

## **COMMITTEE REPORT**

**Application No: 10/04015/FUL**

**Case Officer: Sarah James**

### **Details of location and proposal and Relevant History:**

**Parcel 0058, Cautletts Close, Midsomer Norton, Bath And North East Somerset,**

#### **REASON FOR REPORTING APPLICATION TO COMMITTEE:**

The application has been requested for Committee by Councillor Watt on the basis that 1. The volume of objections which merit the level of public scrutiny that would come from the planning committee. 2. Norton Radstock Town Council in the role as statutory consultee failed to be quorate and therefore provided no opportunity for concerned residents to attend a public meeting to discuss these matters. 3. This site was allocated in the Local Plan by the regional planning inspector and given that the use of this site has never been properly debated in a democratic forum it is essential that it should be. 4. There are very considerable issues to be resolved around flooding, drainage and traffic that are not dealt with appropriately in the application. The Chair of the Planning Committee has agreed that the application should be reported.

#### **DESCRIPTION OF SITE AND APPLICATION:**

The application site is located to the south westerly edge of Midsomer Norton. The site extends to approximately 3.44 ha. To the south west of the site lies residential development around Furlong Close and Cautletts Close. To the north of the site lies the River Somer with a riverside walk along its northern side and further residential development along Steam Mills and Withies Park. To the north east of the site lies Midsomer Norton Cricket Club and further east Somervale School. To the south west lies Withies Lane and further playing fields. Midsomer Norton town centre lies approximately 600m to the east and is most directly accessed via Withies Park/Steam Mills or via the riverside walk. The site is primarily agricultural. The site has been allocated for housing in the BANES Local Plan Policy NR15 (2007) for approximately 110 dwellings.

The proposed development is for the erection of new homes of which 39 would comprise affordable housing. This would follow a tenure blind pepper potted approach. Access to the site would be through 100 Withies Park (which would be demolished) and via a new bridge over the River Somer into an internal hierarchy of shared space streets and lanes. The scale of buildings is predominately 2 storey with some dwellings designed to use the roofspace for further accommodation (2.5 storey).

Materials proposed would comprise of:- Elevations either: Render Stone Colour or Brick (all boundary walling to be brick) Roofing either: Eternit Slate or Red Tile  
Surfacing to be Tarmac or Marshalls Tegula Cobbles/Setts Traditional Colour

The following documents have been submitted with this application:- Design and Access Statement, Flood Risk Reports, Site Investigation Reports, Arboricultural Report, Ecological Report, Transport Assessment, Sustainable Construction Checklist.

### **Summary of Consultation/Representations:**

HIGHWAY DEVELOPMENT OFFICER:- Comments made 25th October 2010 - The form of the access and the on site layout, together with appropriate contributions to highway works and strategic infrastructure have been agreed in principle. From the Transport Statement it can be seen that the proposal could add 610 vehicle movements (5.449 trips per day per dwelling) to the

highway network each day. The impact of these trips has been assessed at the Steam Mills/Redfield Road junction to establish the capacity of the junction, and the results indicate there is adequate capacity to accommodate the additional traffic generated by the proposed development.

The access from Withies Park is proposed as a standard priority junction with a bridge crossing over the River Somer. The bridge also provides a gateway feature into the main development, which has been developed around a shared space concept, in line with current guidance in Manual for Streets. The proposed access road from Withies Park achieves a 5.5m carriageway width from its junction with Withies Park for a distance of 19m into the site, where it narrows to 3.25m across the bridge and into the development site. The kerbing across the bridge will be low level (25mm) which will allow for overrunning by emergency vehicles, if the need were to arise, although the 3.25m carriageway width is an acceptable width for service and emergency vehicles, and the adjoining 2.75m wide footway would also allow for access by emergency vehicles, if there was an obstruction on the carriageway itself. The junction with Withies Park will provide visibility splays of 2.4m by 43m in each direction, which accords with the advice in Manual for Streets.

The site is located within walking and cycling distance of the town centre and a range of local facilities, and Withies Park is also a bus route which will provide public transport facilities into the town and to Bath, Bristol and Frome.

