

JOINT AREA COMMITTEES IN SOUTH SOMERSET
Officer Report On Planning Application: 09/02917/FUL

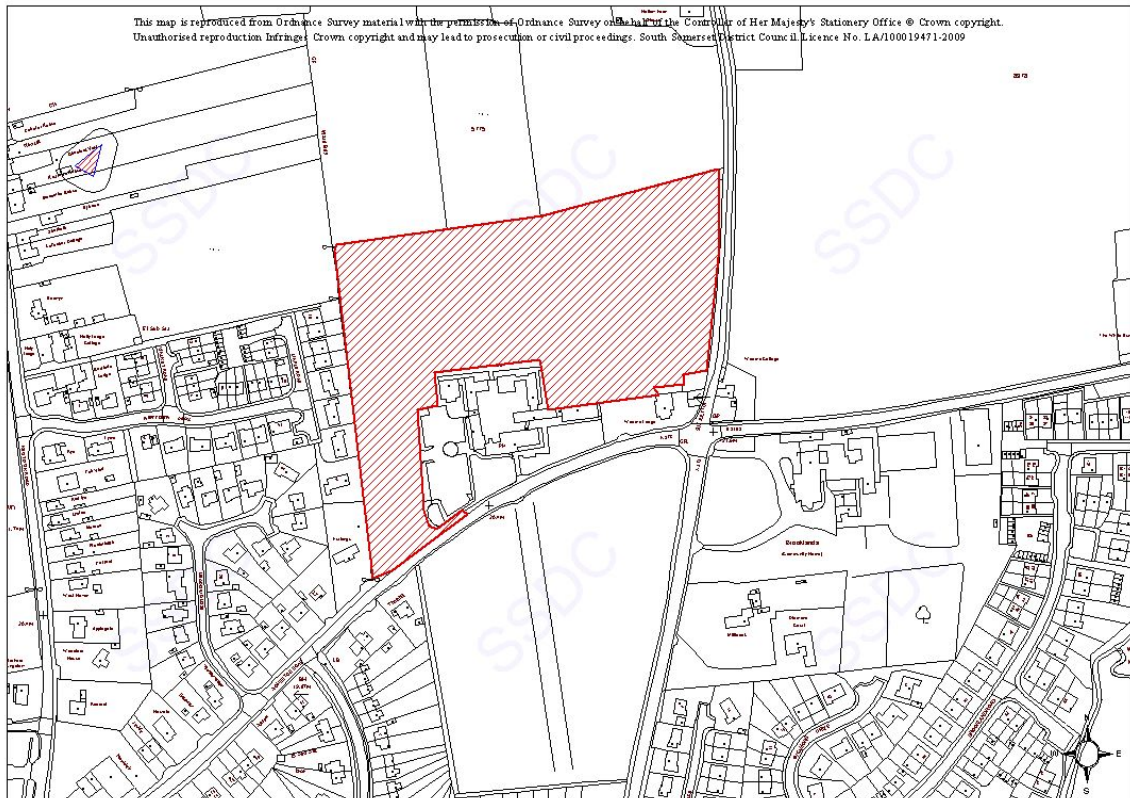
Excepted Business – County Councillors may take part in the discussion but may not vote on this agenda item.

Proposal :	Erection of 52 no. dwellings, B1 employment floorspace and extension to hotel, alterations to boundary walls and old water tower. (GR 342728 / 127727)
Site Address:	Land At Old Kelways Somerton Road Langport
Parish:	Huish Episcopi
Ward : (SSDC Member)	TURN HILL Rupert Cox (Cllr)
Division (SCC Member)	LANGPORT Derek Yeomans (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	15th October 2009
Applicant :	C G Fry & Son Ltd
Agent: (no agent if blank)	
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is before Committee at the request of the Development Control Manager with the agreement of the Chairman due to its significance and the level of interest that the development of this site has generated previously.

SITE DESCRIPTION AND PROPOSAL



This 3.6 hectare site lies approximately 1 kilometre to the east of the centre of Langport, on the A372. It comprises the walled curtilage of Old 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/retail facilities.

There are residential properties to the west, separated by a well established hedge, comprising a two storey house fronting on to Somerton Road) and 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 trees in this boundary, which would be retained.

The northern boundary comprised a high stone wall with tile capping, beyond which is farmland. Attached to the wall is 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 to the north east corner. The southern boundary is open, facing onto the existing buildings at Old Kelways.

