

Area West Committee - 21st July 2010

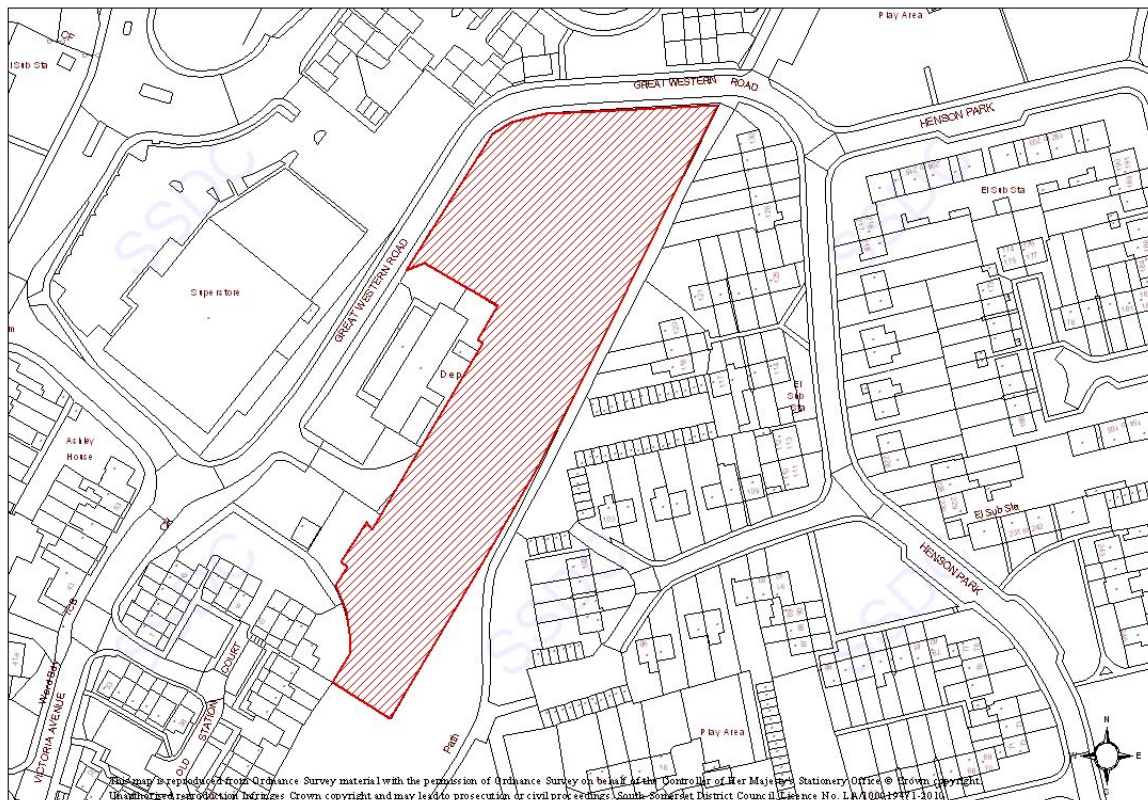
**Officer Report On Planning Application: 10/01967/FUL**

<b>Proposal :</b>	Demolition of buildings and the erection of 46 residential units together with associated car parking and access (Revised Application). (GR 332975/109253)
<b>Site Address:</b>	Old Station Yard Victoria Avenue Chard
<b>Parish:</b>	Chard
<b>AVISHAYES (CHARD) Ward</b>	Mr N J P Mermagen (Cllr)
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	20th August 2010
<b>Applicant :</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	Mr Shaun Travers Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

This application has been referred to committee with agreement of the Ward Member and Chairman due to the significance of the proposal and the issues previously raised.

**SITE DESCRIPTION AND PROPOSAL**



This 0.85 hectare site is located to the east of Great Western Road to the rear and north of the old railway station building. The site is level and has largely been cleared, being mostly laid to

hard standing, but rises steeply along the eastern boundary, which is an overgrown, former railway embankment. There are a variety of trees (oak, sycamore and birch) on the embankment and a number of cypresses to the northern roadside boundary.

