
Appeal Decision

Hearing Held on 2 October 2018 and 15 January 2019

Site visit made on 16 January 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2019

Appeal Ref: APP/R3325/W/17/3185861

Land Adjacent Foxes Run, Bridgwater Buildings, Castle Cary BA7 7JU

- 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 Mr Robert Winstone of Yarlington Homes Ltd against the decision of South Somerset District Council.
 - The application Ref 16/03447/FUL, dated 5 August 2016, was refused by notice dated 19 May 2017.
 - The development proposed is erection of 27No. dwellings with associated access, roads, footways, parking, drainage and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 27No. dwellings with associated access, roads, footways, parking, drainage and landscaping at Land Adjacent Foxes Run, Bridgwater Buildings, Castle Cary BA7 7JU in accordance with the terms of the application, Ref 16/03447/FUL, dated 5 August 2016, subject to the conditions in the attached Annex.

Procedural Matters

2. The appellant has submitted with the appeal an amended location plan, Dwg No 0590-101 rev A, showing an alteration to the red line site boundary to reflect title information relating to the boundary with Mill Barn. This in turn has led to an amendment to the access road alignment and culvert parapet position at that part of the site and the submission of a number of other amended plans, which show the site layout, to take account of that alteration. The alteration to the red line boundary has not fundamentally changed the nature and layout of the proposed development as a whole. Furthermore, I have received insufficient substantive evidence to indicate that the revised red line does not reflect the land ownerships. Additionally, during the course of the appeal, amended proposals and submissions relating to a one-way system along Mill Lane have been submitted. In respect of all of these amendments, I am satisfied that both the Council and interested persons have had adequate opportunity to make comments on them and so would not be prejudiced. I have therefore taken account of all of the above amendments in my consideration of the appeal.
3. The Council's second reason for refusal relates to it not having been satisfactorily demonstrated that the proposed access arrangements dependent on Traffic Regulation Order(s) (TROs) could be implemented within the three year time limit for commencement of the development were the appeal

allowed. However, the Council has confirmed during the appeal process that there is sufficient basis in planning terms not to pursue that reason for refusal. I have no substantive reason to consider that any TROs would not be granted and put in place or to conclude differently to the Council. I have therefore not included this as a main issue.

Main Issues

4. The main issues are:

- i) The effect of the proposed development on highway and pedestrian safety in Mill Lane, relating to the arrangements to alter it from a cul-de-sac to through road, and in Brookfields relating to additional traffic; to the provision for service vehicles to turn within the site and for forward visibility relating to the proposed estate and access road and pedestrian crossing at the end of Mill Lane; and to the footway width in the vicinity of the access road's pinch point;
- ii) the effect of the proposed development on the living conditions of the occupiers of Bridgewater Buildings in respect of noise and disturbance, and convenience relating to the use of Mill Lane as access to those properties; and of the occupiers of Mill Barn and The Nurseries in terms of noise and disturbance and, with regard to Mill Barn, the creation of blind access points, in respect of the relationship of those properties with the proposed access road and footway;
- iii) whether it is necessary for vehicular access via Remalard Court.

Reasons

Background

- 5. The site is allocated for residential development under saved policy proposal HG/CACA/2 in the South Somerset Local Plan (the Local Plan). Although it was raised at the Hearing that it is deleted as an allocation in the emerging local plan, it was agreed that that document is at an early stage towards adoption. I have therefore afforded little weight to that factor.
- 6. The principle of development of the site is therefore established in terms of current development plan policy, albeit that the allocation is subject to vehicular access being via Remalard Court and pedestrian and cycle access from Remalard Court and Brookfields/Bridgewater Buildings. Although the proposal does not provide the vehicle access via Remalard Court, I have determined the proposal on its merits based on all of the evidence provided.
- 7. I have also had regard to the site having been the subject of a previous appeal, Ref APP/R3325/A/13/2200209, relating to a proposal for 29 dwellings. Like the current appeal proposal, that too included vehicular and pedestrian access off Brookfields, facilitated by the opening up of the end of Mill Lane where there is currently a turning area and making it a one-way road, with no direct vehicle access between Mill lane and the site. Unlike the current proposal, it excluded a pedestrian linkage to Remalard Court which caused my colleague to dismiss the appeal due to conflict with development plan policies that seek to encourage alternatives to private car use. Whilst that previous appeal decision represents a material consideration, I have nevertheless determined this appeal on its own merits taking account of all the evidence provided.