Within the site the previous nursery related buildings have been removed and work is underway to implement parts of the previous permission that are common to this application.

This application proposed a mixed used development of:-

- 52 storey dwellings (18 affordable) to the east and west of the site comprising:-
 - a) 3 one-bedroom houses;
 - b) 36 three bedroom houses
 - c) 13 four-bedroom houses
- 996m² of B1 office space to the rear of the existing building group;
- 202m² of A1 retail space to east of existing shop;
- 500m² of additional C1 hotel space (10 rooms) to rear of existing accommodation;
- associated parking:-
 - a) average 1.9 spaces per dwelling;
 - b) 31 courtyard spaces to serve the employment space (1 space/32m²)
 - c) 14 spaces for the hotel;
 - d) 50 spaces would be provided for the use of the existing offices;
- access improvements to A372, including widening of entrance and provision of turn right lane;
- cycle/pedestrian access to Wearne Lane
- central area of public open space, including a LEAP, to rear of council offices

The materials would be a mix of stone, brick (painted and unpainted), render and weather board with slate and tile roofs. The changes from the previous scheme are summarised as follows:-

1. Revised boundary treatments to housing to address comments of the conservation officer.
2. Changes to the location of the affordable houses
3. Natural stone to prominent elevations of Plots 4-9 and boundary wall between 9/10.
4. Garages / Carport omitted to 10-13 and replaced with parking area, with two spaces per plot.
5. Vehicular access, garages and parking to Plots 18-25 amended.

6. Plots 20-21 Changed from semi-detached to detached units
7. Plots 22-23 changed from semi-detached to detached units
8. Employment Unit E2 amended to incorporate a new underpass access to the parking at the rear. Floor area reduced from 524m² to 447m² accordingly.
9. Plots 26/27 changed from house type A to type H and a single attached garage plus additional parking space has been added for each plot.
10. Plot 28 changed from a semi-detached to a detached unit
11. Prominent elevations of plots 26-27 and plot 28 now natural lias stone
12. Plot 29 changed from a mid-terrace to a semi-detached unit
13. Plot 30 changed from house type E to G
14. Plots 44-45 changed from house type A to type H and a single attached garage plus additional parking space has been added for each plot.
15. The inclusion of A1 retail space

Since the application was submitted the proposal has been amended (28/09/09 and 12/10/09) to omit a first floor window to the west elevation of plot 13, clarify the proposals for the western boundary treatment and to narrow the proposed gap onto Wearne Lane. These changes reflect local concerns. Additional drainage details have also been provided (28/09/09) to address concerns raised by the Environment Agency. These changes have been the subject of further notifications.

The application is supported by a design and access statement, an ecological survey (and mitigation strategy), an arboricultural report, an archaeological evaluation and a ground investigation and environmental assessment report.

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 22.03.93	Change of use from Horticultural to light Industrial Cond App
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 Cond App 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 Cond App 08.08.95
9502830	Alts & extension of existing building and conversion of blocks A, B & C into public office (revised application) Cond App 14.02.96

9502831	Alts & extension of existing building and conversion of blocks A, B & C into public office (revised application) Cond App 14.02.96
99/01846/LBC	Conversion of former potting shed into workshop retail outlet and offices Cond app 23.02.00
99/01577/FUL	Conversion of former potting shed into workshop retail outlet and offices Cond app 23.02.00
97/02435/COU	Use of land for car parking area Cond App 11.12.97
97/02587/LBC	Alteration, refurbishment and conversion of existing dwelling to hotel Cond App 11.12.97
98/00193/FUL	Erection of clubhouse and use of land to form six rink bowling green Cond App 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 Cond App 29.07.99
01/01446/FUL	Erection of an accommodation block Cond App 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 Cond App 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 Cond App 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
07/03534/FUL	Erection of 52 dwellings, B1 office space and extension to hotel. Approved 18/09/18)

There is an associated application (09/02935/LBC) for the associated works to the listed (by association) boundary walls at the site frontage and the old water tower.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A 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,

Relevant Development Plan Documents

National Guidance

PPS1 - Sustainable Development
PPS3 - Housing
PPG13 – Transport
PPG15 – The Historic Environment
PPG17 - Planning for open space, sport and recreation
PPS25 – Flooding

