

**OFFICER: Andrew Gunn (01935) 462192**

**APPL.NO: 07/03984/FUL APPLICATION TYPE: Full Application**

**PARISH: South Petherton WARD: SOUTH PETHERTON**

**DESCRIPTION: The erection of 55 dwellings & associated works (GR 343777/117157)**

**LOCATION: Land adjoining St Michaels Gardens, Lightgate Lane, South Petherton, Somerset**

**APPLICANT: Persimmon Homes**

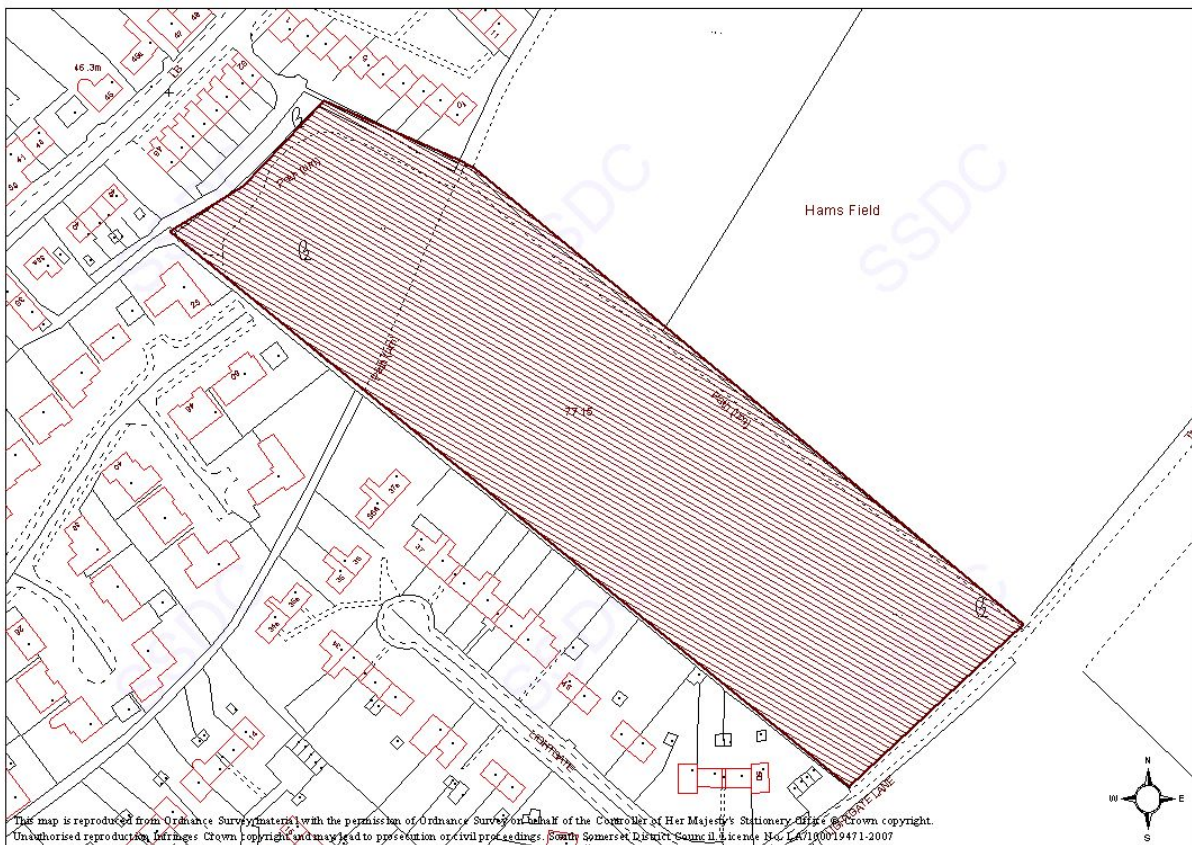
**AGENT: Turner Holden White Young Green (FAO: Simon Collier) Hawkrigde House, Chelston Business Park, Wellington, Somerset TA21 8YA**

**DATE ACCEPTED: 23 August 2007**

### Reason for Referral to Committee

At the request of the Ward Members and Chairman in order to enable discussion of the objections that have been raised and the implications of a recent appeal decision.

