

REGULATION COMMITTEE (VIRTUAL MEETINGS FROM MAY 2020 DUE TO CORONAVIRUS)

Thursday 23 July 2020

10.00 am Virtual Meeting



To: The members of the Regulation Committee (virtual meetings from May 2020 due to Coronavirus)

Cllr J Parham (Chair), Cllr N Hewitt-Cooper (Vice-Chair), Cllr M Caswell, Cllr J Clarke, Cllr S Coles, Cllr M Keating, Cllr A Kendall and Cllr N Taylor

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Strategic Manager - Governance and Democratic Services - 15 July 2020

For further information about the meeting, please contact Michael Bryant on 01823 359048 or mbryant@somerset.gov.uk or

Guidance about procedures at the meeting follows the printed agenda and is available at [\(LINK\)](#)

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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

Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?



RNID typetalk

AGENDA

Item Regulation Committee (virtual meetings from May 2020 due to Coronavirus) -
10.00 am Thursday 23 July 2020

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

1 Apologies for Absence

2 Declarations of Interest

Details of all Members' interests in District, Town and Parish Councils can be viewed on the Council Website at [County Councillors membership of Town, City, Parish or District Councils](#) and this will be displayed in the meeting room (Where relevant).

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

3 Accuracy of the Minutes of the meeting held on 6th February 2020 (Pages 7 - 18)

The Committee will consider the accuracy of the attached minutes.

4 Public Question Time

The Chair 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 Importation of inert material to level land used for the golf driving range at Orchardleigh Golf Club (Pages 19 - 48)

6 Application for the importation of 64,760m³, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club (Pages 49 - 84)

7 Fairmead School (Pages 85 - 112)

8 Fiveways School (Pages 113 - 144)

9 Any Other Business of Urgency

The Chair may raise any items of urgent business.

Item Regulation Committee (virtual meetings from May 2020 due to Coronavirus) -
10.00 am Thursday 23 July 2020

This page is intentionally left blank

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](tel:01823359048), 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 Peter Stiles, Tel: (01823) 357628, Email: pstiles@somerset.gov.uk or Michael Bryant, [Tel:\(01823\) 359048](tel:01823359048), or Email: mbryant@somerset.gov.uk

4. Public Question Time

At the Chair'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 Chair 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 Chair 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 Chair 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 **by 5.00pm three clear working days before the meeting. The Committee administrator will provide joining details for the virtual meeting.** When registering to speak, you will need to provide your name, details of your 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 Chair.

You must direct your questions and comments through the Chair. 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 Chair will decide when public participation is to finish. The Chair 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. 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 Strategic Commissioning Manager (Paul Hickson) via planning@somerset.gov.uk in respect of Planning and Town and Village Green items, and to the Senior Rights of Way Officer (Andrew Saint) in respect of Rights of Way items, and should be received no less than 48 Hours before the meeting.

7. 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 Chair 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.

This page is intentionally left blank

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 6 February 2020 at 10.00am in the John Meikle Room, Deane House, Belvedere Road, Taunton.

Present:

Cllr J Parham (Chairman)
Cllr M Caswell
Cllr J Clarke
Cllr S Coles
Cllr N Hewitt-Cooper
Cllr M Keating
Cllr A Kendall
Cllr N Taylor

The Chair welcomed everyone to the meeting, outlined the meeting procedures, referred to the agenda and papers and highlighted the rules relating to public question time.

1 **Apologies for Absence** - agenda item 1

None.

2 **Declarations of Interest** - agenda item 2

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

| | |
|----------------------|---|
| Cllr M Caswell | Member of Sedgemoor District Council |
| Cllr J Clarke | Member of Mendip District Council |
| Cllr S Coles | Member of Somerset West and Taunton Council |
| Cllr N Hewitt-Cooper | Member of Mendip District Council |
| Cllr A Kendall | Member of South Somerset District Council |

Member of Yeovil Town Council

Cllr J Parham

Member of Shepton Mallet Town Council

Cllr N Taylor

Member of Cheddar Parish Council

Cllr Kendall declared a further, personal interest by virtue of having been employed by a company involved in security at the site of the application under Agenda Item 6.

3 **Accuracy of the Minutes of the Meeting held on 7 November 2019** - Agenda Item 3

The Chairman signed the Minutes of the Regulation Committee held on 7 November 2019 as a correct record, subject to it being recorded that Cllr Taylor had given an apology for absence.

4 **Public Question Time** - Agenda Item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

5 **Wildlife and Countryside Act, 1981 - Section 53, Schedule 14 Application to Add Bridleways in the Parish of Broadway 568M, 569M, 570M and Application to Add a Restricted Byway in the Parish of Broadway 571M** - Agenda Item 5

(1) The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning. The applications were submitted by the South Somerset Bridleways Association.

(2) The Rights of Way Officer, with reference to the report, supporting papers and the use of maps, plans and photographs, outlined the proposals which involved:

- claimed public bridleways from: Dingford Farm to Long Drove - 568M; Long Drove - 569M; Hare Lane to Long Drove - 570M
- a claimed Restricted Byway from Hare Lane to Barrington Hill - 571M.

(3) The report and presentation covered: a more detailed description of route; relevant legislation; historic documentary evidence and discussion thereof; the evidence which might support the existence of public rights; consultation responses (including SCC comments on landowner evidence and consultation responses); analysis of the user evidence; common law; and included a summary, conclusions and recommendations which were set out in full in Paragraphs 9 and 10 on Pages 56 - 57 of the report.

(4) The Committee heard from the following, with their comments/views summarised as shown:

(i) Tim Andrews - Objector: lack of co-ordination or consultation by applicant with landowners and other relevant bodies; unsuitability of the routes; sufficient existing access to the countryside; arrangements and access restrictions that introducing restricted byways would impose on landowners; link between unchallenged access to the countryside and rural crime; no safer riding justification; no account taken of unique features of each part of the application; concern regarding the change of recommendation (from that in the draft report) and further related comments.

(ii) Mrs Marlene Masters - Objector: the officer's report did not support a "reasonable allegation" that public vehicular rights existed on private Long Drove and the application should be refused; additional comments to assist the decision-makers.

(iii) Sarah Thorne - Supporter: a local horserider who had ridden the routes since 1976 and referred to the historical evidence of use of the routes

(iv) Sarah Bucks, Chair, South Somerset Bridleways Association - Applicant: referred to the historical evidence of use of the routes and other background information submitted in support of the applications.

(5) The Rights of Way Officer responded as follows to the matters raised by the public speakers:

- if someone has the right to drive motorised vehicles or take livestock over these routes at the moment then the recording of a public right of way over the same routes would not prevent them from continuing to do so
- the Rights of Way Service could only consider whether or not public rights already existed over the application routes. Therefore concerns around security, maintenance, conflict with wildlife etc, could not be taken into account. Likewise, RoW could not consider whether it would be useful or

desirable for there to be a right of way in this location or general area, or how the length of recorded rights of way compared with other areas. These factors, whilst understandably areas of interest and concern generally, were not relevant to the question of whether public rights of way already existed

- public rights of way could, and often did, run over privately owned land
- the change to the recommendation in the draft report following consultation thereon had been made in the light of additional user and other evidence
- the question before the Committee was whether all the evidence when taken together was sufficient to reasonably allege that public rights existed over the application routes, or any parts of them
- it was not necessary to show that the routes were adopted by the highway authority, or that the highway authority accepted the dedication. All that was necessary was for the landowner to dedicate a route and the public to accept it (usually by using it)
- historic evidence of the reputation of the route could be evidence that the route had been dedicated at some point in the past even though the date of dedication or the person or persons who dedicated it, could not be identified
- when a route was excluded from the surrounding hereditaments on a Finance Act map it raised the strong possibility that the route was considered to be public, usually (although not necessarily) vehicular. Another plausible reason for exclusion was that they were set out as private roads for multiple users at inclosure
- however, the fact that the routes could have been excluded from the surrounding hereditaments because they were set out as private at inclosure was not incontrovertible evidence that they were **not** excluded on the Finance Act maps because they were considered to be public roads. Therefore, there was a conflict within the evidence and the evidence was compatible with a reasonable allegation of public rights.

(6) The Committee heard from Cllr Mike Lewis, speaking on behalf of Cllr Linda Vijeh, local divisional member, who was unable to attend the meeting. Cllr Lewis indicated that Cllr Vijeh was opposed to the application on the basis of the impact on local residents and others who used the routes. The local member believed that due process had not occurred for those opposed to the applications.

(7) Late Papers were received as follows: a letter from Daniel Gill, Clarke Willmotts Solicitors, acting on behalf of Christine and John Kallend who objected to the making of the Order in relation to application route 568M; a statement from Martin Hallam, resident of Hare, referring to his regular use without challenge of most of the droves and supporting the recommendations in the report to facilitate access to the countryside.

(8) The Committee proceeded to debate during which members raised matters including: whether due process had been followed in the consideration of the application and the consultation process; whether written evidence was required to substantiate the transfer of a private road to public ownership; approaches to considering evidence and the relative weight given to different evidence; the application and interpretation of case law; and the different options available in relation to the determination of the application. The Rights of Way Officer and the Council's Solicitor responded to the matters raised.

(9) Cllr Mark Keating, seconded by Cllr Mike Caswell, moved the recommendation in Paragraph 10 of the report that an Order or Orders be made, the effect of which would be to add to the Definitive Map and Statement a Restricted Byway over application route 568M, 569M, 570M and 571M as shown on Appendix 1 to the report (and the accompanying procedural recommendations).

(10) As there was an equality of votes cast (4 for the recommendation and 4 against the recommendation), the Chair exercised his second, casting vote and voted against the recommendations.

(11) Accordingly (by 5 votes to 4), the Committee **RESOLVED** that the applications to add to the record application route 568M between A and C, 569M between C and E and 570M between D and F as public bridleways, and the application to add application route 571M between G and H as a restricted byway, as shown on Appendix 1 of the report, be refused on the basis that insufficient evidence exists to support the making of the Order(s).

6 **Variation of Conditions 1 and 39 of Schedule B of ROMP Decision 077905/015 to Amend the Duration of the Permission for Bartlett's Quarry and the Date by which a Scheme for its Afteruse is Required at Coleman's Quarry Complex, Holwell, Nunney, Frome BA11 4PX - Agenda Item 6**

(1) The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning on this application.

(2) The Case Officer, with reference to the report, supporting papers and the use of maps, plans and photographs, outlined the application which involved varying the conditions for the Bartlett's Quarry part of the Coleman's Quarry complex - at which extraction of limestone had ceased in 2007 - to extend the time limit for the cessation of working from 2015 to 2042 and to alter the timetable for the submission of an afteruse scheme.

(3) The main issues for consideration were: planning policy; ecology; and other environmental impacts and their control.

(4) The applicants intended, following determination of this application, to seek the amendment of an existing Section 106 Agreement that currently prevented recommencement of extraction at Coleman's Quarry. It would also be necessary for the applicants to seek the removal or variation of the proposed Condition 2 relating to the current application if they wished to recommence extraction prior to the closure of the Torr Works Quarry. These matters would be the subject of a further report to the Committee following the receipt of the relevant applications.

(5) The Case Officer's presentation covered: the description of the site; background and planning history; details of the proposal; environmental impact assessment; consultation responses from external and internal consultees (no objections had been received) and the public (including 18 objections from the Council to Protect Rural England and local residents); development plan, material and planning policy considerations; ecology; other environmental effects and matters raised in objections.

(6) The Committee heard from the following, with their comments/views summarised as shown:

(i) Clare and John Martineau (C & J MC Consultants, Chartered Architects) - Objectors of the Bell House, Horn Street, Nunney: whose concerns were based on two earlier letters of objection and including: allowing the use of a Section 73 application to extend an elapsed planning permission; the need for the current application and that to modify the Section 106 Agreement to be considered together; the position on an environmental statement; consultation arrangements; impacts of blasting, crushing noise, dust, dirt etc from quarrying activities; increased lorry movements; effect on bats and other wildlife; and hydrological issues.

(ii) Chris Herbert - Aggregate Industries UK Ltd - Agent: the application being solely about bringing into line the end date for the three quarries that made up

the Coleman's complex and safeguarding the existing permitted reserves for extraction at some point in the future if further approvals were first obtained from the Council; many of the objections to the current application related to future plans to modify the Section 106 Agreement to enable extraction to recommence at Bartlett's Quarry.

(7) Late Papers were received as follows: a letter from Michael John Wilson objecting to the application on grounds of the impact of quarrying activities on the residents of Nunney and Cloford; increased lorry movements; and the 'setting aside' of consideration of the application to modify the Section 106 Agreement; a letter from Clare and John Martineau to the Environment Agency seeking a determination on the position regarding an environmental statement.

(8) In his conclusion, the Case Officer commented that at the time of the ROMP decision in 2003, a timescale for extraction of remaining reserves in Bartlett's Quarry by 2015 would have been reasonable as the quarry was operational at that time. However, the quarry was mothballed in 2007 and in 2012 a legal covenant was placed to delay any further extraction within the Coleman's Quarry complex as a whole until closure of Torr Works, anticipated to occur around 2040. Given that other parts of the Coleman's complex including the processing plant benefitted from planning permissions extending to 2042, it was reasonable for the permission specifically for Bartlett's Quarry to be extended to achieve consistency with the remainder of the complex. This would ensure that the remaining reserves, which contributed to Somerset's landbank for carboniferous limestone, would remain available for extraction, subject to proposed updated planning conditions.

(9) To clarify the requirements of the 2012 Section 106 agreement, it was proposed that an additional condition be included in Schedule B of the ROMP to prevent recommencement of extraction within Bartlett's Quarry until extraction and associated dewatering at Torr Works Quarry had permanently ceased.

(10) The applicant had indicated that, since submitting the current application in 2015, their intentions for the site had altered in that they were minded to seek the amendment of the Torr Works Section 106 Agreement to enable the reopening of Coleman's Quarry in advance of closure of Torr Works. This would enable them to work both quarries in tandem, with Torr Works concentrating on sales to the South East by rail, and Coleman's Quarry serving local markets.

(11) The Case Officer confirmed that any amendment of the existing Section 106 Agreement or the proposed condition 2 relating to the current ROMP application would be separate decisions by the Council in the event that the applicant made

that request, and approval of the current Section 73 application would not prejudice those decisions.

(12) The Committee proceeded to debate during which members raised matters - to which the Case Officer responded - including: clarification of existing minerals planning policies and issues taken into account; application of climate change policies; need for the level of reserves being safeguarded; annual extraction rates and lorry movements from Bartlett's and Torr Works Quarries; and height of existing bunds.

(13) Cllr Nigel Hewitt-Cooper, seconded by Cllr Mark Keating, moved the recommendation by the Strategic Commissioning Manager, Economy and Planning set out in the report.

(14) The Committee **RESOLVED** in respect of Planning Application No. 2016/0025/CNT:

(a) that planning permission be GRANTED subject to the Conditions set out in Section 9 of the Officer's report;

(b) that authority to undertake any minor non-material editing which may be necessary to the wording of these Conditions be delegated to the Strategic Commissioning Manager, Economy and Planning.

7 **Section 73 Application for the Removal of Condition 1 attached to Planning Permission ref 96/02281/CPO and 97/02831 to Allow for the Permanent Use of Land for Composting of Green Waste, together with Associate Works and Activities, Dimmer Landfill Site, Dimmer Lane, Castle Cary BA7 7NR - Agenda Item 7**

(1) The Committee considered the report of the Strategic Commissioning Manager, Economy and Planning on this application.

(2) The Case Officer, with reference to the report, supporting papers and the use of maps, plans and photographs, outlined the application which sought the removal of Condition 1 of planning permissions 96/02281/CPO and 97/02831 to enable the existing green waste composting facility at Dimmer landfill site to be retained following the anticipated closure of the landfill, on a permanent basis.

(3) The main issues for consideration were: continued operation of the site following the closure of the landfill site; traffic generation and suitability of the

highway network; extent of the composting applications; amenity impacts; and the availability of alternative locations.

(4) The Case Officer's presentation covered: the description of the site; background and planning history; details of the proposal; environmental impact assessment; consultation responses from external and internal consultees and the public; development plan, material and planning policy considerations; and a review of the main issues.

(5) The Case Officer explained that the green waste composting application catered for green waste collected from neighbouring district councils and an element of commercial green waste. Condition 1 of the 1997 planning permission for the composting site required its use to be discontinued on or before the cessation of tipping on the adjacent landfill site.

(6) In October 2015 planning permission was granted for the construction and operation of a waste transfer station at Dimmer. This permission was the subject of a Section 106 Agreement requiring the closure and restoration of the landfill site once the waste transfer site became operational, to ensure that the transfer facility replaced the landfill operation rather than operating in parallel and creating additional traffic. The effect of Condition 1 of planning permissions 96/02281/CPO and 97/02831 and the related Section 106 Agreement was to require the closure of the green waste composting facility when the transfer station became operational, hence the application for its removal.

(7) As no change was proposed to the throughput of the composting facility, it followed that there would be no increase in the number of associated vehicle movements. However, Condition 5 limiting the maximum number of daily movements was proposed, subject to an amendment proposed by the Case Officer following discussions with the applicant and the highways officer to refer to an average of 105 daily movements over a 12 month period rather than the maximum of 126 stipulated in the officer's report to ensure that no overall increase occurred.

(8) Although no objections had been received from specialist consultees, there were objections from Cary Moor Parish Council, Castle Cary Town Council and Lyford-on-Fosse and Ansford Parish Councils, and 16 representations had been received from members of the public and amenity groups.

(9) In his conclusion, the Case Officer commented that the green waste composting operation performed an important role in managing green waste from the local area, and that closure of the landfill facility should not trigger the cessation of

composting. However, consideration of the application provided the opportunity to review the conditions attached to the existing planning permissions. It was recommended that planning permission be granted subject to the retention of Condition 1 in a varied form to impose a new time limit on the facility of 31 December 2030 to reflect the separate planning permission for the waste transfer facility, and that additional conditions (as proposed to be amended in the Case Officer's presentation) were included to address the site's catchment area, the extent of the operation, hours of operation and noise.

(10) The Committee heard from the following, with their comments/views summarised as shown:

Henry Hobhouse, local resident: whose concerns were based on grounds of highway safety, arising from increased landfill traffic and lorry movements; unsuitability of the B3153 (despite work to alleviate the situation) and the junction with Dimmer Lane; accident records and the impact on Clanville.

(11) Late Papers were received as follows:

(i) Care4Cary, a local action group: expressing concern on highway safety grounds and reluctantly supporting the recommended temporary planning permission subject to all of the proposed conditions being approved and implemented and the applicant sharing monitoring data on a quarterly basis with the local community.

(ii) Cary Moor Parish Council: correspondence objecting to the application on previously stated grounds, and welcoming the opportunity to review the position at the site that would be offered by the temporary permission.

(12) The Committee heard from Cllr Mike Lewis, local Divisional member, who objected to the application on grounds including: highway safety; lorry movements; unsuitability of the B3513; the promise that the site would close on closure of the landfill site; and referred to anaerobic composting being unacceptable.

(13) The Committee proceeded to debate during which members raised matters. The Case Officer responded to these - which included: on site traffic management; local highway improvements; ensuring that the composting facility did close when the transfer station closed; different locations for the composting facility or redirecting local green waste; and composting and carbon capture - and to the points raised by the local county councillor.

(14) Cllr Nigel Hewitt-Cooper, seconded by Cllr John Parham, moved the recommendation by the Strategic Commissioning Manager, Economy and Planning set out in the report, subject to the amendment to Condition 5 and the requests to the applicant shown in the resolution below.

(15) The Committee **RESOLVED** in respect of Planning Application No. SCC/35952019:

(a) that temporary planning permission be GRANTED subject to the Conditions set out in Section 9 of the officer's report, together with the amendment to Condition 5 regarding lorry movements;

(b) that authority to undertake any minor non-material editing which may be necessary to the wording of these Conditions be delegated to the Strategic Commissioning Manager, Economy and Planning;

(c) that the applicant be asked (i) to check that the fault with the weighbridge which caused it to be inoperable during a recent site visit and led to congestion of vehicles on the site has been effectively repaired and (ii) to work with the Highway Authority to further mitigate problems on local roads associated with heavy goods vehicles using the site.

(The meeting ended at 12.38pm)

CHAIR

This page is intentionally left blank

Somerset County Council

Regulation Committee –

Report by Helen Vittery

Service Manager – Planning & Development

Application Number: 2018/2611/CNT

Date Registered: 22 October 2018

Parish: Lullington

District: Mendip

Member Division: Frome North

Local Member: Councillor Linda Oliver

Case Officer: Hayley Stokes

Contact Details: hayley.stokes@devon.gov.uk (01392 383000)

Description of Application: Importation of inert material to level land used for the golf driving range at Orchardleigh Golf Club

Grid Reference: Easting - 378189, Northing - 151332

Applicant: Orchardleigh Golf Club Limited

Location: Orchardleigh Golf Club, Orchardleigh Estate, Road from A362 to Lullington Lane, Orchardleigh, Buckland Dinham, Frome, BA11 2PH

1. Summary of Key Issues and Recommendation

- 1.1 The application seeks the importation of 75,000m³, or approximately 125,000 tonnes, of inert subsoil to level and extend a driving range at Orchardleigh Golf Club. The main issues for Members to consider are:
- waste planning policy considerations;
 - impacts on the historic environment;
 - impacts from noise, mud and dust;
 - impacts on biodiversity;
 - local highway impacts;
 - flood risk and drainage; and
 - pollution.
- 1.2 It is recommended that planning permission be REFUSED for the reasons set out in section 8 of this report.

2. Background/Description of the Site

- 2.1 The site is located within the Orchardleigh House Estate and Golf Club, approximately 2km north of Frome. Situated between the villages of Lullington and Buckland Dinham, the estate comprises Orchardleigh House, an 18 hole golf course with driving range, and gardens and landscaped grounds. The estate, including the golf course and driving range, is designated as a Grade II* Registered Park and Garden, with the house being a Grade II* Listed Building.
- 2.2 Lullington and Orchardleigh Conservation Area covers the same area as the Registered Park and Garden but also includes the village of Lullington to the north east. The site is located approximately 3.5 km north-east of Mells Valley Special Area of Conservation and is located within the Mendip Bat Consultation Zone. The site is within, and forms part of Orchardleigh Park Local Wildlife Site.
- 2.3 The application site defined for the proposed landraising operation is the golf driving range, a landscaped setting within the main house's parkland. The golf club fairways bound the site to the north and east, with the club house to the west. Longclose Plantation is an original C19 ornamental plantation and encloses the proposed site on its south side, with trees linking to this on its east. This feature provides an extension to the pleasure grounds and framing/revealing views to and from the house along the drive. It includes an agricultural type building and a residential property called 'Temple Lodge' (a Grade II Listed Building). Electricity lines cut across one corner of the site.
- 2.4 There is no history of waste disposal at this site or within the estate, although a small quarry (Longclose Quarry) was developed just south of the driving range, and this is likely to have provided building stone for Orchardleigh House during the 19th century.
- 2.5 The access to the golf club and driving range is a 1.5 mile driveway that passes Grade II listed lodges and meanders through the parkland from the A362 to the west, and continues toward the village Lullington to the east. At the golf club, the heavy goods vehicles would turn into and travel through the existing car park, then along a short stretch of track, through some trees to the driving range.

3. The Proposal

- 3.1 The application proposes to level and extend the driving range to the east of the golf clubhouse, an area of approximately 2.6 hectares, to improve golf ball visibility for those using the driving range. Ground levels currently fall by 6m, and the intention is to create a new level surface across the entire driving range using imported waste materials. The cross sections indicate two options for the edges of the new 6m high bank created at the eastern end: either a steeper slope, strengthened using root stabilising soils, or a more gradual slope if the steeper option is not feasible. The plans indicate that the banks would extend to the edge of the woodland in their current form, except for the area to the north, where the bank is set back to avoid three isolated oak trees. A bund is proposed on the northern side, which would be around 3m high.
- 3.2 This proposal would require 75,000 cubic metres (or approximately 125,000 tonnes) of inert waste material, with the application stating that imported materials will be clean soils and subsoils. The application does not indicate where these materials would be sourced from, but it states that the importation process would take 20 weeks.
- 3.3 The application states that this volume of materials would require an average of 65 loads of soil a day, which would amount to 130 vehicle movements, but could be up to 90 loads per day (180 movements). The proposed hours for delivery and operations would be 7.30am to 5.30pm Mondays to Fridays and 7.30am to 12.30pm on Saturdays.
- 3.4 In support of the proposal, the applicant highlights the following points:
- the ground of the driving range is uneven and falls away to the east, with this undulation preventing golfers from observing where balls land and resulting in the facility being underutilised;
 - the projects seeks 'engineering material' by sourcing inert soil to provide a responsible and environmental initiative to achieve waste prevention;
 - large bulk material inputs will be sought from as few locations as possible to support better continuity of material and minimise contaminated loads arriving on site;
 - the current overland high voltage power cable running north west from the clubhouse will be converted to an underground supply; and
 - revenue from the project will contribute to the redevelopment of the driving range and associated course infrastructure, together with essential funds to maintain the Estate's heritage.

4. The Application

- 4.1 Plans and documents submitted with the application:
- Application form and fee
 - Site Location Plan 200-01
 - Block Plan 200-02

- Topographical Survey 001
- Proposed Fill 001 (January 2018)
- Cross Section 001 (September 2019)
- Planning Statement (Acorus, August 2019)
- Ecological Appraisal (Richard Green Ecology, July 2018)
- Heritage Appraisal (SLR, June 2017)

5. Environmental Impact Assessment (EIA)

5.1 The Town and Country (Environmental Impact Assessment) Regulations 2017 refer to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded as 'EIA development' and trigger EIA procedures. For Schedule 2 development, consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.

5.2 The conclusion of the Council's EIA screening opinion stated that, whilst the development falls within the scope of Schedule 2 of the EIA Regulations as an installation for the disposal of waste, it is the opinion of the Waste Planning Authority that the environmental impact of the disposal of 75,000m³ of inert waste over a period of 20 weeks would not be so significant as to require EIA. Following the disposal, the topsoil would be replaced and the application site returned to use as a golf driving range.

6. Consultation Responses Received

External Consultees

6.1 Mendip District Council

No objection subject to the Waste Planning Authority being satisfied that the proposals would not have an adverse impact upon flood risk, local ecology, the landscape, contaminated land, environmental protection and the amenity of local residents.

Environmental Health comments: notwithstanding section 4.3.13 and 9.2 of the Planning Statement, a Construction Environmental Management Plan should be required by condition to ensure that all issues relating to traffic management, dust and noise, and hours etc. are monitored, the site manager keeps records of all activities and any mitigation measures are kept under review. It is anticipated that material transfer notes will identify the nature of the imported soils and confirm from a site where there is no suspected issue of potential contamination. It is recommended that SCC ensure that a mechanism is in place for testing of imported soils or other means of establishing that the soil has unlikelihood of containing elevated levels of contaminants from the donor sites, prior to any blending operations.

6.2 Natural England

No objection, as it is considered that the proposed development will not have significant adverse impacts on statutorily protected sites. This is accompanied by generic advice which seeks that landscapes are protected and enhanced, that the

local authority considers the conservation and enhancement of biodiversity (including protected species) and associated net gain; as well as opportunities for promoting access to the natural environment.

6.3 Historic England

Raise concerns regarding the application on heritage grounds and seek a less harmful solution.

Orchardleigh is a Grade II* registered park and garden (RPG). It comprises of a 19th century formal gardens and pleasure grounds set within a landscaped deer park dating from the medieval period. The Grade II listed Orchardleigh House located on the centre of the park, overlooking the lake, was built between 1855 and 1858 by T H Wyatt. There are two principal drives to the house, one from Murtry Lodge to the south west (now the main public access) and one from Gloucester Lodge to the north east. The drive from Gloucester Lodge sweeps south into the park, taking in views of the lake and revealing the house as it turns west.

The application site is located to the north of this westward sweep, screened by Longclose Plantation. The ornamental plantation is an original C19 feature providing both an extension to the pleasure grounds and framing/ revealing views to and from the house along the drive. Temple Plantation provides the frame south of the drive. The application site is located north of Longclose Plantation and, prior to the golf course development, comprised open parkland and site of a small quarry.

Impacts of the current application: The proposals relate to the addition of 75,000 cubic metres of soil to create a flat driving range. The range at present has a 6m difference, which creates issues with its current use. Historic England provided advice on the 1 November 2018 regarding the impact of the development on the registered park and garden. This included raising concerns about the transition of the new earth into the surrounding parkland. This is through the practical implementation as well as the visual impact. Historic England requested further information to help inform our assessment of the proposals and its impact on the significance of the RPG.

Historic England's main concern remains the proposed gradient through the proposed introduction of earth. Cross sections have shown that the slope created in forming the driving range will be steep, engineered 1:1 slope to the east and south and will look unnatural within the parkland landscape. The visual transition of the range with the adjacent parkland will appear abrupt and un-characteristic of the surrounding setting. Its engineered appearance will be visible and will impact views from the drive as the plantation thins out towards the east. Furthermore, re-grading around the existing trees to the north will also appear geometric and unnatural. The supporting cross sections indicated that a more gradual slope could be accommodated but that could only be considered if the soil conditions for the 1:1 slope cannot be achieved.

The plans provided in the application show the embankment appears to be encroaching into root protection areas of trees along the perimeter of Longclose Plantation and may impact their long-term health. Protection of these trees appears to have been given less consideration than the trees on the northern edge of the driving range, which are later additions and, unlike the plantation, are not part of the original designed landscape.

Policy and position - In terms of the cross section provided, it has been shown that a less intrusive scheme could be accommodated on the site. Consequently, we would seek amendments to the embankment gradients in order to reduce the visual impact of the development into the registered landscape (Para 190, NPPF). A self-stabilising slope, maximum 1:3 gradient, would be preferable to improve the visual transition between the driving range and the surrounding parkland. As an alternative solution has been identified that would minimise the visual impact, then it cannot be shown that the harm identified is clear and convincingly justified (Para 194, NPPF).

Furthermore, the existing condition of the trees along the perimeter of the plantation needs to be assessed and appropriate tree protection measures included within the application (Para 189, NPPF).

Recommendation - Historic England has concerns regarding the application on heritage grounds. A less harmful solution has been identified within the supporting documentation. Consequently, the Council should seek amendments to the scheme to address the potential impact of the scheme on the grade II* registered park and garden and to ensure that any harm is justified, as required under Para 190 and 194, NPPF.

6.4 **South West Heritage Trust**

Raise an objection due to lack of information, and concerns regarding the threat to the Grade II Murtry Lodges and Gates, from lorry impact and vehicle induced vibration, and the availability of appropriate waste to complete the scheme in the stated timescale.

The driving range is located in the centre-east of the Grade II* Orchardleigh Registered Park & Garden; for the most part a 19th century remodelled parkland with an eventful history of storm damage, ownership change and redevelopment in the late 20th century. The pleasure grounds are focused around the mid 19th century Grade II* Gothic country house that looks down towards a large lake at the bottom the valley. The parkland planting consists of individual trees and woodland clumps, with the northern area of the parkland utilised from 1995 as the setting of the golf course and its facilities.

The character of the parkland in this area is compromised by the surface being peppered by the small mounds and bunkers of the golf course rough, by the loss of some ancient parkland trees and by the planting of young specimen trees between the fairways. However, the golf course only affects a third of the registered parkland, the ground modifications are relatively superficial and could be reversed.

The driving range is enclosed to the east by Longclose Plantation and to the south by a belt of trees that partially covers the former Longclose Quarry and wraps around to the west to the modern club house. The driving range falls west-to-east from 96.6m AOD at the teeing point to circa 90.6m AOD at the far east end. The ground rolls away towards the east making it difficult for golfers to see where balls have landed, and thus the facility is reportedly underutilised.

The proposal is to fill and level the driving range course with approximately 75,000 m³ of inert material to achieve a flat plateau at a level of 96.6m AOD, with a 5 m high bank at the eastern end, and a 2 m high bund along the north side.

The proposals are as submitted for pre-application feedback, for which we and Historic England raised the following concerns and requested further information: -

the height and steep profile of the eastern bank; the scale of the level driving range plateau; information on the profile of the north bund; information on the impact on surviving elements of the parkland planting (the proposed fill would be close to mature oak trees); a heritage impact assessment on the Registered Park & Garden, including the impact on the trees, planting, circulation, views and associated listed structures; sections through the proposed range to understand the changes in level.

A heritage impact appraisal has been submitted. It is useful in scoping the heritage assets potentially affected by the proposal and their level of significance, but the document should be dismissed with regards to its findings for the following reasons: - it refers to the proposed works as restoring the original ground levels of the Longclose Quarry, whereas only a small proportion of the application site overlaps with a small proportion of the former quarry; the assessment considers the impact of views to and from the adjacent heritage assets but does not consider the potential direct impact on the character and appearance of the Grade II* Registered Park & Garden or the designated Conservation Area; the assessment refers to the 2011 English Heritage guide 'Seeing History in the View: A Method for Assessing Heritage Significance Within Views', which is now out of date and only 'presents a method for understanding and assessing heritage significance in views', rather than all the attributes that contribute to its setting; the 2011 methodology is intended for assessing individual and pre-identified views, which the assessment does not follow;

In 2015 Historic England published the first edition of 'The Setting of Heritage Assets'. The second edition of this guide was published in December 2017 and replaced the 2011 'Seeing History in the View' guidance.

Both the 2011 and 2017 guides caution against the use of matrix scoring systems to present a systematic answer. Where a matrix is considered useful to support expert judgement and a narrative argument, the methodology in the Design Manual for Roads and Bridges Volume 11, Section 3, Part 2 Cultural Heritage would be supported.

With regards to the NPPF, paragraph 189 requires an applicant to provide proportionate information for the local planning authority to understand the potential impact of the proposal on the significance of the heritage assets. Paragraphs 193 to 196 requires 'great weight' to be given to the asset's conservation, that any harm to a Grade II* listed building or Grade II* Registered Park & Garden has clear and convincing justification, that 'less than substantial harm' is weighed against public benefit, and 'substantial harm is 'wholly exceptional'.

Based on the information provided, our view is that the proposal would introduce an extensive and intrusive feature in the Grade II* Registered Park & Garden and Conservation Area that would permanently harm their character and appearance, would further harm the setting of the Grade II* Orchardleigh House, potentially damage the existing parkland planting, and compound the current harm to Orchardleigh Park from the establishment of the golf course.

The proposal does not encompass the preapplication advice, the application does not include the requested additional information, the heritage impact appraisal does not cover the potential impact on the significance of the Grade II* Orchardleigh Registered Park & Garden and Conservation Area or the setting of the Grade II* Orchardleigh House, and the design of the new landforms do not respond to the landform and planting of the surviving parkland.

We therefore recommend the refusal of this application. Our pre-application advice did indicate that there was scope to improve the driving range to overcome the specific issue of obscured golf balls in the landing area, but any the modifications should be guided by the following: a soft eastern bank profile; a softened driving range profile (i.e. by retaining a general west-to-east fall to limit the extent of raised ground at the east, by lowering the high middle ground to improve visibility, and by retaining an undulating surface in the near ground); removal of the linear north bund; avoidance of infill near existing tree planting.

The proposal would also be aided by restoring the parkland tree planting to the north and east to limit views of any flatter ground from within the parkland.

SWHT comment on the additional information: a cross-section drawing was one of the additional items requested in the original observations. However, SWHT also asked for other details, which have not been forthcoming, and SWHT provided guidance on how their strong concerns could be addressed, for which there was no response.

The objection therefore stands. Further to our discussion, we consider the impact of the landfill operation (lorry movements) on the character of the Registered Park and Garden and the Conservation Area to be a further concern, as is the potential threat to the Grade II Murtry Lodges and Gates from lorry impact and vehicle induced vibration, and the availability of appropriate waste to complete the scheme in the stated timescale.

6.5 Somerset Wildlife Trust

The Trust do not specifically object to the work on the golf course itself, but would want everything possible done to minimise any negative impacts on the surrounding areas. After the landscaping has been complete the Trust would request that the land is reinstated to as comparable a situation as it was previously (in planting and flora terms). The opportunity should also be taken to look at possible wildflower planting where appropriate.

Internal Consultees

6.6 Highways Development Management

No objection to the proposed scheme as it is felt that the traffic generated by the development will not have a detrimental effect on the local highway network nor cause highway safety concerns.

The proposal is to import inert material onto the site, 75,000 cubic metres of inert material will be brought into the site over a 20 weeks period. The maximum number of vehicle movements associated with the development would be 65 loads per day. The existing access into the site that will be used is located along a classified road A362 which is subject to the national speed limit and which on reviewing the recorded PIA's (Personal Injury Accidents) has no accidents within 500m of the junction in the last 5 years. At this existing access into the site there is an existing dedicated right turn lane into the site.

6.7 Acoustics Advisor

In summary there is unlikely to be a significant noise impact to residential development beyond the boundary of the estate from either the traffic or the site

operations. However, there is a need to clarify the planning status of dwellings near the site and within the estate and also clarify that the northern estate entrance is not to be used by HGV traffic.

6.8 Lead Local Flood Authority

No objection to the proposed import of material to level the driving range. However, the applicant must ensure that, where relevant, any land drainage systems continue to operate effectively, and that adequate drainage provision is made, particularly at the base of any steep slopes (e.g. toe drain or similar).

6.9 County Ecologist

Richard Green Ecology Ltd was commissioned to undertake an ecological appraisal of the proposed levelling of the driving range at Orchardleigh Golf Club, Frome. The proposals include depositing approximately 65,000 cubic metres of inert material to fill a void over the site area (approximately 2.9 ha). An extended phase 1 habitat survey of the site and surrounding habitats was undertaken on 13 June 2018.

The proposals would result in the temporary loss of approximately 2.9 ha of amenity grassland, considered to result in negligible ecological impact. The area of made-up ground will be returned to use as a driving range, i.e., amenity grassland. Three ponds were initially considered to have an average or good suitability to support great crested newts (GCN). No GCN eDNA was found in any of the ponds sampled and it is considered unlikely that GCN are present on the site. The margins of the driving range are used by slow worms and potentially hedgehog, which may be at risk of death or injury during the deposition of fill.

The site is within the Mendip Bat Consultation Zone and is located approximately 3.5 km north-east of Mells Valley SAC, primarily designated for greater horseshoe bats. Greater and lesser horseshoe bats have been recorded on the site. Pre-application consultation with Natural England has indicated that the proposed works are unlikely to have an impact on the qualifying features of the SAC and no Appropriate Assessment is required to be undertaken by the council.

There are no statutory designated sites within 2 km of the site. The site is within, and forms part of Orchardleigh Park Local Wildlife Site (LWS), designated for areas of wood pasture, broadleaved woodland, lake and rough pasture supporting rich flora and fauna. Buckland Woods, an area of ancient semi-natural woodland is located adjacent to Orchardleigh Park LWS.

The plans indicate that the inert material will be deposited very close to the edge of the woodland plantation, which may cause impacts to the trees and root systems. Therefore, further to my previous recommendations for conditions, please add a condition for tree protection for the plantation. If this is not practicable in accordance with the existing proposals, then plans would need to be amended to accommodate root protection areas or, if not feasible, the application should be refused.

In order to ensure that potential impacts to protected species and habitats are avoided and/or mitigated, conditions should be attached to any planning permission granted in relation to Reptiles, amphibians and Hedgehogs; & Bats, tree protection

The National Planning Policy Framework (170d), and the draft Environmental Bill, require biodiversity enhancement to be provided within development. In order to

ensure that the development achieves biodiversity net gain, a condition should be used to require the following:

The following will be integrated into landscape designs of the proposal:

- a) Two [Beaumaris Woodstone maxi bat box] or similar will be mounted under the apex of the west elevations of x2 mature trees on site and maintained thereafter.
- b) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north or east elevation of a building on site.
- c) One log pile as a resting place for reptiles and or amphibians constructed on the boundary of the site.
- d) A corner edge, approximately 400 m² of native and locally occurring wildflower meadow grassland, within the site boundary, to be created and managed in accordance with the following guidance, and maintained thereafter: <http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to waste operations commencing.

6.10 Minerals & Waste Policy

Justification for the scheme (need and economic benefit) – in the planning statement, the applicant describes underutilisation of the driving range due to the undulation of the existing ground surface. The proposed scheme seeks to level the driving range to “achieve the desired goal of players being able to see the full scope of the range”. The enhancement of the facility “will encourage increase usage of the driving range facilities” and that this will “benefit members but also the applicant to consider wider corporate benefits which the estate already undertakes”. It is unclear what this statement means. There is no further detail regarding the current usage and potential usage if the facility is remodelled. It would be helpful if further information could be provided in relation to anticipated increased utilisation, alternative uses to support the justification of the scheme. Is the applicant able to provide further information in terms of projected economic benefit from increased use of the driving range?

Clarification of infill material – the planning statement discusses infill material being “as dug” soil and subsoil but in a later section (paragraph 4.3.3) discusses the proposed material as being soils and aggregates. We note that the applicant has not identified source material yet but we would ask that the nature of the proposed material is clarified.

It is noted that the planning statement discusses utility improvements to be made as part of the scheme, to convert the current overland high-voltage power cable running north west from the club house to an underground supply, providing both practical and visual benefits. We understand that construction and demolition waste arising from this work will be utilised in the scheme. No further details have been provided in the submitted documents so further information is requested. The scale of the utilities work is unclear and we are uncertain if the excavation material arising is likely to be significant or not. Could the applicant clarify how much excavated material from these works will be used in the proposed remodelling of the driving range, and how much additional material will need to be imported to site to achieve the proposed landform.

Public Consultation

- 6.11 The application was advertised through site and press notices, but no representations have been received from members of the public.

7. Comments of the Strategic Commissioning Manager – Economy & Planning

- 7.1 The key issues for Members to consider are:

- waste planning policy considerations;
- impacts on the historic environment;
- impacts from noise, mud and dust;
- impacts on biodiversity;
- local highway impacts;
- flood risk and drainage; and
- pollution.

The Development Plan

- 7.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Waste Core Strategy (adopted February 2013)
- Mendip Local Plan Part 1: Strategy & Policies (adopted December 2014)

Material Considerations

- 7.3 Other material considerations to be given due weight in the determination of the application include the following:

- National Planning Policy Framework (February 2019)
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance
- Mendip Local Plan Part 2: Sites & Policies (emerging)

Waste Policy Considerations

Spatial Strategy

- 7.4 As a one-off operation, despite the size of the operation to import approximately 125,000 tonnes of inert waste material, the site is not considered to be strategic in its function and should therefore be considered against Waste Core Strategy Policy DM1 (basic location principles).

- 7.5 Policy DM1 states that:

‘planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which

adhere to the principles of sustainable development and which support delivery of strategic policies WCS 2-5.'

The policy also sets out a number of types of sites where waste management development would normally be located, but this proposal does not fall within any of these; instead it would be described as 'unallocated greenfield land' where development '*will be strictly controlled and limited in accordance with the Development Plan*'.

- 7.6 Being accessed off the A362 and close to Frome, it is considered that the site is well connected to the strategic highway network as required by Policy DM1. While the site is unallocated greenfield land, the applicant has provided a justification for the development in terms of improving the use of the existing driving range.

Waste Hierarchy

- 7.7 The waste hierarchy is a fundamental principle of waste policy that sequentially favours reuse, recycling and recovery of waste above disposal and is enshrined in the vision of the Somerset Waste Core Strategy and reflected in its policies. For inert wastes such as subsoil, a judgment needs to be made as to whether their use constitutes 'recovery' or 'disposal', with relevant criteria including the substitutability of the waste by non-waste materials, the degree of beneficial use of the waste materials and whether the volume of waste being used is limited to that necessary for the proposed operation.
- 7.8 Policy WCS2 (recycling and reuse) of the Somerset Waste Core Strategy states that:
- '...inert waste that cannot be reused or recycled on-site should be diverted off-site for recycling and/or the following beneficial uses...:*
- a) the restoration of quarries and other excavation sites (excluding peat sites);*
 - b) other uses with clear benefits to the local community and environment; or*
 - c) other facilities that will facilitate such positive use.*
- 7.9 The proposal could be interpreted as involving the reuse of waste, and the applicant has indicated that the proposal will achieve benefits in terms of improving the operation of the driving range for golfers and generating revenue to assist in maintaining the estate. However, it is not considered that these amount to 'clear benefits to the local community' in terms of Policy WCS2, while subsequent sections of this report indicate the likely environmental disbenefits of the proposal.
- 7.10 For the proposal to represent recovery of waste, the waste would have to replace a primary resource that would otherwise need to be used. From the information supplied in the application, there is no indication or justification that works would proceed if waste material was not available for the construction of the landform and, as such, it would not appear to meet the definition of recovery. Therefore, the proposal should also be considered against Policy WCS4 (disposal) of the Waste Core Strategy.
- 7.11 Policy WCS4 presumes against landfill development unless '*the waste cannot be managed in a more sustainable way through diversion up the waste hierarchy*'. The information submitted by the applicant suggests that the waste imported to create the

landform would be clean, inert soils only and, as such, is unlikely that it could be managed further up the waste hierarchy.

- 7.12 Policy WCS4 also supports proposals for inert landfill subject to the applicant demonstrating that the proposal:
- c) *is restoration-led, enabling an area of land to be used more effectively or for another purpose; for example, for agriculture, nature conservation or built development; or*
 - d) *provides justified visual or acoustic screening; and*
 - e) *uses the minimum amount of waste to achieve the stated purpose, depositing inert waste only.*
- 7.13 The applicant's Planning Statement explains the land forming the driving range falls away and prevents golfers from seeing where balls land, resulting in the facility being under-utilised. It can therefore be argued that the proposal to create increase site levels at the eastern end of the facility using imported soils will allow it to be used more effectively, thereby complying with clause (c) of Policy WCS4. In terms of minimising the amount of waste used (part e), it is not considered that this has been demonstrated within the application. It is evident a smaller landform could be created which would still extend the level surface of the site to view golf balls for users of the driving range. The application does not indicate if options to use material already within the parkland have been explored, and it is considered that the application does not accord with clause (e) of Policy WCS 4.
- 7.14 Policies WCS2 and WCS4 also require that a proposal should accord with Development Management Policies 1 to 9 and, with the exception of Policy DM1 already discussed above, these are considered as appropriate under the topic-specific headings below.

Impacts upon the Historic Environment

- 7.15 The proposal has the potential to impact upon the Orchardleigh Grade II* Registered Park and Garden, the Lullington and Orchardleigh Conservation Area, and the setting of Listed Buildings including Temple Lodge (Grade II), Orchardleigh House (Grade II*) and potentially upon the Grade II listed Murtry Lodges at the entrance to the estate. These impacts could be both short-term during the waste deposition phase, and long-term following completion of the landform.
- 7.16 The NPPF states that great weight should be given to conservation of an historic asset, and the more important the asset, the greater the weight should be. In this case the Grade II* Registered Park and Garden and Orchardleigh House are both afforded greater weight in terms of their conservation.
- 7.17 The NPPF also states in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 192). It also sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Impact upon the Registered Park and Garden

- 7.18 The application site sits within a golf course, which covers around one third of the Registered Parkland and which has changed the parkland character to a degree, as

a result of the removal or reduction in size of a number of plantations and the removal of some of the ancient parkland trees. This has resulted in landforms typically formed of gradual sloping fairways, with humps and dips, interspersed with linear planted trees. The general flowing character of the parkland has been retained.

- 7.19 It is considered that the direct impacts upon the Registered Park and Garden have not adequately been assessed as part of the application. No detailed Heritage Assessment of all of the impacts has been carried out for the Parkland, and specifically no assessment made to consider impacts on the trees, planting, circulation, and views during or after construction. The Heritage Appraisal submitted with the application makes a comment on the general views of the landform from the village of Lullington, and that the screening within the park would prohibit any significant inward or outward view of the proposed development, although it appears that this would be referring to the village of Lullington only.
- 7.20 Views of the waste deposition site and final landform are likely to be restricted to long distance views from the village of Lullington (around 500m away to the north east), and from the golf course to the north when the trees are in leaf. As the plantation, and trees that adjoin the site would limit views from the east, south and west, the affected views are likely to be from the Church of All Saints and surrounding buildings in Lullington, and likely to be of the steep bank (up to 6 metres high) at the eastern end of the site following completion. No photomontages or assessment of views have been submitted with the application, so it is difficult to ascertain the actual severity of this impact. Raised fairways and a wooded copse further to the north are likely to restrict wider views in this direction.
- 7.21 In winter, the raised ground level and operations could be visible through the tree line behind Temple Lodge and there could potentially be views from Gloucester Lodge.
- 7.22 In its justification for the proposal, the application suggests that the infilling of Longclose Quarry and the levelling of the driving range would be a restorative process returning the land to levels present before 1856 (when the house was constructed). However, it is considered that Longclose Quarry is located in only a small area in the south of the proposal land-raise, and that this would not justify raising levels for the entire site. There is no other explanation in the application of why this levelling of land would be desirable in terms of enhancement of the landscape.
- 7.23 In terms of impacts as a result of the construction phase, the deposition of inert waste material within the driving range would change the appearance of an area of grass to open ground, exposing the underlying soils. This is also likely to involve the use of plant, possibly excavators and dumper trucks to move the material around the site. It is likely that it would be the machinery that is most viewed from outside the site. As mentioned above, views of this are likely to be limited to those from the village on Lullington and from the golf course to the north. Although the impacts may well be severe at close range locations, views of the site during the construction phase are unlikely to have a significant impact upon key listed buildings, designed lakes or formal gardens from within the parkland.
- 7.24 In order to form the new ground levels, an average of 65 heavy goods vehicles (but up to 95) would travel along the approach drive to Orchardleigh House to the driving range to deposit the inert material. These vehicles would result in an increase in background noise levels between 7.30am and 5.30pm Monday to Friday and 7.30am

and 12.30pm on Saturdays. This would have a temporary effect on the tranquillity of the parkland as a whole, and that associated with a stately manor and grounds.

- 7.25 Associated with the delivery of soils and topsoil would be the potential for dust to be dispersed or mud to be deposited on the road, depending on the time of year. The application does note in one section that it is hoped material would be brought to the site during the drier months, although other documents refer to bringing in waste all year round. There are no details put forward in the application on how to manage these impacts. In combination with a rise in noise levels, these impacts would affect the experience of the parkland as a whole, although it is acknowledged that these could be managed to a degree and are temporary.
- 7.26 The application does set out that it intends to complete the formation of the bank within a four months window, although no details of where the material will be sourced, or likely sources have been submitted with the application. Concerns are therefore raised about the timescale to construct the landform as, without certainty of supply, it is difficult to ascertain how it can be ensured that this will be delivered within a four months period. The impacts could be acceptable on a temporary basis, over a four months period, if greater certainty and understating about exactly what these impacts will be were to be clearer.
- 7.27 Any lighting required to carry out operations during the winter could have impacts upon the parkland, depending on the type of lighting to be used, but this matter could be conditioned if planning permission were to be granted.
- 7.28 In terms of the post construction impacts, an assessment needs to be made of how the final landform would integrate within the registered park and garden, as well as any direct impacts from the landform, including upon trees.
- 7.29 Once complete, the raised landform would be grassed, assimilating with its surroundings. The proposed changes of level at the west end of the application site are relatively minor and screened by existing mounds. Concern has been raised by consultees about the height and steep profile at the eastern end of the proposed bank, and the appearance of the bank as it curves around the around oak trees to the north. A bund is also proposed to enclose the site to the north which is considered to be out of character with the wide landscape setting. It is therefore considered that the current proposal could potentially cause harm to the local character of the landscape within the parkland.
- 7.30 It has also been questioned why the entire driving range needs to be levelled, and whether a more modest landraise operation could be used to achieve levels and prevent the need to bring in more material, This alternative approach could be stepped back from the plantation and reflect the gentle slopes indicated as a possible option on the submitted plans. There is no explanation why a form of cut and fill operation has not also been considered (possibly using material within the site).
- 7.31 In terms of impact upon parkland trees, the list description for the registered park and garden refers to the scattered trees and plantations across the parkland. The application site is screened by Longclose Plantation, which incorporates parts of Longclose Quarry, with this ornamental plantation being an original C19 feature providing both an extension to the pleasure grounds and framing/revealing views to and from the house along the drive.

- 7.32 The plans submitted with the application currently indicate that the embankment would fall to the edge of this plantation. It is considered this is likely to encroach into root protection areas of trees along the perimeter, which may result in harm to the trees' health in the long term. It may also increase surface water run off that could impact upon the trees if it is not able to drain freely. The condition of the plantation trees has not been assessed or appropriate tree protection measures included within the application, in line with paragraph 189 of NPPF, and the proposal has the potential to harm these trees as part of the registered parkland.
- 7.33 In contrast, proposals to protect the trees to the north have been included, by setting back the embankment. These trees are later additions associated with the golf course, unlike the plantation, and are not part of the original designed landscape.

Concluding comments on the registered park and garden

- 7.34 It is considered the final landform will result in less than substantial harm upon the parkland landscape, resulting in a feature that would not assimilate into the parkland setting, due to its uncharacteristic steepness at the eastern end in particular. The scheme has the potential to have a direct impact upon the Longclose Plantation that would enclose the landform and forms part of the registered landscape. The restoration to original levels for the quarry is not considered to be a reasonable justification for the infilling, neither is the justification to improve the use of the driving range so balls can be seen when this could be achieved in a more sympathetic way. Consequently, there is not considered to be clear and convincing justification for the scheme in line with the NPPF paragraph 194.
- 7.35 In terms of impacts during the construction phase, there is insufficient evidence to demonstrate that the period of construction for the landform can be achieved within the proposed four months, which makes it difficult to determine the actual impacts. It is also difficult to conclude actual impacts upon key views of the site during the construction period, or the noise impacts upon heritage assets from this, when an adequate assessment has not been made.

Impact Upon Lullington and Orchardleigh Conservation Area

- 7.36 The conservation area overlays the Grade II* park and garden, and also includes the village of Lullington beyond this. The River Frome runs between Lullington and the site, with the land rising up to the driving range, so this is viewed as a tree lined ridge from the village church that is 420m distant.
- 7.37 It is considered that there could be direct views from the village of Lullington, particularly from the Church of All Saints and surrounding buildings, towards the north east end of the application site where the proposed change of level is most extreme and where there limited screening. Without a dense screen there also might be potential for noise to travel, so operations at the site during the construction period may well be heard in the village, and the surrounding parkland.
- 7.38 It is considered that the development could result in some harm to the character of the conservation area as a result of noise and change in the appearance of the landscape during the construction operations. The uncertainty about the time period of this, makes it difficult to ascertain accurately what the impacts might be.

Impacts upon Listed Buildings

Temple Lodge

- 7.39 The Grade II listed Temple Lodge is located around 150m to the south of the site and lies at a level 10 metres lower than the driving range, which is currently screened by mature deciduous woodland. The application identifies that the setting of Temple Lodge is very much its isolation, which allows for an appreciation of the character and design set against the park environment.
- 7.40 Impacts would mainly be restricted to the construction period, when there might be views toward the site, and vehicles operating on it, during winter months in particular as the plantation is deciduous, although these are likely to be limited due to the thickness of the plantation, and the topography (as the lodge sits below the site).
- 7.41 It is considered the most significant impact would be experienced as a result of increased noise levels, as well as the introduction of noises not typically associated with a parkland setting for the listed building, without the dense screen. It is unclear from the information submitted how severe these impacts would be, for example what machinery will be operated or the frequency of this. An estimated noise assessment has been carried out by the Somerset's Council Acoustic Specialist, which concludes that significant adverse noise levels are likely to be experienced within the grounds of Temple Lodge. It is clear that there will be a significant increase in noise levels within the setting of this property, which will affect the current tranquillity associated with this. In combination with the possible uncertainty regarding how long the development may take, it is considered likely that the development will result in less than substantial harm upon the setting of this Grade II Listed lodge due to temporary noise impacts.

Murtry Lodges

- 7.42 Murtry Lodges are located at the western entrance of the driveway for the park. Access for the 32 tonne dumper trucks depositing waste at the site would be from the A362, passing between the lodges and the wrought iron entrance gates. These vehicles are commonly just over 3 metres wide and around 9 m long.
- 7.43 The list description describes the gates:
- 'Pair of central wrought iron gates between the lodges on wrought iron piers, each capped with a winged crown. Low wrought iron decorative railings to forecourt of each lodge, terminating in tall ashlar piers with 4 stage pyramidal caps'.*

- 7.44 The application indicates an average of 65 loads per day passing through the gates, although this could be more depending on the availability of material. Concern is raised in this case regarding possible damage to the gates, due to the frequency and size of vehicles passing through them and impacts from vibration due to the numbers of large vehicles passing by. The width between them has not been measured, but the driveway has been estimated to be 3.5m wide. The development could therefore result in substantial harm to the gateway, although this isn't certain. In this case less than substantial harm is concluded.

Orchardleigh House

- 7.45 The development would not result in any direct harm to Orchardleigh House, or the listed buildings within the parkland (Other than those identified above). Due to the location of the house, there would not be any direct views of the development during or after construction. It is considered in this case impacts would be focused upon the setting of the house, and the experience of those users of the driveway leading up to

the house during the construction period. Greatest impacts would be from the noise of machinery and vehicles associated with the waste operations.

- 7.46 In this case the application has not assessed the impact from noise upon the House or the parkland. No details have been provided on the change to noise levels as a result of the development, as well as the frequency or types of noise. Due to the inherent tranquil, and quiet experience of the estate itself, it is considered that changes to this might be perceived more severe when compared to a less quiet location. It is clear that these changes to noise levels will be for a temporary period only. Although as set out above there is some uncertainty about how long this will be. In this case it is considered that the development could result in less than substantial harm up the setting of the Grade II* listed Orchardleigh House.

Conclusions on Historic Environment Impacts

- 7.47 There is insufficient evidence in the application to determine the actual impact in terms of noise, or an up to date assessment of views of the development, as well as factual information regarding the development itself. From the authority's own assessment, less than substantial harm is concluded as impact upon the Grade II* Registered Parkland (permanent impact), the setting of Orchardleigh House and Temple Lodge, and possible direct impacts upon Murtry Lodges and the associated wrought iron gates in particular (temporary impacts).
- 7.48 This harm is not considered to be justified by the proposal as there are less harmful solutions and there is insufficient evidence to demonstrate overriding public benefits that outweigh this harm. The development in this case is not considered to accord with paragraphs 189, 190, 194, & 196 of the NPPF, Policy DM3 (impacts on the environment and local communities) and Policy DP3 (Heritage Conservation) of the Mendip Local Plan. The application has not demonstrated adequate mitigation measures or compensation for the adverse impacts and in this case does not accord with Waste Core Strategy policy DM3 (Impact upon environment and local communities).

Impacts upon Residential and Working Amenity

Noise

- 7.49 The site is found within a golf course and located within a wider parkland and estate of 325 ha. This is set within a wider agricultural and rural landscape of fields bounded by hedgerows, just north of Frome. The area is typically tranquil and would be associated with relatively low levels of noise. Public Rights of Way run through the estate, and along the driveway that passes just south site in particular, which have local recreational and amenity value.
- 7.50 The applicant's Planning Statement indicates that the nearest noise sensitive properties are located beyond the estate boundary at 450m, and more to the north-northeast of the site. However, there are occupied dwellings nearer to both the access route and development site.
- 7.51 The nearest residential property to the driving range noted within the park is Temple Lodge, although it is unclear in the application who owns this property. The cross-section drawing D-D suggests a fill height of approximately 2m will exist at the site boundary closest to Temple Lodge, which is located between 130m and 260m from the site boundaries. This separation distance would be less when considering the

extent of the garden amenity area to the north of the dwelling, which would reduce separation distance to 100m.

- 7.52 Murtry Lodges, located either side of the entrance to the driveway at the eastern end of the estate, directly adjoin and enclose this access route, with the only separation between vehicles and the buildings being some cobbles and a wrought iron gateway. Again, ownership of the property is not known at this time.
- 7.53 Noise associated with the development is likely to be generated from the delivery of waste material, as well as from moving material around the site to create the new landform within the driving range.
- 7.54 The application sets out that there will be an average of 65 loads per day (130 movements), with occasional peaks of up to 90 per day amounting to 180 movements. Eight-wheel rigid chassis lorries would enter the site from the A362 to the west and pass between Murtry Lodges, and then pass near to a number of other lodges along the driveway before reaching the site. Beyond the parkland boundary, it is indicated that Iron Mill Lane (leading into Coal Ash Lane) will be used by HGVs for deliveries.
- 7.55 The site working hours are stated to be between 07:30-17:30, Monday to Friday; 07:30-12:30 on Saturdays; with no working on Sundays or Bank Holidays. There are limited details regarding the proposed operations on site, what machinery would be used, or the frequency and duration of the use, but it is likely that an excavator and possibly a dozer would be used. The application does not mention the use of crushers on site, and describes the material 'as dug', so it is assumed that these will not be required.
- 7.56 In term of policy considerations, the NPPF (paragraph 180) states that developments should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*'. Evidence from appeals has suggested that sensitive properties owned by applicants may not fall within the remit of a material planning consideration. As stated above it is not clear within the application who owns properties impacted as a result of noise from the proposed operations. In this case there is insufficient evidence to justify properties within the grounds being disregarded as 'noise sensitive' during planning consideration. Nonetheless, if these properties are owned by the estate, planning still has a role to play in achieving good design and sustainability objectives.
- 7.57 The same paragraph within the NPPF also states '*identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason*'.

Impacts from the delivery of materials

- 7.58 As set out above, there is a requirement for 130 HGVs to move through the site per day as an average, and through the surrounding roads. In terms of an assessment of the impacts upon the A362, it is considered that the number of vehicles over the 10 hours operational period would, for example, result in 13 trips per hour. When compared to the nominal 500 movements per hour on the A362, this is unlikely to have significant noise impacts.

7.59 As mentioned above, insufficient information has been submitted within the application to determine the ownership of Murtry Lodges, or to determine the noise impacts as a result of the movement of waste for the development.

Impacts on properties within the parkland

7.60 Temple Lodge is the nearest property to the site. It is noted that there is intervening woodland cover that would be expected to obscure direct view to any operations, and may play a function in reducing noise levels. This is deciduous woodland so it is expected that any function as a noise barrier or screening, would be reduced during winter months.

7.61 The County Council's Acoustic Specialist has made his own assessment of possible impacts upon the lodge, and the Defra database of plant noise levels would suggest noise at 10m from an excavator and a dozer might be 76dB(A) and 80dB(A) respectively. Based on these assumptions and minimal acoustic screening, it is expected noise at Temple Lodge resulting from use of a 32t excavator to range between 43-50dB(A) at the furthest and closest site working locations. Noise in the garden areas nearer the site could be greater, but unlikely to exceed a level of 53dB(A). Noise from a dozer could be 4dB greater than that from an excavator and, if both items of plant were in operation, levels could at worst be 5.5dB greater than excavator levels alone. Typical prevailing south-westerly winds may reduce these levels of noise, but winds from the northerly direction could increase them slightly. Considering the closest working to the garden of Temple Lodge the following levels of plant noise would therefore seem possible:

- excavator working in isolation <53dB(A)
- dozer working in isolation <57dB(A)
- excavator and dozer operating <58.5dB(A)
- reduction in noise level at furthest site position ~7dB

7.62 The background noise levels at this location have not been assessed, but it is expected that these would be low and influenced primarily by the traffic sources that are a kilometre or more away. Background noise levels are assumed to be between 30-35dB(A) with ambient Leq noise levels to be only a few dB greater. If all these assumptions are correct, it would be expected that the operational noise of plant at all working locations to appear distinctive to the residents within the garden of the Lodge as it will be in excess of 10dB above background noise.

7.63 As such, it is considered that the impact of mechanical noise at the closest property is at very least intrusive (as it can be heard and is likely to cause small changes in behaviour, attitude or other physiological response) and, if consent was to be granted, this would require mitigation and reduction to a minimum. The impacts might also be expected to disrupt the use of gardens if residents would wish to avoid any prolonged periods of distinctive mechanical noise.

7.64 Over the limited time of the application the residential quality of life may therefore diminish due to the change in acoustic character of the area. The planning significance of this fact may depend on Temple Lodge's ownership in relation to the applicant. The extent to which any planning consent might bring about significant observed adverse effects to an unconnected residence remains unclear, but could support objection to the development or at least require better justification for the

large importation in comparison with other approaches that have less impact, such as surface levelling, to achieve the objective of improved golf ball visibility.

- 7.65 It is recommended that, if consent is to be granted, a condition would be required for a noise mitigation scheme to ensure noise impacts are minimised as far as reasonably practicable at these occupied dwellings. As a minimum, these would need to set out the details of phasing, and the possible construction of bunds to screen subsequent fill activities. There would also be a need to address the reduction of distinctive tonal noise from reverse warning alarms of site-based plant and delivery vehicles.
- 7.66 Outside the parkland, there is unlikely to be a significant adverse noise impact to residential properties beyond the boundary of the estate from either the traffic or the site operations.

Overall noise impacts

- 7.67 As set out above, the parkland and its golf course is an intrinsically tranquil place, and the importation of waste material to create a level platform, so that golfers have increased visibility of golf balls, will increase noise levels in the close vicinity to the operation and possibly within the wider parkland. A noise assessment has not accompanied the application, so the impact from noise is not clear at this time.
- 7.68 In this case, how severe the impact would be upon affected residential properties, or upon the tranquillity of the parkland overall, has not been assessed. The Council has made its own general assessment, without the benefit of the measurement of noise levels, but with assumptions made for potential adverse impacts from noise. There is insufficient evidence in this case to demonstrate that the development would align with paragraph 180 of the NPPF in terms of minimising and mitigating potential significant adverse impacts on health and the quality of life (part a), or part B, which seeks the protection of tranquil areas.

Mud & Dust

- 7.69 The application states that importation of waste material would be carried out over a four months period. The Planning Statement sets out that there would be potential to operate at any time of the year, although separately within the same statement, it states that deliveries would be made during the driest months of the year.
- 7.70 There is potential during winter months, when it is wetter, for significant amount of mud to be deposited on the road if not managed appropriately. In contrast, carrying out deliveries during the drier months poses problems in relation to dust, which is normally managed on waste sites through the use of a bowser to dampen approach roads.
- 7.71 The application does state that lorry wheels will be cleaned prior to vehicles exiting the driving range site, but this is unlikely to have much impact in terms of minimising dust.
- 7.72 To minimise impacts and ensure the operation does not generate significant amount of dust, which could affect nearby properties, it is recommended a condition is used to ensure dust and mud are appropriately managed in a 'Construction Environmental Management Plan'. With mitigation and an agreed plan, the development is capable of according with Waste Core Strategy policy DM3 (Impacts on the environment and local communities) in relation to this impact.

Impacts upon Biodiversity

- 7.73 In terms of designations, the site is located within the Orchardleigh Park Local Wildlife Site (LWS), which is designated for areas of wood pasture, broadleaved woodland, lake and rough pasture supporting rich flora and fauna. Buckland Woods, an area of ancient semi-natural woodland, is located adjacent to the north west of the Orchardleigh Park Local Wildlife Site.
- 7.74 The site is also located within the Mendip Bat Consultation Zone, due to its proximity to the Mells Valley Special Area of Conservation (SAC), found approximately 3.5 km north-east of the site. This is primarily designated for Greater Horseshoe Bats. Following screening under the Habitats Regulations, it has been concluded that this development will not, alone or in-combination with other projects, have a likely significant effect on this European site.
- 7.75 A number of existing ponds are within 400m of the site (the nearest is 50m away) and are considered to provide possible suitable habitat for Great Crested Newts, although sampling concluded that these species are unlikely to be present.
- 7.76 In terms of impacts upon species associated with the site, greater and lesser horseshoe bats have been recorded on the site, and the three trees to the north east of the site have moderate to high suitability for roosting bats. These trees and Longclose Plantation also provide suitable habitat for foraging and use as a flyway. The three trees to the north will remain as part of the development, and the fill has been set back from the trees to help limit any harm to them. It will be important to protect these during any construction works.
- 7.77 The margins of the driving range are used by slow worms and potentially hedgehogs, which may be at risk of death or injury during the deposition of fill. Conditions would need to be used to protect these species.
- 7.78 In order to ensure any biodiversity net gain is achieved at the site, in accordance with the NPPF (paragraph 170 (d)), and the draft Environment Bill, the following measures would need to be incorporated into any grant of permission:
- a) two Beaumaris Woodstone maxi bat boxes or similar to be mounted under the apex of the west elevations of two mature trees on site and maintained thereafter;
 - b) two Schwegler 1SP Sparrow terraces or similar, at least one metre apart directly under the eaves and away from windows on the north or east elevation of a building on or near the site;
 - c) one log pile as a resting place for reptiles and or amphibians constructed on the boundary of the site; and
 - d) a corner edge, approximately 400m², of native and locally occurring wild flower meadow grassland within the site boundary, to be created and managed in accordance with the following guidance, and maintained thereafter:
<http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>
- 7.79 In terms of impacts upon habitats, the proposal would result in the temporary loss of just under 3ha of amenity grassland, although this is considered to result in a negligible ecological impact, particularly as the amenity grassland will be returned following completion of the development.

- 7.80 The development in its current form is considered to impact upon Longclose Plantation. As mentioned above, the inert material will be deposited right up to the edge of the woodland without any separation distance, and therefore likely to be within the root protection area. It is considered that there would not be sufficient room to erect protective fencing, which may have a long-term effect on the trees and the biodiversity they support. It is therefore considered that the proposal, without changes to the design, has potential to cause adverse impacts upon habitats and possible species due to the close proximity of the operations, and is therefore contrary to Somerset Waste Core Strategy Policy DM3 (impacts on the environment and local communities), Mendip Local Plan Policy DP5 (Biodiversity and Ecological Networks) and paragraph 170 of the NPPF.

Highways

- 7.81 The access into the site from the A362, is on a dedicated right-hand turn, and there is no record of accidents within 500m of the junction in the last 5 years. The scheme will generate up to a maximum of 90 loads per day, with an average of 65. There are no details within the application regarding parking for any staff supervising the facility, and it is presumed that these will use the existing Golf club.
- 7.82 The Highway Authority has considered the impacts and concludes that the traffic generated by the development will not have a detrimental effect on the local or strategic highway network nor cause highway safety concerns. In this case the development is considered to accord with Waste Core Strategy policy DM6 (Waste Transport) and Mendip Local Plan policy DP9 (Transport Impact of New Development).
- 7.83 To ensure that this access is used, it will be key to agree a legal agreement for routing, which would also prevent impacts upon listed buildings as identified in the heritage section.

Flood Risk and Drainage

- 7.84 The site is at very low risk of both surface water and river flooding but, due to the introduction of steep slopes, the Lead Local Flood Risk Authority has recommended that the applicant must ensure that adequate drainage provision is made and, where relevant, any land drainage systems continue to operate effectively. A condition should be added to any permission to ensure the development accords with Policy DM7 (Water Resources) of the Somerset Waste Core Strategy.

Pollution

- 7.85 The application indicates that clean 'as dug' soils will be brought into site, although there are no details about where the material will be sourced or how management practices on site can ensure that soils are not contaminated. It is therefore considered that a Construction Environmental Management Plan (CEMP) should set out how soils will be managed, as well as measures to prevent contamination. Any grant of permission should condition that only inert soils are brought to the site and that a CEMP is agreed to ensure the development is in accordance with Policy DM3 of the Somerset Waste Core Strategy and Policy DP8 (Environmental Protection) of the Mendip Local Plan.

Concluding Comments

7.86 While the proposed development will result in benefits for users of the golf driving range, it is considered that these benefits would not accrue to the wider community (contrary to the requirements of Policy WCS2), and would be outweighed by the significant adverse impacts on heritage assets within the estate and habitats and species associated with the adjacent plantation. The application also fails to demonstrate that the minimum amount of waste would be utilised in the proposed operation, and it is therefore contrary to that requirement of Policy WCS4.

8. Recommendation

8.1 It is recommended that planning permission be REFUSED for the following reasons:

1. The proposed development would introduce a permanent artificial landform and have an adverse impact upon the integrity of the adjacent Longclose Plantation, resulting in harm to the landscape character of the Grade II* Orchardleigh Registered Park and Garden. Temporary adverse impacts during the construction of the landform would result in harm upon the setting of Orchardleigh House (Grade II*), Temple Lodge and Murtry Lodges (Grade II). The proposal is therefore contrary to paragraphs 189, 190, 194, & 196 of the National Planning Policy Framework, Policy DM3 (Impacts on the environment and local communities) of the Somerset Waste Core Strategy and Policy DP3 (Heritage Conservation) of the Mendip Local Plan.
2. The development has the potential to cause adverse impacts upon habitats and species within the Orchardleigh Park Local Wildlife Site, due to the close proximity of the operations to Longcase Plantation, contrary to Policy DP5 (Biodiversity and Ecological Networks) of the Mendip Local Plan and paragraph 170 of the National Planning Policy Framework.
3. The application fails to demonstrate that the proposal would achieve clear benefits to the local community and environment and that the minimum amount of waste would be used in order to create better visibility at the driving range, contrary to Policies WCS2 (recycling and reuse) and WCS4 (disposal) of the Somerset Waste Core Strategy.

9. Relevant Development Plan Policies

9.1 The following is a summary of the reasons for the County Council's decision to refuse planning permission.

9.2 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 following documents.

Somerset Waste Core Strategy (adopted 2013)

The policies in the Waste Core Strategy particularly relevant to the proposed development are:

- WCS2: Recycling and reuse
- WCS4: Disposal
- WCS5: Location of strategic waste sites

- DM1: Basic location principles
- DM2: Sustainable construction and design
- DM3: Impacts on the environment and local communities
- DM6: Waste transport
- DM7: Water resources

Mendip Local Plan Part 1: Strategy and Policies (adopted 2014)

The policies in the Local Plan particularly relevant to the proposed development are:

- Core Policy 1 (Mendip Spatial Strategy)
- Core Policy 4 (Sustaining Rural Communities)
- DP1 (local Identity and Distinctiveness)
- DP 3 (Heritage Conservation)
- DP5 (Biodiversity and Ecological Networks)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)

9.3 The Waste Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework, National Planning Policy for Waste and Planning Practice Guidance.

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

In dealing with this planning application the Waste 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, Waste 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 Waste Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

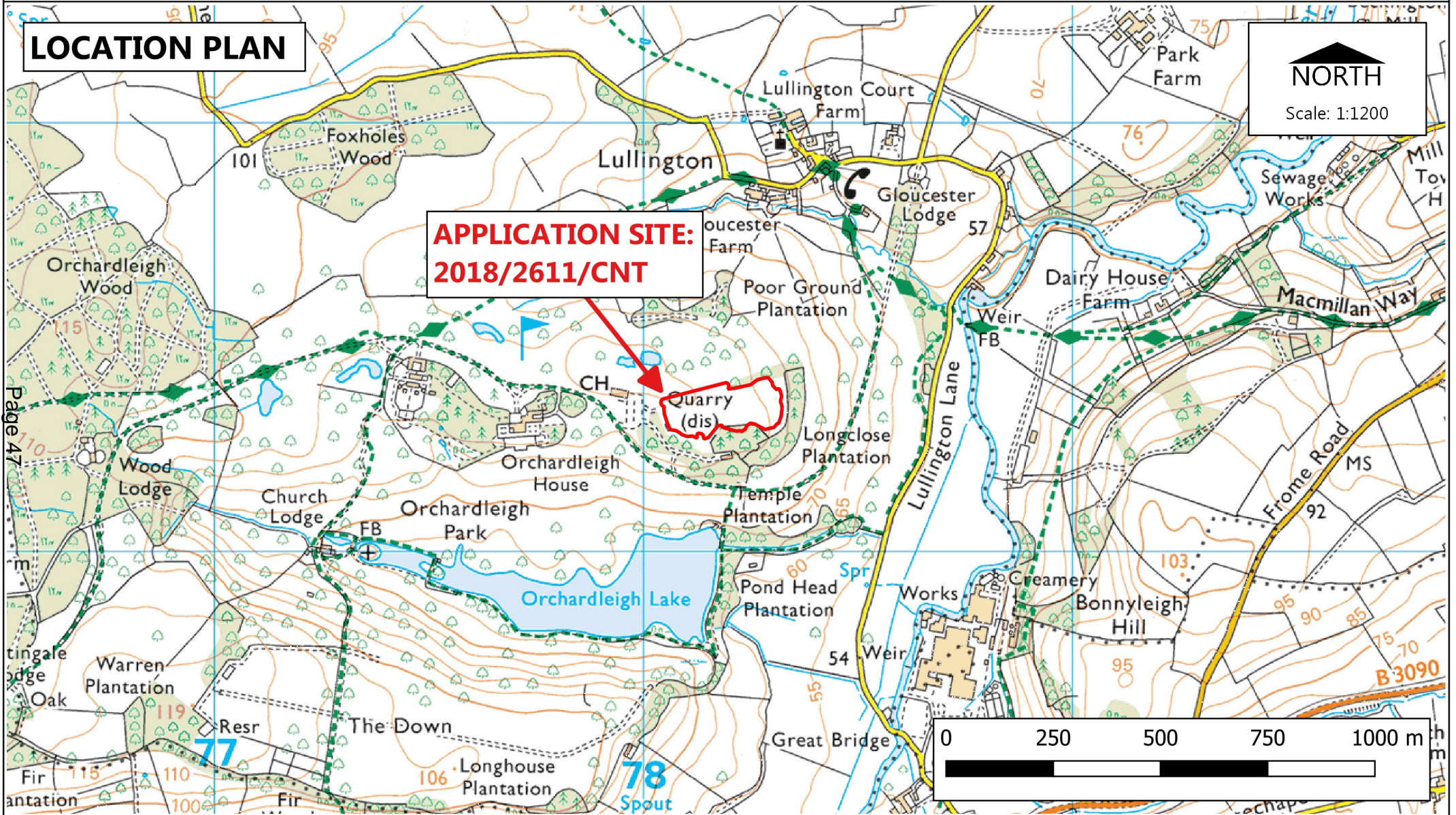
This page is intentionally left blank

LOCATION PLAN



Scale: 1:1200

**APPLICATION SITE:
2018/2611/CNT**



Page 47



SOMERSET
County Council

Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

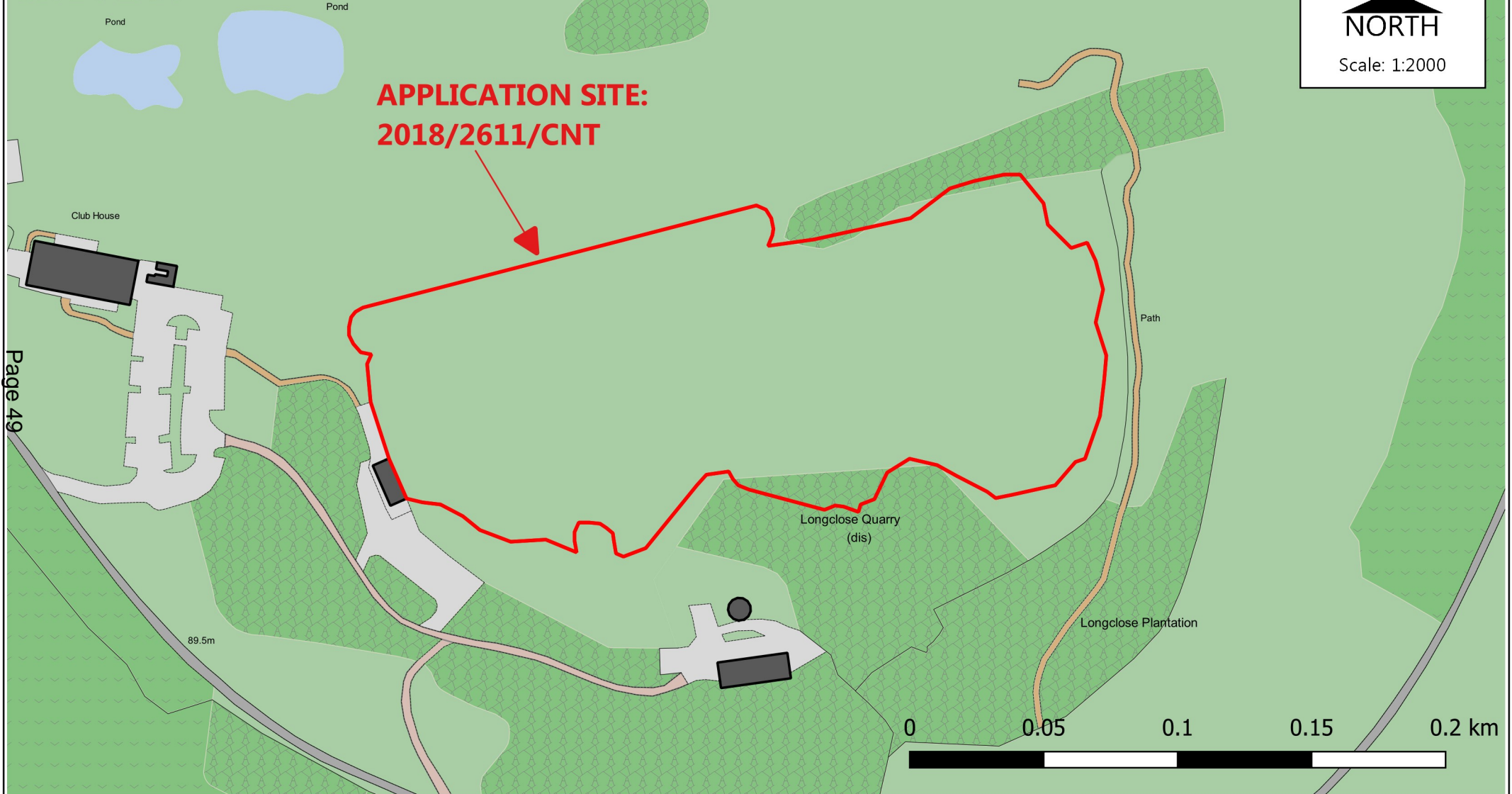
© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: A S Galbraith

Dated: 03/07/2020

This page is intentionally left blank

SITE PLAN



Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: A S Galbraith

Dated: 03/07/2020

This page is intentionally left blank

Somerset County Council

Regulation Committee –

Report by Helen Vittery

Service Manager – Planning & Development

Application Number: 17/02084/CPO

Date Registered: 20 April 2017

Parish: Cudworth

District: South Somerset

Member Division: Ilminster

Local Member: Councillor Linda Vijeh

Case Officer: Barnaby Grubb

Contact Details: barnaby.grubb@devon.gov.uk (01392 383000)

Description of Application: Application for the importation of 64,760m³, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club.

Grid Reference: Easting - 336541, Northing - 110079

Applicant: Mr Steve Hill

Location: Cricket St Thomas Golf Club, Windwhistle, Cricket St Thomas, Chard, Somerset, TA20 4DG

1. Summary of Key Issues and Recommendation

1.1 The application seeks the importation of 64,760m³, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club. The main issues for Members to consider are:

- planning policy considerations;
- impacts on the amenity of local residents and the local community;
- impacts on the local highway;
- impacts on biodiversity and ecology;
- impacts on flood risk/ groundwater and
- impacts on the local landscape.

1.2 It is recommended that planning permission be GRANTED subject to the conditions set out in section 9 of this report.

2. Description of the Site

2.1 The wider Cricket St Thomas golf course site extends to approximately 49 hectares and is located to the north of the A30 on Swan Down and approximately 4km to the west of Chard. The application site extends to approximately 6 hectares and comprises holes 8, 9 and 10, and is accessed through a gateway approximately 850 metres to the north of the A30 along Redscript Lane. It is surrounded by a mixture of agricultural, woodland and recreational land use and general use fields to the north, east and west and the remainder of the golf course to the south.

2.2 There are three dwellings located approximately 200m to the south west, 350m to the east and 400m to the south of the site. The development site is separated from residential properties at Cudworth, to the north-east, by approximately 650m and Chaffcombe, to the west, and Cricket Malherbie, to the north, by at least 1km. There are no properties directly adjacent to the access route from the A30 at Redscript Lane but one property is located approximately 360m to the west of the lane utilising a private road to gain access to it.

3. Background and Planning History

3.1 Cricket St Thomas golf course was originally designed as a nine-hole course in 1932 and was subsequently extended to an 18-hole course in 1991.

3.2 In June 2016 an application for the importation of subsoil for re-grading and landscaping of land to improve accessibility and playing conditions of holes 8, 9 and 10 at Cricket St Thomas Golf Club was originally submitted to South Somerset District Council under reference 16/02414/FUL. This application was withdrawn on 18 August 2016 due to the proposal being considered as a waste operation and re-submitted to Somerset County Council on 20 April 2017.

3.3 The original consultation exercise was carried out in May 2017 but a period of inactivity then followed. Additional information in the form of a Construction Environment Management Plan was then submitted in March 2020 and a re-consultation exercise was carried out in early April 2020.

4. The Proposal

- 4.1 The application seeks permission for the importation of 64,760m³, or approximately 130,000 tonnes, of inert subsoil to raise and remodel holes 8, 9 and 10 of Cricket St Thomas Golf Club. The majority of the site consists of amenity grassland with a number of areas of semi improved grassland, tall ruderal at the centre and hedgerows at the site boundaries.
- 4.2 As shown by the landscape masterplan, the proposal does not seek to impact upon the site boundary trees and hedgerows but will replace the grassland features highlighted above with wildflower rough, tree planting and a proposed wetland feature in the north western corner.
- 4.3 It is estimated that inert subsoils will be imported onto the site over a period of approximately 18 months and will be used to remodel a section of the course where a number of depressions and steeply sloping areas have been identified as requiring attention in order to:
- improve course playability;
 - improve the long-term economic viability of the golf club;
 - make course maintenance easier, safer and more cost effective;
 - improve landscape integration;
 - enhance course ecology; and
 - reduce the impact of prevailing weather on players.

5. The Application

- 5.1 Plans and documents submitted with the application:
- Application form and fee
 - Location Plan CST_001_A3
 - Topographical Survey WGC/151115 Survey 6 Rev A
 - Landscape Masterplan CST_003_AO_Rev_D
 - Flood Risk Assessment Reference Hydrock C-04851-C (January 2017)
 - Planning Statement (2017)
 - Design and Access Statement CST_002_Rev_E
 - Transport Statement April 2017
 - Ecological Appraisal Report
 - Construction Environment Management Plan 21/04/2020

6. Environmental Impact Assessment (EIA)

- 6.1 The Town and Country (Environmental Impact Assessment) Regulations 2017 refer to various types of development in Schedules 1 and 2. Development proposals falling

within Schedule 1 are regarded as 'EIA development' and trigger EIA procedures. For Schedule 2 development, consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.

- 6.2 The conclusion of the Council's EIA screening opinion stated that, whilst the development falls within the scope of Schedule 2 of the EIA Regulations, it is the opinion of the Waste Planning Authority that the environmental impact of the disposal of 130,000 tonnes of inert waste over a period of 1.5 years would not be so significant as to require EIA. Following the disposal, the topsoil would be replaced and the application site returned to use as a golf course.
- 6.3 It is considered that other ecological matters and transport impacts can be satisfactorily assessed through information required to be submitted as part of the planning application.

7. Consultation Responses Received

External Consultees

7.1 South Somerset District Council

In June 2017 South Somerset District Council commented that:

'The District Council raise no objection on landscape grounds but raises concern over the proposals impact on highways safety, which is an issue to be considered by Somerset County Council Highway Authority.'

Following re-consultation in April 2020 the District Council confirmed that they had '...no further comments to make in respect of this application.'

7.2 Cudworth Parish Council

In response to the original 2017 consultation Cudworth Parish Council commented:

'The above application lies within the southern boundary of the parish of Cudworth and although not close to the houses in the village, it is on a main route that all villagers use to reach the A30, namely Redscript Lane.

For this reason, at the Parish meeting held to discuss this application, road safety for ALL road users was the primary concern.

The concerns and suggestions were as follows:

New Lane – it was not felt that this was an acceptable alternative route for lorries but may be useful for cars travelling to the A30 instead of using Redscript Lane. However, it is very narrow with few passing places.

Redscript Lane – The plans indicate the passing places on this lane and it was felt strongly that these should be up-graded (suitable surface) and extended to accommodate the lorries/traffic that will be using them. It was also deemed essential that these lay-bys need signs displayed such as "No Parking" or "Passing Place", as they are currently frequently used as a parking spot for walkers and dog walkers alike.

For the safety of all road-users, it was felt that signs indicating the use of the lane by lorries and heavy traffic would be necessary to raise the awareness of everyone using the lane. (Horse riders, cyclists etc) It was felt essential that all traffic to the site is from the A30 and NOT via Cricket Malherbie or Chaffcombe – in both cases very narrow and unsuitable lanes which would be perilous to all road users.

When the proposed works are completed, it was thought that the road surface will most likely have suffered considerable wear and tear and therefore should be repaired to its original good state.

Junction between A30 and Redscript Lane – for the safety of all traffic turning into and particularly out of Redscript Lane, this junction needs to be maintained by regular verge and hedge trimming to maintain clear visibility in both directions onto the A30.

Cudworth Parish Meeting has no other concerns regarding this application, and the majority of villagers present voted in favour of the application.'

No further comments have been provided in response to the April 2020 reconsultation.

7.3 **Chaffcombe Parish Council**

In June 2017 Chaffcombe Parish Council commented:

'Although this application is not in the Parish of Chaffcombe, the village of Chaffcombe is the nearest village to the site of the work. The residents of the village of Chaffcombe are likely to be the majority of those who use the roads which will be affected by the ongoing work and the resulting increase in heavy traffic.

Chaffcombe Parish Council has no objections to the application but it does have serious concerns about traffic management and the safety of road users around the site.

The Parish Council believes that to comply with the National Planning Policy Framework the following points in the Transport Policy Context need to be emphasised:

- Section 4.1 / 32 so that "safe and suitable access to the site can be achieved for all people";
- Section 4.3 (ii) - "securing inclusive safe and convenient access ..." and
- Section DM6(b) - "suitable access to the development is deliverable"

The specific concerns are as follows:

1. The second holding bay on Redscript Lane, coming from the A30, is very close to the sharp bend which has reduced visibility in either direction. This should be moved further along the road.
2. This sharp bend should have warning signs in both directions for the safety of traffic.
3. The proposed holding bay at the top of Knapps Lane (opposite the site entrance) is not shown on the plan. This holding bay is essential for the safety of traffic on Knapps Lane.

4. Greater emphasis needs to be put on the entrance to the site with hardstanding and wheel washing facilities.
5. Visibility at the A30 junction needs to be improved and monitored to allow for the increase in heavy traffic. The hedgerows need to be cut back significantly and the verges kept regularly mowed. (Sections 5.13 and 5.14 of the Transport Policy Context.)
6. New Lane has been suggested as an alternative route for local traffic. This road is very narrow with very few passing places. It would benefit from additional passing places.
7. Access to the site should be strictly monitored so that lorries do not take a 'short cut' from Ilminster through Cricket Malherbie. This is a very narrow road with some very sharp blind bends. Signage "no road access to site", or similar, should be erected to prevent site vehicles taking this route.'

The Parish Council provided the following response to the April 2020 reconsultation:

'The Parish Council's previous comments which you have on record remain the councillors' current feelings. The Parish Council would also like to say that the traffic movements need to be carefully controlled and all site traffic must enter AND leave the site via the A30 and not go through Cricket Malerbie for any reason. Failure to abide by this could cause problems along Redscript Road and at the top of Knapps Lane at the entrance to the site.'

7.4 **Environment Agency**

If materials that are potentially waste are to be used on-site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from the Environment Agency.

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- wheel washing and vehicle wash-down
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

Internal Consultees

7.5 **Highways Development Management**

No Objection.

The Highway Authority has recently been in discussion with the developer over the content of the Construction Environmental Management Plan and is now content

that the works to improve the highway during the construction phase are acceptable.

This Authority raises no objections to the proposal as submitted subject to any permission granted being subject to the following conditions;

Prior to the importation of any materials the following shall be undertaken entirely at the applicant's expense:

- 1) a scheme to construct the passing place as detailed in the approved CEMP shall be submitted in writing to the Local Planning Authority for written approval; and
- 2) the passing bay and any signage and lining associated with the improvements shall be constructed in their entirety.

These works shall remain in use and unobstructed for the duration of the development.

NOTE: All works which affect the highway must be undertaken in agreement with the Highway Authority.

7.6 Acoustics Advisor

It is noted that the applicant has submitted a Construction Environmental Management Plan (CEMP) dated 21/4/20 and that sections 3.1 and 3.2 detail its approach to noise control. The actions detailed in 3.2 of the CEMP are in broad agreement with the recommendations previously made concerning reverse warning alarms and plant maintenance and would be adequate for the limited impacts expected. Section 4 of the CEMP implies that it will be SCC that will be the contact point for any complaint and will then be responsible for informing the contractor who will action measures to address the complaint; while I would expect SCC to be advised of any complaints, I would expect the CEMP to assign initial responsibilities for logging and addressing complaints proactively as part of the development proposal. In this respect it is suggested that the responsible person and contact number could be identified and displayed at the site entrance.

It would be adequate to specify a condition that requires the permitted development to adopt all noise control measures recommended in section 3.2 of the applicant's CEMP dated 21/4/20.

7.7 County Ecologist

Following an ecological walkover survey carried out by Somerset County Council's assistant ecologist on 27 April 2020 the following conclusions were made:

'There was evidence of badger activity in the form of runs, latrines and the corpse of a badger. Badgers are likely to use the site to forage and commute. No evidence of badger setts was found on site however a disused sett was identified within the Engain Ecology Cricket St Thomas Golf Course, Chard, Somerset: Ecological Appraisal (2016) to the south of the survey site.

Common birds were recorded using the site including great tit (*Parus major*), pheasant (*Phasianus colchicus*), wood pigeon (*Columba palumbus*), chaffinch (*Fringilla monticola*) and wren (*Troglodytes troglodyte*).

The hedgerows, mature trees and scrub on site are likely to provide suitable habitat for nesting birds.

Mature trees within the hedgerows had suitable features for roosting bats. The habitats on site such as hedgerows, scrub and tall ruderal are likely to provide foraging opportunities for bats. The boundary hedgerows are likely to be used by commuting bats.

Though the majority of the grassland on site was amenity grassland there are areas of semi improved grassland and tall ruderal at the centre and boundaries of the site which may provide habitat for various invertebrates as well as supporting foraging for bats.

The hedgerows at the site boundaries are very likely to support dormice as they have an abundance of food sources in the form of hazel, hawthorn, blackthorn and bramble. The isolated 100m stretch of hedgerow which bisects the site has suitable woody species to support dormice, however, it is 40m distant from the boundary hedgerow at its closest point. This does not preclude dormouse presence within the hedgerow but it does make presence less likely.

The boundary hedgerows, rough grassland and areas of scrub on site have the potential to support common reptiles such as grass snake and slow worm. No reptiles were recorded in the previous survey in 2016 however anecdotal evidence from golfers using the site supports the presence of slow worms.

Recommendation:

Further ecological consultation should be sought if the scope of the proposed work changes significantly or if the onset of the work is delayed by more than 12 months from the date of this survey.

In accordance with local and national policy, wildlife legislation, and to follow the requirements of the mitigation hierarchy and for biodiversity net gain, no objections are raised provided the following conditions are applied:

Hazel Dormice

The proposed hedgerow removal works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence, including a method statement detailing proposed central hedgerow removal techniques and Ecological Clerk of Works details.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Construction Environmental Management Plan

No proposed access works and associated development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of “biodiversity protection zones”;
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and field edges, including Root Protection Zone buffer zones and barriers) and protected species (bats, birds, badgers, dormice, reptiles (including two stage vegetation clearance) and amphibians), followed by appropriate mitigation, as required;
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
- h. Use of protective fences, exclusion barriers and warning signs; and
- i. [Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works].

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Mitigation Compliance

A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval before occupation of each phase or sub-phase of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected /priority species and habitats are safeguarded in accordance with the

CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

Lighting

No lighting is proposed, however if lighting is to be used during the construction phase a suitably worded condition will be required, therefore please let me know and I provide further consultation regarding this matter.

Landscape and Ecological Management Plan

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives.
- e. Prescriptions for management actions.
- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organization responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Biodiversity Enhancement (Net Gain)

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted.

A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of construction works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BMEP shall include the following:

- a. Wildflower grassland, native trees and pond and wetland with native marginal planting as identified within the site landscape plans;
- b. New trees to include high nectar producing species to encourage a range of invertebrates to the site, to provide continued foraging for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native;
- c. Creation of at two habitat pile, consisting of logs, brash &/or grass cuttings 1 m² within the northwest corner of the site;
- d. Four Beaumaris Woodstone maxi bat box, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
- e. Four 2F Schwegler Bat Box, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
- f. Six standard hazel dormouse nest boxes will be installed into the species rich hedgerow around the boundaries of the site, placed at least 20m apart, and maintained thereafter; and
- g. Four standard bird boxes, purchased or built, will be installed on to a mature tree on site, facing east or north, at a height above 3m, and maintained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

7.8 Lead Local Flood Authority

A flood risk assessment (FRA) has been provided which demonstrates that the proposed site location in accordance with the publicly available Flood Map for Planning is wholly located within a fluvial Flood Zone 1 and is also identified as low risk from surface water flooding on the Long-Term Flood Risk Surface Water Flood Map.

The FRA identifies that the proposals will not increase impermeable area or alter existing flow routes. Given this, an additional pond is proposed at the low point of the site to attenuate flows and discharge at a reduced rate into the existing ditch parallel to the site.

The proposed pond is to store a volume of 331m³ and will discharge at 5l/s into the existing ditch, a section of the existing ditch will be redirected through the pond. Should this overflow – exceedance appears to be directed into the ditch north of the site. Where there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Consequently, the LLFA has no objection to the proposed planning application as submitted.

7.9 Minerals & Waste Policy

The following response was sent to South Somerset District Council when the application was originally submitted to them in error.

As the Waste Planning Authority for Somerset, we note from the application and supporting documents that the proposed remodelling development of the golf course will require the importation of suitable materials including topsoil and subsoil. The transport statement in particular discusses the calculated volume of fill material required as 71,969m³ which is estimated to weigh around 143,938 tonnes (paragraph 5.2).

In addition, the transport statement states that the supply volume and location of suitable material is not known at this stage and therefore it is likely there would not be a constant supply (paragraph 5.4). In the absence of a confirmed source of suitable material, we consider that the infill material may or may not be a waste. If waste materials are to be sourced as infill material for the development, we trust that the appropriate policies within the Waste Core Strategy (adopted February 2013) are given due consideration as relevant planning policy in the context of the Local Development Plan.

In particular policies WCS2: recycling and reuse (the third section discusses recycling and reuse of inert material) and WCS4: disposal (the second paragraph discusses inert landfill development) should be considered.

If waste materials are to be used as source materials for the remodelling work, the relevant permits and exemptions should be sought from the Environment Agency.

As you may be aware, Somerset County Council have commenced a review of the Waste Core Strategy and have begun to prepare a series of topic papers to update our evidence base. Whilst this is an ongoing piece of work, the recently published Waste Topic Paper B may be of interest as this provides further information on the management of inert waste in Somerset. Details can be found on the new Somerset Waste Plan section of our website.

7.10 Somerset County Council Public Rights of Way

Any proposed works must not encroach onto the width of the PROW.

The following text must be included as an informative note on any permission granted:

‘Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.’

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- a PROW being made less convenient for continued public use;
- new furniture being needed along a PROW;
- installing any apparatus within or across the PROW.;
- changes to the surface of a PROW being needed; and
- changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

7.11 **South West Heritage Trust**

The following response was received during the 2017 consultation exercise:

Based on this information the application site is not close to any designated buildings or structures and does not affect the setting of the historic built environment.

The site is adjacent to Park Wood, formerly Chaffcombe Park (PRN 53152) created in C15 and in 1765 stocked with cattle but at least since the late C19 a wood.

Other organisations

[The following representations have been summarised, but the full responses can be viewed through the following link:

<https://planning.somerset.gov.uk/Planning/Display?applicationNumber=17%2F02084%2FCPO>]

7.12 **Somerset Wildlife Trust**

The following response was received during the 2017 consultation exercise:

'We have noted the Application and the Ecological Appraisal dated 25th May 2016 which has been provided by Environmental Gain Ltd. We are particularly concerned about the proximity of the proposed development to the Park Wood Local Wildlife Site which has been mentioned in the Appraisal. There has been a serious run-off problem in this area for a number of years and we are concerned that there doesn't seem to be anything in the Application to address this. We would therefore request that the Authority asks the applicant to show how this problem will be addressed and remedied before any decision is taken on the Application.

We are pleased that Section 6.15 of the Appraisal proposes a number of enhancements and we would fully support those. In particular, we would request that the proposal for the planting of new hedgerow trees should stipulate that they should

be native species in a mixed planting scheme similar to those in other sections of the hedge, some of which have been removed in the past.'

7.13 **Park Wood County Wildlife Site and Private Nature Reserve**

A detailed response was received during the 2017 consultation exercise with the key points being:

- (a) significant adverse impact on the integrity and character of Park Wood Ancient Woodland, County/ Local Wildlife Site (& Private Nature Reserve) which could lead to deterioration of habitat and associated species. A priority habitat deserves conservation and some protection. Ancient woodland cannot be created;
- (b) water quality could be compromised: groundwater and surface water need to be considered; there is impact on the volumes, direction and rates of flow as well as nutrient/chemical levels. Knapps Cottage get water from a borehole. Surface water leads to the River Isle;
- (c) adverse impact by way of noise, visual intrusion and traffic to adjoining land users and those in close proximity to the site;
- (d) significant adverse impact on Public Right of Way (Knapps Lane/Redscript Lane); and
- (e) we consider there to be serious threats to the area and its wildlife and possibly unforeseen consequences. We trust there will be full consideration of the points raised herein and that strict conditions will be agreed before any progress is made on this proposed development.

7.14 **Campaign to Protect Rural England**

In our view the application should be refused for the following reasons:

- (a) we consider that, in this quiet rural location, a waste recovery site on this large scale does not reinforce local distinctiveness and respect local context, and is therefore in conflict with SSDC LP EQ2;
- (b) the site does not conform to the 'locational principles' for waste development sites in SCC's Waste Core strategy, nor in the Landfill Directive;
- (c) the use of 8 wheeled lorries plying back and forth in the long narrow rural lane with limited passing place 16 times a day for up to two years would have a detrimental impact on the character and amenity of the area and would compromise the safety and/or function of the local road network, and is therefore in conflict with SSDC Policy TA5: Transport Impact;
- (d) the adjacent designated ancient woodland (Park Wood) is at risk from leachate migration or contamination and/or run-off from the construction and demolition landfill waste and these risks have not been properly assessed within the woodland itself; and
- (e) the exit of the lane onto the A30 is a dangerous one and not suitable for regular use by 8 wheeled lorries over a two-year period.

Public Consultation

- 7.15 During the first consultation exercise in 2017 23 representations were received from members of the public and amenity groups of which 21 were letters of objection and two were letters of support.
- 7.16 During the second consultation exercise in 2020 63 representations were received from members of the public and amenity groups of which 39 were letters of objection and 25 were letters of support.

The main grounds for objection from both consultations are summarised below:

- Impacts on the living conditions/ amenity of local residents and wider community:
 - a) Noise, dust and odour impacts;
 - b) Duration of operations/ potential for operations to be indefinite;
 - c) CEMP/ measures designed to reduce impacts of operation not sufficient;
 - d) Concerns with regards to content of waste;
 - e) Impacts outweigh benefits;
 - f) Doubt over the practicalities of monitoring and enforcement; and
 - g) Impacts on public rights of way.
- Impacts on the local road network:
 - a) Disruption caused;
 - b) Traffic pollution;
 - c) Congestion;
 - d) Impact on A30 traffic;
 - e) Unsuitability of Redscript Lane as a haul route/excessive vehicle movements for the road system serving the site;
 - f) Danger to all road users/ safety concerns for users of Redscript Lane and Knapps Lane;
 - g) Impacts on Chaffcombe Village, Cricket Malherbie;
 - h) Fears of HGV's using unsuitable lanes to access the site;
 - i) Control of HGV routing insufficient;
- Ecological/ biodiversity impacts
 - a) Impacts on dormice, Greater Crested Newts, badgers and bats;
 - b) Impact on trees/ root protection along verges of Redscript Lane;
 - c) Impacts on habitats in and around the site;
- Impacts on local landscape
 - a) Scale of proposal is not in keeping with the rural nature of the site;
- Impacts on flooding and groundwater

- Questioning the need for proposal/ inappropriate location
- Proposal is against policy:
 - a) Proximity principle of Waste Framework Directive
 - b) Policy WCS2: Recycling and reuse
 - c) Policy DM1: Basic location principles
 - d) Policy DM1 of the Somerset Waste Core Strategy gives a list of ‘basic location principles’;
 - e) SSDC LP EQ2;
 - f) SSDC Policy TA5: Transport Impact

7.15 Of the 20 letters in support of the proposal the main grounds for this support were as follows:

- investment in the local area;
- social and economic benefits of outweigh the relatively short-term nature of the proposal;
- help to secure employment; and
- enhance wildlife and the views of the surrounding area.

8. Comments of the Strategic Commissioning Manager – Economy & Planning

8.1 The key issues for Members to consider are:

- planning policy considerations;
- impacts on the amenity of local residents and the local community;
- impacts on the local highway;
- impacts on biodiversity and ecology;
- impacts on flood risk/ groundwater and
- impacts on the local landscape.

The Development Plan

8.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 10 of this report:

- Somerset Waste Core Strategy (adopted February 2013)
- South Somerset Local Plan (adopted March 2015)

Material Considerations

8.3 Other material considerations to be given due weight in the determination of the application include the following:

- National Planning Policy Framework (February 2019)
- National Planning Policy for Waste (October 2014)
- Planning Practice Guidance

Waste Policy Considerations

Spatial Strategy

8.4 As a one-off operation, despite the size of the operation to import approximately 130,000 tonnes of inert waste material, the site is not considered to be strategic in its function and should therefore be considered against Waste Core Strategy Policy DM1 (basic location principles).

8.5 Policy DM1 states that:

‘planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies WCS 2-5.’

The policy also sets out a number of types of sites where waste management development would normally be located, but this proposal does not fall within any of these; instead it would be described as ‘unallocated greenfield land’ where development *‘will be strictly controlled and limited in accordance with the Development Plan’*.

8.6 Being accessed off the A30 and located between Chard and Crewkerne, it is considered that the site is well connected to the strategic highway network as required by Policy DM1. While the site is unallocated greenfield land, the applicant has provided a justification for the development in terms of improving the use of this part of the existing golf course and enhancing its ecology.

Waste Hierarchy

8.7 The waste hierarchy is a fundamental principle of waste policy that sequentially favours reuse, recycling and recovery of waste above disposal and is enshrined in the vision of the Somerset Waste Core Strategy and reflected in its policies. For inert wastes such as subsoil, a judgment needs to be made as to whether their use constitutes ‘recovery’ or ‘disposal’, with relevant criteria including the substitutability of the waste by non-waste materials, the degree of beneficial use of the waste materials and whether the volume of waste being used is limited to that necessary for the proposed operation.

8.8 Policy WCS2 (recycling and reuse) of the Somerset Waste Core Strategy states that:

‘...inert waste that cannot be reused or recycled on-site should be diverted off-site for recycling and/or the following beneficial uses...:’

- a) the restoration of quarries and other excavation sites (excluding peat sites);*
- b) other uses with clear benefits to the local community and environment; or*
- c) other facilities that will facilitate such positive use.*

- 8.9 The applicant has highlighted the need for the development in order to remodel a section of the course where a number of depressions and steeply sloping areas have been identified as impacting upon playability and the ease, safety and cost effectiveness of course management. While those improvements will primarily benefit users of the golf course rather than the wider community, the proposals will achieve environmental benefits through the replacement of amenity grassland with more diverse habitats and the provision of a surface water attenuation pond to reduce the rate of run-off from the site (an issue highlighted in objections received from the public). It is considered that these environmental and community benefits of the development fall within the scope of criteria b) and c) of Policy WCS2 as a waste recovery operation.
- 8.10 While Policy WCS2 does not explicitly require that the amount of waste is minimised (although see account of Policy WCS4 below), the applicant has revised the original proposal to reduce the volume of waste from 72,000m³ to just under 65,000m³ in order to achieve the stated purpose of improving the golf course topography using the minimum amount of waste.
- 8.11 The application does not explicitly address the issue of whether the proposed operation could be carried out using non-waste materials but, given the considerations above, it is reasonable to conclude that the development amounts to a waste recovery operation. However, were the proposal to be regarded as a disposal operation, then it would fall under the scope of Policy WCS4 (disposal), which supports proposals for inert landfill subject to the applicant demonstrating that the proposal:
- c) *is restoration-led, enabling an area of land to be used more effectively or for another purpose; for example, for agriculture, nature conservation or built development; or*
 - d) *provides justified visual or acoustic screening; and*
 - e) *uses the minimum amount of waste to achieve the stated purpose, depositing inert waste only.*
- 8.12 As indicated in 8.9 and 8.10, the proposal seeks to enable this part of the golf course to be used more effectively and would utilise the minimum amount of waste, and it is considered that the proposal would, if considered to be a disposal operation, accord with Policy WCS4.

Amenity Impacts

- 8.13 Policy DM3 (impacts on the environment and local communities) of the Somerset Waste Core Strategy states that:

'Planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate:

- a) significant adverse impacts from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;*
- b) significant adverse impacts on a public right of way or visual amenity; and*
- c) unacceptable cumulative impacts.'*

- 8.14 Representations received from members of the local community highlight concerns with regards to the impacts of traffic on their amenity from noise, dust and odour of the operations/ development; the duration of operations; the impact on the nearby Public Right of Way; the effectiveness of the submitted Construction Environment Management Plan; the content of the waste; and the practicalities of monitoring operations and enforcing breaches should they occur.
- 8.15 With the exception of three dwellings located approximately 200m to the south west, 350m to the east and 400m to the south, the development site is separated from residential properties at Cudworth, to the north-east, by approximately 650m and Chaffcombe, to the west, and Cricket Malherbie, to the north, by at least 1km, and it is considered that, given the provisions within the Construction Environment Management Plan, the lack of any significant odours produced in the use of inert subsoils and the distance of those properties closest to the application site, including along Redscript Lane, the potential for nuisance to occur is low.
- 8.16 It is considered that the proposal is in accordance with Policy DM3 of the Waste Core Strategy and that the concerns of local residents can be addressed through suitable conditions covering the potential impacts of noise, dust, traffic, waste materials to be imported, impacts on public rights of way and duration of the operations and the requirement for the submission of further details in relation to the provision of an onsite complaints procedure as recommended in Section 9. The applicant has also committed to ensuring that vehicles entering and leaving the site shall be routed along Redscript Lane from the A30, just to the south west of the Golf Course Club house, which again addresses concerns relating to the potential for these vehicles using less suitable lanes in the vicinity, to access the site.
- 8.17 In addition to these conditions, the applicant will also be subject to the requirements of any environmental permit issued by the Environment Agency which will control emissions including noise and dust. The description of the planning application itself confirms that permission is being sought to import inert subsoils only so there is control as to the materials to be imported. As a result, it is not necessary to duplicate these controls any further than has been suggested below.

Traffic and Highways Impact

- 8.18 Policy DM1 (basic location principles) of the Somerset Waste Core Strategy states that:
- ‘Planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies WCS 2-5.’
- 8.19 In addition, Policy DM6 (Waste Transport) indicates that:
- ‘Planning permission will be granted for waste management development subject to the applicant demonstrating that:*
- a) the proposed development will not have a detrimental impact on Somerset’s local and strategic transport networks; or adequate and deliverable measures to mitigate such an impact are integrated within the proposal. A Transport Assessment and Travel Plan will be required for development that will generate significant transport movements;*

b) suitable access to the development is deliverable; and

c) alternatives to road transport for waste have been adequately explored and will be pursued if they are demonstrated to be practicable and beneficial.

In addition, for proposals located outside the zones in the key diagram, applicants will be required to demonstrate that the proposed development is well connected (via suitable transport routes) to the community or business(es) that the development is intended to serve.'

- 8.20 The site is approximately 850 metres to the north of the A30, Swan Down, along Redscript Lane which does not exceed 4m in width and leads westwards to Chaffcombe, via Knapps Lane, and northwards to Cricket Malherbie and beyond. Travelling northbound there are 2 larger passing bays on the left-hand side of the lane, approximately 80m from the junction of the A30 and Redscript Lane and what appear to be 2 less formal bays on the right of the lane. The applicant is also proposing an additional left-hand side passing bay some 400m to the north of the A30/ Redscript Lane junction, the details of which will be the subject of a Grampian condition, should this permission be granted. There is one residential access along this lane approximately 375m to the north A30/ Redscript Lane Junction.
- 8.21 A major concern raised by local residents and parish councils is the generation of lorry traffic on local roads that are perceived to be unsuitable.
- 8.22 Information provided by the Transport Statement submitted with the application indicates that, assuming an 18 month timeframe, the average number of lorry movements (one way) that would be generated by the proposal would be 88 movements in a week for the import of waste materials, 16 loads a day during weekdays and 8 on Saturdays. It is also estimated that these movements will result in approximately 2 HGV deliveries per hour which will reduce the possibility of delivery vehicles meeting each other on Redscript Lane. The Transport Statement also predicts that based on Department for Transport figures this increase in traffic would represent an increase in the magnitude of 0.4% of daily A30 traffic which is not considered significant in this context.
- 8.23 The Local Highway Authority has no objections to the proposal. Although the site is outside of the zones in the key diagram referred to in Policy DM6 of the Waste Core Strategy Key Diagram, it is considered that the calculated increase in the magnitude of 0.4% of daily A30 traffic is not considered significant and that the proposed development is well connected via the A30 transport routes to the communities such as Chard or businesses that the development is likely to serve, and the proposal is considered to accord with Policy DM6 of the Waste Core Strategy.
- 8.24 It is also considered that the recommended conditions relating to the proposed passing bay, commitment of the applicant to routing all vehicles associated with the site via the A30, overall control of the total amount of materials to be imported onto site and the requirement for clarification of the site's complaints procedure to be agreed by the Waste Planning Authority help to address the concerns raised.

Ecology and Biodiversity Impacts

- 8.25 The site is located within 2km of 12 Local Wildlife Sites with the closest being Pouletts Wood and Park Wood ancient semi-natural broadleaved woodland

approximately 0.2km to the west of the site, and Higher Wood ancient semi-natural broadleaved woodland approximately 0.3km to the east of the site.

- 8.26 Four standard Phase 1 habitats were also identified within the site boundary being dense/continuous scrub, semi improved grassland, tall ruderal and amenity grassland and hedges with both species rich and species poor trees.
- 8.27 Protected species records identify 26 protected species within a 2km radius of the site, including one amphibian, eight bats, three birds, one plant, ten insects and three mammals.
- 8.28 There is evidence of badger activity in the form of runs, latrines and the corpse of a badger, and badgers are likely to use the site to forage and commute. No evidence of badger setts was found on site, however a disused sett was identified within the applicant's Ecological Appraisal to the south of the survey site.
- 8.29 Common birds were recorded using the site including great tit (*Parus major*), pheasant (*Phasianus colchicus*), wood pigeon (*Columba palumbus*), chiff chaff (*Phylloscopus collybita*) and wren (*Troglodytes troglodytes*).
- 8.30 The hedgerows, mature trees and scrub on site are likely to provide suitable habitat for nesting birds.
- 8.31 Mature trees within the hedgerows had suitable features for roosting bats. The habitats on site such as hedgerows, scrub and tall ruderal are likely to provide foraging opportunities for bats. The boundary hedgerows are likely to be used by commuting bats.
- 8.32 Though the majority of the grassland on site is amenity grassland, there are areas of semi-improved grassland and tall ruderal vegetation at the centre and boundaries of the site which may provide habitat for various invertebrates as well as supporting foraging for bats.
- 8.33 The hedgerows at the site boundaries are very likely to support dormice as they have an abundance of food sources in the form of hazel, hawthorn, blackthorn and bramble. The isolated 100m stretch of hedgerow which bisects the site has suitable woody species to support dormice; however, it is 40m distant from the boundary hedgerow at its closest point. This does not preclude dormouse presence within the hedgerow but it does make presence less likely.
- 8.34 The boundary hedgerows, rough grassland and areas of scrub on site have the potential to support common reptiles such as grass snake and slow worm. No reptiles were recorded in the previous survey in 2016, however anecdotal evidence from golfers using the site supports the presence of slow worms.
- 8.35 Overall it is considered that the ecological value of the application site and likelihood of the proposal causing significant harm is low. It is also considered that the requirement for the applicant to submit a Construction Environment Management Plan: Biodiversity, Landscape Environment Management Plan (LEMP) and Biodiversity Mitigation and Enhancement Plan (BMEP) further ensure any impacts on ecology/ biodiversity are mitigated against and in where appropriate enhanced.
- 8.36 Should the application be approved, the inclusion of and compliance with conditions relating to the avoidance of external lighting, the requirements for vegetation removal and the submission of a 'Biodiversity Construction Environment Management Plan',

amongst other things, will avoid potential ecological impacts. It is therefore considered that this proposal will not have a significant adverse impact on the integrity, character and/or setting of site and features of local and regional importance as referred to in Policy DM3 of the Somerset Waste Core Strategy.

- 8.37 It is also proposed that a Grampian condition is included with this permission ensuring details of works required to create and restore the proposed passing bay, as proposed in the Construction Environment Management Plan, are submitted for the approval to the Waste Planning Authority to reduce impacts on biodiversity including habitats and protected species.

Flood Risk/Surface Water

- 8.38 Policy DM7 (water resources) of the Somerset Waste Core Strategy states that:

'Planning permission for waste management development will be granted subject to the applicant demonstrating that:

a) adequate provision has been made to protect ground, surface and coastal water quality; and

b) the proposed development will not have an unacceptable impact on the volumes, direction and rates of flow of ground and surface water; and

c) the proposed development will not exacerbate flood risk. Flood Risk Assessments will be required for waste management development in areas at risk of flood.'

- 8.39 The submitted Flood Risk Assessment demonstrates that the proposed site location in accordance with the publicly available Flood Map for Planning is wholly located within a fluvial Flood Zone 1 and is also identified as low risk from surface water flooding on the Long-Term Flood Risk Surface Water Flood Map. In addition, it also seems reasonable to conclude that the proposed regrading works and installation of a pond in the north western corner of the application site will result in both reduced run-off rates as well as helping to further attenuate flows and discharge into the existing ditch parallel to the site.

- 8.40 It is therefore concluded that the application site is unlikely to be impacted on by flooding and the proposal is not expected to significantly increase the risk of flooding elsewhere in the area. In addition to this it is considered that the concerns raised with regards to the implications for run-off from the application site, instead of being exacerbated by the proposal, will remain unchanged and likely to be improved through the addition of an attenuation pond to capture and control the overland flow from the site.

Landscape and Visual Impact

- 8.41 A 1993 document produced by South Somerset District Council and titled 'The Landscape of South Somerset' describes the area in which the application site and wider golf course is located as the Windwhistle Ridge, Footslopes and Valleys and adds that:

'This is a block of upland lying between Chard and Crewkerne north of the River Axe forming escarpments, gentle slopes and picturesque coombes, particularly at Cricket St Thomas and west of Crewkerne.'

- 8.42 Policy DM3 (impacts on the environment and local communities) refers to ‘...waste management development that would have a significant adverse impact on the integrity, character and/or setting of the following sites and features of local and regional importance.’
- 8.43 The village of Chaffcombe is situated to the west of the application site on a west facing slope approximately 80m below the level of proposed works with Poulett’s Wood and Park Wood Local Wildlife Sites situated between the two.
- 8.44 Overall it is considered that the proposal will not have a significant adverse impact on the integrity, character and/or setting of sites and features of local and regional importance as referred to in Policy DM3 of the Somerset Waste Core Strategy. The impact on the local landscape from places such as Chaffcombe, Cricket Malherbie and Cudworth will be minimal and, whilst there may be some disruption to longer views from the west of the site, this is not likely to be significant and will be temporary. In addition, the requirement by condition for Biodiversity Enhancement (Net Gain) will provide longer term betterment to the local and wider landscape.

Concluding Comments

- 8.45 Whilst a number objections have been received from local residents on the grounds of impacts on amenity, the local highway, biodiversity and ecology, flood risk, run-off and groundwater, and the local landscape, it is considered that the implementation of planning controls will limit the likelihood of any significant adverse effects that may be generated by the operations, and that the proposal accords with the relevant policies of the Somerset Waste Core Strategy.

9. Recommendation

- 9.1 It is recommended that planning permission be GRANTED subject to 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 and Compliance.

1. The development shall commence within three years of the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within fourteen days of commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and to enable the Waste Planning Authority to adequately monitor the development.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered or titled as follows, unless as varied by the conditions below:

- Location Plan CST_001_A3;
- Topographical Survey WGC/151115 Survey 6 Rev A;
- Landscape Masterplan CST_003_AO_Rev_D;
- Flood Risk Assessment Reference Hydrock C-04851-C (January 2017);
- Planning Statement (2017);
- Design and Access Statement CST_002_Rev_E;

- Transport Statement April 2017;
- Ecological Appraisal Report; and
- Construction Environment Management Plan 21/04/2020.

Reason: To ensure that the development is carried out in accordance with the approved details.

Prior to Importation of Waste: Passing Bays

3. No waste materials shall be imported to the application site until the passing bay and associated signage and lining as detailed in the approved CEMP have been constructed in accordance with details that shall first have been submitted to and approved in writing by the Waste Planning Authority.

These works shall remain in use and unobstructed for the duration of the development.

Within three months of the completion of the development the applicant shall remove all those works associated with the proposed passing bay and the highway verge shall be reinstated to its original condition to the satisfaction of the Waste Planning Authority in accordance with the details required by Condition 4.

Reason: To ensure the highway network is suitably prepared for the development.

NOTE: All works which affect the highway must be undertaken in agreement with the Highway Authority.

Prior to Importation of Waste: Protection of Vegetation at Passing Bays

4. Prior to the commencement of construction of the passing bay required by Condition 3, practical measures (both physical measures and sensitive working practices) shall be submitted to and approved in writing to the Waste Planning Authority to avoid or reduce impacts during construction of the passing bay as proposed in the approved CEMP. These measures may be provided as a set of method statements and should address impacts to biodiversity on site, including habitats (trees, hedgerows and field edges, including Root Protection Zone buffer zones and barriers) and protected species (bats, birds, badgers, dormice, reptiles (including two stage vegetation clearance) and amphibians), followed by appropriate mitigation, as required. These measures shall also include the method of reinstatement of the verges following removal of the passing bay.

The approved protective measures shall be implemented prior to commencement of, and during, construction of the passing bay.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

5. The development shall be limited to the importation of 64,760m³ of inert subsoils.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy and in accordance with the description of the proposal

6. The applicant shall notify the Waste Planning Authority when the following trigger points have been met:
 - a) upon commencement of the importation of inert subsoils;
 - b) upon 30,000m³ tonnes of inert subsoil having been imported onto the application site;
 - c) upon 60,000m³ tonnes of inert subsoil having been imported onto the application site; and
 - d) upon 64,760m³ tonnes of inert subsoil having been imported onto the application site and works being completed.

Reason: To enable the Waste Planning Authority to adequately monitor the development.

Hours of Operation

7. Operations associated with the development hereby permitted shall not take place other than during the following hours:

Mondays to Fridays: 0800 to 1800

Saturdays: 0800 to 1400

No operations shall take place on Sundays or Bank/ Public Holidays.

Reason: To minimise the potential for noise nuisance on the surrounding area and residential amenities in accordance with Policy DM3 of the Somerset Waste Core Strategy.

Noise

6. In accordance with Section 3, Paragraph 3.2 of the Construction Environment Management Plan the following mitigation measures shall be implemented for the management and control of noise:
 - all plant and machinery will be regularly maintained to control noise emissions, with particular emphasis on lubrication of bearings and the integrity of silencers;
 - site staff will be required to avoid all unnecessary noise such as shouting and listening to broadcast radio when working near noise sensitive receptors;
 - all site plant will operate with white noise reversing alarms; and
 - engines will be turned off when plant is not in use.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy.

Dust

7. In accordance with Section 3, Paragraph 3.4 of the Construction Environment Management Plan the following mitigation measures shall be implemented for the management and control of noise:
- seeding of final ground levels as soon as possible to prevent windblown dust;
 - compaction, grading and maintenance of haul roads;
 - controlling vehicle speeds on site; and
 - all loaded haulage vehicles leaving or arriving at the site shall be sheeted.

Should dust emissions/generation become a significant issue and dust visibly passing beyond the site boundaries, working shall be ceased until appropriate working conditions can be established.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy.

Complaints Procedure

8. In accordance with paragraphs 4.1-4.3 of the approved Construction Environment Management Plan, within one month of the date of this permission a scheme detailing the procedures for the management of complaints shall be submitted to and approved in writing by the Waste Planning Authority. This scheme shall include details, to be displayed at the site entrance at all times, of a responsible contact at the site to whom complaints can be sent. It shall also include how complaints will be logged and addressed by the operator. Details of all complaints shall be made available to the Waste Planning Authority within two working days of requesting them.

The approved scheme shall be implemented and complied with for the duration of the operations hereby permitted.

Reason: In the interest of the amenities of the adjoining properties in accordance with Policy DM3 of the Somerset Waste Core Strategy.

Lighting

9. No external lighting shall be installed at the application site without the prior written consent of the Waste Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species.

Hazel Dormice

10. The proposed hedgerow removal works shall not commence unless the Waste Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

- b) a statement in writing from the licensed dormouse ecologist to the effect that he/she does not consider that the specified development will require a licence, including a method statement detailing proposed central hedgerow removal techniques and Ecological Clerk of Works details. Any subsequent removal of a hedgerow shall be undertaken in accordance with this method statement.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

CEMP: Biodiversity

- 11. No proposed access works and associated development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Waste Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of “biodiversity protection zones”;
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) to biodiversity on site, including habitats (trees, hedgerows and field edges, including Root Protection Zone buffer zones and barriers) and protected species (bats, birds, badgers, dormice, reptiles (including two stage vegetation clearance) and amphibians), followed by appropriate mitigation, as required;
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons, lines of communication and written notifications of operations to the Waste Planning Authority;
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
 - h) use of protective fences, exclusion barriers and warning signs;
 - i) confirmation that no lighting is proposed at any time during all works associated with the proposal; and
 - j) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Mitigation Compliance

12. A report prepared by the Ecological Clerk of Works or similarly competent person (a) certifying that the required mitigation and compensation measures identified in the CEMP (biodiversity) have been completed to their satisfaction, (b) detailing the results of site supervision, any necessary remedial works undertaken or required and (c) a timetable for any works shall be submitted to the Waste Planning Authority for approval prior to holes 8, 9 and 10 being opened for use or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall be implemented in accordance with the approved timetable of works and be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with the CEMP and South Somerset District Council Local Plan - Policy EQ4 Biodiversity has been complied with.

NOTE: Should the scope of the proposed works change or commencement of works be delayed by more than 12 months from the date of this decision, further ecological consultation should be sought.

Landscape and Ecological Management Plan

13. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Waste Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with South Somerset District Council Local Plan - Policy EQ4 Biodiversity.

Biodiversity Enhancement (Net Gain)

14. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Waste Planning Authority prior to commencement of the importation of waste materials. Photographs of the installed features will also be submitted to the Waste Planning Authority within two months of completion of the importation of waste materials and remodelling of the land. The content of the BMEP shall include the following:
- a) wildflower grassland, native trees and pond and wetland with native marginal planting as identified within the site landscape plans;
 - b) new trees to include high nectar producing species to encourage a range of invertebrates to the site, to provide continued foraging for bats (the Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native);
 - c) creation of at least two habitat piles, consisting of logs, brash and/or grass cuttings 1m², within the northwest corner of the site;
 - d) four Beaumaris Woodstone maxi bat boxes, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
 - e) four 2F Schwegler Bat Boxes, or similar, will be installed onto individual mature trees around the site's boundary, facing south or west at a height above 3 metres, and maintained thereafter;
 - f) six standard hazel dormouse nest boxes will be installed into the species rich hedgerow around the boundaries of the site, placed at least 20m apart, and maintained thereafter;
 - g) four standard bird boxes, purchased or built, will be installed on to a mature tree on site, facing east or north, at a height above 3m, and maintained thereafter.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Public Rights of Way

Advisory Note: Should the development affect a right of way no development shall take place and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

10 Relevant Development Plan Policies

- 10.1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 10.2 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 following documents.

Somerset Waste Core Strategy (Adopted 2013)

The policies in the Waste Core Strategy particularly relevant to the proposed development are:

- WCS2: Recycling and reuse
- WCS4: Disposal
- WCS5: Location of strategic waste sites
- DM1: Basic location principles
- DM2: Sustainable construction and design
- DM3: Impacts on the environment and local communities
- DM4: Site restoration and aftercare
- DM6: Waste transport
- DM7: Water resources

South Somerset Local Plan 2006-2028 (Adopted 2015)

The policies in the Local Plan particularly relevant to the proposed development are:

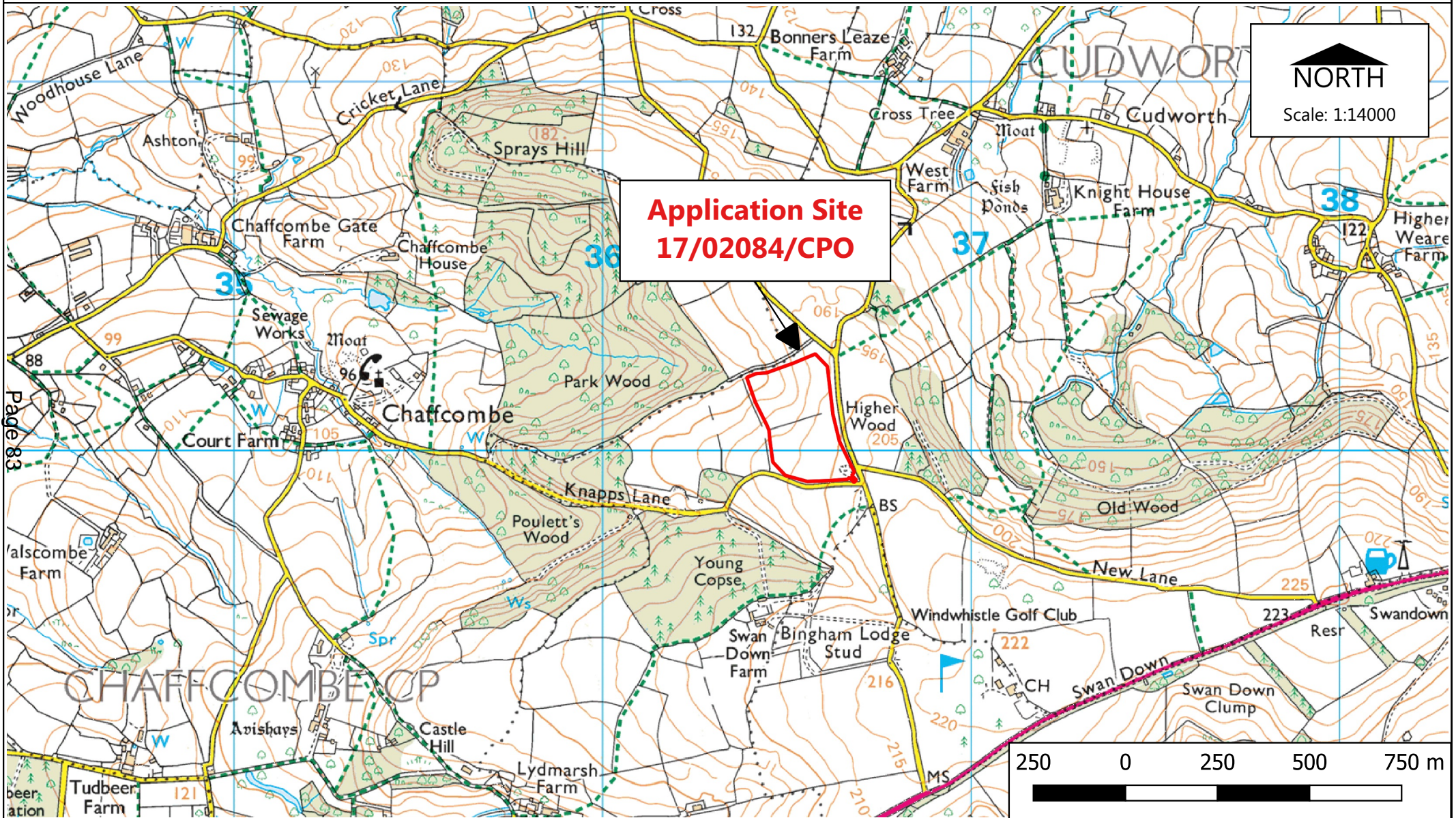
- TA5: Transport impact of new development
- EQ1: Addressing climate change in South Somerset
- EQ4 Biodiversity
- EQ7: Pollution control

10.3 The Waste Planning Authority has also had regard to all other material considerations, in particular the National Planning Policy Framework, National Planning Policy for Waste and Planning Practice Guidance.

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

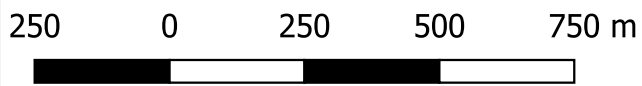
In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Waste 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 Waste Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

This page is intentionally left blank



**Application Site
17/02084/CPO**

NORTH
Scale: 1:14000



SOMERSET
County Council

Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: K Blackmore

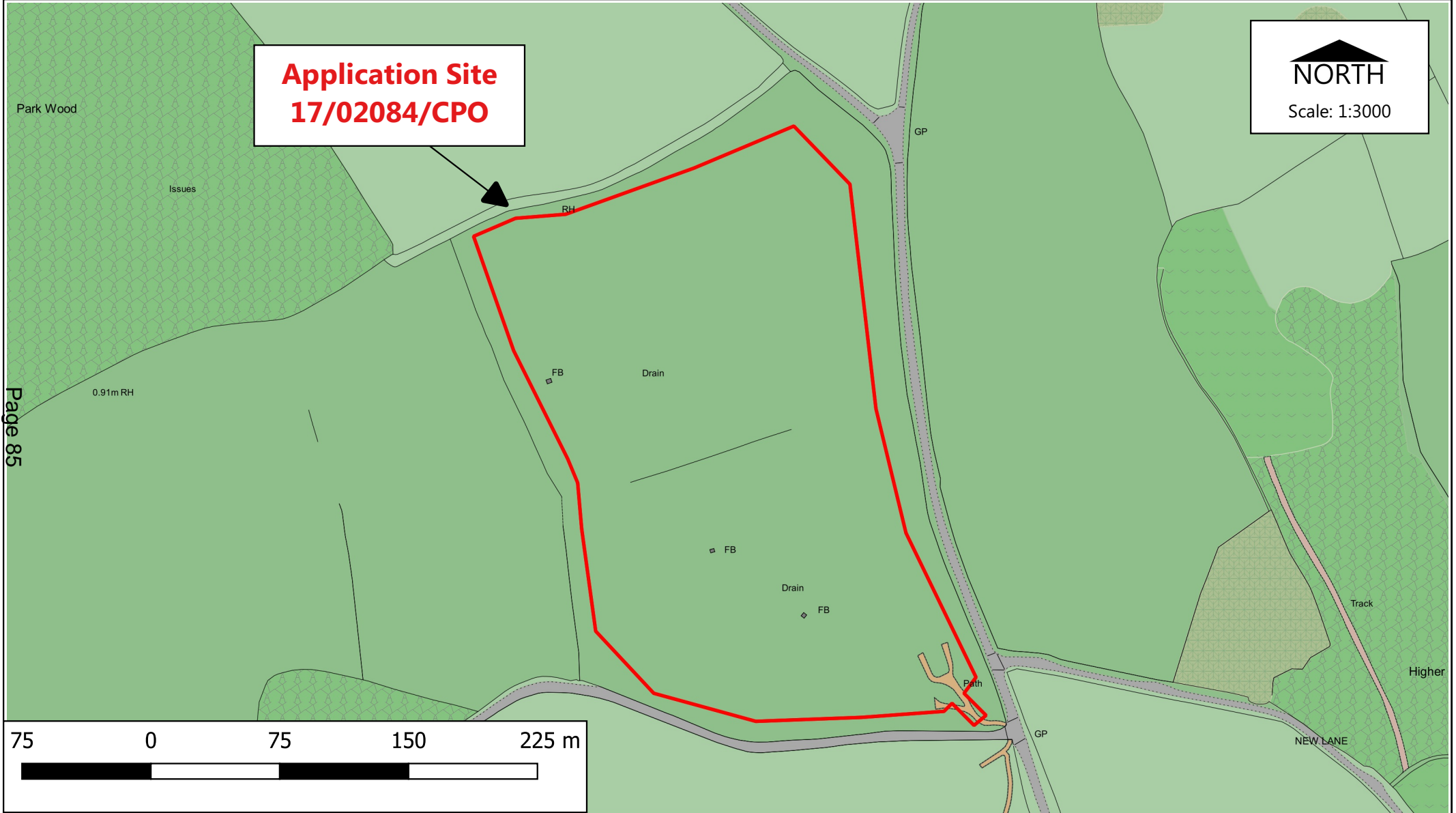
LOCATION PLAN

Dated: 03/07/2020

This page is intentionally left blank

**Application Site
17/02084/CPO**

NORTH
Scale: 1:3000



Page 85



Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: K Blackmore

SITE PLAN

Dated: 03/07/2020

This page is intentionally left blank

Somerset County Council

Regulation Committee –

Report by Service Manager - Planning & Development

Application Number: SCC/3708/2020

Date Registered: 26 March 2020

Parish: Yeovil Town Council / Yeovil Without Parish Council

District: South Somerset District Council

Member Division: Yeovil Central

Local Member: Cllr Andy Kendall

Case Officer: Judith Smallman

Contact Details: 01962 847870 / planning@hants.gov.uk

Description of Application: Two storey extension to school, additional car parking, relocation of existing bin store and new bike store, rearrangement of hard and soft play areas and support infrastructure

Grid Reference: Easting - 356286, **Northing** - 117808

Applicant: Somerset County Council

Location: Fairmead School, Mudford Road, Yeovil BA21 4NZ

1. Summary of Key Issues and Recommendations

1.1 The proposed development relates to a two storey extension to Fairmead School with additional car parking, relocation of the bin store a new bike store rearrangement of hard and soft play areas and supporting infrastructure. The main issues for Members to consider are:-

- the need for the development;
- car parking provision and potential impacts on the highway;
- the potential impacts on residential amenity;
- impact on play and open space; and
- impact on biodiversity.

