
Appeal Decision

Site visit made on 5 September 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 September 2016

Appeal Ref: APP/R3325/W/16/3151168

Land at Vardens Farm, Broadway Road, Broadway, Ilminster TA19 9RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Ms Shirley Mitchard against the decision of South Somerset District Council.
 - The application Ref 15/01053/OUT, dated 3 March 2015, was refused by notice dated 8 December 2015.
 - The development proposed is described on the application form as '*residential development comprising of up to 9 dwellings, associated parking, landscaping, drainage features and construction of access from Broadway Road*'.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development comprising of up to 9 dwellings, associated parking, landscaping, drainage features and construction of access from Broadway Road at land at Vardens Farm, Broadway Road, Broadway, Ilminster TA19 9RE in accordance with the terms of the application Ref 15/01053/OUT, dated 3 March 2015, subject to the schedule of conditions in this decision.

Procedural Matters

2. The carriageway abutting the appeal site is named Broadway Road rather than Broadway Street. I have therefore amended the address in the banner heading above from that which was used in the application form accordingly.
3. The appeal is against refusal of outline permission with details of appearance, landscaping, layout and scale reserved (the 'reserved matters'). As such, other than in so far as they relate to access which is not a reserved matter, the plans associated with the application are illustrative of the development proposed.
4. There have been several iterations of plans. However the appellant has requested that I consider principally plan 130505 L 01 01 C, dated October 2015, a revised site location plan.¹ This version preceded the Council's decision notice, and reference is thereto made within the Council's officer report associated with the application. I am consequently satisfied that no party would be prejudiced by my determination of this appeal with reference to it.
5. The appellant also requests that I reach a decision with reference to plan 4053/02 revision A, dated 25 May 2015, which is described as a '*point of*

¹ In correspondence submitted at appeal, Ref AKS/25.05.16.

access plan'. This is essentially an enlarged version of the access illustrated on plan 130505 L 02 01 G which supported the original application, with additional detail provided in respect of visibility splays and speed limit delineations. On this basis, and as this plan is referenced in the Council's appeal statement, there is no reason to discount it from the evidence before me.

6. The appellant has furthermore requested that I determine the proposal based on plan 130505 P 01 B, dated October 2015, which is described as a '*parameter plan*'. It appears that the only notable change proposed via this plan compared with its predecessor, 130505 P 01 A, is an indication of an area of land within the same ownership as the appeal site to which a future landscaping scheme may relate (thereby reflecting the planting proposed in plan 130505 L 02 01 G). It is therefore likewise appropriate for me to have regard to this plan.²
7. Whilst there is reference within the Council's officer report associated with the original application to the provision of 3 affordable homes, section 17 of the application form indicates that the proposal is instead for up to 9 market homes. Moreover the *Planning Practice Guidance* (the '*Guidance*') establishes that contributions towards affordable housing provision should not be sought from development of the scale that is proposed here.³ I have approached the appeal on this basis.
8. This proposal follows withdrawn application Ref 14/04293/OUT, and many interested parties have commented on the current proposal with reference to that application. However there are significant differences between the current proposal and its predecessor, notably that up to 9 homes are now proposed as opposed to 20, and in any event each case must be determined on its particular merits.

Planning Background

9. The Council acknowledge that they are presently unable to demonstrate a five-year supply of deliverable housing sites in line with paragraph 49 of the Framework with reference to the approach set within the *South Somerset Local Plan 2006-2028* adopted on 5 March 2015 (the '*Local Plan*'). There is evidence before me to indicate that the Council can demonstrate a supply amounting to approximately 4 years and 2 months, representing a worsening situation over the past year.⁴ Accordingly the Council's relevant policies for the supply of housing cannot be considered to be up-to-date.
10. Paragraph 14 of the Framework explains the operation of the presumption in favour of sustainable development. For decision-taking this means that where the development plan is out-of-date permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.

² The relevant plans for this decision are therefore entitled 130505 L 01 01 C, 4053/02 revision A, and 130505 P 01 B.

³ Reference ID: 23b-031-20160519.

⁴ As set out in section 5.4 of *South Somerset District Council: five-year housing land supply paper*, dated July 2016.

