

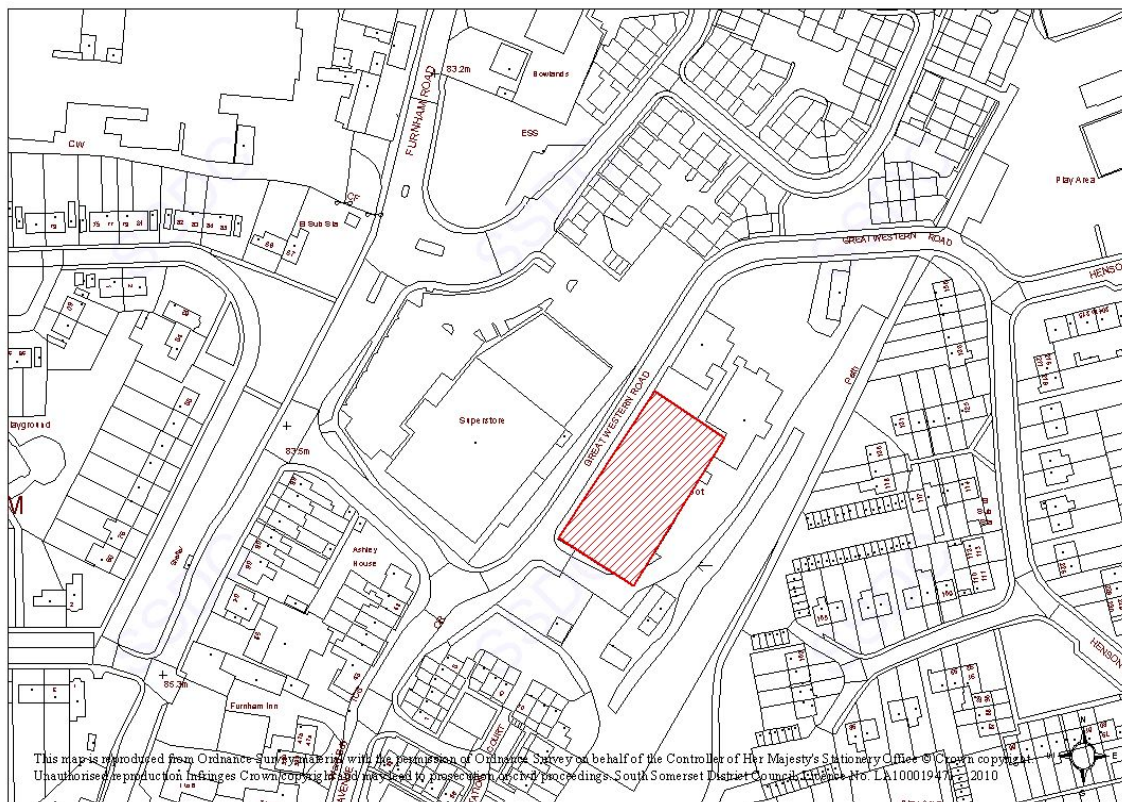
Officer Report On Planning Application: 09/02922/FUL

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| Proposal : | Internal and external alterations, the erection of a rear extension, car parking and the change of use of premises from business use (Class B1) to a shop (Class A1). (GR 332940/109221) |
| Site Address: | Old Station Building Great Western Road Chard |
| Parish: | Chard |
| Ward | AVISHAYES (CHARD): Cllr Nigel Mermagen |
| Recommending Case Officer: | Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk |
| Target date : | 10th September 2009 |
| Applicant : | Rollo Homes Ltd |
| Agent: (no agent if blank) | GR Planning Consultancy Ltd 34 Above Town Dartmouth Devon TQ6 9RG |
| Application Type : | Minor Retail less than 1,000 sq.m or 1ha |

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee at the request of the Ward Member in agreement with the Chairman so that it can be considered in conjunction with the application for housing on the adjacent site (ref. 09/04800/FUL).

