

# Regulation Committee

Thursday 20 July 2017  
2.00 pm Luttrell Room - County Hall,  
Taunton



To: The Members of the Regulation Committee

Cllr J Parham (Chairman), Cllr N Hewitt-Cooper (Vice-Chairman), Cllr J Clarke, Cllr M Keating, Cllr A Kendall, Cllr T Lock, Cllr M Pullin, Cllr D Ruddle and Cllr N Taylor

Issued By Julian Gale, Strategic Manager - Governance and Risk - 12 July 2017

For further information about the meeting, please contact Michael Bryant on 01823 359048 or [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda **including public speaking at the meeting.**

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



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## **AGENDA**

Item Regulation Committee - 2.00 pm Thursday 20 July 2017

**\*\* Public Guidance notes contained in agenda annexe \*\***

1 **Apologies for Absence**

2 **Declarations of Interest**

3 **Accuracy of the Minutes of the meeting held on 22 June 2017 (Pages 7 - 12)**

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Heathfield Community School, Monkton Heathfield - construction of two new buildings and demolition of three single storey temporary buildings (Pages 13 - 44)**

6 **Any Other Business of Urgency**

The Chairman may raise any items of urgent business.

## Regulation Committee – Guidance notes

### 1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact Michael Bryant, Tel: (01823) 359048 or 357628, Fax (01823) 355529 or Email: mbryant@somerset.gov.uk

### 2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

### 3. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Michael Bryant, Tel: (01823) 359048, Fax (01823) 355529 or Email: mbryant@somerset.gov.uk

### 4. Public Question Time

At the Chairman's invitation you may ask questions and/or make statements or comments about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about the matters on the agenda for this meeting will be taken at the time when that matter is considered.

The Chairman will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chairman may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chairman will then invite local County Councillors to

address the Committee on matters that relate to their electoral division.

If you wish to speak either in respect of Public Question Time business or another agenda item you must inform Michael Bryant, the Committee Administrator **by 12 noon on the last working day prior to the meeting (i.e. by 12 noon on the Wednesday before the meeting)**. When registering to speak, you will need to provide your name, whether you are making supporting comments or objections and if you are representing a group / organisation e.g. Parish Council. Requests to speak after this deadline will only be accepted at the discretion of the Chairman.

You must direct your questions and comments through the Chairman. You may not take direct part in the debate.

Comments made to the Committee should focus on setting out the key issues and we would respectfully request that the same points are not repeated.

The use of presentational aids (e.g. PowerPoint) by the applicant/agent or anyone else wishing to make representations to the Committee will not be permitted at the meeting.

An issue will not be deferred just because you cannot be present for the meeting.

The Chairman will decide when public participation is to finish. The Chairman also has discretion to vary the public speaking procedures.

**Remember that the amount of time you speak will be restricted, normally to three minutes only.**

## **5. Substitutions**

Committee members are able to appoint substitutes from the list of trained members if they are unable to attend the meeting.

## **6. Hearing Aid Loop System**

To assist hearing aid users, the Luttrell Room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we need to provide you with a small personal receiver. Please request one from the Committee Administrator and return it at the end of the meeting.

## **7. Late Papers**

It is important that members and officers have an adequate opportunity to consider all submissions and documents relating to the matters to be considered at the meeting, and for these not to be tabled on the day of the meeting. Therefore any late papers that are to be submitted for the consideration of the Regulation Committee, following the publication of the agenda/reports, should be sent to the Service Manager – Planning Control, Enforcement and Compliance (Philip Higginbottom) via [planning@somerset.gov.uk](mailto:planning@somerset.gov.uk) in respect of Planning and Town and Village Green items, and to the Senior Rights of Way Officer (Richard Phillips) in respect of Rights of Way items, and should be received no less than 48 Hours before the meeting.

## **8. Recording of meetings**

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

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**REGULATION COMMITTEE**

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 22 June 2017 at 2.00 pm

**Present:** Cllr J Parham (Chairman), Cllr N Hewitt-Cooper (Vice-Chairman), Cllr J Clarke, Cllr M Keating, Cllr A Kendall, Cllr T Lock and Cllr N Taylor

**Other Members present:** Cllr Gemma Verdon

**Apologies for absence:** Cllr M Pullin and Cllr D Ruddle

**1 Declarations of Interest - Agenda Item 2**

Reference was made to the following personal interests of the Members of the Regulation Committee which were published in the register of members' interests which were available for public inspection in the meeting room:

Cllr Nigel Hewitt-Cooper	Member of Mendip District Council
Cllr Mark Keating	Member of Haselbury Plucknett Parish Council
Cllr Andy Kendall	Member of South Somerset District Council Member of Yeovil Town Council
Cllr Tony Lock	Member of South Somerset District Council Member of Yeovil Town Council
Cllr John Parham	Member of Mendip District Council Shepton Mallet Town Council
Cllr Nigel Taylor	Member of Mendip District Council Member of Cheddar Parish Council

**2 Public Question Time - Agenda Item 3**

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda. Questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

**3 Accuracy of the Minutes of the meeting held on 6 April 2017 - Agenda Item 4**

The Chairman signed the Minutes of the Regulation Committee held on 6 April 2017 as a correct record.

4 **Revised treatment and drainage system to existing commercial properties, Yonder Hill, Station Road, Chard - Agenda Item 5**

(1) The Strategic Commissioning Manager – Community Infrastructure with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the application for a revised treatment and drainage system to commercial properties.

The Committee were informed: the application site lies within the Dorset Area of Outstanding Natural Beauty (AONB); the drainage system would be housed in a 4.5m deep pit, set on a concrete pad; treated water would flow into the nearby river Axe; and that currently sewage is gravity fed to a collection chamber at the now mostly demolished Dairy Crest site.

The Strategic Commissioning Manager highlighted the main issues for consideration: residential amenity; ecology; and impact on the AONB. He further expanded on these points noting that: an environmental impact assessment was not required; there had been no objections received from statutory consultees; the duty to preserve and enhance the AONB; the system was sealed meaning that very little odour would be generated; that the application was in accordance with relevant plan policies; and that the late paper contained an additional condition no 7. regarding contaminated land. The Strategic Commissioning Manager further noted that the condition of the surface of the access track was a civil matter and so could not be considered by the Committee.

(2) The Committee proceeded to comment on the application, noting: their confidence in the type of system proposed to be installed; that no objections had been received from the statutory consultees; and that there would be no negative impact for local residents , and no impact on the AONB.

(3) Cllr Tony Lock proposed the recommendations detailed in the officer report, and this was seconded by Cllr Nigel Hewitt-Cooper.

(4) The Committee resolved in respect of planning application no 17/00756/CPO that planning permission be **GRANTED** subject to the conditions set out in section 8 of the officer's report, together with the additional Condition no. 7 regarding Contaminated Land as detailed in the late paper, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Strategic Commissioning Manager and the Service Manager, Planning Control Enforcement & Compliance.

5 **Schedule 14 application to add a restricted byway, Copse Lane, Ashill (application 510M) and Schedule 14 application to upgrade footpath CH1/23 to a restricted byway (application 511M), Ashill - Agenda Item 6**

(1) The Rights of Way Officer with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the Schedule 14 application to add a restricted byway, Copse Lane, Ashill (application 510M) and Schedule 14 application to upgrade footpath CH1/23 to a restricted byway (application 511M), Ashill.



The Committee were informed: the late paper included amended recommendations; that only application 511M was an existing Right of Way; that both applications were for restricted byways; that from a user evidence perspective 20 years of continuous unchallenged use was required; that in respect of application 510M, 5 user evidence forms had been submitted covering the period 1979 to 2012; that the date of challenge was 1998, meaning that the period to be considered was 1979 – 1998; that at no point had more than 3 people claimed to have been using the route; and that in her opinion there was not sufficient evidence to show use by the public at large.

The Rights of Way Officer proceeded to explain the documentary evidence included in the officer report, highlighting that: the route was not numbered on the tithe map as it did not produce a crop, but that this could indicate the route as either a public or private road; sales documents for the land show the physical existence of the route, and suggest some form of vehicular access along Copse Lane, but do not show if this is public or private access; Ordinance Survey mapping shows the route with a shaded casing line which may indicate either a public road or a well maintained private road, but also includes physical barriers, most probably gates and a pond on part of the route; that the Ordinance Survey Object Name Book describes Copse Lane as a public lane, but offers no information in respect of application 511M; the Finance Act 1910 suggests public access, but this could be a footpath or bridleway meaning that it was unsafe to conclude that this showed public vehicular rights; and that route 510M was not included on the Definitive Map, but that this was not evidence that rights do not exist.

