

Area North Committee – 25 January 2012

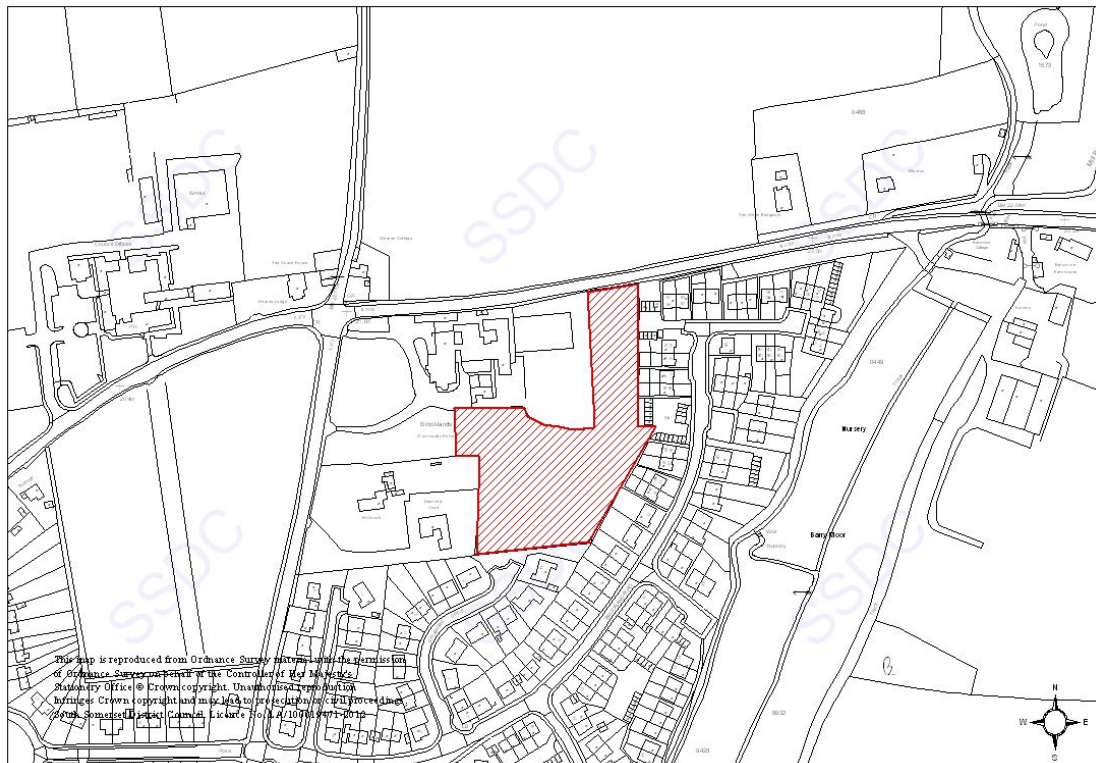
Officer Report On Planning Application: 11/02448/FUL

Proposal:	Erection of 52 residential units with associated works, car parking and access ways. (GR 342856/127524)
Site Address:	Bartletts Elm, Field Road, Huish Episcopi
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Mr Roy Mills (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date:	30th September 2011
Applicant:	Mr R Mead
Agent: (no agent if blank)	Boon Brown Architects Motivo, Alvington, Yeovil Somerset BA20 2FG
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee with the agreement of the Ward Member and Chairman due the level of interest that the development of this site has created in the past.

SITE DESCRIPTION AND PROPOSAL



This application relates to a 1.6 ha site to the rear of the original Bartletts Elm school building, backing onto Brooklands Road to the east and bounded by the B3153 to the north. The northern part of the site, which has been prepared for development, was used a sports ground and there was a sports hall, now demolished, on the eastern part. The southern part of the site comprises a large area of mostly self-sown scrub land, with some ornamental species left over from when the area was a managed garden.

There is a substantial stone boundary wall to the B3153 with chain link fences to the south and east boundaries. There are many mature trees on the site in include an number of protected specimens

The properties to the east, which back onto the site, are modern two-storey dwellings dating from the 1970s. To the south bungalows in Sycamore Drive are separated from the site by a strip of landed owned by a third party. To the west is a large detached property (Diamond Court) and the former school building and coach house, now converted to 14 flats.

This part of site has approval for 102 houses of which 45 affordable homes have been built. 52 dwellings are now proposed on the remainder of the site as a revision of the previous approval, an over all drop of 5 units. The scheme comprises:-

- 6 two-bed flats
- 4 two-bed coach houses (flats over garages or FOGs)
- 10 two-bed houses
- 19 three-bed houses
- 13 four-bed houses
- access via the new 5-arm roundabout
- 94 parking spaces
- an area of public open space around the row of protected trees.

The layout closely follows the approved scheme, incorporating pre-dominantly 2 storey buildings of a mix of render, stone, slate and tile. 2 pair of 2 ½ storey houses would be provided as a focal point to the main access road and a similar height building would accommodate the 2 flats. The proposal has been slightly amended to move plot 48 (a 'FOG') forward to enable maintenance and to provide a 2m rear fence at the neighbour's request and the landscaping scheme has been adjusted to address concerns raised by the landscape architect.

The application is supported by a Planning Statement (including a Statement of Community Involvement), a Design and Access Statement and an Arboricultural Report.

HISTORY

05/02818/OUT Outline planning permission granted for residential development of site to the rear. This required the completion of the new access (a mini-roundabout on Field Road) prior to commencement. This permission establishes tree protection zones, provides for a LEAP and further open space at the front of the site and is subject to a section 106 agreement to provide affordable housing, on site open space and contributions towards off-site leisure facilities. The agreement also covers the 14 flats approved by the associated application for the conversion of the former school buildings.

05/02831/FUL Planning permission granted for conversion of existing building

and coach house to 14 units. An identical access condition was attached and the approval is subject to a S106 agreement (see above).

- 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 condition (2) 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 with the converted former school.
- 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.
- 10/00848/S73 Application approved to vary condition 2 of 08/04879/FUL to require access improvements prior to occupation.
- 10/00849/S73 Application approved to vary condition 2 of 05/02831/FUL to remove the requirement for the formation of mini-roundabout prior to commencement in favour of a requirement to agree junction improvements prior to occupation
- 10/02424/FUL Planning permission granted for formation of new vehicular access (via new 5-arm roundabout) and estate road to serve residential development
- 10/05130/S73 Application approved to delete condition 3 of 05/02818/OUT which required a mini-roundabout to be constructed at the junction of the new access road and the A372 and improved visibility from the A372 onto the B3153 in an easterly direction. This regularised the access from the 5-arm roundabout approved by 10/02424/FUL

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.

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):
 STR1 - Sustainable Development
 Policy 48 - Access and Parking
 Policy 49 - Transport requirements of new development

South Somerset Local Plan (adopted April 2006):

Policy ST1 - Rural Centres
 Policy ST5 - The Quality of Development
 Policy ST6 - Landscape and Architectural Design
 Policy ST10 - Planning Obligations
 Policy EC3 – Landscape Character
 Policy HG1 - Provision for New Housing Development
 Policy HG4 - Housing Density
 Policy HG6 - Affordable Housing Target
 Policy HG7 - Affordable Housing
 CR2 – On-site Leisure Provision
 CR3 – Off-site Leisure Provision
 Policy CR4 - Amenity Open Space
 Policy TP1 - Pedestrian Provision
 Policy TP2 – Travel Planning
 Policy TP4 - Road Design
 Policy TP7 - Car Parking

Policy-related Material Considerations
 None relevant

National Guidance
 PPS1 - Delivering Sustainable Development
 PPS3 - Housing
 PPG13 - Transport
 PPS25 - Flooding

South Somerset Sustainable Community Strategy
 Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes
 Goal 9 - A Balanced housing Market

Parish/Town Plan – Huish Episcopi
 No conflict

Other Relevant Documents:
 None

CONSULTATIONS

HUISH EPISCOPI PARISH COUNCIL – no objection in principle subject to consideration of the privacy of residents in “Brookland Road estate, Diamond Panes and Millbrook by way of fencing at an appropriate height and newly planted trees to prevent overlooking, where necessary tidying up the existing trees as well”.

LANGPORT TOWN COUNCIL – comments awaited at the time of writing.

AREA DEVELOPMENT – no objections raised subject to previous obligations being carried forward.

COUNTY HIGHWAYS AUTHORITY – no objection in principle, the access will be via the new roundabout. A number of technical points are raised about the internal road layout and the Travel Plan. The applicant has agreed to address these.

LEISURE POLICY CO-ORDINATOR – requests a contribution of £185,198.37 (£3,561.51 per dwelling) towards sports arts and leisure facilities as follows:-

Relevant leisure need	Council Delivery Strategy
Equipped Play Space	To be provided by proposed LEAP within the adjacent parcel of land within Bartlett Elm site.
Youth Facilities	Off site – contribution towards the provision of a multi use games area at facilities at the Memorial Playing Fields, Langport
Playing Pitches and Changing Room Provision	Off site – contribution towards the enhancement of pitches and changing rooms at the Memorial Playing Fields, Langport and or Huish Episcopi Academy School
Swimming Pool	Off site - contribution towards the development of a new indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil.
Sports Hall	Off site - contribution towards the enhancement of the sports hall at Huish Episcopi Academy School or towards the development of a centrally based 8-court district wide competition sports hall in Yeovil.
Theatres and Arts Centres	Off-site – contribution towards expanding and enhancing the Octagon Theatre in Yeovil.
Synthetic Turf Pitches (STP)	Off site – contribution towards the development of a new 3G STP at Huish Episcopi Academy School.
Indoor Tennis Courts	Off site – contribution towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone.

ENVIRONMENT AGENCY – no comments to make

AREA ENGINEER – No objection subject to adoption of surface water system.

WESSEX WATER – notes that there is limited capacity in the foul water system and the developer would be expected to contribute to improvements Surface water should not enter the foul system and should be discharged at green field run-off rates with attenuation. Adoption of onsite infrastructure should be by Wessex Water's Section 104 Agreement.

CLIMATE CHANGE OFFICER – no objection subject to installation of solar water heating to each dwelling.

ENVIRONMENTAL PROTECTION UNIT – no objection

LANDSCAPE ARCHITECT – initially requested revisions to the landscaping, no objection to the amended scheme.

REPRESENTATIONS

6 letters of objection have been received raising the following issues:-

- increased traffic on narrow access road, it should be widened;
- lack of signage on entrance road (speed, no through road);

- the main contractor should be liable for uninsured contractors;
- impact of contractor's heavy vehicles using access road;
- the views of the police, emergency services and highways should be sought;
- proximity of new properties, particularly no. 48, to existing homes in Brookland Road (loss of views, blocking of light and overlooking);
- we were promised a 2m fence;
- proximity of development to trees;
- loss of trees;
- impact on trees and wildlife;
- the pre-application consultation referred to in the supporting application was in relation to the previous application and is misleading;
- the dwellings along the east side should be re-sited as previously approved;
- Yarlington should develop this site for affordable housing;
- Overlooking to retirement flats;
- Lack of play area for children.

CONSIDERATIONS

The previous grant of outline permission and subsequent approval of reserved matters have clearly established the principle of the residential development of this site. It is not considered that there have been any material changes to policy or circumstance that could justify reversing those decisions, further the previous approvals remain extant, having been partially implemented.

