

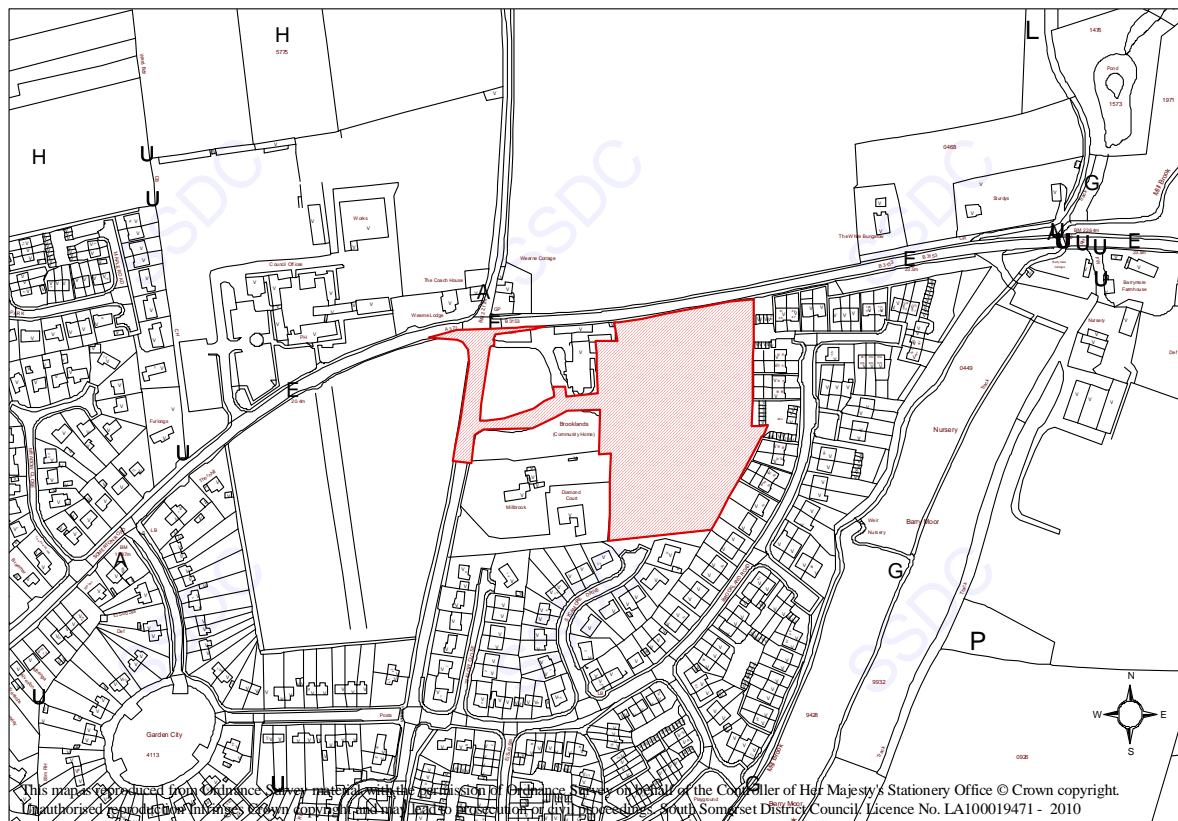
**Officer Report on Planning Application: 10/00848/S73**

<b>Proposal:</b>	Application to vary condition 3 of planning approval 05/02818/OUT dated 03/04/07 to require provision of roundabout access prior to occupancy (GR: 342811/127549)
<b>Site Address:</b>	Bartletts Elm School, Field Road, Huish Episcopi
<b>Parish:</b>	Huish Episcopi
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Mr Roy Mills (Cllr)
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date:</b>	7th June 2010
<b>Applicant:</b>	Brookvale Homes (SW) Ltd
<b>Agent:</b>	Boon Brown Architects (FAO: Shaun Travers) Motivo, Alvington, Yeovil, Somerset BA20 2FG
<b>Application Type:</b>	Major Dwlg's 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

This application is referred to Committee as the comments of the County Highways Authority, a statutory consultee, are contrary to the officer's recommendation. Contrary views have also been received from local residents.

**SITE DESCRIPTION AND PROPOSAL**



Former special school site at junction of A372/B3153. The original building and coach house have been converted to 14 units. There is a large development plot to the rear, where development is currently underway. The site has numerous protected trees and here is a substantial boundary wall to the north alongside the B3183.

