

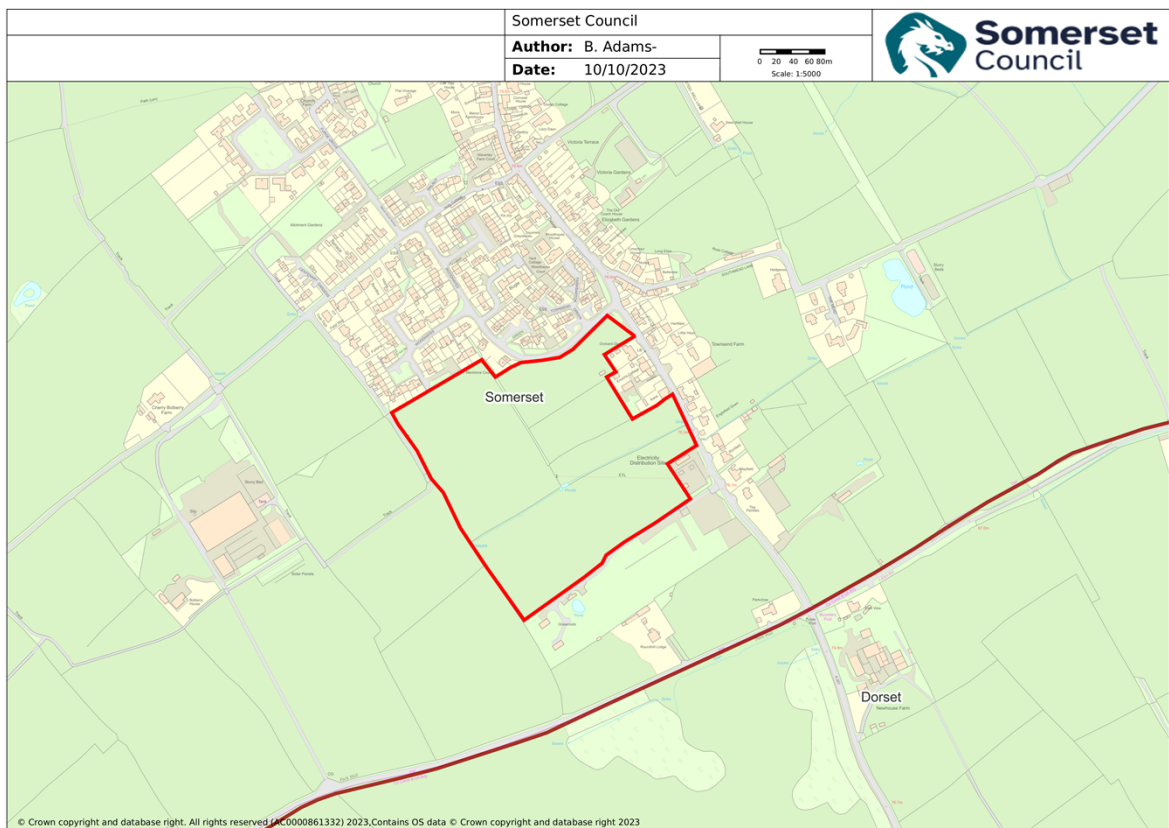
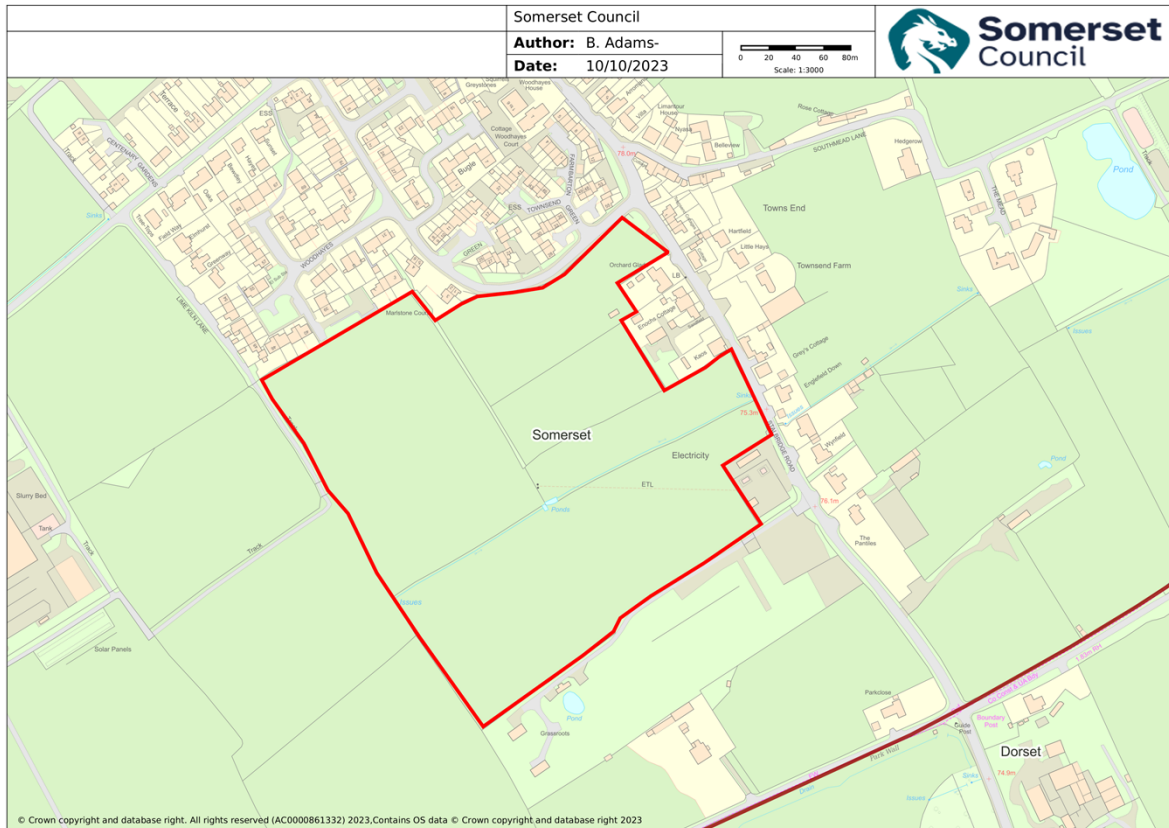
Officer Report On Planning Application: 22/02240/S73

Proposal :	S73 application to vary Condition 10 point iii (scheme for pedestrian improvements) of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way.
Site Address:	Land Os 5439 Part, Townsend Green, Henstridge, Templecombe, Somerset, BA8 0RG
Parish:	Henstridge
BLACKMOOR VALE Division	Cllr Nicola Clark Cllr Sarah Dyke
Recommending Case Officer:	Catherine Pearce (Specialist)
Target date :	31st October 2022
Applicant :	Daniel Barwick
Agent: (no agent if blank)	Mr John-Rhys Davies 22 Cathedral Road, Cardiff CF119LJ
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area South Planning Committee for consideration as there are objections from Henstridge Parish Council. As a major planning application under the Council's Scheme of Delegation, this is automatically referred to Committee for determination.

BACKGROUND AND PROPOSALS



This application seeks to amend the requirements of condition 10 point (iii) which was included on the appeal decision notice in relation to the provision of off-site highway works in relation to the outline planning permission for up to 130 dwellings at Woodhayes Way in Henstridge.

Outline planning permission was allowed at appeal for the construction of up to 130 dwellings with public open space, landscaping, sustainable drainage systems (SuDS) and vehicular access point from Woodhayes Way on 18th November 2018, under application 17/03029/OUT.

A subsequent Reserved Matters application (21/03369/REM) for the approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure was Approved with conditions on 19th May 2022.

The outline planning application was originally refused by SSDC's East Area Committee on 20th October 2017, on the grounds of the proposed development being out of scale with the existing village, and that the proposed development 'fails to secure safe and convenient access, on foot, cycle and by public and private transport that addresses the needs of all, to key local facilities and services' contrary to policy TA5 of the South Somerset Local Plan.

The applicants subsequently appealed against the refusal of outline planning permission, and as part of their appeal submission included the provision of off-site highway works on Furge Grove and along the High Street through the village including the provision of a 'pedestrian footpath link' created by narrowing the carriageway width to a single carriageway, controlled through traffic signals. The proposed draft scheme was independently assessed under a Stage 1 Road Safety Audit, which did not raise any major issues, subject to a number of detailed design changes which were taken on board. On this basis the LPA withdrew the second refusal reason for the application.

During the determination of the application and consideration of the appeal at a Public Inquiry, highway safety as a result of the proposed development was cited as one of the three main issues which was addressed at some length by the Inspector. He identified that the scheme for off-site pedestrian improvement works submitted by the appellants *"would include provision of a footway of 1.8m width along High Street to the north of its junction with Marsh Lane. As this would narrow the carriageway to a single lane the scheme includes new traffic signals to ensure one-way traffic through that section of the road. This scheme would provide for*

*continuous pedestrian access through the village". However, he did not assess the proposed scheme for its compliance with technical requirements. He later identified (in paragraph 24) that *the works are necessary in the interest of ensuring public safety and enabling sustainable travel to support local facilities. Policy TA5 of the Local Plan requires new development to address its own transport implications and to maximise the potential for sustainable transport. The pedestrian improvement works would be necessary to ensure that the proposals accords with that policy.*" and this point was reiterated when outlining the conditions to be attached to the outline consent, with the Inspector stating that *"I have found that the pedestrian improvement works shown on the plans would be necessary on the interest of highway safety and accessibility and have imposed a condition accordingly"*.*

On this basis, condition 10 was imposed that required the following:

No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

- i) dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road
 - Woodhayes/Townsend Green
 - Woodhayes/Bugle Court
 - Woodhayes (Marlstone Court)
 - Woodhayes/Furge Lane
 - Furge Lane opposite Furge Grove.

- ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and

- iii) a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane/Marsh Lane generally in accordance with plan Ref. P17033-06-01E.

The covering letter from Barrat David Wilson Homes outlines that since the approval of the outline planning application and subsequent reserved matters, and following further technical reviews and safety audits it has become apparent that the scheme including the provision of traffic lights on the junction of the A357 and Furge Lane, to

create a single width carriageway to facilitate the construction of a raised pavement along the High Street would be unfeasible for a number of technical and practical reasons such as (but not limited to) the various ground levels preventing the construction of a correctly specified footway, and the layout of the A357/Furge Lane junction preventing the safe installation of traffic lights. The covering letter from Barratt David Wilson Homes outlines the most recent Highways Safety Advice Report undertaken by the Highways authority identified 8 Health & Safety risks to the public from the proposed scheme., and this has been confirmed by the Highways Authority. In addition, the application includes correspondence from the A357 Group who objected to the particulars of the scheme, during the reserved matters application.

On this basis, and mindful of their obligations to provide pedestrian infrastructure improvements, the applicants have looked at a variety of different alternatives that would still provide improved pedestrian safety which can be provided within the constraints of the existing High Street and surrounding roads, rather than delete the condition in its entirety. This has included several discussions with the Highways Authority, including several audits of previous versions of the proposed scheme to establish what would be technically possible to achieve before submitting drawings as formal amendments to the Local Planning Authority.

Rather than remove section (iii) of the condition and their obligation to improve highway safety, the current application therefore seeks to amend the wording of condition 10 (iii) to enable a feasible alternative to the originally proposed scheme for a pedestrian footway (which does not include a raised footway and traffic lights) to be provided.

The detail required by condition 10 (i) and (ii) remains unaltered, but the applicants request that section (iii) of condition 10 should now read as follows:

iii) improvements to the A357 High Street generally in accordance with plan Ref. P17033-06501-402-402-01E.

Plans and drawings have been submitted with a scheme which provides a pedestrian footway (although not a raised pavement as previously agreed) to meet the requirements of the Inspectors condition for a 'footway', and with a priority system on the A357 to replace the previously agreed traffic lights. During the course of the application, the plans have been subject to a number of further small amendments, which have all been notified to the local residents due to the level of public interest and concerns with the proposals.

The proposed works include carriageway narrowing as part of a proposed priority

system between Marsh Lane/Furge Lane and the High Street as well as new 20mph signage throughout. The southernmost yellow box will be located approximately 55 metres to the north of the junction of Furge Lane and the High Street on the northbound carriageway. It will measure approximately 55metres long. On the former southbound carriageway, a physical buildout will be included around the existing pedestrian route. Approximately 21 metres north a second yellow box will be installed on the southbound carriageway, measuring approximately 27 metres in length. There will also be a buildout in the former northbound carriageway to reinforce the single width carriageway.

Members should be reminded that the site already benefits from extant permissions for residential development of up to 130 dwellings through the outline and reserved matters permissions which have been granted and that subject to the discharge of the outstanding conditions, remain extant. This application does not revisit the principle of development etc, but purely relates to the variation of condition 10 of the outline planning permission in respect of off-site highway works.

RELEVANT PLANNING HISTORY

- 23/01035/DOC1 - Discharge of Condition No. 8 (Surface Water Drainage) of Planning Application 17/03029/OUT (Granted at Appeal 20.11.18) - Not yet discharged
- 23/01034/DOC1 - Discharge of Condition 7 (Tree & Hedgerow Protection) for outline Planning Application 17/03029/OUT (Granted at Appeal 20.11.2018) - Condition Discharged 19th July 2023
- 23/01033/DOC1 - Discharge of Condition No.11 (Highway Drainage) of Planning Application 21/03369/REM - Not yet discharged
- 23/01032/NMA - Non-Material Amendment to approved application 21/03369/REM for the revision to approved materials - Application Permitted 6th July 2023
- 22/02242/DOC1 - Discharge of Conditions No.3 (Lighting), No.4 (Highway Details) and No.5 (Highway Survey) for Planning Application 21/03369/REM - Not yet discharged
- 22/02241/DOC1 - Discharge of Conditions no 9 (Construction Management Plan) and No.11 (Footway) for Planning Application 17/03029/OUT - Conditions discharged 23rd August 2022
- 22/01076/ROW - Footpath Diversion WN 12/25 - Permitted 7th September 2023
- 22/00305/HDG - Removal of Hedgerow as per Planning Application 21/03369/REM - Permitted 18th February 2022
- 21/03369/REM - Reserved matters application for approval of appearance, landscaping, layout and scale, following outline approval 17/03029/OUT for

construction of 130 homes, sustainable drainage infrastructure, open space and play areas, internal roads, paths and parking, landscaping and associated plant and infrastructure - Approved with conditions 19/05/2022.

- 18/00015/REF (Appeal Against Refusal of 17/03029/OUT) - Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way - Appeal Allowed subject to conditions - 20th November 2018
- 17/03029/OUT - Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way - Refused - 12th January 2018
- 17/03005/EIASS -EIA Screening and Scoping Request for Residential development for up to 130 No. dwellings, public open space, engineering works and vehicular access - EIA not required - 26th July 2017.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

Neighbourhood Plan

The parish of Henstridge does not currently have a formal Neighbourhood Plan, but has a Parish Plan which was published in June 2015.

National Planning Policy Framework - July 2021

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 11 - Making effective use of land

Chapter 12 - Achieving well-designed places

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Other Relevant Documents

Planning Practice Guidance

National Design Guide - September 2019

Somerset County Council Parking Strategy (SPS) - September 2013

Somerset County Council Highways Standing Advice - STAN 26/22 v 3

South Somerset District Council, Five-Year Housing Land Supply Paper, November 2022

South Somerset HELAA (Housing and Economic Land Availability Assessment) 2018 and 2021

CONSULTATIONS

This application has been subject to several consultations on both the originally submitted plans from August 2022 and the subsequent amendments. Full copies of the consultee comments are available to view on the online planning file but are summarised below.

Henstridge Parish Council

8th September 2022

Henstridge Parish Council objects to the S73 on the grounds that it eliminates any mitigating conditions intended to benefit the village.

These conditions were for the safety of pedestrians, current and future, walking in Henstridge High St. That safety was a crucial part of the appeal Inspector's report, and it was those conditions [10 iii] that allowed the development to proceed, overturning an unanimous refusal earlier in the same year 2018.

Henstridge Parish Council requests the planning department demands the developers to find ways to successfully and significantly improve pedestrian safety

before they are given full planning permission to start building. And no occupation of houses until such a scheme has been fully implemented.

The developers should work with our HPC, local residents, planners and County Highways - both Somerset and Dorset as we live right on the border - to reach a realistic outcome. And failing this should be refused any further permission to continue this housing estate.

7th December 2022

Henstridge Parish Council has been invited by South Somerset District Council to comment on an S73 application to vary Condition 10 point iii (scheme for pedestrian improvements), and to also discharge points i and ii of Condition 10 of Approval 17/03029/OUT for the Outline planning application for up to 130 dwellings. The application consists of drawings without any explanatory text.

Following an Appeal enquiry held between 25 and 27 September 2018 the Inspector's Appeal Decision (APP/R3325/W/18/317690) stated:

The Council (South Somerset District Council) and the appellant (Gladman Developments Ltd) had [...] reached agreement regarding highway safety matters []. This is subject to imposition of a condition requiring improvements to footway provision in the village. (Paragraph 4.).

Highway safety was highlighted by the Inspector as a main issue in the appeal (Paragraph 6. Iii)

The appellant has also submitted schemes for improvement of pedestrian facilities along the A357 in Henstridge and on Furge Grove. The Council is now satisfied that the proposal would not be harmful to highway safety subject to provision of those improvements (Paragraph 21).

A section of the A357 High Street, where front doors of houses open directly onto the road has no safe pedestrian access (Paragraph 22). The scheme of pedestrian improvements would include provision of a footway of 1.8m width along High Street to the north of its junction with Marsh Lane (Paragraph 23).

The works are necessary in the interest of ensuring pedestrian safety and enabling sustainable travel to support local facilities. Policy TA5 of the LP requires new development to address its own transport implications and to maximise the potential for sustainable transport. The pedestrian improvement works would be necessary to ensure the proposal accords with that policy (Paragraph 24).

The Inspector found that the pedestrian improvement works mentioned in Paragraph

4 of his decision "would be necessary in the interests of highway safety and accessibility.." (Paragraph 45).

Henstridge Parish Council understands that the current applicant (Barratt David Wilson) and Somerset County Council have concluded that the highway scheme agreed between South Somerset District Council and Gladman in 2018 is not viable and strongly supports this judgement.

