

## South Somerset District Council

**Minutes** of a virtual meeting of the **Regulation (Informal)** held by video-conference using Zoom meeting software **on Tuesday 18 January 2022.**

(10.00 - 10.40 am)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Jason Baker  
Adam Dance  
Sarah Dyke  
Tony Lock

David Recardo  
Andy Soughton  
William Wallace



Also Present:

**Officers:**

Sarah Hickey  
Jo Boucher  
John Hammond

Senior Planning Lawyer  
Case Officer (Strategy & Support Services)  
Specialist - Principal Planner

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

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**28. Minutes (Agenda Item 1)**

The minutes of the Regulation Committee (Informal) meeting held on 21<sup>st</sup> December 2021, copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

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**29. Apologies for Absence (Agenda Item 2)**

Apologies for Absence were received from Councillors Malcolm Cavill and Sue Osborne.

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**30. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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**31. Public Question Time (Agenda Item 4)**

There were no questions from members of the public.

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**32. Planning Application 21/03005/S73 - Crewkerne Key Site 1 Land East Of Crewkerne Between A30 And A356 Yeovil Road Crewkerne (Agenda Item 5)**

***Proposal: S73 Application to vary conditions 01 (appearance, landscaping, layout and scale herein after called the 'reserved matters') of planning approval 19/03482/S73; (relating to 05/00661/OUT, 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);***

The Principal Specialist presented the report and with the aid of slides explained the history of the site giving details of the previously approved planning permissions on the site. He explained this application is brought to committee to seek to vary condition 1 of planning approval 19/03482/S73 which had varied the original outline permission 05/00661/OUT and would allow for preparatory works to take place for the creation of the link haulage road.

He believed this would help reduce the trips on road and considered it therefore to be an acceptable outcome. However, he did highlight concern around the mitigation of the wildlife habitat onsite such as the dormice and otters and the need to have a mitigation strategy to protect the biodiversity of the site moving forward. He therefore advised that the appropriate condition be amended to mitigate these concerns.

The Principal Specialist also updated members that he had received a further public comment requesting that the applicant undertake a public exhibition of their submissions and also expressed concerns on traffic exiting onto the A30 and movements through Crewkerne.

In response he advised that Crewkerne Town Council had asked the applicant to undertake a public exhibition and considered it a matter between those two parties to resolve. He also advised that conditions were already included that required a Construction Environmental Management Plan to be submitted and approved by the Highways authority.

The Principal Specialist with the aid of slides then proposed that two amendments be made to conditions 7 and 14 as follows:

- to condition 7 to include the wording 'Ecological Management'
- to condition 14 to amend the wording to ensure and clarify a suitable trigger is in place regarding the surface water run-off limitation scheme

He also highlighted the two key considerations being:

- Impact upon highway network – believed this application will allow vehicles to move within the site.
- Impact upon Ecology – allow conditions to trigger the submission of biodiversity mitigation proposals to protect the otter and dormice habitat and ensure they take place before the commencement of the haul road.

A member of the public then addressed the committee and although stated she was not objecting to the proposed haul road she did raise concern regarding the wildlife habitat of various species such as the dormouse, otters and badgers. She said clarification was

needed on how these species will be protected to ensure it is not detrimental to wildlife on the site. She also sought clarification regarding the access to the southern site.

In response the Principal Specialist commented that conditions were in place to ensure the Landscape and Environmental Management Plan would provide suitable mitigation regarding any biodiversity issues that would be impacted before any works on the haul road commence.

The agent then addressed the committee. His comments included:

- Ecology is a primary concern and that there is clear licence with Natural England to prevent any harm to wildlife.
- The sole purpose of the application is to avoid construction traffic having to go through Crewkerne town centre and to keep traffic within the site.
- Happy with the proposed amendments to conditions with additional ecology mitigation being included and a Landscape and Ecological Strategy already in place.
- Gave assurance that adequate mitigation are to be put in place to safeguard both otters and badgers on the site.

In response to a members' questions the Principal Specialist advised that:

- Processes are in place to ensure the adoption of roads nearing completion of the development. He noted there can be issues regarding the construction of roads and lack of accountability for the management and maintenance including open space, however gave assurance this was being looked at.
- Intention is the haul road will follow the line of proposed link road.
- Condition 6 ensures that sufficient mitigation proposals are put in place to protect the wildlife habitats before any commencement of works to the haul or link road.

There being no further discussion it was then proposed and seconded to approve the application as per the officer's recommendation, subject to the conditions outlined in the officer report, with agreed amendments to condition 7 to include the wording 'Ecological Management' and condition 14 to amend the wording to ensure and clarify a suitable trigger is in place regarding the surface water run-off limitation scheme. On being put to the vote this was carried unanimously.

#### **RESOLVED:**

That Regulation Committee recommend the Chief Executive to:

Approve Planning Application **21/03005/S73** for the following reason:

On the basis that:

The principle of this development is supported, reflecting as it does the Local Plan allocation KS/CREW/1. Crewkerne is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting or functioning of the town.

