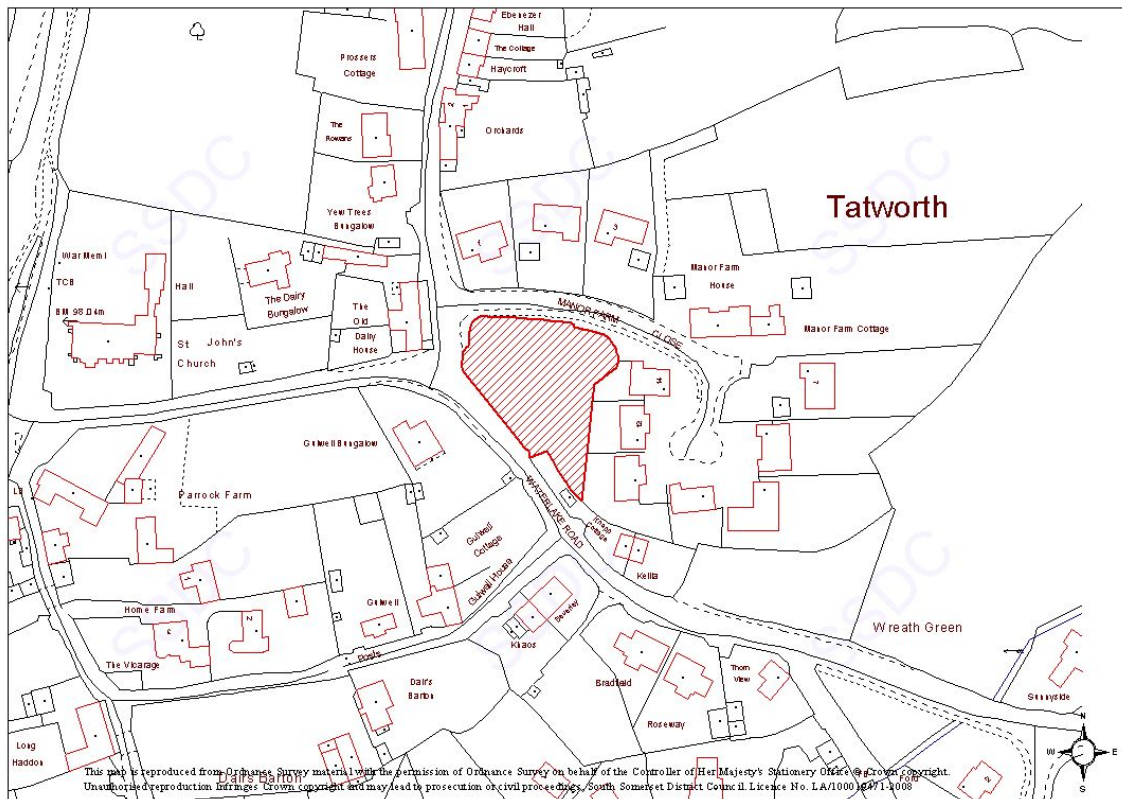


OFFICER: Dave Norris 01935 462382 [Item 1]
APPL.NO: 08/02214/FUL APPLICATION TYPE: Full Application
PARISH: Tatworth And Forton WARD: TATWORTH AND FORTON
DESCRIPTION: Demolition of existing buildings and the erection of 4 dwellings together with the creation of vehicular access, parking and turning facilities (GR 332820/105787)
LOCATION: Land at Manor Farm Waterlake Road Tatworth Chard Somerset TA20 2SG
APPLICANT: Country Village Homes Ltd
AGENT: White Young Green Hawkridge House Chelston Business Park Wellington TA21 8YA
DATE ACCEPTED: 28 May 2008

REASON FOR REFERRAL TO COMMITTEE:

The application is before the Area Committee at the request of the Planning Team Leader to allow members to fully consider the planning issues.

