

COMMUNITY FACILITIES AND PLANNING OBLIGATIONS

8.75. PARA. 8.7.4 & CHANGE NO 245

Objection

663	House Builders Federation
-----	---------------------------

Conditionally withdrawn objection

994	Somerset County Council
-----	-------------------------

Objections to PC245

2273	House Builders Federation
2092	Williton Village Hall Steering Committee

Supporter of PC245

2290	Somerset County Council
------	-------------------------

Inspector's note

Objections 663 and 2272 are identical. Objection 994 is conditionally withdrawn in response to the identification of the provision of footpaths, pedestrian routes, and public transport infrastructure as examples of planning obligations.

Issues

- (i) Whether specific types of planning obligation should be cited.
- (ii) Whether such community facilities as village halls should be included.

Inspector's reasoning and conclusions

Issue (i)

The criteria for seeking planning obligations are identified in paragraph B9 of Circular 1/97. Contrary to the claim in objections 663 and 2273 I do not find the list of examples in paragraph 8.7.4 fails the tests of reasonableness set by the Circular; indeed, most of them are cited as examples in paragraph B2. In the circumstances I find no justification to delete the list.

Issue (ii)

On the evidence of the LPA it would, given the small scale pattern of development likely to be predominant in the rural parts of the Plan area, only be in very exceptional cases that the provision of a village hall would fall to be considered in this way. I am inclined to the view that the list in PC 245 is a helpful and reasonable, but clearly not exclusive, inventory of the benefits most commonly likely to be sought and I find no convincing reason to add village halls to it. I do not interpret the text as any more than quoting some of the more frequently occurring examples of benefits that the LPA might seek.

8.75.1. RECOMMENDATION

I recommend that the Plan be modified by PC 245.

8.76. POLICY PO/1 & CHANGE NO 246

Objections

864	Government Office for the South West
-----	--------------------------------------

Conditionally withdrawn objection

662	House Builders Federation
-----	---------------------------

Supporter

189	Somerset Property Services
-----	----------------------------

Supporter of PC246

2291	Somerset Property Services
------	----------------------------

Inspector's note

Objection 662 is conditionally withdrawn in response to PC 246 which generally clarifies the conditions under which, in accordance with national policy, it is appropriate for the LPA to seek planning obligations.

Issues

- (i) Whether planning obligations under the Policy should only be sought for benefits directly related to a proposed development, fairly and reasonably related in scale and kind and necessary for the development to proceed.
- (ii) Whether the Plan should provide greater clarity and certainty about infrastructure and other facilities that should accompany proposals by setting out specific requirements as part of its proposals for housing and other development, rather than by means of a general enabling Policy.

Inspector's reasoning and conclusion

Issue (i)

I consider the specific criteria attending planning obligations to which objection 864 draws attention are sufficiently related in paragraph 8.7.3 of the Plan without repetition in the Policy. However, I support the refinement of the wording of the Policy by PC246, which I consider consistent with Circular 1/97.

Issue (ii)

I consider that the incorporation of check-lists of facilities which might be provided in relation to various types of development under Policy PO/1 as revised could be confusing. It would be unlikely to be comprehensive and in any case the cross-reference to development in paragraph 8.7.4, as revised by PC245, provides sufficient examples of the most commonly-sought benefits.

8.76.1 RECOMMENDATION

I recommend that the Plan be modified by PC246.

8.77. POLICY OMISSION - PLACES OF WORSHIP

Objections

286	Minehead Congregation of Jehovah's Witnesses
87	Minehead Congregation of Jehovah's Witnesses

Inspector's note

Objections 286 and 287 are identical.

Issues

Whether in the light of paragraph 5.49 of PPG12 the Plan should make provision for places of worship in Minehead.

Inspector's reasoning and conclusions

The objector's search for a site for a place of worship in Minehead is impeded by planning policies and amenity considerations, legal restrictions on the use of charitable funds, prejudice and discrimination, and, by reason of the wide catchment from which the congregation is drawn, the inability to make use of 'community sites' associated with comprehensive developments. Although the objections are expressed in general terms the objector states there is an opportunity to acquire land on the south side of Hopcott Road, Minehead.

I am inclined to agree with the LPA that it is appropriate in terms of PPG12 to make provision for community facilities in terms of criteria-based policies without identifying specific development sites. So far as concerns the situation in Minehead I have received no evidence of a need for a general allocation policy for places of worship in the Plan period. Any proposal would fall to be considered under the settlement policies in Chapter 3 of the Plan with regard to the development boundary delineated on Settlement Map 10. Opportunities for development may be possible on unallocated sites within that boundary but defined in the Council's 2001 Urban Capacity Study which are unlikely to be developed for housing. Alternatively, an appropriate site might be acquired through the conversion or re-use of an existing building. However, the Hopcott Road site falls outside the development boundary of Minehead in a location defined as a Special Landscape Area on the Proposals Map but subject to revised definition as a Landscape Character Area under PC20. I do not find the material considerations in the objector's argument so compelling as to recommend the allocation of that site

8.77.1. RECOMMENDATION

I recommend that no modification be made in response to these objections.
