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## Appeal Decision

Site visit made on 30 March 2020

**by Mr S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 June 2020**

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**Appeal Ref: APP/R3325/W/19/3240967**

**Land South of Kit Hill, Crewkerne, Somerset TA18 8HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr James Tizzard (Land Value Alliances LLP) against the decision of South Somerset District Council.
  - The application Ref 18/01737/OUT, dated 30 May 2018, was refused by notice dated 23 September 2019.
  - The development proposed is described as an '*Outline Planning Application for the residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road (all other matters reserved).*'
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### Decision

1. The appeal is allowed and outline planning permission is granted for the residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road, at Land South of Kit Hill, Crewkerne, Somerset TA18 8HJ, in accordance with the terms of the application, Ref 18/01737/OUT, dated 30 May 2018, subject to the conditions set out in the attached Schedule.

### Application for costs

2. An application for costs was made by Land Value Alliances LLP against South Somerset District Council. This application is the subject of a separate Decision.

### Main Issues

3. The main issue from the Council reasons for refusal is the effect of the development on highway safety and the suitability of Cathole Bridge Road to sustain traffic including that generated by the development.
4. Since the submission of the appeal there has been comments received from Network Rail with regards potential safety implications to both road users and those using a local public right of way (Ref: CH27/21) where there are crossings over the nearby railway line. Comments have been received by both main parties on this matter. Considering the importance of this matter I shall address this as part of the main issues in this Decision.

### Procedural Matter

5. The appellant has submitted a revised site location plan (Revision A) and an amended Illustrative Masterplan (Revision E). This was due to small segments

of land at the southern boundary of the site being removed from the site area due to land ownership issues. Based on the relatively small area of land being removed and the minimal effect this has had on the illustrative layout, I have accepted these amended plans as I do not consider it likely that in doing so would prejudice any interested parties. The Council has raised no issues to these amended plans being accepted.

6. The appeal seeks outline permission with all matters reserved except for access. In so far as the submitted plans and drawings show details of matters other than the access, I have treated those as being purely illustrative.

## **Reasons**

### *Highway Safety*

7. The proposal is for a residential development on agricultural land to the southern edge of Crewkerne, adjacent to existing residential areas of this town. The access would be via a new junction off Lang Road. There is no objection from the Council with regards the general accessibility of the site location, in terms of proximity to public transport links, shops and services etc.
8. To the south and west of the site is the route of Cathole Bridge Road, which has a junction with Lang Road near the proposed site entrance. This long road which connects the village of Misterton (near Crewkerne Railway Station) to the east and with the B3165.
9. The introduction of up to 150 dwellings in this location would likely mean an increase of traffic along Cathole Bridge Road, especially as this road connects with the B3165 and on westward to the main Chard Road, which are apparent as significant routes in and out of Crewkerne to other larger settlements.
10. Currently, Cathole Bridge Road has the appearance of a typical rural road, being that its width varies and is not a continuous two-way highway as a result. The Council has stated that this restricted width would result in this highway being unsuitable for the additional levels of traffic they would anticipate. Furthermore, for these reasons the Council believe that the development would be prejudicial to highway safety. The Council have not raised any significant issue with traffic from the proposed development on any other local highway.
11. These conclusions of the Council were made following consideration of the proposed mitigation measures from the appellant, which included partial widening of Cathole Bridge Road, with new formalised passing places and priority sections, between the junction of Lang Road and the B3165.
12. There have been some revisions to the data and evidence through the course of the planning application process, though my focus is on the evidence now before me from the appellant and that which is put forward by WSP on behalf of the Council to counter this, and not on any superseded information.
13. Firstly, there is significant disagreement between the parties as to anticipated levels of traffic generated by the development onto Cathole Bridge Road, if the development is implemented as proposed. The Council's consultant (WSP) has included some reasons why they would anticipate much higher traffic usage from the site along Cathole Bridge Road. This includes that there is a constraint to traveling through the centre of Crewkerne, which Cathole Bridge Road

generally avoids. Furthermore, they have criticised the appellant's figures for basing trip distribution analysis on journeys of less than 30 minutes, when some future occupants may commute further, for example.