### Site Description and Proposal



The site is currently a green field site covering approximately 1.7 hectares on the north eastern side of South Petherton. The site adjoins residential properties to the east and south with open fields to the north. Public footpaths run across the north, east and west boundaries with a further footpath running north to south through the site.

This application seeks permission for the erection of 55 dwellings with sole vehicular access from St Michaels Gardens and emergency access onto Lightgate Lane. The scheme will provide a mix of detached, semi-detached and terraced properties. In total there will be 16 no 4 beds, 22 no 3 bed and 17 no 2 bed homes. 19 of the proposed dwellings will be affordable units in line with the Council target of 35%. The dwellings will be constructed from

brick and render with double roman tiles. An area of open space (0.28ha) will be created in the centre of the site providing a play area, seating and landscaping.

Throughout most of the development, the houses will be closely related to the internal road that runs through the site. Higher densities are proposed backing onto the southern boundary and Lightgate Lane with lower density proposed to the west and north boundaries. 2 bungalows are proposed on either side of the road leading into the site to reflect the bungalows that exist adjacent to the site in St Michael's Gardens. Garages and parking areas have largely been located to the rear of the dwellings. Several parking courts are proposed throughout the site.

The Design and Access statement outlines that the road layout will be defined by the housing arrangement and that this road alignment will achieve low vehicle speeds. It is also proposed to create shared surface areas to assist with the design principle of a safe pedestrian realm.

Additional landscaping will be planted along the boundaries of the site to compliment the existing hedgerows. The proposal also includes diversion of the existing public footpath to the south of the properties in Pitway and to the rear of 48 to 62 Silver Street.

## **History**

07/01172/FUL - Residential application for 55 dwellings with vehicular access from St Michaels Gardens. (Application refused June 2007. Appeal dismissed).

07/01181/FUL - Proposed vehicular access from Lightgate lane. (Application withdrawn).

## **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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

The Planning Policy officer in his response to the application has outlined in detail the relevant documents and policies with regard to this application. These are outlined below:

RPG10 (adopted Sep 2001)

Policy VS1 outlines the vision of RPG including the promotion of sustainable patterns of development, minimising the need to travel and concentrating growth in designated centres of growth.

Policy VIS 2 outlines the principles for future development that should be reflected within local development plans. These principles include the need to use land efficiently with high quality design, the provision of a balance of land uses i.e. a mix of housing types, business/commercial development, education and leisure facilities and recreation uses. In addition, it outlines the need to meet the economic and social needs of rural communities and promotes the provision and enhancement of public transport services and walking and cycling networks.

Policy SS 2 relates to the location and distribution of development. This provides an urban focus upon future development with growth taking place primarily within the Principal Urban Areas (PUA's) for example Taunton. These areas provide the best opportunity for accommodating growth in the most sustainable way. Outside of the PUA's, growth can be provided in other designated centres for growth to meet housing and employment needs in

the sub- region (Yeovil). It also outlines the role of towns that should be designated to act as local service centres for the wider rural areas.

The role of towns is supported by Policy SS 7 which focuses upon meeting local needs. It stresses that towns that can serve wider rural areas should be identified to accommodate smaller scale development.

Policy HO 3 relates to provision of affordable housing and seeks to ensure that sufficient affordable housing is provided by local authorities in order to meet the identified community housing need. The Lightgate Lane allocation seeks 35% affordable dwellings. Policy HO 6 seeks to promote strong and stable communities through provision of a wide mix of housing types and tenure options. This includes the provision of affordable housing and good quality design reflecting local distinctiveness.

Policy TRAN 1 focuses upon reducing the need to travel. This can be achieved by the appropriate location of new development and creating a balanced mix of uses in new developments.