To the west, on the opposite side of Great Western Road is the DIY store, to the north, again on the other side of Great Western Road, is new (post 2000) housing development. To the east, above the embankment is a footpath, beyond which is a range of garage courts at the rear of a 1960s/70s housing development. To the south are Henson Park and the 1980s housing development at Old Station Park, the nearest being 10-13 Old Station Park. Here the boundary includes a number of semi-mature trees. Only the garden of no.13 extends to the boundary of the site, nos. 10-12 being separated by an area of parking.

The proposal is for the erection of 46 residential units, specified in the application forms as 35 'social rented' and 11 'shared equity' units, at a density of 51/ha, made up of:-

- 2 one-bedroom flats
- 9 two-bedroom flats
- 8 two-bedroom houses
- 24 three-bedroom houses
- 3 four-bedroom houses
- 75 parking spaces (1 space per 1.63 units)
- Associated gardens, access/turning areas and public realm planting.

A footpath link would be created to the footway to the east of the site. The main access would be to the north of the former railway station building, with an internal road running north/south to the rear of the old railway station.

The proposed buildings would be a mix of 2-storey, semi-detached and terraced houses creating a frontage along Great Western Road and along the western side of the internal estate road. A 2½ -storey apartment block with associated bin and cycle storage to the rear would be erected at the southern end of the site. The materials are stated as being a mix of red brick and render, with grey and red roof tiles.

The application is supported by a Design and Access Statement, an Environmental Assessment Report, an Arboricultural Implications Assessment & Tree Protection Plan, an Ecology & Protected Species Survey, a Planning Statement (incorporating a Statement of Community Involvement, a flood risk statement and a renewable energy statement) and a planning obligations report, based on 100% affordable units, funded by the Homes & Community Agency.

The applicant has provided additional drawings (08/07/10) to correct minor discrepancies in the original submission and to address officer's concerns about the relationship between plots 18/19 and 20. Whilst these do not materially alter the proposal, or affect any part of the scheme that has been commented on, they have been circulated for information.

## **HISTORY**

09/04800/FUL Planning permission refused for the erection of 54 dwellings for the following reasons:-

1. *The proposal for 54 flats and houses with 71 parking spaces would not provide sufficient parking for future residents of the site. This failure is likely to promote undesirable competition for parking spaces and parking in the highway to the detriment of residential amenity, the character and streetscene of the development and locality. Furthermore it is likely to interrupt the free flow of traffic and add to the hazards for all road users to the detriment of highways safety. As such the proposal is contrary to policies ST5 and ST6 of the South Somerset Local Plan and policy 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000).*

2. *This proposal for 54 flats and houses with little open space and limited garden space would constitute the over development of the site to the detriment of the amenities of future residents. As such the proposal is contrary to policies ST5 and ST6 of the SSLP.*
  
3. *The proposed 3-storey apartment block at the southern end of the site by reason of its height, bulk and proximity to the adjoining property in Old Station Court would result in an alien and incongruous form of development that would have a harmful impact upon the visual amenities of the area and on the amenities of existing residents by reason of overlooking and over dominance. As such the proposal is contrary to policies ST5 and ST6 of the SSLP.*

There is a substantial history of the site dating from the 1960s and 70s when the site was in active use for general industrial purposes (manufacture of bitumen emulsion). More recently planning permission was granted for a steel stock shed (18/01/96, ref. 952507) in connection with a steel manufacturing use, again general industrial (B2) use.

Recently applications for the retail use of the former railway station building have been approved (09/02922/FUL & 09/02925/LBC).

## **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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

National Guidance

PPS1 – Sustainable Development  
 PPS3 – Housing  
 PPG13 – Transport  
 PPG17 – Planning for open space, sport and recreation  
 PPS25 – Flooding

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

STR1 - Sustainable Development  
 STR2 - Towns  
 STR4 - Development in Towns  
 Policy 33 - Provision for Housing  
 Policy 35 - Affordable Housing  
 Policy 37 - Facilities for Sport and Recreation within Settlements  
 Policy 39 - Transport and Development  
 Policy 40 - Town Strategies  
 Policy 42 - Walking  
 Policy 48 - Access and Parking  
 Policy 49 - Transport Requirements of New Development