14. It is likely that some would have regular trips in their cars from the site to destinations which would take more than 30 minutes. However, from the evidence before me there is little to suggest such additional traffic would result in significantly higher usage of Cathole Bridge Road than the appellant suggests. I am of the opinion that regular commuting trips to further destinations such as Exeter would not be common for new residents, to a level that would further increase the level of traffic along Cathole Bridge Road significantly.
15. In terms of the distribution of trips from the site, I recognise that driving through the centre of the town may put off some drivers due to traffic congestion for example, if the centre of the town is not their final destination. However, there have been traffic counts and data from the nearby Maiden Beech development. This data from the similar nearby development reinforces the robustness of the appellant's conclusions that there would be a relatively low level of vehicle flow from Lang Road onto Cathole Bridge Road, with traffic mainly using other routes along Lang Road or Kithill.
16. Furthermore, I also recognise that the rail level crossing could cause a delay for traffic traveling from the site in the direction of Misterton along Cathole Bridge Road, but this could discourage drivers from taking this route if there are alternatives, such as via Kithill. Also, the constraints of Cathole Bridge Road would likely influence some drivers decisions to avoid this highway to access or drive to or from the site, with the B3165 noted as also accessible via Lang Road without driving through the town centre.
17. All the surveys undertaken by the appellant focussed on peak time traffic and not daily traffic levels. However, this takes into account the likely worst case scenario as to the level of traffic on this section of Cathole Bridge Road at any one time and so I do not have any concern with this approach. Much of the evidence regarding trip generation is related to commuter traffic which would usually be focussed at these AM and PM peak times. Therefore, if the evidence shows that there is no capacity or safety issue with the estimated additional traffic flows from the development at these peak times along Cathole Bridge Road, the situation should only be improved at other times of the day or night.
18. In this regard, I am inclined to agree with the evidence provided by the appellant which shows a low level of traffic flow likely from the proposed development onto Cathole Bridge Road. There will be some variances with the traffic counts undertaken, but the focus of this assessment is the additional traffic that would be generated by the development along this section of the highway which I would regard as likely to be low, considering the alternatives available and the information from the counts.
19. The Council has raised the matter of accident and collision data for Cathole Bridge Road. They state that between 2013 and 2019 there were recorded injury incidents. It is therefore clear there have been some collisions, though all mainly slight in severity.
20. From their data, the Council has used the COBALT accident analysis software to determine an accident rate along Cathole Bridge Road. The appellant has

responded by questioning some of the inputted data into this software by the Council. Furthermore, the Council figure for potential future accident rates as a result of the development impacts is based on their much higher estimates of traffic distribution from the site onto Cathole Bridge Road. As stated above, I am inclined to agree with the estimates provided by the appellant on trip distribution, with a lower amount of traffic flow onto Cathole Bridge Road likely than the Council suggests, which should mean less chance of accidents on this highway.

21. In terms of accident rate projections, there are too many discrepancies with the data used for me to accept the high levels of anticipated accidents the Council are suggesting with their calculations as a likely scenario. Based on the accident history and all other evidence, I am not convinced that Cathole Bridge Road is a particularly dangerous highway. Proposed improvements to Cathole Bridge Road may also help to reduce the potential of future accidents along its route.
22. The appellant has included with their proposal significant improvements to Cathole Bridge Road including widening and new formalised passing places with priority sections, between the junction of Lang Road and the B3165 junction. These details have been shown on a plan. To my mind, these improvements would be necessary to make the scheme acceptable as there would be an increase in traffic as a result of the development along this stretch of road, albeit not to a significant degree. The road is narrow and well used and so these improvements would help the flow of traffic, including any from the development proposed.
23. The Council's consultant and other interested parties have questioned whether the improvements could be undertaken as proposed, taking into account the extent of the highway and gradient/topographical variances. However, I note there was no apparent objection from the Highway Authority to the proposed improvements, or any concern as to whether all the land involved would be highway controlled land. I also understand that the proposal was based on a topographical survey and so ground levels of the planned improvements should have been incorporated. There may be some cutting back or removal of vegetation on the verges, but I have no detailed evidence that suggests this would be a significant removal necessary to enhance this stretch of highway. Indeed, I have no substantive evidence that the proposed off-site highway works as improvements to Cathole Bridge Road cannot be implemented as proposed, or that they would not be to sufficient highway standard.
24. The Council has included estimates of possible further delays to traffic through Cathole Bridge Road due to increased traffic from the development and also the proposed works. I agree that there may be some more delays, but these are unlikely to be significant if the appellant's figures for traffic distribution are used for this calculation. Furthermore, it could be argued that any such delay would mean more traffic likely to use the alternative routes where there is also sufficient capacity, rather than Cathole Bridge Road.
25. There is some evidence of larger vehicles using Cathole Bridge Road, but from the surveys the levels of HGVs and similar using this route is relatively small. However, the proposed improvements to this highway should help larger vehicles pass through with less chance of difficult conflict scenarios with other highway users.