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Development Policy C - Development in Small Towns and Villages
Development Policy D - Required Infrastructure for Development
Development Policy E - High Quality Design
Development Policy G - Sustainable Construction
Development Policy H - Reusing Land
TR1 - Demand Management and Public Transport
H2 - Housing Densities
RE5 - Renewable Energy

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
ST7 - Public Space
Policy ST9 - Crime Prevention
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 EH3 - Listed Buildings

EH5 – Development Affecting the Setting of Listed Buildings
 EH12 – Archaeology
 EC3 - Landscape Character
 Policy CR2 - On site Outdoor Play and Amenity Space
 Policy CR3 - Off site provision of Outdoor Play and Amenity Space
 Policy CR4 - Amenity Open Space
 Policy TP1 - Pedestrian Provision
 Policy TP2 – Travel Plans
 Policy TP4 - Road Design
 Policy TP7 - Car Parking
 Policy ME6 - Retention of Employment Land
 Policy ME7 - Retention of Employment Land in the countryside
 MC3 – Retail Outside Defined Town Centres
 Policy EU4 - Drainage

EP5 – Contaminated Land

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes
 Goal 9 - A Balanced housing Market

Parish/Town Plan - No conflict

Other Relevant Documents:
 None

Material Consideration

07/03534/FUL – there is an extant permission for the erection of 52 dwellings, B1 employment and a hotel extension. This was approved just over a year ago (18/09/08) and is extant. The associated Section 106 agreement secures the following:-

- the provision of 18 affordable homes, with at least 9 for rent;
- the provision of a LEAP and on site landscaping, including commuted payments for adoption;
- contributions towards youth and sports facilities comprising £7,720.96 towards a MUGA, £98,540.00 towards pitches, £23,005.00 towards sports halls and £12,101.00 towards swimming pools
- contributions towards off-site highway works, including the provision of a right-turn lane into the site on the A372;
- £25,000 towards "Safe Routes to School";
- £30,000 towards junction improvements at the A372/B3153 junction;
- the submission of a travel plan.

CONSULTATIONS

Huish Episcopi Parish Council – initially concerned about the 4m gap in the Wearne Lane boundary. In relation to the previous application HEPC stated, "The proposed gap to be inserted in the wall along Wearne Lane seems unnecessary and excessively wide and would, as planned, encourage motorbike and possibly vehicular use. Extra vehicular access appears to run contrary to the area being marketed as an enclosed area and Wearne Lane is much too narrow to have additional traffic diverted onto it." The

Council's views have not changed. It is suggested that the gap should be decreased to 3m maximum and staggered bollards/rails or a pedestrian/cyclist barrier should be installed to minimise vehicular use of the exit onto Wearne Lane.

It has also been brought to the Council's attention that the end dwelling of the second terrace under construction at present is still very close to, and overlooking, the back gardens of two Newtown bungalows which are at a lower level than the Kelways site. Is there any chance that Fry's could erect 2m fencing at the end of, and within, their gardens to increase their privacy please?

The PC has been reconsulted on the revised plans (received 28/09/09 and 12/10/09) that show a reduction in the width of the gap and the omission of the first floor window to plot 13. Any further comments will be reported to the committee.

Langport Town Council - Support

Highway Authority – no objection subject to previous conditions and agreement of internal estate road details.

Environmental Protection Unit – notes that the application boundary once included a [now demolished] asbestos roofed 'works' and a quarry that was probably infilled around 1870 to 1920 (CL4199). Given that infilled land and unspecified 'works' may have been potentially contaminative safeguarding conditions were initially recommended. A geo-technical report was subsequently received (28/09/09) and any further comments will be reported to the committee.

Landscape Officer – considers revised landscaping proposal to be acceptable

Rights of Way Officer – no objection, welcomes the additional link for pedestrians and cyclists through the eastern wall of the site.

Area Engineer – initially recommended that finds of flood risk assessment submitted with previous application be adhered to with drainage details to be agreed. Subsequently amended drainage details have been submitted (28/09/09) and any further observations will be reported to committee.

Economic Development Officer – no objection but raises a concern, from a business security point of view, about possible use of the proposed gap onto Wearne Lane by motorcycles and other motorised vehicles

Tree Officer – initially accepted the findings of the arboricultural report. However works on site close to the protected Wellingtonia on the west side of the front of the site have not been carried out in accordance with the recommendation of the report. The applicant has agreed to take steps to remedy the situation in line with the advice of the Council's tree officer. At the time of writing an addendum to the report was awaited and the final comments of the tree officer will be reported to the committee.