Parking for the 1-bedroom units has been provided with a single dedicated space, with additional visitor spaces indicated nearby, and this level of provision is considered acceptable for this size of dwelling. The 2, 3, 4, and 5-bedroom plots are generally served by a minimum of two parking spaces each, which is considered to be a generally accepted standard, however, there are 21 of the 2-bedroom and 3-bedroom units which have only a single parking space each, with access to only 10 dedicated visitor parking spaces. Whilst it is accepted that the parking standards within the Local Plan are maximum standards, and developments should encourage more sustainable modes of travel to the car, the lack of adequate provision for parking for each dwelling, particularly in this development where the availability of on-street parking would be limited, would result in indiscriminate parking and would be unacceptable.

The general form of the internal access roads has been agreed, but details of the achievable visibility at each road junction should be indicated on a drawing, in order to demonstrate compliance with current guidance, which should be shown over land that will be intended to be offered for adoption as public highway.

Swept path analysis for refuse and service vehicles should also be submitted for the internal layout, to demonstrate that all such vehicles can be adequately accommodated.

More detailed engineering drawings should ideally be submitted with the planning application, to demonstrate more clearly how the concepts of the shared space roads would be constructed and drained, together with accommodation for street lighting provision. These details have not been included within the current submission, and further details are therefore required.

The scheme has been developed on the basis of shared space principles, where vehicles, cycles and pedestrians will share a common surface, but there is a need to provide a direct pedestrian link between the lane to the south eastern side of the site and the shared space access road, in the general vicinity of Plots 43 and 45, to provide for better permeability within the site for pedestrians. The need for this link has been discussed at pre-application stage, and it is felt that without this link, residents would not be offered acceptable choices for walking in favour of the use of the car, which would be contrary to sustainable development.

If the development were otherwise acceptable a S106 contribution to cover a number of highway related matters would be sought.

Updated comments made 4th November 2010 - I refer to the additional drawings numbered 0215-013, 0215-014 and 13039/5000/C which have been submitted to address my comments on parking numbers, confirmation of swept path movements and visibility.

With regard to the revised parking layout, I would confirm that the parking space numbers have been increased in line with my comments, and are therefore now acceptable. A drawing has been submitted with swept path analysis for a refuse/service vehicle to demonstrate that such a vehicle can manoeuvre around the proposed highway layout. Whilst it is clear that some areas are tight, particularly along the lane, all areas can be accessed by such vehicles, and I am therefore happy that this is acceptable.

With regard to the submitted drawing indicating the visibility splays for the internal road junctions, it has been shown that all junctions are proposed with 2m by 15m splays. On the basis of the lack of evidence and having regard to the advice in manual for Streets, I would consider the proposed visibility to be inadequate. However, if the applicants were to consider the use of a block paved surface, which would also be of benefit in terms of the drainage of the site, a reduced distance for visibility from the recommended 25m could be applied. A typical cross section of the proposed construction of the streets has been submitted, which indicates a tarmac construction and a centrally drained highway. The principle of the centrally drained highway is considered acceptable, however, the detail of the central channel and indeed the surfacing of the highway will need to be the subject of further negotiations and approvals through any subsequent Section 38 technical submission.

A pedestrian link in the vicinity of Plots 45,46 would be desirable and provide for greater permeability throughout the site however the provision of such a link may not be considered critical in terms of maintaining the design concepts as put forward.

Having regard to the additional information submitted, and the comments above, I would feel bound to recommend that this application be refused on highway grounds for the following reasons:-

The proposed layout does not demonstrate that adequate visibility splays can be achieved at the internal road junctions, which are required to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development.

However, this objection could potentially be overcome with an increased set back X distance of 2.4m and either increased visibility splays along the roads, or with the use of a block paved surface material. The applicants may therefore wish to put forward further justification for the visibility, as proposed, and evidence of its safe application, or for an amendment to the splays and surfacing, as suggested above.

If the development were otherwise acceptable a S106 contribution to cover a number of highway related matters would be required.