SITE DESCRIPTION AND PROPOSAL



This former station building is Grade II listed and is currently unoccupied; the previous use was understood to be an engineering business. The building is an attractive one-storey structure constructed in red brick with ashlar dressings, it has much attractive detailing including brickwork arches and cast iron brackets. The building retains a great deal of original features both internally and externally despite the previous industrial uses. However, whilst currently in a relatively good state of repair it has been subject to some acts of vandalism.

The station is located 925m to the north-east of Chard Town Centre, at the rear of the existing Focus store. It is considered to be an 'out-of-centre' site as defined by PPS 4 'Economic Development'.

The site forms part of the larger area that was previously owned by the railway, this has now been sold to a developer and split into three separate sites; the station building; an area for housing to the north and rear of the station (also to be considered on this agenda, ref 09/04800/FUL); and a third site to the south-west of the station for which no application has yet been received.

The application proposes the erection of a rear extension, car parking (21 spaces) and the change of use of the building from business use to a non-food retail shop. It is understood that the proposed occupiers are The Factory Shop which have an existing premises at the Old Textile Mill on the outskirts of Crewkerne, they sell a range of goods such as furniture, homewares, electrical goods, gardening, sportswear and clothing.

The site is within the development area of Chard.

HISTORY

There is a lengthy planning history for the site which can be viewed in full on the planning file, in the main it relates to various developments associated with the various business that have occupied the building. Of particular interest are:-

63644 - Change of use of land and buildings to factory premises. Approved 1963

851767 & 851768(LBC) - Carrying out of alterations and use of premises as a tyre service retail and distribution depot. Approved 1985.

There is an associated listed building application (09/02925/LBC) for internal and external alterations and which is also on this agenda.

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.

For the purposes of determining current applications the local planning authority accords significant weight to the emerging Regional Spatial Strategy for the South West (RSS10) due to its highly advanced state. The view is therefore taken that the relevant development plan comprises the Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008), the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

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

Development Policy B - Development at Market Towns

Development Policy E - High Quality Design

ENV1 - Protecting and Enhancing the Region's Natural and Historic Environment

ENV5 - The Historic Environment

TC1 - City and Town Centres

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development

STR2 - Towns

STR4 - Development in towns

8 - Outstanding Heritage Settlement

9 - The Built Historic Environment

20 - Retail Framework

48 - Access and Parking

49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EH3 - Changes of use of Listed Buildings and Alterations to Listed Buildings

MC2 and MC3 - Location of Shopping Development

ME6 - Retention of Land and Premises

Policy-related Material Considerations

PPS's/PPG's

PPS1 - Sustainable Development and Climate Change

PPS4 - Economic Growth (which replaces PPS6 'Planning for Town Centres' and PPG4 'Industrial, Commercial Development and Small Firms')

PPG15 - Historic Environment

South Somerset Sustainable Community Strategy

Goal 5 - High Performance Local Economy

Goal 8 - Quality Development

Parish/Town Plan

Chard Regeneration Plan (November 2009)

Other Relevant Documents:

South Somerset Retail Study 2006

CONSULTATIONS

Chard Town Council - 'Recommend refusal - will impact on the viability of the town centre; there has been no sequential test carried out; no justification for the alterations to a listed building.'

Local Highway Authority - Originally objected to the application, as they were concerned about the loading and unloading facilities. Following discussions with the applicant's highways consultant and the submission of amended plans they have now withdrawn their objections and state :-

'The amended plan (drawing No. BHT09247/SK01) incorporates a means of access on the north-eastern boundary of the site suitable in terms of its width and radii to enable access to the parking spaces allocated as 13 -21 on the submitted plan. The visibility splays of 2.4m x 43.0m to the nearside carriageway in both directions is acceptable given that the permitted speed of passing traffic is 30mph and that the standards set out within the Manual for Streets are appropriate in this location.