SITE DESCRIPTION AND PROPOSAL:



This application relates to a prominent site with an area of 0.16 hectares on a bend at the junction of Waterlake Road with Tatworth Street. The site was formerly a farmyard but has been derelict for some time. The existing access to the site is located opposite the Dairy House, which is Grade II listed thatch and rendered dwelling. There are some trees and hedges on the boundary of the site especially to the north/east where there is a modern cul-de-sac of bungalows named Manor Farm Close. A bungalow named Gulwell is located to the south west of the site and an appeal has recently been allowed for a dwelling within its garden.

The site is also adjacent to the Tatworth Conservation Area.

An outline consent was granted at the end of 2004 attached to which was an indicative site layout plan that indicated 4 units. Members may also recall that at the end of 2006 the Area West Committee resolved to refuse an application for 6 dwellings on this site. This current

proposal is a 'full' application that seeks to erect 4 dwellings, utilising an existing access onto Tatworth Street.

The application shows 2 detached properties and a pair of link attached dwellings, with the link dwellings facing directly onto Waterlake Road/Tatworth Street. Each property has a garage together with 2 additional spaces and a turning/manoeuvring area is provided within the site. The dwellings are of traditional appearance using render for the walls and clay tiles and thatch for the roofs. Brick chimneys, oak lintels and timber windows will complete the vernacular appearance of the cottages.

An amended drawing has recently been received indicating the boundaries and seeking to clarify the land ownership issues. Any additional comments received as a result of further consultations will be reported verbally to the committee although the plan was purely for information purposes.

HISTORY:

In February an application for 4 dwellings was refused on the basis of inappropriate bulk, massing, scale and form that would result in a detrimental impact upon the setting of the Conservation Area and listed buildings. AN APPEAL HAS RECENTLY BEEN RECEIVED IN RESPECT OF THIS APPLICATION. (07/05321/REM)

In 2007 a revised scheme for 6 dwellings was submitted. Following the consultation process and discussions with the LPA the application was withdrawn. (07/03514/FUL)

In late 2006 an application for 6 dwellings was considered by the Area Committee. The applicant had appealed against non determination and therefore the committee considered the application so as to give the planning officer a 'steer' when dealing with the appeal. The committee objected to the application on various design grounds. The appeal was withdrawn and the application remains non-determined (06/03168/FUL).

In mid 2006 a planning application for six dwellings was withdrawn from consideration following design concerns from the Conservation Manager such as the gap between the pairs of houses and the detached house to the north, articulation of the two pairs of houses, the eaves height, rear layout, boundary walls and the symmetry and detailed design of the houses (06/01677/FUL).

In 2004 outline planning permission was granted for residential development with access taken from the existing position near the junction with Waterlake Road and Tatworth Street. The illustrative plan that accompanied the application indicated 4 dwellings within the site (04/02536/OUT).

In 1985 planning permission was granted for the erection of 4 bungalows and five houses with garages at Manor Farm (Manor Farm Close) (841947) - now developed as Manor Farm Close.

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 decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Relevant Development Plan Documents:

Regional Planning Guidance: VIS1, VIS2, EN3, EN4, HO6

Somerset and Exmoor National Park Joint Structure Plan:
STR1- Sustainable Development
STR3 - Rural Centres and Villages

Policy 9 - The Historic Built Environment
Policy 48 - Access and Parking
Policy 49 - Transport Requirements

South Somerset Local Plan (Adopted April 2006):

ST2 - Village Development
ST5 - General Principles of Development
ST6 - Quality of Development
EH1 - Conservation Areas
EH5 - Development Proposals Affecting the Setting of Listed Buildings
EU4 - Water Services
EC8 - Protected Species

PPS3 - Housing
PPS9 - Nature Conservation
PPG13 - Transport
PPG15 - Planning and the Historic Environment

CONSULTATIONS:

Parish Council:

Deferred application for more information:

- lack of detail in regard to the proposed garage block on the south side of the development
- confirmation of land ownership of 2 areas of land in relation to plots 1 and 2.