Ecologist – has agreed appropriate mitigation measures in relation to the previous application, including measures for the elimination of Japanese knotweed, which is present on site.

Conservation Officer – no objection

Sports, Arts & Leisure Service – no comments received, however are happy with previously agreed obligations.

Wessex Water – No objection subject to attenuation of surface water and its disposal via a new off-site stormwater sewer to link to the existing highways drainage system at an agreed point of connection

Environment Agency - initially objected to the lack of supporting flood risk assessment. Have since conceded that the previous FRA largely addresses their issues, however clarification and updates in relation to the drainage proposal has been sought. Revised drainage plans have submitted (28/09/09) and any further comments will be reported to the Committee.

County Council Archaeologist – accepts findings of archaeological survey. No objection.

County Council Property Services – No comments received.

REPRESENTATIONS

6 letters received from local residents raising the follow concerns:

- it was originally agreed that the gap to Wearne Lane would be reduced from 4m to allow pedestrian and cycle access only;
- the exit to Wearne Lane should be reduced in width;
- this section of Wearne Lane is derestricted, narrow and with poor visibility – it is an accident waiting to happen;
- speeding in Wearne Lane;
- agricultural traffic;
- danger to children due to poor visibility;
- any exit onto Wearne Lane should be staggered and should prevent use by motorcycles;
- previous conditions relating to access onto Wearne Lane should not be relaxed
- existing hedge to western boundary is over grown and is blocking light. It should be cut to 6/7 feet as measured from Maple Road side.
- Houses on western side of site are too close to properties in Maple Road, which are on lower ground;
- Overlooking and loss of privacy to properties in Maple Road;
- Loss of light to properties in Maple Road;
- The boundary wall and the water tower are listed and should not be interfered with;
- Increased traffic on the Somerton road with no traffic calming;
- Speeding on Somerton road;
- Difficulties getting in and out of Meadow Close at school drop off / pick up times.
- A crossing is needed;
- The works have already started.

Additionally a petition signed by 34 residents of the development to the west of the site has been submitted raising the following issues:-

- The house on the west side of the site are closer to the boundary than they should be, affecting 6 & 7 Maple Road particularly;
- A temporary access from Newton Park to the site is being used. This is not designated and could become a rat run for pedestrians and cyclists. This is not acceptable to residents and should be addressed to prevent distress;

- There is local concern about future development of the field to the north of Newtown Park and how that will be accessed. Residents would like to be involved in any discussions about that land.

At the time of writing further notifications were being carried out in relation to the second set of additional information (received 12/10/09) and any further comments received will be reported to the Committee.

CONSIDERATIONS

The previous approval (07/03534/FUL) has firmly established the principle of a mixed use redevelopment of this brownfield, former employment site, which although outside settlement limits, was considered to relate appropriately to the built up areas of Langport and Huish Episcopi. Previously it was considered that the proposal complied with, and contributed towards the objectives of, policies ST1, ST3, HG1, HG6, HG8, ME6 and ME7. It is not now considered that there are any material changes in circumstance that could now justify re-examining elements of the development that already have approval, i.e. the access arrangements (which are unchanged) the provision of employment space, additional hotel accommodation and the erection of c. 52 dwellings.

Similarly the level of planning obligations has also been established and there is a clear and extant fall back position. The developer is not challenging the level of contributions previously agreed nor is any party seeking to vary the previously requested contributions. A local resident has referred to the need for a crossing on Somerton road. Whilst it is envisaged that the off-site highways contribution would go towards improvements to the junction at Bartletts Elms there is the ability to use this contribution to provide a crossing should that be considered justified.

It is not therefore now proposed seek to alter the obligations upon this development. The agreed contributions satisfy the requirements of policies ST10, HG7, CR3 and TP2

For a full consideration of the approved scheme Members are referred to the previous Committee report and minutes (17/12/07) in relation to 07/03534/FUL which are available on the Council's website (<http://www.southsomerset.gov.uk/index.jsp?articleid=8937>).