With regards to the loading/unloading facilities the proposed turning area provided for delivery vehicles enables a 10.0m HG Rigid Vehicle to enter and leave the site in a forward gear thus avoiding the need for delivery vehicles to pass in front of the building potentially in direct conflict with pedestrians. As you are aware this was one of the main concerns raised by the Highway Authority in the previous submission. Whilst it is clear that this facility will not enable a 15.0m articulated lorry to enter and leave the site in a forward gear it is considered that this

arrangement would result in an improvement when compared to the previous access arrangements where larger vehicles were forced to manoeuvre on the highway in order to make use of the 'in - out' style arrangement.

As discussed at our meeting the parking spaces allocated as 1 - 3 on the submitted plan will be unusable in times when a delivery vehicle is positioned in the loading/ unloading facility. It may be more appropriate for these spaces to be rotated 90 degrees with access gained via the front of the building.

As a result, whilst it is clear that this proposal is not ideal from a highway point of view it appears that the two reasons for refusal have been addressed and overcome to a suitable standard. It should also be noted that given the previous permitted use classes on the site (B1, B2 and B8) when all matters are considered the Highway Authority consider that it may be unreasonable to raise an objection to the proposal.'

The County Highway Authority recommend the imposition of conditions should permission be granted.

Planning Policy (SSDC) - Following policy concerns about the depth of the sequential test submitted with the application, the agent's forward additional information to support their case. Planning Policy have considered this further information and comment:-

'My main objection to the application was based on the fact that in my opinion the applicant had not undertaken a sufficient sequential test, having read the additional information submitted by the agent, I can conclude that they have now looked at in centre and edge-of-centre sites, and at this present time there are no in-centre or edge-of-centre sequentially preferable sites which are suitable, available or viable. My conclusion is based on the fact that in-centre sites being approximately 100 sq m gross are too small (and offer no alternatives), and so unsuitable, and edge-of-centre sites involve new build, so are unviable or are not available in the immediate to short-term.

Whilst in an ideal world this use would be located in the town centre or on an accessible edge-of-centre site, as in my opinion it would offer more opportunities to increase the town centre's vitality and viability, I recognise that there are no alternatives at the present time and we need to be realistic.

PPS4 requires planning applications for retail developments that are not in an existing centre and not in accordance with an up-to-date Development Plan (where the development is below 2,500 sq m gross floorspace, and is likely to have a significant impact on other centres) to undertake an impact assessment. Given the size of the proposed development and its likely impact in terms of turnover, on balance, I do not think that this is sufficiently significant to request an impact assessment be undertaken.

In terms of the loss of employment land, I believe the objection from Economic Development stands and you should be guided by their comments. In respect of the other points raised, I have no further comments.

One additional point I would like to raise which following discussions with yourself has already been raised by the applicant is the need to secure funds for junction improvements, as the proposed development would lead to traffic generation above the capacity of the existing junction. I will not go into any further detail, other than to raise it, as you are already aware of this requirement.

In conclusion, on the basis of a sound sequential test having now been undertaken, I withdraw my objection to the application on these grounds.'

The Conservation Officer (SSDC) - Following the submission of amended plans the Conservation Officer is now satisfied with the proposal subject to a number of conditions.

Economic Development Officer (SSDC) - 'Providing the sequential test has demonstrated that there is insufficient alternative property available in Chard to accommodate this retail premises, then my concerns are dissipated. You will recall that prior to the former Woolworth's premises being re-let, I considered the sequential test not to have been comprehensively undertaken. The fact that this premises has now been let removes that concern.'

The provision of additional employment, together with a sympathetic refurbishment of a grade listed premises in a key residential area of Chard will be good for the town.'

Area Development Officer - The additional local employment that will follow from a national retailer locating in Chard is warmly welcomed by Area Development. They advise that they have discussed the availability of potential premises and now that the former Woolworth's site has re-opened it does not appear that there are any alternative premises of a size or layout close to that required immediately available on or close to Chard High St/Fore St. Their only significant concern is the potential for additional traffic pressure on the main A30/A358 junction in Chard, which only has limited further capacity, this is identified within LDA's Chard Regeneration Plan.