The plans submitted for comment by way of the S73 application contain some positive aspects, for example the 20mph speed limit in the High Street, the 2metre altered road surface at each entrance to the High Street and the No Entry sign to Church Street.

However, the scheme for yellow boxes will cause frequent gridlocks. Visibility at either end of the southerly yellow box is inadequate, the northern yellow box will cause traffic to wait outside the shop entrance (The developer's original application for 130 houses promoted the village shop as one of the few services in the village.). These gridlocks will divert traffic on to the pedestrian routes using the back streets (Woodhayes, Furge Grove and Church Street), making pedestrian safety worse.

No evidence has been produced to show that the safety of traffic and pedestrians, if the S73 proposals are implemented, would match the requirements of the Appeal Decision.

Henstridge Parish Council concludes that the improvements in highway and pedestrian safety specified as conditions in the granting of Approval 17/03029/OUT will not be met by 22/02240/S73 and urges Refusal.

31st January 2023

Henstridge Parish Council resolved to OBJECT at a full council meeting held on the 31st January 2023.

The amended proposal moves the northern Give Way location slightly south, but the applicant (Jonathan Ingsley's email 19 January, 10:19) concedes that the adjusted vehicle tracking is "very tight". There is no assurance that through traffic can pass stationary traffic waiting at the Give Way while maintaining a satisfactory level of pedestrian safety.

Therefore, Henstridge Parish Council does not believe, based on this assessment, that the object of Condition 10 iii (to make the High Street a safer place for pedestrians) would be met by the S73 proposal, as amended.

30th July 2023

Henstridge Parish Council recommends refusal of the above application for the following reasons:

The S73 has dropped pedestrian safety in the Henstridge High Street, A357 and no explanation of the latest proposals has been provided.

This (S73) application does not demonstrate that the condition, imposed at the 2018 appeal hearing (APP/R3325/W/18/3197690), on the safety of all road users can be achieved.

Highway Authority

8th December 2022

To be considered further.

15th December 2022

I have now heard back from the Senior Road Safety Officer regarding the proposed highway works as shown on the latest plan 501-402-01 rev C. Unfortunately, they are unable to fully assess this plan as no carriageway widths or swept path analysis has been provided.

Obviously, with the level of feeling in the village, any recommendation provided by the Highway Authority in response to this s73 application should be robust and based on comprehensive assessments of the submitted information.

In this regard, the developer should provide us with a full set of drawings based on topographic surveys and not OS Map overlays, which include the dimensions of the carriageway, and a swept path drawing covering the different movements for the largest vehicle to use the road.

On receipt of this, we will then be able to undertake further assessment.

16th January 2023

Apologies for the delays in getting comments back on this, but I have now heard from my assessors who have made the following comments.

The submitted swept path analysis shows that larger vehicles are able to negotiate the priority system without overrunning kerbs. However, it is noted that vehicles will encroach into the opposing traffic lane before the give-way line. This could lead to a 16.5m long articulated vehicle waiting at the give-way line and obstructing traffic

travelling in the opposite direction.

Having regard to the number of larger vehicles which use the road through Henstridge, the risk of this situation occurring is greater than on many other roads in the County.

The Highway Authority therefore would ask for the scheme to be amended to remove the risk of obstructed traffic causing a hindrance to through-flow of traffic, or conflict between vehicles especially as the purpose of this scheme is to improve matters for pedestrians and, as shown, it will lead to vehicles potentially trying to 'squeeze' through which will bring vehicles into conflict with the increase level of pedestrian traffic.

On receipt of an amended scheme which removes the conflict, and can be shown as such on a new tracking drawing, further consideration can be given.

13th February 2023

To be considered further

28th February 2023

No Objection subject to conditions and/or S106 obligations detailed below:

This application aims to discharge items 'i' and 'ii' from the original condition and amend item 'iii' to ensure any highway works undertaken to improve the pedestrian environment in the centre of the village is feasible and not going to cause a user safety issue.

The original condition is worded as follows:

No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter.

The submitted scheme shall have regard to the following:

i) dropped kerbs and tactile paving at the following junctions:

- Woodhayes Way/A357 Stalbridge Road
- Woodhayes/Townsend Green
- Woodhayes/Bugle Court
- Woodhayes (Marlstone Court)
- Woodhayes/Furge Lane
- Furge Lane opposite Furge Grove;

- ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and
- iii) a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane/Marsh Lane generally in accordance with plan Ref. P17033-06-01E.

As previously discovered the Planning Inspectors requirements were not feasible and would have create a major safety issue for highway users within the village.

For items 'i' and 'ii'

The discharge of the condition is reliant on details being presented and approved in writing.

The Local Planning Authority are the deciding authority on applications for planning consent, but they do not approve works within the highway. The mechanism whereby works within or directly adjacent to the highway are assessed and approved as being within current policy standards is contained within the legal process under s278 Highways Act 1980 which is led by this Authority.

As the s278 process has yet to be concluded, no approval of the details submitted has been granted and as such this Authority would request the discharge of items 'i' and 'ii' is refused.

On receipt of confirmation that the s278 Agreement technical approval has been granted this matter will be considered again.

For item 'iii'

Following further negotiation and liaison updated plans for a scheme to improve the highway infrastructure through the village have been provided. These are numbered as S278 Works, Sheet 1 (501-402-01 E), and Vehicle Tracking (501-402-04 C).

The works which include carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as new 20mph signage throughout, have been audited for feasibility and are generally acceptable in principle.

However, during the course of a s278 Agreement process, the following matters will need formal assessment and agreement prior to full technical approval being granted:

- It is noted that the swept path appears to show HGVs overrunning the kerblines of

the southern priority system. However, it is not entirely certain that this is the actual kerbline. If HGVs do indeed overrun here then the design should be amended to remove this issue.

Clarification is required.

- Visibility splays and forward visibility throughout the scheme
- Cross and Longitudinal Sections
- Surfacing materials
- Drainage systems
- Lighting scheme
- Kerbs, Lines, and Signs

Conditions/Reasons for refusal:

For items 'i' and 'ii' - As no s278 Agreement technical approval has yet been granted these matters should not be discharged.

For item 'iii' - In the event of permission being granted, the wording of item 'iii' should be amended to

" iii - A scheme of carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as new 20mph signage throughout as detailed on plans S278 Works, Sheet 1 (501-402-01 E), and Vehicle Tracking (501-402-04 C)".

29th June 2023

It is noted that an amended proposal is now presented which removes the discharge of 10i, and 10ii, from the application.

Regarding the amendments presented for condition 10iii, this Authority is content that the comments made previously cover this scheme as now presented and no further comments are required.

REPRESENTATIONS

Initially, 60 letters were sent out notifying local residents of the above application. A total of 252 objections have been received all together, split across the various sets of plans and amended plans. All copies of the representations are available to view on the council's website, however, the main objections have been summarised below, in no particular order.

In response to the original plans submitted with the original application, a total of 65 objections were received, which raised the following points:

1. There is currently no completely safe route through the village for pedestrians, either along the High Street, or the 'back route' of Woodhayes, Furge Grove and Church Street. Therefore, this condition cannot be deferred, as there would be no other opportunity to resolve the already dangerous situation for pedestrians.
2. The Inspector made it clear that permission for the development of up to 130 houses could only go ahead if strong safety conditions and other mitigation arrangements for the residents of the village were put in place before development could begin, hence the requirements of condition 10. To brush these aside would make a mockery of the whole process. If the requirements of the condition cannot be met (for any reason) and pedestrian safety cannot be suitably protected / improved as required, then the proposed development should not be allowed to go ahead.
3. The existing A357 through the village is not suitable for 'modern' sizes of vehicles (such as HGV's) or levels of traffic, in terms of width, lack of pavement, idling engines causing noise and fumes, buildings being hit, flooding of dwellings etc. To add to traffic using this unsuitable road either because of the construction period or subsequent new residents is unacceptable.
4. There is no justification as to why compliance with the condition is no longer required or possible. It appears to be for financial gain for the developers, rather than having to comply with the (presumed) costly requirements of the condition.
5. Whilst many representations acknowledge that the proposed traffic light solution is unworkable, the developers must provide an alternative scheme that equally protects residents, rather than trying to absolve themselves of their responsibilities.
6. The idea of building the housing estate without the necessary infrastructure in place is unacceptable. The village does not have suitable levels of infrastructure (A single shop, no school places, no Drs Surgery etc) to support the development and therefore the principle of residential development should be refused. If the proposed development cannot provide the necessary approved infrastructure, it should not be allowed to go ahead.
7. Since the Inspector allowed the appeal (with condition 10), traffic levels have increased significantly, further justifying the requirement for the condition, and further permissions for additional residential development in the surrounding area have been granted. The condition was required to benefit the village to

outweigh the potential harm caused by the size and scale of the development, and this has not changed, only increased.