Updated comments made 8th November - I refer to the Drawing No. 0215-013 Rev B which has been submitted to address my concerns regarding visibility. The applicants Agent has amended the layout to provide 2.4m by 22m visibility splays at the more major junctions within the development, to comply with a target speed of 20mph, and 2.4m by 15m at the more minor junctions, where speeds would be lower than 20mph. These levels of visibility would comply with guidance in Manual for Streets for roads subject to speeds of 20mph and 12mph respectively. The nature of the layout of the development, where the streets will be laid out as shared space, should deliver low speeds, and I am therefore happy that the levels of visibility shown on the amended plan address my previous objection. I therefore recommend that any permission is withheld pending the completion of the legal agreement to secure the highway contributions

ENVIRONMENTAL HEALTH OFFICER: Comments made 25th October 2010 - No Objection subject to conditions

ENVIRONMENT AGENCY: Comments made 25th October 2010 - Objection - The Flood Risk assessment submitted is inadequate and fails to demonstrate the viability of the flood water drainage scheme and demonstrate that the flood risk to the surrounding area would not increase as a result of this development.

Updated comments received 3rd November 2010 - We have now received additional information via emails from Jubb and Bannersgate Limited seeking to address the issues raised regarding the new bridge, surface water drainage, and residual risk from the flood alleviation scheme (emails dated the 25th October, 28th October and 29th October 2010). These emails and the details enclosed must be provided to the LPA to ensure they form part of the planning application documents under consideration. Following review of these revised and additional Flood Risk Assessment (FRA) details the Environment Agency is now able to withdraw its objection the proposal subject to conditions

Updated comments received 4th November 2010 - I've reviewed the correspondence and would like to correct references made to the documents reviewed. The following email dates and documents are what we reviewed which allowed us to remove our objection and should be provided to the LPA as part of the planning filing.

- email of the 18th October 2010 from Roger Williams with an attached letter, surcharged outfall microdrainage calcs. and amended preliminary drainage layout 09068/PDL-B
- email of the 28th October 2010 from Roger Williams with addressing the issue of any failure of the flood alleviation tunnel and attached relevant SFRA level 2 maps and an FRA addendum
- email of the 29th October 2010 from Tom Shipp at Jubb addressing the bridge design and attaching a bridge general arrangement drawing.
- subsequent email of the 29th October 2010 from Jeanette Robinson at Jubb and attached road access bridge report.

LANDSCAPE ARCHITECT: Comments made 4th November 2010 - additional information is required including how trees near the accesses would be protected during the construction phase. Confirmation is required as to who is responsible for management of the hedges to ensure they are managed consistently and to prevent ownership passing to householders with the resultant risk of removal. An informal path to be provided through the riverside public open space would be preferable. It would be necessary to ensure it doesn't pass too close to the river and any valuable ecological areas. Provision of a path, possibly using a crushed stone surface, would have the advantage of formalising access arrangements so that the area is appreciated, used and informally supervised while discouraging access to the areas most valuable for wildlife. A mown grass footpath as shown through part of the area if used is likely to become uninviting due to puddling and encroaching vegetation. Apart from a balancing pond there seems to be a lack of an integrated Sustainable Urban Drainage Scheme. There is need for a mechanism in place (eg a Section 106 agreement) to ensure future maintenance of the open spaces and hedges forming part of the site.

URBAN DESIGNER: Comments made 28th October 2010 - There are two unresolved design issues which are :-

- The lack of a pedestrian link from Cautletts Close/Furlong Close to the south west of the site which would provide a more direct route towards the High Street from these existing homes as well as some footfall through the new development - the design of the homes and layout miss clear opportunities to reduce resource consumption as outlined in the Sustainable Construction Checklist.

PARKS AND GREEN SPACES OFFICER: A Section 106 contribution is sought to provide a sum of money for off site provision of additional open space , recreational facilities, enhancement of existing natural green space and create new allotments. The applicant has requested further justification for the amount sought and in this regard the matter is under consideration. In addition it would be necessary to secure future maintenance of landscaped places in perpetuity.

ARCHEOLOGICAL OFFICER: No Comments made

EDUCATION OFFICER : A financial sum of £20,010 is sought toward additional youth provision in the area.

HOUSING OFFICER : Comments made October 25th 2010 - In summary the unit mix, size and location of the proposed affordable housing is appropriate and should be incorporated into a Section 106.

ECOLOGICAL OFFICER : A series of ecological surveys have been undertaken at the site and reports and assessments have been submitted. A mitigation strategy has been submitted. Provision of details for the proposals outlined in the mitigation strategy, and their implementation, should be secured by condition along with other conditions.