The Rights of Way Officer summarised her presentation, noting that: in respect of application 510M both the Ordinance Survey Object Name Book and 1910 Finance Act suggest public rights, but that the gates and possible pond on parts of the route would exclude the possibility of public vehicular rights, meaning that in summary the evidence suggests that route 510M is a public footpath, and that there is no persuasive evidence that higher rights than this existed; and that application 511M is already dedicated as a public footpath, and that having considered all relevant evidence this is on the balance of probabilities correct.

(2) The Committee heard from Jeff Speake, the landowner for the majority of the route, who made a number of observations regarding the route including: his family had lived on their farm for the past 52 years; that there were a number of other private tracks on the farm; that since 1946 Park Barn Lane has been a dead-end, in spite of the fact that there were 5 houses on the road; that during the past 52 years his family had allowed locals to use the route; the route had been gated a various times; the route had been blocked at various times; that certain people had been allowed access through the gates at various times, but that his family had challenged other users of the route; and that his family had put signs up on the route, but that these had been removed.

(3) The Committee heard from Kazia Lyons, who spoke against the officer recommendations, and made a number of points including: her family have lived locally for 12 years and have always known the route as a drove; the route was widely used; there was no indication of a pond where the officer has

suggested; that 10 user evidence forms have been submitted, and that if considered as a whole these would show the necessary usage of the route; that individuals who have submitted evidence forms have been intimidated; that the route had only recently been registered with the Land Registry; and that the route helps to keep vulnerable road users off the main A road.

(4) The Committee heard from Reg Morris, a local resident, who spoke against the officer recommendations, and made a number of points including: he had lived in Park Barn House for 22 years; he had always used the route for his horse; that Park Barn Lane was an emergency exit for the Merryfield airfield; and that there was no benefit if the route were to be closed.

(5) The Committee heard from Sarah Bucks, who spoke against the officer recommendations, and made a number of points including: the applications were first made in 2008; individuals who had submitted user evidence forms had been threatened; that some evidence had either not been assessed or had not been fully considered; there was no evidence that the route had ever been legally 'stopped-of; and that if necessary she would appeal the application to the Secretary of State.

(6) The Rights of Way Officer responded to the points raised by members of the public, highlighting that: she was only able to assess the available evidence; this was the first time a discrepancy in the number of user evidence forms had been raised; and that safety concerns were not relevant to these applications.

(7) The Committee proceeded to debate during which a number questions were asked by Members, including: the opinion of the Ministry of Defence, given the proximity to Merryfield airfield; and confirmation that all user evidence forms received by the Council had been considered and were detailed in the report.

(8) Cllr Nigel Hewitt-Cooper proposed the recommendations detailed in the officer report and this was seconded by Cllr Mike Caswell.

(9) The Committee resolved in respect of application no's 510M and 511M that:  
i. the application to add a restricted byway or a byway open to all traffic (application route 510M) between points A and B shown on Appendix 1 is **refused**.

ii. an Order be made, the effect of which would be to add to the Definitive Map and Statement of Somerset a public footpath between points A and B shown on Appendix 1.

iii. if there are no unwithdrawn objections to such an order it be confirmed.

iv. if objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

v. the application to upgrade footpath CH 1/23 (application route 511M) between points C and F shown on Appendix 1 is **refused**.

## 6 **Any Other Business of Urgency - Agenda Item 7**

There was no other business.

**(The meeting ended at 2.57 pm)**

**CHAIRMAN**

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**Somerset County Council**

Regulation Committee – 2 March 2017

Report by Service Manager - Planning Control,  
Enforcement & Compliance : Philip Higginbottom

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*Application Number:* 4/48/17/0021  
*Date Registered:* 3 April 2017  
*Parish:* West Monkton  
*District:* Taunton Deane  
*Member Division:* Monkton and North Curry  
*Local Member:* David Forthergill  
*Case Officer:* Laura Horner (previously K. Turvey)  
*Contact Details:* 01823 357378

*Description of Application:* Construction of a new two storey Art and Science building and a new single storey Performing Arts building, including the demolition of three single storey temporary buildings, within the existing campus

*Grid Reference:* 325461-126671

*Applicant:* Somerset County Council

*Location:* Heathfield Community School, Monkton Heathfield, Taunton

**1. Summary of Key Issues and Recommendation(s)**

The key issues for Members to consider are:-

- Need for the development
- Design of the development
- Highway impacts during construction phase
- Biodiversity effects of the Construction and Operational Phase
- Sustainable Urban Drainage

**It is recommended that planning permission be GRANTED subject to the imposition of the conditions in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.**

## **2. Description of the Site**

- 2.1 Heathfield Community School is set within an attractive site on the north east edge of Taunton. The school is a relatively land locked site with one main access route via School Road and one maintenance track to the rear of site adjoining the sports fields. The front and rear of site are separated to vehicles completely by the school buildings
- 2.2 Heathfield prides itself on having a strong performing arts programme and currently has two state-of-the-art buildings. The Tacchi-Morris Arts Centre provides facilities for music, drama, and dance and the Somerset Performing Arts Centre for Education (The SPACE) offers a theatre complex for BTEC training in Performing Arts and Production Arts. These two buildings are proposed at opposite ends of the campus site: the performing arts building is proposed to be south of the Tacchi Morris Centre with an opportunity to strengthen the Arts focus on this part of campus; the proposed new art and science building site is proposed to be opposite the Chris Bowers Centre and adjacent to an existing science block, providing the opportunity to establish a relationship between the existing and new science provision. The new labs will be supported by existing facilities in the adjacent block. The latest development on the site is The Cedar Centre – a specialist Autism Unit opened in September 2012.

## **3. The Proposals**

### **Art and Science Building**

- 3.1 The new building will create a relationship between the existing and new science facilities, with the new teaching laboratories being supported by existing facilities in the adjacent block. A new courtyard will be formed between the two and will allow the pedestrian routes between buildings to open out into this area. The entrance will be immediately apparent and form the focal point of this courtyard.
- 3.2 The new development will provide Heathfield School with new practical art studios and science labs, along with additional general classrooms, staff room provision and associated support facilities, to address the shortfall in the school's current accommodation capacity. The facility will be a two storey detached building, with one internal circulation staircase and one external staircase for the purposes of fire escape. The proposed accommodation will have a total gross internal floor area of 1043 sqm and a building footprint of 578 sqm. It will consist of 2 science teaching rooms; two general purpose classrooms, toilets, and technicians room on the ground floor and four art classrooms on the first floor with respective staff rooms on each floor.
- 3.3 The design takes the form of two rectilinear blocks with mono-pitch roofs. These are at different heights, and opposite falls, to allow for clerestory glazing to provide natural north day-lighting into the art rooms on the south

side. The alignment of the building follows that of the adjacent buildings in this area of the site. An atrium space will front onto the courtyard between the new and existing science facilities; The entrance to the building is also located on this elevation, with the double height lobby. It will front onto a courtyard.

The height of the building is comparable to the adjacent existing Chris Bowers building, with some increased height to create the clerestory element for day-lighting.

- 3.4 There is no consistency in the use of materials across the school site and the new building takes elements from the neighbouring building (which is blue brick) for the masonry plinth whilst the walls are predominantly render with timber cladding around the entrance lobby, as the focal point of the building.
- 3.5 Changes to the hard and soft landscaping surrounding the proposal are minimal. The new entrance will connect to existing hard standing around the site, with the hard surface extended on the south side of the building to provide perimeter access paths for maintenance. Some existing mesh fence to the south and west of the site will be removed with a new gate provided in the remaining fence adjacent to the building to provide an escape route from the external stair. The earth mound to the west of the new Art and Science building will be levelled to allow for construction access. The surplus material will be re-distributed towards the eastern side of the school campus, where an existing bank can be regraded to accommodate the soil.