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

ST5 – General Principles of Development  
 ST6 – The Quality of Development

ST7 – Public Space  
ST9 – Crime Prevention  
ST10 – Planning Obligations  
EC3 – Landscape Character  
EC8 – Protected Species  
EU4 – Drainage  
EP1 – Pollution  
EP6 – Demolition and Construction Sites  
ME6 – Retention of Employment Land  
TP1 – New Development and Pedestrian Movement  
TP3 – Cycle Parking  
TP4 – Road Design  
TP7 – Residential Car Parking Standards  
HG1 – Provision of New Housing Development  
HG4 – Density  
HG6 – Affordable Housing Targets  
HG7 – Affordable Housing Thresholds  
CR2 – Provision for Outdoor Playing Space and Amenity Space in New Development  
CR3 – Off-site provision  
CR4 – Amenity Open Space

South Somerset Sustainable Community Strategy

Goal 3 – Healthy Environments  
Goal 7 – Distinctiveness  
Goal 8 – High Quality Homes  
Goal 9 – A Balanced Housing Market

Other Relevant Documents

Chard Regeneration Plan, November 2009.

## **CONSULTATIONS**

Chard Town Council – agreed unanimously that the amended plan still did not achieve the desired outcome and should be refused on the following grounds;

- Dangerous access/egress- vehicles will be required to reverse onto carriageway
- Overcrowded with too many units which has potential for increased anti-social behaviour
- Poor design of site which does not maximize the best use of the land
- Poor design of units which causes a loss of privacy
- Suggest flats should be re-positioned at the northern end of the development

*Highways Officer* – no objection, recommends safeguarding conditions. Suggests that if the parking allocation is left to a management company and is managed appropriately it is unlikely that issues regarding significant levels of parking on the highway will occur.

It is noted that previously improvements to the Furnham Road/A30 junction were required:-

*“It is considered that these comments still apply. As a result, if planning permission is granted the following comments should be noted. The existing Furnham Road / A30 signalised junction to the south of the site is of major importance with regards to the implementation of the Chard Regeneration Plan. As part of this phased development it has been identified that the existing signals will need to be upgraded by the installation of MOVA so as to improve the junctions capacity. Given that this junction at present is almost at full capacity and that the new development will increase traffic movements through the junction it is felt appropriate that this development makes a contribution to its upgrading. Preliminary calculations suggest that the cost of such upgrading will be approximately £50000. As a result unless the developer submits a Transport*

*Assessment indicating that this specific development will not increase the use made of the Furnham Road/A30 junction the Highway Authority would wish to see a significant contribution provided.”*

*Environment Agency – recommend conditions*

*Wessex Water – No objection*

*Area Engineer – requires details in respect of drainage proposals, which will need to incorporate sustainable drainage techniques to reduce surface water run-off.*

*Environmental Protection Unit – conditional approval.*

*Leisure Policy Co-ordinator – recommends a contribution of ££5,942.98 per dwelling be sought towards the provision of play and youth facilities, playing pitches, sports facilities and strategic community facilities to meet the demands arising from the occupiers of the additional 46 units.*

*Landscape Architect – Conditional approval.*

*Tree Officer – accepts that the existing trees lack sufficient merit to be worthy of constraining development. No objection is raised subject to securing a high quality and sustainable scheme of tree planting.*

*Ecologist – accepts the recommendations of the ecology report subject to conditions to safeguard nesting birds and to ensure the removal of Japanese knotweed, which has been identified on the site. With regard to bats it is observed:-*

*“It appears from the updated ecological report that mature trees have now been inspected for their potential to support bat roosts and that no potential bat roosts were identified (section 3.22 of the report). The need for a condition for further survey for bat tree roosts (as recommended in my previous response) is therefore removed.*

*Climate Change Officer – suggests that the installation of renewable energy equipment should be a condition of any planning permission.*

*Strategic Housing Manager – supports:-*

*“As at 8<sup>th</sup> July 2010, district wide there were 20548 active applications on Homefinder Somerset, of which 5584 applicants were associated with South Somerset. The figures relating to South Somerset show that there were a total of 182 applicants registered who were wishing to be housed in the parish of Chard Avishayes. A total of 609 applicants who were wishing to be housed in either, Chard Avishayes, Jocelyn, Crimchard, Combe and Holyrood. Out of 5584 applicants registered (with South Somerset) 1327 applicants have expressed a wish to live in Area West. This last figure has been included as it is our experience that when a new property is advertised, many applicants who live outside the parish where the new development has taken place, will bid and consider moving. This is due to the lack of provision within the area. Currently there is a Registered Provider stock totalling 1065 within the five parishes of Chard, and within Area West the figure stands at 2237. In the past we have experienced an approx turnover of 3% per annum.*