Ecologist (SSDC) - Comments awaited.

Contaminated Land Officer (SSDC) - Given the previous uses at the site recommends that a number of contaminated land conditions be imposed should permission be granted.

Area Engineer, Technical Services Department (SSDC) - Recommends a condition requiring the submission of drainage details should permission be granted.

REPRESENTATIONS

None received.

CONSIDERATIONS

It is considered that the main planning considerations with regard to this proposed development are:

- 1) The proposed location of the retail unit outside of the town centre
- 2) The loss of an employment site
- 3) Car parking layout and loading/unloading arrangements
- 4) Possible impacts upon the junction at A30/A358
- 5) The impact of the development upon the listed building

1) The proposed location of the retail unit outside of the town centre and the loss of an employment site.

The application site is clearly an 'out-of-centre' location and as such the applicants at the time of the application were required to submit a retail assessment that deals with the retail tests of need, sequential approach, impact and scale. The new PPS4 that has recently been issued slightly changes the requirements but has a very similar ethos to the previous PPS6 with regard to development outside of town centres, the main change is the removal of the 'needs test'. The applicants advised that the business model of the proposed occupiers:-

'aims to provide smaller communities and centres with a 'department store' offer in locations where traditional department stores would not locate or trade. In doing so it offers shoppers who are either unable or have difficulty in travelling to larger towns and centres (such as the elderly and young mothers without a car) with a very effective and local alternative.

The company works closely with the local community and also recruits locally, assisting in the regeneration of existing buildings and occupying larger units that may otherwise remain vacant due to limited demand and competition from larger centres.'

The agent submitted a lengthy document in support of the application setting out their response to the four tests (need, sequential approach, impact and scale). This was further enhanced by additional information submitted in response to a request from the Planning Policy Department to consider other sites within and near the town centre. The applicant's statement includes a retail assessment that considers the quantitative and qualitative need in relation to the South Somerset Retail Study (SSRS). The figures given clearly show that there is sufficient 'quantitative need' within Chard to support the proposal. With regard to the qualitative need this is more difficult to assess, the SSRS shows that there are far less 'comparison goods' stores in Chard than in Yeovil and as such it could be argued that there is a qualitative need for a unit such as The Factory Shop in Chard.

With regard to the sequential approach, the Planning Policy Unit is now content that the applicant has carried out sufficient work to conclude that there are no other sequentially preferable sites that are suitable, available or viable. The only large unit vacant within the town centre at the time of the application was the former Woolworth's store, now that this has been occupied it is not considered that there are any units of sufficient size within the town centre that would meet the requirements of The Factory Shop. As such, it is felt that the applicant has met the necessary tests with regard to the sequential approach.

In terms of the retail impact test, the application falls well below the 2,500m² limit set by PPS 4 that requires the submission of such an assessment. The agent contends that the quantitative assessment demonstrates that there is future capacity to accommodate the turnover of the proposed store and the existence of this capacity is an indication that any trading impact will not be harmful to the vitality and viability of the town centre. The agent estimates a less than 1% impact and as such it is not considered that the application could reasonably be refused upon the grounds of demonstrable harm to the vitality and viability of the town centre. With regard to scale, the proposal will serve the existing area of Chard and is not of such significance as to impact upon any other town centres.

However, it is considered important that the range of goods sold at the premises should be limited so as to prevent an open retail use that would allow any retailers such as a supermarket to occupy the premises. A similar premises in Crewkerne has an associated s106 that restricts the goods that can be sold, the agent has suggested a planning condition that would restrict the retail use to the 'retail sale and display of furniture, homewares, electrical goods, gardening, sportswear, clothing and footwear, toiletries, cosmetics and accessories, toys, travel goods, pet care and ancillary goods and services.' It is recommended that this should be amended to 'associated ancillary goods and services' and that rather than a condition the range of goods should be restricted by a legal agreement as at the Crewkerne premises.