Further comments have been received:

Tatworth and Forton Parish Council Observation:

The Parish Council does not support this application on grounds of:

1. As a site adjacent to a Conservation Area, these plans are not in keeping with the Tatworth Street, 'Street Scene' and the nearby Listed Buildings.
2. The Parish Council question whether the buildings proposed would adhere to the plans submitted in regard to garage access, a telegraph stay situated in a unit's living room, car-parking and turning area.
3. Outside space is extremely limited and is inadequate for family homes when considering all outside paraphernalia that a family home would require. For example wheelie bins, recycling boxes, washing lines and recreational space.
4. Although ownership of the land is not a planning issue, trees/hedges owned by other parties should be protected.
5. The frontage and living area of the detached house is in very close proximity to the tree/hedge boundary.

Conservation Manager:

The principle of development on this site is not an issue but redevelopment must take account of the setting of the adjacent listed buildings, particularly Old Dairy House, the setting of the Conservation Area and respond to local character.

General character, form and appearance - What could be considered as characteristic of historic Tatworth can be seen in Tatworth Street; a built form consisting of frontage development facing the street in fairly close-knit built frontage consisting of attached and detached small scale, mostly 2 storey houses which reads in places as a relatively continuous

frontage. Therefore for this site, the principle of built form facing Waterlake Road is one that would be consistent with this character and one that I support. The proposal satisfactorily responds to these requirements by forming a frontage that is varied with detached and attached buildings of different heights and relating to the street frontage line with form and heights sensitive to the locality. The site occupies a position closing a line of sight down Waterlake Road and it is important, in my view, that a new built frontage should achieve a closure of this view in a satisfactory way. The proposal with the curved plan house in this sightline would succeed in achieving this.

Impact upon setting of listed buildings - The setting of Old Dairy House and Manor Farmhouse is now compromised by the 20th century development in Manor Farm Close and by the form and open highway engineered appearance of this road and its road junction with Tatworth Street. Manor Farm Close is absolutely contrary in its architecture and layout to the characteristic of the two listed buildings and also of historic Tatworth. As a site within the built area of the village development, which cannot be regarded as a key green space there is no reason why development that respects the local scale, form and materials should be prevented. The listed buildings do not currently enjoy a setting free of surrounding built development so the principle of building upon this site need not harm their setting.

The principle of development and consequently the principle of some form of development whose presence could impact upon the setting of the listed buildings adjacent to the site has in fact been established as acceptable by the extant outline permission. The detailed designs must however be sensitive to context and respond to local scale and character to avoid harming the setting of the listed buildings, particularly Old Dairy House. In my opinion the design succeeds in this and its impact upon the listed building would not be harmful. The scale, form and materials and details of the proposals have been well considered and would respect local character.

Impact upon the setting of the Conservation Area - In as much as the principal impact of the proposal would be upon the part of the Conservation Area that is occupied by Old Dairy House, the impact is as described above. The main part of the Conservation Area is screened from any major impact from this site by the well-enclosed perimeter of the Gulwell Bungalow. Does the proposal preserve or enhance the setting of the Conservation Area? It cannot be defined as preserving because any development will change the character of the site from its present condition. Development could however enhance, given the derelict nature of the site, if the design was appropriate. I have set out above why I consider the design to be appropriate in character and form and can recommend the scheme on the basis of enhancement of the setting of the Conservation Area.

Council Ecologist:

Previous surveys have been carried out by Michael Woods Associates and these have identified slow worms within the site. A receptor site at Horton has been identified and is considered to be acceptable. Survey is now just over a year old however there is unlikely to be any significant change in wildlife usage of the site. It is still necessary to impose a condition for mitigation measures for slow worms, which should include a requirement for a reassessment for suitability of receptor site.

An informative for nesting birds is also suggested.

Environment Agency:

Application falls outside of scope of matters on which the agency is a consultee therefore no comments to make.

Wessex Water:

Public water main in the area. Developer should ensure that they do not affect the infrastructure and should liaise with Wessex Water prior to commencement of any works.