*Chard has the largest gap in provision next to Yeovil and there were only 40 new affordable properties developed in Chard during 08/09, 10 in 09/10 and 64 proposed for 10/11 of that 62 are Retirement Living Scheme for age 60 plus. In light of these figures and the evidence provided above, we are keen to see further development within the area and support this planning application unreservedly.”*

*Open Spaces Officer – requests a contribution at a rate of £237.50 per bedroom (total £28,500) to fund enhancements to the neighbouring park to mitigate the additional wear and*

tear arising from increased use stemming from this development. The provision of the footpath link is welcomed.

Any further comments in relation to the additional plans will be reported to Committee.

## **REPRESENTATIONS**

1 letter has been received raising the following objections:-

- Concerned that the objections raised by Area West Committee have been disregarded, in particular increased traffic;
- Increased anti-social behaviour from the block of flats. The writer is of the opinion that social housing attracts high levels of anti-social behaviour, in particular foul and abusive language. This is not appropriate close to family housing. ;
- Impact of 3-storey block of flats on properties in Old Station Court by reason of close proximity (15m), loss of light and aspect, over-looking and loss of privacy;
- Although overall density has been reduced only one unit has been removed from the area where new buildings will have greatest impact on existing residents;
- Any 3-storey element should be on Great Western Road where existing ground levels are lower
- Lack of parking
- The site is not wholly brownfield land and the proposal does not make efficient use of the site;
- Development is too dense – far higher than that of Old Station Close
- Impact of construction of retaining wall on stability of adjoining land; it is noted that the geotechnical report identifies problems in this area.
- Impact of construction phase;
- 1.8m close boarded fence not appropriate given the topography
- Loss of property value
- Impact on wildlife

The writer states that the proposal does not comply with policies ST5 and ST6 and provides photomontages of what he believes his outlook will become. It is contended that the supporting information is inaccurate.

Additionally another local resident has objected to the proposal on the grounds that the loss of the trees would remove habit for bats.

Any further comments in relation to the additional plans will be reported to Committee.

## **CONSIDERATIONS**

It is considered that the residential development of this former industrial/railway site, which is close to existing residential development, is acceptable in principle. With regard to loss of employment land, it is noted that the former railway station building would remain in commercial use and that an area of land to the south of the site would remain for B1/B2/B8 use. It is considered that this would comply with policy ME6.

The site could therefore potentially deliver housing that would contribute to the need and targets identified by policies HG1 and HG6, subject to consideration of:-

- Design and Detail
- Layout and Landscaping
- Access and Parking
- Impact on Amenity
- Developer Obligations

In particular the application needs to demonstrate that the previous reasons for refusal have been addressed; in this respect the application includes the following changes:-

- The number of units has dropped by 8 to 46 by the omission of 4 flats-over-garages (FOGs) on the east side of the site, 1 flat from within the block of flats at the southern end of the site; the substitution of a house for 2 flats at the southern end of the access road; the omission of a house from the east side of the northern courtyard and the omission of a unit from the frontage development to Great Western Road.
- An increase in parking arising from a re-organisation of the parking courts and
- The lowering of the block of flats from 3 storey (11.6m) to 2½ storey (10.5m) across the frontage with a 2-storey rear wing

### Design and Detail

The proposed houses are considered to be of a design and proportions appropriate to the locality. Whilst the majority of the surrounding dwellings are 2-storey, it is not considered that the part 2½ -storey apartment block would be unduly incongruous in this locality. It is accepted that the reduction in height (1.1m) is modest, however this structure would be set within the site and would not form part of the external street scene and would be on significantly lower ground relative to the park to the east and the houses to the south.

The design and detailing of the proposed structures were previously considered acceptable, and subject to conditions to require the agreement of materials, detailing and landscaping, the impact on the character and appearance of the locality would be acceptable and in this respect the proposal complies with policies ST5 and ST6.