Highway and pedestrian safety

8. A TRO would ensure that provisions for opening up the end of Mill Lane and related highway works would be safe, including in terms of preventing direct access to and from the site via Mill Lane and preventing obstructive parking at the junction at its western end. A condition could be imposed to ensure that any necessary TRO would be entered in to. Furthermore, I have received no substantive evidence to indicate that arrangements for the collection of refuse bins relating to Bridgewater Buildings could not continue to be satisfactorily achieved following the proposed alterations to the road.
9. Mill Lane is a narrow cul-de-sac without any footways and, with residents of Bridgewater Buildings reliant on on-street parking, this generally restricts the road to a single lane of traffic flow. The carriageway is therefore currently shared by vehicles and pedestrians, with refuges reliant on any gaps between parked vehicles.
10. Given the poor current arrangements for pedestrians, any significant increase in vehicle movements along the lane would increase the risk of conflicts between vehicles and pedestrians with limited refuge space, dependent on the extent of on-street parking at any one time. That may also be the case with any increased pedestrian movements with prospective residents of the proposal using the lane, although most would be likely to walk via the proposed pedestrian access to Remalard Court, being a shorter route to most of the town centre facilities and services.
11. The number of vehicle movements is currently restricted to Mill lane traffic only and so limited in volume. If opened up for through traffic as proposed, there would be potential for an increase in vehicle numbers relating to occupiers of and visitors to Brookfields, albeit not so likely relating to those close to Torbay Road. However, the narrow nature of the lane due to the parked cars, causing slower movement and therefore some deterrent to through traffic, together with it becoming one-way only, would be likely to limit the extent of any increased traffic flow in Mill Lane to some degree, including in terms of removing the existing necessity for two-way movements.
12. In light of the potential for both increased traffic and pedestrian movements, albeit likely to be limited to a degree by the above mitigating factors, a TRO could, as discussed and agreed at the Hearing, therefore also be utilised, through the provision of appropriate signage, to prevent the use of Mill Lane for traffic other than related to properties along that lane. This could be secured under the same condition referred to above relating to TROs. Whilst there may be concerns over the enforcement of any such TRO, that is not a planning matter, and I have no substantive basis to consider that enforcement would not be carried out by the appropriate authority.
13. On that basis, it would be unlikely that the safety of pedestrians, or other people using Mill Lane such as for repairs to Bridgewater Buildings, would be materially worsened. This would be particularly so as a one-way flow of traffic, given the existing obstacles to two-way flow due to on-street parking, would remove potentially hazardous situations involving approaching vehicles attempting to pass each other. Furthermore, I have no substantive basis to consider that the removal of grace and favour parking at the Constitution Club at the eastern end of Mill Lane, and resultant potential for displaced parking, if

and when extant planning permission for that site's redevelopment is implemented, would materially alter that situation.

