



Informal Discussion by Members of Regulation Committee

Tuesday 18th January 2022

10.00 am

**A virtual consultative meeting via
Zoom meeting software**

The following members are requested to attend this virtual consultation meeting:

Jason Baker
Neil Bloomfield
Malcolm Cavill
Adam Dance

Sarah Dyke
Peter Gubbins
Tony Lock
Sue Osborne

David Recardo
Paul Rowsell
Andy Soughton
William Wallace

Any members of the public wishing to view the meeting, or address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, must email democracy@southsomerset.gov.uk by 9.00am on Monday 17th January 2022.

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This meeting will be streamed and viewable online at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

This Agenda was issued on 10th January 2022.

Jane Portman, Chief Executive Officer

**This information is also available on our website
www.southsomerset.gov.uk or via the mod.gov app**

Information for the Public

In light of the coronavirus pandemic (COVID-19), Regulation Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;

For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

Further to the above, at the meeting of Full Council on 16 December 2021, it was agreed to extend the arrangements for a further 6 months to 8 July 2022 for all meetings apart from Full Council - Full Council will be in person. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2991&Ver=4>

Regulation Committee

Meetings of the Regulation Committee are usually held monthly, at 10.00am, on the third Tuesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom.

Agendas and minutes of meetings are published on the council's website

www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual consultative meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email democracy@southsomerset.gov.uk for the details to join the meeting

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

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on 17th January 2022. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

Planning Applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am 17th January 2022. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

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

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of

any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

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

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

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

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

Recording and photography at council meetings

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

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

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

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

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Regulation (Informal)

Tuesday 18 January 2022

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 21st December 2021. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

4. Public Question Time

5. Planning Application 21/03005/S73 - Crewkerne Key Site 1 Land East Of Crewkerne Between A30 And A356 Yeovil Road Crewkerne (Pages 6 - 20)

6. Date of next meeting

The next scheduled meeting of the Regulation Committee (Informal) will be held on Tuesday 15th February 2022 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

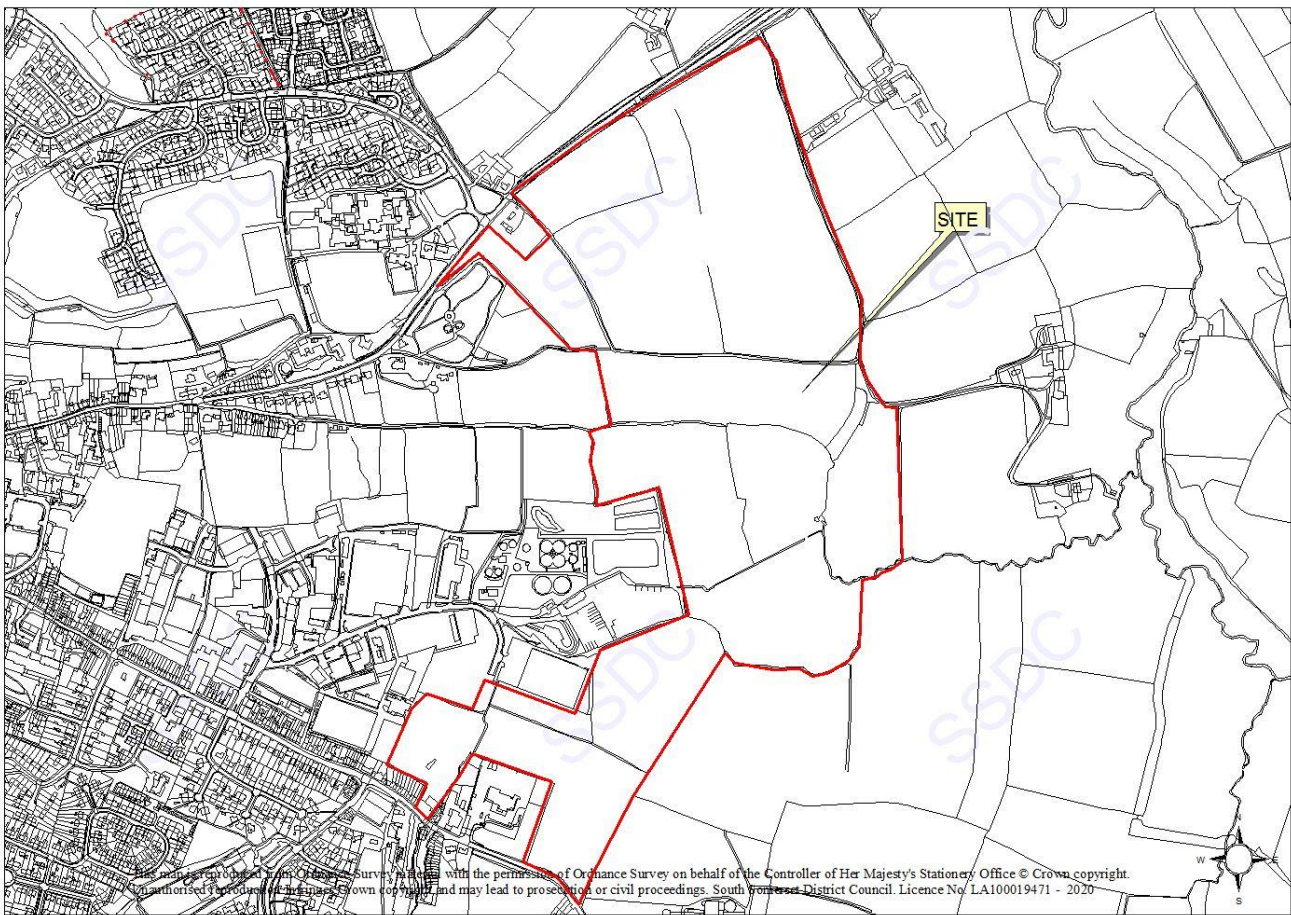
Officer Report On Planning Application: 21/03005/S73