### Layout and Landscaping

The loss of the existing trees is unfortunate; however as the tree officer notes they are not considered of sufficient quality to merit an insistence on their retention subject to a condition as recommended by the landscape architect, that would meet the requirements of the tree officer. On this basis the proposal would comply with policy EC3.

The layout would create a strong frontage to Great Western Road that would reflect the development opposite, with houses backing onto the footpath to the east. It is considered that this would create an improved sense of security to the existing footpath and the new link to it. Internally the development would create a courtyard to the northern part of the site and an internal estate type road running to the south. All areas would benefit from suitable levels of natural surveillance.

Notwithstanding local concerns it is considered that the proposed density of 51/ha is appropriate for this brownfield site, which is well within the settlement boundary. The proposed level of development is comparable to the Old Station Court, Henson Park and the newer development at Wyatt Way, which the Planning Statement puts at 67, 49 and 58 per hectare respectively.

Whilst members previously expressed concerns about the level of development the density has slightly decreased and some of the properties benefit from slightly larger gardens and all gardens include storage and drying facilities. Officers previously considered the amenity space to be acceptable and the revised plans are considered to adequately provide for private amenity space as required by policy ST6.

It is accepted that the proposal provides no on-site open space, although there are modest areas of landscaping. These are not of a size or location that would be adopted by the District Council, however on the basis that the applicant is willing to provide for their future maintenance these are not considered objectionable, subject to a condition to ensure that appropriate management is agreed.

The omission of on site informal open space would not normally be acceptable, however, it is noted that the site is adjacent to the park and would create a link directly to it. In this instance

it is considered that this would adequately cater for the needs of future residents. The open spaces officer has suggested a contribution of £28,500 towards enhancements to mitigate any additional wear and tear.

On this basis it is considered that the layout and landscaping comply with policies ST5, ST6, ST7, ST9, CR2, HG4, and CR4.

#### Access and Parking

The highways officer's support for the general access arrangements and parking is noted and it is considered that the development would comply with policies ST5, TP1, TP3, TP4 and TP7. Accordingly the objections of a local resident and the Town council in respect of highways safety are not considered sustainable.

With regard to the allocation of the parking spaces, whilst it would be helpful to have an indication of which spaces would be assigned to which units, as the highways officer notes this could be left to the developer to manage. To ensure that this is delivered a condition is recommended to ensure that a suitable management plan is agreed prior to occupation.

#### Impact on Amenity

Concerns have been raised with regard to the impact of construction works. Unfortunately construction by its very nature is disruptive and this can rarely, if ever, justify withholding permission. In this case it is considered that the imposition of a condition to require the agreement of a Construction Management Plan would reasonably enable the local planning authority to exert an appropriate degree of control of this phase of the development. Any damage to property arising from construction activities would be a civil matter between the developer and the affected party and is not a planning issue.

It is not considered that the northern or middle part of the site would have any adverse impact on the amenities of existing residents, there being adequate separation between these and the nearest dwellings. Concern remains about the impact of the 2½ -storey apartment block at the southern end of the site.

This would be on lower ground relative to the existing buildings and the rear wing has been reduced to 2 storeys. It is considered that adequate separation would be maintained, which given the off set position of the proposed building relative to the existing dwellings would be sufficient to maintain the outlook of existing residents.

There are however concerns about the potential for overlooking from the upper floors towards the rear garden of 13 Old Station Road. The first floor windows on the facing elevations of the block of flats would be obscurely glazed to address this concern. As these are to 'non-habitable rooms (kitchens, bathrooms and halls) this is considered reasonable and would safeguard the amenities of existing and proposed residents as required by policy ST6.

With regard to the amenities of future occupiers, plot 20 has have been moved to create a satisfactory relationship with the rear of plots 18 and 19. It is now considered that all dwellings, including FOGs, would have adequate private amenity space and would not suffer any undue mutual overlooking. A number of properties now have enlarged gardens and whilst other gardens remain modest, it is considered that they are sufficient to provide an adequate amenities for future occupiers. On this basis it is considered that satisfactory levels of amenity would be provided for future occupiers as required by conditions ST5 and ST6.