8. Several objections have provided examples of when residents have been placed in dangerous situations due to the existing traffic conditions.
9. The only sensible solution to improve pedestrian safety for villagers is to build pavements on either one or both sides of the carriageway, and re-direct HGV's on a permanent basis around Camp Road / Landshire Lane, in connection with pedestrian safety improvements along the High Street. This has already been agreed in relation to construction vehicles from the proposed development, so in principle it should be achievable. If the developers are open to discussions with 3rd parties (which is questioned in other objections), why can't this option be pursued and funded by the developers.
10. The restriction of HGV's using the route should be explored, but this should not include emergency vehicles. Other suggestions include the declassification of the A road, the installation of speed reduction measures / traffic calming, or a 20mph speed limit which would all help to remove the larger vehicles (including HGV's and agricultural vehicles) from the High Street.
11. The payment of a commuted sum rather than dealing with the issues outlined by the Planning Inspectorate is not acceptable (particularly given the Inspectors comments during the appeal) - the developers cannot simply walk away from this issue. If this option were to be accepted by the Highway Authority, it should be of a value of at least equivalent to the value of the approved works, and paid prior to commencement of development.
12. The proposed yellow box scheme will not work due to the restricted width of the carriageway involved, and therefore residents have concerns about access for emergency vehicles, delivery vehicles etc.
13. The proposed revised scheme does nothing to improve pedestrian safety (as required by the conditions) - in fact, the proposals are likely to significantly reduce pedestrian safety along the stretch of road as there will be no physical refuge (such as pavements) for pedestrians.
14. The proposed changes (such as yellow boxes painted on the road) will have a detrimental visual effect on the surrounding area (including the Conservation Area which covers part of the High Street) and not in keeping with the character of the village.

15. The request to vary and discharge the condition will have no benefit, so the application should be refused in its entirety, as the proposals have faced considerable opposition, (with regards to traffic and infrastructure/facilities) and any attempt to force through this application would be undemocratic, and should there be a subsequent Road Traffic Accident, might raise issues or moral and legal liability.
16. The proposed amendments to the scheme have not been supported by a suitable independent safety audit. Concerns have been raised about the potential for future accidents involving significant injuries or worse - death.
17. Regardless of the outcome of this application, Somerset County Highways should work with all parties, including the adjoining Highway Authority in Dorset and the developers to find an acceptable solution to reducing the volume and size of vehicles using the A357 through Henstridge. If necessary, this should also include seeking central government money to fund such development.

There have also been 2 letters making 'mixed' comments regarding the details of the proposed amendments (as the proposed traffic light solution originally proposed is considered unacceptable) but objecting to the principle of development overall.

Amended Plans dated 1st December 2023

A further 67 representations were received in respect of the amended plans submitted by the applicants on 1st December 2023. The main points are summarised as follows:

1. Do not object to the principle of some new development in the area so this objection is not simply NIMBYism.
2. Object to the proposed development in its entirety due to the level of generated, drainage / sewerage, school places etc. It will not create long term employment in the area, only during the construction period. In addition, damage has already occurred to existing Flora and Fauna on the site when the existing trees were removed.
3. Pedestrian safety is paramount, and resolution of that issue was the only reason the appeal was allowed - i.e. the provision of a pavement along the length of the high street to allow pedestrians to navigate safely to the school, church, village shop and post office. The Planning Inspector rightly required a high level of

mitigation for the proposed development when allowing the appeal, and the revised proposals do not go far enough. If the developers cannot provide suitable mitigation, the proposed development should not be allowed to go ahead.

4. The developers should not be allowed to buy their way out of complying with the conditions and their responsibilities, simply because it is too difficult.
5. The proposed development would be unsustainable without improving pedestrian safety. There will be a number of sections of the High Street which will remain without a pavement, and the proposals do nothing to resolve that, instead, simply adding to the footfall using the route.
6. Please don't forget other potentially vulnerable users such as cyclists and horse riders.
7. These proposals appear to be purely a desk-based design and are not based on the actual site circumstances. There is no commentary or explanation to accompany the plans.
8. Acknowledge that there has been some effort to improve pedestrian safety, such as the 20mph speed limit, but do not consider that the revised proposals are acceptable and go far enough. What is the purpose of block paving at the entrance to the works - which will cause additional noise, vibration and exhaust fumes, but at the same time will not make it easier for pedestrians to cross.
9. The existing High Street cannot support the current levels of traffic (let alone the proposed traffic) and result in vehicles often mounting the existing sections of pavement or passing in extreme proximity to the front of the properties that face onto the road. However, generally the traffic manages to negotiate the existing narrow sections, without adding additional traffic calming measures which would only seek to confuse things.
10. The proposed solution to replace the unworkable traffic lights originally proposed is no more effective or workable as the proposed 'yellow boxes' are unlikely to be effective due to the narrow widths and sightlines of the High Street at these points. It is acknowledged that in some areas of the route, two large vehicles would struggle to pass one another without potential conflict with pedestrians. It also does not take into account the private driveways which enter the high street within these sections.

11. The length of the section of 'yellow boxes' including the waiting area between them is also inadequate, meaning that only a few cars will be able to wait in the sections between them (with idling engines causing noise and fumes). In addition, the poor visibility between them, particularly the southern 'box' will likely result in potential conflict between vehicles which will not be able to see whether it is clear to proceed, and the priority system would create a situation where cars accelerate and/or stop and race away, and will exacerbate many of the existing problems which the High Street already faces, will result in gridlock within the village and will not improve pedestrian safety. In addition, the length of the yellow boxes will result in drivers breaching the highway code as they will not be able to enter and leave the boxes in one move.
12. The proposed yellow box scheme does not take into account the vehicles which will continue to stop in the High Street for unloading, deliveries etc.
13. Vehicles travelling from both ends of the proposed scheme, but particularly Stalbridge (to the south) would be unable to see whether the road is free or not due to the bend in the road. The safety of the scheme will depend on the 'judgement' of drivers in terms of timing and spaces between boxes etc, rather than 'set' parameters of traffic lights and one carriageway width of the conditioned scheme
14. The removal of the required pavement will undoubtedly result in less safety for the pedestrians using the High Street, as well as existing residents continuing to leave their front door, straight onto a main carriageway. The proposed yellow box scheme will create pinch points in certain places, where pedestrians will be even more unsafe than they currently are.
15. The proposed yellow box system will result in additional noise, pollution, vibration and potential damage to the properties along the High Street, due to the close proximity of vehicles to the existing properties, rather than them being separated by the width of the proposed pavement.
16. The overall development should only be allowed to continue once a practical solution is approved by the LPA that addresses and resolves the clash between heavy traffic (esp HGV's) and pedestrians within the High Street, as well as improving pedestrian safety in the Church Lane / Furge Grove area.
17. The alternative route for vehicles and pedestrians along Church Lane / Furge Grove is also not safe and suitable for pedestrians, due to the lack of pavements, on-street parking and 90-degree bends in the road. This route is guaranteed to

become a more heavily used rat run as congestion on the High Street increases. This is not acceptable, as this is predominantly used by the school children walking to school in the north of the village.

18. Consider that it is increasingly clear that solutions to the issue of pedestrian safety cannot be found, which would satisfy local residents, largely due to the existing composition of the local road network, and therefore the approved housing development cannot be implemented.
19. Ultimately, there needs to be a scheme which reduces the overall level of 'heavy' traffic which goes through the village and the proposed revised scheme still does not include the imposition of a weight limit on the High Street, and the diversion of larger vehicles around the Landshire Lane / Camp Road route, so therefore in reality it will achieve nothing.

Amended Plans dated 31st January 2023

A total of 45 additional letters were received, and the responses are outlined below:

1. The current development **MUST** be considered in connection with other recent residential developments approved by the Somerset and Dorset Local Planning Authorities, and the issue to protect pedestrian safety in the surrounding villages needs to be considered as part of a wider solution by the current Highways Authority and the surrounding Authorities, such as Dorset, to ensure that all developments in the surrounding area do not unacceptably affect highway safety for local residents.
2. The appeal was only allowed by the Inspector on the grounds that the issue of pedestrian safety could be improved for existing and proposed residents, by the implementation of a suitable scheme, as outlined by the condition. If such a scheme cannot be achieved, then the condition cannot be met, and the development should not be allowed to go ahead. The developers should instead seek to revise the permission for a smaller development.
3. The narrow A357 roadway through the centre of Henstridge, restricted by dwellings on either side is **NOT** suitable for the HGVs passing through the village. The addition of restrictive road markings and/or traffic lights within the narrow sections will only add to the congestion, with HGVs forced to wait mid village, making it difficult for traffic from the opposite direction to pass and causing continuous grid lock within the village. This is **NOT** helpful to the present traffic situation and the addition of vehicles from the approved development will only

add to the ensuing chaos. Such plans will make it impossible for both existing and new residents to easily navigate the High Street by vehicle and very dangerous for them to attempt the route as pedestrians.

4. The existing historic High Street was not constructed to accommodate such large vehicles, and there is no reasonable way that pedestrians and vehicles can use the road together safely. Making minor adjustments to an already unsuitable route will simply not work.
5. The proposed works will result in traffic diverting through the smaller roads and lanes through the village which are also unsuitable for high levels of traffic, and vehicles will be in direct conflict with pedestrians who use the route.
6. Consider that the developers do not want to take responsibility for the impacts and potential serious consequences that their proposals would bring to the village.
7. Unless the works which would have been required to fulfil the conditions, as required by the Planning Inspector, have been fully and openly costed there is no basis upon which to request money to fund alternative schemes. Any suggestion of the payment of a commuted sum is therefore unquantifiable.
8. The small adjustment to the already flawed application does nothing to meet the requirements to improve pedestrian safety on the High Street. The current proposal does not improve pedestrian access - they will actually worsen it as large lorries try to squeeze past traffic queuing in the other direction whilst waiting to enter the hatched areas, and therefore the proposals should be rejected.
9. The proposed yellow box system will increase gridlock through the village as vehicles have to wait to pass each other, or squeeze into tighter spaces. (The developer's Highways Consultant acknowledges that the proposals will be 'very tight' within their covering letter). The alignment of the existing road, existing bends and spaces between the yellow boxes will mean that drivers will not be able to anticipate the road ahead, focussing on the road, largely at the expense of pedestrians. It will not solve the underlying problems of road safety through the village of Henstridge.
10. Consider that the original solution where the narrowest section would become a single carriageway controlled by traffic lights and with a 1-metre wide pavement installed on one side of the road would be preferable to the currently proposed

scheme.

11. Nothing in the proposals will prevent vehicles mounting existing kerbs.
12. The proposed desk-based solution should be tested 'on the ground' through an active simulation before it is agreed in full, as other nearby villages have had solutions imposed (Templecombe) which are in practice unworkable and have been partially redacted. The designers and planners need to spend time within the village to fully understand how it works and the issues that pedestrians face using the High Street to get from one end of the village to the other.
13. All well as more able-bodied pedestrians, extra consideration should be given to less abled bodied, such as the elderly.
14. Concern about access for emergency vehicles.
15. The only real viable option remains to divert all heavy good vehicles around Landshire Lane to rejoin the A30 without passing through the village. Instead of pursuing this cheaper, more dangerous option for pedestrians, why can't the developers consider implementing a restricted weight limit through the village and the diversion of the HGV's along the A30 and around Landshire Lane.
16. The position of the proposed yellow boxes would have a negative effect on the living conditions of existing residents on the High Street, due to noise, fumes, loss of privacy etc
17. The visual impact of the proposed works (painting of yellow road markings, etc) would be visually unacceptable within the historic village, in particular the Conservation Area.

Amended Description - 27th June 2023

Finally, local residents were notified of a change of description for the application, which removed the reference to discharging points (i) and (ii) of Condition 10, rather than specific alterations to the proposals related to part (iii) of condition 10. A total of 76 representations were received in response to the amended description, which are summarised as follows:

1. Object to the principle of this number of additional dwellings in this location, as the village does not have enough services and facilities to support such development. It would constitute over-development of a rural village.

2. The existing High Street does not have a safe footway or pavement running the length of the High Street for pedestrians to use and they must walk on the narrow road and risk injury or worse. The additional housing will only make this situation worse, both by increasing the amount of traffic in the immediate area as well as the number of pedestrians who wish to use the High Street. In addition, the alternative routes that cars and vans will take to avoid the High Street will also become much busier.
3. The plan simply does not provide a safe 'footway provision' (as required by the Inspector) for pedestrians through the High Street and does therefore not improve pedestrian safety for existing or proposed residents of the village, as required by condition 10 of the outline approval.
4. The existing narrow high street is already dangerous, with several pinch points which cannot be altered or improved to create a scheme which improves pedestrian safety as well as maintaining a suitable flow of traffic through the village.
5. Whilst it is widely accepted that the originally proposed traffic light scheme which clearly would not work, the reference to "footway provision" has also been dropped. Given that provision of a safe pathway was the main objective of the inspector who allowed the development, it is totally wrong to drop that wording and hence give opportunity for a less safe pedestrian pathway.
6. There has been a significant increase in traffic levels, types and sizes of vehicles (as well as engine sizes) and this will continue to rise as residents rely more on their private car in rural areas, as well as construction traffic for all new development.
7. Within the central section between the two proposed yellow boxes, there are several residential access driveways, which each serve a number of residential properties. These properties will struggle to access the High Street at times when traffic is gridlocked, and these access points will also become potentially dangerous.
8. It should not be a matter of finding a traffic solution in Henstridge to make the building of 130 houses acceptable, but rather accepting the fact that a village with a very narrow high street and with little pavement, cannot suffer the consequences of this unworkable scheme.

9. When assessing the appeal, the Inspector outlines the effect of the proposed development on highway safety as one of his main concerns. In section 24 of his decision letter, in respect to the 'tilted balance' he considers policy TA5 and concludes that in order for the application to meet the "sustainable community" requirements of travel to local facilities, "works are necessary in the interest of ensuring pedestrian safety". However, I fail to see how the applicants "yellow box" scheme meets this as there is no provision for any footpath.
10. I believe that the Inspector was misled by the "last minute" traffic light scheme which later proved unworkable, and I understand that element being dropped from section 10(iii) but not at the expense of the "footway provision" and "pedestrian safety" which is paramount and the appropriate mitigation to this village. If the Inspector were assessing the harm versus benefit to this village based on the current proposals, which does not meet his requirements, he would not have given permission for this large development on such a dangerous road, therefore the planning authority should not give permission until such times as a workable solution which meets his well observed (he visited and saw the problems) conditions.
11. The appeal against the decision of South Somerset District Council to refuse the original outline planning application was allowed on appeal by the inspector subject to the satisfactory implementation of conditions, including Condition 10. (This appears to have made the scheme unviable) It would seem self-evident that, if the conditions cannot be met, this equates to REFUSAL of the appeal. Therefore, if they cannot provide the mitigation required by condition 10, they do not have planning approval for the proposed development. The developers should not be allowed to enter the site or commence development until a suitable and workable alternative has been found to the requirements imposed by the Planning Inspector.
12. The current proposals to vary a significant planning condition, leaves the community of Henstridge far short of the mitigation measures that the Planning Inspector considered that the development proposals required, and despite the applicants stating they are prepared to discuss this, no such discussions with the community have taken place, particularly in regard to improvements to the alternative route via Furge Grove and Woodhayes, which is likely to become a 'rat run' as traffic tries to avoid congestion in the High Street. This route is regularly used by children and parents to walk to school in the north of the village.
13. The alternative routes cars /vans and lorries will take will, to avoid congestion in the High Street, along Furge Grove / Woodhayes will become busier and that will

increase the likelihood of an accident, given that these roads are also below standards in terms of width and visibility and also do not have continuous pavements for pedestrians. This will be further exacerbated by the amount of on-street parking that take place on this route.

14. Lorries and tractors (among others) do not adhere to current speed limits through the village, and therefore concerns that they will not adhere to other traffic measures such as yellow boxes etc. The traffic through the village is increasing in volume (even before we add more housing) as well as getting bigger and faster (including plans by government to increase the length of HGV's). We need to re-direct the larger vehicles away from the village except for access (delivery vehicles, etc). Immediately you would get less, and smaller, vehicles passing each other at narrow points in the road and so pedestrian safety will be enhanced.
15. A yellow box scheme with vehicles idling will add to pollution. We need developers to be designing schemes that protect and improve the environment, with safer walking and cycling routes helping to connect the village and minimising, not increasing the number of vehicles using narrow streets that were never designed for so many cars, never mind lorries. The traffic needs to be taken away from the village.
16. Despite requesting to 'amend' the requirements of condition 10 (iii), given the developers failure to provide a suitable alternative, this is seen by local residents as an intent to withdraw from the requirements of that condition, rather than amend them in favour of pedestrian safety. BDW were aware of Condition 10 when they acquired the land and should be required to meet its requirements in full by providing a workable scheme.
17. The developers have not demonstrated grounds to vary condition 10 (iii) and the proposed development will only exacerbate existing traffic problems. Either the developers should propose a more radical solution, (such as removing HGV's from the High Street) or the proposed development should be abandoned.
18. The applicant has failed to demonstrate that it is safe to walk on a footway in those parts of the High Street where HGVs coming in opposite directions would have to mount the kerb or cross the footway, to avoid a collision. The current scheme would put pedestrians and homeowners along this road at more risk due to vehicles which will back up during peak times and risk trying to squeeze past each other as is already regularly seen as well as regular damage to people's property along this route.

19. A proper Road Safety Audit has not yet been completed. Any audit would need to raise the following issues as major defects of the proposals.
- Risks to pedestrians as described above
 - Risk of gridlock and even collisions when HGVs and other vehicles that may fail to abide with yellow box restrictions, find they cannot safely pass each other on the carriage way.
 - Gridlock on the High Street, which is a likely consequence of the yellow box scheme; brings the risk of other routes being used as rat runs. This harmful consequence is not addressed anywhere within the revised submission.
20. Given that County Highways failed initially to accept that the Traffic Light scheme originally proposed by developers was hazardous, and they have not been able to demonstrate yet that this present scheme is safe, residents consider it would be wrong for the Planning Committee assume a safe scheme can be devised by them. Has a safety audit been completed by either party?
21. Concern that there will be no pavement through the village, in particular the section of the High Street between the top of Marsh Lane and Fountain Place. This is a particularly dangerous section as the road is narrow, there is no pavement, and it is on a bend with limited visibility for traffic trying to negotiate it. The originally proposed scheme (controlled by traffic lights), with all its flaws, at least provided a pavement for pedestrians. It should be remembered that the Appeal was upheld on condition that safe pedestrian access to the village centre was provided. This proposal and its amendment clearly fail to achieve this and should be rejected.
22. The revised proposals shown on drawing 501-402-01-S.278 WorksSheet 1-Rev E removes the improved footway, so fails to meet the Condition 10 requirement for pedestrian improvements. As there would only be room for one HGV in each direction in the area between the two opposing yellow boxes northbound traffic will frequently be obliged to queue in the area between the Furge Lane junction and the start of the box. Large vehicles leaving the controlled area may be unable to negotiate this section because of stationary northbound vehicles. This will increase the hazards faced by pedestrians in this area. HGVs heading south frequently have to encroach onto the northbound lane when negotiating the slight bend north of the Marsh Lane junction. Vehicles approaching the scheme from the north are also likely to have to queue to enter the scheme and will back up to The Cross, where again there is also limited room for two HGVs to pass because of the sharp bend, which also means that approaching drivers will be unable to see any queue. A light-controlled one-way system for Marsh Lane to Church Road would probably allow for improved footway provision over the whole of the High

Street north of the Marsh Lane Junction.