Site Address:	Crewkerne Key Site 1 Land East Of Crewkerne Between A30 And A356 Yeovil Road Crewkerne
Ward :	CREWKERNE
Proposal : CIL Liable =	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);
Recommending Case Officer:	John Hammond (Principal Specialist)
Target date/Ext of time	4th January 2022
Applicant :	G Nurse
Type : 01	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application relates to an application previously approved for 525 dwellings together with associated landscaping, open space and link road. As such under the scheme of delegation it is a "Major Major" application type to be determined by the Regulation Committee.

SITE DESCRIPTION AND PROPOSAL



This application relates to the Crewkerne key site, which is located on the eastern side of Crewkerne and is approximately 50 hectares in area. The site currently has two associated extant planning permissions which the applicant refers to as Outline 1 and Outline 2 and which sit together as one overarching scheme and are linked by a single Section 106 agreement.

Outline 1 relates to planning approval 05/00661/OUT, which granted permission for a large scale mixed use development comprising up to 525 houses, employment land, community facilities, playing fields, public open space and landscaping and associated infrastructure including a link road and highway improvements.

Outline 2 relates to a later planning application, approval 14/02141/OUT, which was submitted in respect of the southern portion of the wider site. Under the earlier scheme this part of the site was to include no residential dwellings and instead was to accommodate the employment element of the scheme along with other associated infrastructure. However, they successfully argued that the scheme as originally approved was unviable and through this 2014 application gained permission for up to 110 dwellings and a 60 bed care home, this in turn led to a reduction in the overall land for employment use to 3.74 hectares. This potentially brings the total number of residential dwellings across the whole site to 635. This site now benefits from reserved matters approval for 110 dwellings reference 20/00149/REM.

At a similar time to planning application 14/02141/FUL being considered the applicant submitted a separate application to vary to the S106 agreement to allow for variations to the associated planning obligations and so that these obligations were applicable to and included the amendments to this latest scheme. Both of these applications were approved and the matters secured under the revised S106 agreements were:

- o the completion of the link road through the site, between the A30 and the A356, prior to the occupation of 200 houses or within 4 years of first residential occupation, whichever is sooner;
- o the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000sqm of employment space or within 4 years of commencement of the employment land or within 7 years of the first occupation of any dwelling, whichever is sooner;
- o the delivery of the affordable homes within the 'social rent' tenure;
- o the delivery of the serviced school site; (agreement between applicant and LEA)
- o an education contribution of £2,000,000; (agreement between applicant and LEA)
- o a contribution of £260,000 towards sports, arts and leisure facilities;
- o a contribution of £635,624 towards off site highways mitigation and sustainable travel planning, to include:-
- o £100,000 towards town centre improvements (upon commencement);
- o contributions to off-site traffic calming and improvements to footpath/cycle path links (prior to first occupation);
- o contributions towards bus services to serve the development (upon completion of the link road);
- o contributions towards travel planning measures;
- o the provision and maintenance of on-site play areas;
- o the landscaping and maintenance of c.24 hectares of 'country-park', including any landscaping necessary for dormouse mitigation measures;
- o the completion of the dormouse bridge prior to the completion of the link road through the site with a requirement for the developer to make all reasonable endeavours to re-assess the dormouse population prior to commencement of the dormouse bridge and, if justified, to agree appropriate alternative mitigation
- o appropriate badger mitigation measures as required by the Council's ecologist;
- o 3 yearly reviews of the viability of the development throughout the construction phase.

The agreed obligations reflected the District Valuer's then advice that, the development, including the provision of the link road, the school site, landscaped areas and employment land (as per allocation KS/CREW/1 in the local plan) was only viable with 8% affordable houses (all for rent) and c. £8.6m towards planning obligations. Included within this figure was an allowance for an enhanced use of natural stone to meet the findings of the Enquiry by Design conducted at the allocation stage.

There is a separate S.106 Agreement with Somerset County Council as Education Authority to provide a site for a first school together with a capital sum to secure the new buildings. Following on from the Education Authorities resolution to move to a two-tier education service for the area the Education Authority is seeking separately to revise their S.106 obligation to reflect the need for funding for off-site education works and to remove their requirement for a school site.

Site description

The site sits between the A30 Yeovil road and the A356 Misterton road to the south. The northern part (Outline 1), where the main residential element is approved, adjoins the A30 and lies to the east of the town cemetery. This is the highest part of the site at the top of a scarp slope, which runs roughly east-west.

The central part of the site (Outline 1) includes the scarp slope with the lowest lying parts of the site mainly grassland. A corridor of open countryside extends westwards from the site boundary into the town centre. This area has been identified as a good habitat for dormice. This central part of the site is to be retained for informal recreation. New balancing ponds associated with the drainage of the site would be located in this area and will be designed to attract wildlife. In addition to the informal recreation provision there will also be a community sports area including a playing pitch.

The southern part of the site, as covered by the application 14/022141/OUT (Outline 2), slopes gently upwards to the A356 at the southern boundary. This part of the site adjoins the town's main industrial area at its western boundary and open countryside to the east and is comprised the employment and care home elements along with residential development for up to 110 dwellings and provides the southern part of the link road where it leads on to Station Road.

Both the 2005 and 2014 submissions were supported by an Environmental Statement which addressed the proposal's impacts on traffic, ecology, drainage, landscape, air quality and amenity.

Condition 1 of the outline approvals 05/00661/OUT as amended by Section 73 application 19/03482/S73 provided a bespoke timetable for the submission of reserved matters applications providing a period of up to 10 years from the grant of the first outline permission. This condition therefore allows for reserved matters applications to be submitted until 4th February 2023.

The Proposal

The current application is seeking to vary condition 1 of planning approval 19/03482/S73 which in turn varied the original outline permission 05/00661/OUT in order to allow for some works to take place within the red line site for 18/03482/S73, namely the construction of a haul road to enable the transfer of material from Outline site 1 to Outline site 2 to enable the construction of the access road onto Station Road.

There is merit in seeking to re-use material from within the same overall site given that the first access onto Station Road will require the making up of ground given the levels difference between the field and the road itself.

Conversely in relation to the access that will be taken onto the A.30, the field is considerably higher

than the road at the approved junction meaning there will be a significant requirement to excavate material in order to create that junction and the internal roads within Outline site 1)

Without the capacity to undertake the construction of a haul road within outline site 1 and excavate material within that site the developer would instead need to import materials from an alternative, off site location requiring all material to arrive at the Station Road access into Outline site 2 / Reserved matters reference 20/00149/REM along Station Road.

HISTORY

21/03018/NMA - Minor alterations to dwelling types and positions. Approved

21/01152/NMA - Revisions to access and cycleway to application 19/03483/S73. Approved

20/00149/REM - Reserved matters approval for 110 dwellings. Approved.

19/03482/S73 application to vary condition 3 (Phasing) and condition 9 (highway plans) of planning approval 05/00661/OUT (Outline 1) in order to correct what can be described as discrepancies between the two planning consents. In essence these relate to small alignment divergences for the spine road between the two approvals, and the drainage mitigation measures which relate to both schemes but sit outside the redline area for Outline 2. Approved.

19/03483/S73: Section 73 application to amend the approved plans condition (no. 26) of planning consent 14/02141/OUT to amend the highway plans and the provision of supplemental environmental statements to reflect such changes. Approved.

15/04084/DPO: Application to modify S106 agreements dated 31st January 2013 between SSDC and SCC and Taylor Wimpey Ltd in respect of planning permission reference 05/00661/OUT.

14/02141/OUT: Outline development of up to 110 houses, 60 bed nursing home, up to 2 hectares of employment land, vehicular access from Station Road and Blacknell Lane. Permitted.

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

05/00661/OUT: Outline permission granted for mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be

approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Horton as a Rural Settlement

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

EP3 - Safeguarding Employment Land

HG1 - Strategic Housing Site

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

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Somerset County Council Parking Strategy (September 2013)

National Design Guide - September 2019

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment accompanied the original application. This was updated to support the S.73 applications 19/03482/S73 and 19/03483/S73 given that they resulted in amendments to the link road alignment and drainage provisions. As noted above, the original outline permission provided for a 10 year period for submission of reserved matters expiring in February 2023.

This application does not make any changes to the form, scale or layout of the proposals originally assessed by the Environmental Impact Assessment. (As amended)

There are separate provisions set out in both the S.106 Agreement and planning conditions to deal with the submission of further details and mitigation solutions across the site.

Given the above, and the impact of this application which is to allow what are effectively enabling works to support the implementation of reserved matters approval 20/00149/REM there is no requirement to revise or amend the previously submitted Environmental Impact Assessment.

CONSULTATIONS

Crewkerne Town Council: No objections

Merriott Parish Council: No observations received

Misterton Parish Council: No objections but sought confirmation of the timing for the link road

SCC Highways: No observations received

Somerset Waste Partnership: No observations received

Somerset Ecology Services: No observations received

National Health Service: No observations received

Environment Agency: No observations received

Crime Prevention Design Adviser: Confirmed no objections or comments

Environmental Protection Team: No observations received

Rights of Way: Confirmed the presence of footways through the site and need for diversion orders.

Natural England: Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice.

The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

REPRESENTATIONS

Seven representations have been received relating to:

Existing levels of traffic on South Street are too high and additional movements would worsen this.

Will the link road serve HGV traffic?

Impact of the road on wildlife & need for protection for dormice.

Why is construction not taking place from the A.30 side first?

CONSIDERATIONS

Impacts upon habitat

Currently the applicant has reserved matters consent to develop 110 dwellings on the part of the site that is served from Station Road. This permission relates to the extant outline consent 14/02141/OUT (Outline development of upto 110 houses, 60 bed nursing home, up to 2 hectares of employment land, vehicular access from Station Road and Blacknell Lane.) and 19/03483/S73, the application which varied the link road alignment and drainage design.

The two S.73 approvals 19/03482/S73 and 19/03483/S73 secured detailed design for the link road and junctions onto Station Road and the A.30. As such, no further permissions are required relating to the design, width and alignment of the link road.

Additionally, reserved matters approval has been granted for 203 dwellings on Outline site 1.

That said, planning conditions applied to both the S.73 approvals require the submission of further details relating to phasing, landscaping and ecological impacts to be approved either prior to commencement of development or to accompany any reserved matters applications.

Condition 6 of the permission 19/03482/S73 states:

"Prior to the submission of any application for the approval of the reserved matters a 'Landscape

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

Subsequently, 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 unless agreed otherwise in writing by the local planning authority."

Furthermore, the provision of mitigation and suitable movement arrangements for dormice are dealt with within the S.106 Agreement at Schedule 5.