Somerset and Exmoor National Park Joint Structure Plan Review -1991-2001 (adopted 2000)

Policy STR1 - Sustainable development - focus on new development primarily in towns  
Policy STR4 - Rural Centres and villages  
Policy STR5 South Petherton is a Rural Centre as defined within the structure plan by this policy.

Policy 35 relates to the provision of affordable housing in order to meet identified local need. Policy 49 advises that proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to enable development to proceed.

South Somerset Local Plan (SSLP).

As per the guidance in RPG10, development plans should identify, where appropriate, towns to accommodate smaller scale development to serve local needs and make services available to the wider rural area. Thus, as identified in the Structure Plan, South Petherton is identified as a Rural Centre where development should sustain and enhance its role whilst being commensurate with its size and accessibility, and appropriate to its character and physical identity.

It is therefore one of the primary locations for future development as identified in the SSLP. There are a range of policies in the SSLP which will support the delivery of a sustainable and high quality development on the application site.

Policy ST5 relates to the general principles of development and sets out a range of criteria which need to be considered in making planning decisions. The development will also need to meet the quality of development criteria of Policy ST6.

Policy TP1 relates to pedestrian and cycling provision in new developments. Furthermore, with regard to promoting and delivering sustainable transport objectives.  
Policy TP2 requires the submission of a travel plan.

Policy TP5 will seek to ensure that developments which are likely to generate significant levels of traffic demand should be accessible by a choice of means of transport other than the car, including public transport.

Policy TP7 sets the maximum off-road residential parking standards. Within towns, the provision is 1.5 parking spaces per dwelling. However, this should be set at a lower level where locations are particularly accessible or for housing types with less demand than family housing.

Policy HG2 lists the housing allocations within the district, including HG/SOPE/1.

Policy HG3 relates to the phasing policy. This policy seeks to ensure that priority is given to the development of previously developed brownfield sites and the phased release of allocated greenfield sites, including the 3 key site allocations outside of Yeovil. This application site is therefore subject to the phasing policy and this issue is discussed in further detail below.

Policy HG4 relates to housing densities and seeks a net density of at least 30 dwellings per hectare on every new development. This reflects national guidance outlined in PPS3. Higher densities will be sought in locations with good public transport accessibility. On larger developments such as this proposal, a range of densities may be appropriate provided the overall average net density is 30 dwellings per hectare.

Policy HG6 relates to the total number of affordable homes the council will seek to achieve in the district.

Policy HG7 relates to affordable housing within new housing developments. On the application site, the council will be seeking 35% of the total dwellings as affordable dwellings.

Policy CR2 relates to play/amenity space. This policy sets the standard requirement per 1000 population for adult's, young people and children's various play space requirements.

Proposal HG/SOPE/2 at Chapter 13 of the adopted Local Plan allocates the site for housing to accommodate approximately 51 dwellings and states:

"Land at Lightgate Lane, South Petherton, amounting to 1.7 hectares (4.3 acres) is allocated for residential development. The development would be subject to the following:

- The site is expected to accommodate around 51 dwellings, of which 35% should be affordable;
- Vehicular access off St Michaels Gardens and Lightgate Lane with associated highway improvements;
- Provision of footway link to Silver Street between no.46 and no.48 Silver Street;
- Retention of existing public rights of way which traverse or abut the site;
- Boundary landscaping to the north west abutting existing residential curtilages and associated development;
- Provision of 0.1 hectares (0.25 acres) for children's play area;
- Retaining and enhancing existing hedge abutting footpath along the sites north eastern boundary and also along the south eastern boundary abutting Lightgate Lane;
- The allocation being phased for development after 2007."

## Government Policy

National planning guidance is provided in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13).

All these documents emphasise the importance of sustainable development and promote the use of previously developed land in the most efficient ways. In relation to housing PPS3 advises that good design and layout can help achieve high quality sustainable communities. It continues to promote principles of sustainable development and for housing to be provided in the most sustainable way and encourages efficient use of land with particular reference to redevelopment of brownfield land and density.

