

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING REF NO: 036277/012
DATE OF APPLICATION: 12th March 2003

OUTLINE PERMISSION FOR DEVELOPMENT

THE MENDIP DISTRICT COUNCIL, being the LOCAL PLANNING AUTHORITY for the said District, HEREBY GRANT OUTLINE PLANNING PERMISSION, in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

AGENT/APPLICANT

RPS Group Plc
Harbourside House
4-5 The Grove
Bristol
BS1 4QZ

APPLICANT

C & J Clark International/Street Estates Ltd.,
40 High Street
Street
Somerset
BA16 0YA

Proposal: Outline - Residential development with new vehicular access/es [amended description]
Location: Land at C & J Clark International Ltd (Houndwood site Westway) Street, Somerset, BA16 0YA
Parish: Street

REASONS FOR APPROVAL

1. The proposal comprises a land swap involving the existing allocation for new housing at Houndwood, Street. The proposal is strategically a better solution than the existing arrangement, which would secure a significant amount of additional houses within the confines of the Town in a more suitable location closer to the town centre. The new distribution centre would secure Clarks long term future in Street and is therefore of significant importance to the economy. The proposal accords with the policies and objectives of the Development Plan and is acceptable.

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFORE

1. The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.
Reason: As required by Section 92 of the Town and Country Planning Act 1990 and to avoid the accumulation of unimplemented planning permissions.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: As required by Section 92 of the Town and Country Planning Act 1990 and to avoid the accumulation of unimplemented planning permissions.

3. Approval of the details of the (a) siting (b) design (c) external appearance of the buildings, and (d) landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

4. Plans and particulars of the reserved matters referred to in condition (03) above shall include details of:

- (a) the provision to be made for the parking of vehicles within the site.
- (b) the space to be provided for the loading, unloading and turning of vehicles within the site.
- (c) the surface treatment of any roadways and other parts of the site which will not be covered by buildings.
- (d) all external materials to be used in the development.
- (e) sustainable urban drainage systems (SUDS)
- (f) space to be provided within the site to accommodate (i) parking the vehicles of site personnel, operatives and visitors; (ii) loading and unloading plant and materials; and (iii) storage of plant and materials used in constructing the development.
- (j) existing and proposed ground and floor levels.

Reason: This is an outline permission and these matters require detailed consideration by the Local Planning Authority.

5. The development hereby approved shall not be carried out unless in general accordance with a design brief which shall have first been submitted to and approved in writing by the Local Planning Authority following consultation with the local community and other interested parties.

Reason: In order to involve the local community and other interests parties in the development of the site.

6. Prior to the commencement of construction of any of the dwelling houses, roads or other infrastructure, details of the provision for the attenuation and disposal of surface water, including a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the details so approved.

Reason: To secure satisfactory means of surface water disposal and attenuation.

7. Unless otherwise first agreed in writing by the Local Planning Authority, not more than 200 of the dwellings shall be occupied until on-site provision is made for public art in full accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include a programme for implementation.

Reason: As required by Policy Q7 of the Mendip District Local Plan (adopted December 2002).

8. Prior to the commencement of development, a full ecological survey of the site shall be submitted to and approved in writing by the Local Planning Authority. The ecological survey shall identify wildlife and ecological features present on the site, wildlife and ecological features affected by the development, and identify mitigation measures including a programme for their implementation. If in the event that development does not commence within 12 months of the date of approval of the said details and mitigation measures, the ecological survey shall be updated and the mitigation measures reviewed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the details so approved unless the Local Planning Authority grants its prior written approval to any variation.

Reason: In the interests of ecology.

9. No site clearance works or development affecting nesting birds shall take place between 1st March and 31st August in any calendar year without the prior written approval of the Local Planning Authority.

Reason: In the interests of the welfare and protection of nesting birds, legally protected species.

10. No site works or clearance shall be commenced until protective fences which conform with British Standard 5837:1991 have been erected around any existing trees and other existing or proposed landscape areas in positions to be indicated on plans to be first submitted to and approved in writing by the Local Planning Authority. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: To safeguard the areas to be landscaped and the existing trees and planting to be retained within the site.

11. No demolition shall take place unless in full accordance with a scheme for the restoration of the land, including a programme of works, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

12. The development shall not be carried out unless in full accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority in respect of the moving of any top or sub soil to other parts of the site or adjoining land.

