The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2016

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 December 2016

Appeal Ref: APP/R3325/W/16/3152052
Former Highways Depot, Etsome Terrace, Somerton, Somerset, TA11 6LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by MMCG (Somerton) Ltd against the decision of South Somerset District Council.
- The application Ref 15/03232/FUL, dated 10 July 2015, was refused by notice dated 29 March 2016.
- The development proposed is the erection of 10 houses and a convenience store with associated parking and access arrangements.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 10 houses and a convenience store with associated parking and access arrangements at the former Highways Depot, Etsome Terrace, Somerton, Somerset, TA11 6LY in accordance with the terms of the application, Ref 15/03232/FUL, dated 10 July 2015, subject to the conditions set out in the Schedule at the end of this decision.

Site description, planning background and details of the appeal proposal

2. The appeal site is a former Highways Depot of some 0.4 hectares, located on the west side of Etsome Terrace. It is generally level and has been cleared of buildings. The site's northern boundary abuts the grounds of an infants' school (King Ina Academy), whilst a small public park with a Locally Equipped Area for Play (LEAP) lies immediately to the south, with the Somerton Fire Station lying just to the south of this park. Existing dwellings served by Etsome Close and The Thatch lie immediately to the west.

3. Since the site ceased operating as a Highways Depot it has been the subject of a number of applications for planning permission. Most recently, conditional approval was given in 2011 for the erection of 13 houses and garages, together with an access road and parking area. This replaced an extant permission for a development with the same description which had been granted in 2008.

4. The appeal proposal is for a mixed development of 10, 2-storey houses, arranged in 2 terraces of 3 units and a single terrace of 4 units, sited to the centre and western side of the site, together with a single-storey retail unit to be sited at the eastern side of the site, adjacent to Etsome Terrace. This retail unit would have a gross floor area of 350 square metres (sqm) and a net retail sales area of 232 sqm, and would be operated by the Co-operative Group ("the Co-op") as one of its smaller convenience (or "c" stores).

5. The store and the dwellings would both be served from a single access at the site's south-eastern corner and an access road running along the southern side of the site. Parking spaces would be provided for the residential units and the retail store, to include some disabled and motorcycle spaces. A school dropping-off area would also be located within the site.

Main issue

6. The Council refused planning permission for the appeal proposal for a single reason relating to the retail element of this proposal. Accordingly, I consider that there is a single main issue in this case, albeit with 2 strands – namely, the effect of the proposed retail unit on the vitality and viability of Somerton town centre; and whether it would be of an appropriate scale and type to meet the local needs of the area.

Planning policy context

7. The development plan includes the South Somerset Local Plan (SSLP), which was adopted in March 2015. The Officer's report to Committee explains that Somerton is designated a Local Market Town in the SSLP, where provision for new housing, employment, shopping and other services should increase self-containment and enhance its role as a service centre. It also notes that the appeal site lies within the development area of Somerton, where the principle for housing development is accepted, and that the site is previously developed land, with the re-use of such land supported by both the SSLP and the National Planning Policy Framework ("the Framework").

8. The Council's reason for refusal cited 2 policies from the SSLP, namely Policy EP11, which deals with the sequential approach to the location of main town centre uses; and Policy EP14 which deals with Neighbourhood Centres.

9. At the national level, in addition to the aforementioned Framework, the Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal.

Reasons

Sequential test

10. The defined town centre of Somerton, where it is generally expected that new town centre uses will be located, lies to the east of the railway, and sits almost wholly within the town's Conservation Area. National guidance in the Framework requires a sequential test to be applied to planning proposals for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It explains that if main town centre uses cannot be located within town centres, edge-of-centre locations should be considered next, and only if suitable sites are not available should out-of-centre sites be considered.

11. The Framework also makes it clear that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. It further states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

12. These matters are generally echoed by SSLP Policy EP11, which specifies a similar sequential approach in order to sustain and enhance the vitality and viability of town centres. It explains that applications for main town centre uses should be refused planning permission if compliance with the sequential approach to site

selection cannot be demonstrated; or if there is clear evidence that the proposal, either alone or combined with other recent and outstanding planning permissions would seriously affect the vitality and viability of a nearby town centre.