#### Developer Obligations

The applicants have claimed that the contributions sought by the Leisure Policy Co-ordinator, Open Spaces Officer and County education authority would make the development unviable. At pre-application stage the proposal, as 100% affordable housing subsidised by the Homes and Communities Agency (HCA), was assessed by the District Valuer (DV). It was considered



then that, with the funding it was claimed was available, the proposal was viable with the requested contributions.

The applicant's Planning Obligations Statement states that the level of funding available is much reduced. It is accepted that the cost of development has not changed significantly and the sole significant variable is the public funding. When the DV looked at the proposal in May 2009 he specifically commented that the assumptions about funding seemed inflated, but assumed that they have been researched. The opinion of the Council's Corporate Strategic Housing Manager has therefore been sought on this issue.

It is his opinion that the DV's concerns were well placed; he therefore supports the applicant's contention that the funding available is substantially below that previously claimed to be available. Accordingly allowing for a substantial reduction in HCA funding it is accepted that the development would not be viable if all the obligations were sought.

As this is a windfall site, and does not have associated expectations in relation to planning obligations, it considered that the need to deliver much needed affordable housing in Chard must be balanced against other planning obligations. In this instance it is considered that the need for affordable housing outweighs other requests for education, open space and sports, arts and leisure contributions. Whilst it might be argued that a lower proportion of affordable housing might enable other contributions to be made it should be remembered the applicant is an affordable housing provider.

Accordingly it is considered justified to accept a higher proportion of affordable housing than would normally be expected (35%) without education and sports, arts and leisure contributions. However should any of the houses be developed for the open market it would be reasonable to expect the developer to make provision for these contributions. This could be achieved via an appropriately worded S.106 agreement.

The obligations that are considered essential are the need for improvements to the A30/A358 junction identified by the highways officer and improvements to the adjoining recreation ground in lieu of the failure to provide on-site open space. The applicant accepts this position and has acknowledged contributions of £16,560 (46 x £360) and £28,500 respectively. This is considered reasonable from a development of this size.

On the basis of the above it is considered that a 100% affordable scheme, with provision for improvements to the A30/A358 junction and mitigation of additional wear and tear on the recreation ground, together with the ability to recover contributions towards open space and sports, arts and leisure in relation to any houses that are sold on the open market, would comply with the requirements of policies ST10, CR3 and HG7.

#### Other Issues

It is considered that the drainage of the site could be adequately covered by condition, there being no insurmountable problems identified by the area engineer or Wessex Water. The ecologist raises no objection subject to safeguarding conditions. This issue of any impact on the local bat population has been considered no adverse affect identified. Accordingly the objections that have been received on the grounds of drainage and habitat loss are not considered supportable.

Finally a local resident claims there are inaccuracies in the submission, however no clarification of this has been provided. Apart from a couple of minor discrepancies on the submitted plans, which do not materially affect the proposal and have been addressed, the applicant maintains that the submitted details are accurate. In the event that errors in the submitted drawings render the scheme unimplementable the applicant might have to make a further application to resolve the situation. As always the onus is on the applicant to provide accurate details.

It is considered that provision of 46 units of much needed affordable housing in Chard, which would contribute towards a balanced housing market as required by Goal 9 of the Sustainable Community Strategy, outweighs the failure to provide for education, open space and sports, arts and leisure contributions. The proposal, which has been significantly amended to address the committee's previous concerns, is of an acceptable form, design and layout and subject to the amendments outlined above would have no negative impact on amenity and would not result in an unacceptable loss of employment land. There would be no adverse effects on highways safety, local drainage or ecology and the applicant has agreed to address the level of parking. On this basis this application is considered acceptable.

## **SECTION 106 PLANNING OBLIGATIONS**

A Section 106 Agreement would be necessary to ensure that all the new houses are affordable and to ensure that Sports, Arts and Leisure contributions are made at the appropriate rate.

## **RECOMMENDATION**

That 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 a contribution £16,560 is made towards junction improvements at the A30/A358
  - Ensure that a contribution of £28,500 is made to mitigate the additional wear and tear on the adjoining recreation space that would arise for this development due to the lack of on-site POS.
  - Ensure the delivery of the development as 100% affordable housing
  - Provide for appropriate education, open space and sports, arts and leisure contributions in relation to any houses that are sold on the open market (no more than 10% to be sold)
- (b) The imposition of the planning conditions set out below on the grant of planning permission.

