

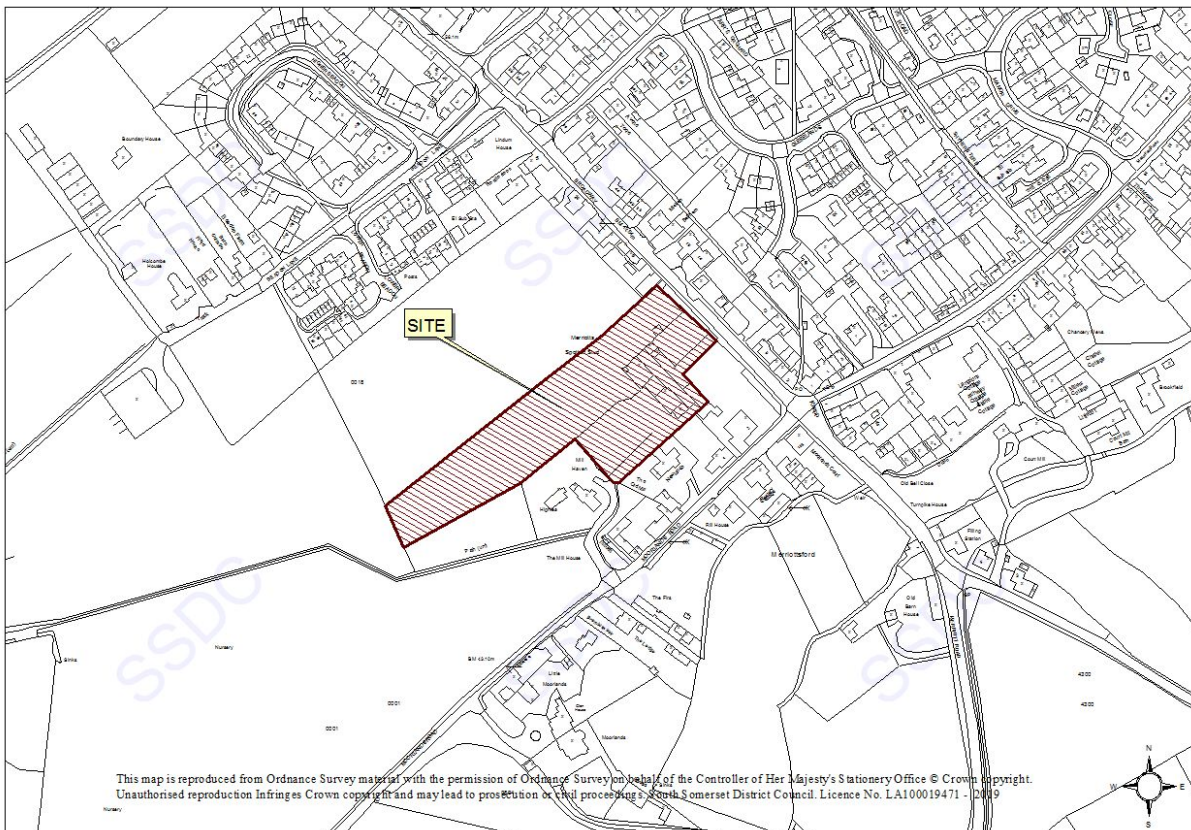
Officer Report On Planning Application: 19/00564/DPO

Proposal :	Application to vary Section 106 Agreement dated 27 March 2013 between South Somerset District Council and Clipper Development Partners LLP in relation to removing provision for GP surgery and pharmacy
Site Address:	Moorlands Farm Broadway Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr Paul Maxwell
Recommending Case Officer:	Andrew Gunn
Target date :	15th April 2019
Applicant :	Mr & Mrs Passey
Agent: (no agent if blank)	John Wratten Chartered Architect The Apple Store Flaxdrayton Farm South Petherton Somerset, TA13 5LR
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL

This application is referred straight to Area West Committee due to the nature of the proposal and the fact the planning obligation is related to a major application that Members previously considered and approved.

