

42/09/0001

FALCON RURAL HOUSING & WEST OF ENGLAND DEVELOPMENTS (TAUNTON) LTD

**ERECTION OF 7 AFFORDABLE COTTAGES AND 2 AFFORDABLE FLATS AT LAND OPPOSITE DIPFORD COTTAGE, DIPFORD ROAD, TRULL AS AMENDED BY PLAN 3987/08A & 3986/08A WITH EMAIL DATED 25 FEBRUARY 2009.**

320778.122191

Full Planning Permission

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## **PROPOSAL**

The proposal is a revised application, now for full permission for 9 affordable housing units with associated parking and access. As the application is for full permission, plans have been submitted to show the elevations and floor layouts. The layout is for a pair of semi-detached cottages, a group of two flats and a 3 bedroom cottage and a row of four terrace houses. The dwellings are all two storey with a simple design, with 2/3 bedrooms. The proposal is for 2 x 2 bed flats, 1 x 2 bedroom house and 1 x 3 bedroom house for renting and 2 x 2 bedroom and 3 x 3 bedroom houses for sale at a discounted rate capped at 70% market value. Access is proposed to run from towards the west of the frontage of the site, perpendicular to the rear of the site, where two car parking spaces per dwelling are proposed. There is amenity space to the front and rear of each house plot, with garden stores to the rear and each dwelling has a pedestrian access at the front.

The scheme as revised includes improvements to the footway opposite the site in order to clear it to its original width and surface it and widen it in the area adjacent to Dipford House.

A housing needs survey was submitted with the application, which was carried out by Trull Parish Council and the Community Council for Somerset's Rural Housing Enablers. In summary the survey found that 18 households have a need for affordable housing in Trull Parish. There has been a follow up survey carried out by Falcon Rural Housing which identifies a specific need of 9 units within the parish from the earlier survey. An assessment has also been made assessing the suitability or availability of 25 other sites.

## **SITE DESCRIPTION AND HISTORY**

The site is approximately 0.3 hectares and is located to the west of Trull, and 3km south west of Taunton Town Centre. The site is currently vacant and was previously probably an orchard. The nearest settlement is Trull, which has a small range of facilities and limited local public transport. Previous applications for 8 affordable houses and subsequently 9 units were refused last year, on grounds of sporadic development in the countryside detrimental to the rural character of the area and the use of private vehicles fostering the growth in the need to travel.

## **CONSULTATION AND REPRESENTATION RESPONSES**

## Consultees

*Trull Parish Council* - Recommend support of the application.

*Somerset County Council - Transport Development Group* - The site lies outside the development boundary of Trull but is accessible and is in reasonable proximity to the village and accessible by a public footway running along the south side of the road between the site and the village. In terms of the layout of the development, the plan and layout are generally acceptable but I would require assurance that the visibility splays shown are commensurate with the speed of traffic on the local highway network, bearing in mind that this site is outside the 30mph limit.

The applicant proposes clearance and footway widening works and it is my opinion that a minimum width of 1m should be available on the footway over its entire length. I have discussed this with the applicant and he is to submit an amended plan showing the amended footway design. In all other respects I do not propose to raise an objection to the development; however when I receive amended plans I will comment further and provide conditions to be attached to any consent which may be granted.

### COMMENT ON AMENDED PLAN

The Planning Officer will recall my letter dated 23 February 2009 where I found that the site was accessible and in reasonable proximity to the village by means of a public footway and, in terms of the layout of the development, the plan and the layout were generally acceptable.

I did point out, however, that I needed assurance that the visibility splays were commensurate with the speed of traffic and that I required a widening of the footway to a minimum width of 1m at all points between the site and the junction with Trull Road. Amended plans have been submitted showing the widening of the footway and I am content that these plans are suitable to be incorporated in a Section 278 Agreement which will be required between the applicant and the highway authority to deal with the design, construction and funding of the works. I have had representations from local residents regarding the width of the footway saying that it is in places only .8m and that location is not covered by the amendments to the plan. I am content that this can be dealt with at the time of the Section 278 Agreement as the applicant has assured me that he will widen the footpath to a minimum of 1m.

A question has also been raised about the location of the proposed tactile crossings and this is also a matter that can be dealt with at the detailed design stage.