### **The Performing Arts Building**

- 3.6 The proposed site for the new building is an area currently occupied by three temporary buildings and soft landscaping, located at the eastern edge of the built campus. It is proposed to be situated adjacent to the Tacchi Morris Arts Centre and the SPACE building a performing arts training facility. A number of mature trees that are located along the eastern boundary of the site will be retained.
- 3.7 The proposed accommodation will be within a single storey detached building, The design allows for a phased construction process., initially providing two studios and ancillary facilities, with the option to add a third studio through future expansion. The design takes the form of two rectilinear blocks with mono-pitch roofs - one accommodating the studios (which are higher) and changing rooms, and the other accommodating the circulation and ancillary spaces. They are at opposite falls, to allow for the provision of cross ventilation to the studios. The alignment of the building follows that of the adjacent buildings in this area of the site. The lower front mass is comparable to the existing single storey buildings on the site, with the mass behind more comparable to the adjacent Space building. The main entrance to the front provides the focal point, with glazing and coloured panels creating a feature below the new entrance canopy.

- 3.8 The building is designed to be constructed in two phases. The first phase will incorporate two studios and all support spaces, with the second phase adding the third studio. A number of new openings will be required in the phase one wall to facilitate access between studio and support spaces in phase two. The wall will be constructed with this in mind to allow straightforward alterations in the future.
- 3.9 The adjacent Space building is constructed primarily in white render, and this is used as the main material for the new building, with a masonry plinth to provide a robust detail to the ground. Timber cladding and coloured panels are introduced around the entrance lobby to highlight this as the focal point. The primary entrance into the proposed building is located on the north-west elevation and will be clearly visible upon approach.
- 3.10 A number of trees will require removal to facilitate the development of the new building. These are not mature and will be replaced. The remaining outside space will be enhanced including a new path that will be constructed between the existing school site and the former primary school site through the retained trees to integrate the two school campuses. ...

### **The Construction Phase**

- 3.11 The former West Monkton Primary School will be used as the site compound and for parking during the construction phase. The back of the site has limited construction access, being Milton Hill, which bounds the site to the west. This road will provide an access point, via the existing track to the south of the building, during the construction period for the westerly positioned Arts and Science building and the Construction Site compound which will be located at the former primary school. Existing trees will screen the new building from the road.

The construction access for the performing arts building will be the existing access to the Tacchi Morris Centre from School Road with consideration for both its school and community use.

A number of mature trees are located along the south, west, and eastern boundaries of the site. The majority of these trees will be retained, with some commemorative trees to be relocated elsewhere on the site. There will be some loss of trees associated with the construction access including one more significant oak tree on the entrance to the public highway.

## **4. The Application**

### **4.1 Documents submitted with the application**

- Design and Access Statement issue 2 dated 22 November 2016;
- Site Plan
- Block plans
- Elevations
- Access Plan



- Tree Survey
- Ecology Statements
- Construction Management Plan
- Flood Assessment
- Justification for construction Access and impacts of choice

#### 4.2 **Environmental Impact Assessment**

The proposal does not require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as the proposed development is not development of a description mentioned in Schedule 1. It is of a description mentioned in Schedule 2 of the Regulations that being paragraph 10 (b): Urban Development Projects. However with a site area of 1.164 hectares it does meet the relevant Thresholds and Criteria in that Schedule (more than 1 hectare which is not dwelling house development). However the indicative criteria for this type of development within an already developed area are

- Where new development is on a significantly greater scale than the previous use
- where impacts are of a markedly different nature
- Or there is a high level of contamination.

It is not considered that the development meets the indicative threshold for EIA and the site does not lie within a sensitive area and is not therefore EIA development.

### 5. **Consultation Responses Received**

#### 5.1 **TAUNTON DEANE BOROUGH COUNCIL**

1<sup>st</sup> Response

The Local Planning Authority raise OBJECTION for the reason(s) set out below:

1. The Local Planning Authority raise an objection for the following reason:

The proposed buildings will enhance the education provision of the school, complementing the appearance of the school as a whole to the benefit of the wider area. There is no objection to the buildings themselves; however, it is considered that the proposed construction entrance may be better designed to prevent the loss of a veteran tree sited at the entrance. The tree in question is considered to make an important contribution to the landscape and biodiversity of the area. The proposal, by reason of the loss of a veteran tree, is considered contrary to Taunton Deane Adopted Site Allocations and Development Management Plan Policy ENV1 and Taunton Deane Local Plan Policies CP8 and DM1.

## 2. In the event of an approval being granted

Before development commences (including site clearance and any other preparatory works) a scheme for the protection of the two veteran oak trees, sited to the south of the construction track, shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of ground protection and protective fencing (as specified in Chapter 6 and detailed in figure 2 and 3 of BS5837:2012).

Such protection shall be undertaken prior to any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been undertaken. It shall be maintained and retained for the full duration of works.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: to ensure the trees are protected during all stages of the development.

### 2nd Response

Provided there is a suitable condition to ensure a replacement Oak tree is planted and protected, TDBC no longer object to the proposal.

## 5.2 WEST MONKTON PARISH COUNCIL

West Monkton Parish Council is grateful for the opportunity to comment on this application, which is located in the Parish where the Monkton Heathfield Urban Extension is currently under construction. Therefore, the Parish Council has been mindful of further disturbance to residents, who have now lived with significant construction traffic in the Parish for the past three years.

### Traffic/Access to site

The tracing information for HGVs was studied carefully, since proposed site access #1 is located at the narrowest part of Milton Hill. This stretch of road is further complicated by narrow pavements which cannot deal with the volume of pedestrians and bicycles at school start and finish times, so children and bicycles regularly use on the road.

To ensure the safety of school children and other pedestrians and cyclists, West Monkton Parish Council recommends that site working hours are restricted to 8.00am to 6.00pm. In addition, there should be no HGVs or deliveries before 9.00am and none between 3.00- and 4.15pm in order to avoid arrival and departure times of the pupils. It is accepted that some deliveries will arrive on site early and it is suggested that suitable waiting places would be the laybys located on either side of the dual carriageway A38 heading towards Walford. Waiting at any other location nearer the school has the potential to cause total gridlock in the local road infrastructure which is already recognised by SCC and the Parsons Brinkerhof report) as being close to capacity.

The position regarding deliveries/HGV access must be totally and clearly understood before work begins, and legal and written commitment to adhere

to the site arrangements must be given, because the work on the Western Relief Road (WRR) is due to start during the summer and the A38 bus gate will be installed at the same time. The WRR will join Milton Hill at the Aginhills roundabout. Ref: SCC Highways.

There must be no vehicular access created from Farriers Green (there is none at present) since the footpath here is part of the Safe Routes to School network. The application does not make clear how the contractor's compound for both sites will be accessed. From the drawings provided, it looks as though there is potential for vehicular/pedestrian conflict within the school grounds.

It is noted that the Design and Access Statement declares that an increase to 1350 pupils would be considered to be trip neutral considering that the Primary School has recently relocated. What the Transport Assessment (section #6.0) has failed to mention is that although the Primary School has left its former site, a new Co-Op store has opened on the site of the former Heathfield Stores in School Road. This new store has greater square footage than the previous shop and is very well used. It is therefore strongly recommended that the Traffic Assessment Plan should be reviewed, to ensure the data quoted is true and current.

It is noted that Site Access #1 could be used in the longer term for access to the school campus. West Monkton Parish Council has a Neighbourhood Plan currently out for public consultation (WM and CF Neighbourhood Plan), in which Policy T2 states that: ...ensure that existing and proposed schools and local centres are provided with safe and convenient cycle and footpath connections from surrounding existing and proposed residential areas. West Monkton Parish Council would therefore recommend that Policy T2 is implemented on the site.

#### Design of buildings

It is accepted that the County Council has its own template for school buildings. However, it is noted that no provision has been made for pv cells on the roofs for renewables for heating and electricity generation. This looks like a missed opportunity.

#### Wildlife/Arboriculture

It is accepted that the removal of the oak tree on the southerly side of the site entrance and the other improvements listed would allow improved visibility splay and make entrance and exit from the site easier for HGVs and other delivery vehicles. WM and CF Neighbourhood Plan Policy R2 states that ...developments which include the following will be supported:

Proposals to create new and protect existing wildlife habitat/networks...

Proposals to protect and create hedgerows woodlands, individual specimen trees and orchards... In view of Policy R2, West Monkton Parish Council suggests that the felled oak tree should be replaced by a number of mature oak saplings planted the other side of the fence separating the access route from the playing field. This planting would satisfy both clauses quoted from Policy R2. Furthermore, it is requested that arrangements are clearly in place for when the oak tree is felled, to ensure that useful lengths of the oak are left to season and a commitment made to use them for outdoor seating or sculpture within the school grounds. This would have resonance with the wooden furniture outside Tacchi-Morris.