## **JUSTIFICATION**

The provision of 46 units of much needed affordable housing in Chard outweighs the failure to provide for education, open space and sports, arts and leisure contributions. The proposal is of an acceptable form, design and layout that would have no negative impact on amenity, ecology, highways safety or the supply of employment land. Adequate provision has been made for possible pollution and drainage. As such the proposal complies with policies ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, EP1, EP6, ME6, TP1, TP3, TP4, TP7, HG1, HG4, HG7 and CR3 and would contribute towards Goals 3, 7, 8 and 9 of the South Somerset Sustainable Community Strategy.

## **SUBJECT TO THE FOLLOWING:**

1. The development hereby permitted shall be begun within three years of 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:-

1785/1 Rev A;; received 02/04/10; drawings 2849/1000; 2849/101B; 2849/102A;; 2849/104A; 2849/105A; 2849/106A; 2849/121/A; 2849/118A; 2849/117A; 2849/116A; 2849/114A; 2849/113A; 2849/112A; 2849/111A; 2849/110A; 2849/122B; 2849/123B; 2849/124B received 28/04/10; drawings 2849/100R; 2849/126C; 2849/107B; 2849/103B; 2849/115B received 08/07/10.

**Reason:** To clarify the development hereby approved as the submitted plans have been amended.

3. 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 4 to 6 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 in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

4. The further investigation and risk assessment as proposed in the applicants Phase 2 report should be completed. 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 should 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 in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

5. 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 in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

6. 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 in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

7. 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 in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

8. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

9. No development hereby approved shall be carried out until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage

techniques and once approved shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

**Reason:** To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

10. The development hereby permitted shall not be commenced until a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan

- 12: Notwithstanding the details submitted no development shall be carried out until such this as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

13. The windows to the west elevation of flat 42 and the south elevation of plots 44 shall be fitted with obscure glazing and shall only be operable in a manner to be agreed in writing by the local planning authority. Once approved such details shall be fully implemented, and not subsequently changed unless agreed otherwise in writing by the local planning authority.

**Reason:** To safeguard residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas, were appropriate and once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of visual and residential amenity and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with saved policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

15. No development hereby permitted shall take place until details of the solar thermal hot-water systems (or other method of renewable power generation) have been submitted to and approved in writing by the local planning authority. Once approved such systems shall be fully installed and operational prior to the occupation of any dwelling hereby approved and shall be maintained in good working order at all times thereafter unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of sustainable development in accordance with policy RE5 of the emerging Regional Spatial Strategy (RSS10).

16. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

**Reason:** To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

17. The development hereby permitted shall not be commenced (including any further ground works or site clearance) until further survey to determine the presence of Japanese Knotweed, and if present details of a scheme to eradicate Japanese Knotweed has been submitted to and approved in writing by the local planning authority. Once approved any eradication scheme shall be fully implemented prior to the commencement of development unless agreed otherwise in writing by the local planning authority.

**Reason:** In the interests of amenity in accordance with save policy ST6 of adopted South Somerset Local Plan and in order to comply with legislation (The Wildlife and Countryside Act 1981).

18. The development hereby permitted shall not be occupied until a scheme of management for the areas of landscaping has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

**Reason:** To ensure the suitable management of the landscaped areas in the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

19. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

**Reason:** In the interests of visual amenity and highways safety in accordance with saved policies ST5, ST6 and TO4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000)

20. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is

occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

**Reason:** In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

21. Prior to first occupation of the dwellings hereby approved details of the improvements to the junction of the existing cyclepath with Great Western Road shall be fully implemented in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details

**Reason:** In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

22. There shall be no obstruction to visibility greater than 600mm 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 highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

23. No dwelling hereby approved shall be occupied until such time as a scheme for the allocation and management of the parking spaces has been submitted to and approved in writing by the local planning authority. Once approved such management plan shall be adhered to at all times thereafter.

**Reason:** To ensure that adequate parking is provided to meet the future needs of existing residents and future occupiers of this development in accordance with saved policy TP7 of the South Somerset Local Plan.

#### **Informatives**

1. The information required in relation to condition 10 should take into account the comments of the Council's tree officer, a copy of which is attached.
2. 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 Licence. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement.