 +**

Future prospects in Area West for 2016/17 and onwards are shown at Appendix D. It should be noted that only one scheme, with funding secured, is shown here but it is currently subject to appropriate planning permission.

The proposed scheme at Misterton arises as follows:

- *A local rural housing needs survey was undertaken in Misterton, published in June 2004 which identified a need for six additional affordable dwellings in the village. Ordinarily this need could have justified a new 'rural exceptions scheme', developing affordable housing outside of the village envelope. However it was established that some affordable housing would come forward within the current development boundary for the village through planning obligations.*
- *The scheme of 100 new houses at the former Bradfords Yard, immediately north of Crewkerne railway station was originally given planning permission on the basis of providing ten affordable dwellings (just 10%). As the site is within the parish of Misterton these ten could have met the need identified in the local survey.*
- *However the developer, Betterment Homes, later came back with a viability case (under section 106BA of the 1990 Town and Country Planning Act) which was independently verified by the District Valuer. The Council was obliged to agree to the removal of any remaining affordable dwellings from the site.*

- *Our Housing Association partners were alerted to the fact that the success of Betterments viability case meant that we had completely failed to address the needs identified in the parish survey so many years ago. Yarlington brought forward an opportunity to develop a site adjacent to some of their existing stock, subject to planning.*
- *The substantive site is capable of producing something in the region of 30 dwellings but the District Executive in October 2015 agreed to allocate £396,661 towards the first 17 only – being 11 for social rent and 6 shared ownership. This would address the very local need and probably also provide some additional housing for the general Crewkerne area given the significant constraint on affordable housing delivery locally.*
- *In addition to the allocation being subject to planning permission, Yarlington will be expected to submit a bid to the HCA, possibly for the whole site. If successful this would release funds back into the rural contingency pot.*
- *It should be noted however that the HCA are unlikely to pick up the cost of subsidy for the proposed rented dwellings leaving at least 11 dwellings to be subsidised from Council funding.*

There could be further gains in the coming years from planning obligation sites, although none of these are reported here as we cannot be certain about timing and also because there could be future viability issues which result in the level of affordable housing being reduced on certain sites. One example is the Clipper site in Merriott which is well underway and carries an obligation to produce at least two affordable homes as part of the overall development. This scheme does not appear in Appendix D as, currently, there is no contract in place between the developer and any particular housing association. Members will also be aware of other potential sites which have come forward for outline planning permission.

In recognition of the need to maintain delivery in more rural parts of the district, available capacity within the strategic housing unit has been reprioritised. There is now a part time housing development officer post dedicated to rural schemes and, following internal recruitment, Leisa Kelly joined the team at the start of December in this role (direct line 01935 462641)

### **Financial Implications**

The level of SSDC capital funding is shown in the appendices. However this does not indicate the size of the unallocated programme, including the rural housing fund. The main contingency funding has traditionally been held back to meet operational requirements, such as “Bought not Builts” for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

There are no new financial implications arising from this report.

### **Carbon Emissions & Climate Change Implications**

Previously all affordable housing in receipt of public subsidy, whether through the HCA or from the Council, had to achieve the minimum code three rating within the Code for Sustainable Homes. The HCA has now dropped this requirement and work has been undertaken to understand the precise differences between code three and current building regulations (which have improved). Whilst the Council may be able to seek

slightly higher standards than those achieved through building regulations where it is the sole funder of schemes, this is rarely the case as usually there is some HCA grant sought at some stage.

### **Equality and Diversity Implications**

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom 'reasonable preference' must be shown.

### **Implications for Corporate Priorities**

The Affordable Housing development programme clearly provides a major plank in addressing "Focus Three – Homes" and in particular meets the stated aim:

*"With partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable."*

and the major statement in the Plan:

*"We want decent housing for our residents that matches their income"*

### **Privacy Impact Assessment**

This report does not directly impact on any data held of a personal nature.

**Background Papers:** Area West Affordable Housing Development Programme  
Area West Committee – 15th October 2014

Affordable Housing Development Programme  
District Executive – 1<sup>st</sup> October 2015

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## Appendix A:

### Affordable Housing – Some definitions

“Affordable housing” is a commonly used term but what does it actually mean?

The most helpful definition is in national planning guidance known as the National Planning Policy Framework or ‘NPPF’ (First created in 2012, but subject to revision from time to time). In essence this defines ‘**affordable housing**’ as housing made available for people who cannot otherwise access appropriate housing on the open market.

The NPPF also expects affordable housing to be available *in perpetuity* (or if relevant restrictions are lifted the subsidy involved has to be recycled). Otherwise, there is no other clear definition of what is ‘affordable’ although most academics consider overall housing costs as a percentage of household income.

As market conditions can change, the cost of housing can come down, it is better to consider affordable housing to be ***housing made available for those people who cannot otherwise afford housing in the prevailing market.***

#### Types of affordable housing

There are several main types of affordable housing. In planning terms these are: Social rent, affordable rent and intermediate. The NPPF currently states that intermediate includes shared equity, other low cost homes for sale and intermediate rent. The HCA (Homes and Communities Agency, being the main funding arm for central Government) also uses several other labels for different types of affordable housing.

**Social rent** housing is rented housing made available by social landlords such as Councils and Housing Associations (and this is what most people mean when they say ‘council housing’). Social rent housing tends to have the lowest rent available and is subject to a specific rent setting formula which dates back to 2004. This formula includes a ‘target rent’ which is the term sometimes referred to by Housing Associations and the HCA. In 2015 the Chancellor announced that all social rents will decrease by 1% annually for the next four years.

**Intermediate** housing basically refers to any other form of affordable housing because it is more expensive than social rent housing but still below the prevailing market.

**Intermediate rent** is, thus, housing available at a rent higher than social rent but still below the prevailing market rent. The HCA have previously subsidised particular schemes labelled ‘intermediate rent’ and they tend to mean these when they use the term, but other intermediate rent is not necessarily HCA-funded.

**Affordable rent** is the model which the Government expected Housing Associations to deliver when receiving HCA funding from the 2011-15 funding round onwards. Rents are set at ‘up to 80%’ of the market rent and thus are usually higher than social rent, and subject to a different rent setting formula. The NPPF defines ‘affordable rent’ as separate from ‘intermediate rent’ but in reality it is an intermediate product. In 2015 the Chancellor announced that all affordable rents will decrease by 1% annually for the next four years, so from July 2016 they will be set at ‘up to 79%’ of the market rent (and so on).



**Shared ownership** and **shared equity** are models where the household part owns and, usually, part rents. Usually the household can 'staircase up' by purchasing additional tranches, i.e. to own a higher percentage of the equity. Where a residual rent is paid this reduces as the equity increases. Usually if the households circumstances change sufficiently, they can 'staircase out' and become outright owners. In some cases there is a cap on the degree of staircasing, often at 80%, in order to prevent the property from becoming completely open market.

**Discounted market housing** is owner occupied housing sold at a significant discount below the prevailing market. It is possible that this might only benefit the first purchaser and that any subsequent sale would be open market. In order to fall within the current definition of affordable housing in the NPPF there has to be a mechanism in place to ensure that the discount is available to future purchasers *in perpetuity*.

The Government are now proposing a new form of **Starter Homes** aimed at first time buyers under the age of 40. They propose that these will be at a discount of 'at least 20%' and capped at no more than £250,000 (outside London). After five years the discount would not be repayable, so this form of discounted market housing doesn't meet the perpetuity requirement of the current NPPF definition and thus isn't 'affordable' in current planning terms. However the Government have said they will amend the NPPF to encompass Starter Homes.

**Homebuy** is the term used by the Government (& the HCA) to describe its various different shared ownership and affordable housing schemes. For a while they relabelled traditional shared ownership schemes as 'newbuild homebuy', but they seem to have realised this was just confusing and have generally gone back to using the term shared ownership.

**Homebuy Direct**, also relabelled 'Firstbuy' by the Government, is a form of shared equity where the household purchase the entire property but up to 20% of the purchase price is covered by an equity loan split between the HCA and the developer. The equity loan is repaid on sale, thus the property is not affordable *in perpetuity*. There is a variation of this product specifically aimed at armed forces personnel where the equity loan could be up to 50%; another variation aimed specifically at people with long term disabilities and another for older people.

## Appendix B: Combined HCA & SSDC Programme 2014/15 outturn

	HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	Level of grant from HCA	Planning Obligation	Anticipated completion
<b>Chard</b>	Knightstone	Furnham Road	0	31	10	41	41	£975,000	£0	£0	£975,000		Feb-15
	Stonewater	Great Western Road, Phase 2	0	10	0	10	10	£236,579	£0	£0	£236,579		Jun-14
	Yarlington	Mitchell Gardens*	6	0	0	6	6	£0	£0	£0	£0	✓	Mar-15
<b>Crewkerne</b>	Yarlington	Purchase & Repair	0	1	1	2	2	£169,000	£89,000	£0	£80,000		Mar-15
	Yarlington	Hardy Court	0	2	0	2	2	£80,090	£0	£0	£80,090		Mar-15
<b>Ilminster</b>	Aster	Canal Way	11	4	8	23	23	£0	£0	£0	£0	✓	Jan-15
<b>Rural</b> (population below 3,000)	Yarlington	Minchington Close, Norton-Sub-Hamdon (CLT)**	0	8	2	10	10	£420,000	£0	£0	£420,000		Sept-14
<b>Totals</b>			<b>17</b>	<b>56</b>	<b>21</b>	<b>94</b>	<b>94</b>	<b>£1,880,579</b>	<b>£89,000</b>	<b>£0</b>	<b>£1,791,579</b>	<b>29</b>	

\*Completions at Mitchell gardens straddle financial years

\*\*Site actually within Chisleborough, hence inclusion in this report

### Appendix C: Combined HCA & SSDC Programme 2015/16 underway

	HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	Level of grant from HCA	Planning Obligation	Anticipated completion
Chard	Stonewater	Rosebank, Millfield Road	0	10	0	10	10	£335,786	£98,000	£0	£237,786		Mar-16
	Stonewater	Working Men's Club*	0	5	0	5	5	£366,575	£0	£0	£366,575		Nov-15
	Yarlington	Mitchell Gardens**	8	0	3	11	11	£0	£0	£0	£0	✓	Apr-15
Rural (population below 3,000)	Hastoe	Shave Lane, Horton	0	6	0	6	6	£177,996	£48,000	£0	£129,996		Nov-15
		<b>Totals</b>	<b>8</b>	<b>21</b>	<b>3</b>	<b>32</b>	<b>32</b>	<b>£880,357</b>	<b>£146,000</b>	<b>£0</b>	<b>£734,357</b>	<b>11</b>	

\*Chard Working Mens Club included empty property grant not shown here

\*\*Completions at Mitchell gardens straddle financial years

### Appendix D: Proposed Combined HCA & SSDC Programme 2016/17+

	HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	Level of grant from HCA	Planning Obligation	Anticipated completion
Rural (population below 3,000)	Yarlington	Misterton*	11	0	6	17	17	£396,661	£396,661	£0	£0		2016
		<b>Totals</b>	<b>11</b>	<b>0</b>	<b>6</b>	<b>17</b>	<b>17</b>	<b>£396,661</b>	<b>£396,661</b>	<b>£0</b>	<b>£0</b>		

\* Subject to planning permission

# Agenda Item 10

## Local Housing Needs in Area West

Assistant Director: Steve Joel, Health and Wellbeing  
Service Manager: Kirsty Larkins, Housing and Welfare Manager  
Lead Officer: Kirsty Larkins, Housing and Welfare Manager  
Contact Details: kirsty.larkins@southsomerset.gov.uk or (01935) 462744

### Purpose of the Report

The purpose of this report is to give Councillors an update on housing need in Area West.

### Public Interest

The report gives an overview of numbers on the Housing Register (Homefinder Somerset) in Somerset and the demand for housing in Area West.

### Recommendation(s)

That:

1. Members discuss matters of interest to the local area arising from the reports and presentation;
2. Members identify further or future information to be considered by the Area West Committee or other forum.

### Background

Homefinder Somerset (HFS) was launched in December 2008 in partnership with the other four Somerset Authorities. Since the introduction of HFS housing needs data is more readily available and the scheme has made the allocation of social housing transparent.

Increased provision of affordable, good quality, homes in South Somerset remains a high priority. This has been evidenced by the countywide Sustainable Community Strategy 2008-2026, and by South Somerset District Council's "Our Plan- Your Future" 2012-2015.

### Housing Need across Somerset

#### Information from the Somerset Housing Register

**Table 1** sets out the numbers of applicants on the Homefinder Somerset register as at 28<sup>th</sup> January 2016 within each Local Authority area by band.

**Table 1**

Local Authority	Emergency	Gold	Silver	Bronze	Grand Total
Mendip District Council	1	147	587	568	1303
Sedgemoor District Council	1	191	582	1583	2357
South Somerset District Council	4	273	707	1088	2072
Taunton Deane Borough Council	3	333	581	1639	2556
West Somerset Council		81	168	369	618

Grand Total	9	1025	2625	5247	8906
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### Housing Need in Area West

**Table 2** summarises the figures for households on the Homefinder Somerset Register expressing their first choice of location for Area West as at 28<sup>th</sup> January 2016. Some parishes may not appear in the list, this is because no-one on the Housing Register has selected the parish as a first choice.

Parish First Choice	Gold	Silver	Bronze	Grand Total
Ashill		1		1
Broadway	1	3	3	7
Buckland St Mary	2		1	3
Chaffcombe		1	1	2
Chard Avishayes	1	14	35	50
Chard Combe	4	6	11	21
Chard Crimchard	1	10	19	30
Chard Holyrood	5	21	38	64
Chard Jocelyn	6	20	30	56
Chiselborough	1			1
Combe St Nicholas	1	2	5	8
Crewkerne	15	45	51	111
Haselbury Plucknett	1	1		2
Ilminster	11	28	40	79
Merriott	1	3	13	17
North Perrott			1	1
Tatworth & Forton		6	6	12
Wambrook			1	1
Winsham			1	1
Grand Total	50	161	256	467

**Table 3** below shows the number of households and their bedroom requirements by parish in Area West as at 28<sup>th</sup> January 2016. Members should note that this may include applicants not currently resident in Area West.

Parish First Choice	1	2	3	4	5	6	Grand Total
Ashill				1			1
Broadway	3	1	3				7
Buckland St Mary	1	1	1				3
Chaffcombe	2						2
Chard Avishayes	21	20	8	1			50
Chard Combe	4	12	3	1		1	21
Chard Crimchard	11	12	5	1	1		30

Chard Holyrood	34	23	5	2			64
Chard Jocelyn	35	14	7				56
Chiselborough		1					1
Combe St Nicholas	5	3					8
Crewkerne	70	30	10	1			111
Haselbury Plucknett	1		1				2
Ilminster	52	21	3	2	1		79
Merriott	12	2	3				17
North Perrott	1						1
Tatworth & Forton	7	2	3				12
Wambrook	1						1
Winsham	1						1
Grand Total	261	142	52	9	2	1	467

**Table 4** shows the number of properties advertised in Area West from 28/01/15 until 28/1/16 broken down by Registered Partner. If the parish does not appear in the list it means no properties have been advertised during the above time frame.

Area	Aster Communities	Hastoe HA	Jephson HA	Knightstone HA	Magna HA Ltd	Sanctuary HA	Stonewater	William Sutton Homes	Wyvern Rural Housing Association	Yarlington Housing Group	Grand Total
Buckland St Mary		1								1	2
Chard Avishayes				27			23			52	102
Chard Combe							3			50	53
Chard Crimchard				2	1		2			10	15
Chard Jocelyn							1			71	72
Combe St Nicholas										10	10
Crewkerne				3	3		7			41	54
Donyatt										1	1
Haselbury Plucknett										3	3
Ilminster	5		1				1	9		76	93
Merriott										17	17
Misterton										2	2
Tatworth & Forton		1			1					13	15

Winsham					1					5	6
Total	5	2	1	32	6	0	37	9	0	352	445

### **Financial Implications**

None

### **Council Plan Implications**

#### **Focus Three: Homes**

Minimise impact to our residents of the major changes to housing and council tax benefits proposed by Government

Minimise homelessness by providing advice, support and housing options

With Partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable.

### **Carbon Emissions and Climate Change Implications**

None

### **Equality and Diversity Implications**

None

**Background Papers:** DX Report Revised Homefinder Somerset Policy 03/10/2013

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# Agenda Item 11

## Planning Appeals

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* David Norris, Development Manager  
*Contact Details:* david.norris@southsomerset.gov.uk or 01935 462382

## Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

## Recommendation

That the report be noted.

## Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

## Report Detail

### Appeals Received

15/04104/FUL – Barn Cottage, East Street, Chiselborough, Stoke Sub Hamdon (Officer Decision)

Replacement of 2 No. dormer windows, front window and front door (GR346987/114710)

15/04105/LBC – Barn Cottage, East Street, Chiselborough, Stoke Sub Hamdon (Officer Decision)

Replacement of 2 No. dormer windows, front window and front door (GR346987/114710)

15/03263/S73A – 7 Court Farm Close, Winsham, Chard (Committee Decision)

Application to vary condition 02 (approved plans) of 14/05486/FUL for the addition of 4 No. radius oak braces to side elevation (GR337625/106141)

### Appeals Dismissed

14/01289/FUL – Barns at Lower Wood Close Lane, Allowenshay, Hinton St George (Committee Decision)

Alterations to include demolition of building, conversion of outbuilding to form 2 No. dwellings, the erection of a single storey extension and the erection of a detached garage (GR 339505/113272)

The Inspector's decision letter is shown on the following page.

**Background Papers:** None

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## Appeal Decision

Site visit made on 24 November 2015

**by David Walker MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 January 2016**

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**Appeal Ref: APP/R3325/W/15/3128926**

**The Old Milking Parlour and Calf Pens, Allowenshay, Hinton St George, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Messrs Rutter Bros against the decision of South Somerset District Council.
  - The application Ref 14/01289/FUL, dated 4 March 2014, was refused by notice dated 10 December 2014.
  - The development proposed is conversion of outbuildings into two dwellings, demolition of outbuilding and construction of garages.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Subsequent to the Council's decision on the planning application, the South Somerset Local Plan 2006-2028 (March 2015) (the Local Plan) has been adopted and I have determined the appeal in the light of the policies of this plan.
3. An undertaking under section 106 of the Town and Country Planning Act 1990 has been submitted by the appellants to address the main areas of concern of the Council. I return to the adequacy of this below.

### Main Issue

4. The main issue in the appeal is the effect of the proposal on the living conditions of future occupants having regard to the proximity of the farmyard and the risks presented by noise, pests and odours.

### Reasons

5. The Council's sole reason for refusal surrounds the risks presented to the living conditions of the future occupants of the proposal as a result of the close proximity of livestock in the adjoining farmyard and associated buildings. The technical evidence of the Environmental Protection Officer (the EPO) indicates that the concentration of animals in close quarters could lead to complaints over noise, odours and pests.

6. I have no reason to doubt the EPO's technical evidence. The appellants' Fly, Noise and Odour Impact Statement does not substantively question the validity of the Council's position and concludes that the submitted undertaking would result in an acceptable standard of residential amenity. Accordingly, there would appear to be common ground between the parties that mitigation is required in respect of this matter.
7. In principle, I therefore agree that adequate mitigation is required to ensure compliance with Policy EQ2 of the recently adopted Local Plan and which seeks to ensure the creation of quality places and that site specific considerations are taken into account. Moreover, the National Planning Policy Framework (the Framework), to which the Council also refers, states at paragraph 17 the core planning principle to 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.
8. Nevertheless, the Council considers that the submitted planning obligation would be ineffective and unenforceable. I share some of these concerns. In the absence of full title information, it cannot be determined that all persons with an interest in the land are a party to the undertaking. The Second Schedule is lacking in necessary precision as there would be nothing to prevent the signatories from allowing others to keep livestock at the farmyard. I also agree with the Council that the obligation as drafted would not be sufficient to prevent other types of animals being kept that might not qualify as livestock but that could give rise to similar problems.
9. Having regard to the detailed advice contained within Annexe N to the Procedural Guide - Planning Appeals - England (April 2015) I find that the submitted undertaking would not be effective and that it cannot be relied upon to provide the mitigation required to bring the proposal into compliance with the policy requirements of the Local Plan and Framework.
10. In the absence of a robust scheme that would secure appropriate mitigation, I therefore conclude that the proposal would cause unacceptable harm to the living conditions of future occupants by reason of noise, pests and odours associated with the existing use of the adjoining farmyard, giving rise to conflict with Policy EQ2 of the Local Plan and paragraph 17 of the Framework.

### **Conclusion**

11. For the reasons given above, and having regard to all other matters raised including the support for the proposal provided by other parties, I conclude that the appeal should be dismissed.

*David Walker*

INSPECTOR

# Agenda Item 12

## Schedule of Planning Applications to be Determined by Committee

Assistant Director: Martin Woods, Economy  
 Service Manager: David Norris, Development Manager  
 Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 7.00 pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.50 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	PARRETT	15/02183/FUL	The erection of 1 No. wooden gypsy lodge, toilet and stables/tackroom (Part Retrospective Application). (GR 347716/110462)	Half Pennyfield Stonage Lane Haselbury Plucknett	Miss Lovie Hughes
14	CREWKERNE	14/02141/OUT  15/04084/DPO	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  Application to modify S106 agreements dated 31st January 2013 between SSDC and SCC and Taylor Wimpey Ltd in respect of planning permission reference 05/00661/OUT.	Crewkerne Key Site, Land between A30 and A356, Crewkerne	Taylor Wimpey Homes

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

### **Referral to the Regulation Committee**

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

### **Human Rights Act Statement**

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

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# Agenda Item 13

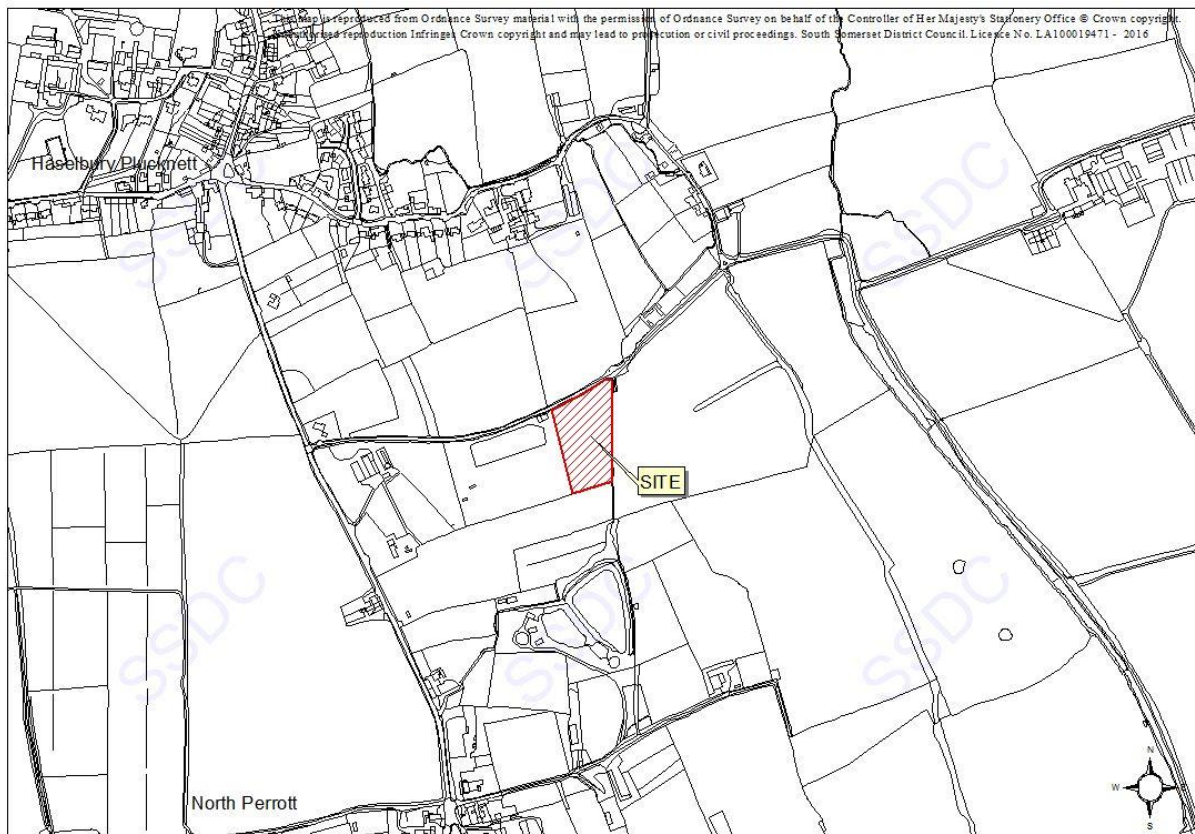
## Officer Report On Planning Application: 15/02183/FUL

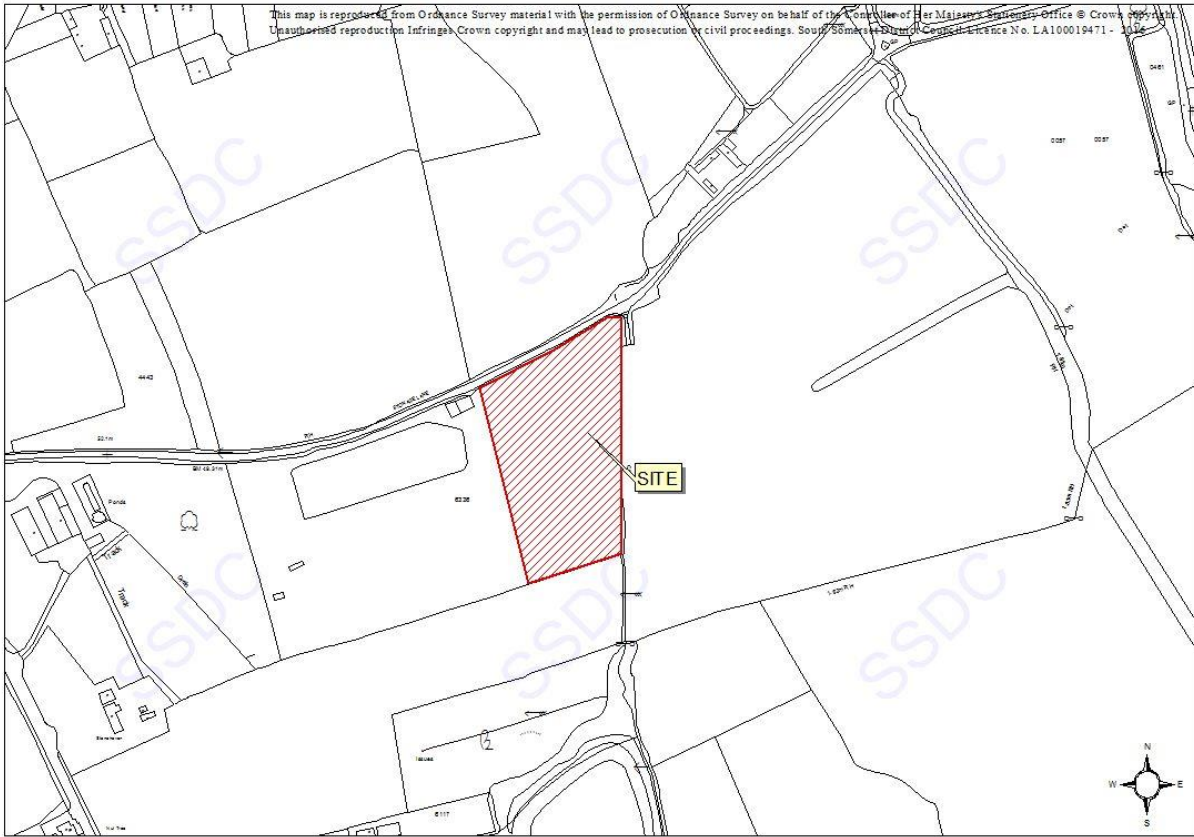
<b>Proposal :</b>	The erection of 1 No. wooden gypsy lodge, toilet and stables/tackroom (Part Retrospective Application). (GR 347716/110462)
<b>Site Address:</b>	Half Pennyfield Stonage Lane Haselbury Plucknett
<b>Parish:</b>	North Perrott
<b>PARRETT Ward (SSDC Member)</b>	Cllr R Pallister
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	7th July 2015
<b>Applicant :</b>	Miss Lovie Hughes
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee at the request of the Ward Member and in agreement with the Chair to consider and discuss the cumulative highway and landscape impact of the proposal.

### SITE DESCRIPTION AND PROPOSAL





The application site is located on the southern side of Stonage Lane, approximately 0.5 km to the south of Haselbury Plucknett. The application site is located 300 metres from the junction of Stonage Lane with North Perrott Road. The surroundings are predominantly rural with small holdings located to the north. The application site comprises a rectangular shaped field, bounded by hedgerows. A wooden residential lodge structure is located towards the south western part of the site along with a wooden compost toilet. Vehicular access is gained via an existing pull in area from Stonage Lane, in the north west corner of the site.

The application, as amended, seeks consent for 1 gypsy pitch and has been submitted by Miss Lovie Hughes, a Romany gypsy. The application includes retention of the existing toilet and lodge, along with an area for a caravan, parking provision and stabling. The existing access from Stonage Lane will be used to serve this development.

The application is accompanied by a supporting letter which outlines that the applicant is a Romany gypsy and from a well known gypsy family in the area. She travels to many horse fairs selling horse and gypsy related items. The applicant was made homeless when the family were evicted from the site at Gawbridge and has been living in her car. She is seeking permission for this site in order to gain a safe and secure site on which to live.

Following advice from the Council's Highway Consultant, the applicant commissioned a traffic survey to be undertaken to ascertain the level of use of the junction of Stonage Lane with the A3066 and general use of the A3066.

## HISTORY

No relevant planning application history on this site.

A complaint was received in 2014 regarding alleged residential occupation of the site. Upon

investigating the complaint, a mobile caravan was found along with the wooden lodge and toilet structure. No-one was found living on site at the time of the site visit, although it was very likely that some form of residential occupation had taken place in the wooden lodge. The previous owner of the site confirmed in writing that the wooden lodge was constructed in 2008. No planning permission was sought for the lodge and there is no record of any complaint being made at the time. The mobile caravan has since been removed from the site. In addition, as the building has been on site for more than 4 years, it would be immune from enforcement action. However, following the investigation into the site and identifying the owner, this has resulted in the submission of the current application.

## **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,

### Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2015)  
SD1 - Sustainable Development  
HG7 - Gypsies, Travellers and Travelling Showpeople.  
TA5 - Transport Impact of New Development

Other Relevant Policy Considerations:  
Planning Policy for Traveller Sites.

## **CONSULTATIONS**

### **Haselbury Plucknett Parish Council:**

Officer comment:

Clarke Willmott (solicitors) were instructed by Haselbury Plucknett Parish Council to object to the proposed gypsy site. An 8 page letter was received from Clarke Willmott. The full response is attached at the end of this report (Appendix A). A summary of the main points are outlined below:

Haselbury Plucknett Parish Council object to the application. Reference is made to the statutory development plan i.e. the South Somerset Local Plan and relevant material consideration documents i.e. the NPPF, Planning Policy for Traveller Sites and a Ministerial Statement of March 2015.

Object to the grant of an unrestricted dwelling in the countryside.

There is a clear division between the 2 villages of Haselbury and North Perrott. Contrary to the North Perrott Village Design Statement which seeks to retain the separation between the 2 villages.

The applicant will need to justify how the application meets Policy SS2 criteria. The view of the Parish Council should carry significant weight in this case. This proposal does not meet Policy SS2.

Brownfield land should be considered - for example extensive opportunities on the edge of Ilminster.

The site is in an unsustainable location, remote from services and thus contrary to national and local policy.

Increased use of the poor Stonage Lane / A3066 junction with an increased risk of accidents. An assessment of the junction should be undertaken to ascertain the risk to highway users. Stonage Lane lacks passing places and becomes congested with agricultural and non-agricultural traffic.

Stables may be used by others, thus increasing vehicle movement along the lane and use of substandard junction.

Proposal would have an adverse impact on the character and appearance of the local area. Contrary to landscape character. Applicant's personal circumstances do not outweigh harm to impact on local landscape.

Over development and setting a precedent. Concern that if this development is allowed, in addition to those already permitted in the area would result in overdevelopment of gypsy sites in the area.

Make a comparison with the appeal decision site also off Stonage Lane, particularly the personal circumstances of the applicant in the appeal case.

No need for additional sites.

Refer to recent statement by the Government that encourages Council's to take enforcement action against those contravening planning regulations.

If the application is approved, would want to see certain conditions imposed including a personal consent, removal of permitted development rights and a limit on vehicles.

**North Perrott (Adjacent Parish):**

Officer comment: North Perrott Parish Council submitted a detailed response to the application. The full response is attached as Appendix B. A summary of the main points are outlined below:

North Perrott PC object to the application.

Acknowledge the need for the provision of gypsy sites but must have regard to other statutory considerations in the Local Plan and other material consideration policy documents, including the village plan.

Outlines the history behind the Village Plan, its importance in protecting the open space between the 2 villages and importance of Policy SS2.

Refer to the planning history of this field and adjacent land. Have supported horticultural uses in the past but have rejected residential use. The Parish Council's clear position is that this field should be protected from development as per the Village Plan until the community changes its view.

The District Council has now met its quota for pitches, which was not the case when an appeal Inspector considered another gypsy site in Stonage Lane a couple of years ago.