These provisions were drafted with the expectation that development within either the overall site (the subject of approvals 05/00661/OUT and 19/03482/S73) or the smaller southern site (the subject of permissions 14/02141/OUT, 19/3483/S73 and 20/00149/REM) would commence only when reserved matters approvals had been granted for that part the site and as such, the submission of a reserved matters application would trigger the approval of a Landscape and Environmental Management Strategy.

The position presented by this application however enables the delivery of the detailed proposals approved for the southern part of the site to be enabled by development taking place within the larger, overall part of the site for which there are no complete reserved matters approvals and associated mitigation strategy.

The concern therefore is that the haul road could evolve into the (approved) link road without an associated reserved matters application triggering the need to ensure suitable mitigation is presented and approved. The solution to this would be to revise the triggers for condition 6 to include a provision that the relevant submissions are to be approved prior to the first of the following events: the construction of a temporary haul road, the construction of the permanent link road or the submission of any reserved matters applications.

Additionally conditions 16 and 20 deal with the crossing of the Viney Brook in relation to the construction of the link road and need to be revised to deal with the possibility that the design of the haul road and link road may differ in terms of flood constraint impacts as well as otter movements.

The S.106 would also require variation given that it excludes the construction of haul roads from the meaning of development (a normal provision) but requires the dormouse mitigation to be approved prior to commencement of development. The revision would need to make clear that under the current proposal the haul road would need to be considered to be development by reason of its alignment and relationship to the dormouse habitat and crossing of Viney Brook. Other considerations

The application site is located within the Somerset Levels and Moors Ramsar site which Natural England has advised is in an unfavourable condition. As such, new development likely to result in significant effects upon the protected site need to demonstrate that they have adequately mitigated the likely impacts.

In relation to the southern part of the site the subject of reserved matters approval 20/00149/REM,

this was achieved through a fallow land management strategy. As such the approval for 110 dwellings can proceed on the basis that it has secured the relevant mitigation.

The wider application site already has the benefit of outline planning permission for up to 525 dwellings, however no mitigation proposals have been presented for this site to date and it is anticipated that this is something that will accompany the reserved matters application for the layout, scale landscaping and appearance of that part of the overall site.

In relation to this S.73 application, it does not have the effect of bringing forward deliverable housing on the residue of the site. There is a live outline permission for the site. Further development can only take place once a reserved matters application has been approved.

The effect of this decision therefore is to enable the development of housing already benefitting from mitigation to be brought forward with fewer on road HGV movements. The effect of this decision upon the deliverability of the larger site is one of "no change". A reserved matters application will provide the opportunity to consider the approach to the mitigation of impacts upon the Ramsar site as it will have the effect of enabling deliverable dwellings.

There are a number of pre-commencement conditions applied to the permission 19/03482/S73 which should have a specific justification within the reason justifying why they are conditions precedent. This will be addressed by the revised conditions below.

Conclusion

The development proposed by the application would allow for a haul road to be constructed on the larger site, to the north of reserved matters consent 20/00149/REM to facilitate the movement of material required to construct the access onto Station Road without importing material from third party sites necessitating additional HGV movements.

There is merit to this proposal on two counts, firstly the reduced traffic impacts in the public domain and secondly, as this will comprise preparatory works for the construction of the link road it will assist in the delivery of the overall link road within the timetable set out in the S.106 Agreement.

The proposed works will follow the alignment of the approved link road.

For the reasons set out above however this will necessitate a change to the planning conditions (in addition to the one applied for) to ensure that the works enabled by this variation are delivered with mitigation that reflects the impacts of the works and relationship to wider reserved matters submissions and triggers for a commencement onsite, specifically in relation to ecology.

RECOMMENDATION

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 Country 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

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

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 SouthSomerset 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. The reserved matters application 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:

- o identify details of attenuation features,
- o identify future ownership, operation and maintenance liability of all drainage infrastructure works,
- o confirm connections to the public/private drainage system,
- o detail proposed local SUDs,
- o provide details on mitigation from any existing surface water flood risk including risk from the existing culvert under station road,
- o flow routes through the site from exceedance or failure,
- o provide details of proposed planting scheme(if any),
- o 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 PoliciesTA5 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 PoliciesTA5 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 togetherwith 19/03483/S73, as amended by 21/01152/NMA

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