11. Nevertheless planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It remains for the decision-taker to determine whether a particular policy is relevant for the supply of housing based on sound planning reasons, and to accord appropriate weight to out-of-date policies.⁵

Main Issues

12. On the basis of the evidence before me the main issues in this case are:

- 1) whether or not the access arrangements proposed are acceptable, with particular reference to pedestrian usage,
- 2) whether or not the proposal would preserve or enhance the setting of the Grade 1 Listed Church of St Aldhelm and St Eadburgha and churchyard, and
- 3) the effect of the proposal on the character and appearance of the area.

Reasons

Access arrangements

13. The appeal site is at a far easterly reach of the village of Broadway. Currently a largely flat open field, it connects with the surrounding countryside aside from along its south western and south eastern boundaries. To the south west the site abuts land serving buildings associated with Vardens Farm, and to the south east the appeal site abuts Broadway Road. The buildings associated with Vardens Farm and the village hall and surgery, which fall on the opposite side of Broadway Road, demarcate the current edge of the village.
14. Whilst the village benefits from various services and facilities catering for day-to-day needs, and is therefore described within the Council's officer report supporting the application as a '*sustainable location*', there are few dedicated walkways present. Not untypically of rural villages, most walking routes within the village are consequently along vehicular carriageways or informally along verges where present.
15. I understand that there was some discussion at application stage as to whether the proposal could incorporate a physical or 'virtual' footway linkage to the village. However no such undertaking is before me, and it appears that no public rights of way independent of carriageways serve the appeal site.⁶ Consequently in order to access services and facilities in the area, the intended future occupants of the dwellings proposed would need to walk along the carriageway for some distance.
16. Policy TA5 '*Transport impacts of new development*' of the Local Plan establishes that development should be served by safe access. Similarly the Framework sets out that decisions should take account of whether safe and suitable access

⁵ An approach reiterated in *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East, SSCLG*, reference [2016] EWCA Civ 168, to which my attention has been drawn.

⁶ With reference to paragraphs 7.4.9 and 7.4.10 of the appellant's appeal statement.

to the site can be achieved for all people. By virtue of applying to all development policy TA5 cannot be said to be a policy specifically relevant to the supply of housing, and as it is consistent with the approach in the Framework can consequently be accorded full weight.

17. The Government's *Manual for Streets 2* ('MFS2') indicates that the general standards that it sets should be applied flexibility with regard to the particular context in which development is proposed, guiding that '*streets without conventional footways may be appropriate where traffic speeds are low and the area operates on 'shared space' principles such as in town or village centres*'.⁷
18. Access to the site is presently shared with buildings comprising Vardens Farm, and the proposal entails the creation of a new access as detailed on plan 4053/02 revision A. I acknowledge that the services and facilities of Broadway typically fall within a reasonably convenient walking distance, and that no records exist of traffic incidents in the area to give rise to particular concern in respect of highway safety.⁸
19. Nevertheless, as identified above, the proposal would extend the built form of the village into the surrounding countryside. The current boundary of the 30 miles-per-hour speed limit that applies to Broadway is set between the proposed access and the main built form of the village. The stretch of Broadway Road abutting the appeal constitutes a moderate turn in the carriageway, is relatively narrow and is largely bounded by earthen banks, established hedgerows and mature trees. Consequently, this change in speed limit nearby is not readily apparent until alongside the appeal site.
20. Whilst observed driving speeds in this location may be lower than 60 miles-per-hour, in this context traffic speeds cannot reasonably be described as low presently with reference to the approach in MFS2. Pedestrian usage of the carriageway here is consequently liable to be unsafe on account of vehicle speeds, the narrow width of the carriageway, and limited distant visibility.
21. However, I note that Somerset County Council is, in principle, supportive of making a Traffic Regulation Order (TRO) to extend the boundary of the village's 30 miles-per-hour speed limit to beyond the appeal site and turn in the road to the north east of the appeal site.⁹ Such a change would substantially reduce speeds, thereby improving the safety of pedestrian access and indeed providing for what the Council considers to be appropriate visibility splays for vehicles making use of the access proposed. Whilst the absence of a dedicated walkway associated with the proposal would be no different to the prevailing layout of the village as identified above, the TRO is plainly critical to the acceptability of the development in this respect.
22. There is information before me related to an associated unilateral undertaking proposed by the appellant here that aims to effect the TRO, and a signed copy thereof. Whilst there appears to be no dispute in essence that an appropriate obligation here is required and compliant with the relevant requirements of the

⁷ At paragraphs 2.7.11 and 5.2.2 thereof.

⁸ *Vardens Farm, Broadway, Highway Statement* dated 3 March 2015 prepared by PCL Transport, highway, traffic and transport consultants, project ref 4053.

