

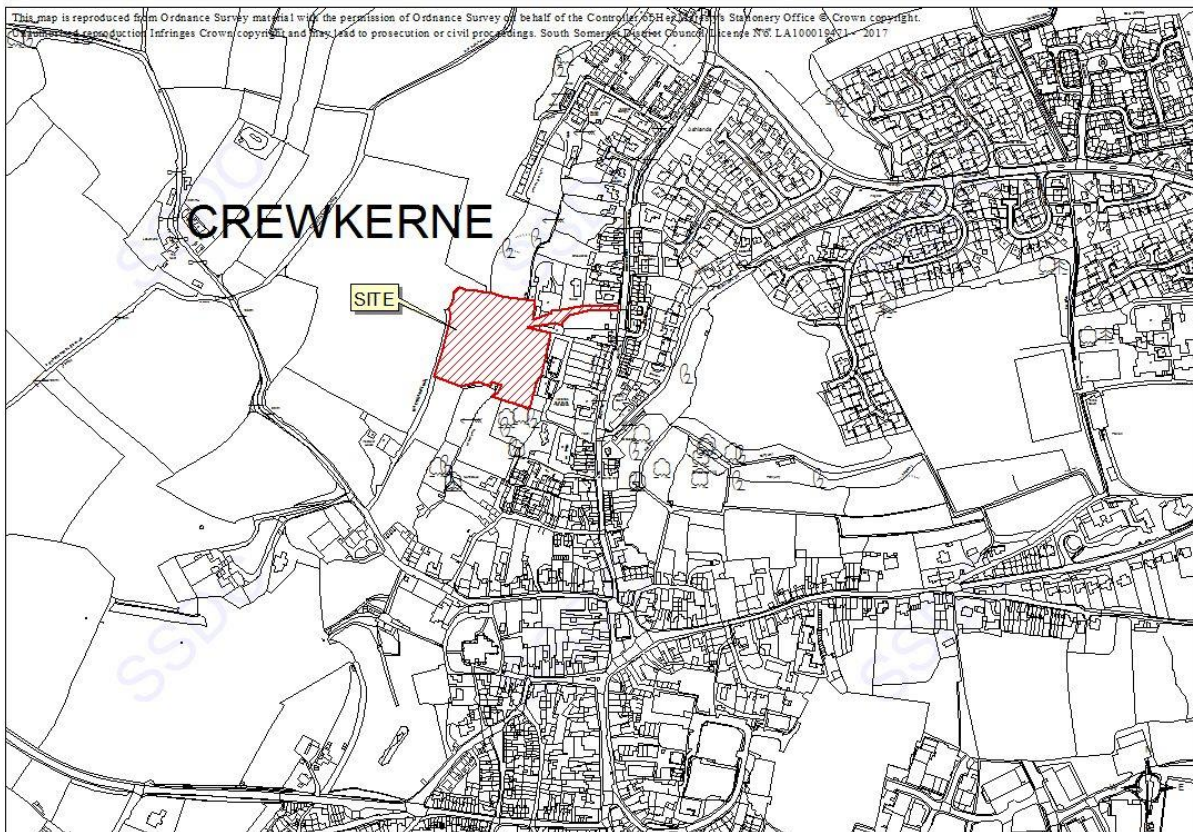
Officer Report On Planning Application: 15/04770/FUL