Accordingly the key issues are the impact of the proposed changes to the scheme in relation to:-

- the character and appearance of the area
- the setting of the listed buildings
- the impact on amenity
- Highways safety and parking
- the introduction of a retail unit

Character and Appearance of the Area

The general layout of the development, which has not be questioned by the Police Architectural Liaison Officer, would very closely follow that of the approved scheme, with the formation of a number of clusters of buildings, each with their own character, set around a substantial area of public open space, including a LEAP at the rear of the main listed building.

The inclusion of further areas of POS to the Somerton road frontage and abutting the Wearne Lane boundary, together with public realm planting would provide an attractive landscaped setting to the standards set by policy CR2. 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.

On the western side, across the Somerton road frontage and along Wearne Lane it remains as approved. Accordingly the transition from the existing built up area of Newtown Park to the new development and the views of the development from public vantage points would remain as approved. Within the development the changes to the layout, favouring detached and semi-detached dwellings over terraces are considered acceptable and would reflect the surrounding pattern of development.

The design and detailing of the proposed buildings remains largely as approved, with minor changes. A high quality palette of materials has been agreed in relation to the previous scheme which is considered acceptable in relation to the proposed scheme

On this basis it is considered that this aspect of the development complies with policies EC3, HG4, CR2, CR4, EH5, ST9, ST5, ST6 and ST7.

Impact on Listed building

As noted above it is considered that the layout of development would safeguard the setting of these prominent listed buildings. The specific impact of the works to the listed water tower and boundary walls is considered fully in the context of the associated application for listed building consent.

The works to the water tower are minor in nature and are intended to make the structure safe. The conservation manager has raised no concerns. To ensure that these works are carried out in a timely fashion and to secure the making good of this now redundant structure a condition is recommended to ensure that they are completed prior to the occupation of this part of the development.

The repositioning of the front boundary walls to facilitate the access improvements are more substantial. However these have previously been approved and have in fact now been carried out. The applicant has proved a full and detailed specification for their rebuilding which is considered acceptable.

It is not considered that the proposed new opening to Wearne lane is objectionable, especially as it is now reduced in size. It is important however that the existing opening be stopped up, not just to maintain the integrity of the list boundary wall, but also in the interests of security and residential amenity. A condition is therefore recommended to require the stopping up to be carried out prior to the occupation of this part of the site.

Accordingly subject to a condition to require strict adherence to the submitted schedule of works it is considered that this aspect of the proposal complies with policies EH3 and EH5.

Amenity Issues

Previously it was acknowledged that the area where the proposal had the potential to affect neighbours is on its western side, where bungalows in Maple Road have small rear gardens that back on to the site. It was considered that the proposed houses were:-

“...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.”

The current proposal replicates this arrangement, with the exception of plots 20 and 21, which are now two detached properties as opposed to a pair of semi-detached houses. However these plots face the development site, HG/HUEP/2, and this change would not affect any existing residents.

Whilst there have been objections from the residents of Maple Road it is pointed out that the plots they refer to, 1-19, particularly the position of plots 13 and 14, have not changed and it is considered that the relationship that was previously accepted by the committee, remains acceptable. It is acknowledged that the outlook of Maple Road residents would change, however it is not considered that the new outlook would be so oppressive as to justify the withholding of planning permission.

With regard to privacy it is noted that the previous case officer considered that the relationship between the gable end of plot 13 and the nearest bungalow, 6 Maple Road, to be acceptable on the proviso that there were no first floor windows in the proposed gable end and a condition was recommended to prevent windows being subsequently inserted.

Unfortunately the approved drawings included a bedroom window to which the neighbour objects. As the offending opening is a secondary bedroom window, the applicants have agreed to omit it. As this part of the development is unaltered from the previous scheme buildings works are substantially underway, and were up to eaves level by the time this issue was resolved. The gable end will therefore include a blank dummy window where the already formed window opening has been in-filled. The neighbour accepts this solution and a condition is recommended to ensure that no windows are subsequently added.

On other amenity issues the applicant has agreed to manage the existing rather overgrown hedge on the western boundary at approximately 2m as measured from their side. This is considered reasonable and would maintain an appropriate buffer between the existing footpath along the boundary, which is to be maintained, and the properties in Maple Road. In response to local concerns about unauthorised access from the undeveloped housing allocation (HG/HUEP/2) to this site the applicant has agreed to erect a 1.8m high close boarded fence along the northern section of the western boundary. This is considered reasonable to address the problem that clearly concerns local residents.

