

MISCELLANEOUS REPORT

06/08/0010 -

CONVERSION OF THE MANSION HOUSE AND ORANGERY FOLLOWING SOME PARTIAL DEMOLITION TO 18 APARTMENTS AND CONVERSION OF OUTBUILDINGS PART TO 8 APARTMENTS, ERECTION OF 28 NEW DWELLINGS, DEMOLITION OF REMAINING FORMER HOSPITAL BUILDINGS AND THE REINSTATEMENT OF THE SITE OF THE BUILDINGS AND ROADS TO PARKLAND AND INFORMAL GARDENS, PROVISION OF BAT ROOST BUILDINGS, RESTORATION OF PARKLAND, FORMATION OF PARKING AREAS AND FOOTWAYS AND IMPROVEMENTS TO ACCESS ROAD, ACCESS AND FOOTWAYS, SANDHILL PARK, BISHOPS LYDEARD

BACKGROUND

At the Planning Committee of 22 May 2013, Members resolved to grant planning permission for the above development, subject to two outstanding matters being completed prior to the parties involved entering into a Section 106 Agreement and the Decision Notice being issued. One such requirement was for the following:

- Receipt of revised Travel Plan to be subsequently approved by SCC Travel Plan Coordinator and attachment of approved Travel Plan to the Section 106 Planning Agreement.

With the exception of the Travel Plan, the Council and all other interested parties are now in a position whereby the Section 106 can be entered into and Decision Notices issued for the development. The developer is under contractual obligations and wishes to commence works as soon as possible. At present there is a likely delay before an initial meeting to discuss updating the existing Travel Plan with Somerset County Council's Travel Plan Co-ordinator can take place. This delay is likely to last until July 15 at the earliest with ongoing delays as the Travel Plan is revised and discussed with the Travel Plan Co-ordinator at Somerset County Council.

In order to allow a Decision to be issued, the developer has requested that the Travel Plan be omitted from the Section 106 and be secured instead by way of a planning condition.

COMMENT

The opinion of the Transport Development Group has been sought as to the appropriateness of allowing the Travel Plan to be secured by way of condition. They have advised that good practice is for the Travel Plan to be secured by way of a Section 106 to ensure that the developer is obligated to undertake all necessary elements of good travel planning. Unless there is very good reason to allow a variance from this stance, they advise that a condition would not be appropriate.

It is fully understandable that in most instances, securing a Travel Plan through the Section 106 Agreement would be good practice; however there are exceptional circumstances here that give added weight to allowing a variance from normal procedure.

Enforcing the need to agree a Travel Plan through the Section 106 Agreement is likely to result in a significant time delay in allowing the Council to issue the Decision Notice, with this delayed unfortunately being caused by the unavailability of the Travel Plan Co-ordinator for a number of weeks. By the time a meeting has taken place and the developer produced an acceptable Travel Plan, this time delay is likely to be significantly extended and posed a significant threat to the scheme.

It is envisaged that the Travel Plan for Sandhill Park will entail a range of practical measures and not include significant financial contributions virtue of the developments viability. Providing practical measures such as cycle storage, improved legibility, footpath and cycle links along the access track can be secured by way of a condition if required. It is considered to be imperative that a decision be issued for the application in such time as to allow the developer to meet their contractual obligations and to allow work to commence on site, which it is hoped will be before the end of this year.

RECOMMENDATION

There is no legal framework preventing the use of a condition to secure an appropriate Travel Plan and it would be reasonable, when balanced against the significant benefit that this development would have to the future of Sandhill Park House to allow such a variation in this exceptional occasion.

Members are therefore asked to approve the removal of the Travel Plan from the Section 106 Planning Agreement and to impose the following condition to the grant of planning permission:

Prior to the occupation of any dwelling hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved Travel Plan for this development shall be implemented within two months of the first dwelling of the development first being occupied. A transport mode and travel pattern survey shall thereafter be conducted not less than every 12 months for a minimum period of five years from the first occupation of the development and shall examine the contribution that can be made by cycling, public transport, car sharing, the provision and control of car parking, teleworking, and emergency taxi cover. A person shall be identified as a co-ordinator and point of contact for the purposes of the Plan. The Travel Plan shall be carried out as approved. The Local Planning Authority shall be notified of the results of the survey not later than the end of each calendar year.

Reason: To ensure a transport choice is provided and to ensure that staff will travel to and from work by means other than the private car in

accordance with Taunton Deane Core Strategy Policies CP1CP6 and the relevant guidance in Section 4 of the National Planning Policy Framework.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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