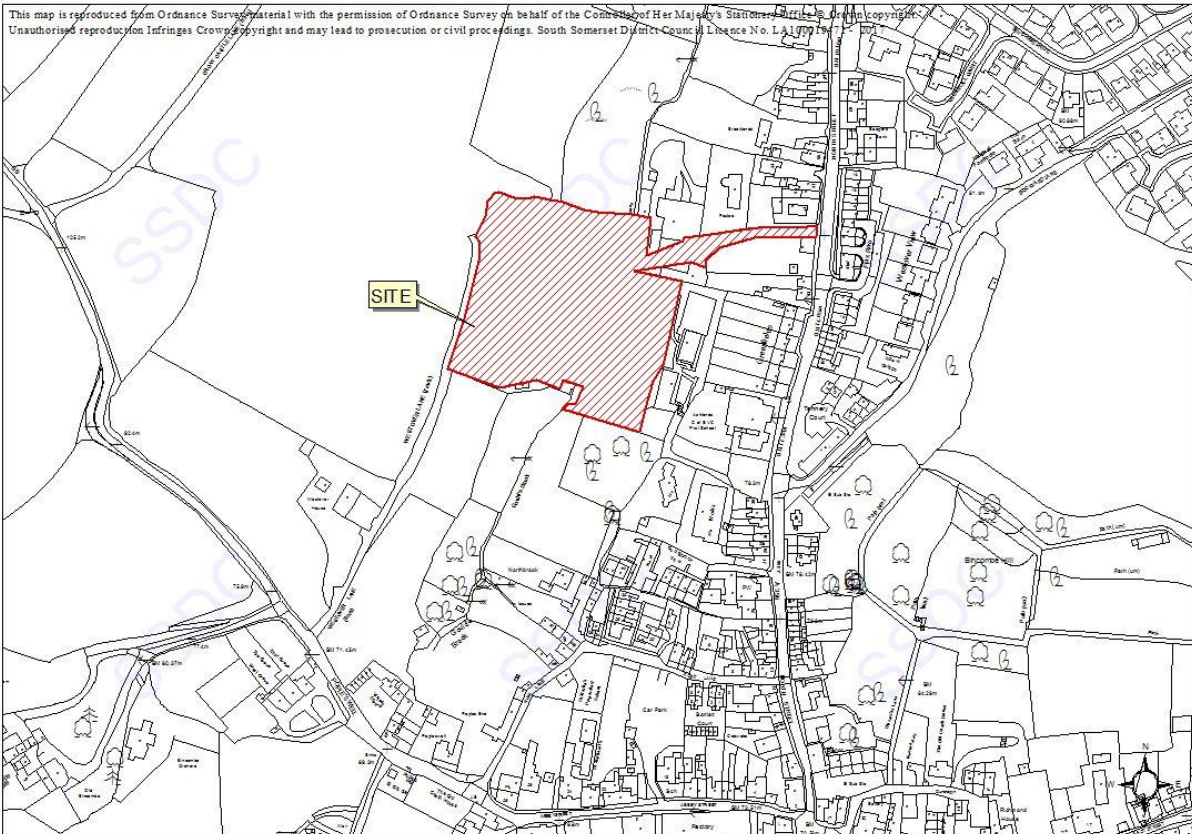
Proposal :	The erection of 44 No. dwellings and associated works including access improvements onto North Street, parking for Ashlands School and footpath link to Westover Lane.
Site Address:	North Street Trading Estate North Street Crewkerne
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	Cllr M Barrett Cllr M Best Cllr A M Singleton
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	11th February 2016
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Mr Matt Frost Boon Brown Motivo Alvington Yeovil Somerset BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Members with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located on the western side of North Street, in the north western part of Crewkerne. The application site was previously used as a trading estate, with a number of buildings (now demolished); a fire damaged building to the north of the site has also now been incorporated into the application site. The site adjoins a SSSI (Millwater) to the south along with a County Wildlife Site (CWS) to the south and west. Ashlands School (Grade II listed) and its curtilage are located to the east of the site and are within the conservation area. Beyond the site to the north, south and east are located residential properties and business units. A culvert runs through the site (Gould's Brook) and this part of the site is designated Flood Zone 2 and also designated as 'intermediate' for surface water flooding.

This is an application for the erection of 44 residential units (over 34 plots) with associated works including access improvements onto North Street, parking for Ashlands School and a footpath link to Westover Lane. 35% of the dwellings would be affordable units and the proposal is for a mix of smaller units with one four bedroom house, the mix being:

- 17 x 2 bedroom houses
- 10 x 3 bedroom houses
- 1 x 4 bedroom house
- 9 x 1 bedroom flat
- 7 x 2 bedroom flat

The proposed units would be constructed in a mix of render and red brick with brick detailing and slate or plain roof tiles. The majority of the buildings will be two storey with two 3-storey blocks of flats to the north and south. The proposal will make use of the existing access and the plans include proposals for a 'build-out' onto North Street along with a part pavement/part shared surface arrangement for pedestrians. 73 car parking spaces for the dwellings are proposed along with 5 spaces for visitors and a separate car park with 20 spaces for use by

Ashlands School this would be adjoined by a small play area. The open area to the west of the site is proposed as a nature reserve.

There is an extant permission for residential development of the site comprising 24 units (10/00563/S73, 06/01702/REM and 06/01943/REM). This permission was subject to a Section 106 agreement in relation to the provision of off-site employment units (now constructed); a footpath link through Ashlands School; contribution of £24,000 for a pedestrian crossing; and provisions in relation to the protection of the adjacent Site of Special Scientific Interest (SSSI).

The application documentation includes:

- Transport Statement
- Flood Risk Assessment
- Ecological Impacts Assessment and Mitigation Strategy
- Landscape Statement with Landscape Schedule and Specification
- Arboricultural Report and Method Statement
- Desk Study and Interpretative Site Investigation Report
- Viability Appraisal

The plans have been amended on a number of occasions to allow for; enlargement of the site (to include burnt out building); and amendments to address concerns of ecologist, landscape officer, highways officer and Environment Agency. In addition, the proposed zig zag path through the school grounds approved as part of the earlier permission has been deleted from the proposal.

HISTORY

10/00563/s73 - Application to vary condition 7 of planning approval 01/00888/OUT dated 17/5/2005 (as extended by application 10/01343/OUT approved 10/1/2011) regarding access road being constructed. Proposed variation to replace reference to commencement of the development with reference to occupation of dwellings. Approved 30/03/2012.