14. The Council raised an additional concern at the Hearing relating to the provision for the turning of refuse vehicles on the site along with some issues concerning highway visibility on the site, including with reference to annotated drawings submitted at the event. However, from the submitted evidence, including vehicle tracking shown on Dwg No 0590-105 Rev B, which shows how the turning of refuse vehicles could be achieved, albeit tightly, within the end turning head, I am satisfied that adequate provision has been demonstrated in this respect. I have received insufficient substantive evidence to indicate to the contrary or that the vehicle sizes shown are not appropriate. In relation to forward visibility on the estate road at the bend adjacent to plot 22, I have not received sufficient substantive evidence to indicate that this matter could not be appropriately controlled through further design details secured by a condition.
15. In relation to the proposed pedestrian crossing at the end of Mill Lane, visibility relating to the northern side of that crossing would be limited. However, the situation would be unlikely to be materially different to the current less formal situation and where that end of the road is currently used for turning existing vehicles relating to Mill Lane properties. This would be particularly so were through traffic to be restricted by a TRO. Traffic would also be likely to be travelling slowly at that end of the road due to the restricted width caused by on-street parking.
16. At the proposed access road pinch point, any cars parked within the forward visibility splay at the entrance to the property shown on the submitted plans as The Nurseries, opposite Mill Barn, would have the potential to block forward visibility. However, that initial part of the access to that property would be outside of its occupier's ownership and in any case there is a significant area in front of that dwelling, outside of the appeal site boundary, for parking cars so as to prevent the likelihood of blocking sightlines.
17. In respect of the principle of providing vehicular access via Brookfields, my colleague in respect of that previous appeal referred to the steepness of the slope from the site to Remalard Court and the likelihood of a reduced number of dwellings being able to be accommodated on the site. Whether that would be the case or not, I have also had regard to the factor noted by him about Brookfields having originally been designed to accommodate larger flows of traffic, as part of a previously proposed link road. Whilst I note the concerns of residents relating to the additional traffic through Brookfields, I have no substantive evidence to consider otherwise, or that the increased traffic would be to such an extent as to be likely to pose a risk to highway and pedestrian safety in that street. Furthermore, I have received insufficient substantive evidence to indicate that any displaced on-street parking at the end of Brookfields, due to the proposed opening up of Mill Lane, could not be accommodated elsewhere in the street.
18. Concern is expressed about the safety of traffic exiting Brookfields onto Torbay Road. Whilst on-street parking close to that junction on Torbay Road would have the potential to impede inter-visibility, I have received insufficient substantive evidence to indicate that it is currently to an extent that causes such a hazard as to pose a risk to highway safety. Furthermore, I have

received insufficient substantive evidence to indicate that the level of additional traffic using that junction as a result of the proposed development, also taking account of the appellant's submissions relating to likely trip rates, would materially change that situation.

19. The proposed footway alongside the access road at its pinch point in the vicinity of Mill Barn would be narrower than elsewhere on the site. However, it would still be 1.2 metres wide, along only a relatively short stretch with a good level of visibility, and at a point where traffic would be likely to be travelling slowly due to the pinch point. Further details of the footway and estate road could also be secured by condition to ensure an appropriate and safe design. It is also unlikely that use of that footway, in being set slightly away from the kitchen/diner window of Mill Barn, would be materially impeded were that window to be open.
20. For the above reasons, I conclude on this issue that the proposed development would be unlikely to pose a risk to highway and pedestrian safety in Mill Lane, relating to the arrangements to alter it from a cul-de-sac to through road, and in Brookfields relating to additional traffic; to the provision for service vehicles to turn within the site and for forward visibility relating to the proposed estate and access road and pedestrian crossing at the end of Mill Lane; and to the footway width in the vicinity of the access road's pinch point. As such, in respect of this issue, it would accord with policy TA5 of the Local Plan which, amongst other things, requires development proposals to secure safe access and not to compromise the safety and/or function of the local or strategic road networks.

Living conditions

21. As referred to under the first main issue, there would be a combination of factors relating to the amount of traffic movement along Mill Lane under the proposed scheme, that could include a TRO to prevent the use of the lane for traffic other than related to properties along it. As such, the proposals would be unlikely to cause a significant increase in traffic noise and disturbance along that lane or inconvenience to residents reliant on it for access to their properties. In any case, in terms of noise and disturbance, the roadside windows of those dwellings comprising Bridgewater Buildings are generally raised well above road level which would minimise the degree of noise transmission from passing vehicles.
22. The appellant's submissions indicate that there would not be a statutory noise nuisance in respect of Mill Barn and The Nurseries. Notwithstanding this, I have had regard to the currently fairly quiet backland location of those properties where there is currently only traffic associated with those and one other dwelling. I have also taken account of the findings of my colleague in relation to that previous appeal, that it would be unlikely that a harmful level of noise and disturbance would be caused to those properties. However, in that case the proposed road would have been slightly further away from Mill Barn.
23. The proposed footway would be alongside the outside wall of Mill Barn's kitchen/diner, with only a small degree of separation between the two. The associated window would therefore be close to the proposed road, particularly with the footway being fairly narrow. However, the window to that room is fairly high above the ground level which would be likely to minimise the amount of noise entering the dwelling. The front facing living room window

would be further from the road and footway. That window is not set as high above the ground, but the degree of set-back would be likely to provide some mitigation. Furthermore, that room also has rear facing windows including via a connecting conservatory, which would continue to provide a good level of open outlook to the rear garden and only obliquely towards the rear of plots 1 and 2, and where there would be no passing traffic. The additional degree of separation between the road and the front elevation of The Nurseries would also be likely to minimise noise and disturbance to the occupiers of that property.