It is not considered that the proposal would adversely affect highways safety, ecological or architectural interest of the site, the favourable conservation status of protected species or visual and residential amenity and there would be no risk of increased

flooding. Matters of detail, including design and appearance, layout, scale and appearance can appropriately be considered through the submission of subsequent reserved matters applications. As such the proposal accords with the Local Plan allocation KS/CREW/1 and the policies of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

Approve subject to the conditions below and a variation to the S.106 Agreement between the applicant and SSDC.

01. The principle of this development is supported, reflecting as it does the Local Plan allocation KS/CREW/1. Crewkerne is an appropriate location for this level of development and the site is suitable in terms of its relationship to the town and its services and can be developed without causing unacceptable harm to the setting or functioning of the town.

It is not considered that the proposal would adversely affect highways safety, ecological or architectural interest of the site, the favourable conservation status of protected species or visual and residential amenity and there would be no risk of increased flooding. Matters of detail, including design and appearance, layout, scale and appearance can appropriately be considered through the submission of subsequent reserved matters applications. As such the proposal accords with the Local Plan allocation KS/CREW/1 and the policies of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

#### **SUBJECT TO THE FOLLOWING:**

01. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") for each phase shall be submitted and approved in writing by the local planning authority before any development of that phase 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 10 years from the date of the original permission (05/00661/OUT), i.e. before 4 February 2023, and the development shall begin no later than 10 years from the date of that original permission (05/00661/OUT) or not later than 2 years from the approval of the last 'reserved matters' to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The residential component of development hereby approved shall comprise no more than 525 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 SS1, SS5, SS6, HG1, HG3 and HW1 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 approved plans of this permission and the recommendations of the Environmental Statement and its addendum and compliance notes, 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 and the requirements of the Town and county Planning (environmental Impact assessment) Regulations 2011. This is a pre-commencement condition given the scale of the development site and the importance of securing the comprehensive delivery of housing, roads and social infrastructure.

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 and the requirements of the Town and county Planning (environmental Impact assessment) Regulations 2011.

05. Prior to the submission of any application for the approval of the reserved matters in relation to the residential areas, a Design Code for the residential areas, showing how the site would be developed, shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be in accordance with the Approved Masterplan and the principles established by the Easthams Architectural & Design Code (October 2005) by the Prince's Foundation for the Built Environment submitted in support of the application (received 27/01/06). This shall then be used as the basis for all submissions of applications for approval of reserved matters.

Reason: To ensure a high quality form of development and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028. The requirement for the submission of the Design Code in advance of reserved matters is to ensure the design approach is properly explained and reflected in the reserved matters submissions.

06. Prior to the first of the following activities: (i) the construction of a haul road, (ii) the construction of any part of the permanent link road, or (iii) the submission of any application for the approval of the reserved matters a Page 8 '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 and addendum previously approved as part of permissions 05/00661/OUT and 19/03482/S73 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, prior to the commencement of each phase or part of a phase, as agreed by condition 3, a detailed plan (based on the principles agreed in the site wide 'Landscaping and Ecological Management Strategy') for that phase, including up-to-date surveys and mitigation strategies where necessary, shall be submitted to and approved

in writing by the local planning authority. Once agreed such strategies shall be adhered to throughout the relevant construction phase.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with Policies EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028. This is a pre-commencement condition to ensure that suitable protection and enhancement measures are in place before any works take place on site.

07. 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, prior to the commencement of each phase or part of a phase, as agreed by condition 3, a detailed Landscape Ecological Management Plan (based on the principles agreed in the site wide 'Landscape and Ecological Management Strategy') for that phase, including up-to-date surveys and mitigation strategies where necessary, shall be submitted to and approved in writing by the local planning authority. Once agreed, the Landscape and Ecological Management Plan shall be adhered to throughout the relevant construction phase.

Reason: In the interests of visual amenity and to safeguard the ecological interest of the site in accordance with Policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan 2006-2028. The requirement for this submission in advance of reserved matters reflects the need for the Strategy to inform the site layout principles being proposed within the reserved matters applications

08. 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 2006-2028. The requirement for this plan is to demonstrate that the management of waste and recycling and its impacts upon street scene has been fully taken into account in the development of the site layout

09. Within four years of the occupation of the first dwelling the link road through the site shall be fully completed generally in accordance with the details shown on drawing numbers 18-138-020C; 18-138-021C; 18-138-022C; 18-138-023B; 18-138-024B; 18-138-025B; and 18-138-SK02B, full details of which, including levels, drainage, lighting and landscaping, shall have been submitted to and approved in writing by the local planning authority. During this time no more than 199 dwellings shall be occupied unless the link road is provided.