Increase in traffic using Stonage Lane and the substandard junction with the A3066. The speed limit on the A3066 has been reduced from 40mph to 30mph but still remains a



substandard junction.

Strong stance taken to protect the area of open space between the 2 villages. Approval would create a harmful precedent for further development. Fear that the 2 villages would merge into one.

Harmful to the character and appearance of the local landscape. No pressure to allow unplanned or unsuitable sites.

The site is not in a sustainable location and no direct footpath into the village. Applicant retains a nomadic way of life to earn a living - travels to fairs which are not local, thus not sustainable. (Officer comment: The government have recently amended the definition of gypsy/traveller which means that they are expected to maintain some form of nomadic life).

No reference can be found as to what SSDC is doing to address the shortfall in sites. This leads to applications and places pressure in rural areas whereas the Council could be purchasing brownfield sites around our towns to provide sites.

The plans submitted do not reflect accurately the location of the current lodge. Also object to the terms 'lodge' and what it may become in the future. In addition, the existing road gateway not shown in the applicant's ownership and thus the applicant could not upgrade the entrance.

Need to take into account the cumulative impact of this and other gypsy sites in proximity to the application site.

**Highway Authority:**

I refer to the above mentioned planning application received on 26th May 2015 and following a site visit the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

The application relates to the erection of 1 gypsy lodge.

The proposal is unlikely to have a significant traffic impact although it would result in 6-8 additional movements per day on Stonage Lane, which has no white lines or footways with no passing places between the junction with the A3066 and the site. Stonage Lane is subject to a National Speed Limit although due to the nature of road vehicle speeds are much lower. In terms of the junction with the A3066 this is considered to be sub-standard due to visibility. As a consequence any increase in use of this junction would be a cause of concern to the Highway Authority although it is unlikely that it is significant enough to object on traffic impact grounds.

In regards to the site it appears that the proposal will utilise the existing access onto Stonage Lane. Its noted from the site photo's that vegetation either side of the access restricts visibility in either direction. However the main point relates to the section of land between the adopted highway and the site access as it appears that this section of land is outside of the applicant's control. Having viewed the submitted information on line there doesn't appear to be any details that address this. Therefore the Highway Authority would need further information from the applicant relating to the right of access.

Turning to the internal layout from viewing the site plan the Highway Authority is satisfied that there is sufficient space within the site to allow a vehicle to park and turn so they can leave in a forward gear.

To conclude the proposal will result in an increase in vehicle movement and the increase use of the junction with the A3066 is a cause of concern to the Highway Authority however we don't

believe that it is sufficient enough to warrant an objection on traffic impact grounds. The Highway Authority is satisfied that the internal site arrangements are acceptable. However the main concern relates to the section of land between the highway and the site access, which appears to be outside the applicant's control. Therefore before the Highway Authority can make any further observations we will need further details over rights of access.

Officer comment:

In respect of the comment regarding land between the highway and the site access, the applicant has provided a copy of their land registry title deeds that confers full access rights to the applicant from the highway, via the existing gated entrance through to their site.

**District Council Highway Consultant:**

I refer to the speed survey undertaken by Tracsis on behalf of the applicant.

I visited the site on the afternoon of Tuesday 6th October 2015. The A3066 is subject to a 30mph speed limit at the junction of Stonage Lane with the A3066; however, from observations made on site, I would estimate vehicle speeds on the A3066 are likely to be excess of the speed limit.

I noted that while visibility to the right for and of vehicles emerging from Stonage Lane onto the A3066 at the junction is reasonable, visibility in the other direction is severely substandard. I measured a splay of just 2.4m x 12m. To comply with national standards, the splay should measure a minimum of 2.4m x 43m, and that is if the 85thile speeds are 30mph.

I have read the attached appeal decision letter in respect of a similar development proposal on Stonage Lane. The inspector has stated some reasonable (supportive) arguments in respect of the junction, but I note that one of the concluding remarks was that 'From the evidence before me, I am satisfied that the appeal development would result in only a small increase in daily vehicular movements over and above those associated with the lawful use of the land, were the appellant to be living elsewhere, given that he and his family regularly visit the site to attend to their livestock.' I am unsure if this applies to the current application.

The traffic survey revealed some 89 vehicle movements exiting Stonage Lane onto the A3066 and some 95 movements entering Stonage Lane over a 12 hour period on the day of the survey, i.e. an average of about seven to eight turning movements in both directions per hour. The traffic survey data is a little difficult to interpret but from what I can see the majority of exiting movements onto the A3066 appear to be to the south (some 72%). I would question if that is correct as I would expect most vehicles would travel northwards towards Hazelbury Plucknett and the A30, but I may be wrong. The volume of traffic likely to be generated by the proposed development is unlikely to be significant, but as a pitch (with the potential to generate traffic akin to that of a residential property) there could be an increase. I cannot comment as to whether or not the same argument made above by the inspector would apply to the current planning application, but either way, in my opinion there would inevitably be an increase in use of the junction. Whether or not the increase in use would result in a 'severe' impact (particularly if most movements are to the south) is open to debate but given what I saw on site and the two occasions I exited Stonage Lane onto the A3066 (turning right) I cannot support the planning application, despite the Planning Inspectorates previous decision.

**Landscape officer:**

No objection to the application.

**REPRESENTATIONS**

1 letter has been received objecting to the application. The writer states that they objected to

the application for a gypsy site in Stonage Lane on another site in Stonage Lane. They are concerned that there were breaches of control in relation to that site and the same could happen in this case.

Officer comment: Whilst there were some breaches of planning control in respect of this other site, this is not relevant to the consideration of this application.

3 emails/letters have been received in support of the application. One writer has known the applicant (Miss Lovie Hughes) for 20 years and would be very concerned about her welfare (ie living on the side of the road) should the application fail. Everyone is entitled to a place to live and the site is close to an existing gypsy site.

The second writer is concerned about the way that the applicant has had to live since being evicted from an unauthorised site and the impact on her health and wellbeing. The applicant completed her education, went into full time work and is hardworking. It is a basic human right to have a home - without such, there is an increased risk of poor health and its impact on their overall quality of life. The application site would provide the safety and stability that is needed for her. The 3rd writer makes similar comments.

## **CONSIDERATIONS**

### **Gypsy status:**

The applicant is a Romany gypsy and from a gypsy family with long established ties in the area. The Council accepts the applicant's gypsy status.

### **Need:**

Whilst the number of gypsy pitches approved over the last 5 years exceeded the number required up to 2015 (as outlined in the Gypsy and Traveller Accommodation GTAA), the adopted South Somerset Local Plan outlines a need for 23 pitches for the plan period. Thus, there is still a need for additional pitches. Moreover, the local plan does not phase delivery of sites over the plan period. On this basis, the Council accepts that a need for pitches exists - this application would make a contribution towards meeting that need.

On the matter of need, in their consultation response, North Perrott PC referenced a Council document (Housing Strategy Implementation Plan 2104) and made a point about the Council being under no pressure to provide additional sites. However, this refers to the requirement for the Council to provide sites to meet need rather than the pressure to approve any private site applications that may come forward. As mentioned above, whilst a number of private sites have been approved, there is still a need for sites. Moreover, the fact that the current applicant has made this application, is further proof in itself that a site is required.

### **Highways**

The site will be accessed off Stonage Lane which is a fairly typical rural lane in terms of its width and alignment. The development will use the existing access from Stonage Lane. The Highway Authority and North Perrott PC have queried whether the applicant has control of the piece of land between Stonage Lane and the applicant's site. Following this query, the applicant provided their land registry documents which confirms that the applicant has full access rights from their site, across the 'pull-in area' and onto Stonage Lane. The access onto Stonage Lane is well established and in addition to the applicant is used by other land owners. Given that the applicant has lawful access rights to enter/exit their land, and in the absence of any objection to the access from either the Highway Authority or the Council's Highway Consultant, it is not considered that there are any highway grounds on which to refuse the application on the basis of the current access arrangements.

With regard to the wider highway network, concerns have been raised about the level of visibility when looking to the left (south), at the junction of Stonage Lane with the A3066. The Highway Authority previously objected to an earlier gypsy site application on the other side of Stonage Lane but this reason for refusal was overturned at appeal. In this current case, the Highway Authority have raised this as a concern but do not consider the harm to be significant enough to warrant refusal. The Council's Highway Consultant is not able to support the application due to the level of visibility at the junction but has queried whether the increase in level of use would result in a severe impact, the test required by the NPPF.

It is acknowledged that the development would result in an increase in the level of traffic, however, the key point is whether this would result in a significant increase which would result in a severe impact to warrant refusal of the application. The traffic survey that was submitted shows a reasonable amount of vehicular traffic over a 12 hour period both entering and exiting Stonage Lane from and to the A3066 (89 exiting and 95 entering). This would appear to reflect comments from both Parish Council's about the reasonable level of use of the lane. Given this application is for one pitch and that the applicant could make regular visits to the site throughout the day without the need for planning permission, it is considered that the development would result in only a small increase in daily movements. Whilst it is acknowledged that the visibility to the left at the junction does not meet highway standards, it is not considered that the impact of the development would result in a severe highway impact.

### **Landscape impact**

Both the Parish Council and neighbouring North Perrott have raised concerns about the landscape impact of the proposal. Government policy allows gypsy sites to be located in rural areas within the countryside provided they respect the scale of and do not dominate the nearest settled community. It is considered that the introduction of 1 pitch on this site is of an appropriate scale and would not dominate the local community. The caravan and parking area would be located next to the existing lodge and compost toilet structure, thus reducing its visual impact. The stabling would be located in the far south east corner of the site, set against the mature boundary hedgerow.

Given that the site is well screened, the pitch will be located around 100 metres from the road, and the caravans will be located adjacent to the current lodge, it is considered that the development would not be sufficiently visually harmful to warrant refusal. Concern has been raised that the development would harmfully erode the rural and largely undeveloped area of land between 2 villages of Haselbury and North Perrott. Whilst it is acknowledged that the site would create development form within this green area between the 2 villages, it is considered that the area would still remain strongly rural in character and not result in a physical merging of the 2 villages. Moreover, conditions will be attached to any consent to control/limit the use of the site and to seek the removal of structures/buildings once the use ceases.

### **Residential amenity**

The site does not adjoin and is distant from any other residential dwellings/land. Therefore, it is not considered that the development would harm any residential amenity.

### **Other issues**

In response to comments from North Perrott PC, the Council were asked to investigate an allegation of residential occupation of the site. The site visit was undertaken shortly after this was raised. As mentioned under the planning history section of this report, it was very likely that residential occupation had taken place in the wooden lodge. However, the officer has never stated that the current applicant lived or was living on site. No one was found living on the site during those investigations. As a result of investigations into the site, the applicant was identified as the owner and the current application submitted.

Concern has been used about the possible use of the stables other than by the current applicant. A condition will be attached to any consent to restrict use of the stables for the personal use only of the current applicant and for no commercial use. In respect of the existing building on site, the application has been amended to provide a pitch for a caravan and to use the wooden lodge as a day room, the latter being a common building found on gypsy sites. The use of the lodge can be conditioned accordingly.

In terms of the Village Design Statement, only limited weight can be attached to this document as it does not form part of the Development Plan nor is it a Neighbourhood Plan. However, this does not devalue or down play the local importance that the two villages attach to protecting the land that physically separates them. In this case, a careful assessment has been made of the visual impact of the proposed development. For the reasons given above, it is not considered that the development would result in adverse landscape harm.

## **CONCLUSION**

The Council accepts that there is a need for gypsy sites in the district and that this application would make a contribution to meeting that need. It is considered that the development would not give rise to any harmful landscape or amenity impact. It is accepted that the junction of Stoneage Lane with the main road does not provide the required visibility to the left. However, the Highway Authority has not raised an objection and it is considered that the application would not give rise to any significant increase in highway traffic. On this basis, the application is considered acceptable.

## **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

Not applicable to this application.

## **RECOMMENDATION**

Grant permission.

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:**

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: Site layout plan, stable elevations, floor and elevation plans of the lodge building, all received 12th May 2015.

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

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Our ref: CP011/1631/0939/404988.00002

Your ref: 15/02183/FUL

18 June 2015

Dear Sirs

**Planning application number 15/02183/FUL - Gypsy Site at Half Pennyfield, Haselbury Plucknett**

We have been instructed by Haselbury Plucknett Parish Council to object to the proposed Gypsy site at Half Pennyfield, Haselbury Plucknett ("the Site") on the following grounds:

**1 Policy and Guidance**

It is recognised that the Council has a statutory duty to ensure there is adequate provision for Gypsy and traveller sites. However, this statutory duty does not take primacy over the other statutory duties of the Council.

Section 38(6) requires all planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan in this case comprises the South Somerset Local Plan (2006 – 2028) (adopted March 2015) ("the Local Plan")

In addition the following documents are material considerations of considerable weight in the determination of the Application:

The National Planning Policy Framework (NPPF)

DCLG's Planning Policy for Traveller Sites (March 2012)

Ministerial Statement of 25 March 2015

**2 Grant of an unrestricted Dwelling**

The Applicant has applied for the retention of a wooden lodge. If this were to be granted planning permission, this would effectively be granting planning permission for an unrestricted dwelling in the countryside.

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There is an overriding policy presumption against the creation of new dwellings in the countryside. The application runs contrary to this presumption.

Further, granting permission for the retention of the lodge would enable the Applicant to extend the lodge in accordance with permitted development rights, exacerbating the impact upon the locality.

### 3 Site Location

Haselbury Plucknett is a small village with clearly defined boundaries. There is a clear division between Haselbury Plucknett and the nearby settlement of North Perrott which is to the south and connected by the A3066. The development site lies in the open countryside between Haselbury Plucknett and North Perrott. The development is, therefore, contrary to both the Planning Policy for Traveller Sites and the National Planning Policy Framework.

The Application does not accord with North Perrott's Village Design Statement that was issued in 2003 which aims to preserve the physical separation of Haselbury Plucknett and North Perrott.

The Site is outside of the Development Boundaries for Haselbury Plucknett and North Perrott both of which are defined as Rural Settlements for the purposes of the Local Plan.

Paragraph 5.23 states:

*"5.23 Rural Settlements are considered as locations where there will be a presumption against development unless key sustainability criteria can be met. This is explained in Policy SS2. These settlements will no longer have identified development areas and will be considered to be within the open countryside for planning purposes." (Our emphasis).*

Paragraphs 5.31 and 5.32 then go on to state:

*"5.31 Applications for new development in Rural Settlements will need to include necessary supporting evidence to justify the criteria of Policy SS2 have been met..."*

*5.32 Given that Policy SS2 is starting from the premise of no development unless certain conditions are met, the evidence for development being of a strong sustainable nature is particularly important to provide. ..."*

Therefore, unless the Applicant is able to demonstrate that the criteria outlined in Policy SS2 have been met, the Application should be refused.

Policy SS2 states:

*"Policy SS2: Development in Rural Settlements*

*Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:*

- *Provides employment opportunities appropriate to the scale of the settlement; and/or*
- *Creates or enhances community facilities and services to serve the settlement; and/or*



- *Meets identified housing need, particularly for affordable housing.*

*Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.*

*Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*

*Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41"*

Paragraph 5.47 acknowledges that the Parish Councils will play a key role in implementing Policy SS2. Therefore, the Parish Council's opinions as to whether Policy SS2 has been complied with should carry significant weight.

The proposed development comprises of the retention of a wooden lodge, a composting toilet, stables, tack room and the addition of a toilet shed. The proposal does not comply with Policy SS2. It will not provide employment opportunities, enhance community facilities and nor does it meet an identified housing need.

Paragraph 10.46 of the Local Plan states that under a countrywide assessment of the need for Gypsy, Traveller and Travelling Showpeople carried out in 2011 identified a need for 10 residential pitches in South Somerset by 2015, a target which has been exceeded. It is therefore argued that there is no identified housing need at present.

The Applicant has failed to discharge the evidential burden required to demonstrate that these criteria have been satisfied.

Planning Policy for Traveller Sites states that Local planning authorities should "*strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*"

The Planning Policy for Traveller Sites also recommends that Local Planning Authorities should consider the use of previously developed (brownfield), untidy or derelict land. Ilminster is the nearest town which provides a range of services including schools, public amenities and good transport links. There are extensive opportunities to develop brownfield land on the outskirts of Ilminster which would be significantly more appropriate for development as a gypsy site than the proposed greenfield site in Haselbury Plucknett.

#### **4 Unsustainable Location**

The need to ensure that development is sustainable is a core principle that runs through policy at a local, regional and national level. The NPPF explains that "the purpose of planning is to help achieve sustainable development".

Policy HG7 of the Local Plan states that the accommodation needs of travellers "*will be met by ensuring that they are accommodated in sustainable locations where essential services are available.*" The policy then goes on to state that sites must be "*reasonably well related to schools and other community facilities*".