⁹ With reference to correspondence from Somerset County Council to South Somerset District Council dated 16 November 2015, reference TD/PA/5/41.

Framework,¹⁰ the adequacy of this undertaking is in dispute, chiefly in relation to the appropriate level of funding required.

23. Nonetheless the *Planning Practice Guidance* (the 'Guidance') sets that 'Grampian conditions', i.e. conditions which prevent development from occurring until a specific action has been taken, may be imposed under certain circumstances.¹¹ It establishes that Grampian conditions should not be used where there are '*no prospects at all of the action in question being performed within the time-limit imposed by the permission*'.
24. The County Council are supportive, in principle, of making a TRO and the dispute in respect of the associated unilateral undertaking is equally related to matters of detail rather than of principle. On this basis I am satisfied that there is a reasonable prospect of the TRO being made in due course, and as such it is appropriate to impose a condition to this effect.
25. Therefore on the balance of the evidence before me, and subject to an appropriate condition as identified above, the proposal would provide for acceptable access arrangements with particular reference to pedestrian usage. In this respect the proposal consequently accords with the relevant provisions of policy TA5 of the Local Plan, and with relevant elements of MFS2, the Framework and the Guidance.

Church of St Aldhelm and St Eadburgha

26. The appellant's *Heritage Statement* indicates that the Grade 1 Listed Church of St Aldhelm and St Eadburgha and churchyard falls approximately 350 metres from the current edge of the built form of the village.¹² The Church tower is partially visible in the distance from the appeal site above the bank of trees bounding the appeal site to the east. The relative isolation of the Church forms part of its tranquil rural setting, which the Council's Landscape Officer explains results from the desertion of a former village centred around it following an outbreak of plague.
27. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires me to pay special regard to the desirability of preserving the setting of Listed Buildings. Paragraph 132 of the Framework explains that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It clarifies that the significance of a designated heritage asset may be affected by development within its setting, i.e. the surroundings in which it is experienced.
28. The proposal is for up to 9 dwellings located within 'Area 1' of the appeal site as annotated on supporting plan 130505 P 01 B, which would extend the built form of the village towards the Church into what is presently countryside. Whilst the absence of development nearby the Church is part of its present setting, there is limited evidence before me to substantiate the historic narrative that has

¹⁰ With reference to paragraphs 203 and 204 of the Framework.

¹¹ Reference ID: 21a-009-20140306.

¹² Paragraph 6.4 of the appellant's *Land at Vardens Farm, Broadway, Somerset: Heritage Statement*, prepared by Cotswold Archaeology, reference 5431, dated July 2015.

been advanced by the Council in this respect.¹³ This necessarily qualifies the extent to which the relative isolation of the Church is integral to an understanding of its historic origins.

29. Moreover the Church and the development proposed would remain separated by a significant distance. It furthermore appeared to me that there are very few public vantage points nearby from which the development proposed and Church would be visible in conjunction, and inevitably such views would be highly limited by the presence of several intervening hedgerows and mature trees. I further note that the representations made by Historic England in this context relate principally to matters of design rather than principle, which fall to reserved matters applications.

30. Consequently on this basis, and subject to an appropriate approach to design being arrived at via reserved matters applications, the proposal would in my view represent a barely perceptible change to the setting of the Church and consequently suitably preserve its setting in line with relevant statutory requirements and with the approach within the Framework.

Character and appearance

31. Set within the countryside, the settlement of Broadway has an east-west linear form. More modern development is increasingly prevalent at the periphery of the village surrounding its historic centre. Modern development is less common to the north of Broadway Road, as is the location of the appeal site, than to the south thereof. Nevertheless the village as a whole is characterised by a mixture of ages of properties, and the village hall and surgery opposite the appeal site are modern buildings of understated design.

32. I note the observation made by the Council's Landscape Officer that existing housing to the north of Broadway Road is primarily arranged in single plot depths. However there is considerable variety in the arrangement of properties in the village, particularly to the south of Broadway Road towards Horton, such that a single plot depth pattern did not appear to me to be particularly significant to local character.

33. Nearby properties are, however, typically of dispersed arrangement. Parcels of undeveloped land fall irregularly between buildings, through which partial views are on occasion afforded of the largely flat surrounding countryside. Whilst trees, hedgerows and man-made boundary features are relatively commonplace, established field boundaries are visible from vantage points throughout Broadway.