West Monkton Parish Council would wish to see comments from TDBC Dave Galley in respect of this oak tree retained on the record.

#### Lighting

It is noted that a 'sensitive' lighting scheme is proposed for the application.

WM and CF Neighbourhood Plan Policy R1 Dark Skies states that:

... Applications for new development requiring a lighting scheme should show how dark skies will be protected, and must seek to minimise additional light pollution. Schemes such as dimming technology, running part-time lighting schemes, or replacing street lighting with new fixtures and fittings to meet or exceed current best practice will be supported...

Providing the descriptor 'sensitive' covers the policy outlined above, then West Monkton Parish Council would support the proposed lighting scheme.

West Monkton Parish Council believes that measures as described above will support the recommendations outlined in the Conclusion of the Preliminary Ecology Appraisal, and would support the adoption of the recommendations.

### 5.3 HIGHWAY AUTHORITY

With regard to the proposal of an extension the existing secondary school in principal the Highway Authority have no objection.

#### Access

The proposed construction access for the Art and Science block will be gained via the internal school lane which is accessed from Milton Hill. Construction Access to the Performing Arts building will be gained from the Tacchi – Morris access. Providing access times are adhered to the School Road access is considered acceptable. Associated vehicles will utilise the West Monkton School access. The Milton Hill access is considered Temporary (38 week build period). In its Current form the proposed access off of Milton Hill is not considered acceptable due poor visibility, the width of Milton Hill and a the volume of traffic that uses it. The proposal to remove the existing Oak Tree and build outs (into the footway) which protect the roots of the tree will if approved, significantly improve the visibility from the temporary access. In the long term, this will improve pedestrian facilities which are considered a betterment of the existing below standard footway. The removal of the tree will also allow construction vehicles to move safely in and out of the site at a more natural angle. With the tree in place the angle for large Vehicles are considered too tight and could potentially cause a highway safety and capacity concern. Without the removal of the tree, hedge trimming, and improvement to the access, this would not be considered to be safe or acceptable.

#### Parking

Other than temporary parking there is not considered to be an increase in parking spaces. Whilst an uplift in pupils is proposed the teaching staff is not expected to increase.

#### Traffic impact

It is agreed that the proposed extension proposed at present (up to 1350 pupils) is considered to be trip neutral when considering that the Primary School has recently relocated. However having said that the Highway Authority would require the Travel Plan to be updated to in line with the

expansion. This should be updated within 6 months of the school operating at the expanded capacity.

During the construction period a maximum of 22 two way movements are expected. This is likely to be an increase of two movements per hour, which is not considered to adversely affect the safe and efficient operation of the network. However, associated large construction vehicles will need to be restricted particularly around school start and finishing times to avoid conflict with the high volume road users, cyclists, and pedestrians.

#### Construction Phase

A detailed plan with regards to the site compound(s) should be provided. A construction management plan has been received and should be conditioned as part of the planning approval. The plan will need to detail the removal of existing buildings, routing and the location of the site compound. From pre app discussions it was understood a banksman would be provided particularly at the Milton Hill Access, details of this have not been provided to date. A Banksman will be required at the vehicle cross over at Milton Hill for all large vehicles. Details with regard to the area for parking and turning of all construction vehicles should also be provided. All vehicles should enter the highway in a forward gear. The delivery of the improved access, visibility and the footpath will need to be secured within an appropriate licence and or legal agreement. In light of the above the Highway Authority raise no objection to the proposal subject to the following conditions:

1. Construction vehicles will not be allowed to enter or exit the site onto School Road or Milton Hill for 45 minutes either side of the start and finish time of Heathfield School.
2. Prior to commencement of the development, plans of the temporary access (crossover) shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The proposed Temporary access should be closed to vehicular traffic within 1 month of construction being completed.
3. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
  - Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors;and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

4. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the use of the site discontinues.
5. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
6. The proposed footway improvements on Milton Hill shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.
7. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level forward of a line drawn 2.4 x 43 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.
8. Within six months of the expansion being in full operation an updated school Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. The measures should continue to be implemented as long as any part of the development is occupied.

### **Lead Local Flood (LLFA) Authority Comments**

The proposed development indicates a change in impermeable area which will produce a change in surface water runoff from the proposed development. The applicant has not submitted any details of either the existing surface water runoff drainage strategy or the proposed surface water runoff strategy post development.

Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details. Furthermore as this is a brownfield development, the LLFA would be looking for a minimum 30% betterment in runoff rates and volumes post development.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied.

**Condition:** No development shall be commenced 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 runoff post development is attenuated on site and discharged at a rate and volume that provides a minimum 30% betterment over existing runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

**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 paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

## **SOMERSET COUNTY COUNCIL ECOLOGIST**

### **1<sup>ST</sup> RESPONSE**

I have reviewed the Preliminary Ecological Appraisal carried out by Ecosulis in August 2016. The survey does not seem to include the rectangular area east of the sports pitch or the western part of the west most site. Both surveyed site mainly consist of amenity grassland, hard standing, buildings, and scattered trees.

A chestnut tree and field maple tree within the eastern site were assessed as having low suitability to support roosting bats due to the presence of flaking bark but are not identified in the accompanying figures. No chestnut tree is mentioned in the arboricultural report (Hillside Trees, 2017). Trees with low suitability to support roosting bats should be retained within the scheme where possible. If this is not possible, soft felling techniques should be roosting features. The trees in the Ecosulis report are probably retained but this is not certain. An oak tree is due to be removed to access the site and an inspection of this tree was carried out in April 2017 by Mullholland Ecology and Arboriculture. This found no evidence of roosting bats despite potential features being present and was considered to be of low potential. I would therefore recommend it, and any trees with potential identified by Ecosulis if required, be soft felled to ensure that any incidental occurrence is taken into account and a conditioned applied as follows:

- Where required the removal of trees on the Art and Science site, identified as having low potential to support bat roosts in the Preliminary Ecological Assessment (Ecosulis, 2016), and the oak tree identified in the Mullholland Ecology and Arboriculture report dated 6 April 2017 will be carried out as follows:

- The felling works must lower each of the limbs containing suitable features to the ground under the supervision of a licensed bat ecologist and leave them for a period of 24 hours to allow any bats present to remove themselves from danger of their own accord. Where possible, cross cutting in proximity to cavities or hollow will be avoided. Any sections felled containing cavities should be lowered carefully and left on the ground for 24 hours with the openings clear, allowing any bats inside an opportunity to escape. Split limbs that are under tension will be wedged open to prevent their closure when pressure is released, to prevent potentially trapping bats
- Work will be carried out in the period from April to October
- Two Schwegler 2FN bat boxes will be installed on the trees on the southern boundary by a licensed bat ecologist and maintained thereafter

Reason: In the interests of European protected species

The site is likely to be well lit with lighting present throughout the wider school grounds. Habitats within the survey areas are limited in extent but provide some foraging and commuting opportunities for light-tolerant species such as Pipistrelle bats in combination with the wider landscape. The more eastern site is bordered by a small strip of woodland on the eastern boundary with West Monkton Church of England Primary School immediately beyond which is potentially used by foraging bats. The ecology report recommends that a sensitive lighting scheme should be considered within the design for the schemes, and to include retention of boundary features such as darkened corridors for foraging bats.

- Prior to occupation, a “lighting design for bats” shall be submitted to and approved in writing by the local planning authority. The strategy shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of European protected species

The trees on site were considered to have potential for nesting birds. I would therefore recommend that the following be conditioned:



- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.  
Reason: In the interest of nesting wild birds.

## 2<sup>nd</sup> RESPONSE

I visited the oak tree this morning and have assessed the tree using guidance on defining what is a veteran tree published by Neville Fay (March 2007) in 'Defining and Surveying Veteran and Ancient Trees'. The girth of the tree is measured and for oak nature is defined as <3.5m; fully mature as >3.5m & <4.0m; and ancient as >4m. Measuring the tree proved to be difficult due to its location on top of a bank and being surrounded by bramble, other vegetation and fencing making the dbh difficult to reach. Nonetheless measuring as best I could I would estimate the girth at being between 3.2 and 3.5 metres which would classify it as a mature tree. The tree was not present in 1946, referring to aerial photos of that date, and I estimate it to be around 60 to 70 years old. To qualify for being a 'true veteran' a mature tree is required to exhibit four of the five following features. The five features are rot sites; holes and water pockets; dead wood; hollowing; and fungal fruit bodies. A 'transitional veteran' similarly needs to display three of these features. The Ancient Tree forum guidance 'Ancient and other veteran trees: further guidance on management' (Woodland Trust, 2013) would consider it 'potentially interesting' given its girth.