Reason: In the interests of safeguarding the environment.

13. The proposed estate roads, in relation to footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving, shall be constructed and laid out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the approved details are implemented in full.

Reason: In the interests of highway safety.

14. None of the dwelling houses hereby approved shall be occupied until such time as the pedestrian/cycle paths to (1) the northern end of Cranhill Road; and (2) through Cranhill Road car park, are fully implemented in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The said pedestrian/cycle paths shall thereafter be permanently retained in situ unless the Local Planning Authority grants its prior written approval to any variation.

Reason: In the interests of highway safety.

15. Prior to the commencement of development, the ground conditions on the site shall be subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation shall be undertaken and shall form the basis for the requirements for sampling and analysis of current soils, site assessment and action plan to remedy any contamination. This shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of any other works in relation to any development on the site. Three copies of all documents relating to this requirement shall be submitted to the Local Planning Authority. The development shall not be carried out unless in accordance with the details so approved. In the event of any unforeseen circumstances requiring additional or alternative measures to remediate the site, the Local Planning Authority shall be notified. The developer shall not proceed with additional/alternative measures unless written approval has been first obtained from the Local Planning Authority.

Reason: In order to safeguard the development from pollution.

16. In the event that ground remediation is required by virtue of condition 15 (above), three copies of a Completion Report shall be submitted to the Local Planning Authority providing a validation of the remediation work carried out and the measures taken to manage any risks for the development. This shall be submitted prior to the occupation of the first dwelling (unless an alternative programme has first been agreed in writing with the Local Planning Authority). In addition three copies of a Remediation Certificate shall be provided to the Local Planning Authority, signed by the developer, confirming satisfactory remediation of the site on completion of all remedial works under the same time scale arrangements.

Reason: In order to safeguard the development from pollution.

NOTES

1. THIS APPROVAL IS SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE INTER ALIA THE FOLLOWING:-

- Highway Works;
- Affordable Housing;
- Open Space;
- Funding for the Local Education Authority;
- Phasing;
- Financial Contributions (in respect of Bus Service and Walton by-pass).

2. This decision relates to Supporting Planning Statement (excluding site plan); Transport Assessment; Tree Survey; Phase 1 Habitat Survey & Desk Study; Archaeological Evaluation; Public Exhibition Findings; Environmental Noise Survey Report; Noise Impact Assessment; Drainage Report; Geocontamination Desk Study; Drawing Numbers Sheets 1, 2, 3 and 4 (Topographical Site Survey) received on 12 March 2003; Landscape Statement received on 24 March 2003; Survey to Determine Presence and/or Use by Specific Protected Species dated June 2003; Drawing Numbers 112217-00 T03E, T04F, T05C, T06E, T07C, T08B, T010C, T11B, T12C, T14A, T15, Figures 6.8B and 6.10E (access and highway works) received on 19 December 2003; Site Plan (Drawing Number Figure 2C) received on 07 January 2004;

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.


4. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.

5. The following policies are relevant to the above mentioned conditions and should be read in conjunction with the reasons for those conditions:

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)
Policies STR1, STR2, STR4, STR7, 17, 33, 35, 39, 42, 43, 44, 45, 47, 48, 49, 51 and 64.

Mendip District Local Plan (adopted December 2002):
Policies S1, Q1, Q2, Q3, Q4, Q5, Q7, Q8, Q10, Q13, Q14, EN1, EN2, EN3, EN4, EN5, EN16, EN17, ER1, ER6, SN1, SN2, SN4, SN6, SN7, SN12, SN22, SN23, SN25 and S&W2.

6. The applicant's attention is drawn to the comments of the Environment Agency and Wessex Water, copies of which the applicant already has.
7. The applicant/developer is advised that the Local Planning Authority will expect the site to be developed at a minimum density of approximately 40 dwellings/hectare (ha).
8. Prior to any works commencing on site, the applicant is strongly encouraged to contact The Councils Environmental Protection Team to discuss proposed hours of operation and measures for minimising dust, noise and other effluvia. In addition the burning of materials on site should be avoided and under no circumstances should any materials be burned which would give rise to dark smoke.



Janet Wilson
Development Control Service Manager

If you have any queries regarding this notice please contact our Enquiries Team on 01749 341550

Dated 15th January 2004