34. As a consequence, and whilst there is no indication before me that the surrounding countryside is subject to protective designations relevant to this appeal, the village retains a clearly rural character commensurate with its historic origins. I also note the observation made by Broadway Parish Council that the appeal site and its surroundings form a natural buffer between Broadway and the A358.

¹³ As discussed in paragraph 6.6 of the Heritage Statement.

35. Policy EQ2 '*General Development*' of the Local Plan establishes that development must promote local distinctiveness and preserve or enhance the character and appearance of its surroundings. Similarly the Framework sets out that planning should recognise the intrinsic character and beauty of the countryside, and that it is appropriate to seek to promote or reinforce local distinctiveness.¹⁴ Policy EQ2 Applies generally rather than to housing specifically, is consistent with the approach in the Framework to securing good design, and can therefore be accorded due weight.
36. Whilst the location of the proposal would maintain the east-west emphasis of the village and represent a modest addition to the overall scale of the village,¹⁵ it would nonetheless inevitably result in the presence of a built form in what is currently open countryside. As layout is a reserved matter, however, I cannot comment on whether the arrangement of dwellings on site would be appropriate.¹⁶
37. Whilst there is some natural screening along the south eastern boundary of the appeal site as identified above, the proposal would entail the creation of a new access which would lead to some erosion to its intrinsic natural character by reducing the level of natural boundary screening. Whilst the strategic landscape area as identified on plan 130505 P 01 B would to some extent augment the natural character of the appeal site, some elements of the proposal would nevertheless be visible from Broadway Road. From certain vantage points it may consequently be apparent that the proposal does not correlate with an existing field boundary, which would again lead to some degree of incongruity.
38. For the above reasons I therefore find that the proposal would have some degree of detrimental effect to the intrinsic character and beauty of the surrounding countryside, in conflict with the approach in policy EQ2 of the Local Plan and with relevant elements of the Framework.

Planning Balance

39. Subject to appropriate conditions and resolution of details at reserved matters stage the proposal would be appropriate in respect of the first and second main issue in this case. Some degree of harm would, however, result to the character of the area as identified in respect of the third main issue. In line with the statutory basis of decision-taking, i.e. that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, it is consequently necessary to weigh this harm against the benefits of the proposal in order to reach a balanced judgment as to whether it represents sustainable development overall.
40. The Government is strongly supportive of self-build and custom build housing in general terms, as given a statutory footing through the *Self Build and Custom Housebuilding Act 2015*, and the proposal entails the provision of two serviced plots in this context. Notwithstanding that there is some dispute in the

¹⁴ At bullet point 5 of paragraph 17 and paragraph 60 of the Framework.

¹⁵ I note that the population of Broadway is approximately 740 as indicated in the 2011 census as stated in paragraph 2.1.8 of the appellant's appeal statement. Whilst this is a similar finding as was reached in respect of appeal Ref APP/R3325/W/15/3063768, which has been brought to my attention by the appellant, I have reached a finding independently of that decision as each proposal must be determined on its particular merits.

¹⁶ Notwithstanding the indicative layout provided on plan 130505 L 02 01 G which supported the original application.

information before me as to the appropriate mechanism by which to secure this provision, it appears that there is limited demand for serviced plots in this particular location.¹⁷ It would therefore be unreasonable to accord the intended provision of two plots for self or custom build substantial weight in favour of the proposal.

41. Nevertheless the Framework seeks to boost significantly the supply of housing. As such the proposal would make a notable contribution to housing provision in an area with an acknowledged lack of, and worsening, housing supply situation as identified in paragraph 9 of this decision. There would moreover be social and economic benefits to the proposal in supporting employment during construction and as future occupants would make use of local services and facilities. The appeal site is identified within the Council's Strategic Housing Land Availability Assessment as both available and developable, albeit it presently at a later date than would be achieved by this proposal.¹⁸ Moreover, as set out in paragraph 2 above, Broadway is identified by the Council as a sustainable location.

42. The social and economic benefits of the proposal are therefore significant and carry substantial weight in its favour. In my view they consequently clearly outweigh the limited harm that would result in respect of character and appearance.

Other Matters

43. I have addressed above matters related to the unilateral undertaking before me in respect of a contribution towards the making of a Traffic Regulation Order related to the proposal, and in respect of the elements of the further unilateral undertaking related to serviced plots for self-build or custom build housing.