CRIME PREVENTION OFFICER : Comments made 20th October Object on the basis that the applicant has failed to adequately demonstrate that Crime Prevention measures have been adequately incorporated into the scheme.

Updated comments 5th November The response from the applicant has been very good and applying for part one of SbD is excellent. I understand from the applicant that part 2 is likely to be required by the social housing partner but they do not wish to go for part SbD 2 on the rest of the development I can only infer from that, that the security of the private housing will be of a lesser standard so my objection must still stand.

Further Updated Comments 5th November Following on from my reply of earlier today I have since had an e-mail from the applicants agent with information that doors and windows will be to secured by design standards throughout the site. If this can be agreed within the planning system then I will be happy to withdraw my objection.

#### OTHER REPRESENTATIONS / THIRD PARTIES

99 objections have been received from different addresses (in some cases more then one letter has been received from the same address). The 97 objections include representations from local organisations including the Midsomer Norton Society, Midsomer Norton Cricket Club, Redfield Residents Association. The issues raised are:-

- Flooding (possibly this may cause subsidence)
- Inadequate infrastructure for sewage and other services
- Traffic
- Additional youths acting anti-socially
- Loss of greenfields
- Querying the need for housing and there are more appropriate sites elsewhere
- Effect on Ecology
- Impact on property prices
- Noise and disturbance and loss of tranquility
- Overdevelopment
- Parking problems
- Loss of Privacy

- Inadequate school provision and other local services such as dentists, doctors
- Loss of agricultural land
- Loss of residential amenity
- Loss of recreational land
- Water run-off may flood the cricket club
- Inadequate local employment
- Harm to character and landscape
- Inappropriate choice of materials for the site
- Too high a density
- A resident is disputing whether the boundary is correctly shown
- The access does not accord with that discussed at the Local Plan Inquiry

### **Policies/Legislation:**

#### RELEVANT PLANNING HISTORY:

16th November 1983 - an application for residential development was refused.

16 March 1990 - an application for the erection of 34 dwellings was refused.

Since the above decisions were made the site was subject to consideration at the Local Plan Inquiry and was allocated for development.

The Inspector considered the issues of housing supply in detail at the Local Plan Inquiry in 2005 and recommended that the Council should reinvestigate land at Cautletts Close/Withies Lane in terms of it being able to contribute towards meeting the identified shortfall in housing in the District. As a result of the Council's investigations it was concluded that land at Cautletts Close/Withies Lane should be allocated for residential development. This was agreed as a proposed modification to the B&NES Local Plan by Council in 2007.

#### POLICY CONTEXT:

##### ADOPTED LOCAL PLAN

"Bath & North East Somerset Local Plan (including Minerals and Waste policies) 2007" was adopted October 2007. Policies relevant to this site in the Bath and North East Somerset Local Plan, including Minerals and Waste Plan are:

- IMP.1 Planning obligations
- GDS.1 Site allocations and development requirements
- SC.1 Settlement classification
- NE5 Forest of Avon
- NE11 Species and Habitats
- NE12 Natural Features
- NE14 Flooding
- NE15 Watercourses
- HG.1 Meeting the District's housing need;
- HG.7 Minimum residential density;
- HG.8 Affordable housing on allocated and large windfall sites;
- SR.3 Provision of Recreational Open Space
- D2 General Design and public realm considerations
- D4 Townscape considerations
- ES4 Water Supply
- ES5 Foul and surface water drainage
- ES9 Pollution and Nuisance

ES15 Contaminated land  
T24 General development control and access policy  
T26 On-site parking and servicing provision  
ET7 Agricultural Land  
BH12 Archaeology  
BH22 External lighting

Supplementary Planning Document S106 Contributions

#### PLANNING CONSIDERATIONS:

##### PLANNING POLICY:

Policy GDS.1 sets out the requirements to enable development and phasing of development on allocated sites. The site falls within an allocated site Land at Cautletts Close (3.4 hectares) for which the development requirements are

- 1) Around 110 dwellings with improved junction between Cautletts Close and Steam Mills and associated traffic calming measures.
- 2) A Secondary link from Cautletts Close to Withies Park is required to include a bridge for emergency services, cyclists and pedestrians.
- 3) Improved public access to and along the River Somer.