24. I have also had regard to the likelihood of traffic travelling fairly slowly when passing Mill Barn and The Nurseries due to the presence of the pinch point in the access road. Additionally, unlike that previous appeal scheme, pedestrian access via Remalard Court would have the potential to encourage less car use. Measures to encourage this are also included in the submitted Unilateral Undertaking Planning Obligation (the UU). Furthermore, head lights of passing vehicles would be unlikely to shine directly into the windows of Mill Barn or The Nurseries due to the juxtaposition of the road with the fronts of those dwellings. For these reasons, it is unlikely that the residents of Mill Barn and The Nurseries would experience a harmful degree of noise and disturbance from passing traffic or pedestrians.
25. The Council has drawn my attention to two other appeal decisions for smaller housing schemes on a site in Milborne Port, Refs APP/R3325/W/16/3161551 and APP/R3325/W/15/3004449, in respect of the matter of noise and disturbance caused by vehicles travelling on an access road between two existing dwellings, in a situation with little existing passing traffic. I do not have the full details of those cases to enable a proper comparison, but in any case I have taken account of the currently fairly quiet backland location relating to the appeal site at hand, and considered the proposal on its own merits.
26. Concern has also been raised about the creation of blind access points in relation to Mill Barn. However, in terms of egress from the driveway of that property, the submitted plans show that there would not be any immediately obstructing features either side. Furthermore, it is likely that traffic flows would be fairly low, due to the scale of development involved, and slow moving due to the respective pinch point and bend in the estate road either side of that driveway. Further design details relating to the estate road, to ensure the safe flow of traffic could also be secured by condition. The front door to Mill Barn would be set back from the proposed footway and so would not open directly on to it. In these respects, it is therefore unlikely that the convenience and safety of residents of Mill Barn would be materially harmed.
27. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Bridgewater Buildings in respect of noise and disturbance, and convenience relating to the use of Mill Lane as access to those properties; and of the occupiers of Mill Barn and The Nurseries in terms of noise and disturbance and, with regard to Mill Barn, the creation of blind access points, in respect of the relationship of those properties with the proposed access road and footway. As such, in respect of this issue, it would accord with policies EQ2 and TA5 of the Local Plan which together require, amongst other things, development

proposals to protect the residential amenity of neighbouring properties and the amenity of the area.

Whether necessary for vehicular access via Remalard Court

28. Saved policy proposal HG/CACA/2 of the Local Plan relates to the allocation of the site for residential development. One of the criteria is that development will be subject to vehicular access from Remalard Court. The proposed development does not make such provision and so in this respect would be contrary to that policy. However, in relation to the first two main issues, I have found that the proposal, with vehicular access via Brookfields, would be unlikely to pose a risk to highway and pedestrian safety and would not cause unacceptable harm to the living conditions of the occupiers of Bridgewater Buildings, Mill Barn and The Nurseries. I will consider these factors further in my planning balance.

Other matters

29. A small part of the red line boundary to the site, relating to a section between and including the end of Mill Lane up to Mill Barn, lies within the Higher Flax Mills Conservation Area (the CA). The site boundary also borders the edge of the CA in two other places, along part of the eastern side and a short section to the north-west. I have therefore had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
30. The CA comprises the traditional mill buildings to the west and dwellings to the east, including Bridgewater Buildings, linked by a water course. As such the main part of the development, comprising the dwellings themselves would not materially interfere with the features of the CA, due either to the degree of separation or the clearly demarcated boundaries. The relationship would also be seen in the context of the proximity of the relatively modern dwellings of Brookfields to those of the CA. The proposed works relating to the access road and alterations to the end of Mill Lane would not materially change the fundamental appearance of that lane other than to create a vehicle link to Brookfields and to create a more formal access to the site than currently exists. Furthermore, I have no substantive basis to consider that any associated signage would have an obtrusive appearance. For these reasons I consider that the proposals would preserve the character and appearance of the CA.
31. I have had regard to concerns about there being insufficient details relating to the proposed pedestrian link to Remalard Court, in terms of its appearance, provision of an acceptable level of accessibility, and relationship with existing and proposed nearby dwellings. I consider that such matters could be addressed by securing, through a condition, the detailed design of that structure and measures for its future maintenance. Furthermore, I have not received substantive evidence to indicate that it could not be provided without materially altering the layout and nature of the development as a whole.
32. Concern has been raised about the construction of the culvert relating to the watercourse flowing beneath the existing and proposed access route adjacent to Mill Barn. In terms of any potential structural impact on the adjacent garage of No 16 Bridgewater Buildings, I have no basis to consider that the construction works or vibrations from the future use of the road would cause damage, or that this would not be taken into account or monitored during the