There are currently advanced plans to create a new 5-arm roundabout at the A372/B3153 junction that would ultimately provide access to the Bartletts Elm site, subject to the necessary consents.

The applications seeks to vary a condition attached to the outline permission that requires a mini-roundabout to be marked out at the existing access onto the A372 prior to the commencement of works. Initially the applicant sought to allow up to 60 units to be occupied (including the 14 flats within the conversion), however following strong objections from the highways authority the application has been varied to require the formation of the mini-roundabout prior to the occupation of any further dwellings.

## HISTORY

05/02818/OUT Outline planning permission granted for residential development of site to the rear.

Condition 3 of this permission states: -

*No works shall be undertaken on the site until a roundabout has been constructed at the junction of the proposed new access road and the A372, and improved visibility from the A372 onto the B3153 in an easterly direction with no obstruction higher than 300mm and which has been carried out in accordance with a design and specification to be first approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.*

*Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset Structure Plan.*

05/02831/FUL Planning permission granted for conversion of existing building and coach house to 14 units. An identical condition was attached.

08/03510/S73 Application approved to vary condition 2 of 05/02831/FUL to delete the requirement for the formation of mini-roundabout prior to commencement in favour of a requirement to agree junction improvements prior to occupation.

08/04583/REM Reserved matters approved for the erection of 99 houses and flats.

08/04879/FUL Planning permission granted for the erection of 3 dwellings on land outside red line of 05/02818/OUT. This permission is also subject to a requirement for the mini-roundabout to be formed prior to commencement.

08/04806/FUL Planning permission granted for a revised parking layout for 17 spaces and bin store to serve the 14 approved flats.

10/00055/TPO Consent given for tree removal works in front of former school building to facilitate formation of new roundabout at junction of A372/B3153.

An application to similarly vary the condition attached to 08/04879/FUL is also under consideration

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

The Somerset and Exmoor National Park Joint Structure Plan Review  
Policy 49 – Transport Requirements of New Development

The South Somerset Local Plan (adopted April 2006)  
ST5 - Principle of Development  
ST6 - Quality of development

## **CONSULTATIONS**

**Huish Episcopi Parish Council** – no comments received, however they have attended a meeting where the implications of this application was discussed in detail. Whilst they made clear their objection to any further units being occupied without junction improvements, either the agreed mini-roundabout or the new 5-arm roundabout, no objection was raised to allowing just construction traffic to continue to use the existing access.

**Langport Town Council** (neighbouring PC/TC) – no objection

**Highway Authority** – initially recommended refusal due to the impact that the traffic movements a further 46 units would have on the existing substandard access. In relation to the revised scheme the following observations are offered: -

*“As you will be aware and see from my email below to you (dated 10th May) (as well as referring you to previous correspondence in connection with previous planning approvals on this site over the last few years) the Highway Authority has consistently held the view that the existing private access on to the A372 is substandard in all respects and should therefore be improved before any development takes place on the site, strictly in accordance with the highway works which formed part of the original planning consents on this site (e.g. a mini roundabout created on the A372 Field Road and a visibility splay provided across the site frontage adjacent to the B3153 - all works being secured by way of a signed S278 Agreement).*

*“Accordingly in light of the above, I am unable to support such an alteration in either case and would recommend that the LPA refuse the two S73 applications on highway safety grounds.*

*“Notwithstanding the above, I am aware that the applicant has or will be very shortly submitting a further planning application for a new section of estate road linking the new Somerset County Council roundabout which is due to be constructed shortly on the existing junction of the A372 / B3153 to the entire Bartletts Elm development (by way of the linking into the estate road approved as part of the reserved matters application). It is my understanding that this application would, if approved by the LPA, remove the need for the mini roundabout on the A372 and as such I would recommend that any decision on these applications be deferred until I have had a chance to consider the new application and make an appropriate recommendation to the LPA (including appropriate Grampian style conditions to ensure that highway safety is not adversely effected by the development proposals.”*

**Environment Agency** – no comments

**Area Engineer** – no comments

## **REPRESENTATIONS**

4 comments have been received in relation to the initial proposal to allow up to 60 units via the existing access raising the following areas of concern: -

- Increased likelihood of accidents at the junction with the main road;
- Limited width of access road would lead to queuing traffic on Field Road
- The roundabout should be provided now
- If the builder is ignoring this condition what other conditions have not been addressed?
- Large numbers of trees have been felled.
- Impact on badgers
- The whole scheme should be reassessed.
- There is a confusing number of applications relating to this site

Two respondents also raise concerns about the future impact of the 5-arm roundabout at the main junction and any further loss of trees as a result of the connecting road.