Elsewhere it is noted that the relationship between plots 39-42 on the eastern side of the site and the existing house on the Somerton road is as previously approved and is again considered acceptable. The applicants have agreed to narrow the gap to Wearne Lane and install a stagger barrier to prevent anti-social use by motorised vehicles

Within the development it is considered that the proposal would provide for a satisfactory standard of amenity for future occupiers with adequate parking and amenity space. Suitable separation is maintained between dwellings to ensure privacy, however, on a precautionary basis, it is recommended that the subsequent insertion of first floor windows to south elevation of plots 4, 17, 46, 52, the north elevation of plots 33, 38 and 48 and the east elevation of plot 42.

On the basis of the above it is considered that the proposal would not unduly affect the amenities of existing residents and would provide a satisfactory standard of amenity for future occupiers of the development and as such complies with policy ST5.

Highway Issues

The highway authority has no objection to the application, subject to the previous conditions and planning obligations in relation to contributions towards Safe Routes to School, the improvement of the A372/B3153 junction at Bartletts Elm and the provision of a right turn lane into the site. Previously it was considered important that this development facilitated access to the allocated housing site (HG/HUEP/2) to the north-west. The proposal remains identical in these respects and it is not considered that there are any grounds for resisting this proposal on highway safety grounds.

The number of parking spaces proposed (1.9 spaces per dwelling plus visitor spaces) is greater than would normally be allowed by Policy TP7 of the Local Plan, which sets 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.

Whilst the observations in relation to traffic in Wearne Lane are noted it is not considered that this situation has deteriorated so significantly since the previous application was approved that the access onto Wearne Lane should be omitted from the scheme. The gap has been narrowed and a staggered barrier proposed which reflects the comments that have been made.

Accordingly it is considered that, from a highways perspective the proposal complies with policies ST5, TP1, TP2, TP4 and TP7.

Retail Use

Previously the proposal included 3 employment units. This scheme replaces the western unit, next to the existing retail unit, with a single 500m² retail unit. Whilst this is outside the centre of Langport it is noted that an element of retail already exists on this site. It is considered that, on the scale proposed, further retail space would not undermine the vitality and viability of the town centre and would serve a local need. No objection to this has been made by the economic development officer and it is not considered that there would be any conflict with policy MC3.

Other Matters

Drainage – the Environment Agency have been provided with the additional information they required and the applicants have updated their very detailed drainage proposals accordingly. On the basis that these details are acceptable to the Agency and the Council's engineer it is considered that the proposal complies with policy EU4.

Archaeology – the County archaeologist has considered the supporting archaeological statement and does not consider there to be any outstanding archaeological issues. Accordingly the proposal complies with policy EH12.

Contaminated land – the applicants have provided copies of the geo-technical report that was submitted with the previous application and enabled the then environmental health officer to conclude that there are no on site issues and that the requirements of policy EP5 were met. The initial comments of the Environment Protect Unit were made without the benefit of this document. At the time of writing they were considering the report and may recommend appropriate safeguarding conditions.

Ecology – the proposal is supported by a detailed ecological survey and mitigation strategy, the findings of which are considered by the council's ecologist to satisfy the requirements of policy EC8 and to address the legislative requirements of the relevant national and European legislation. A condition is recommended to ensure that the implementation of any permission is carried out in accordance with the recommendations of the report and mitigation strategy.

Affordable Housing – the scheme has been amended slightly since the previous approval in that the original section 106 agreement is subject to a supplemental agreement that varies the mix of affordable units to include 3 one-bedroom units in lieu of 3 two-bedroom units which were omitted from the approved scheme. This change simply rectifies a discrepancy between the approved drawing and the original s106 agreement and has been accepted by the strategic housing manager.

The current application proposes the same mix of affordable house types as previously agreed (15 three-bedroom and 3 one-bedroom houses) and defines the affordable units as plots 1-16 on the western side and plots 37 and 38 on the eastern side. This is considered acceptable and complies with policies HG6 and HG7.

CONCLUSION

The current proposal seeks approval for a range of changes to the approved scheme which are beyond the scope of a minor amendment. The revisions are considered to provide for an efficient mixed use of land that would preserve the setting of the listed buildings and would not materially harm the living conditions of neighbours or highway safety. The inclusion of a modest element of retail space would not be to the detriment of the vitality and viability of the town centre and the retention of c.1000m² of B1 employment use would maintain the historic employment use of the site.

RECOMMENDATION

That conditional planning permission be granted 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 to ensure that the planning obligations as agreed in the context of application 07/03534/FUL apply equally to this application.

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

JUSTIFICATION

The proposed development would be of an appropriate mix of uses and density, with a high quality design, layout and landscaping, including public open space and affordable housing, without detriment to visual or residential amenity, the special architectural and historic qualities and setting of the listed building, highways safety or the vitality and viability of the town centre. Matters of site access, possible flood risk and ground contamination; ecology and archaeology have been satisfactorily addressed. As such the proposal complies with saved policies SR1, ST3, ST5, ST6, ST7, ST9, ST10, EH3, EH5, EH12, EC3, TP1, TP2, TP4, TP7, HG1, HG4, HG6, HG7, ME6, ME7, MC3, EU4, EP5, CR2, CR3 and CR4 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

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 uses hereby permitted shall be A1 (unit E1), B1 (units E2 and E3) C1 (the extended hotel wing) and dwelling houses.

Reason: To clarify the development proposed and in the interests of the amenities of the locality in accordance with saved policies ST5, ST6, ME7 and MC3 of the South Somerset Local Plan.

03. Unless agreed otherwise in writing the development hereby approved shall be in accordance with those specified on drawing PL – 100 Rev. E and shall specifically accord with the samples agreed in writing by the local planning authority by letter dated 30 June 2009 (ref. 08/05111/DOC), a copy of which is attached to this decision letter.

Reason: In the interests of visual amenity and to safeguard the setting of the listed building in accordance with saved policies EH5 and ST5 of the South Somerset Local Plan.

04. Unless agreed otherwise in writing no dwelling, employment, retail or hotel accommodation hereby permitted shall be occupied until the surface water drainage system shown on drawing 07.11.316050 Rev. P15, and associated technical drawings, has been completed between the dwelling and the point of connection to the new off-site storm water sewer.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with saved policy EU4 of the South Somerset Local Plan.

05. No dwelling hereby approved shall be occupied until the highways improvements shown on drawing 07.11.316100 Rev. 04 have been completed to the satisfaction of the local planning authority.

Reason: In the interests of pedestrian and highways safety in accordance with saved policies ST5, TP1 and TP4 of the South Somerset Local Plan.

06. The landscaping proposals shown on the Environs Partnership drawing number 459-1 Rev. H 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 saved policy ST5 of the South Somerset Local Plan.

07. All site clearance and subsequent development, including demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials and the actions detailed within the Arboricultural Method Statement (Ref: 03205.AIA.AMS.Jun09 - inclusive of the actions stated and intended within Appendices 1, 2 & 3) supplied by Aspect Tree Consultancy and as amended, shall be implemented in their entirety so as to conform to British Standard 5837: 2005 - 'Trees in relation to construction', for the duration of the construction (including hard or soft landscaping) and implementation of this planning permission, unless agreed otherwise in writing by 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.

08. The development hereby permitted shall be carried out in accordance with the recommendations for the eradication of Japanese knotweed made by Queen Thorne Landscapes in their letter of 30/09/08, as agreed in writing by the local planning authority by letter dated 3 April 2009 (ref. 08/05111/DOC), a copy of which is attached to this decision letter.

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

09. The development hereby approved, including the works to the water tower, shall be carried out in strict accordance with the recommendations of Revised Ecological Survey and Reptile Translocation statement by Michael Woods Associates submitted with this application unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard the interests of protected species in accordance with saved policy EC8 of the South Somerset Local Plan.

10. The development hereby permitted shall be carried out in strict accordance with the boundary treatments specified on drawing number PL-100 Rev E unless agreed otherwise in writing by the local planning authority. Such boundary treatments shall be fully implemented prior to the occupation of the house to which they relate and shall not be subsequently altered without the prior written agreement of the local planning authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policy ST5 of the South Somerset Local Plan.

11. Prior to the occupation of plots 1 -19 the existing hedge shall be cut back to 2m in height, as measured on its eastern side and shall be maintained at between 1.8m and 2.2m at all times thereafter.

Reason: In the interests of residential amenity in accordance with saved policy ST5 of the South Somerset Local Plan.