Given that the site is allocated for residential development within the adopted Local Plan the principle of a residential development of this site has already been accepted. With regard to the development requirements the proposals are in most respects as the Policy requires. It is advised that the secondary link for emergency services, cyclists and pedestrians has not been incorporated into the scheme but the relevant requirements are incorporated into the main access to a satisfactory level removing the requirement for the separate link. The highway officer is satisfied that the provisions made are acceptable from a highway safety perspective. There have been material changes to highway guidance since the development requirements were identified and the alternative approach to addressing the issue that has been proposed is satisfactory.

**HIGHWAYS:** From a transport perspective the principle of development is considered acceptable, and the conclusions of the Transport Assessment with regard to its impact on the surrounding highway network are agreed with. The parking numbers and their allocation within the development are considered appropriate. Pedestrian permeability could be improved through an additional link but the benefits are small and the issues is not considered so significant as to justify refusal. Internal visibility was an issue but that has now been addressed and subject to a legal agreement securing an agreed level of contribution and conditions the application is acceptable from a highway perspective. Negotiations in respect of the highway contribution are unresolved and members will be updated with regard to the position at Committee.

**FLOODING:** Following submission of additional information in respect of flooding the Environment Agency have confirmed that their initial objection can be withdrawn. Based upon this expert advice and conditions as they have suggested it is considered that the development is acceptable so as not to increase flood risk.

**DESIGN AND LANDSCAPE:** The general form layout and design of the scheme is acceptable. The Design officer raises permeability as an outstanding issue however there is no opportunity to link the proposed development to either Cautletts Close or Furlong Close to the south west of the site without crossing third party land (private drives). Furthermore and as discussed in the highway assessment above an additional pedestrian link through part of the site i.e. the rear perimeter block plots 36-57 would have been preferable but this would not raise an issue so significant so as to make the scheme unacceptable. The applicant has been encouraged to utilise sustainable construction principles as far as possible. Materials as proposed by the applicant will need to be

considered further prior to agreement and conditions are applied in this respect requiring sample panels on site.

From a landscape point of view the key attributes of the site are the River Somer which runs along the northern boundary of the site and the species-rich hedges particularly the one which borders Withies Lane along the site's eastern boundary. The design responds appropriately to these features. The applicant has submitted landscape drawings with the applications and these require some detailed amendments to include a pathway to provide some access to the river. Landscape details can be conditioned to address these matters.

**OPEN SPACES:** Open spaces are provided within the site and as far as these are shown they are acceptable however additional off site provision or compensatory payment would be necessary in respect of any clear shortfall identified and an appropriate level of contribution will be sought and secured as part of a Section 106 obligation. Negotiations in respect of the open spaces contribution are unresolved and members will be updated with regard to the position at committee.

**ARCHAEOLOGY:** No archaeological comments have been made

**EDUCATION:** A contribution towards a shortfall in youth provision would be sought and the applicant has agreed the figure that has been identified as required. This would need to be secured through a Section 106 agreement

**AFFORDABLE HOUSING:** The affordable housing element of the scheme is broadly acceptable. The details of provision and management would need to be incorporated into a Section 106 agreement.

**ECOLOGY:** A number of surveys have been undertaken and key ecological features of the site include species-rich hedgerow; also trees and small areas of scrub providing habitat of value for a range of species including breeding birds. The River Somer Site of Nature Conservation Interest (SNCI), recorded with high species diversity including use by otter and presence of bullhead fish. Bat flight activity around the site, used by 8 different species in low numbers. The margins of the site support a slow-worm population. Full Surveys and mitigation proposals have been provided with the application. Subject to conditions to secure mitigation and enhancement where appropriate and a Section 106 agreement to cover ongoing management of wildlife and habitat the development of the site would not have an unacceptable level of impact upon ecology. The ecologist has confirmed that the habitat regulations are not triggered as there would be no need for any licence applications and there is no need to carry out a test of likely significant effect.

**CONSTRUCTION:** Conditions are suggested to reduce any impact upon existing residents during site construction.

**CRIME PREVENTION:** Revisions to the scheme have been considered in response to the crime prevention officers concerns and some amendments have been made to the scheme. It is considered that taking account of the balance of relevant planning issues the development addresses crime prevention to a satisfactory level. The applicant has confirmed that the standard windows and doors fitted to private plots have Secured by Design certification. It is considered that the development meets a very good standard in terms of security measures incorporated.