13. The appeal site lies some 400m from Somerton town centre and is therefore considered to be out-of-centre for the purposes of Policy EP11. Accordingly, the appellant has undertaken a sequential test as part of a wider Retail Impact Assessment (RIA) and subsequent RIA Addendum, submitted to support the planning application. With regards to the size of the proposed convenience store, the appellant has explained that as part of its current retail strategy, the Co-op has been selling off a number of its larger supermarkets[1] and opening around 150 smaller "c" stores on an annual basis.

14. These "c" stores would generally have a net retail sales area of about 372 sqm (4,000 sqft), although a smaller store is proposed here, at just 232 sqm (2,500 sqft), as this is considered a more appropriate size to be located in Somerton. In my opinion this shows some flexibility on behalf of the appellant, as sought by the Framework.

15. The RIA and its Addendum indicate that the appellant has used information from the Council's Annual Monitoring Report, and additional information supplied by the Council, to identify vacant properties within the town centre. However, out of a total of 11 properties investigated, all except one were either not available or were too small to accommodate the proposed store. The only property approaching the required size was a 2-storey building referred to as the ex-surgery, located next to the library and the existing Williams Supermarket.

16. But this ex-surgery building has an overall size of just some 251 sqm (2,700 sqft), which the appellant indicates would only provide a net sales area of about 167-186 sqm (1,800-2,000 sqft). I see no reason to doubt the appellant's comment that not only would this be too small for the Co-op's requirements, but the fact that the floor area would need to be spread over 2 storeys would also prove to be operationally impractical in a store of this size, both for customer movement and for storage and re-stocking.

17. A further 2, edge-of-centre sites were also examined in the RIA, but one of these was reported as having recently been sold, and was no longer available, whilst at just 17 sqm the second property would be far too small to accommodate the proposed Co-op store. On the basis of this information I am satisfied that there are no suitable properties either within the town centre, or in edge-of-centre locations, which could accommodate the proposed store.

18. The appellant has therefore satisfactorily undertaken the sequential test required by both national and local planning policy, and has demonstrated that there are no sequentially preferable sites where the retail element of the appeal proposal could be located. This was also the view reached by the Council Officers who assessed this proposal. In the following section I assess what impact the proposed store would be likely to have on the vitality and viability of Somerton town centre.

Impact test

19. The Framework indicates that an impact test should be undertaken if the proposed development would exceed a proportionate, locally set floorspace threshold or a default threshold of 2,500 sqm. A local threshold of 250 sqm has been set for

[1] Larger than about 929 sqm (10,000 square feet (sqft))

Somerton, meaning that an assessment of likely impact is needed in this case. Guidance in both the Framework and the PPG explains that an assessment should be made of the likely impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and also on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

20. The PPG further explains that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. In this regard I note from the RIA that the methodology has been discussed with Council Officers, with the main evidence base for the assessment being the South Somerset Retail Study Update (SSRSU) of 2012. The appellant acknowledges that some aspects of this SSRSU may be out of date, but as it was used as the main evidence base for the March 2015 SSLP, it is still considered appropriate for this impact test. Council Officers agreed that this would be an acceptable approach, and I see no reason to take a different view.

21. As reported in the RIA, the SSRSU demonstrates that retail expenditure in Somerton is well contained, tending to come from Somerton and the surrounding area known as Zone 5 (Langport & Somerton). However, whilst little flows into Somerton by way of convenience expenditure, there is a lot of leakage out of the town, predominantly to the Tesco store at Langport, some 8 km (4.5 miles) to the west; the retail outlets of Yeovil; and other retail stores outside the Council's area. On this basis the appellant maintains that the catchment for the proposed Co-op store would be predominantly the residents of Somerton and, to a lesser degree, residents of surrounding villages, as well as seasonal visitors to the area.

