

OFFICER: Mike Muston (01935) 462382
APPL.NO: 07/03534/FUL APPLICATION TYPE: Full Application
PARISH: Huish Episcopi WARD: TURN HILL
DESCRIPTION: Erection of 52 no. dwellings, B1 employment floorspace and extension to hotel (GR 342728 / 127727)
LOCATION: Land at Old Kelways, Somerton Road, Langport, Somerset, TA10 9HB
APPLICANT: C G Fry & Son Ltd
DATE ACCEPTED: 16 August 2007

Site Description and Proposal



The site the subject of this application lies approximately 1 kilometre from the centre of Langport, on the A 372. It comprises the curtilage of Kelways, a Grade II Listed Building and former plant nursery, which now acts as the Council's Area North offices as well as an adjacent public house with hotel and other independent office facilities.

Within the site, to the north of the access road that serves the rear car parking is a glasshouse adjoined by a block work and sheet roof industrial building.

The site is adjoined at the southern end of the western boundary by the garden of Furlongs, a two storey house fronting Somerton Road. The majority of the remainder of the western boundary comprises the rear gardens of bungalows fronting Maple Road. The northern section of that boundary adjoins land allocated for residential development in the Local Plan (HG/HUEP/2). There are some significant trees on this boundary, which would be retained. Farmland lies to the north of the site separated by a high stone wall with tile capping. Attached to the wall within the site are some lean-to buildings and a water tower. The eastern boundary is also marked by a high stone wall with tile capping adjoining Wearne Lane. This boundary contains an existing overgrown access. The southern boundary is

open and adjoins the hotel, the car park used in connection with the Council offices and the existing Kelways buildings and car park.

The application as submitted was accompanied by a design and access statement, as well as a separate planning statement and a highway and transportation review.

This application seeks planning permission for residential development, of which 35% would be affordable housing, involving the demolition of the glasshouse and industrial buildings. The scheme as designed is divided into two elements, divided by an open area to the north of the listed buildings.

Upon entering the site from Somerton Road, a triangular area of public open space would be on the left, with a terrace of 3 affordable 3 bedroom houses fronting this area. Opposite the existing car-park serving the Area North offices would be 6 more affordable houses (3 one bed roomed and 3 three bed roomed) in two terraces facing the access road. Beyond this, the access road would divide, with the left hand turn providing access to the north-western corner of the site and potentially on to the allocated site to the north-west. This area would contain three more affordable houses (all 3 bed), 8 open market houses (3 three bed terraced, 4 four bed semi-detached and one 4 bed detached) and two employment buildings. These employment buildings would be in materials and detailing to fit in with the more domestic scale of other proposed buildings. One of these employment buildings and the 4 semi-detached houses would face across the large area of open space and car parking to the north of the listed buildings. These face on the eastern side of this space the remaining employment building, 2 semi-detached 3 bed affordable houses and a terrace of three open market houses (2 three bed and 1 four bed). Behind this another area of housing includes the remaining 22 houses (4 affordable semi-detached 3 bed houses, 8 three bed semi-detached open market houses, 3 three bed terraced open market houses, 5 four bed detached open market houses and 2 four bed semi-detached open market houses). Finally, adjoining and to the north-east of the existing hotel buildings would be an extension to the hotel, providing letting rooms and meeting facilities.

The 52 houses are served by a total of 111 car parking spaces, the hotel extension by 14 and the employment units by 30. 44 additional spaces are also provided for local authority use.

The application also involves alterations to the A372 to provide for a separate right-turn lane into the site.