**ADJOINING RESIDENTS:** The relationship of the application site to adjoining properties is acceptable. The access would bring additional traffic alongside adjoining properties however the arrangement is not unusual and occurs at all junctions. The development has been designed so as to relate acceptably to the existing properties along Cautletts Close which are the nearest residential properties to the proposed new dwellings.



OTHER MATTERS: A resident is disputing that the applicant owns part of the site. The area involved is very small and it is considered that the unresolved matter would not prejudice the schemes delivery. It is the applicant's responsibility to be satisfied that they have made correct notifications in respect of land not within their ownership and submit correct plans with the application. The applicant has confirmed to the Planning Authority they are satisfied that the application has been correctly made. On that basis the land ownership dispute is a matter for the relevant parties.

**Officer Assessment:**

The proposed development is in accordance with the Local Plan in that it is an allocated site and subject to resolving the highway objection, which may result in some minor revisions to the internal layout of the scheme, conditions as necessary and a legal agreement to secure matters as listed the development is considered to be acceptable.

RECOMMENDATION: Delegate to PERMIT

A Authorise the Divisional Director for Planning and Transport Development to enter into further negotiations to secure a acceptable and necessary contribution in respect of Highway Works and Open space

B Authorise the Planning and Environmental Law Manager to enter a Section 106 Agreement to cover the following:-

- 1) Highway Contributions in accordance with the highway officers advice and the adopted contributions SPD - precise sum to be agreed with the applicant and to include improvements to the Steam Mills/Redfield Road/Withies Lane junction, improvements to the bus stops on Withies Park, the upgrading of the street lighting on the riverside walk, a contribution toward the Five Arches Scheme and a sum towards general strategic highway and transportation measures.
- 2) Green Spaces contribution in accordance with the Parks Officers advice and the adopted contributions SPD - Precise sum to be agreed based upon the Councils adopted obligations SPD.
- 3) Maintenance of the open spaces and hedges forming part of the site (to be addressed either by the provision of a financial contribution or a management agreement).
- 4) Ongoing habitat management and maintenance (to be addressed either by the provision of a financial contribution or a management agreement).
- 5) Education contribution sum agreed
- 6) Measures to secure the agreed provision of affordable housing

C Subject to the prior completion of the above agreement, authorise the Divisional Director for Planning and Transport Development to PERMIT subject to the receipt of no new material planning objections and to such Conditions as he may determine including the following:-

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

3 No development shall take place until a plan showing existing and proposed ground levels across the site and details of slab levels for the dwellings has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development

4 No development shall take place including site clearance until full details of a Wildlife Protection and Enhancement Scheme to implement the proposals of the submitted Mitigation Strategy for Land at Withies Park Midsomer Norton 10th August 2010 have been submitted to and approved in writing by the local planning authority. The details shall include a reptile management strategy.

All works within the scheme shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried out prior to the occupation of any part of the development.

Reason: In the interests of the protection of wildlife

5 Prior to the commencement of construction, a lighting scheme shall be submitted to the LPA for approval in writing. The scheme shall:

- a. Define and map the areas that shall be completely unlit and demonstrate that these areas will not be affected by light spillage from the site;
- b. Define the times for use of lighting, ensuring lighting is off when not required;
- c. Define how light spillage beyond the operational areas and into the sky will be minimised
- d. Provide locations, plans and details of measures to minimise potential effects on bats through:
  - i. lighting design and specification
  - ii. provision of baffles to reduce light spillage on to the surrounding buildings which have been identified as potential bat roosts
- e. demonstrate compliance with current best practice guidance such as the Bat Conservation Trust and Institute for Lighting Engineers guidance "Bats and lighting in the UK".

Upon approval in writing, the details shall be implemented and thereafter the development shall be operated in accordance with the approved details.

Reason: In the interests of the protection of wildlife.

6 No materials arising from the demolition of any existing structure(s), the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

Reason: To protect residents amenity.

7 The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

Reason: To protect residents from dust during construction.

8 The requirements of the Council's Code of Practice to Control noise from construction sites shall be fully complied with during the construction and site clearance.

Reason: To protect residents from noise during construction.