Environmental Protection Unit:

Recommend a condition that will ensure that the site is checked for contamination and if necessary carry out the appropriate remediation.

Highways Authority:

'As I am sure you are aware there has been considerable history on this site. This current proposal is seeking to create four dwellings being served by the existing access off Tatworth Street. The access is sufficient in terms of its width to enable two vehicles to pass therefore preventing the manoeuvring of vehicles on the highway at this point. Given the proximity of the access to the junction of Tatworth Street with Waterlake Road this is essential in the interests of highway safety.

In the previous application at the site it appeared that part of the development encroached upon land within the Highway Authority's control. Having reviewed the submitted plan as part of this current proposal this matter now seems to have been addressed and this is no longer the case.

The internal parking and turning layout as shown on the submitted plan are acceptable to serve the scale of development proposed and will enable vehicles in connection with the development to enter and leave the site in a forward gear.

As a result, I would advise you that from a highway point of view there is no objection to the proposal.'

Council Engineer:

No objection. Condition re: drainage details to be submitted and approved.

REPRESENTATIONS:

At the time of writing the report approximately 170 letters of objection have been received making the following points. Although not all of these points are directly relevant to planning consideration it is considered appropriate to list them:

- Bungalows would be preferable for this historically sensitive site
- Development should be for small affordable houses
- The number of parking spaces is inadequate
- Too many parking spaces
- Too many properties for the amount of land
- Revised application worse than original
- Have not listened to the locals or councillors
- Not all land in developers control
- Gardens are too small
- Garages too small
- The development will not be in keeping with the village
- Access will be hazardous
- Additional traffic will harm highway safety on the A358
- The houses are too close to the road
- The footpath will not provide a safe route
- The density of the development is excessive
- The design is too dominant and overbearing
- Bungalows will be overlooked
- Will result in the removal of a hedge to Manor Farm Close
- Refuse/delivery/emergency vehicles will have difficulty with access
- Will not preserve or enhance the character and appearance of the Conservation Area
- Will harm the setting of adjacent listed buildings
- Houses do not reflect the character of nearby properties

- Will harm light and amenity of nearby properties
- The dwellings will not be low cost for villagers
- Application is not valid
- Previous scheme was better
- No real consultation has taken place with neighbours
- Site will end up like Langdons Way - a disaster
- Some parking spaces unusable
- Hedgerow will be lost
- Development driven by greed

A letter has been received from the Save Old Tatworth Action Group emphasising some of the points made above.

5 letters of support have been received making the following points:

- Application is supported by Conservation Officer
- Excellent proposal that should be given opportunity to proceed asap
- Excellent addition to Tatworth that will enhance the village

1 letter stating that the application has resorted to a struggle between either side and that the time would be better spent helping the needy.

CONSIDERATIONS:

Principle

The application site is within the development area of Tatworth and South Chard and therefore the erection of dwellings is normally acceptable in principle and this was established by the previous outline planning consent.

The outline planning permission was granted in 2004 for residential development of the land with access taken from the existing position near the junction with Waterlake Road. All matters were reserved for future approval although a plan was submitted that indicated how 4 dwellings could be accommodated within the site. This application seeks full permission for the same site giving full details of access, design and layout. It is therefore considered that the principle of developing this site is established and it is now for members to decide whether the impact of the proposed dwellings is acceptable. Members should also note that an appeal for a dwelling on the other side of the road was recently allowed by the Inspector.

Impact upon setting of Conservation Area and Listed Buildings

Policy EH1 of the Local Plan requires all development in or adjoining a Conservation Area to preserve or enhance its character and appearance. Proposals should conform to the historical pattern of development, use landscape as an active element, use materials, surfaces and enclosures appropriate to its surroundings. This policy also relates to development outside the area, which would affect the setting or views in or out of the area. This is a duty required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice reflected in PPG15.