History

920025 Demolition of some walls and derelict buildings. Conversion of buildings into 23 units of living accommodation. Erection of 10 units of living accommodation and provision of garaging and parking facilities. Refused 25.06.92

920026 Demolition of some walls and derelict buildings. Conversion of buildings into 23 units of living accommodation. Erection of 10 units of living accommodation and provision of parking facilities (listed building). Refused 25.06.92

920559 Change of use from Horticultural to light Industrial. Conditional Approval 22.03.93

951521 Conversion of extension of existing buildings to form hotel, restaurant, public house with managers & staff accommodation together with public offices and conversion of storage building to industrial use. Conditional Approval 08.08.95

951522 Conversion of extension of existing buildings to form hotel, restaurant, public house with managers & staff accommodation together with public offices and conversion of storage building to industrial use. Conditional Approval 08.08.95

9502830 Alterations & extension of existing building and conversion of blocks A, B & C into public office (revised application). Conditional Approval 14.02.96

9502831 Alterations & extension of existing building and conversion of blocks A, B & C into public office (revised application). Conditional Approval 14.02.96

99/01846/LBC Conversion of former potting shed into workshop retail outlet and offices. Conditional Approval 23.02.00

99/01577/FUL Conversion of former potting shed into workshop retail outlet and offices. Conditional Approval 23.02.00

97/02435/COU Use of land for car parking area. Conditional Approval 11.12.97

97/02587/LBC Alteration, refurbishment and conversion of existing dwelling to hotel. Conditional Approval 11.12.97

98/00193/FUL Erection of clubhouse and use of land to form six rink bowling green. Conditional Approval 20.03.98

01/01096/FUL The erection of a bedroom block consisting of 29 no bedrooms and function room with associated parking. Withdrawn 17.05.01

01/01447/LBC Erection of an accommodation block. Conditional Approval 29.07.99

01/01446/FUL Erection of an accommodation block. Conditional Approval 23.08.01

02/01067/LBC Carry out alterations to Kelways Inn building to include a fire escape and construction of a covered link in connection with proposed new kitchen dining area on ground floor. Conditional Approval 24.06.02

02/01068/CON Carry out alterations to Kelways Inn building including change of use from restaurant to offices on 1st and 2nd floor and construction of a covered link in connection with proposed new kitchen/dining area on ground floor. Conditional Approval 24.06.02

03/00476/FUL Proposed 60 bed nursing home and associated parking and landscaping. Refused 29.04.04

05/02155/FUL Erect 37 dwellings with garages and associated infrastructure. Demolish sheds. Repairs to listed walls and water tower. Refused 12.07.06

05/02156/LBC Erect 37 dwellings with garages and associated infrastructure. Demolish sheds. Repairs to listed walls and water tower. Refused 12.07.06

The most relevant of these applications is 05/02155/FUL, which was refused on the following grounds:-

- 1 The proposal, lying outside of the development boundary of Langport, is contrary to Policies STR6 and 35 of the Structure Plan and Policies ST3 and HG9 of the adopted Local Plan and will have an unacceptable impact on the countryside to its detriment.

- 2 The proposal results in the loss of land and building, currently providing employment use, contrary to the provisions of Policy ME7 of the adopted local plan with no alternative economic benefit.

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.

Regional Spatial Strategy:

VIS1 Expressing the vision
VIS2 Principles for Future Development
SS6 Other Designated Centre for Growth
EN4 Quality in the Built Environment

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development
Policy 9 - The Built Historic Environment
Policy 39 - Transport and Development
Policy 48 - Access and Parking
Policy 49 - Transport requirements of new development

South Somerset Local Plan (Adopted April 2006)

Policy ST1 - Rural Centres
Policy ST3 - Development Areas
Policy ST5 - The Quality of Development
Policy ST6 - Landscape and Architectural Design
Policy ST10 - Planning obligations
Policy HG1 - Provision for New Housing Development
Policy HG4 - Housing Density
Policy HG6 - Affordable Housing Target
Policy HG7 - Site Targets and Thresholds
Policy HG8 - Rural Housing Needs
Policy EH3 - Listed Buildings
Policy EH5 - Listed Building Settings
Policy CR4 - Amenity Open Space
Policy TP2 - Pedestrian Provision
Policy TP4 - Road Design
Policy TP7 - Car Parking
Policy ME6 - Retention of Employment Land
Policy ME7 - Retention of Employment Land in the countryside