22. Information on the distribution of commercial uses within the town centre in 2008 and 2010, reinforced by more recent observations by the appellant, show that the town's offering focusses on service/other uses (about 41% in 2010) with comparison uses next (some 32%), followed by convenience uses (11%), with other properties being vacant. The main convenience store in the town centre is the Williams Supermarket in the Brunel Shopping Centre, with a floor area of some 882 sqm and a turnover of £3.64 million. A number of other, much smaller convenience stores, with floor areas ranging from about 30 sqm to 65 sqm are also listed as being located in or close to the town centre. The appeal proposal would increase the convenience floorspace in the town by about 23%.

23. The RIA first assesses the likely impact of this proposed additional floorspace on existing, committed and planned investment in the town centre. For each of these categories the RIA states that the appellant is unaware of any specific public or private investment in the town centre, and that the Council has not indicated there to be any such investment in its feedback to the appellant. There is no evidence before me to cause me to take a different view.

24. In terms of expenditure in Zone 5, the SSRSU shows that main shopping and top-up shopping expenditure amounted to some £42.7million, with about £7.1 million of this being spent in Somerton. Furthermore, with an annual turnover of some £3.6 million, the Williams Supermarket can be seen to take around 50% of all convenience spend in Somerton. But the RIA also makes it clear that on the basis of a more up to date population figure for Somerton[2] than was used in the SSRSU, and using an agreed figure for per capita spending on convenience goods, the

[2] 4,697 in the 2011 Census, compared to the mid-2010 figure of 4,274 used in the SSRSU – about a 10% increase

total available convenience expenditure from Somerton residents alone would be expected to be £9.8 million. This reinforces the appellant's contention that convenience expenditure is being lost from the town.

25. Based on the net floor area of 232 sqm, and a benchmark Co-op sales density of £7,181 per sqm, the RIA estimates the proposed store as having an annual turnover of about £1.65 million. The RIA then makes assumptions as to where this trade is likely to come from. It argues that based on previous experience, the proposed Co-op store would be likely to draw some £0.8 million (around 50%) from the Tesco store at Langport, which is shown to be currently overtrading. The appellant bases this assumption on the fact that this store is easily accessible to Somerton residents, especially those on the western side of the town, as it lies just about 8 km (4.5 miles) from Somerton (stated to be about 6 minutes by car), and is also on a main bus route from Somerton.

26. A further £0.4 million (around 25%) is anticipated to be drawn to the store from existing Somerton retail outlets. On the basis of the current convenience spend within Somerton, detailed above, this would only equate to an impact of some 5%-6% on other shops within Somerton. The RIA accepts that the main impact is likely to be on the Williams Supermarket, with whom the Co-op store would undoubtedly compete for customers, but because of what is referred to as the specialist nature of the Williams offer, and its central location close to ample free parking, it argues that the trade likely to be lost to the Co-op would be limited.

27. In support of this view the appellant points out that the Williams Supermarket has a number of distinctive characteristics, including the fact that it specialises in local and West Country foods; offers 30 local cheeses and local meats from a dedicated delicatessen counter; has specially designed "point of sale" and weekly in-store tastings; has a bespoke off-licence selling local ales and ciders as well as its own Williams' ale, supported by tasting events; has its own range of local jams and chutneys; and has a delicatessen and café counter with a seating area, with this area also selling handmade chocolates. Equally, the Co-op would have its own distinctive offer, centred on high quality, ethically sourced products, including Fairtrade and animal-welfare products.

28. Because of the above points the appellant contends that the split of trade draw between the Williams Supermarket and the smaller convenience stores in the town would be about 60:40, meaning that there would be a draw from Williams of approximately £240,000, which would equate to an impact of some 6.5% when compared to the annual turnover of £3.6 million. Again, there is no firm, contrary evidence before me on this matter to cause me to question the appellant's figures.

29. The RIA notes that some £3 million of current Zone 5 expenditure goes to Yeovil and argues that Somerton residents are likely to contribute significantly to this total. Making assumptions about the number of houses within walking distance of the proposed Co-op store and a number of other factors, the appellant considers it reasonable that the proposed Co-op store would draw £0.05 million of its turnover from expenditure currently lost to Yeovil.

30. Finally, a further £0.4 million (around 25%) is anticipated to be drawn to the store from what the appellant describes as "elsewhere" – in other words, not from any of the specific locations referred to in the preceding paragraphs. The RIA acknowledges that it is more difficult to make any firm assumptions about this area of expenditure, as the exact location or locations are not discussed in the SSRSU. However, the appellant's view is that for a number of reasons, including

the accessible location of the proposed Co-op store and the fact that it would introduce a retailer who is currently not represented in Somerton or the wider Zone 5, then it is reasonable to assume that the leakage of expenditure to "elsewhere" could be reduced.

31. Taken together, the figures detailed above represent the appellant's best estimate of the places from where the predicted store's annual turnover of £1.65 million would be drawn. I have noted that opposing views on this matter have been put forward by the Council, and also in representations from interested persons, including from the Town Council and owners of the Williams Supermarket and another convenience store in West Street, many of whom maintain that the RIA is inadequate. However, whilst I fully understand and appreciate the concerns raised, they have not been supported by any firm, detailed or verifiable alternative assessments as to the likely impact of the proposed store, for me to consider alongside the evidence submitted by the appellant. Nor have any clear reasons been given as to why the RIA should be considered inadequate.

32. The appellant has acknowledged that it has encountered difficulties and challenges in producing a proportionate RIA for this development, and accepts that many of the impacts have to be assumed to have margins of error. Nevertheless, I consider that the appellant has followed an understandable and methodical process, drawing on published data in the SSRSU, and has produced a reasonable, well-argued and well-justified assessment. In the absence of any firm evidence to the contrary, I see no good reason to disregard it.

33. The upshot of the appellant's assessment, as noted above, is that there would be a predicted decrease in turnover of the town centre convenience shops of just some 5%-6%, based on the current spend of around £7.1 million. I do not consider this to be a significant impact. Moreover, the RIA indicates that only some 11% of the commercial premises in the town centre are convenience stores, with a far greater percentage trading in specialist and comparison goods or providing offices or services, including accountants, lawyers, estate agents, hairdressers and a laundry. Indeed the RIA states that Somerton is seen as the administrative centre for its rural surroundings.

34. Coupled with the fact that the town centre has free parking in a large, central car park, I see no good reason to dispute the appellant's comment that this mix of uses gives the town centre a sense of vitality and vibrancy. Furthermore, the submitted evidence shows that both convenience and comparison expenditure in Somerton are expected to rise over the next 5 years or so, as a result of increasing population, together with changes in shopping patterns which are seeing a rise in top–up shopping at the expense of main, weekly shops.

35. On the first of these points, the impact analysis undertaken by the appellant is based on the figures in the SSRSU but, as already noted, the population of Somerton has increased by 10% since the mid-2010 estimates used in this study. On its own, this increase in population means that a further £0.9 million of convenience expenditure should potentially be available from Somerton residents, and further increases are likely from additional population growth, in view of the fact that SSLP Policy LMT3 defines a growth area to the west of the town.

36. On the second point, I note that within the SSLP Somerton is referred to as being orientated towards a top-up food shopping function, and this is the very area that the appeal proposal would seek to service. I therefore share the appellant's view that increasing convenience floorspace in Somerton by about 23%, when

convenience spend is projected to increase markedly, is a good way of helping to meet the Council's aspirations for retaining convenience spend in the town.

37. I understand the concerns expressed by the Council, and others, that if expenditure is diverted away from the town centre to the proposed Co-op store, then the reduction in footfall in the town centre could have an impact on the other shops and services. But as the vast majority of customers to any new Co-op store would be Somerton residents, it is difficult to see why the other shops in the town centre – other than the aforementioned convenience stores – would be materially affected. Certainly, no firm evidence has been submitted to support the view that Somerton residents would chose to shop out of the town for the specialist, comparison, and other services the town currently offers, if they chose to carry out some of their convenience shopping just 400m or so away from the town centre.

38. Drawing all the above points together, I conclude that the proposed Co-op store would not have any significant adverse impact on the vitality and viability of the town centre.

Scale and type of proposed convenience store

39. The Council maintains that with a retail floor area of some 232 sqm, the proposed convenience store would have a bigger than local impact and, as such, would not be of an appropriate scale for this location. It states that the local need for minor consumable necessities is already met in this locality by an existing retail outlet close to the appeal site on Langport Road[3], with extended opening hours of 0700 hours to 2300 hours on summer weekdays.