10/01343/OUT - Application to extend the time limit from implementation of planning application 01/00888/OUT for residential development of land. Approved 10/01/2011.

06/01943/REM - Residential development of 24 units complete with roads and services. Approved 03/08/2007 (remains extant as part of approval 10/00563/s73).

06/01702/REM - Provision of road access to development site and school parking and footpath. Approved 03/08/2007 (remains extant as part of approval 10/00563/s73).

01/00888/OUT - Residential Development of Land (approved May 2005).

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006-2028:

SD1 - Sustainable Development
SS1 - Settlement Strategy (Crewkerne is designated a Primary Market Town)
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
SS7 - Phasing of Previously Developed Land
HG2 - The use of Previously Developed Land (PDL) for New Housing Development
HG3 - Provision of Affordable Housing
HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ7 - Pollution Control

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Conserving and enhancing the historic environment
- Design
- Flood Risk and Coastal Change
- Natural Environment
- Planning Obligations
- Viability

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

CONSULTATIONS

Crewkerne Town Council:

In response to both the original and amended plans, the Town Council have recommended refusal. Their most recent comments being:

'The most recent version of the plans have not made any changes to the access arrangements, therefore Council's previous comments apply. Further, Council would like to

stress that they are extremely concerned about the safety implications of shared space access and also vehicle movement from a narrow shared space onto a busy, narrow, main highway (North Street).'

County Highway Authority:

Most recent comments:

'Further to the Highway Authority's initial response dated 17th February 2016 and our subsequent discussions in regards to the above application the applicant has now submitted additional information to try and address the Highway Authority's previous objections.

As you are aware the Highway Authority's previous response dated 7th September 2016 referred to the revised access which had been submitted by the applicant. The Highway Authority audited these drawings and it is apparent that in feasibility terms the revised scheme is considered to be acceptable. Although the applicant will need to address the points raised in our e mail as part of any full technical submission in addition these works would need to be secured via a legal agreement.

Even though the applicant had looked to address the Highway Authority's concerns relating to the access road there was still an outstanding objection relating to the estate road layout. The applicant therefore provided additional information relating to the re-directed drain that is proposed to run down the centre of the carriageway. Having reviewed the submitted plans the Highway Authority is satisfied that this pipe is below the 900mm diameter consequently it will not require an AIP. In addition from the documents provided from the applicant it appears that Wessex Water will adopt this pipe. Consequently based on this information it would be unreasonable to maintain our objection.

Therefore having reviewed the details shown on amended plan 3609/PL/10 Rev S the Highway Authority has the following observations to make. Firstly the proposal will result in the laying out of a private street as a consequence under Sections 219 to 225 of the Highways Act 1980 it would be subject to the Advance Payment Code (APC). With regards to the layout this would need to be a minimum width of 5.5m with a 2.0m footway provided. Any turning head will need to be designed in accordance with the guidance set out in Estate Roads in Somerset. The applicant will need to make sure that a 1.0m margin is provided at the end of each end.

Please note that if any straight section of the proposed estate road is over 70m then it is considered to be affective straight. Consequently the applicant would need to introduce a horizontal speed reducing measure to reduce vehicle speeds. Visibility through the bends will need to be based on a 20mph vehicle speed. Please note that the area within the splay will be subject to adoption by the Highway Authority.

With regard to parking this will need to be in accordance with Somerset County Council's Parking Standards whilst any tandem parking will need be 10.5m in length.

It is noted from the plan that the applicant has shown some planting within the highway. As a consequence the applicant would need to submit a planting schedule to the Highway Authority as part of any S38 submission.

On a separate note it is apparent that a parking area for the primary school has been proposed. The applicant is required to make sure that there is a minimum distance of 6.0m provided between both banks of spaces and that the level of parking proposed is in accordance with Somerset County Council's Parking Strategy.

In conclusion the applicant has addressed the objections raised by the Highway Authority in

our previous responses to the Local Planning Authority. Therefore it would be unreasonable to maintain them. As such we raise no objection to this proposal.'

The County Highway Authority advise that if the Local Planning Authority were to minded to grant permission a Travel Plan should be required via a s106 legal agreement and a number of highways conditions would need to be attached.

The County Highway Authority's comments regarding this application are attached in full as Appendix B.

Ecologist (SSDC):

In response to the recently submitted Ecological Impact Assessment and Mitigation Strategy, the Ecologist has carried out a thorough assessment (attached in full as Appendix A) of the ecological issues at and adjoining the site, these being the; designated nature conservation sites (Millwater SSSI and adjoining County Wildlife Site); European Protected Species (dormice and great crested newt); and species protected by UK legislation. The Ecologist has no overall objection subject to various conditions in relation to; protective fencing; protection of hydrological conditions and features of the Millwater SSSI; mitigation for great crested newts, dormice, reptiles, nesting birds, and landscape and ecological management plan.