The Site is in the open countryside remote from services. Whilst it is accepted that the parishes of Haselbury Plucknett and North Perrott do offer services such as a village shop, church, primary school and pub, the nearest full services are at least 2.5 miles from the Site in Crewkerne and the Applicant would therefore be entirely reliant on private car journeys to access local services and facilities.

In their consultation response, the Highway Authority have stated that the Council should consider whether there are sustainability issues with regards to transport.

It is clear that creating a new traveller site in the open countryside in this location would not meet any definition of "sustainability". The proposals are, therefore, contrary to the NPPF and HG7 of the Local Plan.

## **5 Highways and access**

Stonage Lane connects into the A3066 which is a very busy route between the A30 and the A356. Access out of Stonage Lane onto the A3066 is very hazardous with very limited visibility. If the site is granted permission, the increased traffic movements at this junction will inevitably lead to an increased risk of accidents at the road junction. The Council will no doubt be aware that a larger traveller site for one of the Applicant's family members, a short distance away from the site was granted planning permission on Appeal in 2013 (Appeal Ref: APP/R3325/A/13/2200891) ("the 2013 Appeal").

In making his decision, the Inspector considered highway safety to be one of the main issues for his consideration. He said:

*"Nevertheless, having regard to all of the above matters, I am satisfied that the traffic needs of the appeal development would not result in any material increase in the use of the substandard Stonage Lane/A3066 road junction. I am also satisfied, on balance, that such a marginal increase in the level of the use of the junction as a consequence of the appeal development would not result in any material harm to highway safety, including to other road users. There may come a time when the cumulative impact of additional traffic movements using Stonage Land does result in such a harmful effect but there is no evidence before me that this is currently the case."*

The Inspector therefore acknowledged that whilst that particular development would not pose a risk to highway safety, there was the possibility that should more traffic use the access from Stonage Lane, cumulatively, this could have an unacceptable adverse impact upon the safety of the highway. The Inspector also noted that the Stonage Lane access was substandard.

In their consultation response, the Highway Authority stated that, whilst the Development is unlikely to have a significant impact on the approach roads, an assessment of the visibility splays, traffic speeds and highway safety should be undertaken in relation to the junction of Stonage Lane and the A3066. The Applicant has not submitted any form of assessment and so the risk to users of the highway cannot be fully assessed.

There is already congestion along Stonage Lane with agricultural and non-agricultural traffic. There are very few passing places for vehicles and vehicles must reverse to be able to pass each other. It should be noted that the Applicant has applied for a stables for three horses together with a tack room. Therefore, it is likely that the Applicant will also require the use of a horse box, which along with

their private vehicle, is likely to cause further congestion, traffic and risk when using the access onto Stonage Lane.

There is no guarantee that the stables will only be used by the Applicant. If there are multiple users of the stables, this will further increase the number of vehicular movements many of which will be with horse boxes or trailers.

Policy HG7 of the Local Plan states that the *"health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk"*. Due to the cumulative effect of the proposal together with other developments on Stonage Lane, it cannot be guaranteed that occupants and visitors will have safe access to the Site. Similarly, this is likely to cause safety issues for other highway users on Stonage Lane and the A3066.

We are instructed that Billy Hughes and his family are failing to comply with the conditions attached to the planning permission granted in relation to the Appeal which limited the type of vehicles that he is permitted to retain on his land. As a result the existing traveller site is generating vehicular movements well in excess (both in terms of number and type) to those anticipated or permitted, thus increasing the risk of an accident.

The National Planning Policy Framework also states at paragraph 32 that a factor to be considered is whether safe and suitable access to the site can be achieved for all. Again, the proposed development does not comply with the policy.

It would be inappropriate to grant permission where this would have a significant adverse impact on highway safety. The safety of local residents, potential site occupiers and other road users should not be put at risk no matter how significant or urgent the purported need for sites.

## **6 Landscape and Character**

The proposed development would have an adverse impact upon the character of the local area and is not in conformity with the surrounding types of development and land uses. Policy HG7 states that *"the development should not have a significant adverse impact on the landscape character and visual amenity of the area"*. The proposed development therefore does not accord with policy.

At the 2013 Appeal, the Inspector noted the use and development of the Appeal site did not conform to the predominant pattern of development found in the local area.

The Inspector found that any harm caused to the character of the area would be outweighed by the Appellant's personal circumstances (discussed below). The Applicant does not have any personal circumstances which would justify an impact upon the landscape character. Therefore, the Application should be refused in light of the impact that the development would have upon the local landscape character.

## **7 Over-Development and Fear of Setting a precedent**

As discussed above, an Appeal submitted by the Applicant's relative, Mr Billy Hughes, was granted planning permission in 2013. That planning permission was made personal to Mr and Mrs Hughes and their dependants.

Given that the 2013 Appeal appears to have encouraged a member of Mr Hughes' family to start to residentially occupy a site without permission and then seek to regularise the breach, the Parish Council is understandably concerned that should another traveller site be granted planning permission, this would set a precedent leading to further applications and an over development of the area. This incremental development will have a massive cumulative impact on the local landscape and community.

Planning Policy for Traveller Sites states that Local Planning Authorities should try to reduce tensions between settled and traveller communities in plan making and planning decisions. The policy further notes that the number of pitches or plots should be relative to the circumstances of the specific size and location of the site and the surrounding population's size and density. The policy then goes on to state:

*"when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale or such sites does not dominate the nearest settled community."*

If the Application is granted planning permission, it is likely that local tensions will only worsen. Whilst the Parish Council accept the need to find sites for travellers, they consider that to have a further site in addition to the existing two sites in Haselbury Plucknett would be an over development of the locality and would begin to dominate the nearby village.

The local planning authority is entitled to take account of the prospect of a proliferation of similar planning applications if permission were granted as a material consideration: Collis Radio Ltd v Secretary of State for the Environment (1975) 73 LGR 211, 29 P & CR 390

Whilst the Parish Council of Haselbury Plucknett understands that a 'rural exception' can apply to applications for gypsy sites, the village has already made a 'rural exception' at New Lane and at the Appeal referred to above. It is considered that 'rural exception' should be just that! an exception rather than the norm. Therefore no further sites should be permitted in the Parish.

## **8 Differentiating the Application from the Appeal Ref: APP/R3325/A/13/2200891**

Due to the close proximity between the Site and the Appeal site, it is assumed that the Council will refer to the Inspector's decision notice when determining the Application. However, it should be noted that whilst the Inspector in the Appeal granted planning permission, the personal circumstances of the Appellants were given considerable weight. The Appellants had five children who the Inspector considered needed a permanent and settled base. For example, the Inspector placed weight on the fact that, if the Appeal had been refused, two of the children would have lost local work placements.

No such circumstances exist in this Application which would justify granting the planning permission and disregarding the concerns raised above.

## **9 Recent Planning Updates**

The majority of the development referred to within the Application is retrospective. The Applicant was living on Site prior to submitting the Application. Recently, there has been a notable push by Government to reduce the number of unauthorised encampments and to increase the effectiveness of enforcement action.

In a Planning Update issued by the Department for Communities and Local Government on 25 March 2015, the Rt Hon Eric Pickles made the following statement:

*“My department, in conjunction with the Home Office and Ministry of Justice, is publishing an updated guide for councils, police and crime commissioners and police forces on unauthorised encampments, and the powers that public bodies have. We are making very clear that public bodies should not gold-plate human rights and equality laws and turn a blind eye to breaches of the rules. The cause of equality is assisted by taking firm and fair action against anyone who breaches planning rules, and stopping the small number of cases which undermine community relations and hinder integration.”*

This demonstrates a clear political push for enforcement action to be taken against anyone who shows a disregard for planning control. The statement also recognises how a failure to take fast and effective enforcement action can undermine community relations.

Further, in a press release issued in September 2014 by the Department for Communities and Local Government, Brandon Lewis states that new measures are to be imposed to “*tackle travellers who flout planning rules and abuse the system*” and that there will be a “*crack down on unauthorised sites*”.

The release notes the four fold increase in the number of unauthorised encampments which creates tensions between travellers and the settled population. Brandon Lewis went on to say:

*“We will not sit back and allow people who bypass the law to then benefit from the protection it can offer.”*

Furthermore, he stated:

*“Today’s proposed measures go even further, and would end the perverse incentive for Councils not to act when travellers ignore planning rules and set up unauthorised sites”.*

The above releases and statements issued by the Department for Communities and Local Government clearly show that Councils should not be taking a lenient approach to unauthorised encampments and should be “cracking down” on sites where occupants have shown a disregard for planning control.

## **10 Imposition of Conditions**

In the event that the development is granted consent, Haselbury Plucknett Parish Council would wish to see the imposition of conditions to ensure that the planning permission is personal to the Applicant, to remove all permitted development rights and to place a limit on the number and type of vehicles that may be retained on the Site.

## **11 Conclusion**

This application should be refused on the following grounds:

It is contrary to policy;

It is in an unsustainable location;

It would have a negative impact upon the landscape character;  
the access arrangements are unsuitable and dangerous;  
the proposal would worsen tensions between travellers and the community;  
avoidance of setting a precedent for similar development in the Parish.

The Application conflicts with the statutory development plan and national planning policies and guidance in a number of respects. In many cases, the conflict with policy is so severe that, even taken in isolation, it would require the refusal of planning permission. When taken together, the conflict with policy is overwhelming. There is no way that permission should be granted for the proposed development.

There are no material considerations capable of outweighing the conflict with policy. Accordingly, permission should be refused.

Yours faithfully

A handwritten signature in black ink that reads "Clarke Willmott LLP". The signature is written in a cursive, flowing style.

Clarke Willmott LLP

t: 0845 209 1667  
f: 0845 209 2557

# **NORTH PERROTT PARISH COUNCIL**

In response to:

**Application No. 15/02183/FUL; Half Pennyfield, Stonage Lane, Haselbury Plucknett, Crewkerne, Somerset, TA18 7SX, The erection of 1 No. wooden gypsy lodge, toilet and stables/tackroom (Part Retrospective Application). (GR 347716/110462)**

- Interest and general view

The North Perrott Parish Council (NPPC), met previously on 19th May 2015 and examined the plans for this application. The council, knowing this site well and its history, resolved to continue to object strongly to the development of this field as a residential area. At a subsequent meeting on the 11<sup>th</sup> June 2015, in consultation with the village community and our Local District Councillor, Ric Pallister, the following document is the official response of the Parish Council.

- Policy & Guidance

Development in this field has been successfully opposed by NPPC against previous planning applications however; as this application is by a member of the travelling community, new and additional guidance must be implemented.

South Somerset District Council (SSDC) has a statutory duty to provide at least 23 permanent sites for Gypsies, Travellers and Travelling Show people (Travellers) by 2028. This statutory duty does not take precedence over other statutory duties of the Council in particular where it goes against stated development plans.

Currently the guidance for development in South Somerset is contained in

1. The South Somerset Local Plan 2006-2028 (SSLP)  
(specifically; Policy HG7 page 162)
2. Local Plan Policy SS2 (recently adopted)

Other policies and plans that are material to this application include:

3. SSDC Housing Strategy Implementation Plan
4. Department for Communities and Local Government Planning policy for traveller sites
5. Department for Communities and Local Government Planning policy for traveller sites - Equality impact assessment.

- Village Development Plan

Prior to the adoption of the South Somerset Local Plan 2006-2028 (SSLP), North Perrott was designated a "Hamlet" within the Local Development Plan for Crewkerne

(Crewkerne Town Plan). Without a development boundary, no residential development was permitted unless for social or agricultural need.

The core of the village is a conservation area and this also includes the old Manor House (now Perrott Hill School) and its landscaped parkland. The village contains a number of hamstone properties listed Grade I and II. It is surrounded by uninterrupted views over ancient and beautiful agricultural land towards neighbouring villages. Haselbury Plucknett is the closest neighbour and the separation to the north of the village is clearly marked by a "strategic green space" of two or three open fields or orchards. Half Pennyfield is part of one of these fields.

In 2006 the South Somerset Local Plan (previously the Core Strategy) replaced the Crewkerne Town Plan with the resultant loss of protection from development for the village. At that time the NP Parish Council submitted to the consultation paper stating among other concerns, worries about traffic and building development. The consultation says: "we do not want to spoil the existing character of the village either by the scale, appearance or location of unsuitable development."

In 2002 the village was approached by SSDC and encouraged to prepare a Village Design Statement (VDS). The VDS was printed in 2003 and accepted by SSDC in 2006. A VDS is not about whether development should take place, that is the role of the planning department, it is to determine how and where it should take place. There is currently no published Village Plan as North Perrott already has most facilities normally found within a country village and probably many more than befits its small size. Community facilities such as a pub, village shop, village hall, cricket club and church (and a Prep School) already exist and are well established. NPPC has continued to operate on a presumption of NO development from outside the existing community.

At the time that the SSLP was adopted by SSDC the NPPC was assured by Ric Pallister (Local District Councillor), that it would give more control to the community for the future development of North Perrott, not less. The VDS and consultation for the Core Strategy both stress the importance of location and the VDS specifically mentions the importance of not developing the fields between Haselbury Plucknett and North Perrott (VDS page 23). Local Plan Policy SS2 has been recently adopted to give the community still more control over the type and location of development in rural villages such as North Perrott. It is assumed that Policy SS2 is designed to strengthen the case for preventing development in areas where the community could demonstrate that it was their wish protect them.

- Planning History

Prior to 2006, there was a policy of no new development within the parish of North Perrott. As such there have been very few attempts to test this policy. In 1999 there was an application for a two storey dwelling in Trindlewell Lane (99/02582/OUT) that was withdrawn by the applicant after consultation with the Parish Council.

The field to which the current application refers is commonly known as (part of) Pennyfield, which abuts Stonage Lane. This lane is the boundary between the two villages and the area on either side represents the last bastion of "strategic green



space” between our two communities. The boundary to Pennyfield has been unchanged for many hundreds of years although there has been recent planting of internal hedges. Prior to its sale in 1999, it had been permanent pasture, surrounded by an ancient hedge, for over 200 years. In March 2002, application 02/00856/FUL was made to erect a polythene tunnel (a glasshouse having been built a some weeks previously). While there were a number of letters of objection regarding the spoiling of what was a beautiful area of the village, the Parish Council agreed to support the applicant in his wish to establish a small market garden. He had already planted a small orchard and a number of trees, internal hedges and prepared the ground for planting vegetables. The following year the same applicant submitted 03/02037/FUL for the placement of a static mobile home as a rest room and tool store. The Parish Council questioned its possible use as a dwelling and as a compromise; conditions were applied to prevent this scenario. Plans for the market garden did not go well and the owner subsequently sold off approximately one third of the field (now known as Half Pennyfield and subject to the current application) followed a few years later by the middle third. In 2009 the owner submitted application 09/02240/COU to change the use of the static home to residential. The Parish Council objected to this, principally on the grounds of the VDS, which had been drawn up in 2003, stating that this area of the Parish was strictly off-limits for development, but also on the grounds that the applicant had not proved a need for tied horticultural accommodation. The application was refused. This final third of the field was then sold and the new owner applied to remove the original condition on the static home using application 10/03059/S73. Again, the Parish Council objected to this on the grounds that it was a sensitive area on the village boundary and the applicant agreed to a temporary extension for use only as a tool store and shelter, which expires in July 2015. In 2014, it was reported that Half Pennyfield had been sold again and that the new owner was living on the site. The planning department of SSDC was asked to investigate and eventually, they acknowledged evidence that the new owner was living on the site. The new owner (the current applicant) was asked to desist and sign a legal undertaking not to live on the site until a valid planning application had been accepted. In April 2015 an application 15/01647/FUL was submitted and quickly withdrawn, to be replaced in May with 15/02183/FUL, the current application. It remains the Parish Councils policy to follow the recommendations set out in the VDS and protect this field from any development until such time that the community changes its view.

Alongside the history to this site, in 2011 an application for a Gypsy site, 11/02044/FUL was submitted in Haselbury Plucknett, in a neighbouring field to Pennyfield. Being on the Parish Boundary, NPPC was asked to comment. While not being in our Parish, a strongly worded opposition was submitted stating the sensitivity of the area in terms of “strategic green space” between the villages, objection to the removal of ancient hedges and both increased traffic on the narrow lane and the danger of the junction to the A3066. The application was refused by SSDC on the grounds of the Highways report but on appeal, the Planning Inspector over-ruled and 11/02044/FUL was granted with conditions. NPPC now believes that most of the reasons the Planning Inspector gave to underpin his over-rule have since been proved to be wrong, most importantly the number and size of the vehicles kept on the site and the volume of traffic visiting the site. At the time, SSDC could not show that they were on track to fulfil their quota of traveller sites, in 2015 they have achieved this goal.

- Reference to Community.