Consultations

Highway Authority

Raise no objection in principle to the proposal. Point out that the development will necessitate a travel plan for the site, which they suggest could be dealt with by a Section 106 agreement. Acknowledge the applicant's provision of a right-turn lane into the site and proposed contribution towards Safe Routes to School - accept that a pedestrian crossing

across the A372 may not be justified, but that the level of contribution will be sufficient to secure appropriate improvements. Also point out that the junction of the A372 and the B3153 is substandard in terms of its junction visibility - state that they will be looking for a contribution to junction improvements here, which could be secured through a Section 106 agreement or condition. Wish to see access through the site to the allocated site to the north-west and acknowledge that the proposal allows for this.

Conclude by recommending the granting of planning permission, subject to various conditions.

Huish Episcopi Parish Council

Broadly in favour of the development, but wish the following points to be taken into consideration:

- Essential that with this application and the Bartlett's Elm development that a roundabout or traffic lights are installed on the Bartlett's Elm junction before any work is carried out at either site.
- A pedestrian crossing on the Somerton Road will be essential
- Wishes to avoid vehicles and motorbikes using the gap in the wall on the Wearne Lane site frontage
- It should be binding that the number of buildings cannot later be increased
- A full survey should be undertaken to ascertain the capacity and suitability of the existing sewerage scheme
- The road link to the allocated site has not been incorporated into the plans
- Concern expressed that the area to the north of the application site should not be used as a dumping ground or for further development
- Feel that indigenous trees would be better than fruit trees in the area of open space
- A full environmental survey should be undertaken prior to work on the site

Langport Town Council

Broadly in support of the proposed development and endorsed the detailed comments of Huish Episcopi Parish Council. Felt that the development should not be looked at in isolation but as part of the overall development of an area where around 180 dwellings are planned. Felt that consideration needed to be given to whether the existing infrastructure (highways, sewerage provision, schools, surgeries etc) is adequate for this level of growth.

Housing Development Officer

Seek 35% affordable housing on this site, which is approximately 18 units. Of this 35%, expects a split of 50:50 for social rented and shared ownership units at nil grant level. If grant is forthcoming, expects an uplift of the rental element to 80:20. This site will provide mixed tenure accommodation to create a sustainable community, which will comply with government guidance. The mix of unit sizes will provide a suitable balance of accommodation for local people. Housing need information from the Housing Register, has confirmed the need for affordable housing in this area. It is intended that this site will be developed in conjunction with one of our "Best Level" Registered Social Landlord (RSL) partners, namely Hastoe Housing Association, who are a rural specialist RSL. In conclusion, totally supports this application and the opportunity it represents to develop this site with accommodation for local people.

Ecologist

Satisfied with the work undertaken by the applicants in their survey of June 2007. Recommends permission subject to conditions.

Environment Agency

Objects to the application on the basis that the Flood Risk Assessment (FRA) submitted with the application fails to adequately address the potential surface-water run-off impact in enough detail. The applicants have commissioned a revised FRA, dealing with this matter, which has been sent to the Environment Agency. Any comments on this will be reported at the meeting.

English Heritage

Does not wish to be formally notified.

County Council Archaeologist

No objection subject to the imposition of a condition.

County Council Property Services

Seek contributions to improvements to Huish Episcopi secondary school.

Wessex Water

There are capacity problems with existing foul sewerage in Langport, to which this site would drain. An appraisal is required to determine a point of adequacy for a new connection and any need for off-site reinforcements. The developer would be expected to contribute to any reinforcement required.

There are no public surface water sewers available to serve this development. If soakaway systems are not suitable in this area, surface water should discharge to the land drainage system.

Conservation Officer

Involved in negotiations with the applicants - revised plans have been submitted to deal with some design elements - these revised proposals are considered acceptable

Landscape Officer

Satisfied that this latest development layout has achieved a satisfactory balance of building form and open space, and that it is appropriate to the listed buildings. Requested amendments to the landscape proposals that were responded to by the applicants.

Technical Services

The submitted FRA says that surface water will be discharged via soakaways. Calculations showing the design of these will be required for approval.

Sports, Arts & Leisure Service

Sets out required contributions for equipped play provision, playing pitch requirements, youth facility requirements, and strategic community facilities.

Policy section

Pleased to note compliance with affordable housing policy. Accepts that the low density of the proposal is to preserve the setting of listed buildings, but feels that the level of car parking on site is too high and is therefore contrary to Local Plan Policy TP7.

Environmental Protection

No observations.

Representations

Letters received from 51 local households opposing the development on the following main grounds:

- Additional traffic through hamlet of Wearne will cause highway danger
- Increased traffic in Langport will be dangerous
- Inadequate drainage
- Strain on existing services from the additional population
- The site is outside the development boundary as set out in the Local Plan
- Would set a precedent for further development outside the development boundary
- No need for more housing given other developments locally
- This rural brownfield site should be used for rural businesses
- No sustainable transport policy yet in place
- Need for traffic calming measures
- Inadequate landscaping on site
- Light pollution from housing
- Will add to pressure on car parking in area (e.g. at Tesco's car park)
- Disruption during construction
- Spread of development into the countryside
- Harm to wildlife
- Harm to emerging tourist industry in Langport
- Previous proposals for fewer houses were turned down
- Excessive width of cycle path into Wearne Lane may allow cars to use it
- Harm to historic wall around site
- Unsustainable location - residents would have to use cars
- Loss of privacy to bungalows in Maple Road
- Proximity of access road to bungalows in Maple Road
- Overbearing impact of new houses on bungalows in Maple Road
- Too many houses on the site
- No provision for play space on site

One letter received from a firm of physiotherapists supporting the proposals and expressing an interest in taking one of the proposed employment units.

Considerations

The main issues for consideration are:-

- the principle of development,
- the effect of the proposal on the character and appearance of the area, including on the setting of the listed buildings

whether the proposal constitutes an unacceptable loss of employment land or buildings,
the effect of the proposal on the living conditions of neighbours
the effect of the proposal on highway safety.

Principle of Development

The site lies adjacent to the defined development area of Langport, a Rural Centre as identified in Policy ST1, which in principle is an appropriate location for development. However as this site it is located outside the development boundary within the countryside it is in a location where development should be strictly controlled. It has been agreed that much of the site can be considered as previously developed land (brownfield site) as defined in the Annexe to PPS3. Government guidance regarding the sequential approach to releasing land for housing suggests that appropriately located brownfield sites should be developed before greenfield proposals. With this in mind it is considered that some form of development could be acceptable here and no policy objection has been raised to the proposal. This is particularly true given that an area of greenfield land has been allocated for development immediately to the north-west of this site.

The previous application on this site was refused in July 2006, and the fact that the site is located outside the development boundary was one of the reasons for refusal at that stage. The current scheme provides more development than previously sought, but now includes the extension of the hotel and employment development as well as the erection of houses. In so doing it makes much better use of the site, whilst still seeking to preserve the setting of the listed buildings.

It is considered that, because the site is predominantly previously-used land, if members are happy that the proposals do preserve or enhance the setting of the listed buildings and do not cause other harm, the principle of developing this site as proposed can be accepted.

It is not considered that this would set a precedent for the development of other land, whether adjoining or not, outside the development boundary. This is because, whilst the site has similarities with Bartlett's Elm site for which planning permission for housing has been granted, no other sites without planning permission have the same characteristics of being adjacent to the development boundary, consisting of previously-developed land, and with a need to improve the setting of listed buildings.

Character and Appearance of the Area

The proposals would involve the demolition of the existing employment buildings to the north of the listed buildings. They would provide a suitable open setting to the listed buildings to their north, and would avoid any new buildings being in too close a proximity to them.

The proposed layout would involve the formation of a number of clusters of buildings, each with their own character. Several of these would include the employment buildings that are now included as part of the scheme. It is considered that the proposed layout would provide an acceptable solution to developing this site. Whilst the density is lower than would normally be expected in new developments, this is considered acceptable in this case so as to ensure that the setting of the listed buildings is preserved.

Employment

The proposal now includes an extension to the hotel comprising letting rooms and meeting facilities and three freestanding employment buildings for B1 business use totalling 1275 square metres. Comparing the proposed employment buildings to the unused buildings that

would be demolished, it is considered that the proposal now represents an improvement in the employment that would be provided on this site.

Living conditions of neighbours

The area where the proposal has the potential to affect neighbours of the site is on its western side, where bungalows in Maple Road have small rear gardens that back on to the site. The houses on the application site have been arranged so that the minimum distance back to back between these houses and the rear of the bungalows is some 23 metres. This is considered adequate to ensure privacy. The terrace of houses on plots 10-13 have a gable end facing towards one of the bungalows, with the distance between the two amounting to about 11 metres. As long as a condition is imposed ensuring that no windows can be placed above ground floor level on the side elevation of this house, this relationship is also considered acceptable.

Highway safety

The County Council has confirmed as highway authority that it has no objection to the application. County Council officers have negotiated with the applicants suitable contributions towards Safe Routes to School and the improvement of the A372/B3153 junction, as well as a right turn lane into the site. They also emphasise that the access road through the site should be used to serve any development of the allocated site to the north-west, and this is achieved by this proposal. There are no grounds for resisting this proposal on highway safety grounds.

The number of parking spaces proposed (2.2 spaces per dwelling including visitor spaces) is greater than would normally be allowed and this is contrary to Policy TP7 of the Local Plan, which requires a maximum of 1.5 spaces per dwelling. However, it is recognised that this site is in a rural location and, in the circumstances, it is considered that this level of provision is acceptable.

Other Matters

The potential need for improvements in infrastructure, and ensuring that the gap in the wall onto Wearne Lane cannot be used by motor vehicles, can be dealt with by conditions. It is not possible to impose a condition preventing the submission of other proposals on the site, or on adjoining land to the north. However, the land to the north is of a very different character and any application on that land would need to be considered on its merits, which would be very different to this current site.

Conclusions

The current proposals provide for a more efficient use of land than those previously refused, and now include a significant element of employment use. It is considered that they preserve the setting of the listed buildings and would not materially harm the living conditions of neighbours or highway safety. Subject to the completion of a Section 106 agreement as set out below, and suitable conditions, permission is recommended.

Recommendation

That application reference 07/03534/FUL be approved subject to:

(a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following items/issues:

- (i) the provision of affordable housing and ensuring that housing remains as affordable housing in perpetuity
- (ii) the provision of and appropriate contributions to the provision of open space, landscaping and play areas
- (iii) contributions towards off-site highway works, including the provision of a right-turn lane into the site on the A372, contributions towards "Safe Routes to School" and towards junction improvements at the A372/B3153 junction
- (iv) contributions towards improvements to Huish Episcopi secondary school

(b) the imposition of the planning conditions set out below on the grant of planning permission:

JUSTIFICATION

01. The proposal by reason of its scale, design, proposed materials and location, represents an appropriate brownfield development which is carefully designed to respect the character of the area and the setting of the Listed Buildings and causes no demonstrable harm to the living conditions of neighbouring residents and highway safety, in accordance with the aims and objectives of policies ST1, ST5 and EH5 of the South Somerset Local Plan.

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. 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. The development hereby permitted shall then only be carried out in accordance with those approved details.

Reason: In the interests of visual amenity and to accord with policy ST5 of the South Somerset Local Plan.

03. Surface water shall be disposed of by means of sustainable urban drainage systems where porosity tests and development constraints permit their use. Before development commences, details of the arrangements for the disposal of surface water in accordance with this condition shall be submitted to and approved by the Local Planning Authority in writing. The development hereby permitted shall then be drained in accordance with those approved details.