- construction process. From the plans submitted and my observations, neither would the proposed culvert works impede the opening of the doors relating to that garage. The detailed design of the culvert railings could also be secured by condition to ensure any existing access to the side of Mill Barn from the front is maintained. Should it be necessary to access land not owned by the appellant in order to construct the culvert, that would be a matter between the parties concerned.
33. In relation to the proposed private pumping station, whether it would need to encroach on the neighbour's land for its construction is unclear but it is not shown as such on the submitted plans and that would be a matter between the parties concerned. It was also clarified at the Hearing that the pumping station would be underground thereby preventing any material noise and odour transmission to neighbouring residents. It was further clarified that because it would be a private pumping station it would not be subject to the water authority's adoption requirements. I have insufficient substantive basis to consider it likely that the position of the pumping station would need to be altered from that shown on the submitted plans or that it would not be appropriately managed.
34. Concern has been raised about the issue of servicing the pumping station with regard to tanker vehicles parked on the road and associated noise and odours. In these respects, it was explained at the Hearing that it is likely that routine maintenance would be infrequent, and I have no basis to consider otherwise. Furthermore, I have no substantive reason to consider that on such a basis, matters of highway safety, noise and odours could not be appropriately managed in this regard.
35. Concerns raised about the effect of the proposed development on the ecology of the site could be addressed through conditions to ensure that the submitted wildlife protection measures and licencing requirements are adhered to and that badger route works have been appropriately completed prior to first occupation of the development.
36. Residents of Bridgewater Buildings are also concerned about the potential destabilisation of those properties, due to lack of foundations and the effects of increased traffic. Notwithstanding my previous findings in respect of the amount of traffic on Mill Lane, I have received no substantive evidence to indicate that any increase in traffic would cause structural damage to those properties.
37. Reference has been made to a condition imposed in relation to the planning permission for the Brookfields development concerning the prevention of direct vehicular access between it and Mill Lane. However, and as also referred to by my colleague in relation to the previous appeal, that condition specifically relates to that particular development. I have determined the current proposal on its own planning merits.
38. In respect of an existing garage that opens out to Station Road on the corner with Mill Lane, based on my findings in relation to traffic flows, I do not consider it likely that the use of that garage would be further inconvenienced as a result of the proposed highway works.

Conditions and Planning Obligations

39. The Council has suggested 17 conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Planning Practice Guidance and amended some of the wording.
40. The standard time condition is required in this case and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
41. In the interests of highway safety, conditions would be necessary to ensure that any damage to the public highway as a result of the development is remedied; a Construction Environmental Management Plan is implemented, also in the interests of the living conditions of surrounding occupiers, the protection of badgers, and to secure treatment of Japanese Knotweed on the site, a matter raised at the Hearing; the various proposed highways works are implemented in accordance with details to be approved, and this would also be able to take account of preserving appropriate vehicle access to Mill Barn; the proposed roads, footpaths and turning areas provide suitable access to each dwelling prior to occupation; that the service road is constructed as approved; the driveways to dwellings are at an appropriate gradient; the installation of appropriate street lighting; appropriate drainage works are implemented; the pedestrian/cycle link to Remalard Court is implemented and maintained in accordance with details to be approved, also in the interests of the long term sustainability of the site; and that a highways agreement is entered into with the highway authority in relation to the vehicular access to the site and related highway works.
42. In the interests of protecting and conserving biodiversity, a condition would be necessary to ensure that the development is implemented in accordance with the submitted wildlife protection measures and licencing requirements. A condition would also be necessary to ensure that badger route works have been appropriately completed prior to first occupation of the development.
43. In the interests of the character and appearance of the surrounding area, conditions would be necessary to ensure the implementation of tree protection measures during construction of the development and the approved planting and landscaping measures, including provision for ensuring the establishment of trees and shrubs.
44. In the interests of environmental sustainability, a condition would be necessary to ensure that all of the dwellings on the site have access to an electric vehicle charging point.
45. The UU that has been submitted would make provision for the following:
 - Three affordable dwellings in accordance with policy HG3 of the Local Plan - taking account of a justification statement submitted by the Council and a viability report submitted by the appellant which has been agreed by the Council in terms of justifying the reduced level of provision.
 - Appropriate financial contributions for provision and maintenance of off-site recreational and youth facilities in accordance with policies SS6 and HW1 of the Local Plan, and taking account of the Council's submitted