Rot is typically visible on the surface of the tree following bark disruption or damage. Rot sites may be apparent within the stem or branches or where a stem or branch has fractured. There are no signs of rot on the lower branches or trunk. However, Jim Mullholland reported a section of deadwood forming the top of the stem. 'This section of deadwood has a large cavity within the exposed heartwood and several areas of flaking bark around the outside. The cavity opening was large (approx. 40cm by 20cm) and due to the large size of the cavity, and its exposure (there were desiccation fissures in the wood throughout its length, which allowed light and rain in). The flaking bark around the outside offered a space approximately 3-4cm wide along the entire length of section of deadwood.' A second section comprising a lateral limb has 'a seam of dysfunction along the top. This seam has an area of flaking bark along the north side. This area of flaking bark creates a void which extends sideways approximately 40cm long, with a diameter of approximately 2-3cm. This void was clean and free of debris.' These could be considered rot sites but I would consider them to be mainly the result of lopping branches at the top of the tree and not from natural causes. Rot holes can develop through limb loss and bark wounds, and are expanded by digestive activity of microorganisms. A rot hole was identified by Jim Mullholland, used by nesting Corvids. However, this has also likely

developed as a result of pollarding. Neither hollowing nor fungal fruit bodies are present. In summary the oak is mature and has one of the five features, and perhaps rot sites and holes although these are likely to have developed as a result of pollarding and not natural actions. However, the guidance does not state whether such features are naturally formed or as a result of manmade action. I would therefore on a precautionary basis classify the oak as a transitional veteran.

Jim Mullholland reported that the tree did not support any bat roosts. It is likely in this respect that any potential is compromised any the presence of adjacent street lighting. A single old Corvid nest was also identified. However, I did not observe any activity by birds or identify any nests that would suggest that breeding is taking place in the tree. Although I observed individual mollusc and spider species at the base of the tree I was unable to identify other invertebrate species that may use the tree. Oak trees are known for the diversity and abundance of their invertebrate fauna. The tree may contribute to dispersal of a range of specialist invertebrates from another oak about 20 metres to the east but would consider that it may be of limited potential in this respect being at the end of a corridor and affected by street lighting. Overall I would consider the oak of some ecological value although there are other oak trees which are likely to support a higher diversity and abundance of fauna and flora species.

In terms of landscape the tree appears to have limited prominence. The oak is located at the corner of a field and situated on a bank within the boundary hedgerow, which is of hawthorn, bramble, and elm. A further oak is present about 20 metres away to the east in the hedgerow dividing the two fields. There are no trees in the hedgerow lining the road to the south of the oak. It is also on the corner of a track entrance to the neighbouring field whilst on the opposite side of this access track is a line of mature /semi nature trees extending along the School Road to the north, consisting of ash, poplar, wild cherry and sycamore which have been planted since 1946. However, the oak is partially or mostly obscured approaching along School Road from the north by this line of trees whilst approaching from the south, and although at the top of the hill, blends in with the aforementioned row of trees and shrubs. The only feature that is prominent is a single branch which overhangs the road. The oak appears 'lopsided' due to pollarding and pruning of limbs that go out over the road so that now only this branch remains. However, this branch sits in the midst of electric and telephone wires, both along the road and joining to the property opposite the tree. Potentially this overhanging branch would have to be lopped off in the future to protect these cables which I would consider complete the lopsided look of the tree.

I am not aware of any historic or cultural associations attached to this particular oak tree.

### 3<sup>RD</sup> RESPONSE

Have now reviewed the Extended Phase 1 Habitat Survey prepared by Jim Mullholland in June 2017. This considers two areas at the proposed school

application site in particular that had not previously been surveyed in any detail. The two areas covered by this addendum report are an existing bund on the west of the site behind a row of trees in School Road, which will need to be removed to create sufficient room for a visibility splay, and a receptor area, which will receive the arisings created by removing the bund.

The western area is covered with semi improved species poor grassland with on the roadside a small area which has been mown of limited common grass and other species. Along the length of the bund, bramble is beginning to envelope the grassed area. There are also a number of newly planted fruit trees on the bund; these comprise a mix of fruit species. A small number of Japanese knotweed stems were recorded at the southern end of the bund. The row of trees and shrubs between the bund and Milton Hill comprises ash, sycamore, and field maple, wild cherry, aspen, and English elm. As well as the oak tree on the access track I am assuming that some of the trees and shrubs on the south end of this row, those within the red line, would also be lost. With regard to this removal of trees from the row it is likely to bring into more prominence visually the removal of the loss of the oak on the corner of the access track at the south west corner of the application site.

The report considered that nesting birds are likely to be present in the row of trees and scrub upon the bund. This would be covered by the condition for nesting birds that I recommended in my email dated 25 April 2017 whereby removal is restricted to outside the nesting season unless checked by a competent ecologist.

An additional condition needs to be added regarding removal of the Japanese knotweed as follows:

- Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.  
Reason: In the interests of biodiversity

The survey report also considered the presence of bats. The trees were not considered to support bat roosts and I agree with this conclusion. The use of the site by commuting and foraging bats was also considered. I also agree with the conclusion that the site is compromised by street and school lighting and of limited area to support hunting bats. It would be unlikely that lesser horseshoe bats from Hestercombe House SAC would be present due to the site's suburban location and the presence of street and other lighting. Nonetheless I would consider that common Pipistrelle bats may be present at this location. This species are more tolerant of lit situations and are possibly hunting along the east side of the tree row. However, I do not consider the amount of habitat lost to be significant in terms of the Favourable Conservation Status of a local population.

No signs of badgers were found either by this reviewed survey or the previous one undertaken by Ecosulis.

The survey report states that 'The interface between the poor semi-improved grassland and scrub habitats provide suitable habitat for common reptile species' but then concludes '... given the limited extent of suitable reptile habitats, and it's isolation from suitable surrounding habitats, the habitats on site are not considered suitable to support reptile species. Reptiles are not considered to be a constraint to the proposed development'. Examining aerial photographs I tend to agree with this conclusion.

Great crested newts are also considered due to the presence of pond in the school grounds to the north west of the buildings. The pond is surrounded on three sides by hard standing and buildings and was considered to have limited connectivity to the wider environment. Most great crested newts are found within 100 metres of the pond (recorded in 1985) but dispersal distances of up to 1300 metres are possible but is often much less. The nearest recorded occurrence of great crested newts is over 775 metres away to the north and has built development in between. A survey of ponds for Taunton Deane Borough Council by First Ecology found an absence of great crested newts around Monkton Heathfield in 2013. Therefore I would concur with the report's conclusion that the pond in the school ground is isolated and unlikely to support the species.

#### 5.4 PUBLIC CONSULTATION

One response was received to public consultation objecting to the proposal namely:-

- The removal of the Oak Tree for the site construction access
- The removal of the earth bank adjoining the site of the proposed Art and Science Building

for the following reasons:

- The considerable age of the tree (several hundred years) as a wildlife asset and its capacity to improve air quality. .
- Its removal is unnecessary and the pavement could be widened or re-routed, without its felling.
- The bank forms part of a green wedge which benefits wildlife which has been restricted by existing new development.
- The bank is also a haven for wildlife in its own right.
- Its total removal is unnecessary.
- Site preparation must avoid the birds/animal breeding season.

## **6. Comments of the Service Manager**

6.1 The key issues for Members to consider are:-

- Need for the development
- Design of the development
- Highway impacts during construction phase
- Biodiversity effects of the Construction and Operational Phase
- Sustainable Urban Drainage

### **6.2 The Development Plan**

Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of:

- The Taunton Deane Core Strategy 2011-2028
- The Taunton Deane Site allocations and development management plan

### **6.3 Material Considerations**

- National Planning Policy Framework published March 2012 (NPPF);
- Somerset County Council Parking Strategy adopted September 2013 (SCCPS);
- Chief Planning Officer's Letter: Policy Statement on Planning for Schools Development dated 15 August 2011.