In 2002 the Village Design Statement (VDS) was drawn up by a village committee, along with public consultation. It was printed in 2003 and it was adopted by SSDC in 2006. The VDS stated in its introduction, page 4. "Open fields define the northern edge of the village, which is important in maintaining its separation from Haselbury Plucknett." It enforces this view more prominently in the Guideline Summary P.23, Village Setting:- "1. Ribbon development between the villages of North Perrott and Haselbury Plucknet must not be allowed and tributary roads and lanes should be kept narrow." While this application does not indicate any alteration to the highway or hedges, the risk of an accident, either in the narrow lane or more likely at the junction of Stonage Lane with the A3066 remain high. In recognition of the danger posed by this junction the speed limit on the A3066 has been reduced from 40mph to 30mph but the risk is still deemed to be high. This is partly due to the unenforceability of the speed limit at this point (despite both villages having voluntary speed-watch teams) and partly supported by occasional skid marks on the road indicating near misses for vehicles leaving Stonage Lane travelling north and causing northbound traffic to take drastic avoiding action owing to the nature of the blind bend. Because of the inherent danger of this junction, during harvest, local farmers use a voluntary one-way system because of the narrowness of the lane and to avoid having to turn out of the lane in a Northerly direction. While steps have been taken to make this junction safer by reducing the speed limit. In practice, little has changed since the last Highways report, except the volume of traffic in Stonage lane has significantly increased. SSDC refused permission for the last planning application in Stonage Lane on the grounds of the Highways report. Any change in that policy decision would be unfathomable. NPPC will submit photographs and a traffic survey in a separate document.

- Reference to development plan and generic development control policy.

While no Village Plan for the development of North Perrott has ever been published, there is plenty of documented evidence of what is and what is not desired by the community and this is backed up with public consultation for the VDS, the South Somerset Core Strategy and a recent affordable housing survey.

The area between the villages is ancient farmland, mostly small fields with ancient boundaries and narrow lanes. Over the last 13 years, NPPC has consistently defended the area between the villages against ribbon development and to keep the characters of the two villages, which are quite different, preserved in their independence.

It was a great blow to this policy that 11/03462/S73 was allowed at appeal but at that time, Haselbury Plucknett had neither a village design statement or a village plan in place. This development on the boundary of our two villages has essentially cut the "strategic green space" space between them in half. Should residential permission be allowed in Pennyfield, on our own side of the boundary, then there will be little or no argument to prevent the similar applications (previously refused) from being re-submitted and permitted. In effect, the two small fields that remain between Pennyfield and the village would soon fall to development and the two villages will be merged into one.

- The Implication of a Traveller application

SSDC has an obligation to provide a quota of at least 23 permanent sites for the travelling community by 2028 (policy HG7) but SSDC admits in their Housing Strategy Implementation Plan 2014 that they are under no pressure to allow unplanned or unsuitable sites: "In terms of residential pitches we are already ahead of schedule thanks to providing planning permission (including losing appeals) to enough privately owned residential sites so that we are likely to need no specific action over next few years (see table 17 on page 68). In that respect we are unique, with the other districts in the county (and probably much further afield) having predicted shortfalls making it harder for them to prevent unsuitable sites gaining permission at appeal."

Policy HG7 stipulates that the development should not have a significant adverse impact on the landscape, character and visual amenity of the area. Comments from the public on previous planning applications have referred to unspoilt beauty of the area and view. The VDS guidance on future development of North Perrott specifically mentions this area as important not to develop to preserve the character of the village.

Policy HG 7 stipulates that the site is reasonably well related to schools and other community facilities. North Perrott does have significant community but this site is at the extremities of the village boundary and not at all close to any of them. There is no direct footpath to the village and the obvious route to the village is via Stonage Lane and the main A3066 road. This is a hazardous route for both pedestrian and vehicular traffic, being narrow in places with blind corners, significant speed of traffic and no pavements,

Policy HG7 stipulates that the health and safety of occupants and visitors will not be at risk though unsafe access to sites, noise pollution or unacceptable flood risk. The previous application in Stonage Lane was refused because of the Highways report stated that the junction between the A3066 and Stonage Lane was considered to be dangerous. Since that date, the volume of traffic has increased significantly and although the speed limit has been reduced, the speed of most traffic has not. The application is specified as being equestrian and the lane and junction are both particularly hazardous for horses, especially if they are towing a trailer of any kind.

Introduction (Planning policy for traveller sites) states: 4. that planning and decision-taking should protect Green Belt from inappropriate development. While the area between North Perrott and Haselbury is not designated by the Government as Green Belt, they are perceived as such by NPPC and this policy is supported by community consultation and written policies such as the VDS and consultation for the South Somerset Core Strategy. This field is important to our community as a buffer between the next village and us.

Policy C (Planning policy for traveller sites) states: 12. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure the scale of such sites do not dominate the nearest settled community. While the physical size of the site is not dominant, it's impact must be considered alongside the existing Gypsy site. It was mentioned at the time of the previous application that by halving the "strategic green space" would attract other applications and further erode the gap between the villages. The eventual scale of upset that this application would cause to the previous planning strategy of keeping the villages of North Perrott and Haselbury Pucknett as separate

communities is seismic. It will undo all the planning decisions made in this part of the village for the last 13 years.

While SSDC does have obligations to find accommodation for the travelling community, given that obligation has been fulfilled, there is no reason for it to over-ride the previous wishes of the local community in preventing any application in this area for a new dwelling.

Furthermore, in a personal statement by Maggie Smith-Bendell, she says the applicant earns a healthy living from trading at traditional fairs, none of which are particularly close to this site. This can only add to avoidable travel time and distances and therefore cannot be viewed as sustainable. In addition, in her letter she states that the applicant has the full support of her family, suggesting that there are plenty of existing locations in the area for her to continue her nomadic lifestyle, without having to settle in an area that the local community has sought for many years to keep clear of domestic development.

Time and time again, the Planning policy for traveller sites – “Equality impact assessment refers” to the protection of Green Belt. Although not officially identified as Green Belt by the Government, this field and the others between North Perrott and Haselbury Plucknett are morally and physically our the “strategic green space” between our two villages. Para. 4. of the Equality impact assessment states that “As part of the decentralisation agenda, the Localism Act repeals the statutory framework for regional planning in England. The Government intends to abolish existing regional strategies to put decisions on housing (including traveller sites) and planning back into the hands of local councils and communities.” (Policy SS2)

No reference can be found as to what immediate action SSDC is planning to continue to meet its quota of supplying pre-planned permanent Traveller sites other than the SADPD, which has yet to emerge. One obvious consequence of lack of action is that Travellers take it upon themselves to purchase whatever land is available to them, without consultation or pre-planning and hope to force through planning applications, regardless of historic policies or community wishes. This policy, or lack of it, puts undue pressure on rural areas that would otherwise be no-go to development. These applications are force through because of a lack of suitable alternatives rather than by any strategic planning. In this case there has been substantial and continued planning to prevent development in this area. In actual fact, there appear to be a number of brown-field sites available for sale or development in and around the fringes of local towns that the Council could purchase and sell on to travellers. In Somerset there is a company called CJH Land Ltd that specialises in sourcing brown-field sites for redevelopment.  
<http://www.cjhland.co.uk/>

- Summary

During our consultations, it would appear that there is no single over-riding factor in Planning Law that specifically prevents the development of Half Pennyfield. However, the cumulative evidence that this is an area that the community has continually sought to protect for development is overwhelming. On the balance of arguments between the long existing and practiced policy of NPPC to prevent development on this site (including any field between the villages of North Perrott and Haselbury Plucknett) and the additional rights offered by Government Policy to allow the travelling community the opportunity to settle on their own land, NPPC is of the opinion that this case should weigh in the favour of the wishes of the local community.

The NPPC also raises a number specific points in the detail of the application that it objects to:

1. The NPCC objects to the submitted applicant's plan because it is so different to what actually exists on the site that they cannot recognise them as the same. The existing "Lodge" on the plan is some 30m from its current location and the access track appears to be partly on the neighbours land. As such, if the application is not valid then the agreement Ms Hughes signed is still valid and checks should continue that she has not yet living on the site, contrary to the agreement.
2. The NPPC objects to the term "Lodge" as perhaps not being enforceable in planning law and are concerned that there is no limit to what it might become in future years, without appropriate controls.
3. There is no mention of upgrading the road entrance in the application. The existing road gateway through which the property is accessed is shown not to be in Ms Hughes ownership. NPPC assumes that as a dwelling, the road entrance would need to be upgraded and it appears as if this might be beyond the control of the applicant.

JONATHAN HOSKYNS  
Chairman, North Perrott Parish Council  
11<sup>th</sup> June 2015

# Agenda Item 14

## Officer Report On Applications: 14/02141/OUT and 15/04084/DPO

14/02141/OUT	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
15/04084/DPO	Application to modify S106 agreements dated 31st January 2013 between SSDC and SCC and Taylor Wimpey Ltd in respect of planning permission reference 05/00661/OUT.
Site Address:	Crewkerne Key Site, Land between A30 and A356, Crewkerne
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Members)	Cllr Marcus Barrett Cllr Mike Best Cllr Angie Singleton
Recommending Case Officer:	Adrian Noon, Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	15th August 2014
Applicant :	Taylor Wimpey Homes
Agent: (no agent if blank)	Colin Danks Origin3 17 Whiteladies Road, Clifton, Bristol, BS8 1PB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

### Background

In January 2011 Area West Committee members resolved to approve application 05/00661/OUT for:-

*Comprehensive mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements.*

This approval was subject to a S106 agreement which provided for:-

- the completion of the link road through the site, between the A30 and the A356, prior to the occupation of 200 houses or within 4 years of first residential occupation, whichever is sooner;
- the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000sqm 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;
- the delivery of 17.5% of the housing as affordable homes for 'social rent';
- the delivery of the serviced school site;
- an education contribution of £2,000,000;
- a contribution of £260,000 towards sports, arts and leisure facilities;

- a contribution of £635,624 towards off site highways mitigation and sustainable travel planning, to include:-
  - £100,000 towards town centre improvements (upon commencement);
  - contributions to off-site traffic calming and improvements to footpath/cycle path links (prior to first occupation);
  - contributions towards bus services to serve the development (upon completion of the link road);
  - contributions towards travel planning measures;
- the provision and maintenance of on-site play areas;
- the landscaping and maintenance of c.24 hectares of 'country-park', including any landscaping necessary for dormouse mitigation measures;
- the completion of the dormouse bridge prior to the completion of the link road through the site with a requirement for the developer to make all reasonable endeavours to re-assess the dormouse population prior to commencement of the dormouse bridge and, if justified, to agree appropriate alternative mitigation
- appropriate badger mitigation measures as required by the Council's ecologist;
- 3 yearly reviews of the viability of the development throughout the construction phase.

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

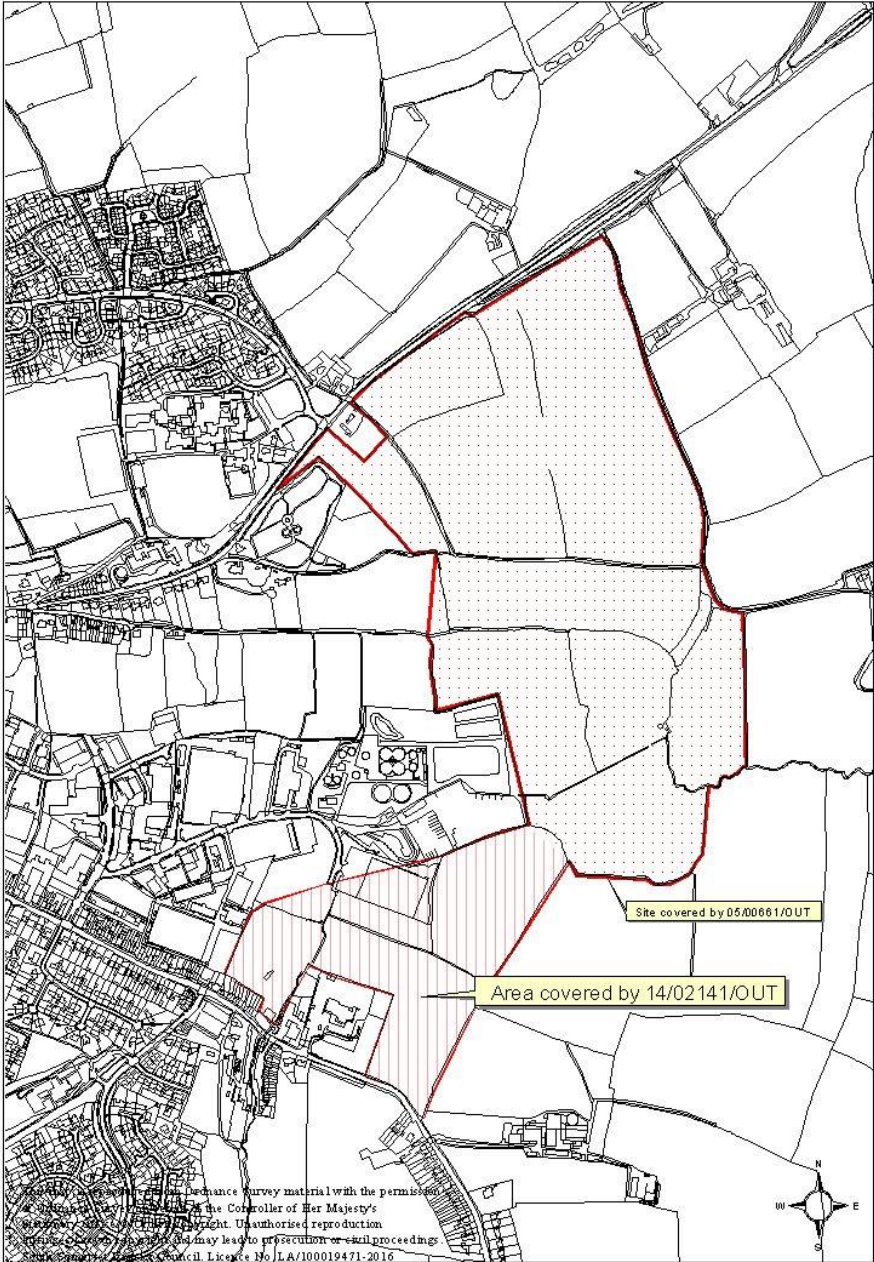
### **The Current Situation**

The applicant believes that in the current market the approved scheme is now unviable and is seeking to add value to the site by seeking outline approval for up to 110 dwellings, a 60 bed care home and on the 10 hectares employment land approved off Station Road by 05/00661/OUT. 3.74 hectares of employment land would be retained – with the care home this would equate to 4.24 ha for employment uses.

At the same time it is contended that the previously agreed obligations, along with further obligations sought in relation to the current proposal and unexpected archaeological costs, are unaffordable. In light of a review of the residential layout at the top of the site, it is suggested that the likely level of development will be approximately 497 houses.

The applicant has therefore requested that the Council reconsiders the planning obligations 'in the round' across the whole site as agreed by 05/00661/OUT in light of the amendments now proposed by 14/02141/OUT. To enable the Council to do so a formal application to amend previously agreed planning obligations has been submitted (15/04084/DPO). These two proposals are considered in the following report.

**SITE DESCRIPTION AND PROPOSAL**



The allocation as a whole is located to the east of the town comprising of some 50.32 hectares (124.3 acres) of land lying between the A30 Yeovil road and the A356 Misterton road to the south. The northern part, where the original residential element would be, adjoins the A30 and lies to the east of the town cemetery. This is the highest part of the site at the top of a scarp slope, which runs roughly east-west.

The central part of the site includes the scarp slope with the lowest lying parts of the site mainly grassland. A corridor of open countryside extends westwards from the site boundary into the town centre. This area has been identified as a good habitat for dormice. This central part of the site would be retained for informal recreation. New balancing ponds associated with the drainage of the site would be located in the northeast corner and southern parts of



the site and these will be designed to attract wildlife. In addition to the informal recreation provision there will also be a community sports area including a playing pitch.

The southern part of the site, as covered by the application 14/022141/OUT, slopes gently upwards to the A356 at the southern boundary. This part of the site adjoins the town's main industrial area at its western boundary and open countryside to the east. The current outline proposal, which has been amended to increase the retained employment land from the 2 hectares originally proposed, maintains the previously agreed detailed access to Station Road and includes:-

- Up to 110 dwellings
- 3.74 ha of employment land for a range of B1/B2/B8 employment uses
- A 60 bed care home
- The bottom part of a new link road between the A30 and the A356
- Provision for a link to Blacknell Lane

The 2005 submission was supported by an Environmental Statement which addressed the proposal's impacts on traffic, ecology, drainage, landscape, air quality and amenity. That Statement was updated (10/11/11), following the issue of a formal 'scoping opinion' to outline the areas that need to be addressed to take into account changes in circumstance.