SITE DESCRIPTION AND PROPOSAL



This application relates to land at the former Moorlands Farm, located on the western side of Broadway Road, towards the southern side of Merriott.

Planning permission was granted on the 27th March 2013 (Application no: 12/02126/FUL) for a mix of 24 residential units comprising both conversion and new build dwellings, and a GP surgery and pharmacy.

This DPO (Discharge/Variation of Planning Obligation) application seeks consent to remove Paragraph 7 of Schedule 1, Part 1, of the Section 106 Agreement agreed as part of the above planning approval. This section of the legal agreement sought to prevent the construction of any other buildings on the medical centre/pharmacy plot of land for a period of 10 years unless otherwise agreed with the Council. A separate planning application (pending) has been submitted by the applicant for a dwelling and garage on the plot.

The medical centre land is located along the north western boundary of the original development site with 22 parking spaces. A pharmacy would be attached to its eastern end. The centre will provide for 2 consulting rooms, 1 nurse room and waiting, staff and meeting rooms.

The residential element of the scheme is nearing completion with most of the units now occupied.

The applicant has submitted a supporting statement with their application and is attached at Appendix A.

Members attention is drawn to the submission of a current and pending application from the applicant for 1 dwelling and garage on the medical centre site (planning application no: 18/03719/FUL).

POLICY AND GUIDANCE

Section 106A of the Town and Country Planning Act 1990 allows a developer to submit an application to vary or discharge the requirements of a planning obligation.

South Somerset Local Plan
SS6 - Infrastructure Delivery

DCLG: The National Planning Policy Framework 2019 has replaced Circular 5/05 - Planning Obligations

HISTORY

12/02126/FUL - The erection of a doctors surgery with attached pharmacy, the conversion of existing farm buildings into 12 no. residential units, the erection of 12 No. dwellinghouses and the erection of garaging and associated works (approved 2013).

Since the approval of the above application, there have been other applications submitted and approved in regard to the design and layout of the residential part of the scheme, plus a variation to the approved affordable housing element. However, none of these are relevant to the current DPO application.

The application below has been submitted on the medical centre land. It is pending subject to the outcome of this DPO application:

18/03719/FUL - Erection of a dwellinghouse and garage, land North East of 23 and 25 Orchard Drive, Merriott (application pending).

CONSULTATIONS

Merriott Parish Council:

The PC feels in light of the level of development proposed for the village the need for a health centre remains and the agreement should stand until the agreed date. If this is not to be enforced, and the land

is not earmarked for a health centre, the land should be used for the benefit of the community, as the land was aside for a benefit to the village.

REPRESENTATIONS

5 letters/emails have been received. 3 supporting and 2 objecting to the application.

A summary of the supporting comments are as follows:

- Wholeheartedly support the proposal
- The number of patients would outweigh the number of parking spaces provided for the centre and this would result in parking elsewhere blocking private drives and on local roads giving rise to highway issues
- There are 2 GP surgeries available nearby in Crewkerne
- With GP practices closing and GP/nursing recruitment at an all time low, there is a risk that if the surgery is built it would soon close due to lack of funding and staff shortages.

A summary of the objections are as follows:

- It is increasingly difficult to book a doctors appointment in Crewkerne - with increased housing this problem will only become worse.
- Poor public transport in Merriott makes it difficult to access the surgeries in Crewkerne, particularly for those who can't drive.
- No need for another dwelling.
- Developers made a great play on the provision of the surgery hence the overall development received village support.
- Land should remain as a benefit to the community - for example education/welfare facilities.
- Covenant on the land is a matter between the applicant and current covenant owners.

CONSIDERATIONS

Under Section 106A of the Town and Country Planning Act 1990, applicants are able to apply to vary and/or remove all or certain obligations. The key point to consider is whether the requirements of all or certain elements of the agreement are considered to no longer serve a useful purpose.