26. There has been mention of Cathole Bridge Road as a form of designated 'Quiet Lane'. However, from the information before me this road has no such designation, current or pending. As such I give this matter little weight.
27. However, I do note that this section of Cathole Bridge Road is adjacent to dwellings and their gardens. It is also a route which is likely to be used by pedestrians and cyclists. Regarding the use of Cathole Bridge Road for these modes of transport, I note there is no footpath along much of the section of this road near the site currently. People can walk or cycle along the highway, and this would not change much with the proposed improvements. Furthermore, from the evidence before me I consider it likely that traffic levels would not increase to a significant degree along Cathole Bridge Road as a result of the proposal. I also note that speeds recorded are generally quite low. This reflects my observations of traffic on this road when on site.
28. Overall, considering the likely low level of increased traffic from the proposed development using this route the proposal would not have a significant adverse impact above existing circumstances to the ability of those who wish to walk or cycle this section of Cathole Bridge Road near the site, or have any other discernible environmental impacts such as increased noise for example.
29. The Council has raised concern with the impact to safety to the Lyme Road B3165 junction with Cathole Bridge Road to the west of the site. I am aware of this junction and the visibility possible when using it. The Council suggests the junction needs to be improved for enhanced visibility. However, visibility splays are included with the proposed highway plan submitted by the appellant which appear sufficient. Furthermore, the appellant's estimated figures for additional traffic along this route would not be significant and unlikely to warrant junction upgrades over that shown on the submitted highway improvement plan. I have no substantive evidence before me that visibility enhancements over that shown on the appellant's plan are needed at this junction.
30. To conclude, with the proposed enhancements to Cathole Bridge Road the development would not result in severe highway network implications or unacceptable highway safety impacts. As such, the proposal is in accordance with policy TA5 of the South Somerset Local Plan (2015), which seeks to require development to ensure against compromising the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated, amongst other things. The proposal is also in accordance with the relevant policies within Section 9 of the National Planning Policy Framework, including that set out within paragraph 109.

#### *Impact to railway crossings*

31. To the south of the site Cathole Bridge Road crosses a trainline, with a vehicular crossing. The level crossing is referred to as an 'Automatic Half Barrier' (AHB), which is a relatively basic and unmanned crossing. There is also the 'Henley Public Footpath Level Crossing' allowing pedestrians to cross the railway line as part of a public right of way (PROW) footpath ref: CH27/21 which runs across the field southward from Cathole Bridge Road.
32. An initial response from Network Rail (NR) stated that the extra people living near the site as a result of the proposed housing would pose an unacceptable risk to 'Network Rail, Train Operators, Rail passengers and the public', with concerns relating to increased traffic across the AHB crossing and also the

- pedestrian crossing. However, following discussions between the appellant and NR, these objections have been removed by NR subject to mitigation.
33. For the AHB crossing, Network Rail have accepted the appellant's evidence that there would not be a significant increase in large vehicles using this crossing once the development is occupied. However, these parties have agreed to the need for a condition requiring a Construction Traffic Management Statement (CTMS), which would prevent use of this AHB crossing for construction vehicles. It is my view that a condition similar to this suggested is a pragmatic solution which would ensure against safety issues at this crossing during the construction phase, with alternative and more suitable routes available to the site for construction vehicles.
34. However, there is still the issue of the public footpath crossing. Jointly, NR and the appellant have put forward a potential solution which the Council have raised no objection to. This would have the aim of ultimately diverting the foot path so it links with right of way No CH 33/66 and crosses the railway line at the AHB (on Cathole Bridge Road), and then links up again with its route south.
35. A basic plan has been provided to show this intended diversion, which appears to be a practical solution and would allow the stopping up of the pedestrian crossing. I also understand that this would not involve any third-party land. I have no information before me that there would be any particular issues with such a diversion, with the Council stating that such a proposal would have a fair chance of succeeding.
36. From the evidence provided, including both NR and the appellant stating that it is necessary to address this issue in the interest of public safety, then I accept that stopping up of the pedestrian crossing is required and necessary as a result of the proposed development and the significant amount of new residents this would bring to the area near to this footway and the crossing. Stopping up of the pedestrian crossing also appears to be the best solution given that physical measures to enhance safety at the crossing would rely on appropriate user behaviour, which cannot be guaranteed at all times.
37. However, if this development were to be allowed there would need to be some control to ensure this stopping up of the pedestrian crossing happens before the dwellings are occupied. The submitted legal agreement does include a financial contribution to NR for this process, but there are no guarantees such as an application to divert the right of way from the pedestrian crossing would be allowed. Whilst from the evidence I agree that it is likely to succeed, an application for a diversion of the right of way could be turned down for reasons not apparent with this appeal. As such, I conclude that a condition requiring the stopping up of the pedestrian crossing (which would necessitate the diversion of the public right of way) prior to the commencement of development of the proposed housing is necessary.
38. Though the appellant has stated that such a condition would only need to require the stopping up of the pedestrian crossing prior to the occupation of the dwellings, this would open up the possibility of many houses being built whilst there was still some doubt over whether the right of way can be diverted. These houses would have to remain unoccupied for an indefinite time if there was a delay with stopping up of the pedestrian crossing, which I would not regard as being an appropriate scenario. As this is an issue of public safety being ensured to an acceptable level, I regard it as necessary for such a