The current application is supported by further updates to the Environmental Impact Assessment (EIA) in light of the introduction of residential development to this southern part of the site. In particular the chapters on noise and odours have been updated in light of the proximity of existing and proposed industrial uses to the proposed houses and also the presence of the town's sewage treatment works to the north of this part of the site. Also updated are the sections on transport and travel planning, flood risk/drainage and ecology to reflect the changes proposed on this part of the site.

In addition to the updated EIA, the application is supported by:-

- Design and Access Statement;
- Planning Statement
- Statement of Community Involvement;
- Employment marketing Statement
- Viability Appraisal;
- Landscape Visual Appraisal
- Arboricultural Assessment
- Ground Conditions Report;
- Archaeological Assessment
- Odour Assessment
- Indicative layout plan
- Detailed drawings of the new Station Road Junction (as previously approved by 05/00661/OUT)

Following lengthy negotiations and the advice of the District Valuer the application is offering the following package of planning obligations across the whole, allocated site:-

- 50 affordable houses (c. 8.25% of the total 607 proposed), at social rent to be delivered in the first phase of development;
- The link road to the originally agreed timetable
- The school site as originally agreed

- £7,600,000 to cover:-
  - All financial contributions towards education, leisure off site highways/town centre improvements and travel planning;
  - Ecology mitigation works (dormice and badgers)
  - Abnormal costs – unexpected archaeological works and increase use of natural stone to meet the findings of the Enquiry by Design
  - Enhanced landscape planting of a30 junction and country park open space.

The applicant also owns land to the South of Eastham's Lane that is allocated for informal recreation use (saved policy CR/CREW/8) that could be considered as part of off-site leisure obligations.

The proposed reductions to the obligation package and the means of achieving the savings have been consulted on in tandem with the current proposal. Additionally discussions have been held with the appropriate consultees with regard to mitigating the financial impacts of the 'abnormals', these have centred on the possibility of reducing the level of use of natural stone within the approved residential development; alternatives to the agreed dormouse bridge and the justification for the level of archaeological works deemed necessary within the top part of the site.

## PLANNING HISTORY

- |              |  |
|--------------|--|
| 900202       | Permission refused (25/04/90) for the construction of primary distributor road & the residential & industrial development of land together with local centre & community facilities, highway improvements & public open space  |
| 05/00661/OUT | <p>Outline permission granted for mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements. This comprised:-</p> <ul style="list-style-type: none"> <li>• 525 dwellings, including 17.5% affordable housing (14.8 Hectares - 36 acres)</li> <li>• Employment land for a range of employment uses (9.8 hectares - 24 acres)</li> <li>• A local centre, including a convenience store</li> <li>• A primary school site(1.4 hectares - 3.5 acres)</li> <li>• Open space and structural landscaping</li> <li>• Balancing ponds/attenuation areas to manage surface water</li> <li>• A new link road between the A30 and the A356</li> <li>• Detailed design of the new junctions with the A30 and A356</li> <li>• A dormouse bridge over the link road, to be linked to the habitat to the west of the site and the open countryside to east by additional planting to enable a 'wildlife corridor' to be maintained across the site.</li> <li>• Badger mitigation proposals</li> <li>• On-site footpaths and cycle ways and enhanced links to the town centre</li> <li>• A detailed package of planning obligations, agreed following an 'open-book' appraisal of the viability of the scheme by the District Valuer.</li> </ul> |

13/02201/REM Reserved matters approved for development comprising 203 dwellings, the first section of the Crewkerne link road, drainage and service infrastructure, landscape and ecological mitigation measures (Phase 1 of 05/00661/OUT)

## **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.

In South Somerset the development plan comprises the policies of the South Somerset Local Plan 2006-2028. The policies of most relevance to the proposal are:

KS/CREW/1 (saved from the previous local plan) allocates:-

*Land between Yeovil Road and Station Road, Crewkerne, is allocated as a key site development to provide the following:*

- *Approximately 14.6 hectares (36 acres) for housing, providing about 438 dwellings, including a target of 35% affordable housing;*
- *Site for a new primary school 1.4 hectares (3.5 acres)*
- *Approximately 10.5 hectares (26 acres) for employment, (classes B1, B2 and B8 of the use classes order 1987);*
- *Informal recreation (20 hectares/49.7 acres);*
- *Structural landscaping (5.0 hectares/12.3 acres);*
- *Link road between A30 (Yeovil Road) and A356 (Station Road), to be provided in entirety on the completion of 200 dwellings or four years after occupation of the first dwelling, depending on which is the earliest*
- *Footway/cycle link to town centre*
- *Appropriate contributions towards improvements to affected highway infrastructure*
- *A link road between Blacknell Lane and the proposed A30-A356 south link road to be built in its entirety on the completion of 200 dwellings or four years after the occupation of the first dwelling, whichever is the earliest.*

This application relates to the approximately 10.5 hectares allocated for employment. This allocation is reinforced by Policy EP1 (Strategic Employment Sites) which states that the Crewkerne Key Site is “*strategically important for local and inward investment*”.

SS1 – Settlement Strategy – identifies Crewkerne as a Primary Market Town where provision should be made for housing, employment and other services that increases the settlement’s self-containment and enhances its role as a service centre.

Policy EP1 – Strategic Employment Sites – allocates this site as a strategically significant employment site.

Policy EP3: Safeguarding Employment Land states that employment land will be safeguarded and planning permission will not be granted for alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement’s supply of employment land or job opportunities. There is a requirement for applicants to submit a marketing statement to demonstrate that sites have been actively marketed.

Policy SS3: Delivering New Employment Land identifies the additional employment land required over the plan period and the number of jobs that should be encouraged in each settlement to support sustainable and balanced growth. 577 jobs are to be encouraged in Crewkerne to 2028, 61% of which will be in traditional B uses. 10.10 hectares of additional employment land is required, the source of which is identified as the CLR site.

SS4 – District Wide Housing Provision – sets the overall target for the delivery of at least 15,950 houses over the plan period

Policy SS5: delivering New Housing Growth identifies a requirement for a minimum of 961 dwellings in Crewkerne to 2028, of which the CLR site is intended to deliver at least 525 dwellings. Over the last nine years, since 2006, 337 dwellings have been built in Crewkerne and an additional 110 dwellings have planning permission (not including any element of the CLR site). The housing being proposed on the southern phase of the CLR site (110 dwellings) when combined with the northern phase (497 dwellings) equates to 607 dwellings. The proposed growth in addition to completions and commitments would result in 1,054 dwellings, 93 more than the minimum identified in Policy SS5.

The accompanying text to SS5 (para. 5.67) advises that:-

*“Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres.”*

This is reinforced at para. 7.64 which states:-

*“Unlike the other Primary Market Towns, there is no new direction of growth to be identified for Crewkerne, as the location of the ‘growth’ has been predetermined by the planning permission for CLR and this is recognised in Policy HG1. Furthermore Policy SS5 recognises that the residual housing requirement for the settlement should come forward adjacent to the development area and enabled by the Development Management process.”*

Saved Policy CR/CREW/8 – Land south of Easthams Lane, Crewkerne (approximately 4.5 hectares/11.1 acres) is allocated for informal recreation use.

SD1- Sustainable Development

SS6 – Infrastructure Delivery

HG3 – Provision of Affordable Housing - seeks the provision of 35% affordable housing if it is viable to do so.

HG5 – Achieving a Mix of Market Housing

HG6 – Care Homes and Specialist Accommodation – is supportive of proposals for care homes where they meet an identified local need and are consistent with the Settlement Strategy

TA1 – Low carbon travel

TA4 – Travel Plans

TA5 – Transport Impact of New Development

TA6 – Parking Standards

HW1 – Provision of open space, outdoor playing space, cultural and community facilities in new development  
EQ1 – Addressing Climate Change in South Somerset  
EQ2 – General development  
EQ3 – Historic Environment  
EQ4 – Biodiversity  
EQ5 – Green Infrastructure  
EQ7 – Pollution Control

## **National Planning Policy Framework**

Part 1 - Building a strong, competitive economy  
Part 4 - Promoting sustainable transport  
Part 6 - Delivering a wide choice of high quality homes  
Part 7 - Requiring good design  
Part 8 - Promoting Healthy Communities  
Part 10 - Meeting the challenge of climate change, flooding and coastal change  
Part 11 - Conserving and enhancing the natural environment  
Part 12 - Conserving and enhancing the historic environment

Of particular relevance to this proposal is paragraph 22 which states:-

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

## **Other Material Considerations**

The Inspector’s Report on the examination into the South Somerset Local Plan 2006-2028 (08/01/15) noted concerns regarding “*the delivery of the single large site primarily because of the infrastructure requirements*”. It was set out at para. 97 that:-

*“monitoring of the situation will be required to ensure that should progress not occur as anticipated, other measures would be considered. It was argued that because there is only one identified site, the requirement of NPPF paragraph 47 regarding choice and competition would not be met. However, there would be choice within the site itself and elsewhere on smaller sites within the town. The Council proposes to take a permissive approach when considering housing proposals adjacent to the development area, prior to the adoption of the Site Allocations DPD. This accords with national policy and is therefore recommended (MM5). In the circumstances the Council’s approach is sound.”*

On 3 September 2015 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPF. In such circumstances paragraph 49 is engaged, this states:-

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

The development of the wider site, to which the planning obligations relate, affects dormice, a European Protected Species', accordingly the following legislation is relevant:-

- Conservation of Habitats and Species Regulations 2010 (a.k.a. 'Habitats Regulations') (European protected animal species)
- Wildlife and Countryside Act 1981 (as amended) (All protected animal species)
- The Protection of Badgers Act 1992
- The Natural Environment and Rural Communities Act 2006 (Section 40: '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 41 lists habitats and species of '*principal importance for the conservation of biodiversity*'.)
- EIA Regulations 2011 (impacts to European Protected Species are considered a significant environmental effect)
- ODPM Circular 06/2005 (Biodiversity and Geological Conservation)

## CONSULTATIONS

**Crewkerne Town Council** – initially objected on the grounds that the additional housing is not needed; location for housing next to industry and sewage treatment works inappropriate; loss of employment land lack of supporting infrastructure for care home.

Recommend refusal of the revised scheme on the following grounds:

- *Loss of employment land. The Council regards the provision of adequate employment land as vital to maintain Crewkerne as a vibrant, sustainable community. In the Council's view, the provision of employment land within the current application remains insufficient.*
- *The proposed location of the care home adjacent to employment land. This noise and smells from the industrial areas (potentially 24 hours per day and at weekends) will impact on the residents of the care home. Equally, the position of the care home directly adjacent to employment areas is likely to compromise the ability of companies seeking permission to locate to this area, through the imposition of restrictions on the allowable levels of noise, smells, traffic movements, etc.*

With regard to the proposal to renegotiate planning obligations the Town Council consider that the provision of a link road remains key to the development. It is recognised that savings need to be identified in order to meet the commercial viability target. Such areas should include a review of:-

- The proportion of natural stone used in the construction of the housing
- The contribution set aside for bus services
- The money set aside for traffic calming measures, which may be a duplication of existing planned Highways measures

The Council remains agreeable to taking on responsibility for the green spaces both offsite and within the development.

**Misterton Parish Council** (neighbouring Parish) – has concerns about the roads and infrastructure (education, health etc.). The Council agrees that SSDC must ensure that the road is built first.

**SSDC Planning Policy Officer** – by way of the background to the planned employment growth of Crewkerne it is advised that:-

*The figure contained within the Adopted Local Plan (Policy SS3) 10.10 hectares equates to the employment land allocation (CLR) which was saved and carried forward from the previous Local Plan. This approach was accepted by the Local Plan Inspector.*

*Table 1 (Employment Land Justifications) which supports Policy SS3, establishes that the employment land required to support B use jobs growth up to 2028 is 3ha. This is based on a calculation which uses national average employment density ratios from Employment Densities Guide (2010).*

*Demand arising from historic completions suggests a figure nearer 3.75 hectares – methodology used to support Rural Centres and accepted by Local Plan Inspector.*

**Economic Development Officer** – initially did not support the proposal as it was not felt that the loss of 8 hectares of employment land had been justified and the offer of 2 HA of employment land is too low. It would meet neither our future demand projections nor the aspirations of the original planning application regardless of the viability issues.

*The starting point that we've used in our calculations to estimate the required employment land for Crewkerne is the 2.98 Ha baseline for the predicted growth in jobs for Crewkerne over the plan period. This figure was reasonably rounded to 3 Ha in our initial calculations.*

*However, this figure does not take into account the latent demand demonstrated by Taylor Wimpey's own evidence (GTH marketing Appraisal 2014) as submitted with their own application. I have previously commented that there is currently an unmet local demand for employment land in Crewkerne. I feel that both the GTH evidence and the unmet demand indicated in our own 2014 survey of local businesses suggests that the total demand is likely to exceed 3HA over the plan period.*

*I believe that the evidence indicates that there would be a moderate initial demand for land that would then level out over the remainder of the period. I do not believe that 3HA would be a sufficient allocation to meet both the unmet demand plus the land required by the job projection figures.*

*It is virtually impossible to predict an exact figure from the known data, but I do feel that the higher figure of **4Ha** (that we are seeking) is not an unreasonable request, especially when one considers that a much higher employment land allocation was accepted by the applicant when the original permission was granted.*

Following discussions with the policy team it was accepted that:-

*Four sources of demand have been identified, namely historic completion rates, employment land derived from jobs growth, survey of local business demand and a survey of commercial agents. The resultant demand is summarised below:-*

<i>Demand arising from Historic Completions</i>	<i>3.74 hectares</i>
<i>Demand arising from jobs projections 2006-2028</i>	<i>2.98 hectares</i>
<i>Demand Identified by Local Businesses</i>	<i>0.84 hectares</i>
<i>Survey of commercial agents</i>	<i>Inconclusive</i>
<i>Highest Identified Demand for Employment Land</i>	<i>3.74 hectares</i>

Subsequently the applicant has agreed to increase the retained employment land to 3.74 hectares and it is observed:-

**County Highway Authority** – no objection to the introduction of residential development to this part of the site. In general it is observed:-

*“This is an outline application with all matters reserved except for access. The access as proposed along station Road the (A356) and should be provided (by legal agreement) in accordance with that agreed on the extant permission for the CLR.*

*“The Transport Assessment has been fully reviewed and considered, and it is accepted that the trip generation from the proposal is less than that which could have been generated from the extant consent for employment uses only. It is noted that there is no trigger within the extant s106 to require the delivery of the CLR for the industrial uses in isolation.*

*“The extant s106 requires the delivery of the CLR at 200 residential units. It is therefore for the Local Planning Authority to determine if the extant s106 also applies to this land and the proposed residential development. It should be noted that the current proposal and accompanying TA did not consider the development in the absence of the CLR.*

*“The extant s106 agreement will need to be fully reviewed, and/or a new agreement provided ensuring that the proposed access onto the A 356 is secured; that the delivery of the CLR is not prejudiced and a Travel Plan secured.”*

**Environment Agency** – initially raised concerns about the detail of the submitted FRA and the risk of flooding from Viney Brook. Subsequently in light of discussions with the applicant’s agent and the receipt of supplementary information have confirm they have no objection subject to safeguarding conditions.

**Natural England** – note the proximity of the Millwater SSSI, however objection raised to the revised development proposals for this site, subject to the application of their standing advice (and the comments of the Council’s ecologist).

**SSDC Ecologist** – no objection subject to safeguarding conditions to address impact on reptiles, badgers, bats, dormouse habitat and other priority species; enhancements to biodiversity and to ensure that landscape/ecology strategies and management is agreed.

**Somerset Wildlife Trust** – object due to widespread impact on species using this site.

**SSDC Landscape Architect** – notes that

*“...[this] revised proposal occupies the same footprint as that consented for employment land in the main Easthams key site. In terms of the overall presence of building forms, and intended landscape treatment, there is little change from the approved scheme, and the town edge context is as before. Views toward the site primarily view it within the context of the town, again as before. I have no issues with the LVIA produced in support of the application, hence from a landscape standpoint, there is no basis for an objection.”*

**Climate Change Officer** – objects to suggested layout as it give insufficient attention to solar renewables.



**SSDC Environmental Protection Unit** – initially raised concerns about lack of detail in odour assessment. Following negotiations with the applicant's consult additional details were proved and there remains a concern that the original siting of the care home would be within the odour plume of the sewage works.