Reason: To ensure that the impact of this development on traffic circulation in Crewkerne is reasonably mitigated in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

10. Notwithstanding the details on the drawings hereby approved, prior to the commencement of the construction of the junction of the link road with the A30 details of all 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 in accordance with the approved details.

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

11. 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 involving further evaluation and excavation, followed by analysis and publication of results 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 EQ3 of the South Somerset Local Plan 2006-2028. This is a pre-commencement condition given the potential to disturb archaeological assets through any initial site clearance and preparation works.

12. 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 Policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028. This is a pre-commencement condition given the need to have satisfactory measures in place to manage hours of operation, deliveries, road conditions and routings.

13. There shall be no development, except that associated with the link road, within that part of the site liable to flood as shown 1 in 100 year plus climate change floodplain shown in South Somerset District Council's Strategic Flood Risk Assessment drawing Tile Set 3, Tile C.

Reason: To ensure that there will be no risk of flooding to people or property in accordance with Policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

14. Reserved matters applications shall be accompanied by a surface water run-off limitation scheme (masterplan and phased plans) has been submitted to and approved in writing by the LPA. The scheme must be in accordance with run off limitations proposed in the FRA- Supplementary Statement dated November 2011 by Phoenix Design Partnership Limited. The scheme shall:

- identify details of attenuation features,
- identify future ownership, operation and maintenance liability of all drainage infrastructure works,
- confirm connections to the public/private drainage system,
- detail proposed local SUDs,

- provide details on mitigation from any existing surface water flood risk including risk from the existing culvert under station road,
- flow routes through the site from exceedance or failure,
- provide details of proposed planting scheme(if any),

Once approved in writing by the Local Planning Authority, the scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and to provide satisfactory drainage for the development in accordance with Policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework. The requirement for this scheme to accompany the reserved matters application reflects the integral nature of any surface water drainage scheme to the design and layout of the wider site.

15. No development comprising the re-profiling of natural ground levels approved by this permission shall be commenced until details of the proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is subject to the minimum risk of flooding in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

16. The crossing of the Viney Brook water course whether for the purposes of constructing a haul road or permanent link road shall not be commenced until such time as engineering and hydraulic analysis details of the proposed crossing (or crossings if the design of the haul road and permanent link road differ) have been submitted to and approved by the local planning authority. The scheme must include flood depths and extents for all events up to and including the 1 in 100 plus climate change and provide a clear indication on the impact on surrounding area. Once approved such scheme shall be implemented in accordance with the approved programme and details.

Reason: To ensure that the link road is not put at flood risk, nor increases flood risk to adjacent third party land upstream of the crossing in accordance with Policies TA5, EQ1, EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework. For the avoidance of doubt, this condition may require two separate submissions to deal with a temporary and subsequently permanent crossing proposals to be submitted and determined independently.

17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To alleviate the increased risk of flooding in accordance with Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to ensure that adequate space is provided for flood storage.

18. There shall be no temporary or permanent storage of any materials, including soil, within that part of the site liable to flood as shown 1 in 100 year plus climate change floodplain shown in South Somerset District Council's Strategic Flood Risk Assessment drawing Tile Set 3, Tile C.



Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity in accordance with Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

19. Flood warning notices shall be erected in the public open space in numbers, positions and with wording all to be agreed with the local planning authority on the land that is at risk of flooding.

Reason: In the interests of residential amenity and public safety in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

20. The culvert carrying the Viney Brook under either the haul road or the proposed new link road should be designed to allow passage for otters on both banks, details of which shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of this structure. The culvert shall thereafter be completed in accordance with the approved details and maintained and retained in this fashion in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the interests of protected species in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028. For this avoidance of doubt this condition may require two separate submissions if the solutions for the haul road differ from those required for the link road.

21. 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 Local Planning Authority. 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 and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any contamination is identified at the earliest stage and mitigation informs subsequent design work.

22. 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 and the provisions of the National Planning Policy Framework.

23. 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, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028.

24. No more than 200 dwellings shall be occupied prior to the provision of footpath and cyclepath links in the direction of the town centre up to the site boundary, details of which shall have been submitted to and approved in writing by the local planning authority.

Reason: To promote sustainable transport links to the town centre in accordance with Policies TA1 and TA5 of the South Somerset Local Plan 2006-2028.

25. 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 highways safety, visual amenity and the amenities of future occupiers in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan 2006-2028.

26. 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 TA5 and TA6 of the South Somerset Local Plan 2006-2028.

27. The development hereby permitted shall not be brought into use until that part of the spine road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highways safety and the amenities of future occupiers in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

28. The development hereby permitted shall be carried out in accordance with the approved plans:

18065\_L01.02 (Site Plan) together with the road alignment plans approved under 19/03482/S73 together with 19/03483/S73, as amended by 21/01152/NMA

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

(voting: unanimous)

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**33. Date of next meeting (Agenda Item 6)**

Members noted the date of the next meeting.

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Chairman