Natural England:

No further comments upon amended plans apart from raising the issue of the protection of Millwater SSSI's hydrological features.

Somerset Wildlife Trust:

Objected to the original plans on the basis that there is insufficient recognition of the need to protect the adjacent SSSI and CWS and the proposals for Mitigation and Enhancement are not specific enough to address all the possible issues.

Landscape Officer:

The Landscape Officer had some concerns about the original plans but the plans have now been amended in order to address his concerns. In response to the latest amendments the Landscape Officer has noted that relocation of the 2.5 storey housing and that the landscape amendments appear to now allow for additional planting and management proposals for the lane to the west of the site as informed by the ecology survey and this appears satisfactory as do the minor amendments to the landscape plan and schedule/specification.

Conservation Manager:

In response to the original plans, the Conservation Manager had no objection to the principle of residential development of the site or the design of the houses in relation to the conservation area and listed building. Raised issues with regard to trees, access to SSSI, position of play space and front boundaries.

Environment Agency:

Originally objected to the proposal but following receipt of the updated flood risk information the EA have withdrawn their objection subject to the imposition of conditions and informatives relating to flood risk and contaminated land.

Local Lead Flood Authority:

No objection subject to a drainage condition being applied.

Wessex Water:

Advise that a diversion of the sewer that crosses the site is acceptable subject to agreement of detailed design being agreed with their engineers.

Tree Officer:

Objected to the original plans as there are a number of mature trees root systems within the proposed development area.

No response received in relation to recently submitted Arboricultural Report and Method Statement.

Environmental Protection Officer:

No objection subject to a condition requiring remedial measures for contaminated land.

Somerset Waste Partnership:

Refer to their document 'Design Requirements for Residential Properties'.

Housing Development Officer:

Fully supports the application which will provide much needed affordable housing in Crewkerne.

Leisure Policy Co-Ordinator:

The Leisure Policy Co-Ordinator has calculated that an overall level of contributions towards local and strategic sports and leisure facilities required from this development equates to £171,798 (equal to £3904 per dwelling). However, they note the response from the District Valuer with regard to the viability of the site and request that the £24,000 allocated for play be allocated towards play/youth facilities at Henhayes.

Senior Historic Environment Officer:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Crime Prevention Design Advisor:

No objection to the amended plans.

REPRESENTATIONS

21 letters of objection (including letters from the Business Manager and Headteacher of Ashlands School) were received in response to the notification of the original application:

The objectors make the following comments:

- The access road is a private single track used by HGV's making it dangerous for pedestrians walking to the site.
- Wildlife and SSSI reserve must be saved.
- Site would be overdeveloped with 40 dwellings
- The extent of the lane has been established by a High Court judgement. There is confusion regarding the possible adoption of the road by the County Highway Authority.
- Use of the lane by large construction vehicles and HGV's will make it extremely dangerous for vehicular and pedestrian traffic.
- It is the Planning Authority's responsibility to consider the financial viability of a proposed development
- The site is subject to extreme flooding (four times in the last forty years).
- The dropwell or culvert in the SSSI will not be allowed to be adapted in any way as it may affect the wildlife on the land.
- The SSSI was protected by a buffer zone under the outline planning permission.

The new development would affect part of the County Wildlife site and restrict the 'wildlife corridor'.

- Previous proposal supported lower density housing due to the sensitive nature of the site.
- The site is likely to be contaminated.
- Owner of the adjacent SSSI will not co-operate with new developers due to the problems that have occurred in the past with trespass and damage on the SSSI.
- The proposed zig zag pathway will run through the school's Millennium Garden; the school's only natural grassed area; its loss would have a huge impact upon the school. Use as a public footpath could risk the safety of children.
- There is no provision for parent/staff parking for the school or children's centre.
- The geology of the site is not suitable.
- A commercial venture would seem more appropriate for the site.
- Concerned about use of the footpath link and the impact upon privacy and security of adjoining residential garden.
- There is no detail of the boundary treatments at the access point.

In response to the amended plans, a further 16 letters of representation were received; 11 objecting and 5 supporting the application.

The letters of support include responses from the Headteacher and Business Manager of Ashlands School, and make the following comments:

- Consider that the access route is both safe for pedestrians and visibility much improved for vehicular access.
- Support the application as the footpath through the school has been removed as this would have been devastating to the school culminating in the loss of outside learning classroom and playground area.
- Refusal of this application will not stop the approved scheme from progressing but would result in a detrimental outcome for the school.