condition to require the pedestrian crossing stopping up process to be completed and confirmed prior to the commencement of development. Whilst this may delay commencement on site, as this is such an important matter, I regard any such delay as necessary in the interests of public safety.

39. Furthermore, this condition only needs to require that the public footpath level crossing is stopped up. This would require the diversion or extinguishment of the public right of way, which would be a separate process, but for this proposed development to be acceptable the only requirement is for the pedestrian crossing to be stopped up. How this is arranged is for the appellant and other stakeholders to determine. However, based on the evidence before me now the stopping up of the pedestrian crossing is necessary and I would consider there is a likelihood it can succeed. Therefore, I have not used the relevant condition suggested by the appellant, with the two stages relating to whether the diversion order is confirmed. The condition I have included is simply for the footpath level crossing to be stopped up and not in use for the public prior to the commencement of development.
40. To fund the legal costs and any other costs in relation to the process of diversion of the footpath and stopping up of the pedestrian crossing there is a clause in the submitted legal agreement for the appellant to pay a sum of £78,000 to the Council, who in turn would give this to NR for them to undertake this process. However, I do not regard this as necessary to be included as a planning obligation or there to be a need to involve the Council in this process. What is necessary to make the development proposed to be acceptable is for the pedestrian footway across the railway line to be stopped up to prevent its future use. I understand that this will likely require a diversion of the public right of way, but this is for the developer to address in coordination with NR. I am also aware that if the Order is unopposed then such a sum of money would not be required by NR, with an estimated £50,000 of the total being for Counsel at a Public Inquiry for example, which may not be needed.
41. With use of such conditions as explained above, given the evidence, the proposed development would not result in increased safety issues for users of the highway railway crossing on Cathole Bridge Road or to pedestrians, including those users of public right of way (Ref: CH27/21). This accords with the policies TA5 of the South Somerset Local Plan and also those within the relevant sections of the National Planning Policy Framework (the Framework).

### **Other Matters**

42. Interested parties have raised the issue of housing need, and whether the scale of housing development is necessary in the Crewkerne area. However, it is clear to me from the evidence provided that there is a housing need within the area, with mention also within the Council evidence that there has been a lack of delivery of housing schemes within Crewkerne. Furthermore, the site is immediately adjacent to the edge of this town, which from my observations has a good selection of shops and services with Crewkerne being identified by the Council as a Primary Market Town. On this basis there is a demand for housing in Crewkerne and this housing would be well served by the facilities in the town as well as being in an accessible location. I understand from correspondence received that there are few available doctors in the town with a limited health service, but there is no definitive evidence to suggest that this is a situation

that will remain for the long term. Furthermore, I note that the S106 legal agreement submitted includes provision for a large contribution towards local schools to help with capacity, following comments from the Council's Education Officers. Furthermore, I have no substantive evidence that there is a lack of employment within Crewkerne or the wider area for future occupants to potentially take up.