23. Concerns that the congestion created by the proposed yellow box system could prevent timely access by emergency vehicles to the ends of the village.
24. Existing drivers of PSV vehicles and Class1 HGV's, states that in their opinion the proposed box junction would not be workable in this location, as there is nowhere along the High Street to position it that wouldn't result in a large truck getting across it with the Cab Unit for visibility leaving the trailer blocking the corner and blocking opposing vehicles. Alternatives such as exclusions based on 'weight' would also not work as this would exclude vehicles such as school buses. Regardless, if 'access' is required for these larger vehicles, then they would still be able to use the route including the high street. The only suitable way to solve this issue is either to provide a by-pass for Henstridge village as a condition of the Grant at the developer's expense, or to operate traffic lights at either end of the village. This would enable the creation of a safe pedestrian route along the length of the High Street.
25. The planned development has not taken into consideration the impact this will have on the existing properties and impact on the local infrastructure. Somerset Council need to review their planning policy and stop thinking about the additional council tax/revenue that all these additional homes will produce.
26. What contribution does the developer intend to make under Section 106?
27. More examples of near misses between pedestrians and vehicles.
28. Condition 10 relates to the need to create proper pedestrian safety within the High Street, and this current proposal does not address this or produce a solution. It is a traffic management plan and has a feasibility study trying to demonstrate that two vast HGVs can scrape past one another and according to the audit titled "safety" even this has proved difficult. It is a technical audit with no mention of pedestrians and their safety walking in the High St.
29. For the past near 6 years no workable scheme for pedestrian safety has been produced and I suggest that it is unlikely there will be one in the future unless there is a radical change in traffic size and volume within the A357 High St. Developers would have to bear the cost of such a scheme. Removal of HGVs from the High St would be a major help for pedestrians but would still not guarantee total safety.

30. Suggested alternatives include:

- Dropping the Highstreet to 20mph
- Making the High Street a B road with proper restrictions on Satnavs regarding size and weight restrictions
- Divert heavy Traffic north of the village down Station Road in Stalbridge to the A30
- Divert traffic along Marsh Lane.

31. The developer is currently in breach of condition 10, which states that "no development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority". Installation of water main cannot be defined as falling within any 'de-minimus' work as this would suggest that a water main is incidental rather than essential to the development of the site.

Henstridge A357 Group

8th September 2022

For all its defects, the Traffic Light scheme required under the Appeal Inspector's condition 10 (iii) represented a decision to mitigate some of the adverse impacts of a major housing development. That condition is what enabled the development to be approved. Now that the condition is judged to be unworkable, we expect to get from the developers a viable alternative, providing a comparable level of mitigation. They refer only to a possible lump sum

This application, however, seeks to absolve them from further responsibilities: removing all three elements of condition 10.

So, we urge SSDC to defer further planning approval unless and until they provide mitigation in full; and comply with similar conditions imposed on their application, ensuring that they comply before work can start on their development.

We urge rejection of this application.

S73 provisions

We understand that under S73 an unworkable condition (such as condition 10iii) can be removed or replaced by a new condition. We regard it as vital in the present case that the condition 10iii is replaced by conditions that provide no less mitigation and with safeguards to ensure their full delivery, equivalent to those imposed by the Appeal Inspector.

No justification is given by the applicant for watering down these provisions. This application thus fails to meet these S73 requirements in four respects:

- The level of mitigation is lost and not replaced - The S73 leaves the Henstridge community with a significant unresolved absence of mitigation.
- While the planning permission originally included conditions and safeguards, in this application they are now removed - If approved the S73 would give developers freedom to start work on site before compliance with conditions matching those as set by the Inspector.
- The application is premature - The developers have not looked into alternative options for conditions, as required by the LPA.
- The formal application is incomplete and lacks essential information.

We augment these statements in our appendix A.

Background and justification

In objecting to the above S73 application, we respectfully remind the Planning Authority:

- That the Inspector's aim was to address the clash between HGVs and pedestrians in the narrow High Street and provide the community with a tangible level of mitigation. These were enshrined in Condition 10 of the Inspector's Report of 20 Nov 2018.
- That in objecting to the Traffic Light scheme as unworkable, we consistently made clear that if the Traffic Light scheme is abandoned, an alternative but equivalent mitigation strategy is required, at the developer's expense.
- That we have identified such an alternative that addresses our problem and provides the essential mitigation: that is, a route for HGVs using Landshire Lane. It would remove at a stroke the main hazard faced by pedestrians in the High Street, and thus meet the Appeal Inspector's main mitigation objective. It has the support of most local people and is already selected as the route for construction traffic. (See Appendix B) But there is no indication that developers have given this proposal their consideration in relation to this S73 application.
- When objecting to the recent Reserved Matters application, we asked that the Council looks first at removing and replacing condition 10.iii. We wanted to see safeguards in place that would ensure the developers could only go ahead if alternative, but equivalent conditions were first put in place. This request was rejected, on the grounds that such safeguards and sanctions could be applied if and when the S73 application was considered at a later stage. But they do not form part of the present application. We see no sign of any safeguards or sanctions in this application.
- That we offered on many occasions to work with developers on alternative solutions and mitigation strategy. The developer and their agents again say they are willing to do so, but their disinterest to date puts in question their good faith.

Our conclusions and proposals for next steps

We call upon SSDC to reject this application. We urge that the Planning Authority does not consider discussion, let alone approval of the application, until the developer submits a fully considered mitigation strategy to accompany its S73 application; and, in particular:

- the applicant is invited to submit a revised S73, with an outline of costed mitigation measures - ideally ones that have been discussed and supported by the local community. Planning permission should then be conditional on these measures being implemented.
- If they intend to offer a lump sum, then it should be made clear how this relates to the costs of condition 10 that they would be released from. Existing conditions to remain in place until any agreement on financial compensation is reached.
- The specific mitigation measures would be approved before construction commences; and completed before occupancy begins - conditions that match those imposed by the Inspector alongside condition 10.

Appendix A

We urge rejection of this application. The fundamental reasons in more specific detail are:

- The level of mitigation is lost and not replaced.

On no account can we accept that the level of mitigation originally intended can now be watered down. Yet the present application makes no reference by developers to efforts that would match the level of mitigation which the Inspector originally required.

We note that developers now talk of offering a lump sum. Even if the quantum transparently matched that budgeted for the traffic light scheme, we would prefer to hold the developers responsible for actually implementing tangible, sustainable improvements to the issues of Henstridge High St. But there is no evidence of the sum in mind, nor how this compares with the actual cost that the developers would need to budget for, if they fulfilled the Inspector's condition. In the absence of the developer's commitment or transparency, this S73 application leaves the Henstridge community with a significant unresolved absence of mitigation.

- While the planning permission originally included conditions and safeguards, in this application they are now removed.

We note that the Planning Inspector insisted that: No development shall take place until a scheme for ...improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall

be retained thereafter. (condition 10).

Similar provisions are surely required for to replace those removed under S73. We were told by SSDC planners that if S73 application followed the REM application, there could be new safeguards to ensure developers did not 'get away' with minimal mitigation or conditions. Where are they?

If approved the S73 as it stands would give developers freedom to start work on site whenever it suits them, and before compliance with any new conditions now needed to match those as set by the Inspector. This would effectively undermine the opportunity for a fair negotiation of any new mitigation measures, and for example, a lump sum.

- We urge that the sanctions set out by the Inspector must remain in place, until new mitigation measures are agreed.
- The application is premature.

Why should the developers be released from their planning obligations, when they have not yet made tangible efforts to submit acceptable alternatives?

We were advised by LRM (developers advisers) in March that ' should [the traffic light scheme] not be feasible BDW will proactively engage with all stakeholders on redesigning a mutually acceptable alternative.' This is overdue.

While it is clear that condition 10iii is considered no longer to be workable, the same does not apply to condition 10i and 10 ii: nor does the application provide any justification for removing these. They could well become integral in a future plan

- The formal application is incomplete and lacks essential information.

In the LPA S73 Application form the applicant is asked: If you wish the existing condition to be changed, please state how you wish the condition to be varied.