### **6.4 Sustainable Development**

The NPPF has a presumption in favour of sustainable development (paragraph 14). Policy SD1 of the SSLP on Sustainable Development requires a proactive approach to be taken to reflect the presumption in the NPPF and by seeking to secure development that improves the economic, social, and environmental conditions within the District.

6.5 In respect of economic benefits; in addition to temporary jobs created for the construction of the school and laying out of the grounds there would be a full time jobs created when the teaching block becomes operational and the school expands to accommodate 1350 pupils. There is also a recognised long term economic benefit in respect of future employment from children being taught in a positive environment with modern facilities.

### **Educational Need**

6.6 Both the NPPF (paragraph 72) and the 2011 Policy Statement on Planning for Schools Development state that there should be a presumption in favour of the development of state-funded schools. Paragraph 72 of the NPPF states that local planning authorities should give great weight to the need to create, expand, or alter schools.

- 6.7 It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. There is an expectation that parties will work proactively together from an early stage in the process to collaboratively provide sustainable, acceptable, expansion of and new schools. Any refusal of permission must be supported by clear and cogent evidence. Pre-application advice was given in November 2016 which has been largely followed.

The development land is identified in the Taunton Deane Core Strategy as open space, however Policy C3 Protection of recreational open space allows for the use of open space within a school site to be used for development for educational purposes providing adequate playing fields to meet statutory requirements are retained.

- 6.8 Heathfield school specialises in the Performing Arts, the Tacchi Morris centre, a theatre was built on the site for this reason, and the SPACE training facility complements this. The proposed performing art studio further strengthens Heathfield's specialist nature.

The Monkton Heathfield area is identified in the Taunton Deane Core Strategy as a key growth area for Somerset's County town, which will in turn require expanded infrastructure to serve this community as well as the wider area. Whilst further secondary education in the area is also envisaged, Heathfield has been identified as the best placed school with capacity to accommodate additional places for the Taunton Area as a whole. The Art and Science block will increase pupil numbers by 150.

### **Design of the Buildings**

- 6.9 The design of the building has been informed by its surroundings, needs and funding. It has taken into account other buildings on the site and also considered more muted colours for rear facing facades to blend with the more rural outlook to the south. The buildings have been designed with a contemporary feel that also maximise the use of daylight –particularly in the art rooms and studio and natural ventilation. The steeper slope of the south facing roof have the potential to provide the opportunity for photovoltaic panels although not included in the application at this stage

Neither development will impact on the existing massing and they are well screened by other buildings and the existing well established landscape features

- 6.10 The comments from the Parish Council regarding lighting proposals and the desire for dark skies are noted and it is considered that an acceptable lighting scheme that conforms to the emerging Neighbourhood Plan policy can be conditioned as part of any decision.

The proposed finishes to the building are considered to be in keeping with the rest of the development and the design appropriate. It is therefore considered that the development is in conformity with Policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016

### **Highway Impacts during the Construction Period**

- 6.10 There are no highway concerns associated with the development itself, although it will be necessary for the school to review its travel plan before the building is occupied. The main issues arise from the construction phase due to the limited access into the rear of the school where the new buildings are proposed, particularly accessing the Arts and Science Building and the main site compound (which will be located in the former Primary school to the east.) Pupils and staff access the site via School Road to the north. The school has a large car park, one way system, and ample turning room with accessible parking. This will be the access for construction traffic serving the Performance Arts building behind the Tacchi Morris Centre. No additional parking is required.
- 6.11 However, the orientation of the school means that access to the rear of the school is limited and best served by an existing access which runs in a west-east direction south of the school. This is an established old lane which is not a highway and lined with some substantial trees which will need protecting during the construction phase.  
A single substantial oak tree on the junction of the track will need to be removed to provide safe egress and entrance to the site. This is considered below. Notwithstanding the removal of the tree the Highways officer and the Parish council have recommended that deliveries take place outside school start and finish times to avoid busier times on the road and pedestrians using Milton Hill which is narrow at the junction. Banksmen will also need to be employed to assist heavy vehicles egressing the junction, vehicles accessing the highway in forward gear. I concur with the recommendation of the Highways officer that the temporary access should be stopped up within one month of construction completing.  
The access plan currently submitted does not show the features for a temporary access and it is proposed to submit a new plan showing the revised access arrangements. Any changes will be reported verbally to committee.

### **Ecological impacts of the Development**

- 6.12 The main ecological impacts are
- Loss and protection of trees directly associated with the proposed buildings.
  - Loss of a substantial oak tree at the junction of the construction access and Milton Hill.
  - Loss of an overgrown bank adjacent to the proposed Art and Science building and protection of trees in the grounds.

- 6.14 A number of trees will be affected by the 2 proposals. Arboriculture reports accompanied the applications, identifying trees affected and recommending mitigation measures.

All the trees to be removed as a direct result of the proposed buildings i.e. within the footprint or close to the footprint of the building are not considered to be significant. A few do have cultural significance in that they are memorial trees, and it is proposed that these trees will be translocated to other parts of the school site. It is proposed to replace any trees lost on a like for like basis.

- 6.15 The only substantial tree that will be lost is the oak tree at the junction of the construction access and Milton Hill, its removal required for safety reasons and this being the most cost effective and safest and least disruptive option. The Oak tree does have some ecological merit in its own right but is not suitable as a bat roost. The Somerset Ecological Advisor has assessed the tree for its biodiversity in its own right. Whilst the crown is decaying this can be a feature of a tree that is aging. There is some hollowing but this may not be natural. . In this case the girth of the tree and other features that the tree exhibits would classify it as a mature tree; it exhibits at least one feature of an aged or veteran tree, possibly 2, or 3. Photographic evidence from 1946 shows the tree as not appearing to be present and the tree is not shown on the 1880 1st edition Ordnance Survey Maps, although others in the area are shown. It has therefore been estimated to be around 60 to 70 years old. The Ancient Tree forum guidance 'Ancient and other veteran trees: further guidance on management' (Woodland Trust, 2013) would consider it 'potentially interesting' given its girth. It does not appear to have any cultural significance and is not particularly prominent in the landscape.
- 6.16 The National Planning Policy Framework states that aged and veteran trees are irreplaceable and that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Policy ENV1 of the Taunton Deane Site Allocations and Development Management Plan states that *Development which would result in the loss of Ancient Woodland, Aged, or Veteran Trees will not be permitted.*

- 6.17 At best this tree is considered mature and of some albeit limited significance in its local landscape. It could be classified as a "transitional" veteran on a precautionary basis if the features were natural as a result of die back rather than damage due to its proximity to the highway which may have hastened those features. Historic England's definition of an Aged tree is one which because of its great age, size or condition is of exceptional value for wildlife, in the landscape or culturally. It is not considered that this tree meets the definition of veteran or aged tree but could be considered notable. There are other oak trees nearby and it is considered that its loss in view of its age, landscape impact and its biodiversity whilst regrettable is not sufficient to override the need for the development and warrant that the application is



refused. However, I concur with the additional response from the Taunton Deane Borough Council and the neighbour that the loss of the oak tree should be mitigated by the planting of at least 2 additional oaks in the grounds as a replacement.

The comments from West Monkton Parish Council regarding the use of the tree as a sculpture in the ground is acceptable in principle and the tree will be assessed for the feasibility of this when it is taken down.

6.18 The bank has now been separately assessed by an ecologist as a result of both comments from Somerset County Council's Ecologist and the neighbour. The bank has been found to have limited wildlife benefit and its loss will have no effect on protected species including bats and Great Crested Newts. The loss of trees and shrubs can be compensated for by the imposition of a condition requiring a landscape scheme (which could be associated with the required Sustainable Urban Drainage Scheme). Japanese Knotweed is present on the bank and its safe removal would need to be conditioned as part of any permission given.

6.19 All development of a certain size which decreases natural drainage (egg buildings and impermeable curtilages must now have their own sustainable urban drainage system which allows water to collect and then percolate naturally away when the weather improves. This applies to development in all flood- zones and related to surface water rather than fluvial or coastal flooding. The Local Lead Flood Advisor has recommended that a condition is imposed on any permission granted that a scheme is submitted and approved before development commences. There is sufficient room on site for a SUDs scheme and an area close to each development has been identified as a suitable location for such a scheme.

## **7. Conclusion**

7.1 The key issue to consider in this application is the need for the building against the loss of the oak tree at the junction of the construction access and Milton Road.