43. The development would be of a greenfield site and would therefore have a degree of visual impact over and above the existing undeveloped fields. However, from the evidence submitted, there would be open space remaining within the development boundaries and the housing would be set against the backdrop of primarily other existing housing. Furthermore, retention of existing landscaping where possible and the introduction of new planting would also help mitigate any visual impact of the development. On this basis I would consider any detrimental visual impact as minimal and would be outweighed by the benefit of providing new housing.
44. The proposed housing would likely be positioned in close proximity to some of the adjacent existing housing. However, this is an outline application with details of the houses design, scale and layout reserved for later consideration. As such, I see no reason why, given the size of the site, that the development cannot be implemented without unacceptably impacting upon the living conditions of neighbours to the site. I accept that the outlook from numerous dwellings adjacent to the site would likely be altered, but with a suitable layout and spacing, together with good levels of landscaping, the overall impact to outlook should not be unacceptably impacted. There may also be some effect to the value of neighbouring properties, but there is no substantive evidence as to what this may be and so I give this matter little weight.
45. There is some ecological value in the site, primarily with the existing hedgerows and the Kithill County Wildlife Site. As the Council has agreed, this can be addressed and impacts to the ecological value of the site sufficiently mitigated, through measures which are required in the submitted legal agreement. This appears to be in general accordance with the submitted Ecological Survey and the Council Ecologist comments.
46. As details of the internal layout and design are reserved matters then details of parking provision are not provided at this stage, but there is no reason for me to conclude that the development would provide insufficient parking provision, thereby not impacting on on-street provision on adjacent roads to any significant extent. Furthermore, there is no substantive evidence to suggest that the additional people living in Crewkerne as a result of the development would cause parking provision to be overwhelmed elsewhere within this town.
47. The site is in Flood Zone 1 and so does not have a high risk of flooding. From details submitted it is apparent that sustainable drainage can be used and that any form of flood risk can be sufficiently addressed. However, full details of drainage should be required by condition if approved.
48. There will be some disruption and disturbance to neighbouring occupiers to the site through much of the construction process. However, times for construction can be limited so noise and disturbance are kept to a minimum in unsociable hours particularly. Furthermore, the whole construction process would be a temporary phase and so would not be a long term issue.

### *Legal Agreement*

49. A signed and dated Section 106 Agreement has been provided with the aim of ensuring the provision of 35% affordable housing as part of the development, a compensatory ecological habitat scheme with public open space and a locally equipped area of play (LEAP), with associated commuted sums for future maintenance and management where necessary. Furthermore, the Agreement includes contributions towards education (pre-school, primary and secondary school levels), footpath enhancements, youth facilities and playing pitch enhancements. The Agreement also provides the provision of a Travel Plan and the associated safeguard measures contributions and Travel Plan fee payable to the Council. There is also, under Schedule Nine, covenants between the appellant and County Council relating to highway works and includes the sum for the bond.
50. For the reasons given elsewhere in this decision, the 'Network Rail' obligation under Schedule Six of the submitted legal agreement is not a material consideration in deciding whether to grant planning permission, as I do not find that it is necessary to make the development acceptable in planning terms and therefore does not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
51. Similarly, as pointed out by the appellant that with regards the LEAP if the developer should deliver and maintain (such as through a management company) this facility then there should be no capital or commuted sums to be payable to the Council.
52. Apart from where explained above that an obligation should not be included, based on the submitted evidence I consider that the provisions of the agreement are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 56 of the Framework, the Planning Practice Guidance and the Community Infrastructure Levy Regulations 2010.

### *Conditions*

53. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. I have also taken into account the comments from the appellant regarding conditions. The conditions I have included from that recommended by the parties have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
54. I have attached the standard time limit conditions for an outline permission and a plans condition as this provides certainty. I have also added a condition to clarify what are the reserved matters.
55. I have not included a condition that requires all the reserved matters to be submitted "in the form of one application", as suggested by the Council, as I have no substantive justification provided for this.
56. To ensure that development is undertaken at suitable times of the day, thereby minimising the disturbance to neighbouring occupiers, a condition to limit the

construction times with no construction at all on Sundays or Bank Holidays is added.