In this case, the medical centre and pharmacy were granted consent as part of a mixed use scheme also comprising provision of residential development. Whilst discussions about redevelopment of the site originally focused upon conversion of the barns and new build units, the surgery was included as part of the eventual application as a result of discussions with the developer and desire of a local GP to establish a practice in Merriott.

The surgery clearly formed an important part of the overall consideration of the mixed use scheme. Notwithstanding concerns about the development, on the basis of the community benefit that would be gained by a new surgery in the village, the scheme was granted consent.

At the time of the application, there was a clear intention to provide a medical centre and a pharmacy with a local GP keen to establish a practice in the village. On this basis, it was concluded that the relevant section of the legal agreement seeking to protect the medical centre plot from other development was reasonable and clearly served a useful purpose.

Post planning approval, and at the current time, the residential element of the approved scheme is nearly complete but the medical centre has not been developed. It is clear that since the first discussions about building a medical centre and pharmacy on site around 8 or so years ago and the subsequent grant of planning permission in March 2013, the world of GP provision, recruitment and accessibility to GP's has changed. The retention and recruitment of GP's is national issue affecting both urban and rural areas.

In an ideal world, availability of a GP in Merriott would clearly be of great community benefit. However, the reality is that the trend is towards providing larger practices with existing practices merging in order

to remain sustainable and to provide a range of medical services. In this case, a Crewkerne based GP was leading the project in Merriott but ultimately this wasn't progressed and it is understood that this doctor has retired from practice.

The case officer has not been aware of any other doctor(s) or pharmacists expressing an interest in progressing this project in Merriott. Moreover, whilst it is accepted that due to the poor availability of public transport, accessibility to other practices out of the village is not easy for all residents, there are other practices in Crewkerne and West Coker.

Standing outside of the planning system, there is also a restrictive legal covenant relating to the plot prohibiting use of the land for commercial /business purposes. It is understood that the owners of this covenant have not agreed to release / vary this covenant.

On the basis of the above, an assessment and conclusion has to be reached about the genuine likelihood of a medical centre being developed on site and, thus whether since the signing of the legal agreement, the clause restricting other buildings on the plot still serves a useful purpose. It cannot be denied that the provision of a GP practice on site would be a great asset to the village and the desire of the Parish Council and local residents to retain it for such until the 10 years has expired is fully understandable. It was clearly a very important element of the mixed use application.

On the other side of the case, the officer is not aware of any current active interest in providing a medical centre or pharmacy on site, the national trend for GP services is larger/merged practices and the national issue in regard to recruitment/retention of GP's, casts doubt as to whether a new service in rural village would realistically be developed. There is also the matter of the legal covenant.

On balance, it is considered that it is now unlikely that a medical centre will be developed on site within the 10 years set aside for the plot. The Parish Council and an objector to the application have suggested that if the site isn't used for a medical centre, it should alternatively be used for other community type uses. From a planning point of view, alternative uses may be acceptable but are likely to require a separate grant of planning permission and, importantly, it is not what is being sought by this DPO application.

In regard to other issues raised, mention has made about the inadequate size of the car park provided with the medical centre. 22 car parking spaces were approved for the medical centre. Given the proposed relatively small scale of the medical centre ie 2 consulting rooms, 1 nurse room and waiting, staff and meeting rooms, this was considered to provide an acceptable number of spaces. In addition, it was considered that the traffic impact of the medical centre would not give rise to adverse highway safety issues or result in a severe highway impact. On the basis of the acceptability of the highways/parking issues, it is considered that these highway issues do not justify the removal of the DPO.

CONCLUSION

For the reasons set out in this report, it is considered that it is now unlikely that a medical centre will be developed on site within the 10 years set aside for the plot. Therefore, the relevant clause restricting other buildings on the plot no longer serves a useful purpose. The recommendation is therefore to agree to the DPO application.

RECOMMENDATION

1. To approve the modifications as requested.
 2. To instruct the Council's Solicitor to modify the planning obligation.
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