40. It further argues that this existing store, which has a far smaller floor area than the proposed Co-op, is geared precisely to meet local needs for convenience goods during these extended opening hours and is located within easy walking distance of a large residential area. As such, the Council maintains that the proposed store could not be justified on the basis that it would meet a local need, as that need is already being met. In view of these points it is the Council's view that the proposal would not accord with SSLP Policy EP14.

41. However, this policy relates specifically to Neighbourhood Centres which are defined, in the policy's supporting text, as small parades of shops of purely neighbourhood significance, generally located within large residential estates and designed to give access to day-to-day top-up items. Whilst I accept that a single Co-op store, as proposed here, would have some similarities with a Neighbourhood Centre, the fact remains that it would <u>not</u> be a Neighbourhood Centre, and it is therefore questionable whether this policy is strictly relevant. Moreover, there is no guidance within the policy to indicate how the appropriateness of scale and type should be assessed.

42. The only meaningful guide seems to be in the supporting text, which explains that new Neighbourhood Centres should complement rather than compete with the retail facilities in nearby town centres, whilst the policy itself indicates that the vitality and viability of nearby town centres must not be adversely affected. I have already concluded that because of its own particular characteristics, the proposed Co-op store would provide a somewhat different type of retail offer to that currently available within Somerton, and would not have any significant

[3] Referred to as a "Nisa Local", but not obviously signed as such at the time of my site visit

adverse impacts on the vitality and viability of the town centre. Because of this, I further conclude that it would not be inappropriate or unacceptable at this location. I therefore find no conflict with SSLP Policy EP14.

43. I have had regard to the concerns regarding potential loss of trade if the appeal proposal is allowed, expressed by other local retailers who are also located outside the town centre. However, competition with other out-of-centre traders is not a good planning reason for refusing planning permission for a further retail unit. This was also the view of Council Officers who considered the original application.

Other matters

44. Concerns had been raised by various parties, including the Town Council and the Police, regarding various highway aspects of the overall proposal, primarily relating to whether the site could be safely accessed by delivery vehicles, and how the school drop-off area would operate. However, I understand that as a result of the submission of a swept path analysis and further discussions, all of these matters have been satisfactorily resolved. Certainly, no such concerns found their way into the reason for refusal, and because of this I am satisfied that no unacceptable problems would arise regarding these matters.

45. In addition, some minor concerns regarding the likely impact of the proposed development on the living conditions of future and nearby residents were raised in the early stages of this proposal, but these have either been resolved already, or could be addressed by the imposition of planning conditions on any approval[4]. Again, no such concerns were included in the Council's reason for refusal.

46. Finally, I have had regard to the appellant's unilateral undertaking[5], which would make a capital contribution towards specific play equipment at the Etsome Terrace LEAP, and a contribution towards the ongoing maintenance of this new equipment. As the appeal proposal would increase the population of Somerton and be likely to place pressure on recreational facilities, I consider that the proposed contributions would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as they would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Conclusion

47. Having taken account of all the matters detailed above, I conclude that the proposed retail unit would not have an unacceptably adverse effect on the vitality and viability of Somerton town centre, and would be of an appropriate scale and type to meet the local needs of the area. Accordingly, the appeal proposal would not be in conflict with the development plan policies already referred to, nor with relevant national guidance in the Framework or the PPG.

48. The appeal is therefore allowed, subject to the imposition of a number of conditions, as suggested by the Council. Condition 1 is the standard time condition for the commencement of development, whilst Condition 2, which specifies the approved plans, is imposed for the avoidance of doubt and in the interests of proper planning. Conditions 3, 18, 19 and 22 seek to control various aspects of the development in the interests of residential amenity, with Condition 3 also being imposed to safeguard the vitality of the town centre.