Policy EH1 states:

All development in a conservation area or outside the area, which would affect the settings or views in or out of the area will be required to preserve or enhance the character or appearance of the area by:-

1. Conforming with the historical pattern of development and property boundaries;
2. Using landscape design as an active element in the overall design;
3. Using materials for buildings, surfaces and enclosures, which are appropriate to the building's function and compatible with its surroundings;

4. Providing buildings and spaces, which make a positive contribution to the character, setting and appearance of the area.

Sections 16 and 66 of the Act requires authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters including the desirability of preserving the setting of the building. Policy EH5 of the Local Plan also states that planning permission will not be granted for development that would have an adverse affect on the setting of a listed building or its contribution to the local street scene.

The control of the design of development is also contained in Local Plan policies ST5 and ST6, which amongst other things require proposals to respect the form, character and setting of a locality.

The site occupies a visually prominent position in Tatworth, occupying land at the junction of Waterlake Road and Tatworth Street, and would be visible when approaching downhill from the Axminster Road. Therefore, the way in which the dwellings respond to this context is important.

The pair of dwellings located at the frontage of the site will have a height of approximately 7.5 m, typical of the traditional cottage style. The relatively flat levels within the area will result in a ridge height that is very similar to the historic property on the other side of the street (Old Dairy House) and it is therefore considered that it will not have a dominating effect and will not be prejudicial to its setting.

The actual design of the properties is also considered to be entirely appropriate for this sensitive location. The use of render with a clay tile roof (thatch on 2 plots), coupled with timber windows and brick chimneys achieves a style of dwelling that assimilates with other traditional buildings in the locality. Furthermore, the proportions of the dwelling result in a reduced mass and bulk of building yet at the same time producing a dwelling that will make a positive statement.

Conditions will ensure that the dwellings are constructed in accordance with the submitted information.

Comments have been received from some objectors that suggest erecting bungalows within this site, similar to those within Manor Farm Close. It would be entirely inappropriate to replicate this form of development in this location as it would be contrary to the established character of Tatworth Street.

Members will see from the comments of the Council's Conservation Manager that there is strong support for the design of this scheme. It is a prominent site that has endured several contentious applications however it is now considered that the proposal has taken on board the views of the Conservation Manager and the previous considerations of the Area West Committee and this has resulted in a scheme that will enhance this important location within the village.

Highways

The Highway Authority have fully considered the application and consider that the use/improvement of the existing access is acceptable. This access point was also accepted at the time of the outline permission.

It is proposed to construct a footway around the front of the site to improved pedestrian options.

Parking

The proposal allows for 3 parking spaces per unit (a garage and 2 spaces), a number which is excess of the district council's requirements. Concern has been raised that the 'up and over'

doors will affect the way in which one of the spaces will be used. This is not considered to be a significant issue bearing in mind that each dwelling has 3 spaces with a communal area behind that can be used for manoeuvring, should it be necessary.

Ecology

The Council's Ecologist is fully aware of this site as he has been involved with the previous applications. Members will see from the consultation response that he is content that successful relocation of the slow worms can take place.

Amenity

The proposed dwellings are designed so as not to have a significant impact upon the amenity of adjoining properties. Openings have been positioned to reduce overlooking to the properties to the east, which are smaller scale bungalows (Manor Farm Close). It is also considered that the position of the buildings will mean that they will not overshadow the adjoining bungalows.

The parish have also raised the issue about the size of amenity space for each dwelling. South Somerset do not have any adopted standards for garden provision and every application has to be treated on its own merits. It is considered that these dwellings have fairly generous private areas when compared with other recent developments within the district and it would be unreasonable to object to the scheme on this basis. A condition requiring provision of waste/recycling storage for each dwelling is recommended.

Trees/Landscaping

On the boundary of the site with Manor Farm Close there is some existing growth in the form of hedging and mainly coniferous 'type' trees. None of the species would warrant a Tree Preservation Order. The conifer hedge is outside of the site and the applicant has indicated that they do not wish to interfere with it. It is between 2 and 4 m from the front of the house and it is considered that house and hedge can co-exist without the need to carry out works to it and therefore it is not reasonable to refuse the application on the basis that it may affect a hedge in third party ownership. The hedge to the west appears to be in the ownership of the applicant and the highway authority and it is understood that the highway authority would have no objection with the height of the hedge being reduced. The applicant is suggesting that indigenous hedgerow species be inter-planted with the existing to form a more meaningful hedgerow.