57. I have added a condition for a Construction Traffic Management Plan as initially suggested by the appellant and Network Rail. I have used much of the alternative wording that the Council suggested in their response, but have included the specific requirement that construction vehicles do not use a route which would mean having to cross the level crossing on Cathole Bridge Road as this is necessary in the interests of public safety. I have not included the reference to Network Rail necessarily having to be in agreement with the submitted Construction Traffic Management Plan but I acknowledge that the appellant and Council may want to consult Network Rail to ensure the Plan meets with its requirements.
58. The condition suggested by the Council requiring landscaping details has not been included as landscaping is a reserved matter and so will be addressed at that subsequent stage.
59. Due to potential archaeological resource in the area there is the need for a written scheme of investigation for the implementation of archaeological works which will need to be submitted to the Council. This is in the interests of safeguarding this resource.
60. There is a need to have full details of both foul and surface water drainage for the site, in the interests of ensuring a suitable drainage system and the avoidance of flood risk as a consequence of the development.
61. Final details of levels are required by condition in the interests of visual amenity and to safeguard living conditions of neighbours.
62. There are several highway based conditions included, such as those relating to preventing surface water flow onto the highway, the requirement to submit details of various aspects of the highway as part of the development, providing consolidated roads and footways, ensuring suitable driveway gradients, hard standing lengths to the front of driveways, and also a condition survey needed of the existing public highway to ensure against long term damage to the surrounding roads. All these are in the interests of highway safety and providing suitable access to and within the new development.
63. There is also a condition requiring that no development commences until final details of the off-site highway works along Cathole Bridge Road has been approved. This is necessary to improve the safety and capacity of this stretch of highway to manage the increase in traffic as a result of the development. Under Schedule Nine of the submitted S106 Legal Agreement there are set out covenants with the County Council regarding these highway works, but this condition is to ensure the agreement of the Local Planning Authority also and is therefore necessary.
64. A condition is included requiring no obstruction within the vision splay at the proposed main vehicular access to the site, as shown on the submitted drawings.
65. I have not included a condition requiring the keeping of garages for parking only, as it is not clear at this stage whether garages would be necessary for parking in the interests of highway safety. Likewise, I have not included the suggested condition from the Council requiring that areas of parking and

turning shall be kept free of obstruction as currently there is no detail of this aspect of the development, which would be part of the reserved matters, and therefore it is not certain to be necessary at this stage.

66. Finally, I have included a condition requiring the stopping up of the pedestrian crossing of the railway line near the site to prevent its use by the public, in the interests of public safety, as described elsewhere in the main issues.
67. The Council has included informatives relating to the Community Infrastructure Levy, the public right of way, and ecology mitigation. There can be no informatives in this decision, but it is advised that the appellant reads the suggested informatives as a form of advice.

### **Conclusion**

68. For the reasons outlined above, this appeal should be allowed subject to the following conditions in the attached schedule.

*S. Rennie*

INSPECTOR

**Schedule – Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 171108\_L\_01\_01\_A; 4264-001 Rev C; and 4264-003 Rev A.
- 5) No construction work shall take place or construction deliveries taken outside the hours of 08.00-18.00 hours Monday to Friday, 08.00-14.00 hours on Saturdays with no construction work or construction deliveries made on Sundays or Bank/Public Holidays.
- 6) No development shall commence unless a Construction Traffic Management Plan 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 plan. The plan shall include:
  - Construction vehicle movements and routes to and from the site, which secures routing of all construction vehicles to prevent use of the Crewkerne AHB Level Crossing on Cathole Bridge Road;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - A scheme to encourage the use of public transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- 7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.
- 8) Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

- 9) Before any of the construction starts on any of the dwellings hereby permitted, details of the internal ground floor levels of all the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The buildings thereafter should be constructed in accordance with these approved ground floor levels.
- 10) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to first occupation of any of the approved dwellings and thereafter maintained at all times.
- 11) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, 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.
- 12) 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.
- 13) The gradients of the proposed driveways to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained as such thereafter.
- 14) There shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the garage doors are of a roller shutter/sliding/inward opening type.
- 15) There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the garage doors are of an up and-over type.
- 16) No work shall commence on the development site until the developer has submitted to and had approved by the Local Planning Authority full details of the highway works to be provided along Cathole Bridge Road. No part of the development hereby permitted shall be occupied until these approved highway works to be provided along Cathole Bridge Road have been constructed in full.
- 17) A Condition Survey of the existing public highway will need to be carried out and agreed with the Local Planning Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Local Planning Authority once all works have been completed on site.

- 18) At the proposed site access off Lang Road there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan, drawing number 4264-001 Revision C. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- 19) No development shall commence until the pedestrian railway crossing, which is part of public right of way No CH27/21 and referred to in the correspondence from Network Rail relating to this development, has been stopped up and not available for use by the public.

**END OF SCHEDULE**