[4] Such as the control of delivery hours
[5] Made under Section 106 of the Town and Country Planning Act 1990, as amended

49. Conditions 4, 17 and 21 are all imposed to safeguard the character and appearance of the area, in the interests of visual amenity, whilst a number of conditions are needed to control the development in the interests of highway safety. These are Conditions 5, 6, 7, 8, 9, 10, 11, 12, 14 and 20. Condition 9 is also needed to ensure adequate drainage for the site, and Condition 12 would also safeguard children accessing the school from the school dropping-off area.

50. Condition 13 will ensure that the proposed development will not cause pollution of Controlled Waters or harm to health and safety, whilst Condition 15 will prevent the increased risk of flooding and protect water quality. Finally, Condition 16 is necessary to ensure adequate adoption and maintenance of the surface water drainage scheme.

51. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

Schedule of Conditions (22 in total)

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 1489/A1 numbers 200C, 210B, 211A and 212B.

3) The proposed retail unit shown on the submitted plan ref. 1489/A1/200C shall be used for a local convenience store and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

4) No development hereby permitted shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
    a) materials (including the provision of samples where appropriate) to be used for external walls and roofs; this shall be supported by a sample panel of natural stone (to be used for the retail unit), indicating pointing, coursing and mortar mix;
    b) full design details and material and external finish to be used for all windows, all external doors, lintels, entrance gates, boarding and openings;
    c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
    d) details of the surface material for the parking and turning areas; and
    e) details of all boundary treatments.

    The relevant works shall be implemented in accordance with the approved details.

5) No development hereby permitted shall be commenced unless details of a scheme of management of the school dropping-off area shown on the submitted plan ref. 1489/A1/200C have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include:
    a) details of demarcation of bays and turning areas; and
    b) a means of control of the use of the area to ensure availability of bays for dropping off/collecting children.

    Such details, once approved, shall be fully implemented at the same time as construction of the access roads, and thereafter retained and maintained.

6) The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking/compound area for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice (including means to limit noise, dust, fumes, vibration, traffic, mud or dirt on the highway, etc, during construction). The development shall be carried out strictly in accordance with the approved Construction Management Plan.

7) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junction, 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.

8) 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.

9) No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

10) The development hereby permitted shall not be occupied until the approved parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

11) Adequate space for loading/offloading shall be maintained within the enclosed yard (attached to the proposed retail unit shown on the submitted plan ref. 1489/A1/200C) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include:

    a) position and operation of the access gates;
    b) demarcation of loading and storage areas within the yard.

    Once approved the details shall be fully implemented and thereafter retained and maintained. Any area designated for loading/offloading shall be kept clear of obstruction and used solely for that purpose at all times.

12) No deliveries to the retail unit shown on the submitted plan ref. 1489/A1/200C shall take place between the hours of 0800 – 0900 hrs; and 1430 – 1530 hrs, Mondays to Fridays.

13) No development hereby permitted shall be commenced unless:

    a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The study should include an assessment of the potential risks to:
        - human health;

- property (existing or proposed);
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

If the potential for significant ground contamination is confirmed then using this information:

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected; and
- refinement of the Conceptual Model; and
- the development of a Method Statement detailing the remediation requirements.

d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, and 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 using the information obtained from the Site Investigation, should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

14) The retail unit shown on the submitted plan ref. 1489/A1/200C shall not be brought into operation until the new access road, 16 parking spaces for retail use, and the Enclosed Yard have been constructed and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The 16 parking spaces shall be permanently retained and maintained for use in connection with the retail unit hereby permitted.

15) No development shall commence until a surface water drainage scheme for the site, based on infiltration testing carried out on site, has been submitted to and approved in writing by the Local Planning Authority. Any surface water that cannot be disposed of through infiltration shall be attenuated on site and disposed of to the public sewer at a rate approved by Wessex Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

16) No development hereby permitted shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority.

17) No development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, amended positioning and size of windows, or other openings (including doors) shall be formed in the buildings, without the prior express grant of planning permission.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings without the prior express grant of planning permission.

20) Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.

21) No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the agreed details.

22) No development hereby permitted shall be commenced unless details (including exact height above floor level) of the high level bedroom window to Unit 6 indicated on the submitted plan ref. 1489/A1/212B have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully implemented and thereafter retained and maintained.