The design of the development is considered acceptable and conforms to policy D7 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016.

The Highway impacts of the development in its operational phase are considered acceptable and acceptable in the construction phase with conditions, if the oak tree on the junction is removed.

The loss of trees from the site as a result of the development can be mitigated by the planting of additional trees in the grounds. Existing hedges, shrubs, and trees close to the development can be protected during the construction period.

The oak tree whilst notable does not fall into the category of veteran tree as the features it exhibits are most likely manmade rather than natural. It would be considered locally notable not veteran. It is therefore considered that its

removal does conform to Policy ENV1 providing it is adequately replaced and its removal (and other trees) removal does not take place during the nesting season.

There is a strong presumption in favour of development in the Chief Planning Officer's Letter: Policy Statement on Planning for Schools Development dated 15 August 2011 unless there are clear and justified reasons for refusal.

- Highway impacts during construction phase
- Biodiversity effects of the Construction and Operational Phase

Sustainable Urban Drainage

## **8. Recommendation**

- 8.1 It is recommended that planning permission be GRANTED subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.**

### **1 Time Limit (3 years implementation)**

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

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

### **2 Completion in accordance with the approved details**

The development hereby permitted shall be carried out in strict accordance with the approved plans:-

Location Plan

PLAN WHOLE SITE 1198 - PL10 Rev D Overall Site Plan and Access Strategy.pdf

PLAN WHOLE SITE 1198 - PL00 Rev A Site Location Plan(1).pdf

PLAN PERFART PLA1198-D - PL07 Rev D Proposed Elevations Phase 2(1).pdf

PLAN PERFART 1198-D - PL05 Rev C Proposed Sections.pdf

PLAN PERFART 1198-D - PL06 Rev D Proposed Elevations Phase 1(1).pdf

PLAN PERFART 1198-D - PL04 Rev C Proposed Roof Plans.pdf

PLAN PERFART 1198-D - PL03 Rev G Proposed Ground Floor Plans.pdf

PLAN PERFART 1198-D - PL02 Rev G Proposed Site Plan.pdf

PLAN ART SCBLK 1198-A V2 Rev B Visibility Splay for Access Junction - Detail.compressed.pdf

PLAN ART SCBLK 1198-A V1 Rev B Visibility Splay for Access Junction - Overview.pdf

PLAN ART SCBLK 1198-A - PL06 Rev D Proposed Elevations.pdf

PLAN ART SCBLK 1198-A - PL03 Rev J Proposed Ground and First Floor Plans.pdf

PLAN ART SCBLK 1198-A - PL05 Rev D Proposed Typical Section.pdf  
PLAN ART SCBLK 1198-A - PL02 Rev J Proposed Site Plan.pdf  
PLAN ART SCBBLK 1198-A - PL04 Rev C Proposed Roof Plan.pdf  
PLAN ART SCBLK 1198-A - PL01 Rev C Existing Site Plan.pdf  
PLAN AERIEL ART SCBLK Art and Science - Logistics.pdf

and specifications:-

Design and Access statement

Tree survey

Arboriculture Report Arts and Science building

Arboriculture Report Performance Arts Building

Flood Risk Assessment

Ground Investigation Report

and with any scheme, working programme or other details submitted to and approved in writing by the County Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the County Planning Authority to deal promptly with any development not in accordance with the approved plans.

### **3 Commencement**

Written notification of the date of commencement shall be given to the County Planning Authority within seven days of the commencement of the development hereby permitted.

Reason: To enable the County Planning Authority to monitor compliance with conditions.

- 4** Prior to the commencement of development (including site clearance and any other preparatory works) a scheme for the protection of the two veteran oak trees, sited to the south of the construction track, shall be submitted to and approved in writing by the County Planning Authority. Such a scheme shall include a plan showing the location of ground protection and protective fencing (as specified in Chapter 6 and detailed in figure 2 and 3 of BS5837:2012).

Such protection shall be undertaken prior to any other site operations and at least two working days' notice shall be given to the County Planning Authority that it has been undertaken. It shall be maintained and retained for the full duration of works.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

### **5 Tree protection**

Prior to the commencement of the development hereby permitted the means of ground protection within the area identified for such in Arboriculture Report Arts and Science building and the Arboriculture

Report Performance Arts Building, PLAN ART SCBLK E01-P2 Site Entrance Arrangements and PLAN WHOLE SITE 1198 - PL10 Rev D Overall Site Plan and Access Strategy shall be submitted to and approved in writing by the County Planning Authority. The ground protection shall remain in place for the duration of the construction phase of the development hereby permitted.

Reason: In the interest of local landscape.

- 6** Construction vehicles shall not enter or exit the site onto School Road or Milton Hill for 45 minutes either side of the start or finish time of Heathfield School.

Reason: In the interests of highway safety.

- 7** Prior to commencement of the development hereby permitted, plans of the temporary access (crossover) shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The construction and use of the temporary access shall be undertaken in accordance with the approved details. The proposed temporary access shall be closed to vehicular traffic within 1 month of construction being completed.

Reason: To ensure that the temporary access is of a standard acceptable to the County Planning Authority

- 8** Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the County Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include but not be limited to:
- Construction vehicle movements;
  - Construction operation hours;
  - Construction vehicular routes to and from site;
  - Construction delivery hours;
  - Expected number of construction vehicles per day;
  - Car parking for contractors;
  - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
  - A scheme to encourage the use of Public Transport amongst contractors; and
  - Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: To ensure the safe operation of the site.

- 9** The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the County Planning Authority and fully implemented prior to commencement of development and thereafter maintained until the use of the site discontinues.

Reason: To ensure that highway safety is not prejudiced by the development.

- 10** Prior to the commencement of the development hereby permitted, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained.

Reason: To ensure the provision of suitable construction facilities for the duration of the construction phase.

- 11** Prior to the construction of the proposed footway improvements on Milton Hill, details of their layout and maintenance shall be submitted to and approved in writing by the County Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Milton Hill footway improvements are of appropriate design and will be adequately maintained to the benefit of all users of the Milton Hill footway.

- 12** There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level forward of a line drawn 2.4 x 43 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To ensure that highway safety is not prejudiced by the development hereby permitted

- 13** Within six months of occupation, an updated school Travel Plan is to be submitted to and approved in writing by the County Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. The measures should continue to be implemented

as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options are available to users of the site.

- 14** Where required, the removal of trees on the Art and Science site identified as having low potential to support bat roosts in the Preliminary Ecological Assessment (Ecosulis, 2016), and the oak tree identified in the Mullholland Ecology and Arboriculture report dated 6 April 2017 will be carried out as follows:
- The felling works must lower each of the limbs containing suitable features to the ground under the supervision of a licensed bat ecologist and leave them for a period of 24 hours to allow any bats present to remove themselves from danger of their own accord. Where possible, cross cutting in proximity to cavities or hollow will be avoided. Any sections felled containing cavities should be lowered carefully and left on the ground for 24 hours with the openings clear, allowing any bats inside an opportunity to escape. Split limbs that are under tension will be wedged open to prevent their closure when pressure is released, to prevent potentially trapping bats
  - Work shall be carried out in the period from April to October
  - Two Schwegler 2FN bat boxes will be installed on the trees on the southern boundary by a licensed bat ecologist and maintained thereafter

Reason: In the interests of European protected species

- 15** Prior to occupation of the development hereby permitted, a “lighting design for bats” shall be submitted to and approved in writing by the County Planning Authority. The strategy shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and show how and where external lighting will be installed (through the provision technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the County Planning Authority.

Reason: In the interests of European protected species.

- 16** No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the County Planning Authority and confirmed by the County Planning Authority as being acceptable.

Reason: In the interest of nesting wild birds

- 17** Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the County Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: In the interests of biodiversity

**18 Flood Risk**

Prior to the commencement of the development hereby permitted, 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 shall be submitted to and approved in writing by the County Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume that provides a minimum 30% betterment over existing runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

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 paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

**9 Relevant Development Plan Policies**

- 1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in the :-

- The Taunton Deane Core Strategy Adopted 2012
- The Taunton Deane Site allocations and development management plan.

The policies in those Plans particularly relevant to the proposed development are:-

Policy SS1 Strategic Policy for Monkton Heathfield

Policy D7 Design Quality

Policy ENV1 Protection of trees woodland, orchards and hedgerows

Policy C3 Protection of recreational open space

- 3 The County Council has also had regard to all other material considerations in particular the National Planning Policy Framework March 2012 and the Policy Statement on Planning for Schools Development.