A number of issues have effectively been resolved by previous approvals, namely:-

- The access via the new roundabout has been agreed as being appropriate to serve the approved development;
- The layout is essentially the same as agreed by the approved reserved matters
- A tree retention and protection plan was been agreed at outline stage which identified all trees to be retained together this 'no build' areas. Whilst this allows for the removal of many trees, including a row of very substantial cypresses, it seeks to retain the specimens of most value, including the row of wellingtonias.
- The level of development on this part the site has been agreed at 45/ha. This proposal, for 5 less units, would be at a lower density
- The incorporation of 2 and 2 ½ storey units has been accepted

On this basis it is not considered that the neighbour's objections to the access arrangements, the impact of traffic on the approve roundabout/access road and the loss of trees/impact on trees can reasonably be supported in this instance. The council's tree officer is fully aware of the issues raised and the requirements of the previously approved scheme and is closely monitoring the situation.

Accordingly there are not considered to be any conflict with policies ST1, HG1 or HG4. The key issues are considered to be whether the changes to the scheme would have any impact on:-

- Visual amenity
- Residential amenity
- Drainage
- Internal highways
- Planning obligations

Visual Amenity

The proposal closely follows the approved layout with very similar house types. These are considered to be of an appropriate scale, design and detailing. The landscaping proposal again closely reflects what has been previously approved. On this basis it is considered that, subject to conditions to agree the materials and ensure that the agreed landscaping is carried out the proposal complies with policies EC3, ST5 and ST6.

Residential Amenity

Within the development it is considered that adequate amenity would be created for future occupiers. With regard to any impact on existing adjoining residents it is considered that adequate separation would be maintained to protect the amenities of properties to the east of the site (Brooklands Road). In this respect the position of plot 48 has been slightly altered to address a maintenance concern.

With regard to the possible overlooking from the new houses to the approved (and now occupied) sheltered flats, the separation remains as previously approved - approximately 30m across the open space and 11m across the road. Neither are considered inappropriate.

Accordingly it is considered that the proposal would not create any undue loss of amenity and therefore complies with policies ST6 and CR4.

Drainage

It has been confirmed that the proposed surface water drainage strategy is acceptable and that the necessary infrastructure would be adopted by Wessex water. This would comply with the advice of PPS25.

There is an outstanding issue with the capacity the foul water system which Wessex Water feel should be addressed by this applicant. It is to be noted that no such requirement was placed on the original development which could be built out without a contribution towards any necessary improvements. This omission does not reflect a change in circumstance, rather a previous failure to request the contribution.

Notwithstanding the fall back position this issue is considered sufficiently important to merit further discussion. The applicant's agent is confident that an agreement can be reached with Wessex Water and an oral update on this matter will be needed.

Internal Highways

The proposed level of parking is considered acceptable. The highways officer initially raised a number of technical concerns and issues with the travel plan to which the applicant has responded. At the time of writing the final comments of the highways officer were awaited, however it is understood that their concerns are largely technical and could normally be addressed by their technical adoption process and/or discharge of condition. Whilst an oral update will be required this aspect of the proposal is considered to comply with policies ST5, TP1, TP4 and TP7.

The comments in relation to travel planning are noted and refer to the travel plan associated with the outline permission. As this application is a stand-alone scheme a separate travel plan requirement is necessary. This could reasonably be achieved by condition as was done on the outline permission and would satisfy policy TP2.

Planning Obligations

A Section 106 attached to the previous outline approval agreed planning obligations to provide for a LEAP and open space at the front of the site, affordable housing, on site open space and contributions towards off-site leisure facilities. 45 affordable homes have been provided by Yarlinton Homes who have implemented the reserved matters approval. Accordingly it is not considered reasonable to seek further affordable units on what is in effect simply a re-jigging of the previously approved open market part of the site.

The previously agreed LEAP and open space to the front of the site would still be provided by Yarlinton as an obligation on their development; it would however also meet the needs of this site, addressing a concern raised by a local resident. The sports, arts and leisure obligation has been adjusted to reflect this 'on-site' provision, however the requested off-site obligation (£3,561.51 per dwelling) is significantly more than previously sought, which equated to just under £1,971.11 per dwelling.