In consequence, therefore, subject to the applicants entering into a Section 278 Agreement with the highway authority, I would have no highway objection to the proposed development. I would request the following Conditions be attached to any consent which may be granted:-

1. 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 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.

2. The details of access shown on drawing Number 3987/08 shall be constructed and available for use prior to the occupation of any other dwellings proposed.

*Housing Enabling Manager* - The Housing Enabling Manager fully supports this application for 9 affordable homes. The need has been established in this village and these new homes will go some way towards reducing the current need for local people. This response supports my comments of the first consultation.

*Leisure Development Manager* - In accordance with Policy C4 provision for play and active recreation must be made. A contribution of £1023 for each dwelling should be made for the provision of facilities for active outdoor recreation and a contribution of £1785 for each 2 bed+ dwelling should be made towards children's play provision. The contributions should be index linked and spent in locations accessible to the occupants of the dwellings.

*Somerset County Council - Development Control Archaeologist* - There are limited or no archaeological implications to the proposal and we have no objection on archaeological grounds.

*Wessex Water* - The site is not in a Wessex Water sewered area. The developer has indicated disposal of foul drainage to a packaged treatment plant and surface water to soakaways or existing watercourse. The Council should be satisfied with the arrangement of flow and surface water flows generated by the development. There is a water supply in the vicinity and a point of connection will need to be agreed. The developer should check with Wessex with regard to uncharted sewers or water mains.

*Somerset Environmental Records Centre (SERC)* – One or more legally protected species are found within proximity of the site.

*Drainage Engineer* - I note foul drainage is to be dealt with by means of a private sewage treatment plant. This will require the consent of the Environment Agency and they should be consulted. With regard to surface water disposal I have the following concerns; 1) I note surface water is to be discharged to a SUDs system (grey water and permeable paving). However no details of how this is to be achieved including calculations, porosity tests etc. have been provided. 2) The choice of concrete filled sandbags as a headwall is not acceptable. 3) Details should be provided to prove water levels in the receiving water course do not compromise the working of the sewage treatment plan and the on site surface water storage facilities. No approval should be given until a comprehensive surface water disposal system has been designed and agreed with the Authority.

*Forward Plan & Regeneration Unit* – As this proposal is essentially the same as the previous application on the site (42/2008/037), the comments that I made in relation to that application are still relevant. The main difference between the proposals is that the current application now includes measures to improve the footpath between the site and Trull on the south side of Dipford Road.

My comments on the previous application indicated that although the proposal is contrary to planning policy in certain respects, the need to facilitate the provision of affordable housing is a significant material consideration, which should be accorded some weight in evaluating the proposal. That remains the case, although the proposed improvements to the footpath link to the village, with its facilities and access to public

transport, remove one of the concerns with the original scheme.

*Heritage and Landscape Officer* - The proposed development will have a detrimental impact on the rural character of the area contrary to EN12. If however the proposal is recommended for approval the suggest further reinforcement of the northern boundary to maintain a strong countryside edge to the development. The existing proposals have a two non hedge rowed areas to the east and west of the northern hedgerow that should be filled. Otherwise detailed landscape proposals and protection of existing trees should be provided.

*Nature Conservation & Reserves Officers* - Please see earlier comments 42/08/0037.

If you are minded to grant permission I suggest the following condition to protect and enhance opportunities for species that may be affected:

The development hereby permitted shall not be commenced until details of a strategy to protect bats, badgers and breeding birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates submitted report, dated January 2008 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for species name shall be permanently maintained.

Reason: To protect bats, badgers and breeding birds and their habitats from damage bearing in mind these species are protected by law and in accordance with PPS9.

#### Informative Note

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

*CIVIC SOCIETY* - For the third time the Civic Society objects to this scheme.

We do not consider that this third application (although a full application rather than an outline one) contains any material change that makes it any more acceptable. To repeat, we contend that:

- This Greenfield site is outside the settlement boundary and as the development proposed is quite intensive for a rural setting and will harm the character of the area it clearly fails Policy S7 and cannot be justified under Policy H11.
- Car use is very likely to increase (18 spaces provided). Residents would drive to and from this site not only for convenience but for safety reasons: the site is near a bend, a road on which traffic can be quite fast, unlit for much of the way into Trull, with an inadequate footway. The site thus fails Policies H9 (C) and S1 (B). In fostering growth in the need to travel it is in direct conflict with Somerset & Exmoor National Park Structure Plan saved policy STR6.