Dan Barwick responded in his letter (13 July ref 220713): Amend 10i) and 10ii) to be read as a compliance condition referring to submitted detail. Delete 10iii). And: We would welcome you to consider the information provided as part of the application, and suggest alternatives in a varied condition. There is no varied alternative, no understanding of the mitigation value of condition 10, nor a reasoned justification for the removal of 10iii rather than its replacement by a workable alternative solution.

The S73 application letter refers to a financial compensation in vague terms: 'BDW would be willing to consider a commuted sum'. To be of any value in determining this issue, it will obviously have to be specific. As will the scope of the commitment, to ensure there will be tangible and relevant benefits to Henstridge, in a defined timeframe., with clear sanctions and accountability for delivery.

We conclude that it would be irresponsible of the LPA to make concessions to the developer on these points: it should be standing up for local people, responding to their concerns.

Appendix B

Mitigation and SSDC 22/02240/S73: alternative suggestions from A357 Group:

We have put forward the following proposals, which are practical outline mitigation measures, for the developer to provide and fund. These would sustainably and strategically address the needs of Henstridge residents and in particular match the Inspector's concerns for the residents in respect of possibly adverse aspects of the planned development. We would welcome a constructive discussion, so that these can be adopted in three locations:

Landshire Lane

- It was evident and is now proved by the applicants' consultants that the problem that prevents improvements for pedestrians in the High Street is HGVs. Our proposal addresses this problem by requiring HGVs to take an alternative route, via Camp Road and Landshire Lane. It is already used by HGVs on a regular basis, a few miles to the East of Henstridge.
- This has been considered and approved as the route required for construction traffic in the present application and has been deemed safe by County Highways. So, there is already acknowledgement of the problem and its solution.
- We therefore suggest that the opinion of County Highways when this HGV route was first mooted - that the proposal was too 'strategic', should now be reconsidered. After all, nothing could be more strategic than a large new housing development and the mitigation measures to match it.
- A highway engineer looking at this option might suggest some essential signposting and possibly improvements at the southern junction, and/or a passing place on Landshire Lane, but there is no reason why this option should be a costly one. And if there were costs to be borne, they should be made available from part of the applicants' original budget for mitigation measures.

High Street

Once HGVs are removed from the High Street, the safety and comfort of pedestrians can be addressed afresh. The traffic light scheme should not be revived; but measures to slow down traffic would be needed. We understand that chicanes (as in Templecombe) would not be advisable owing to restricted sightlines.

Furge Grove and Church Lane

An adverse consequence of the traffic light scheme would have been the risk of Furge Grove and Church Lane being used as a rat run. This is an important pedestrian route

extensively used by families and children, so the removal of High Street traffic must be the opportunity to protect its pedestrian character. It may be possible to enhance that with a one-way system and /or other traffic management measures? And condition 10i and 10 ii might be relevant and of benefit here?

None of these proposals need be excessively costly or disruptive, at least not when compared to the traffic light scheme. And if there were costs to be borne, part of the applicants' budget for mitigation should be applicable.

And it would be reasonable to expect these mitigation projects to have been approved before development is allowed to start and to be completed before the development is occupied, (matching the Inspector's original requirement which enabled the appeal in the first place).

31st July 2023

The A357 group wish to strongly object again to this application to amend and remove the provision of a safe pedestrian footway.

We have seen sight of the safety audit conducted and it is littered with requests for further information only 2 of which have been submitted. This appears to be more of a feasibility study into whether HGVs can pass each other rather than looking at any safety of pedestrians travelling from the new development to the village facilities. Poor quality diagrams, no explanatory notes from the developers and an independent professional review suggests the scheme to be unworkable.

The appeal in 2018 hinged on this condition as without it, permission would have been refused.

Consequently, the applicant either needs to create a safe pedestrian route or concede that it is not possible and walk away from this particular site.

CONSIDERATIONS

Principle of Development

The principle of this residential development has been established through the approval of outline planning application 17/03029/OUT at appeal in November 2018 and the reserved matters approval (21/03369/REM) in May 2022, which both remain extant under 19th May 2024. This application is made in relation to amending the requirements in respect of condition 10(iii) of the outline consent in relation to off-site highway works. As such there will be no changes to the approved access, layout, scale or design of the approved development under either of the approvals.

Therefore, the only matter under consideration is the provision of off-site highway works to improve public safety, imposed under Condition 10(iii) of the outline

planning permission (17/03029/OUT) imposed by the Inspector.

Highways

The main issue in relation to this application is the requirement of outline condition 10(iii) to provide "a signal-controlled priority arrangement along A357 High Street including footway provision, appropriate signage and tactile paving at Furge Lane Marsh Lane generally in accordance with plan ref: P17033-06-01E".

It is widely accepted by all parties (LPA, Applicants, Parish Council, A357 Group, and members of the public) that pedestrian safety along Henstridge High Street is a significant issue, and is currently extremely poor due to the constraints posed by the existing historic high street which is narrow in places and lacks a continuous pavement along its length, as well as the existing traffic which already uses the High Street (and is unrelated to the development) including HGV's and other large vehicles, as well as private cars and other modes of transport. The combination of these issues leads to conflict between vehicles and pedestrians on a regular basis.

As set out above, following the refusal of the outline application in January 2018, the applicants included proposals to improve pedestrian safety on the High Street with their appeal against refusal of the application. During the consideration of the appeal, the inspector clearly identified that the scheme for pedestrian improvements initially put forward by the appellants, which included a raised pavement along a signal-controlled single width carriageway along the section of the High Street, were necessary in the interest of ensuring pedestrian safety and enabling sustainable travel to support local facilities, as well as addressing the developments own transport implications in accordance with policy TA5 of the local plan, and therefore the appeal was determined on the basis of the proposals submitted by the appellants.

It is acknowledged that the proposed development would generate additional traffic, both pedestrian and vehicular, although aside from the construction period, the amount of HGV's likely to be generated by the proposed development would be minimal. Construction traffic, which would involve specific HGV's will be diverted away from the High Street, via a diversion as part of the Construction Management Plan, required by condition 9 of the outline consent.

The existing constraints of the High Street which result in many of the issues with pedestrian safety, also pose the greatest constraints to improving the issue as they may not allow for 'modern' interventions or standards to be achieved, and since further technical work has been undertaken by the applicants for the proposed mitigation, it has been established that the original scheme would be difficult to

implement, due to issues such as road levels preventing pavements being constructed properly, or the proposed traffic lights on the junction of the High Street and Furge Grove obstructing traffic.

On this basis, and rather than trying to remove the requirements of section (iii) of condition 10 completely, the applicants have worked with the Highways Authority to find the best alternative solution to provide improvements to the safety of pedestrians using the High Street, as per the requirements and reasoning for condition 10(iii). Whilst this does not meet the 'ideal' or 'standard' approach of providing a raised footway along the length of the High Street (which cannot be achieved as the mitigation is not with a new build scheme), the scheme has been designed to provide areas of dedicated pedestrian footways.

It is accepted that this is not the ideal solution, or that which was previously anticipated, however, the highways authority consider that the proposals will provide an increased amount of dedicated footway for pedestrian's which will increase pedestrian safety along a larger amount of the High Street than what currently exists. This reflects the reason for the condition, and therefore the amendments to the previously suggested scheme would be acceptable, given that the original proposals cannot be achieved.

Many concerns have been raised by local residents and the Parish Council that the proposed 'Yellow Box' scheme is not a suitable alternative to the previously agreed traffic light system, which will lead to increase congestion in the village (and therefore additional use of the quieter Furge Grove / Woodhayes Way route as a rat run) as well as conflict between the larger vehicles, and that conflict between vehicles and pedestrians will remain, and that overall pedestrian safety will not be improved, but potentially worsened.

The Highways Engineer has acknowledged these concerns but has identified that the yellow box system is designed to ease congestion, particularly at pinch points, as it prevents vehicles entering the boxes if their exit route is not clear (rather than trying to squeeze past one another). Forward vision through the yellow boxes allows drivers to see when there are vehicles on the exit route which directs them not to enter the box. The scheme also retains suitable sections of clear carriageway which allow opposing traffic to continue to flow.

In terms of pedestrian safety, the yellow box also creates sections within the scheme which will provide pedestrians refuge from passing vehicles and, in addition the scheme will reduce traffic speeds along the High Street, which is beneficial to all users.

In response to comments raising the lack of safety audits (for both the initial proposals and the current scheme). The Highways Authority would point out that they were the ones that identified that the initial scheme would be hazardous for all users and impractical to implement and have since been working with the developers to find an alternative solution. All the options that have been put forward by the developers have been safety audited by experienced engineers within the team, and have identified issues which give cause for concern, and which have subsequently been addressed.

It is therefore considered that the proposed amendments to condition 10 (iii) will continue to provide improved pedestrian safety (over the current situation) for the existing residents of Henstridge as well as the future residents of the new development, and would therefore be acceptable, in terms of policy TA5 of the SSLP. As section (iii) is read as part of the whole condition, the triggers for the approval of details and their implementation prior to the occupation of any dwelling will remain as the Inspector proposed.