It is considered that there have been material changes in circumstance in the past 5 years that justify this uplift and officers have been unwilling to set this obligation aside or reduce it without justification. The applicants have not sought to formally cite the viability of the scheme and have agreed to this obligation. They remain concerned about viability and reserve the right to revisit this issue at a latter date.

Whilst it would be preferable, and more open, to explore this issue now, the desire to defer it to a later date could not justify with-holding permission at this stage. Government advice is quite clear that local planning authorities must take a pragmatic position on such matters.

On this basis it is considered that the proposal complies with policies ST5, ST10, HG7, CR2 and CR3.

Other Issues

There are not considered to be any protected species that would adversely affected by the proposal, however a condition is recommended to ensure that the development is carried out in accordance with the recommendation of the submitted Ecology Survey.

Conclusion

Notwithstanding the concerns raise by local residents, and subject to the final comments of Wessex Water, it is not considered that this proposal would have any undue impact on highways safety, visual or residential amenity, trees or ecology. Accordingly the proposal is recommended are approval subject to planning obligations and appropriate safeguarding conditions.

Section 106 Agreement

An agreement would be necessary to ensure that off-site sports, arts and leisure obligations are secured as requested by the Leisure Policy Co-ordinator.

Recommendation

That, subject to no objection being maintained by Wessex Water, conditional permission should be granted subject to:-

- a) the prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to ensure that a contribution of £3,561.51 per dwelling is secured to mitigate the impact of the increased local population created by this development on sports arts and leisure facilities locally and in the District as requested and set out by the Leisure Policy Co-ordinator.

and

- b) the following conditions

Justification

The proposed development would be provided with adequate parking and would not be prejudicial to highways safety or sustainable travel objectives, residential amenity, the wellbeing of the retained trees or the visual amenities of the locality and would make provision to adequately mitigate its impact on sports, arts and leisure facilities As such the proposal complies with the saved policies of the South Somerset Local Plan.

Conditions

01. 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).

02. The development shall carried out in accordance with the following plans:-
3006/01J; 02B; 03C; 04B; 05B; 06C; 07D; 08C; 09E; 10B; 11A; 12B; 13B; 14B; 15C; 16B; 17C; 18B; 19A; 20B; 21A; 22A; 23; 24A; 25; 26A; 27; 28; 29; 30; 31; 581/01a; 02; and T5554/SK01P; SK2P.

Reason: To define the development hereby approved.

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c. details of all hardstanding and boundaries

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the *South Somerset Local Plan*.

04. The landscaping scheme shown on drawing number 581/01A shall be completely carried out within the first available planting season following commencement, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the planting scheme, the

trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority 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: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

05. No part of the development shall commence until details of a Travel Plan have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and to accord with policy TP2 of the South Somerset Local Plan.

06. The areas allocated for parking, including the garages, shall be kept clear of obstruction and shall not be converted or used other than for the parking of vehicles in connection with the development hereby permitted.

Reason – To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TP7 of the South Somerset Local Plan, adopted 2006.

07. Prior to the commencement of the development hereby approved full details, of the foul and surface water drainage system to serve the development, including technical specifications and calculations where appropriate, such be submitted to and approved in writing by the local planning authority . once approved such scheme shall be fully implemented and maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan and the advice of PPS25.

08. The recommendations of the Michael Woods Ecological Survey, May 2011, submitted with the application, shall be adhered to at all times throughout the construction phase unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard the ecology of the site in accordance with policy EC8 of the South Somerset Local Plan.

09. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, drained parking area for contractors, specific anti-pollution measures to be adopted to mitigate construction impacts and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.

10. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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. 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:- In the interests of highways safety in accordance with policies ST5 and TP4 of the South Somerset Local Plan.

11. 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.

Reason:- In the interests of highways safety in accordance with policies ST5 and TP4 of the South Somerset Local Plan.