The applicants propose footpath improvements that will be insufficient to address the general inadequacy. The narrowest measurements are not shown on the plan 3986/08, (see photograph 1 overleaf, which is 3m west of the gate pillar at the entrance to Dipford House – width is 0.65M). Furthermore, vehicles find it difficult to pass each other without using the full width of the road (see photograph 2). All this means that a substantial improvement would be required to make the footway safe for an adult with a child.

We note that the all the units in the development are excessively large (and hence unaffordable) for the largest part of the identified need, and that only 1 household is identified as requiring a 3-bed property. The argument that the development meets needs is therefore somewhat disingenuous. We are also concerned that given the need to plan a well designed urban extension in this area, the development could well be an impediment to necessary road improvements and to the layout of a much more significant scheme.

*COMMENTS ON AMENDED PLAN:* All of our previous objections on policy grounds continue to apply (see letter of 31 January '09). We think that these alone should be an adequate reason to refuse approval. Further, our comment about the poor fit of the proposed development to recorded need still stands.

On the practical concern about footpath safety, we consider that the improvements proposed are inadequate, only tinkering with the problem. The scheme will still require residents to cross this unregulated road to access the footpath into Trull, and the proposed crossing point is just after the bend in Dipford Road and the exit road from the site, thus requiring approaching traffic to look at and react to two potential hazards – the site exit and the crossing point – in a relatively short time. We have earlier noted that vehicles sometimes have difficulty in passing on this road.

We note Mr Copp (SCC Transport Development Group) recommends that the available footway width is a minimum of 1m over the whole path to Trull. Since it is quite unreasonable to assume that vegetation and minor soil slips will be constantly and regularly tidied up in perpetuity, the available width will be at least 0.25M to 0.4M less than the absolute maximum as measured or proposed by the applicant, particularly along the stretch from Dipford House to Trull. Some guidance from Mr Copp as to the realistic margin needed to achieve a practical 1M minimum width at all times would be appreciated.

## **Representations**

3 LETTERS OF SUPPORT on grounds of need, houses nearby and proximity to village with good pedestrian access along a footpath. It is a safe area and will support local economy including business and the school.

Cllr Horsley: I am a passionate supporter of affordable housing but believe these should be delivered in appropriate areas which are within the Local Plan. This plan is a) disproportionate to the hamlet where it is proposed, b) contrary to the Local Plan and c) creates a dangerous precedent for future applications throughout the district.

A Petition of 288 signatures has been submitted opposing the proposal.

26 LETTERS OF OBJECTION on grounds of on dangerous corner and road, there have been deaths and minor crashes near the site in the past, flooding in winter,

development not suitable for rural area and narrow footpath not suitable. The site is in open countryside; it is not in keeping with the area and does not accord with the tests of Policy H11. It is ribbon development. It will increase the numbers of housing in Dipford above the stream by 100%. The site is not an infill site, it does not adjoin the settlement, it would harm the rural character of the area, and occupiers would be reliant on private vehicles and would set a precedent for similar sites in the countryside. The submitted assessment of other sites by the applicant is flawed. There are more suitable sites for the development. Utilities in the area would need to be upgraded. The local school is over subscribed. It does not adjoin the settlement and would create an unacceptable form of sporadic development in the countryside. The site is too far away from the village and would marginalise owners on low incomes who would be unable to integrate with the community. The need should be planned for in an over all strategy, not piecemeal. What provision is made for children to access the recreation ground? It will add to congestion in the area, particularly the Honiton Road junction. There will be an increase in traffic in an area used by high speed emergency service vehicles. The road is also used by tractors and large lorries and there have been accidents in the area. The access is not visible from the Angersleigh direction and will be hazardous. The pavement improvements are unlikely to be adequate. The pavement will be too narrow and a danger to pedestrians. The footpath is unlit and impassable by pushchairs and wheelchairs. The site is not sustainable with no safe pedestrian access. Cars will be used irrespective of the footway works and people will be reliant on them. The footway widening does not remove the hazards of the area, it will narrow the road and does not make Dipford closer to Trull, nor make it a rural exception site. Trull is an associated settlement (policy T1) with no obligation to provide affordable housing. The exception policy H11 is misused but the proposal is still harmful to the rural character of the area. A suitable site should be identified through the LDF. Increase in noise and light and loss of amenity and privacy. There is no need for more low cost housing here in the current market and the needs survey is not met. The proposal will add to run-off and concern over foul water entering the stream. The proposal has been rejected twice and the reasons still apply and there has been no significant change. The Council should refuse to determine the application under Section 43 of the Planning & Compulsory Purchase Act 2004 as it is yet another submission of a similar scheme following two refusals and this is an attempt to wear down opposition and undermine the system. Committee Members should visit between 8-9am and 4-6pm before making their decision on the application.