44. A copy of a unilateral undertaking before me, dated 10 August 2016, also relates to contributions towards the operation of the Church of St Aldhelm and St Eadburgha, improvements to Broadway Village Hall, and to the provision of play equipment. I understand that elements therein related to the Church are advanced for '*personal reasons*' and the Council have explained that such a contribution is not required. As such this element of the relevant undertaking has not influenced my decision.

45. The Guidance sets out that tariff style planning obligations should not be sought from small scale development, as is the nature of the development proposed here.¹⁹ The relevant contributions within the copy of the relevant undertaking before me are clearly expressed on a per-dwelling basis. However I appreciate that this approach arises from the proposal being described on the application form as for 'up to 9' dwellings rather than a set number, and consequently the inability to identify a total associated contribution required at this juncture. Moreover the Council has detailed how fewer than 5 separate obligations have

¹⁷ There is evidence before me to indicate that of 23 individuals and organisations identified within the Council's register established under Section 1 of the *Self Build and Custom House Building Act 2015*, none have expressed a preference for plots in this area.

¹⁸ The appeal site is identified within the Council's *Strategic Housing Land Availability Assessment* under reference W/BROA/000/5.

¹⁹ Reference ID: 23b-031-20160519.

been entered into in respect of the relevant works to which the undertaking relates.²⁰

46. The Council have further explained elements within the undertaking related to Broadway Village Hall and the provision of play equipment are in order to bring the proposal into compliance with policies HW1 and SS6 of the Local Plan and with the approach in the Framework to securing appropriate community facilities.²¹ There is again detailed evidence before me as to how the total sum for these projects has been established, and an according contribution from the development proposed calculated.²² The appellant does not dispute the approach that the Council has taken here, which the provision of an associated undertaking itself attests to.
47. Therefore on this basis I am satisfied that a contribution in these respects accords with the appropriate requirements of Regulations 122 and 123 of the *Community Infrastructure Levy Requirements 2010* as amended, and would bring the proposal into compliance with the approach within the development plan and the Framework. I note, however, that there is some dispute in the information before me as to the adequacy of the detailed drafting of the undertaking before me, which I have taken careful account of. However I am satisfied that these matters are chiefly phraseological and are not fatal to the integrity of the undertaking in fulfilling its intended purpose.
48. Broadway Parish Council have made representations explaining that there is a volume of local sentiment that the village is already over-developed, and that combined with development permitted nearby at Tanyard and elsewhere the proposal would result in an excessive level of development. Whilst I have noted these points, there is nevertheless an acknowledged lack of five year housing land supply within the District, and I have explained above that the level of development proposed is both of a scale and in a location commensurate with the nature of the village at present.
49. Whilst there is some evidence before me of homes advertised for sale in Broadway being on the market for a longer period than the national average, this does not robustly demonstrate that there is a low demand for housing in the area. This data reflects unquantifiable factors such as the asking prices sought for, and the nature of, the properties advertised for sale, and again there is an acknowledged shortfall of housing provision within the District.
50. In reaching a decision I have also taken into account the concerns raised by many nearby residents including in respect of the potential implications of the proposal in relation to flooding, sewerage provision, traffic generation, and the capacity of the local school and surgery to accommodate an increase in population. However such matters do not form part of the Council's case, and there is no evidence before me to indicate that the development proposed would be otherwise unacceptable. As such neither these, nor any other matters, are sufficient to outweigh the considerations that have led to my findings above.

²⁰ Particularly in Appendix E of the Council's statement of case at appeal.

²¹ Policy HW1 'Provision of open space, outdoor playing space, sports, cultural and community facilities in new development', SS6 'Infrastructure Delivery', and the approach in paragraph 73 of the Framework in particular.

²² In Appendix E of the Council's statement of case at appeal.