## Consultations

South Petherton Parish Council

Object to the application as the proposed scheme is not in accordance with the requirements of the SSLP.

Highway Authority

No objections subject to conditions.

The internal roads team recommend reconstituted granite blocks and reduction in height of hedging at plot 1 and 8 to maintain visibility.

Senior Play and Youth Facilities Officer

Financial contributions have been sought in terms of play and youth facilities. A full copy of the consultation response is attached at **Appendix A**. The total sought is around £107,000.

Senior Leisure Facilities Officer

Financial contributions are sought for Strategic sports facilities. The full response is attached at **Appendix B**. The total sought is £39,484.

Education

The Education Authority have sought a contribution of £124,248 towards secondary school provision.

Natural England

Requests that a wildlife/species survey of the site is undertaken by a suitably qualified person and the results sent to Natural England prior to the application being determined.

## Representations

The application was advertised, a site notice displayed and neighbours notified. 24 letters have been received from residents of St Michaels Gardens raising the following

- proposed scheme is contrary to the SSLP requirement for 2 vehicular accesses
- scheme is contrary to decision of the Local Plan Inspector and outcome of the democratic Local Plan process.
- no right of way provided to Silver Street as per SSLP criteria.
- length of cul-de-sac serving development too long i.e. 500m from furthest dwelling to junction. Guidance says it should be a max of 300m.
- Local services and facilities are inadequate to serve the new development.
- Increased traffic will result in highway safety issues.
- Noise of additional traffic affecting amenity of properties in St Michaels Gardens.
- Do not want S Petherton to turn into a town.

Six letters have been received from residents of Lightgate Lane stating that Lightgate Lane should not be used to serve the proposed development due to highway safety concerns, in particular its narrow width, poor junction with Lightgate Road and that it already carries

significant traffic serving both residential properties, recreational facilities and pre school group.

One letter has raised no objection to the development but raises concern in relation to use of Lightgate lane as an access route to serve the development. St Michaels Gardens should be used as the sole access.

Two emails have been received supporting the application stating that this development is required in South Petherton, particularly enabling young people to remain in the village. It is also hoped that the scheme will provide affordable housing.

## **Considerations**

The main considerations with regard to this application are: 1) whether the provision of 1 vehicular access serving the development is acceptable given the requirement of the SSLP for 2 vehicular accesses; 2) whether the proposal accords with planning policies governing the sustainable location of new development; 3) whether there is a need for the housing development having regard to community needs, including the provision of affordable housing; and 4) whether the proposal provides a high quality, sustainable development.

### **Vehicular Access**

It is clear from comments received from local residents that the key issue is the means of vehicular access to the site. In this respect, the criteria as outlined in the South Somerset Local Plan for this allocation clearly requires vehicular access from St Michaels Gardens and Lightgate Lane with associated highway works. This application only has one vehicular access from St Michaels Gardens with emergency access only onto Lightgate Lane.

The issue of vehicular access was fully examined through the Local Plan Inquiry during 2002-2003. With this application the Highway Authority have repeated their stance at the Local Plan Inquiry i.e. that St Michaels Gardens is 'technically capable of serving the entire site'. The Local Plan Inspector accepted this fact. However, during the Local Plan Inquiry, residents expressed their concerns regarding access to the site and potential nuisance arising from it. The Inspector accepted that residents would 'experience the impact of the additional traffic and the opening up of the area, which could in turn raise perceptions of a decrease in natural security'. The Inspector further stated that 'in my view the option of serving a substantial part of the site from Lightgate Lane, rather than from St Michaels Gardens warrants further consideration'. In conclusion, he stated that 'My support is conditional upon the reconsideration of the access arrangements to either remove or reduce the dependence on the use of St Michaels Gardens'.

The Inspector's report and his conclusions with regard to the allocation of this site and, in particular the issue of vehicular access to the site was considered and supported by the District Council. Accordingly, the South Somerset Local Plan requires 2 vehicular accesses into the site. Therefore, this application as it currently stands is not in full accordance with the South Somerset Local Plan.