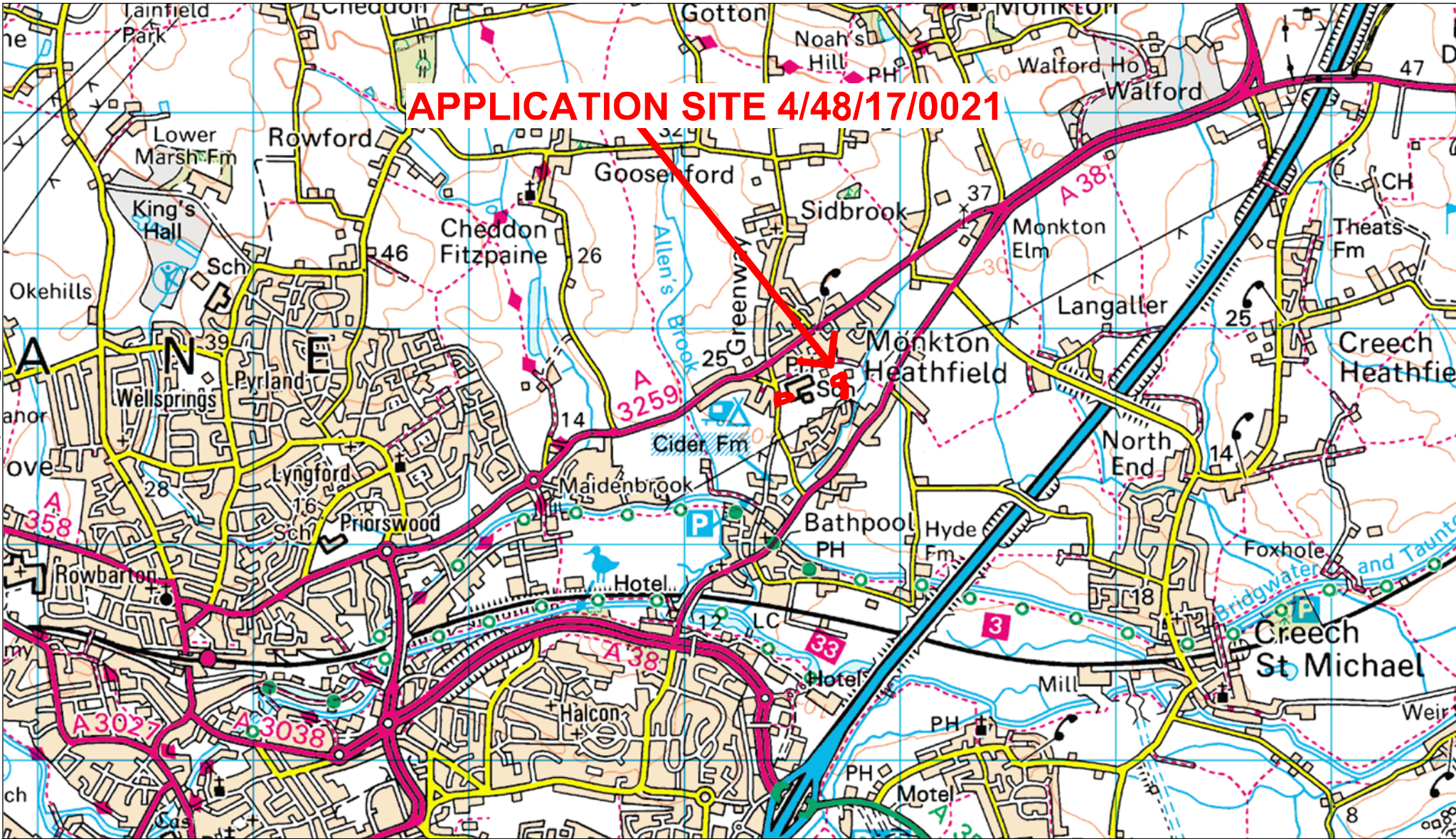
- 4 **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, the saved Policy 6 of the Structure Plan, Core Strategy and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

## 10 **Background Papers**

- National Planning Policy Framework published March 2012;
- Chief Planning Officer's Letter: Policy Statement on Planning for Schools Development dated 15 August 2011.





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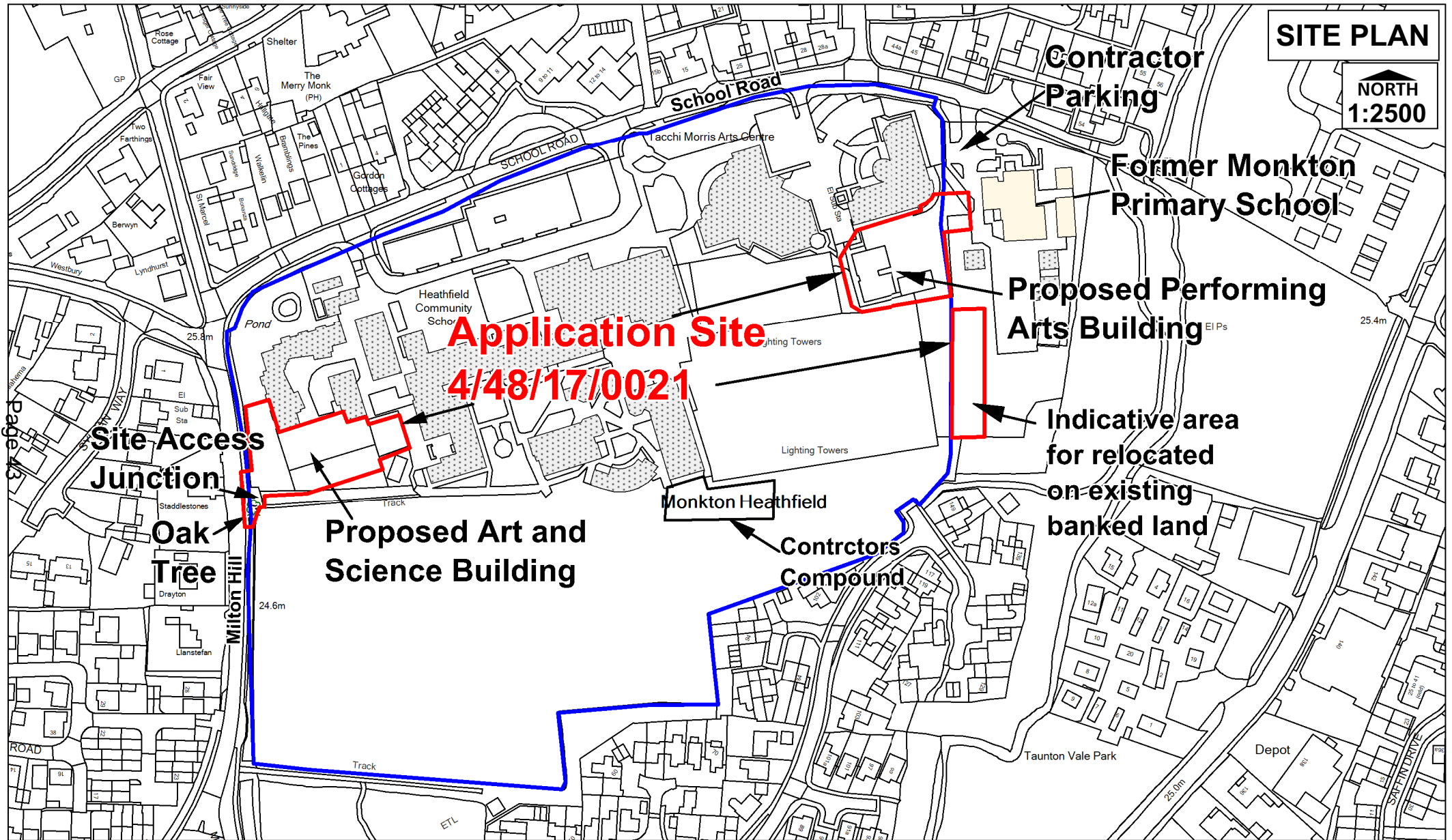
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Site Name: **Heathfield Community School**

Planning Control  
Drawn by: P Silvers

Dated: 20 July 2017

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**SITE PLAN**  
 NORTH  
 1:2500

**Application Site**  
**4/48/17/0021**

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