Ownership

There have been lengthy discussion between the applicant, the highway authority, the planning officer and the Parish Council/Save Old Tatworth Action Group concerning the issue of ownership. The Parish Council and Action Group have voiced concerns about the ownership of land adjoining the site and as a result of this further investigations have taken place. The applicant has now provided an amended layout that they believe shows the application site and the land within their control. From this information it is evident that the development could go ahead without requiring land that may belong to any private landowner. It is important for members to be aware that if they do decide to support the officer's recommendation they will not be making a decision upon land ownership. If it transpires that some of the land is outside of the applicant's control then the planning authority would have to make a decision as to whether or not any consent is invalidated.

Other procedural issues

The Parish Council/Save Old Tatworth Action Group have raised concerns about the accuracy of the submitted application, most specifically relating to some of the answers on the application form. All of these concerns have been considered and it is not considered that any information is outstanding that would be fundamental to the consideration of this proposal. Any information that was missing has now been received and it is considered that

members have all the necessary information to enable them to make a decision based upon the planning merits of the scheme.

The Parish Council have raised the issue that the development will necessitate the relocation of a telegraph pole 'stay'. This is a civil issue that would need to be agreed with the relevant utility company.

CONCLUSION:

There is no doubt that there has been strong campaigning against this development, led by the local Save Old Tatworth Action Group. Some of the issues that have been raised are relevant, however, much of the opposition has focussed upon technical and procedural issues. It is considered that this application should be determined upon the planning merits of the scheme and the impact that the development will have in this prominent site within the village. The only previous reason for refusal was based upon the visual impact of the dwellings and members will now see from the officer's presentation that the scheme has been designed with sensitivity so as to ensure that it will have a positive impact upon the adjoining Conservation Area and listed buildings. The previous refusal was a delegated decision that was finely balanced because the design had not really addressed the concerns of the committee. The current application that is before members has taken on board the issues of scale, bulk, form and massing and has resulted in a proposal that will enhance the character of the area.

The Council's Ecologist is fully aware of the slow worms within the site and has produced a comprehensive response that addresses the issue.

The issue of ownership is both a planning and a civil matter however in this case the issue of a thin wedge of land at Manor Farm Close is not considered to be crucial to the development being acceptable and should not prevent members from making a decision. Furthermore, the inclusion of adoptable highway within the site is also not a significant issue as the applicants/developers would need to resolve the matter with the highway authority before commencing work.

RECOMMENDATION:

That conditional planning approval be granted.

JUSTIFICATION:

The site is located within a sustainable position within the centre of the settlement and therefore the principle of development is considered to be acceptable, as reinforced by the previous outline planning permission.

It is considered that the proposed development of 4 dwellings is an appropriate form of development by reason of its design, form, mass and bulk and that it will have a positive impact upon the setting of the Conservation Area and nearby listed buildings.

The proposal will be acceptable in terms of neighbour amenity and will not be prejudicial to highway safety due to the adequate access, provision of parking and the proposed pedestrian path.

The issue of ecology has been fully considered and the council's ecologist is satisfied that appropriate mitigation can be carried out and the scheme will not result in the loss of any trees that are worthy of preservation.

The scheme is therefore considered to accord with policies ST2, ST5, ST6, EH1, EH5, EU4 and EC8 of the South Somerset Local Plan, STR1, STR3, Policy 48, Policy 49 of the Somerset Structure Plan and advice contained within PPS3, PPS9, PPG13 and PPG15.

Application Permitted with Conditions

1. 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.

2. The area allocated for parking and turning on the submitted plan shall be fully formed prior to the occupation of any dwelling and shall permanently be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to accord with policy 48 of the Somerset Structure Plan Review 2000.