12. Prior to the occupation of plots 20 and 21 a 1.8m close boarded fence shall be erected at the northern end of the western boundary as specified on drawing number PL-100 Rev. E. Once erected the fence shall not be altered without the prior written agreement of the local planning authority.

Reason: In the interests of residential amenity in accordance with saved policy ST5 of the South Somerset Local Plan.

13. 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, shall be formed above ground floor level to the west elevations of plots 1, 13 and 14, the south elevation of plots 4, 17, 46, 52, the north elevation of plots 33, 38 and 48 and the east elevation of plot 42 without the prior express grant of planning permission.

Reason: In the interests of residential amenity in accordance with saved policy ST5 of the South Somerset Local Plan.

14. 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. Once approved such details shall be fully implemented prior to the occupation of any dwelling hereby approved.

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.

15. Unless agreed otherwise in writing by the local planning authority the repositioning of the boundary walls at the Somerton road access to the site, as shown on drawing number PL-WALL-02, shall be completed in strict accordance with the Specification and Method Statement submitted to the local planning authority on 12/10/09, such works shall be carried out by 1st March 2010.

Reason: To safeguard the setting and special architectural and historic qualities of this listed building and associated structures in accordance with saved policies EH3 and EH5 of the South Somerset Local Plan.

16. Unless agreed otherwise in writing the alterations to the boundary wall to form a pedestrian/cycle access onto Wearne Lane as shown on drawing number PL-WALL-01 Rev. A, received 28/09/09 shall be fully completed prior the occupation of any part of the development to the east of the principle area of public open space.

Reason: In the interests of residential amenity, to safeguard the special architectural and historic interest of this listed wall and to ensure good pedestrian

and cycle links through the development in accordance with saved policies Eh3, TP1 and ST5 of the South Somerset Local Plan.

17. The existing opening to Wearne Lane at the northern end of the east boundary wall shall be stopped up in accordance with details that shall be submitted to and approved in writing by the local planning authority. Once agreed such details shall be fully implemented prior to the occupation of any part of the development to the east of the principle area of public open space.

Reason: To safeguard the special architectural and historic interest of this listed wall and in the interests of residential amenity in accordance with saved policies EH3 and ST5 of the South Somerset Local Plan.

18. No part of the development to west of the principle area of open space shall be occupied until the works to the listed water tower have been completed to the satisfaction of the local planning authority.

Reason: To ensure that the future of this listed structure is secured in accordance with the advice of PPG15.

19. Unless agreed otherwise in writing 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 the submitted details hereby approved.

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

20. 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 saved policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

21. 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.

22. Possible safeguarding conditions as reasonably recommended by the Environmental Protection Unit

Informatives:

01. For clarity you are reminded that the approved plans are those originally submitted to the Local Planning Authority on 16/07/09 and as amended by drawings numbers:-

- PL-100 Rev. E (site layout)
- 459-1 Rev. H (landscaping)
- 07.11.316050 Rev. P15 (overall drainage layout)
- 07.11.316051 Rev. P11 (Drainage layout Sheet 1 of 4)
- 07.11.316052 Rev. P14 (Drainage layout Sheet 2 of 4)
- 07.11.316053 Rev. P14 (Drainage layout Sheet 3 of 4)
- 07.11.316054 Rev. P13 (Drainage layout Sheet 4 of 4)
- S1-S3-PL-01 Rev. A (Plots 1-3)
- S1-S3-PL-02 Rev. A (Plots 1-3)
- S10-S13-PL-01 Rev. A (Plots 10-13)
- S10-S13-PL-02 Rev. A (Plots 10-13)
- PL-E2 Rev. B (employment unit 2)
- PL-E3 Rev. A (employment unit 3)
- PL-WALL-01 Rev. A (boundary wall gap Wearne Lane)

and the following documents:-

- Ground Investigation and Environmental Assessment Report (ref. SR/TN/DT/07298/GIEAT)
- Specification and Method Statement for Re-building of Listed Boundary Wall
- Adoptable Foul Water Manhole Schedules
- Adoptable Surface Water Manhole Schedules
- Private Foul Water Manhole Schedules
- Private Surface Water Manhole Schedules

received by the local planning authority on 28/09/09 and 12/10/09.

02. You are reminded of the need to agree the detail of the works to the water tower and in relation to the stopping up of the existing gap to Wearne Lane with the local planning authority as required by condition attached to the associate listed building consent (ref. 09/02935/LBC).