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

04. 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 the character and appearance of the area and to accord with policy ST5 of the South Somerset Local Plan.

05. The existing trees/hedgerows shall be protected and retained to the satisfaction of the Local Planning Authority for the duration of the development and shall not be wilfully damaged or destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees/hedgerows removed without such consent or dying or being or becoming significantly damaged or diseased during that period shall be replaced with such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and to accord with policy ST5 of the South Somerset Local Plan.

06. Before the development hereby permitted is commenced details of the provisions of boundary treatment shall be submitted to and approved by the Local Planning Authority. The agreed boundary treatment shall be erected or constructed prior to the first occupation of the buildings hereby permitted and thereafter retained for that purpose.

Reason: In the interests of the living conditions of occupiers of dwellings in and adjacent to the development, and the character and appearance of the area, to accord with policy ST5 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, or other openings (including doors) shall be formed in the west elevations of plots 1, 13 and 14, without the prior express grant of planning permission.

Reason: In the interests of the living conditions of occupiers of adjacent residential properties and to accord with policy ST5 of the South Somerset Local Plan.

08. The proposed estate road, footways, footpaths, 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 (all where appropriate) 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 and to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

09. The proposed road, 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 and to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

10. The development shall provide for a children's play area in accordance with details to be agreed. Such play area shall be designed and equipped in accordance with

details to be agreed in writing with the Local Planning Authority prior to the commencement of the development and shall be completed as part of the phase of the development they are designated to serve.

Reason: To ensure the provision of adequate play space at the appropriate stage to serve the needs of residents and to accord with policy CR2 of the South Somerset Local Plan.

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 evaluation and subsequent excavation in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure recording of archaeological remains and to accord with policy EH12 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to avoid harm to bats and slow worms has been submitted to and approved in writing by the local planning authority.

Such a scheme should include a survey for the presence of bats and slow worms by a suitably qualified person, at an appropriate time of year (usually April to September), and using appropriate techniques. Unless such a survey concludes with reasonable certainty that slow worms and bats are unlikely to be affected, then details of the scheme should include:

- Timings of works.
- Provision of alternative roost/nest sites/structures for bats.
- Protective measures (both physical measures and sensitive working practices) to avoid impact during construction.
- Persons responsible for compliance with legal consents (including application for licence from DEFRA where necessary), and other measures included in the mitigation scheme
- Methods for the safe trapping and translocation of slow worms from areas where they're likely to come to harm from construction activities.
- Identifying refuge or reception areas for slow worms and providing protection to these areas from construction activities.
- Methods for preventing slow worms from re-entering areas where they're likely to come to harm from construction activities.
- Provision of information to all construction personnel about the scheme, including nature conservation and legal implications.

Reason: For the protection of a legally protected species to accord with policy EC7 of the South Somerset Local Plan.

13. The development hereby permitted shall not be commenced (including any ground works or site clearance) until details of a scheme to eradicate Japanese Knotweed has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity, and in order to comply with legislation (The Wildlife and Countryside Act 1981).

14. No removal of ivy, trees, scrub, hedgerows or structures that have the potential to be

used by nesting birds shall be carried out between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the local planning authority. Such approval is only likely to be given following receipt of a report, from a suitably qualified person, that concludes that nesting birds are not present nor likely to be disturbed by the removal.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000

15. No part of the development shall be first occupied until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

16. No work shall commence on site until details of the right turn lane from the A372 have been agreed in writing by the Local Planning Authority. No part of the development shall be first occupied until that right turn lane has been fully constructed and is available for use.

Reason: In the interests of highway safety and to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

17. Prior to the construction of any of the units 39 - 52 inclusive, details shall be submitted to and agreed in writing by the Local Planning Authority, showing details of the treatment of the gap in the boundary wall with Wearne Lane, east of plot 42, and those agreed details fully implemented.

Reason: In the interests of highway safety and to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

18. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is adequately drained.