Conditions

51. It is necessary to impose conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with relevant legislation. It is also necessary to require adherence to the relevant plans and to ensure the provision of a pedestrian link to the community pond via condition for the avoidance of doubt and in the interests of proper planning. It is, however, unnecessary to specify that the development shall comprise no more than 9 dwellings as the Council have suggested as the development proposed is clearly stated on the application as being for '*up to 9 dwellings*'.
52. For the reasons set out in above it is necessary to require via condition that prior to occupation of any of the dwellings hereby permitted, a Traffic Regulation Order shall have been made in line with plan 4053/ 02 revision A. It is further necessary to require by condition that an approved approach to detailed matters of access, including the layout of the main access proposed and appropriate parking provision, is established in order to ensure the safe operation of the highway network. This must necessarily be agreed before any development is commenced as such details are integral to the appropriateness of the development hereby permitted. For the same reason it is necessary to specify via condition the visibility from which the proposed access will benefit prior to occupation of any of the dwellings hereby permitted, and the stage of construction that the internal layout of the site must reach before such a point.
53. As drainage is not a reserved matter, and in order to address any increased risk of flooding arising from the development, it is similarly necessary to require that development proceeds in line with an agreed drainage scheme. As any works may affect the nature of the site in respect of drainage, this condition must apply before development is commenced. To ensure that the benefits of such a scheme are enduring, it is further necessary to require via condition an agreed approach to the management of the drainage scheme is established.
54. In order to safeguard ecology, and given the presence of a community pond nearby in particular, it is necessary to require via condition that an agreed approach to protecting Great Crested Newts that may be affected by development is established and adhered to as appropriate. As any works to the site have the potential to affect this protected species, this condition must necessarily apply before any development is commenced. Similarly to avoid any presently unidentified contamination on site from resulting in adverse environmental effects, it is necessary to specify via condition the measures that must be taken in this respect should such contamination subsequently come to light.

Conclusion

55. Whilst the proposal would conflict with policy EQ2 of the Local Plan, the qualified harm that would arise in this context is outweighed by the significant benefits of the proposal, which is otherwise compliant with the development plan taken as a whole and with the approach in the Framework (subject to appropriate conditions and with regard to the undertakings that have been put forward). For these reasons, and taking all other matters into account, I therefore conclude that the proposal represents sustainable development and that the appeal should be allowed.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout and scale of the proposed development shall be submitted to and approved by the local planning authority before any development begins, 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 three years from the date of this decision, and the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans associated with application Ref 15/01503/OUT: 130505 L 01 01 C, 4053/02 revision A, and 130505 P 01 B.
- 4) As indicated on plan 130505 P 01 B associated with application Ref 15/01503/OUT, the details required by Condition No 1 above shall include a pedestrian link to the community pond to the east of the appeal site.
- 5) No dwelling hereby permitted shall be brought into use until a Traffic Regulation Order has been made, as shown on drawing 4053/02 revision A associated with application Ref 15/01503/OUT, securing the extension of the 30 miles-per-hour speed limit that applies to the village of Broadway to beyond the appeal site.
- 6) No development hereby permitted shall take place until an access scheme has been agreed in writing by the local planning authority (which shall include details of the proposed roads, footways, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, the width and radii of the access with Broadway Road, carriageway gradients, drive gradients, car, motorcycle and cycle parking in accordance with Somerset County Council parking standards, street furniture, alongside their design, layout, levels, gradients, materials and method of construction with reference to plans and sections as appropriate and a timetable for implementation). The access scheme shall be constructed and laid out in accordance with the approach thus agreed, and parking provision shall thereafter be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 7) There shall be no obstruction to visibility greater than 600 millimetres above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access illustrated on plan 4053/02 revision A supporting application 15/01503/OUT and

extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be provided before any dwelling hereby permitted is first brought into use, and shall thereafter be maintained at all times.

- 8) No dwelling hereby permitted shall be brought into use until it is served by a properly consolidated footpath, carriageway and turning space where applicable, constructed to at least base course level between it and the existing highway.
- 9) No development hereby permitted shall take place until a drainage scheme has been agreed in writing by the local planning authority (which shall include details of the hydrological and hydrogeological context of the development, right of discharge for surface water, gullies, connections, soakaways and means of attenuation). The drainage scheme thus agreed shall be implemented before the development is completed.
- 10) No dwelling hereby permitted shall be brought into use until a scheme for the future responsibility and maintenance of the drainage scheme to which condition No 9 above relates has been agreed in writing by the local planning authority (which shall include details of implementation and maintenance). The drainage scheme shall be completed and maintained in accordance with the approach thus agreed.
- 11) No development hereby permitted shall take place until an approach to protecting Great Crested Newts that may be affected by the development has been agreed in writing by the local planning authority, based on appropriate evidence. Development shall be carried out in accordance with the approach thus agreed.
- 12) If in the course of undertaking the development hereby permitted contamination not previously identified is found to be present then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an associated remediation strategy has been agreed in writing by the local planning authority. Any remediation strategy shall be implemented in accordance with the approach thus agreed.