The Parish Council and local residents preferred alternative would be to divert existing HGV traffic away from the High Street, through a weight restriction Traffic Regulation Order, and the diversion of HGV's along the Marsh Lane / Landshire Lane route, as they see this as the main cause of poor pedestrian safety. However, Paragraph 57 of the National Planning Policy Framework outlines that planning obligations should only be sought when they meet *all* of the following tests:

- i) necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and
- iii) fairly and reasonably related in scale and kind to the development.

necessary to make the development acceptable in planning terms

The development will not generate a severe increase in HGV traffic. After the construction period (covered by the Construction Management Plan), aside from occasional delivery lorry's and the weekly refuse lorry, the general traffic associated with housing estates is private cars and smaller vans. The diversion route is therefore not necessary to make the development acceptable.

directly related to the development

As the HGV traffic through the middle of the village is a matter of fact and not generated by the development, it is not directly related to the development.

fairly and reasonably related in scale and kind to the development

The creation of a formal diversion route would not be just a simple matter of erecting

a few signs and sending lorries onto different roads; as numerous issues would need to be attended to prior to any diversion being agreeable:

- A Traffic Regulation Order for a weight limit in the village involves its own full public consultation process the result of which are not guaranteed. Any objections received would have to be investigated and attended to or removed prior to the successful implementation of the Order.
- The TRO would not apply to vehicles lawfully accessing local property. The occasional delivery lorry visiting properties, or agricultural vehicles associated with the local fields, therefore, would still be able to attend sites through the village irrespective the weight limit.
- Structures such as bridges and culverts along the diversion route are not all Somerset Council assets so we cannot unilaterally agree the diversion route. Further, full structural surveys of the assets would need to be carried out to confirm they are of a suitable construction to accommodate the increased weight loading. If not, they would need to be reconstructed to bring them up to standard.
- The road for the full length of the diversion route would need a condition survey to ensure it is suitable for the HGV traffic. If it is not wider than 5.5m for its full length the lorries would overrun the verges and damage them or would cause structural damage to the haunch construction at the edge of the carriageway which would increase the maintenance burden. Going on my experience in highway management and maintenance, I would suggest none of the route would have sufficient haunching construction and as such the whole route would need reconstructing.
- The TRO would need to be satisfactorily implemented, and all problems highlighted along the route would need to be rectified prior to the diversion route being brought into use.
- One of the bridges along the route already suffers from spalling which may need regular inspections and maintenance.

On this basis, this is potentially a hugely expensive task, and suggesting the costs are borne by the developer when they are not adding to the HGV traffic in the area is neither fair nor reasonable.

Therefore, as the development will not severely and permanently increase the number of HGVs using the route through the village, the suggestion of a diversion route funded (either partially or in full) by the developers does not accord with the tests in NPPF paragraph 57 and therefore this Authority cannot support such a proposal.

Other matters

Correspondence from the Parish Council on 23rd May 2023 advised that Wessex

Water would be undertaking works in proximity of the site in June, including the blocking up of the road to enable it to be dug up for additional pipe work related to the proposed Townsend development. Given that this application had not been determined, and there were outstanding conditions still to be discharged, this was unauthorised works. A number of local residents have also contacted the department as survey work was being undertaken on site.

The developers have confirmed that the development has not yet commenced, any operations on site since our client have controlled the land would have been related to technical surveys, hedgerow removal as approved under a separate consent and utilities work. None of which form a breach to the planning permissions for residential development.

Conclusion

There remains much opposition to the principle of development of this site. However, the principle of 130 dwellings (and access thereto) was established under the approval of the outline application 17/03029/OUT in November 2018, and the remaining details have been approved under the reserved matters approval 21/03369/REM, which both remain extant, and the developers are in the process of discharging the remaining necessary conditions.

This current application solely relates to the detailed requirements of section (iii) of condition 10 of the outline approval, which relates to the provision of off-site highway works to improve pedestrian access along the High Street for existing and proposed residents of Henstridge, in accordance with policy TA5 of the South Somerset Local Plan.

Whilst the loss of the originally proposed scheme due to technical reasons is regrettable, it is considered that the revised off-site works, which will still include carriageway narrowing as part of a proposed priority system between Marsh Lane/Furge Lane and the High Street as well as a pedestrian footway (instead of pavement) and 20mph speed limit throughout, will also improve facilities for pedestrians, in accordance with the requirements of policy TA5 of the South Somerset Replacement Local Plan.

For this reason, it is recommended that condition 10 (iii) should be amended as follows:

- iii) improvements to the A357 High Street generally in accordance with plan Ref. P17033-06501-402-402-01E.

Reason for Approval:

The principle of development has been established by the previous granted of outline approval 17/03029/OUT, together with means of access from Woodhayes Way. The design, appearance, scale, layout and landscaping of the development has been approved under reserved matters approval 21/03369/REM, and the proposed amendments to the scheme would not result in change to the character and visual amenities of the area, and would cause no demonstrable harm to the landscape, residential amenity, highway safety, flood risk or biodiversity interests. Accordingly, the proposed scheme is considered to accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, EQ7, TA4, TA5 and TA6 of the South Somerset Local Plan and the guidance within the NPPF.

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SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of 2 years from the 19th May 2024. (Being the decision date of the last of the reserved matters to be approved)

Reason: To accord with the provisions of s91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the approved plan no. CSA/3228/109A and the plans and drawings approved under reserved matters approval 21/03369/REM dated 19th May 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The proposed access shall be constructed in accordance with details shown on plan number 4746-53-02A, and the further details approved under reserved matters approval 21/03369/REM (dated 19th May 2022) and shall be available for use before first occupation of the dwellings hereby permitted and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of highway safety and to accord with policies TA5 and TA6 of the South Somerset Local Plan and the guidance within the NPPF.

04. No development shall take place on land edged red as shown on approved plan ref. CSA/3228/109A which may be required to facilitate the provision of a footpath link running parallel to the A357 as shown on Somerset County Council's plan Ref. T1004127-HW-002.

Reason for Approval: In the interests of pedestrian safety and in accordance with policy TA5 of the South Somerset Local Plan.

05. No development or site preparation works shall take place until the tree and hedgerow protection measures approved under LPA reference 23/01034/DOC1 (discharge of condition 7) have been installed and made ready for inspection by the local planning authority's Tree Officer prior to any commencement of development. The approved protection requirements shall remain implemented in their entirety for the duration of the construction period and may only be moved or dismantled with the prior written agreement of the local planning authority.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) and in accordance with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan and guidance within the NPPF.

06. No development shall take place until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. The drainage strategy shall ensure that surface water run-off is attenuated on site and discharged at a rate and volume no greater than greenfield run-off rates and volumes. The approved works shall be carried out and maintained in accordance with the approved programme and details.

The details shall include:

- details of phasing (where appropriate) and maintenance of drainage systems during construction of all phases.
- Information about the design storm period and intensity, discharge rates and volumes both before and after development, temporary storage facilities, means of access for maintenance (6m minimum), the methods to be used to delay and control surface water discharged from the site and measures to prevent flooding and pollution of receiving groundwater and/or surface waters.
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). The details shall demonstrate that there will be no detrimental effect downstream from any upgrading of the culvert beneath Stalbridge Road, or if this is not feasible, discharge rates and volumes shall be restricted to meet the capacity of the existing culvert.
- Flood water exceedance routes both on and off the site. No part of the site shall be allowed to flood during any storm up to and including the 1 in 30 event. Flooding during storm events in excess of this including the 1 in 100 year (plus 40% allowance for climate change) shall be controlled by limiting this to the designed exceedance routes which shall be demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and/or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with policy EQ1 of the South Somerset Local Plan and guidance contained within the NPPF.

07. The development hereby approved shall be carried out in strict accordance with details approved under 22/02241/DOC1 (discharge of condition 9 - Construction Management Plan) approved 23rd August 2022. The approved plan shall be adhered to fully at all times throughout the construction period.

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset Local Plan.

08. No development shall take place until a scheme for pedestrian improvements has been submitted to and approved in writing by the local planning authority. The approved works shall be implemented in accordance with the approved details before any dwelling hereby permitted is occupied and shall be retained thereafter. The submitted scheme shall have regard to the following:

- i) dropped kerbs and tactile paving at the following junctions:
 - Woodhayes Way/A357 Stalbridge Road
 - Woodhayes/Townsend Green
 - Woodhayes/Bugle Court
 - Woodhayes (Marlstone Court)
 - Woodhayes/Furge Lane
 - Furge Lane opposite Furge Grove;

- ii) installation of Traffic Signs Regulations and General Directions (TSRGD) Sign Dig. 544.1 Pedestrians in Road Ahead plus distance plate (380 yds) signs at the following locations:
 - Junction Furge Lane/Furge Grove
 - Junction Church Street/A357; and

- iii) improvements to the A357 High Street generally in accordance with plan Ref. P17033-06501-402—402-01E.

Reason: In the interests of pedestrian safety and in accordance with policy TA5 of the South Somerset Local Plan

09. No part of the development hereby permitted shall be occupied until a footway of 1.8m minimum width has been provided on Furge Grove between its junction with Furge Lane and the existing footway to the north on Furge Grove. The retained carriageway width shall be no less than the existing carriageway width.

Reason: In the interests of pedestrian safety and in accordance with policy TA5 of the South Somerset Local Plan.

10. The development shall be carried out in accordance with the mitigation measures recommended in the Ecological Impact Assessment by CSA Environmental dated June 2017.

Reason: In order to ensure the development does not harm any protected species in accordance with policy EQ4 of the Local Plan and the provisions of the NPPF.