### **Appeal Decision**

Notwithstanding the requirement of the SSLP, members attention is drawn to the decision of the appeal Inspector with regard to the first application for residential development on this site that was refused in June 2007. This is a particularly important material consideration in the consideration of this current application. This decision along with the decision in relation to the appeal for costs has been attached as **Appendix C and D** respectively. The key outcome of the appeal decision was that whilst the appeal was dismissed, it was not

dismissed on the basis that the scheme before the Inspector was served by 1 sole access but due to a deficient S106 Agreement. The Inspector was not satisfied that the proposed contributions relating to play, sports and community facilities and education contributions were sufficient to address the overall impact that the additional population created by the development would have on South Petherton.

The appeal Inspector's conclusion in terms of the impact upon the residential amenity of residents in St Michaels Garden's was that he was not persuaded 'having regard to the width of the footways, the degree of set back of many of the dwellings from the road and the likely vehicle speeds in such a highway design, that the volume of the additional traffic generated by the scheme, which would be residential in character, would unacceptably harm the St Michaels Gardens living conditions by reason of undue noise or general disturbance'. He did not consider that the proposal would be contrary to Policy ST6 of the SSLP. Therefore on the basis of the Inspector's decision, the Local Planning Authority's objection to the earlier application with regard to provision of 1 vehicular access and impact on residential amenity has now been addressed.

#### Need for the Development

In terms of whether there is a need for the development, it is clear that according to the housing trajectory figures that are compiled by the Policy team, the District Council can meet its housing needs without the need for allocated green field sites outside of Yeovil i.e. no need for housing sites such as this site to come forward. However, there is clear need for the provision of affordable housing within the District. Therefore, there is sound justification for the site coming forward to meet community needs in South Petherton. A total of 19 affordable homes will be provided by this development. The location of the affordable housing within the site has been split into 2 groups i.e. plots 27-31 and 42-55 to avoid concentration of such housing in one part of the site.

The number of dwellings proposed is 55 compared with the Local Plan allocation of 51. However, it is not considered that an increase of 4 above the Local plan requirements is a significant departure that would warrant refusal on those grounds. Moreover, the recent appeal Inspector concluded that 'a total of 55 dwellings would result in an acceptable and efficient development density that would not be disproportionate to the approximate figure of 51 dwellings anticipated by Proposal HG/SOPE/2.

#### Design Issues

In terms of providing a high quality, sustainable development, it is considered that the proposal as amended will provide such a development. The layout will provide a pedestrian friendly development with strong roadside frontage development. An area of open space within the centre of the development will provide an attractive focal point and provide a break from built form. It is further considered that the proposed layout and design will not harm the amenity of adjacent occupiers. Indeed, with regard to the latter point, no objections have been received with regard to the proposed layout or design of dwellings.

#### Meeting Sustainable Development Objectives

With regard to the fourth issue, the site was fully considered by the Local Plan Inspector and concluded that residential development of this site would meet with government objectives in terms of achieving sustainable forms of development.

#### Contributions

The Council's reason for refusal in relation to the earlier application have been fully considered by an appeal inspector. It was concluded by the appeal Inspector that one vehicular access from St Michaels Gardens would not unacceptably harm the amenity of those residents. The appeal was only refused due to a deficient legal agreement rather than the proposed scheme itself. It is clear that the inspector would have allowed the appeal provided that an acceptable level of contributions had been offered by the applicant within the submitted legal agreement. The Inspector did have an option of conditioning the need to make provision for affordable housing, public open space, educational infrastructure and community facilities. However, he concluded that it would not be reasonable to impose a condition due to the 'fundamental disagreement between the parties' on those matters. It should be noted that the provision of affordable housing has been agreed.