2) The Loss of an Employment Site

The agent advises that the proposed use is likely to generate between 12-16 new jobs as well as Store and Assistant Manager positions, this is considered to be a similar level to the amount of employment that was generated by the previous B Class uses. Evidence was submitted with the application that confirms the property was marketed between February 2008 and September 2008, the marketing agent confirms that apart from The Factory Shop there was only one other interested party, a convenience store operator. It appears that the premises may not be attractive to business operators and therefore, as the proposed use will be employment generating it will contribute to the local economy.

This is supported by the view of the Area Development Officer who welcomes the additional local employment that will follow from a nationwide retailer locating in Chard. As such, whilst the building would no longer be in a business use within the B1/B2/B8 use class, it would still generate similar levels of employment and it is not considered that the proposal could be refused on the basis of a loss of an employment site contrary to policy ME6.

3) Car parking layout and loading/unloading arrangements

The County Highway Authority were originally concerned about the proposed layout of the parking with particular concern about loading and unloading arrangements. Following discussions between the County Highway Authority and the applicant's highways consultant amended plans were submitted. The County Highway Authority have now withdrawn their objection and recommended the imposition of a number of conditions.

4) Possible impacts upon the junction at A30/A358

The Chard Regeneration Plan has identified that the existing junction at the A30 and A358 is nearing capacity. Furthermore extant permissions within the town would absorb the remaining capacity. However it has been shown that the capacity at the junction can be improved through the introduction of a signal improvement scheme known as MOVA. MOVA stands for Microprocessor Optimised Vehicle Actuation, it is well established strategy for the control of traffic light signals at isolated junctions - i.e. junctions that are uncoordinated with any neighbouring signals. A MOVA acts before congestion occurs by operating in a delay minimising mode; if any approach becomes overloaded, the system switches to a capacity maximising procedure.

In accordance with policy ST10, and as suggested by the Policy Unit, the applicants have been invited to make a contribution towards this scheme; they have requested additional information and this has now been provided. A further update on this matter will be made at the meeting.

5) The impact of the development upon the listed building

The main impact upon the listed building will be through the proposed extension at the rear to provide additional retail floorspace, this will include the opening up of the existing arches to provide access through. Also proposed is the opening up of the end (south west) elevation to provide the new shop entrance and the removal of an internal mezzanine floor.

The extension whilst relatively large is at the rear and has been designed as a traditional addition that reflects the design of the existing building. The extension is simple in form and is a subservient addition to be constructed in matching materials. It incorporates design detailing in the form of brick features that are in the style of the original building, further detailing has been added at the request of the Conservation Manager. The access to the new extension will make use of the existing arches within the building and so these important features will be retained. The extension is therefore considered to be an appropriate addition to the building.

With regard to the opening up of the end elevation to provide the new shopfront, the plans show the re-instatement of a traditional timber and glazed gable above a double fronted glazed shopfront. It should be noted that this part of the building would originally have been open (to allow the trains through) and the re-opening is therefore welcomed.

The removal of the internal mezzanine will also enable the opening up of the original internal space within the building and so re-introduce the original scale and character of the interior station space.

In terms of the proposed use of the building this is considered to be particularly appropriate as they require a large internal open floor area without the need for any new internal walls. As such the space within the building will be returned to its original open character. The application will secure an appropriate re-use of an important listed building without detriment to its original character.

SUMMARY

It is considered that the applicant has adequately addressed the tests required to demonstrate that the use cannot be placed closer to the town centre and that the use will not be harmful to the vitality and viability of the town centre, subject to appropriate restrictions on

the range of goods to be sold. The proposal would create employment and it is not therefore considered that the application should be refused on the loss of an employment site.

The parking, access and servicing arrangements are acceptable to the County Highway Authority and in terms of traffic in the town it is considered that an appropriate contribution towards improvements to the A30/A358 junction would acceptably mitigate the impact of the development.