The objectors make the following comments:

- The proposed access to the site is unsafe and unworkable; the lane is not adopted as it is of substandard design.
- Whilst permission has been granted for 24 houses on the site, the technical details of the access road were never approved by the County Highway Authority.
- The County Highway Authority object to the application due to the substandard access road.
- The proposed upgrade of the road will fall far short of the relevant highways standards.
- The lane will not just be used by residents but also by parents/pupils/staff from Ashlands School and the Children's Centre and by commercial traffic visiting the companies situated at the end of the lane. Vehicles will have to queue on North Street (a busy road) as the road is so narrow.
- The footpath leading to Westover Lane is unsurfaced and unsuited to toddlers and pushchairs; it does not lead to the town centre.
- Insufficient detail of proposed retaining wall and access road. Concerns about height and suitability of retaining wall
- Narrowest parts of lane are not wide enough for lorries and pedestrians.
- The proposed increase in house numbers will increase vehicle movements
- Traffic analysis does not include school pick-up peaks and commercial movements.

- As with previous consent the access road needs to be completed before construction of dwellings is commenced.
- New footpath requires fencing that could interfere with wildlife corridors
- The objections of the County Highway Authority are still applicable
- Legal advice has been sought in relation to the dangers posed by the proposed access land and to the event of mishap resulting from SSDC contravening their own agreed Policies and Standards.
- Members of the local community who oppose this development are supported by the Town Council who have voted four times against the scheme on the grounds of safety.
- All are convinced there is a need for low cost housing but not at the expense of residents' safety; the shared space arrangement is not suitable in the twenty first century.
- It is wrong to say planning permission has already been granted; no scheme would be permitted without adequate access.
- The plan still includes a footpath link to Westover Lane that would bisect the County Wildlife Site (CWS) and cut the highway for larger mammals to the SSSI. The Ecological Report confirms the presence of dormice in the CWS and indicates that the mitigation required has removed the possibility of either the play area or footpath.
- The access is inadequate and dangerous; the Council is trying to push the application through because it is for social housing, such actions would contravene agreed rules and commitments for such an access and estate and lay the Council open to legal action.
- There has been a person carrying out a traffic survey but leaving at mid-afternoon when the two businesses are still working and the children have not been collected from the school. Any report from this survey should be examined very carefully before it is allowed to stand and is published.

CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Impact upon Setting of Listed Building and Conservation Area
- Residential amenity;
- Highway safety;
- Flooding, drainage and contamination;
- Ecology;
- Planning obligations.

Principle of Development

Crewkerne is designated as a Primary Market Town as part of the settlement strategy policy SS1. The policy advises that these towns are the focal points for locally significant development including the bulk of the district's housing provision outside Yeovil. This growth aims to increase the self-containment of these settlements and enhance their service role, reflecting the aspirations of national policy in promoting stronger communities.

It is noted that this site was previously in commercial use but the previous developer was required to construct three employment units (under a s106 agreement) on the Cropmead Industrial estate and these have been constructed. As such, it is not considered that the proposal would result in the net loss of employment land.

The proposal complies with the affordable housing policy (HG3) as 35% of the dwellings will be affordable units (to be secured through a s106 agreement).

In the circumstances, it is considered that the principle of residential redevelopment of this site can be accepted.

Impact upon local landscape and visual amenity

The proposals have been assessed by the Landscape Officer and the plans amended in line with his advice. This has led to the removal of some buildings from the north-western part of the site and the relocation of taller buildings within the site. With these changes and given the extant permission it is not considered that the proposal will result in a significant and adverse impact upon the local landscape.

As such, the proposal is considered to be acceptable in terms of its impact upon the local landscape and visual amenity and therefore accords with policy EQ2.

Impact upon Setting of Listed Building and Conservation Area

In terms of the setting of the listed building and conservation area, due to the difference in levels between the site and the school and the previous uses at the site and the extant permission it is not considered that the proposal will adversely impact upon these heritage assets. In terms of the impact of the proposed development on the significance of the surrounding heritage assets (listed buildings and conservation area) (paras 131-134 of the NPPF), it is considered that the proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within a sustainable location.

The proposal is therefore in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained within the NPPF.

Residential amenity

Due to the low level of the site in comparison with adjoining houses, it is not considered that the proposal will result in overlooking or overshadowing of neighbouring properties.

As such, the proposal will not result in demonstrable harm to surrounding residential properties and the proposal therefore complies with policy EQ2 of the South Somerset Local Plan 2006-2028.

Highway safety

The issue of highway safety at this site is clearly a contentious issue with both local residents and the Town Council objecting to scheme because of concerns about proposals for the access now that the proposed pedestrian link through Ashlands School has been withdrawn from the application. The removal of the footpath through the school means that new residents will have to use the existing access and lane from North Street to access the site and the town centre. The applicant's agents have therefore proposed a revised site access layout which includes a build out along the widest part of the lane giving priority to traffic from North Street with a 1.2m wide footway. In addition, they propose a shared surface arrangement at the access with North Street as this part of the lane is not wide enough to allow for a pedestrian footway.