The local planning authority are willing to accept a condition requiring provision of these contributions provided that the applicant provides a clear indication that they are willing to enter into negotiations with the local planning authority and it is clear that a satisfactory outcome can be agreed. The Planning Inspectorate has advised that such conditions can be imposed in appropriate circumstances i.e. where the terms of a necessary obligation have already been substantially agreed in principle or detail. Following discussion with the agent, an indication has been given that they are happy to enter into negotiations. It is therefore considered that this case presents an appropriate circumstance in which such a condition may be imposed. However, this will be decided by progress of negotiations with the applicant. It is anticipated that further discussions will have taken place before the committee meeting and an oral update will be given at the meeting.

### **Section 106 Planning Obligation**

Contributions will be sought in respect of affordable housing, public open space, educational infrastructure and community facilities. Dependent upon progress of negotiations with the applicant, it is proposed to condition the requirement for these various provisions to be provided before any works commence.

### **RECOMMENDATION**

**Grant permission.** Subject to the progress of negotiations with the applicant, it is recommended to condition the requirement to provide contributions in respect of affordable housing, public open space, educational infrastructure and community facilities.

### **JUSTIFICATION**

The proposed development by reason of its scale, design, layout and materials respects the character and appearance of the area, will provide affordable housing and play space and community facilities in accordance with Policies ST5, ST6, HG7 and CR2 of the South Somerset Local Plan.

Application Permitted with Conditions

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. No development shall begin until details of a scheme for the provision of affordable housing, educational infrastructure, public open space, community facilities and provision and implementation of a Travel Plan to include full bus pass provision at a ratio of one bus pass per household (based on a voucher scheme), to meet the



needs of the development has been submitted to and approved in writing by the LPA. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure adequate provision of affordable housing, in accordance with Policy HG7 of the South Somerset Local Plan, play and community facilities in accordance with Policy CR2 and CR3 of the South Somerset Local Plan.

03. The proposed estate roads, footways, footpaths, 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, street furniture and tactile paving 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 highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

04. 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 highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.

Reason: In the interests of Highway safety in accordance with Policy 49 of the Somerset and Exmoor National park Joint Structure Plan Review.

07. In the interests of sustainable development, a network of cycleway and footpath connections shall be constructed within the development site in accordance with a scheme to be permitted in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

09. No occupation of the proposed development shall be allowed until such time as the alterations to the footpath and road alignment of Lightgate Lane have been completed to the satisfaction of the Local Planning Authority. Such alterations and off-site highway works will need to be addressed through a Section 278 legal agreement with the Highway Authority. In addition, a Section 106 Agreement should be in place with the developer for the provision and implementation of the Travel Plan which should also include full bus pass provision for the entire site at a ratio of one bus pass per household based on a voucher scheme. The said Travel Plan should score a minimum of 45% on the Department of Transport's scoring model, which has been adopted by the Highway Authority for Travel Plans.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

11. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy ST6 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping 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: In the interests of visual amenity.

13. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a

satisfactory means of surface water disposal.

14. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building(s) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area.

15. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

16. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during 1 in 100 year (climate change) conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To alleviate the increased risk of flooding.

17. 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, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development does not cause pollution of Controlled Waters and that development complies with approved details in the interests of protection of Controlled Waters.

18. No development approved by this permission shall be commenced until the Local Planning Authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reason: To prevent pollution of the water environment.

19. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment

20. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any order revoking or re-enacting that Order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of a dwelling house unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of drainage system of the bund shall be sealed with no

discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected where possible from accidental damage.

Reason: To prevent pollution of the water environment.

**NOTES** (if any)

01. The development hereby permitted shall not be commenced until such time as the public right of way has either been stopped up or diverted in accordance with any of the following:
    - a) An Order made by the Secretary of State for the Environment Transport and Regions under Section 247 of the Town and Country Planning Act 1990.
    - b) An Order made by the Local Planning Authority under Section 257 of the said Act 1990, or
    - c) An Order made by a Magistrates' Court under Part VIIA of the Highways Act 1980.
  02. The applicant's attention is drawn to the informatives and recommendations included in a letter received from the Environment Agency dated 21st September 2007.
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