3. At the access there shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage along Tatworth Street. Such visibility shall be fully provided before works commence on the erection of the dwellings hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset Structure Plan Review 2000.

4. No dwelling shall be occupied unless the proposed access over the first 10.0m of its length, as measured from the edge of the adjoining carriageway has been properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset Structure Plan Review 2000.

5. No dwelling shall be occupied unless provision has been made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset Structure Plan Review 2000.

6. Before the dwellings hereby permitted are first occupied a 1.8m wide footway shall be constructed over the entire site frontage of Waterlake Street in accordance with specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policies 48 and 49 of the Somerset Structure Plan Review 2000.

7. No works shall be undertaken unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs, including curtilage structures, have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out entirely in accordance with the approved materials unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

8. No works shall commence unless details of the internal ground floor levels of the dwellings to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in

accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of neighbour and visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

9. 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 fences, gates or walls shall be erected (other than those indicated on the approved plans) within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason: In the interest of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

10. 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), there shall be no extensions to the dwellings hereby approved (including additions to the roofs) without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006

11. No dwelling shall be occupied unless provision has been made for the storage of waste and recycling, details of which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be permanently be maintained.

Reason: In the interests of residential amenity and to accord with ST6 of the South Somerset Local Plan 2006.

12. No satellite dishes shall be positioned upon the front elevation of any of the dwellings hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

13. 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, turving 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 and to accord with ST5 and ST6 of the South Somerset Local Plan 2006.

14. No works shall be undertaken unless an investigation and risk assessment, in addition to any assessment provided with the planning application has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing by the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

If contaminants are found to be present then a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority prior to the works in relation to the planning permission itself are commenced.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EP5 of the South Somerset Local Plan adopted April 2006 and advice contained in PPS23.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (AAAA), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (BBBB), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EP5 of the South Somerset Local Plan adopted April 2006 and advice contained in PPS23.

15. No dwelling shall be occupied unless the frontage boundary wall that extends from Plot 4 (Waterlake Road) through to the north of Plot 2 has been fully completed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

16. No meter boxes shall be formed on the front elevation of any of the dwellings hereby approved.

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

17. No works shall be undertaken unless details of foul and surface water drainage to serve the development, have been 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: In the interests of health and amenity and to accord with EU4 of the South Somerset Local Plan 2006.

18. No works shall be undertaken unless details of a scheme to avoid harm to slow worms has been submitted to and approved in writing by the local planning authority. Such a scheme should include the results of a survey for the presence of 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 are unlikely to be affected, then details of the scheme should include:

- methods for safe trapping and translocation of slow worms from areas where they are 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 are 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 and to accord with policy EC8 of the South Somerset Local Plan 2006.

19. No works shall be undertaken unless details of the surfacing of the communal areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and retained as such unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to prevent surface water discharge in accordance with ST5 and ST6 of the South Somerset Local Plan.

20. All doors and opening shall be constructed of timber in accordance with the approved elevations and shall be permanently maintained as such.

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

21. No works shall be undertaken unless details of all fascias, eaves, soffits and rainwater goods have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: In the interests of visual amenity and to accord with ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

22. Notwithstanding the provisions of the General Permitted Development Order 1995 (as amended) no additional windows shall be formed in the eastern elevation of Plot 4.

Reason: In the interests of visual amenity and to accord with ST6 of the South Somerset Local Plan 2006.

NOTES (if any)

1. Note: Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highways Authority. Application forms can be obtained by writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning him on 01823 356011. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion

2. The applicant/developer is reminded of the presence of protected species within the site and is reminded of their responsibility to ensure that no wilful damage is caused to species or habitat as this would constitute an offence under the Wildlife and Countryside Act 1981.

3. The applicant is reminded that this planning approval does in no way confer upon them any rights to carry out work on land that is outside of their control. This decision has been made based upon the information before the local planning authority and should it be demonstrated that any part of the site is not within their control then they should contact the Local Planning Authority for an opinion as to whether or not this would invalidate the planning permission.