Finally, the works to the listed building have been carefully considered and will not have a significant adverse impact upon either the historic fabric or the character of the listed building. The re-use is appropriate as it respects and restores the original spaces within the building as well as retaining important historic features. The proposal will also secure the use of an important listed building.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

It is recommended that a contribution is sought towards improvements to traffic capacity on the junction of A30/A358 by way of an appropriate legal agreement. Furthermore, it is recommended that the range of goods to be sold should be restricted by legal agreement in order to prevent an open Class A1 retail use.

RECOMMENDATION

That subject to the agreement of a contribution towards improvements at the A30/A358 junction 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 an appropriate contribution is made towards junction improvements at the A30/A358 and to restrict the range of goods sold from the premises.

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

. It is considered that the applicant has adequately addressed the tests required to prove that the use cannot be placed any nearer the town centre and that the use will not be harmful to the vitality and viability of the town centre. The use will still provide an employment generating use and it is not therefore considered that the application could be refused on the loss of an employment site. The parking, access and loading/unloading arrangements are acceptable to the County Highway Authority and are considered to be acceptable and there would be no adverse impact on traffic flows within the town. Finally, the works to the listed building have been carefully considered and will not have a significant adverse impact upon either the historic fabric or the character of the listed building. As such the proposal complies with saved policies ST10, ST5, ST6, ST10, EH3, MC2, MC3 and ME6 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

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. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs; and the internal roof insulation have been submitted to and approved in writing by the Local

Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

3. No works shall be undertaken on site unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:

- a) Full details, including elevational drawings, to indicate the areas to be repointed/cleaned.
- b) Details of the method of removal of existing pointing/surface. In this regard mechanical tools shall not be used,
- c) Details of the mortar mix (if appropriate), and
- d) A sample panel of new pointing/wall covering/decoration.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

4. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, rooflights, boarding, openings and advertisements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority. There shall be no replacement of any existing doors/windows/rooflights without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

5. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

6. No work shall be carried out on site unless a method statement has been submitted regarding the opening up of the existing internal arches, this to include details of all new and replacement materials, plaster, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished. No works shall commenced until the method statement has been approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

7. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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 of 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'.

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.

8. 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 is subject to the 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.

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.

9. 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.

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.

10. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 in accordance with condition 3.

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.

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 7 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

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.

12. 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 an appropriate form of development in accordance with Policies ST5 and ST6 of the South Somerset Local Plan adopted 2006.

13. The proposed accesses shall be constructed in accordance with details shown on the submitted plan, drawing No. BHT09247/SK01, shall be properly consolidated and surfaced and shall be available for use before the development is first brought into 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.

14. The area allocated for parking on the submitted plan shall be marked out and shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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.

15. The development shall not be first brought into use or any other purpose until the loading and unloading area has been provided within the site. This area shall be kept clear of obstruction and shall not be used other than for the loading and unloading of vehicles in connection with the development hereby permitted.

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. 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. Such visibility shall be fully provided before works commence on the development 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 and Exmoor National Park Joint Structure Plan Review 1991-2011.

17. The gradient of the proposed access shall not be steeper than 1 in 10.

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. Provision shall be 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 in writing by 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.

19. The development hereby permitted shall be carried out in accordance with the following approved plans: AL(2-)01 rev. 03 received 16/7/2009; AL(2-)02 rev.05 and AL(2-)03 rev.04 received 27/10/2009; AL(2-)00 Rev.04, BHT09247/AT02 Rev.A , BHT09247/SK01 Rev.A and BHT09247/SKO2 Rev.A received 9/2/2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

20. No delivery of goods shall take place to the store between the hours of 10pm and 6am unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and in the interests of local residential amenities in accordance with Policy ST6 of the South Somerset Local Plan adopted April 2006.

21. The retail use hereby permitted shall only be open between the hours of 8.00 am and 8.00 pm Monday to Saturday, and between 10.00am and 4.00pm on Sundays and Bank Holidays.

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

Informatives:

1. It should be noted that given the nature and scale of the works required to create the proposed new access it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Highway Licence. The applicant is advised to contact the County Highway Authority, County Hall Taunton (01823 355455) to progress this agreement.