8 additional letters from previous objectors reiterating previous comments and advising the site is a bad/dangerous place to cross the road, the pavement would still be narrow, it will not provide adequate security for pedestrians, it will narrow the road, it would increase vehicle speeds and therefore hazards, trimming side growth is only a short term palliative and no provision is made to maintain the situation better than at present, the further adjustment makes no fundamental difference to the main objection regarding location and sustainability.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP33 - S&ENP - Provision for Housing,

S&ENPP35 - S&ENP - Affordable Housing,  
S&ENPP48 - S&ENP - Access and Parking,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
H11 - TDBCLP - Rural Local Needs Housing,  
M4 - TDBCLP - Residential Parking Provision,  
C4 - TDBCLP - Standards of Provision of Recreational Open Space,  
EN12 - TDBCLP - Landscape Character Areas,  
T1 - TDBCLP - Extent of Taunton,  
H03 - RPG 10 H03 - Affordable Housing,  
TRAN1 - RPG 10 TRAN 1 - Reducing the need to Travel,  
RSS-SD1 - Draft RSS SD1 - The Ecological Footprint,  
RSS - SD2 - Draft RSS SD2 - Climate Change,  
RSS - H1 - Draft RSS H1 - Affordable Housing,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main issues in considering this proposal are the policy considerations, need for affordable housing, amenity impact and access and sustainability in terms of the location. The site was considered by Members in May and November last year when similar proposals were refused.

The site is located beyond the designated settlement limits of Trull and Taunton, and policies relating to development in the countryside are therefore relevant. Structure Plan (STR6) and Local Plan Policy (S7 & H11) allow as an exception for the development of affordable local needs housing sites, where there is clear evidence of local need and providing the site is within or adjoining the village.

In order to demonstrate the requirement for affordable housing provision to accord with the exceptions policy a rigorous local needs survey is required. The local needs assessment that was carried out to justify the type and number of dwellings proposed was carried out by the Community Council and this was further assessed by Falcon Rural Housing's own assessment. Planning Policy Statement 3 - Housing makes it clear that proposals for affordable housing should reflect the size and type of affordable housing required (paragraph 23). It is accepted that a need for affordable housing in the Trull area has been demonstrated and that potential sites are limited. The provision of affordable housing is one of the Council's key aims and there therefore needs to be given significant weight in assessing any such proposal.

Trull is an associated settlement in relation to Taunton and therefore is therefore strictly speaking not a rural settlement. Policy H11 clearly states that exception housing should be located within or adjoining settlement limits. Clearly this site meets neither test. The proposal therefore is clearly not in accordance with Policy H11.

The site has a frontage of over 80m along this rural road and is beyond the settlement limit and is not considered to be an infill site. In addition it could be argued that it will lead to more of a ribbon form of development in this rural location which is not characteristic of this area. These concerns are important planning considerations that must also be given considerable weight in the determination of this application.

The proposal would provide for 9 new dwellings sited in a row set back from the road frontage. The plan shows the properties set back approximately 16m from the wall of the properties opposite. The new properties would be set at a lower level than the existing and there will be a loss of outlook and an impact on the amenity of the existing properties. However loss of view is not a reason to object and it is not considered that this relationship would cause such as loss of amenity through overlooking and loss of privacy to warrant refusal.