The County Highway Authority has thoroughly assessed the proposals and the amended plans have been subject to a highway's Safety and Technical Audit. Whilst the County Highway Authority has expressed some concern about the increase in use of the existing access they have determined that the proposed off site highway works which will improve the width of the

minor road will compensate for the increase. The Safety and Technical Audit found the scheme to be broadly acceptable in feasibility terms subject to agreement of detailed points as part of a detailed technical submission. In the circumstances, the County Highway Authority has now confirmed that they no longer have any objection to the application subject to the imposition of a number of conditions with a Travel Plan to be required under a s106 agreement.

Therefore, whilst the concerns of the Town Council and local residents are noted, the County Highway Authority has determined that with the changes now proposed along the access and through the site that there are no highway safety grounds on which to recommend refusal of this application. Therefore, with the imposition of the relevant highways conditions and requirement of a Travel Plan through a s106 agreement it is considered that the proposal complies with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028 and highways advice contained within the NPPF.

Flooding, drainage and contamination

A new Flood Risk Assessment (FRA) has been submitted and assessed by the Local Lead Flood Authority and the Environment Agency. Both bodies are content with the proposals subject to the imposition of relevant conditions. As such, it is not considered that the application should be objected to on the basis of flooding or drainage implications.

Wessex Water have advised that they have no objection to the development and proposed diversion of the sewer but have advised that a detailed design will need to be agreed through a Section 185 (Water Industry Act 1991) application.

In terms of possible contamination, the EA has advised that further work will be required to deal with this issue and as such they recommend a condition requiring a remediation strategy before any works take place on the site.

Ecology

The proposal has been comprehensively assessed by the Council's Ecologist in light of the recently submitted Ecological Impact Assessment and Mitigation Strategy. The Ecologist has commented:

- No objection in respect of the designated sites (Millwater SSSI and adjoining County Wildlife site) subject to condition requiring details of protective fencing to be agreed.
- With regard to the concerns of Natural England in relation to hydrology a condition is recommended.
- European Protected Species (dormouse and great crested newt) - advises that a derogation in the form of a European Protected Species Licence (from Natural England) will be required. In addition, it is necessary to consider the application against the three 'derogation' tests required under the relevant habitat legislation (Conservation of Habitats and Species Regulations 2010). In terms of Test 3, the ecologist advises that with the restoration of habitat connectivity being provided within good time the development and associated loss of scrub would not be detrimental to the favourable conservation status of dormice (subject to the imposition of a condition requiring a mitigation plan). In terms of Great Crested Newts, the ecologist is satisfied that with the proposed mitigation and compensation (and given the recent origin of the habitat to be lost and lack of habitat change in the area) that the development is unlikely to be detrimental to the maintenance of favourable conservation status, subject to the imposition of a condition requiring a mitigation plan.
- Species protected by UK legislation

- Badger sett - outside of works impacted area and hence no impacts on the sett structure
- Reptiles - their presence isn't a significant constraint to the proposed development provided they can be accommodated with areas free from harm within or adjacent to the site. Condition recommended.
- Nesting birds - recommend a condition restricting the timing of vegetation clearance.
- Water voles - further checks by the Ecological Clerk of Works are advisable.
- Other associated issues and recommendation
- Plants - Agree with proposed mitigation in the Ecological Impact Assessment with regard to spread of rare species and invasive species
- Landscape and Ecological Management Plan - to be required through a condition.
- Ecological Clerk of Works -to be required through condition.

With regard to the derogation tests no.'s 1 and 2 (Conservation of Habitats and Species Regulations 2010):

Test 1 - It is considered that the proposal is required for economic reasons and accords with both local and national planning advice/policies.

Test 2 - The site has already been approved for residential redevelopment.

In summary, the ecologist has thoroughly considered the potential ecological impacts of the development and has no objection to the proposal subject to the imposition of appropriate conditions.

Planning obligations

The Leisure Team have calculated that the proposed development should make a contribution of £171,798 towards both local and strategic sports and leisure facilities. In response, the agents have supplied a viability appraisal that concludes the scheme is unable to viably provide any more than £24,000 as a contribution. The appraisal has been assessed by the District Valuer (DV) who made some small adjustments to the appraisal but has broadly agreed with the conclusion that the site will not generate sufficient profit to meet the required contribution. As such, it is not considered that it would be reasonable to require the full contribution and instead the requirement should be agreed as £24,000.

Therefore, a Section 106 Agreement is required to secure the following:

- £24,000 towards off-site local play, sports and leisure facilities;
- At least 35% of the dwelling units as affordable housing and to remain so in perpetuity;
- Travel Plan

On the basis of these planning obligations being secured the proposal would comply with policies SS6, HG3, TA4 and HW1 of the local plan.

EIA Regulations

The scheme falls below the required threshold which necessitates a screening opinion.

Summary

The principle of developing this site for residential development has been established with the grant of planning permission which remains extant. The proposal will increase the activity at the North Street junction but compensation measures have been proposed to the satisfaction of the County Highway Authority.