statement of compliance with the Community Infrastructure Levy Regulations 2010.

- The submission for approval in writing by the County Council, and implementation of, a Travel Plan (TP) in the interests of encouraging sustainable travel by prospective residents in accordance with policy TA4 of the Local Plan.
46. Based on the submitted evidence, and relevant development plan policies, I am satisfied that the provisions relating to the affordable housing and recreational and youth facilities would meet the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the CIL Regulations. Furthermore, in respect of the proposed affordable housing, this would represent a benefit of the development that would weigh in its favour, and I have also no substantive basis to consider differently to the Council in terms of the level of such provision.
47. With regard to the proposed TP, policy TA4 sets out that for residential developments of more than 10 and no greater than 30 dwellings, a Measures only Travel Statement (MOTS) is required as opposed to a TP Statement or Full TP. Such a MOTS is not required to include all of those measures set out in the UU. Whilst I am satisfied that the provision in the UU for those measures listed in policy TA4 as necessary for a MOTS would meet the tests set out in paragraph 56 of the Framework, those others would not. I have therefore only taken into consideration those measures listed in policy TA4 as necessary for a development of the scale proposed.

Planning balance

48. I have found that the proposed development would be contrary to saved policy proposal HG/CACA/2 of the Local Plan in respect of not providing vehicular access from Remalard Court. However, in light of my conclusions on the first two main issues, and my findings in relation to other matters raised, I attach little weight to this factor. Furthermore, the proposal would have the significant benefits of providing additional housing to the local supply, particularly in light of the Council currently not being able to demonstrate a five-year supply of deliverable housing sites, including needed affordable housing. It would also be likely to have short term local economic benefits relating to the construction phase in terms of jobs and support of building suppliers. Additionally, it would be in a sustainable location on the edge of the town in terms of accessibility to local services and facilities to serve the day to day needs of prospective residents. Despite the partial conflict with saved policy proposal HG/CACA/2, it would therefore be a sustainable form of development.

Conclusion

49. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Orr	CSJ Planning
Neil Baker	Clarke Willmott Solicitors
Jake Rigby	Yarlington Homes Ltd
Chris Long	WYG
Nigel Mann	Noise and acoustics
David Hagan	CSJ Planning

FOR THE LOCAL PLANNING AUTHORITY:

Dominic Heath-Coleman	Planning Officer
James McKechnie	Hydrock

INTERESTED PERSONS:

Jacqueline King	Local Resident
Catriona Cole	Local Resident
Mike Lewis	Somerset County Councillor for Castle Cary
Hannah Gichie	Local Resident
Vicki Nobles	Care 4 Cary
Nick Weeks	Area Chair of SSDC Planning Committee & Ward Member for Castle Cary
Henry Hobhouse	SSDC Ward Member for Castle Cary
Julie Sandhu	Daughter of residents of Mill Barn
Malcolm Joy	Local Resident
Mrs Jean Joy	Local Resident
Sally Snook	Deputy Chair Planning, Castle Cary Town Council
Pek Peppin	Chair Planning, Castle Cary Town Council & Chair Neighbourhood Plan Group
Brian Doggrell	Local Resident
Angela Doggrell	Local Resident
Colin Kay	Local Resident
Carol Frappell	Local Resident

Penny Steiner

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

- 1) Four overlay plans submitted by Council relating to visibility splays and track plots.
- 2) Two Land Registry plans submitted by Julie Sandhu.
- 3) Two red line boundary plans relating to Mill Barn.
- 4) Three photographs of Mill Lane.
- 5) Planning application documents relating to former Constitutional Club.
- 6) Summary of Section 106 Unilateral Undertaking.
- 7) CIL Compliance Statement – Sport and Recreation Facilities; and statement by Housing Development Officer.
- 8) Unilateral Undertaking – signed and dated.