The proposal has been submitted with a wildlife survey of the site and the Council's Nature Conservation Officer recommends mitigation conditions for birds and bats as well as for badgers during construction. The Leisure Manager has identified a need for play and recreation facilities as a result of the development in accordance with policy C4 and has requested the provision of a contribution as part of a Section 106 Agreement should permission be granted. It is considered that there is a requirement for such facilities to serve the residents of the new units and therefore it is considered that the Section 106 should address this point if permission is to be granted, although some reduction may be appropriate to take account of residents already in the community who would not be freeing up other accommodation.

The Drainage Officer's concerns with the nature of the drainage system have been addressed by the agent subject to the outfall construction detail. This detail would be subject to any land drainage consent. The concern remains over the foul treatment if the Environment Agency do not grant consent. A condition to ensure satisfactory drainage provision prior to occupation can be conditioned.

The Highway Authority have previously expressed a concern over the sustainability of the site, as occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs – such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10. The footway that links the site to Trull, the nearest bus stop, local shop and school are all in excess of 400m away and outside the target distances set out in RPG10. Furthermore the footway is narrow in places making it difficult for wheelchairs and prams/pushchairs etc. In order to address the concern the developer has agreed an improvement scheme for the footway which will include clearing and re-surfacing and widening to a minimum of 1m, including in the area of the Dipford House entrance. The Highway Authority considers the improvements are adequate and sufficient to remove their sustainability objection.

As has been stated above similar proposals have been refused on two previous occasions at this site. The proposed site does not adjoin the settlement limit and its development cannot therefore be considered to be in accordance with the development plan. These valid policy and impact concerns must be weighed against the need to facilitate the provision of affordable housing which is not simply an important material planning consideration, but is also one of the Council's key objectives.

What differs with this proposal as compared with the previous is the proposed improvements to the footway which are such that the County Highways Authority have withdrawn their objection on sustainability grounds now stating that the site is 'accessible and in reasonable proximity to the village'. I strongly believe that all new housing, but particularly affordable housing, needs to be located in sustainable locations where there is good pedestrian access to services and facilities. The footpath works proposed therefore take away one of the primary concerns with the



previous proposals on this site.

Nevertheless, Members will need to consider very carefully the valid policy objections to this proposal in deciding whether the need for affordable housing is considered such as to warrant setting aside the provisions of the development plan in this instance.

In light of the limited impact and improvements to pedestrian access which will benefit existing as well as proposed residents, on balance I consider that this is now a proposal worthy of support.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Awaiting S106 Completion

Subject to advertisement as a departure and a S106 obligation relating to footpath improvements, provision of affordable housing and leisure and recreation contribution, the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and PERMISSION BE GRANTED subject to the following conditions: time limit, materials, landscaping, boundary treatment, wildlife mitigation, drainage, access, recessed windows, parking and footway improvements prior to occupation and note re wildlife.

Should the S106 agreement not be completed by 30 April 2009 the Development Manager in consultation with the Chair/Vice Chair be authorised to refuse permission on grounds of inadequate affordable housing and leisure and recreation provision.

Whilst the proposal comprises development in the countryside and does not therefore accord with various policies in the Taunton Deane Local Plan in this case it is considered that the need for affordable housing is such as to warrant the granting of permission, particularly in light of the improvements to pedestrian access to local facilities proposed.

## **RECOMMENDED CONDITION(S) (if applicable)**

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting

and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

- 5. The development hereby permitted shall not be commenced until details of a strategy to protect bats, badgers and breeding birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associates submitted report, dated January 2008 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, badgers or birds shall be permanently maintained.

Reason: To protect bats, badgers and breeding birds and their habitats from damage bearing in mind these species are protected by law and in

accordance with PPS9.

6. None of the dwellings shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent unauthorised discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

7. The dwellings shall not be occupied until a means of vehicular access has been constructed in accordance with the drawing number 3987/08 hereby permitted and made available for use unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

8. The windows hereby permitted shall be recessed in the walls by a minimum of 70mm or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure details appropriate to the character of building and area in accordance with Policy S2 of the Taunton Deane Local Plan.

9. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwellings are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

10. No dwelling shall be occupied until the footpath improvements indicated on the submitted drawings have been agreed with the Highway Authority and carried out.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, 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.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Notes for compliance

1. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the site must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr B Kitching Tel: 01823 358695**