With regard to the impacts upon local ecology, the Ecologist is satisfied that the development can proceed without adversely impacted upon these interests subject to the imposition of a number of conditions.

It is considered that the proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within a sustainable location.

The amended proposals are now considered to be acceptable in design terms and as such will not adversely impact upon residential or visual amenity.

With the imposition of appropriate conditions and informatives, it is considered that the proposal is acceptable in relation to flooding and contamination.

In terms of obligations, the proposal will not provide the level of contributions that would normally be expected but a viability report has been provided and assessed by the District Valuer which explains that the proposal cannot meet the required contribution and remain viable. As such, the proposed contributions are considered to be acceptable.

In the circumstances, the proposal is considered to accord with the relevant policies of the local plan and approval is recommended.

RECOMMENDATION

That application reference 15/04770/FUL be approved subject to:-

a) The prior 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:-

1) Secure at least 35% of the units as affordable units with a tenure split of 2/3rd social rent and 1/3rd other intermediate types (unless otherwise agreed in writing), to the satisfaction of the Corporate Strategic Housing Manager.

2) Secure a contribution of £24,000 towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).

3) Travel Plan

b) The following conditions:

Justification

01. The site is located within a sustainable location within the primary market town of Crewkerne, where the principle of residential development is acceptable. The development of the site would respect the character of the area with no demonstrable harm to highway safety, protected species, flood risk, contamination or residential amenity. The proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within

a sustainable location. As such the proposal complies with policies SD1, SS1, SS4, SS5, SS6, SS7, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

3609/001 Rev B (Location Plan);
3609/PL/10 Rev V (Site plan in local context with accommodation schedule);
3609/PL/27 Rev G (Proposed site sections/street scenes);
3609/040 and 3609/041 (Plots 2 and 3);
3609/042 and 3609/043 (Plots 5, 6, 7, 9, 10, 13, 14, 14, 24, 25, 26);
3609/044 and 3609/045 (Plots 12, 20, 21, 22);
3609/046 and 3609/047 (Plot 1, 16, 17);
3609/048 and 3609/049 (Plots 4, 8, 11, 23, 28);
3609/050 and 3609/051 (Plots 19, 27);
3609/052 and 3609/053 (Plot 18);
3609/054, 3609/055 and 3609/057 (Plots 29, 30, 31, 32, 33, 34);
3609/056, 3609/058, 3609/059, 3609/060 and 3609/061 (Plots 35, 36, 37, 38, 39, 40);
3609/062 Rev A, 3609/063 Rev A and 3609/064 Rev A (Plots 41, 42, 43, 44);
3609/074 (Existing and proposed private road formation);

2801.01 G (Proposed Improvements to Site Access Road);

CLD55 (Landscape Proposals), CLD 55/02 (Nature Reserve), CLD 55 Rev A (Landscape Proposals); and 1005 Rev P02 (Proposed culvert route).

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

03. No building operations above damp proof course level of the dwellings shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

05. The development hereby permitted shall not be occupied until a scheme for the maintenance of the Nature Reserve (Drawing No. CLD 55/02) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

06. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Landscaping Scheme received 27 May 2016; Arboricultural Report and Method Statement by Clarke Design dated September 2016; Landscape Statement by Clark Landscape Design dated September 2016; Landscape Schedule and Specification Rev A by Clark Landscape Design dated September 2016; Drawing No.'s CLD 55/02 and CLD 55 Rev A) shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with policy EQ2 of the South Somerset Local Plan 2006-2028.

07. No development shall be commenced until details of the surface water drainage design together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

Those details shall include: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant. Including detailed calculations and assessment of downstream affects from the upsizing of the culverted watercourse sections within the site boundary.
- Flood water exceedance routes, both on and off site, note: no part of the site must be subjected to flooding unless specifically designed to do so.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements, including notification of riparian ownership and associated responsibilities, to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy

Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

08. No development approved by this permission shall be commenced until a scheme for the provision; implementation and future maintenance of flood alleviation works have 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 secure appropriate flood protection and alleviate the risk of flooding to the development.

09. No development approved by this permission shall be commenced until a scheme for maintaining the flow conveyance of the watercourse during construction of this proposal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To maintain flood flow capacity whilst works are carried out which affect the permanent mitigation.

10. The detailed drawings to be submitted for approval must include a topographical survey related to Ordnance Datum of existing ground levels contoured at 0.25 metre intervals, together with details of proposed finished levels.

Reason: To enable the Local Planning Authority to assess the effects of the proposed development on flood defence/land drainage.

11. 11. Finished floor levels should be set at least 600mm above the 1 in 100 year flood level of the re-engineered brook through the site.

Reason: To protect the development from flooding.

12. No development approved by this planning permission shall take place until a remediation strategy that includes the following components 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 the 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that any unacceptable risks to controlled waters are adequately understood and remediated.