No further comments received in relation to amended proposal.

## **CONSIDERATIONS**

Whilst this site is outside the settlement boundary there is an extant permission and this application simply seeks reconsideration of the conditions attached to the original permission. The sole issue is the likely highways impact of the removal of this condition. In all other aspects (design, amenity, landscaping, parking etc) the conversion scheme would remain identical to the original approval.

### **Highways Impact**

It is considered that the objections to any further units being occupied before the mini-roundabout is provided are wholly justified. The highways officer raised very strong objections and the applicant has now agreed to vary the application. However the highways officer is adamant that no further dwellings should be occupied until an improved access is provided. He is firmly of the view that the use of the existing access by residents of the 14 flats within the former school building plus construction traffic

would be so unsafe as to be contrary to policy ST5 of the local and policy 49 of the Structure Plan.

In most circumstances this would result in a recommendation of refusal, however, as conceded in the final paragraph of the highways officer's comments, the proposal for the 5-arm roundabout is highly advanced and that this could provide a suitable access to the site. Whilst his request to defer determination of this application is noted it is not considered reasonable in this instance for the following reasons: -

- Firstly the situation on the ground is technically in breach of conditions and should be resolved, either by approval of this application or by compliance with the original condition. The latter option would result in the situation whereby two roundabouts are created with 100m of each other, an option no one wants.
- Secondly it is not considered that the existing situation – i.e. with the existing access being used by the 14 flats and construction traffic in relation to the first 45 units – has proved unacceptable. The improvements agreed by condition attached to 08/03510/S73 have been carried out. In the event that the impending application for access from the new roundabout is refused the applicant would be forced to revert to the originally approved mini-roundabout thereby addressing the highways officer's fears.

It is understood that the planning application for a new section of estate road linking the new Somerset County Council roundabout to the entire Bartletts Elm, referred to in the highways officer's comments will be submitted prior to Committee. This would allow the highways officer to reconsider his position.

Nevertheless it is not considered that the continued use of the existing access by residents of the 14 flats within the former school building, plus construction traffic from this first phase, would be so unsafe as to be contrary to policy ST5 of the local and policy 49 of the Structure Plan. On a precautionary basis it is suggested that condition 3 also be amended to also prevent further commencements.

### **Other Issues**

Whilst concerns about the tress and badger are noted these have been addressed by conditions attached to the reserved matters and outline approvals, which have been agreed. The neighbours concerns about other conditions are acknowledged but are unfounded. Other tree works have been covered by 10/00055/TPO, furthermore the original group TPOs only covered certain named specimens – there are many trees within the groups that are not protected. It is some of these trees that have recently been removed.

### **Conclusion**

This amended application would allow the existing situation to continue until such time as an alternative access via the 5-arm roundabout maybe created or until further units are ready for occupation. A link to the new roundabout would require a planning application, where any neighbour objections would be considered.

If the new roundabout does not materialise, or a link to it cannot be agreed the developer, would simply revert back to original mini-roundabout prior to occupation. It is considered that this application would facilitate either outcome without prejudicing highways safety in the interim.

## **RECOMMENDATION**

Agree to vary the condition

### **Justification**

The variation of condition 3 to allow construction the first phase, but not occupation, of any units would allow alternative access arrangements to be considered without prejudicing highways safety in the interim. In all other respects the development remains as approved and the proposal has n implications for visual or residential amenity, ecology or landscape considerations. As such the proposal complies with policy ST5 of the local and policy 49 of the Structure Plan.

### **Revised condition 3.**

No more than 45 units shall be commenced and no dwelling hereby approved shall be occupied until a roundabout has been constructed at the junction of the proposed new access road and the A372, and improved visibility from the A372 onto the B3453 in an easterly direction with no obstruction higher than 300mm and which has been carried out in accordance with a design and specification to be first approved in writing by the Local Planning Authority and to be fully implemented to the satisfaction of the said Authority.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset Structure Plan.

### **Informative**

You are reminded of the need to comply with all conditions as attached to the decision letter dated 03/04/07, ref. 05/02818/OUT and the associated Section 106 Agreement.

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