**Wessex Water** – no concerns raised regarding drainage, however initially an objection was raised:-

*“...in the current circumstances with the revised plans we are unable to confirm that Wessex Water is satisfied that there will be no risk of odour complaint and we wish to place a holding objection until we can agree acceptable evidence or mitigating measures in line with the provisions under the NPPF.*

*“The existing sewage treatment works serves the community of Crewkerne and is a critical asset which will at some point need further capacity for catchment growth. To be clear on this matter we are seeking to avoid a position where we are subject to abatement notice arising from complaints from residents occupying new homes.”*

Subsequently, in light of additional information provided it is observed:-

*The odour assessment has been prepared with some guidance from Wessex Water on the sampling, emission rates and model outputs in conformity with the IAQM guidance and industry protocols.*

*Odour modelling indicates the level of odour emissions and is represented in the odour report as shown in Figure 4. However there are no values associated with the isopleth plots shown on the plan. We would wish to clarify the value of these plotted odour contours to ensure our understanding of the data is correct.*

*Development proposals include residential elements and these are sited at the closest point on the northwestern site boundaries to the sewage works. Subject to the odour values being confirmed - Our preference would be to relocate high sensitivity residential receptors away from these areas where possible. Employment uses at this location would be considered a lower risk to a statutory nuisance and loss of amenity for residents.*

*Points of connection for the disposal of foul and surface water need to be agreed with Wessex Water with flow rates any flood risk measures needed by the Lead Local Flood Authority.*

*Sewers will be adopted by Wessex Water under a formal adoption agreement.*

Further information has been provided to address concerns and it is confirmed that:-

*This clarifies and confirms the results data presented in the assessment report. This assessment has been prepared with reference to recent IAQM and DEFRA odour guidance. Dispersion modelling indicates that predicted odour emissions are unlikely to affect proposed residential properties.*

*We believe that we have taken all reasonable steps to protect the amenity of residents if planning permission is granted for development proposals.*

**Rights of Way Officer** – no objection subject to the applicant not obstructing any rights of way during construction. An informative is suggested.

**County Archaeologist** – no objection to the development of this site subject to a safeguarding condition.

**CPRE** – object on the grounds that to allow this application would make a nonsense of the Council's aims of balanced development. If allowed all buildings should be aligned to maximise solar energy potential, 355 affordable housing should be achieved and zero rainwater runoff.

### **Planning Obligation Requests and Abnormal Costs**

In addition to the off-site highways issues and travel planning requirement suggested by the highways authority the following requests and comments have been made.

**Housing Development Officer** – requests that 35% of the additional housing be provided as affordable units. The applicant has looked into the possibility of providing more affordable units on an 'intermediate' basis (i.e. shared ownership, 'affordable' rent), however it is suggested that if the overall affordable contribution across the site as a whole is to be lowered then all units provided should be at 'social' rent.

**Leisure Policy Co-ordinator** – initially requested £4,180 per dwelling (£459,800 for 110 units).

**Open Spaces Officer** – is in agreement that what is identified as future open space could be managed in a much more sympathetic and natural way than was originally anticipated thus producing some potential savings in the future maintenance costs, we would still like to see the areas enhanced with suitable landscaping / planting but are confident that with some effort an alternative design could be accomplished.

We did notice however that a lot of planting has already been undertaken on the escarpment, although it has received little or no maintenance. Were we aware of this? and one assumes that as this has already been done the cost isn't included in the remaining figures.

In response to TW owned land within the green space, I believe that we would be interested in taking this on subject to the usual agreements.

**County Education Authority** – initially in relation to the additional 175 dwellings a contribution of £306,425 was requested towards the provision of 25 first school places at £12,257 per place. Subsequently it has been confirmed that the cost per place has risen to £14,007 and in relation to the revised proposal for 110 houses £224,112 is requested to provide an extra 16 places.

With regard to the overall education across the site it is commented that:-

*"it is not possible to provide the school places this development would generate within existing school facilities necessitating the need for a new school. Whilst acknowledging that there is an agreement in place making provision for a school site and a £2m contribution there is still a very significant funding gap which SCC would need to bridge. Therefore SCC would look to seek an education contribution for this latest application. ."*

**Conservation Manager** – has agreed that the original expectation of 40% of the buildings within the original residential area to be in natural stone could be watered down without unacceptably compromising the expectations of the Enquiry by Design.

**Natural England** – have been involved in discussions with the applicant’s ecology to explore the possibility of a dormouse tunnel under the road. At the time of writing confirmation that they accept the alternative mitigation measure was awaited.

**SDDC Ecologist** – defers consideration of the dormouse tunnel to Natural England.

**County Archaeologist** – With regard to the ‘abnormal’ archaeology investigations on the main part of the site (as covered by 05/00661/OUT) it is confirmed that:-

*“following discussions with the applicant’s archaeologists from Cotswold Archaeology (CA) that the figure quoted will be sufficient to mitigate the archaeology through excavation. This is based on an agreed strategy with CA that defined and addresses regional and national research priorities. The mitigation measures are required due to the significance of the prehistoric, Roman and post-Roman remains (such as the villa) and to accord with the NPPF Chapter 12.”*

## REPRESENTATIONS

4 letters were initially received from local residents raising the following areas of concern:-

- House not needed
- Infrastructure lacking
- Increase traffic
- Employment land is needed
- No attempt has been made to develop the employment land
- Crewkerne would become a dormitory town;
- Advantages of original scheme have been lost;
- Impact of signalised new junction in terms of noise and pollution – traffic should go out through the Blacknell Lane industrial estate;
- Impact on tree along Eastham Lane footpath
- Possible loss of on-street parking outside nos 2, 4 and 6 Station Road

Subsequently, following publicity at a local business event the owners/directors of 5 businesses on the adjoining business park wrote in objection to the proposal raising the following concerns:-

- Loss of room for potential expansion of businesses on the estate;
- A number of businesses declared an intention to expand, the logical place being the approved 10ha of employment land;
- One business is looking to consolidate operations onto a single site in Crewkerne;
- Another claimed to have approached the site owner with a view to taking a plot on the application site but was rebuffed;
- The site has not been seriously marketed, what was offered did not meet local needs;
- Proximity of new dwellings and care home to existing industrial users will stifle future plans and growth and bring security issues and possible noise complaints;
- Close mixing of industrial and residential premises on the development site;

In response to the re-consultations on the revised layout and increase in employment provision 2 further letters were received maintaining objections on the grounds of:-

- Loss of affordable housing;
- Loss of green field with wildlife/amenity value;
- Increased flood risk

- Proximity to sewage works;
- Increased traffic on A356, over weak railway bridge and in Misterton bottleneck;
- Loss of protected trees;
- Loss of on-street parking in Station Road;
- Impact on amenities of residents in Station Road in terms noise and pollution.

## CONSIDERATIONS

It is considered that with the allocation of this site and the grant of outline permission the principle of the development of this site has been accepted. Furthermore, the previous outline approval agreed the detail of the access. Accordingly, and notwithstanding local concerns about the impact of the proposed junction with the A356, it would not now be appropriate to revisit this aspect of the proposal which has been accepted in all respects including highways safety and residential amenity.

The keys issues are considered

- Principle
- Loss of Employment
- Introduction of residential development
- Introduction of the care home
- Amenity Issues
- Any changes in circumstance that justify reconsideration of previously acceptable aspects of the development
- Planning obligations

### Principle

The lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fail to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In this instance, the site is allocated for industrial development and adjacent to Crewkerne, a Primary Market Town, where policy SS5 advises that a permissive approach should be taken to housing proposals.

In the absence of a 5 year housing land supply the paragraph 49 of the NPPF is engaged and:-

*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Such approach is not fundamentally different to the permissive approach advocated by policy SS5, although it should be stressed that the benefits in terms of the contribution the proposed houses would make to the Council's shortfall must also be given significant weight in the planning balance.

As identified in the local plan inspector's report (para.97) there are risks identified with seeking to deliver the majority of growth on a single site. The Inspector took the view that monitoring is needed and other measures will have to be considered should progress not occur as anticipated.

In light of this background it is not considered that it would be unreasonable to reject residential development as a matter of principle. A permissive approach must be taken and the scheme must be considered on its merits with both a presumption in favour of sustainable development and significant weight given to the benefits of delivering additional housing.

### **Loss of Employment**

Saved policy KS/CREW/1 allocates this site for employment uses and in this respect the current proposal for a mixed use development is quite clearly contrary to local plan policy. As stated by Section 38(6) of the Planning and Compulsory Purchase Act 2004 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Paragraph 22 of the NPPF suggests that there should be a framework within which land allocations are reviewed and:-

*"Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."*

It is considered that a reasonable starting place is the most recent local plan evidence base, as opposed to the evidence upon which the original 10 hectares was put forward in the course of the formulation of the previous local plan which covered 1991-2006. The policy team have identified 4 sources of information:-

1. Source 1 – 3.74ha based on the historic rate of completion
2. Source 2 – 3.0ha based on the number of B-use jobs envisaged by the adopted local plan over the plan period. This plans for a total of 577 additional jobs in Crewkerne to 2028 of which 352 would be B-use, with the remaining 225 coming in other areas – such as retail and services (i.e. health, education etc.).
3. Source 3 – 1.68ha based on a survey of workspace needs.
4. Source 4 – a Survey of local developers and Commercial agents was inconclusive. It was advised that there is currently limited demand with a sufficient churn of premises to cope with existing demand. Looking forward it was felt that the demand derived from historic completions was possibly the best indicator of future land requirements, although was a qualitative overview rather than a quantitative analysis.

The applicant has provided a commercial marketing report which contends that there is no demand locally that would justify bringing forward the whole allocated 10 hectares. What limited interest there is seem to be for smaller parcels that would not be economically viable given the need for this part of the site to deliver the bottom third of the link road and the Blacknell Lane link.

On this basis it is suggested that the appropriate defensible minimum figure for retained B-use land is 3.74 hectares. Notwithstanding local concerns it is not considered that there is any reasonable evidence that would justify seeking a higher figure. The applicant has agreed to amend the scheme and it is noted that the 3.74 ha reflects the historic delivery rate of employment land in Crewkerne as is supported by the commercial agents surveyed. It would also safeguard the aspiration for the delivery of 352 B-use jobs over the plan period. The acre home would also contribute to the 225 other jobs planned for.

On this basis whilst the proposal clearly does not comply with the saved policy it is considered that there are material considerations that justify accepting the principle of a mixed use development of this allocated B-use employment site, as suggested by paragraph 22 of the NPPF, subject to consideration of the detailed impacts of the proposal.

### **Introduction of Residential Development**

In terms of sustainability it is not considered that this site is in an unsustainable location relative to the services and facilities available in the town. The level of growth proposed (110 dwellings) when combined with the northern part of the site (497 dwellings) equates to 607 dwellings. This proposed growth, in addition to completions and commitments, would result in 1,054 dwellings, 93 more than the minimum identified in Policy SS5. This scale of this growth is acceptable and proportionate when considered against the role of Crewkerne as a Primary Market Town.

### **Introduction of a Care Home**

Policy HG6 supports this type of accommodation where it meets an identified local need and is consistent with the Settlement Strategy. Given the role and function of Crewkerne and evidence such as the SHMA regarding the nature of South Somerset's population, the provision of a care home would contribute to the range and choice of living accommodation available locally

### **Amenity Issues**

As with any mixed use scheme there is a concern that there could be conflicts of use between residential and commercial elements within the scheme. In this instance there is also a concern that placing residential uses, including a care home, in close proximity to the existing industrial users would give rise to similar conflicts. In particular there is a fear that complaints from new residents could compromise the way in which existing businesses can operate.

With regard to the former issue it is considered that the relationship between users within the site could adequately be considered at the reserved matters stage. At this point the detailed layout would enable the appropriate balance to be struck to ensure both an adequate standard of amenity for future residential occupiers and suitably flexible employment space.

Turning to the relationship with existing business premises the applicant's noise survey places the whole of the site within the 55dBA contour and as such it is their contention that future residents would not be subjected to excessive or unreasonable levels of noise. Accordingly complaints would be unlikely to arise.

Whilst 55dBA is a widely accepted noise threshold, the Council's environmental protection team are concerned that the submitted noise plan simply reflects the existing situation and were business models/practices to change on the industrial estate the situation could deteriorate.

Such concerns are shared and it is accepted that it would be unreasonable to place new residents at risk of noise. Furthermore the NPPF advises against compromising the flexibility of existing, lawful activities with poorly sited development. The applicant has been asked to provide a more detailed noise contour map of the site to demonstrate that the proposed houses can be accommodated onsite, whilst allowing for sufficient space/buffering between noise sensitive properties and existing potentially nuisance activities. Such space would need to be adequate to allow for noisier activities within the neighbouring buildings than might push the 55dBA contour into the site

Such information would need to demonstrate that there is sufficient space for the 55dBA contour to expand into the site, and that buffering can be incorporated into the layout at the reserved matters stage. If this information is received and accepted by the Council's environmental protection unit it is considered that in principle the site could accommodate residential development without undue impact on either residential amenity or the ability of existing premises to continue to operate.

In these circumstances it would be recommended that conditions to be imposed to require the agreement of a site wide noise strategy prior to the submission of the reserved matters and that the reserved matters be informed by the agreed strategy and accompanied by detail noise mitigation measure. On this basis the proposal would comply with policies EQ2 and EQ7.

Further concerns have been raised about the proximity of the sewage treatment works and the potential for unacceptable odour impacts. The applicant has carried an Odour Assessment, which concludes that the occupiers of the proposed houses would not suffer unduly. This is now accepted by Wessex water and the Council's environmental protection unit

Members are reminded that layout is a reserved matter and the relationship with the treatment works can be considered in detail at the reserved matters stage. On this basis it is considered that the proposal complies with the requirements of policies EQ2 and EQ7 with regard to possible odour impacts.

Accordingly, whilst there are local concerns about the noise and the relation between residential development and existing industrial users and impact of odours from the sewage treatment works, it is considered that it has been demonstrated that both residential amenity and the future viability of the existing employment units can be safeguarded. The imposition of conditions would ensure that suitable detail is provided to reinforce this.

### **Changes in Circumstance**

The original Environmental Statement has been updated and contends that the introduction of mixed use development to this part of the site would result in no changes in terms of the impact of the development that could not be reasonably mitigated.

### **Highways Safety**

The original approval assumed the delivery of the link road prior to the occupation of the 200<sup>th</sup> house on the site. The applicants are not seeking to amend the trigger points and the County highways authority do not raise any highways objections. Any modest increase in car traffic stemming from the proposed dwellings is likely to be off-set by the reduction in commercial traffic, particularly HGVs, that would have been associated with 10 hectares of employment land.

Accordingly it is considered that, subject the appropriate highways safeguarding conditions the proposal complies with the requirements of policy TA5.

### Drainage

It has previously been accepted that this part of the site can be satisfactorily drained. Whilst the detail of the drainage strategy would have to be amended to reflect a mixed use scheme, the principles, as related to a development of a large industrial scheme, are reasonably application to the current proposal. Conditions are therefore recommended to ensure that the detail and future management arrangements of the drainage system are agreed. On this basis the proposal complies with policy EQ1.

### Ecology

The applicants have updated their original ecology report and further surveys have been carried out. No ecological issues have been identified on this part of the site. Accordingly subject to the safeguarding conditions recommended by the council's ecologist it is considered that the mixed use development of this lower part of the allocated site would have no adverse ecological impacts and complies with policy EQ4.

### Archaeology

The applicants have updated their original archaeological report which identifies no archaeological issues on this part of the site. Accordingly subject to the safeguarding condition recommended by the archaeologist it is considered that the mixed use development of this lower part of the allocated site would have no adverse impact on this historic assess and complies with policy EQ3.

### Landscape

The principle of the development of this site has been accepted. It is not considered that the proposed change from industrial development to a mixed use development in any change increases in the landscape impact. Accordingly subject to appropriate landscaping conditions it is considered that the proposal complies with policies EQ2 and EQ4.

### Other Issues

This is an outline application and it is considered that, subject to appropriate safeguarding conditions, the reserved matters (appearance, layout, scale and landscaping) can all adequately be considered at a later stage

## **SECTION 106 PLANNING OBLIGATIONS**

Application 14/02141/OUT seeks to add value to the development of the allocated site. The applicant also seeks to renegotiate the previously agreed planning obligation package entered into as part of the approval of 05/00661/OUT. In effect the Council is being as to consider what planning obligations are reasonable necessary to secure the viable delivery of a development comprising:-

*Up to 607 houses, up to 3.74 ha of employment land, primary school site, care home, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements*



There are two strands to the planning obligations, firstly there are those already agreed and secondly there are those that have been requested in relation to the extra 110 dwellings now proposed on this southern part of the site. Additionally there are the 'site abnormalities' these are set out in the table below.