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that it can be demonstrated that any remedial works to protect controlled waters have been successful.

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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters from contamination on the site that was not identified by site investigations.

15. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect controlled waters from contaminant that might be leached from soils in areas of soakaways.

16. The development shall not commence until full details of fencing to provide protection to the SSSI, including a plan and timing of installation, has been submitted to and approved in writing, following consultation with Natural England and the site owner, by the local planning authority. The fencing shall be installed in accordance with the approved details and timing.

Reason: For the protection of Millwater Site of Special Scientific Interest in accordance with the NPPF, Local Plan policy EQ4, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

17. The development shall not commence until full details of measures for the protection of the hydrological conditions and features of the Millwater Site of Special Scientific Interest have been submitted to and approved in writing, following consultation with Natural England, by the local planning authority. The measures shall be informed by an appropriately qualified hydrological consultant. The drainage plans for the development will need to accord with the protective measures for the SSSI. The approved measures shall be implemented in full.

Reason: For the protection of the hydrological conditions and features of Millwater Site of Special Scientific Interest in accordance with the NPPF, Local Plan policy EQ4, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

18. The development hereby permitted shall not commence (including any tree, scrub or vegetation clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Dormouse Mitigation Plan detailing timing restrictions and protective measures to avoid and mitigate for harm to dormice, and details of replacement habitat to compensate for loss of dormouse habitat connectivity. The works shall be implemented in accordance with the approved details and timing, as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

19. The development hereby permitted shall not commence (including any tree, scrub or vegetation clearance, site clearance nor ground works) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Great crested newt Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to great crested newts. The works shall be implemented in accordance with the approved details and timing, as modified to meet the requirements of the 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

20. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan detailing measures to avoid harm to reptiles, 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.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

21. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, scrub) shall be carried out between 1st March and 31st August inclusive in any year, unless recently checked by a consultant ecologist for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have fledged.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

22. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed.
 - b) Aims and objectives of management.
 - c) Management prescriptions and work schedule.
 - d) Details of the body or organization responsible for implementation of the plan.
 - e) Ongoing monitoring and remedial measures.
 - f) The roles and responsibilities and operations that will be overseen by an Ecological Clerk of Works.

The approved plan will be implemented in accordance with the approved details.

Reason: For the protection and conservation of protected species and ecological assets in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

23. No work shall commence on the development hereby permitted until the proposed highway works for the access road have been submitted to and approved in writing by the Local Planning Authority.

Such works shall then be fully constructed in accordance with the approved plan to an agreed specification before the development is first brought into use.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

24. A condition survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

25. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plans shall include:

- Protection of ecology assets (based on example in British Standard 42020)
- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of the ecological assets on the site and highway safety and in accordance with Policies EQ4 and TA5 of the South Somerset Local Plan (2006-2028).

26. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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, motorcycle and cycle parking and street furniture shall be constructed and laid 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 highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

27. 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 properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

29. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

30. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of the ecological assets on the site and highway safety and in accordance with Policies EQ4 and TA5 of the South Somerset Local Plan (2006-2028).

31. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

32. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

33. There shall be no obstruction to visibility greater than 600mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43.0m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

34. The school car park hereby permitted shall only be used as parking/dropping off point in association with Ashlands School. Prior to the occupation of any dwelling on site a scheme shall be submitted to and approved in writing by the Local Planning Authority describing how the school car park will be controlled and how to prevent unauthorised parking. The car park shall be operated in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

35. Prior to the occupation of any of the dwellings hereby approved adequate provision for the storage and collection of wheeled refuse and recycling bins shall be provided on the site in accordance with details to be submitted and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and highway safety further to policy EQ2 of the South Somerset Local Plan 2006-2028.

36. No buildings shall be constructed over the top of the culverted main river.

Reason: To protect the development from flooding.

Informatives:

01. The applicant's attention is drawn to the advice contained within the Environment Agency's letter of 15 July 2016.
02. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing Traffic and Transport Development Group, County Hall, Taunton, Tel No. 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services. The fee for a Section 171 licence is £250.

The developer should note that the works on or adjacent to the existing highway will need to be

undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practically possible, and the developer should contact Somerset County Council for information on 0300 123 2224.

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontages affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning permission and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

03. The applicant is advised that the following items should be included within the CEMP (based on example in British Standard 42020) in relation to protection of ecological assets on and adjoining the site:

- Risk assessment of potentially damaging construction activities.
- Identification of 'protection areas' (e.g. retained features/areas for protected species, county wildlife site, SSSI buffer or features) and areas where invasive plant species have been identified.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction and site clearance (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features and protected species.
- The times during works when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The roles and responsibilities on site of an Ecological Clerk of Works.
- Use of protective fences, exclusion barriers and warning signs.

04. The applicant is advised that it will be necessary to make a Section 185 (Water Industry Act 1991) application to Wessex Water to carry out works to the sewers and drains on the site.