ANNEX – CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0581-200; 0581-201; 0590-202; 0590-203; 0590-204; 0590-205; 0590-206; 0590-207; 0590-208; 0590-209; 0590-210; 0590/302; 0590/320A Rev B; 0590-101 rev A; 0590-101-1; 0590-102 Rev B; 0590-103; 0590-104 Rev A; 0590-105 Rev B; 0590-106; 0590-107 Rev A; 0590-108 Rev A; 0590-109; 0590-110 Rev A; 0590-111 Rev A; 0590-112 Rev A; 0590-113 Rev A; A094668-SPA02 Rev A; 267.16.PP01 Rev B; 267.16.PP02 Rev B; 267.16.LD.01 Rev D; D14 296 03 P3 Rev A; SD 02 Rev P4; A094668-SK14 Rev G; A094668-SK15 Rev A.
3. The development shall be implemented in accordance with the wildlife protection measures and licencing requirements as detailed in section 4.1 ('Mitigation, compensation and enhancement during construction') of the Ecological Impact Assessment (EAD Ecology, July 2016).
4. Prior to first occupation of the development hereby permitted, the badger route works shall be signed off upon completion to the effect the works undertaken are fit for purpose by an ecological consultant.
5. A condition survey of the existing public highway shall be carried out and agreed in writing by the Local Planning Authority in conjunction with the Highway Authority prior to any works commencing on site. Any damage to the highway occurring as a result of the development shall be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
6. No development shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved CEMP. The CEMP shall include:
 - 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 for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of public transport amongst contractors;
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
 - For the access road culvert and associated structures and stream bank engineering, details of its design that ensures continued passage by

- badgers is made possible following completion of works, including the temporary site access arrangements to ensure suitable alternative badger passage routes remain available at all times;
- A monitoring schedule during the work phases shall be carried out by a suitably qualified badger professional;
 - Measures for the treatment of Japanese Knotweed on the site;
 - Measures relating to construction noise and vibration.
7. The proposed highway boundary treatments, estate roads, footways, footpaths, tactile paving, cycle-ways, verges, junctions, street lighting, sewers, drains, retaining walls (including handrails to culverts), service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle 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. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
10. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
11. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.
12. 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. Prior to the implementation of drainage works, a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation 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.
13. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree and hedgerow protection measures as detailed within the submitted Arboricultural Constraints Report and Tree Protection Plan (Plan Ref: D14 296 03 P3 Rev A as prepared by JP Associates), specifically the fencing and

signage requirements, shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and the Local Planning Authority's Tree Officer shall then be arranged at a mutually convenient time. The locations and suitability of the tree protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Local Planning Authority to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing and signage shall only be moved or dismantled with the prior consent of the Local Planning Authority in-writing.

14. All planting and landscaping measures as comprised in the approved landscaping details prepared by Reckless Orchard Landscape Consultants (Plan Refs: 267.16.PP01 Rev B & 267.16.PP02 Rev B) shall be carried out within the next planting season following the first occupation or the completion of the development, whichever is the sooner; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Local Planning Authority, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same approved specification.
15. Prior to commencement of the development hereby approved, the detailed design and future maintenance regime of the pedestrian/cycle link via Remalard Court shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation of the development and thereafter retained and maintained in accordance with the approved maintenance regime.
16. Prior to commencement of the development hereby approved, a highways agreement shall be entered into with the highway authority in connection with the vehicular access to the site and related highway works as shown on drawing number A094668-SK14 Rev G to include the requirement for the making and funding of any associated Traffic Regulation Orders.
17. Prior to first occupation, all residential dwellings hereby approved shall be provided with access to a 16 amp electric vehicle charging point.