	Approved scheme 05/00661/OUT	Requested in relation to 14/02141/OUT	Combined scheme offer
<b>Number of houses</b>	Up to 525	Up to 110	607
<b>Affordable Housing</b>	17.5%	35%	50 units (8.25%)
<b>Employment land</b>	10 ha	3.74ha	3.74ha
<b>Highways</b>	<b>Link road from A30 to Station Road, with link to Blacknell Lane</b>		
<b>PLANNING OBLIGATIONS</b>			
<b>Highways Contributions</b>			
Town Centre Improvement	£100,000		<b>£7,600,000</b> offered to cover all obligations and abnormalities
Bus & Cycle Hard Measures	£37,250		
Bus Service Contribution	£164,000		
Traffic Calming	£31,000		
Cycle upgrade	£100,000		
Travel vouchers	£78,250		
Signage & travel Information	£20,000		
Travel packs	£28,875		
Travel plan contribution	£4,000		
Travel plan co-ordination	£70,000		
Commuted sums to A30 works	£277,000		
<b>TOTAL</b>	<b>£910,375</b>		
<b>Education</b>	Site + <b>£2,000,000</b>	<b>£224,112</b>	
<b>On-site LEAP &amp; NEAP</b>	<b>£182,702</b>	<b>£397,100</b>	
<b>Off-site Leisure</b>	<b>£260,000</b>		
<b>Dormouse Mitigation</b>	<b>£491,095</b>		
<b>Total contributions</b>	<b>£3,844,172</b>		
<b>ABNORMALS</b>			
<b>Badger mitigation</b>	<b>£35,000</b>		
<b>Landscaping planting to A30 junction &amp; county park</b>	<b>£1,500,744</b>		
<b>Commuted sum to above</b>	<b>£527,000</b>		
<b>Use of 40% natural stone</b>	<b>£2,594,340</b>		
<b>Archaeological investigations</b>	<b>£935,744</b>		
<b>Total abnormalities</b>	<b>£5,592,828</b>		
<b>TOTAL</b>	<b>£9,437,000</b>	<b>£621,212</b>	<b>£7,600,000</b>
<b>Total (agreed and requested)</b>		<b>£10,058,212</b>	
		<b>SHORTFALL</b>	<b>£2,458,212</b>

The District Valuer (DV) suggests a package of obligations comprising 50 affordable housing, the provision of the link road and £7.6M to cover planning contributions and additional costs (archaeology, country park landscaping, the enhanced use of natural stone to meet the requirements of the Enquiry by Design etc.) would be a reasonable response to the viability of the site as a whole. This acknowledges the price paid for the site, the costs for the development, the accepted abnormals and a reasonable profit margin (17.5% on open market and 6% on the affordable).

The Council has no reason the doubt the case put to the DV or justification to dispute the advice received. Accordingly officers have sought to achieve the savings of £2,458,212 in a balanced manner. However there are some obligations that all parties have been reluctant to reduce. First the link road, this is seen as a vital contribution to local infrastructure that is necessary to mitigate the impact of the development as a whole and secure the future growth of the town. It therefore remains a part of the scheme to be delivered to the previously agreed timescales – prior to the occupation of the 200<sup>th</sup> house or four years from first occupation.

Secondly it is acknowledged that the infant schools in Crewkerne are at capacity with a very real need to find a school site and provide a new school as a matter of increasing urgency. Ashlands School (the nearest to the main residential part of the site) is incapable of expansion. The provision of a school site and an education contribution of £2,224,112 would enable a new 5 form school to be provided, possibly as a satellite to Ashlands, with room to expand should the school wish to relocate at a later date.

It has therefore been considered important to safeguard the education contribution which has significant infrastructure implications for the town as a whole and is necessitated by a development of 607 houses.

Turning to other obligations/abnormal costs these are considered as follows:-

### **Affordable Housing**

It has been accepted that this site would always struggle to deliver the 35% expected by HG3, indeed the allocation indicates a 'target' of 35% affordable housing. The Council's housing officer has reluctantly accepted the lower figure, which he would expect to be all for 'social rent', however the developer should be required to make best endeavors to secure funding to uplift the affordable element.

### **Highways**

The agreed obligations are split into 3 components, financial contributions towards off-site works (£432,250), travel planning measures (£201,125) and commuted sums toward the works around the new access to the A30 (£277,000). It is considered that the hard measures would encourage future occupiers of the development of use alternative modes of transport to the private motorcar. They are also necessary to provide good links between the main, northern residential part of the site and the town. They would also benefit occupiers of the southern part of the site and constitute a permanent investment in the infrastructure of the town.

The commuted sums toward the maintenance of the new signalized junctions to the A30 are considered to be reasonably necessary to enable the County Council to adopt this critical infrastructure, without which the development would not be acceptable.

Finally are the 'soft' planning measures, there are a policy requirement (TP4), however they could be considered to be an extra on top of the hard measures already discussed. Furthermore it is noted that a third of this travel planning budget accounted for by monitoring and the practical benefit of such measures is queried.

The County highways authority is adamant that such measures are necessary to deliver a required modal shift – normally a 10% decrease in single occupancy car journeys. However they can provide no evidence as to the effectiveness of travel plans in rural market towns such as Crewkerne.

On this basis it is considered reasonable, in this instance, to remove the £201,125 previously agreed for travel planning and not to request additional travel planning measures in respect of the mixed use development proposed by 14/02141/OUT. It is accepted that to do so would be contrary to policy TP4, however it is considered that the viability case presented by the applicant, and accepted by the DV constitutes a material consideration to justifies making a policy exception in this case.

Additionally it should be noted that, even in the absence of a full travel plan as required by TA4, the cycle, footpath and bus contributions would all encourage future occupiers to use alternative to the private motorcar. Furthermore a condition could still require a modest travel planning to promote the options that this development would enhance,

### **Leisure Contributions**

In the course of determining the original application the leisure obligations were severely reduced to just £260,000, to be split equally between local facilities and strategic facilities. Since then the CIL regulations have come into force, preventing the pooling of more than 5 contributions. This has meant that strategic contributions are no longer sought, a saving of £130,000.

It is considered that the on-site component of these obligations (£329,931 towards LEAPs and NEAPs) is necessary to make the development acceptable and as such must be retained. This leaves £379,871 as a contribution towards mitigating the impact of the development on leisure facilities in the town.

The applicants own land off Easthams Lane that is allocated for informal recreation use (CR/CREW/8). It is considered that this is land, on the cycle and walking route to town from the site, where leisure and recreational facilities could be provided to meet the needs of future occupiers. The Town Council are willing to take this land, subject to appropriate an appropriate commuted sum to secure its initial maintenance.

It is considered that the acquisition of this land would provide opportunities that would mitigate the previously agreed reduction in the off-site leisure contribution. Such reduction would not be compliant with the methodology behind policy HW1, however the viability of the development again is considered to constitute a material consideration that justifies an exception.

### **Ecology**

The Council's ecologist has set out the legislative framework within which the District Council must consider whether or not the favourable conservation status (FCS) of the dormice (a European Protected species) would be protected. Even though Natural England ultimately grant the licence for works affecting European Protected Species case law clearly indicates

that failure of a local planning authority to fully consider whether their FCS would be safeguarded would potentially render any decision defective.

Whilst dormice have been recorded on the application site, the principal impact of the development would be experienced by a population to the west of the site which would become isolated by the link road. Unable to maintain links to the surrounding countryside it is feared that this group would no longer be viable. It has been suggested that they are trapped and relocated, however there are very good reasons why this is not possible:-

1. Dormice do not relocate well; tending to become highly stressed by the experience, they are often predated.
2. The affected dormice are on third party land and the co-operation of the owner cannot be guaranteed.
3. Natural England rarely grant licences for re-location. When they do so it is only for very small populations.

Accordingly the only option has been to consider the best way to maintain a physical link between the affected dormice and the open countryside to the east which would provide a route to and from the affected area. As an arboreal species, dormice will not cross any significant open space on the ground. It is therefore accepted that the proposed link road would present an insurmountable barrier to the dormice.

Previously it was considered that the only option would be a bridge to enable them to cross the road. In the course of the current applications the option of a passage under the road has been discussed with Natural England who are receptive to the idea, subject to the detail. It agreed an estimated saving of £200,000 could be achieved.

The current s106 obliges the developer to achieve a solution that maintains the favourable conservation status of the dormice and it is possible that reversion to the previously accepted bridge would be necessary. The applicant's however are confident that this will not happen are willing to accept the saving offered at their own risk.

The badger mitigation measures are not disputed.

## **Landscaping**

The approved scheme allows for significant landscaping of what will be a heavily engineered feature at the entrance to the site on the A30. Additionally considerable structure landscaping is planned for along the scarp, along the road and within the country park in the centre of the site. Such landscape planting is also integral to the dormouse mitigation strategy and commuted sum is included to allow for the adoption of the country park or to forward fund the initial period of maintenance by a management company.

The Town Council has indicated a willingness to take on the responsibility for the country park; the A30 junction would be adopted by the County Council and there is a commuted sum for this. On this basis it is considered that there is leeway to review the £2,027,744 set aside for landscaping. It is suggested that £ would be sufficient to adequately landscape the land in question and provide a suitable commuted sum to enable the Town Council to adopt the country park and the land off Easthams Lane. This would represent a saving of £927,744.

## **Use of natural Stone with the north residential area**

The original allocation was supported by the findings of an enquiry by Design by the Princes trust which envisaged a high quality development utilizing a high level of natural stone. In the original viability appraisal of application 05/00661/OUT a cost of £2,594,340 was attributed to achieving this. In light of the renewed viability pressure this has been reviewed.

The approval of 05/00661/OUT was subject to a condition which required the agreement of a site wide Design Code. This condition has been discharged prior to the submission of the reserved matters application. It sets out a requirement for 40% of the properties on the northern part of the site to be in natural stone, the southern part of the site, being in a very different context, would not be covered by this expectation).

The approved reserved matters drawing show the affected building to be wholly in stone. This has been reviewed by the conservation manager who accepts that 40% of buildings fronted in stone would achieve the aims of the Enquiry by Design and the Design Codes. The applicant agrees that this would achieve a saving of £1,000,000.

## **Archaeology**

The original cost of the unexpected archaeological investigations has been challenged and reduced by some £500,000 to the now accepted figure of £935,744. The Council's archaeological advisor accepts that this is a reasonable and justified sum, necessary to safeguard the historic assets as required by policy EQ3. It is accepted that no further savings can be found here.

Nevertheless this position would be reviewed on a 3 yearly basis throughout the lifetime of the development and any significant uplift in profitability to trigger a reappraisal of the obligations. This would also apply to any decrease in profitability, any the applicant could argue that the planning obligations should go down.

## **Conclusions on Planning Obligations**

On this basis a saving of £2,553,869 could be achieved additionally the applicant has agreed that they would be willing transfer the ownership of their holding at Easthams Lane to either the District or Town Council. Whilst it is disappointing that the originally envisaged planning obligations cannot be achieved it is considered that the key benefits of this development would be maintained, namely:-

- The delivery of the link road and Blacknell Lane link to the originally agreed time;
- The provision of the school site and the substantial contribution towards funding an urgently needed new school;
- The provision of sufficient employment land to meet the identified need in the town;
- Then provision of sufficient housing, including a modest contribution towards affordable housing, to meet the needs of Crewkerne over the plan period;
- The maintenance of sufficient measures to mitigate the impact of the development on ecology, historic assets and the highways network;
- The maintenance of adequate measures to provide future occupiers with the opportunity to use appropriate alternatives to the private motor car to access the services and facilities available in the town;
- The provision of a country park.

Although the suggested package of planning obligation is again diminished it reflects the latest viability review and falls to be considered in light of government advice. This is very clear in that where a site has been accepted for development, it is not reasonable to maintain an insistence on planning obligations that would jeopardise the viability of the development and result in the site not being developed.

The obligations that have been renegotiated do not undermine measures that are necessary to make the development acceptable with regard to highways safety, ecology, flood risk/drainage or the level of development. Rather they have sought to review the mitigating measures in terms of the landscape planting, the level of use of natural stone, off site leisure contributions, soft travel planning measures, the amount of affordable housing and ecological mitigation works.

It is considered that the reduced measures will not prejudice an acceptable mix, form and appearance of development coming forward with reasonable mitigation measures in terms of landscaping, drainage, highways safety/capacity. They would however make the scheme viable at this point in time giving the applicant the necessary certainty to enable a start to be made.

**OVERALL CONCLUSION**

The Council is presented with a two-fold approach to address the viability of the key site. Application 14/02141/OUT seeks to add value by introducing a mixed use scheme of up to 110 dwellings, 3.74 hectares of employment land and a 60 bed care home, to the previously approved employment site off Station Road. Concurrently 15/04084/DPO seeks to agree a package of planning obligations on a site wide as an alternative to those agreed with the approval of the original site wide outline permission (05/00661/OUT). Apart from the changes to the employment area all aspects of 05/00661/OUT would remain as approved.

The combined development comprises:-

- Up to 607 houses – c. 497 on the northern part of the site, up to 110 on the southern part of the site;
- School site and local centre, LEAP and NEAP on northern part of site
  - hectares of B-use employment land, 60 be care home and LEAP on southern part of site;
- Country park/open space in central part of site
- Detailed access arrangement and new junctions at A30 and A356 with link road between
- Associated landscaping and ecological works

The package of planning obligations is set out in the following table.

<b>Combined Obligations - 05/00661/OUT &amp; 14/02141/OUT</b>	
<b>Number of houses</b>	607
<b>Affordable Housing</b>	50 units at social rent (8.25%)
<b>Employment land</b>	3.74 ha + 60 bed care home
<b>Highways</b>	<b>Link road from A30 to A356 with link to Blacknell Lane</b>
<b>Land off Easthams Lane to be transferred to District or Town Council</b>	
<b>PLANNING OBLIGATIONS</b>	
<b>Highways Contributions</b>	

Town Centre Improvement	£100,000	
Bus & Cycle Hard Measures	£37,250	
Bus Service Contribution	£164,000	
Traffic Calming	£31,000	
Cycle upgrade	£100,000	
Commuted sums to A30 works	£277,000	
<b>Total highway contribution</b>	<b>£432,250</b>	
<b>Education</b>	<b>Site + £2,224,112</b>	
<b>On-site LEAP &amp; NEAP (north)</b>	<b>£182,702</b>	
<b>LEAP (south)</b>	<b>£147,229</b>	
<b>Off-site Leisure</b>	<b>£379,871</b>	
<b>Dormouse Mitigation</b>	<b>£291,095</b>	
<b>Total Obligations contribution</b>		<b>£3,657,259</b>
<b>ABNORMALS</b>		
<b>Badger mitigation</b>	<b>£35,000</b>	
<b>Landscaping planting to A30 junction &amp; county park (incl. any commuted sum)</b>	<b>£1,377,657</b>	
<b>Use of 40% natural stone to frontages</b>	<b>£1,594,340</b>	
<b>Archaeological investigations</b>	<b>£935,744</b>	
<b>Total abnormalities</b>		<b>£3,942,741</b>
	<b>TOTAL</b>	<b>£7,600,000</b>

It is accepted that with these contributions the proposal would not comply with policies KS/CREW/1 (less than 10.5 hectares of employment land); HG3 (less than 35% affordable housing); TA4 (lack of a full travel plan) and policy HW1 (reduced leisure obligations). Nevertheless it is considered that there are material considerations that justify making a policy exception in this instance.

Firstly it is clear that the Council's evidence base indicates that there is little evidence, if any, to justify the 10.5 hectares of employment land in the allocation. The applicant's proposal of 3.74 hectares reflects the most optimistic prediction of demand over the plan period and the proposed care home would contribute toward the identified need for non-B-use jobs.

Secondly, with regard to planning obligations, policy SS6 sets out that the level of developer contribution will be proportionate to the nature, scale and viability of the development having regard to the scale of development, the capacity of existing infrastructure and the potential impact of the development.

In this respect regard must be had of the viability of the development and the advice that has been given by the District Valuer. The suggested, reduced contributions are considered to strike the appropriate balance between maintaining contributions to infrastructure under most pressure and reasonably mitigating the impacts of development on this scale.

On this basis it is considered that a policy departure is justified in respect of the mixed use development proposed by 14/02141/OUT and the re-negotiation of the site wide obligations requested by 14/04084/DPO. Such decision would reflect clear government advice to planning authorities to adopt a flexible approach to 'stalled sites'.

Turning to the Council's lack of a 5 year housing land supply, the delivery of much needed housing to meet the District's need must be given significant benefit in the 'planning balance'. Additionally the Council is committed to a permissive approach to housing proposals adjacent to Crewkerne.

It is considered that the benefits of the proposal in terms of delivering housing, infrastructure improvements, the jobs that would be created in the construction phases and by the economic activity of future residents outweighs the limited harms identified above. Furthermore there are considered to be material circumstances that justify approving this development contrary to local plan policy.

## **RECOMMENDATION**

- A. 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.
- B. 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 200<sup>th</sup> house or within 4 years of the occupation of the 1<sup>st</sup> house, whichever is sooner.
  - Provide for the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000m<sup>2</sup> 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
- 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.
- 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;
- 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
- 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. Such conditions as reasonably recommended by the Environmental Protection Unit to mitigate the impact of noise.

### **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.
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# Agenda Item 15

## **Date and Venue for Next Meeting**

The next scheduled meeting of the Committee will be held on Wednesday 16<sup>th</sup> March 2016 at 5.30pm at Swanmead Community School, Ilminster.

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