9 The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwellings and ancillary domestic storage and for no other purpose without the prior written permission of the Local Planning Authority.

Reason: To retain adequate off-street parking provision.

10 The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

11 The accesses, parking and turning areas shall be properly bound and compacted (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12 Provision shall be made within the site for the disposal of surface water to comply with the requirements of the Flood and Water Management Act 2010, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

13 Prior to the commencement of the development, details of the proposed means of surface water drainage in accordance with SUDS principles, which shall accord with the requirements of PPS25 Development and Flood Risk and the Flood and Water Management Act 2010, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable drainage.

14 The development hereby permitted shall not be brought into use until the visibility splays at the junction of the proposed access road with Withies Park having co-ordinates of 2.4m 'X' distance and 43m 'Y' distance have been provided clear of obstruction to visibility at or above a height of 150mm above carriageway level of Withies Park. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

15 The proposed estate roads, footways, footpaths, verges, 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 submitted to and 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: To ensure that the roads are laid out and constructed in a satisfactory manner.

16 Prior to the commencement of the development, details of the bridge crossing over the River Somer shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include plans and supporting structural calculations.

Reason: To ensure the design meets with appropriate standards for an adoptable highway.

17 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 bound and compacted footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

18 Before the dwellings are first occupied, new residents welcome packs shall be issued to purchasers which should include information of bus and train timetable information, information giving examples of fares/ticket options, information on cycle routes, a copy of the Travel Better, Live Better publication, car share, car club information etc., together with complimentary bus tickets for each household member to encourage residents to try public transport. The content of such packs shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

19 No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

20 If, during development, unexpected contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution of controlled waters.

21 No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation. The planting and landscape scheme proposed shall include proposals for new habitat creation, enhancement planting and provisions for bat commuting habitat.

Reason: In the interest of wildlife management and to ensure the provision of an appropriate landscape setting to the development.

22 All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development.

23 No site works or clearance shall be commenced until protective fences which conform to British Standard 5837:2005 have been erected around any existing trees and other existing or proposed landscape areas in positions indicated on the approved plans. 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 ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

24 Prior to the commencement of any form of site works or clearance the Local Planning Authority shall be given not less than two weeks notice in writing of these works to ensure that appropriate measures of landscape protection required under condition 22 above have been implemented in accordance with the approved plans or conditions.

Reason: To ensure that adequate protection is given to the areas to be landscaped and the existing trees and planting to be retained within the site.

25 No development shall commence until a sample of all external roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

26 No development shall commence until a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the surrounding area.

27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected or placed within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway without a further planning permission being granted.

Reason: In the interests of the visual amenity and character of the area.

28 Prior to commencement of development details of the inlet / outlet for the proposed balancing pond shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.

Reason: In the interest of the appearance of the development.

29 No removal of trees, hedges, shrubs or buildings] shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority and no tree, hedge. Shrub or building shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection Scheme.

Reason: To protect nesting birds.

30 The development hereby permitted shall not be occupied until the visibility splays shown on the submitted plan for the internal access roads have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason: In the interests of highway safety.

## **PLANS LIST:**

Planning Informative(s):

1. The development roads will need to be subject of a Section 38 Agreement, to secure their eventual adoption.
2. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.0 metres of the top of the bank of a designated 'main river'. In the event that any new surface water discharges will be made direct to a watercourse, the sewer/pipe should terminate in a properly constructed outfall for which the separate consent of the Environment Agency may be required. The applicant is advised to check with the appropriate Development Control section of the Environment Agency as to whether any Flood Defence Consents are required for your proposals.
3. The applicant should ensure that the recommendations detailed in the ecological reports and mitigation strategy are implemented and followed.
4. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>
5. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>
6. Environment Agency Guidance - Condition 18 - It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water disposal from this site, in order to reduce the rate of run-off and to reduce pollution risks. These techniques involve controlling the sources of increased surface water, and include: a) Interception and reuse b) Porous paving/surfaces c) Infiltration techniques d) Detention/attenuation e) Wetlands. A copy of the Environment Agency's leaflet on SuDS is available on request. Swales can be used for conveyance without infiltration. For discharge of this condition we will need to see more detailed and comprehensive network simulations showing no flooding of the system during a 1 in 100 year plus climate change storm and a submerged outfall.