- 1.2 Somerset County Council is Local Planning Authority for this application as it is a Regulation 3 development. Regulation 3 of the Town and Country Planning General Regulations 1992 enables the County Council to make planning applications to itself as long as the development is to be carried out by (or on behalf of) the Council and the interest in the development by the Council is significant.
- 1.3 **It is recommended planning permission be GRANTED subject to the conditions set out in section 9 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 Strategic Commissioning Manager – Economy & Planning.**

2. Description of the Site

- 2.1 Fairmead School site measures approximately 0.86 hectares (2.1 acres) and is located in the urban area of Yeovil south of Mudford Road (A359). The school occupies a large plot with houses to the east and west and Buckler's Mead Academy secondary school to the south. The site is generally level (gently sloping North to South).
- 2.2 All vehicular and pedestrian access for parents, carers, staff, visitors and services to the school is via the existing "in/out" entrance off Mudford Road. Access is via strictly managed secure sliding vehicle gates. There is an existing "drop off" area and 35 existing parking spaces.
- 2.3 The dwellings to the west and east of the site are predominantly two-storey (although there are some single storey) in general estate layouts. The properties located immediately to the west generally back onto the site while those to the east (Fairmead Road) present side elevations and are set behind an existing public footpath.
- 2.4 The proposed building will replace two existing single storey classrooms currently located close to the eastern boundary. The new building will be two storey, thus increasing scale on this part of the site, but will be set further back from the boundary. The boundary here is formed by a secure metal fence and existing trees and shrubbery and the pedestrian access path before the gable elevations and rear gardens of the nearest Fairmead Road properties.
- 2.5 The site is in a generally sustainable location in close proximity to bus stops and existing services.
- 2.6 There are no statutory nature conservation designations present within 2 km of the site. Six non-statutory nature conservation designated sites, comprised of Local Wildlife Sites, are located within 2km, the closest one being 1km away.

- 2.7 A high level of badger activity is present on site, including a main sett within the south east corner that spreads beyond the southern boundary to the north east corner of Buckler's Mead school, with an additional potential sett entrance in the centre of the southern boundary, and another outlier sett within the southwest boundary.
- 2.8 The school's main hard play area is currently located to the west of the main school buildings and contains a range of play provision, including basketball court. A generous green open space area is located in the southern part of the site, with boundary trees to the western and southern boundaries.
- 2.9 The recent planning history is as follows:

| Reference | Description | Status |
|---------------------|---|---------------|
| 10/01443/R3C | Replacement temporary classroom | Granted |
| 12/03982/R3C | The erection of a two storey extension to be used as a 6th form centre | Granted |
| 13/02615/R3C | Section 73 application to vary conditions 2 and 3 of the permission for a new sixth form centre ref: 12/03982/R3C and to amend the arrangements for additional car parking spaces | Granted |

3. The Proposal

- 3.1 The application seeks planning permission for a two-storey extension to the south east of the existing school; to provide 12 additional general classrooms and a multi-purpose hall. The development will replace the two existing modular classrooms and be set further back from the eastern boundary.
- 3.2 The proposed building is two storey in scale and is located to the south of the existing school, approximately 4.5m (hall east elevation) and 11.5m (classroom east elevation) from the existing eastern site boundary with adjacent residential property.
- 3.3 The building contains a new sports hall at the northern end (closest to the existing school buildings) and a total of 12 classrooms, 6 on each floor. The teaching accommodation is arranged around a central corridor with circulation space, breakout areas and group and sensory spaces in addition to the main classrooms.
- 3.4 The external finish of the building incorporates a range of materials including metal cladding and panelling, light red facing brickwork and bronze/brown windows. The sports hall element would be clad in grey/silver standing seam metal cladding. The roof would be bronze/brown metal cladding.
- 3.5 Fenced external teaching areas with free-standing canopies are proposed for the six ground floor classrooms.

- 3.6 Staff numbers are expected to increase following the construction of the extension by approximately 15, making 70 in total. Pupil numbers are expected to increase from 100 to 148.
- 3.7 No alterations are proposed to the existing access or security arrangements but additional parking is proposed, comprising a new car parking area on the western side of the site. To facilitate the new parking, 2 spaces will be removed which allows for an additional 15 spaces (net 13) to be introduced. This will increase existing parking to 48 spaces. The provision of additional parking to the west side of the school seeks to resolve the congestion and parking issue during peak hours. 24 covered and secured cycle spaces are also proposed.
- 3.8 The hard surface play area on the west side of the site would be reconfigured with a relocated climbing frame and basketball court. The green space, which the applicant has confirmed is not a formal playing field, would be reduced in size but an area suitable for the future needs of the school would be retained, with space for two 5-a-side football pitches and a new perimeter bike/wheelchair track with an outdoor teaching area in the south west corner of the site.
- 3.9 The badger sett would be undisturbed by the development – the building being 13m from the sett - and protected during construction.
- 3.10 All existing trees of significance will be retained, apart from the removal of one tree which lies within the footprint of the proposed building and two small trees (a Category “C” Hazel and a Category “U” Sycamore) on the western boundary and part of an existing Leyland Cypress hedge required to provide access to proposed parking. Otherwise all other trees will be retained with construction methods applied to provide appropriate protection.
- 3.11 A fabric first approach has been adopted for the building, maximising the performance of the external fabric before considering the use of building services systems. This is aimed to help reduce operational cost and improve energy efficiency and reduce carbon emissions. This will be achieved by enhanced U-values to those stated in the building regulations & high airtightness values.
- 3.12 Inside the building envelope, through the use of low or zero carbon technologies, the carbon footprint and the impact of the new development on the environment will be minimised.

4 Background

- 4.1 The extension proposed forms part of a much larger requirement to expand the capacity and facilities currently on offer for children with Special Education Needs [SEN] in the County. The demand is significant and resources to meet this demand are very limited. It is important that pupils with identified learning difficulties are in a safe and secure environment, where they can receive the

kind of care and attention they would not be able to receive at standard schools. Fairmead School provides a critical service within the County in providing specialist educational facilities to a number of pupils with learning difficulties. The need and demand for such facilities has expanded.

- 4.2 The school currently provides 100 Special Education Needs student places: for Moderate Learning Difficulties [MLD] and Autistic Spectrum Disorder [ASD] pupils, of both secondary and primary age. There is significant pressure on the school to accommodate additional pupils from across the Council area and the existing buildings (including two modular classrooms providing 6 teaching spaces) are in poor condition.
- 4.3 The last Full OFSTED report (2014) noted that “Not all students make effective use of information and communication technology to undertake research or to improve their presentation skills”. The proposal seeks to address this in order to support an improved OFSTED rating and potentially lead to an upgrade to “outstanding”. The proposed development seeks to provide new classrooms capable of facilitating the use of such information and communication technology; and in an environment that will support the student’s ability to improve their presentation skills.

5. The Application

5.1 Plans submitted with the application:

- Existing Site Plan (P18004-AWW-ZZ-ZZ-DR-A-0101RevP03);
- Existing Site Elevations (P18004-AWW-ZZ-ZZ-DR-A-0102RevP02);
- Proposed Site Plan (P18004-AWW-ZZ-ZZ-DR-A-0110RevP03);
- Proposed Ground Floor Plan (P18004-AWW-V1-00-DR-A-0200RevP02);
- Proposed First Floor Plan (P18004-AWW-V1-01-DR-A-0201RevP02);
- Proposed Roof Plan (P18004-AWW-V1-RF-DR-A-0202RevP02);
- Proposed Ground Floor Plan (A - P18004-AWW-V1-00-DR-A-0200_P02);
- Proposed Elevations (P18004-AWW-ZZ-ZZ-DR-A-0300RevP02);
- Proposed Site Elevations (P18004-AWW-ZZ-ZZ-DR-A-0305P02);
- Whole Building Sections (P18004-AWW-ZZ-ZZ-DR-A-0310RevP02);
- Topographical & Buried Services Survey (509/11175/1); and
- Tree Constraints Plan.

5.2 Documents submitted with the application:

- Planning Statement;
- Design & Access Statement;
- Flood Risk & Drainage Statement;
- Preliminary Ecological Appraisal;
- Phase 1 Environmental Site Assessment;
- School Travel Plan and Appendices;

- Transport Statement and Appendices;
- Historic Environment Assessment;
- Landscape and Visual Appraisal Report;
- Environment & Sustainability Statement;
- Arboricultural Impact Assessment & Tree Constraints Plan; and
- Statement of Community Involvement.

6. Environmental Impact Assessment (EIA)

- 6.1 The development falls within one of the categories set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations (10b - 'Urban development projects'). The development was screened prior to the submission of the application and having regard to the scale and nature of the proposal and the fact it is wholly outside any defined 'sensitive areas' it is not an EIA development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

7. Consultation Responses Received

External Consultees

- 7.1 **Yeovil Town Council** - Supports the application, but is concerned about traffic generation and parking in the area, especially at the start and finish of the school day. There is a need for greater management of the traffic generated by the school.
- 7.2 **Yeovil Without Parish Council** - Recommend refusal – The school site is at a point of outgrowing the amount of land that it needs to have adequate facilities to function as a school without impacting the quality of care and the surrounding community. It is felt that the additional parking is not adequate and the solution of using recreational land is counterproductive for the health and well-being of the children. There is concern that neighbouring properties will be over looked and their privacy impacted. There is also a known drainage problem in the area and question if the existing drainage system will accommodate an increase in use.
- 7.3 **South Somerset Council** – Was notified. No comments received.

Internal Consultees

- 7.4 **Ecology** – No objection subject to conditions.
- 7.5 **Highway Authority** – No objection subject to conditions.
- 7.6 **Lead Local Flood Authority** – No objection subject to a condition.
- 7.7 **Councillor Kendall** - Was notified. No comments received.
- 7.8 **Public Consultation**

7.8.1 Two letters of representation have been received from residents of Fairmead Road raising the following concerns:

- a) the building will have an overbearing and overshadowing effect on Fairmead Road property with a loss of sunlight exacerbated by the school's higher ground level – existing single storey classrooms already overlook;
- b) loss of privacy - the new building will have large windows which will overlook property and gardens;
- c) building will be higher than boundary trees thereby blocking the available sunlight and light to solar panels;
- d) existing roads and infrastructure are not suitable to accommodate more development – roads are already highly congested with School traffic around arrival and departure times – Mudford Road can be impassable, with the cars, buses and taxis dropping off and picking up;
- e) housing development agreed for up to 800 new homes between Mudford Road and Lyde Road will worsen the situation;
- f) vehicle emissions gases right next to homes will also only get worse;
- g) inadequate on-site parking at the school with staff and visitors having to park in the side roads, even with additional parking places it will still be a problem;
- h) additional strain on the current poor drainage and sewer systems with additional water run-off into adjacent gardens;
- i) increased noise with students being closer to the site boundary; and
- j) other options should be considered such as Fiveways Resource Centre.

8. Comments of the Service Manager – Planning Control, Enforcement & Compliance

8.1 The key issues for Members to consider are:

- the need for the development;
- car parking provision and potential impacts on the highway;
- the potential impacts on residential amenity;
- impact on play and open space; and
- impact on biodiversity.

8.2 The Development Plan

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following documents, with their policies of relevance to this proposal being listed in Section 9 of this report:

- The South Somerset Local Plan (2006 - 2028).

8.3 Material Considerations

8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- National Planning Policy Framework [NPPF] (2019);
- Planning Practice Guidance [PPG].

Need and principle of the development

8.3.2 As already noted, the development proposed forms part of a much larger requirement to expand the capacity and facilities currently on offer for children with Special Educational Needs (SEN) in Somerset. The demand is significant and resources to meet this are very limited. It is important that pupils with identified learning difficulties are in a safe and secure environment, where they can receive the kind of care and attention they would not be able to receive at standard schools. Fairmead School provides a critical service within the County, providing specialist educational facilities to a number of pupils with severe learning difficulties. The need and demand for such facilities has expanded. The proposed development is therefore intended to meet the requirement of the community's social needs across the Council area.

8.3.3 Paragraph 94 of the NPPF (2019) expects the needs of existing and new communities to be met, specifically in the form of school places. LPA's are expected to meet this requirement and support development that helps widen the choice of education. LPA's are expected to:

- Give great weight to create expand, expand or alter schools; and
- Work with school representatives at an early stage to resolve issues before applications are submitted.

8.3.4 The site is in existing education use and therefore the principle of the development is acceptable, subject to the details of the proposal meeting all other planning policy considerations, and in terms of location meets the requirements of Policy SD1 (Sustainable Development) of the South Somerset Local Plan (2006-2028). In addition, the proposed development is intended to meet the requirement of the community's social needs for SEN across the Council area. It therefore meets the requirements of paragraph 94 of the NPPF (2019).

Parking, access and potential impacts on the highway

- 8.3.5 The application is supported by a Transport Statement and School Travel Plan.
- 8.3.6 The A359 provides access to the school and is a strategic route in Yeovil connecting the town centre with settlements to the north of the town in the wider region. Within vicinity of the site access, the A359 is a single carriageway road subject to a 30mph speed limit. A footway is provided on the southern side of the A359 in the vicinity of the access. To the west of Tower Road, footways are provided on both sides. A signalised pedestrian crossing is provided over the A359 Mudford Road to the east of St Michael's Avenue within the vicinity of the Co-operative food store. Bus stops are located on both sides of the A359 Mudford Road within 100m of Fairmead School.
- 8.3.7 Two points of access onto the A359 are provided. The eastern access is entry-only and the western access is exit only. The main car park is located directly inside the school boundary, with a circulatory route connecting the two points of access. The application proposes a further area of car parking, increasing the total number of spaces to 48. It is recognised that there are issues relating to parking and general congestion and traffic safety particularly at drop off and pick up times and this is reflected in the representations and Parish Council comments. The provision of additional parking to the west side of the school seeks to resolve the congestion and parking issue during peak hours, providing additional spaces and an opportunity to relieve some of the congestion that can occur within the existing car parking area and around the site entrance.
- 8.3.8 The application is also accompanied by a comprehensive School Travel Plan (STP) which is aimed at reducing the impact of traffic on the surrounding road network. Because of the nature of the school and wide catchment area the vast majority of pupils travel to and from school by motor vehicle – mini-bus (45%), taxi (26%) or private car (20%). This is indicative of the special requirements of pupils who attend the school and is unlikely to change significantly. The STP, therefore aims to influence the travel habits of staff, who generally live closer to the school. The Plan promotes initiatives to encourage walking and cycling and car sharing. A Travel Plan Coordinator (TPC) will be appointed by the School who will manage the implementation of the STP and be the primary point of contact for STP-related matters. The School will make a number of commitments, including the introduction of a car share scheme for members of staff, supported by the allocation of three preferential car share parking spaces within the school car park. The TPC will promote car sharing through the STP, including events and participation in other car share groups.
- 8.3.9 A degree of congestion and short term parking is common outside many schools and there are few schools which are able to accommodate all drop-off and pick-up needs without some disruption. While the situation can result in some inconvenience and disturbance to traffic movement, the Highway Authority has not identified an unacceptable highway safety issue.

8.3.10 The Highway Authority has not raised an objection to the proposal and recommends that a number of planning conditions be imposed on any permission granted. The application is considered to accord with Policy TA5 (Transport Impact of New Development) of the South Somerset Local Plan (2006-2028).

Design, scale and impact on residential amenity

8.3.11 The proposed building is 2-storey and is sited so as to be well related to the existing school facilities and support accommodation. It is located on the site of the existing modular classrooms, thereby minimising impact on the existing open spaces in the school grounds.

8.3.12 The building will have a modern high quality finish with a variety of materials used, the elevations made up of red varied brickwork and vertical glazed/panelled sections. The design utilises naturally toned materials that aim to complement the surroundings to ensure that the building sits comfortably in its setting.

8.3.13 Classrooms will be well lit with natural light and the external classroom spaces will have canopies, ensuring appropriate teaching environments and adding further interest to the building's elevations. The 'flat' roof proposed ensures that the scale is not inappropriate to its residential surroundings.

8.3.14 The opportunity has been taken to set back the proposed building from the boundaries both to mitigate visual impact to the eastern boundary and to ensure the retention and protection of the existing Badger sett and southern boundary trees. The main classroom section of the building will be 10.5m from the eastern boundary with residential neighbours. This distance is typical of garden lengths in modern residential development. While there will be some views towards neighbouring gardens, these will be from an appropriate distance and from classrooms that will only be occupied during school hours and not at weekends. The side elevation first floor windows of the adjoining dwellings are landings so there is no direct, or unacceptable, window to window overlooking. It is not considered that the proposal would result in unacceptable overlooking or loss of privacy to the closest Fairmead Road properties.

8.3.15 The proposed building is significantly greater in scale than the existing modular classrooms. However, the building is further away from the boundary and at a conventional 2-storey height is similar in scale to 2-storey residential development. Having regard to the distance from the boundary, there would be no unacceptable loss of light or overshadowing from the development.

8.3.16 There is some potential for teaching activity and pupil movement between the building and the eastern boundary of the site. However, having regard to the likely frequency of use and the absence of use in evenings and weekends, this would not constitute an unacceptable level of noise or disturbance to neighbours. The building is of significantly enhanced acoustic properties

compared to the existing modular classrooms so any noise from activity within the building should be reduced.

8.3.17 The design of the proposals is high quality that reflects the local context and protects the residential amenity of close proximity residents as required by Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028).

Sustainability measures

8.3.18 A fabric first approach has been adopted for the building, maximising the performance of the external fabric before considering the use of building services systems.

8.3.19 Inside the building envelope, through the use of low or zero carbon technologies, the carbon footprint and the impact of the new development on the environment will be minimised. Efficient services and plant will be used for the development including:

- Low energy lighting;
- Daylight and occupancy controls on lighting;
- Heat recovery on mechanical ventilation systems;
- High efficiency mechanical services; and
- Heating, cooling, ventilation and lighting zoning.

8.3.20 A sustainable water consumption and drainage strategy has also been developed, aiming to reduce the use of water across the site. It is considered that with the measures proposed the development accords with the aims of Policy EQ1 (Addressing Climate Change in South Somerset) of the South Somerset Local Plan (2006-2028).

Ecology

8.3.21 No statutory nature conservation designations are present within 2 km of the site and the closest non-statutory nature conservation designated site is 1km away. The development will not impact on any of these sites. There is a mix of potential habitats on site including amenity grassland, mixed woodland plantation, broadleaved scattered trees, dense and scattered scrub, and native species-rich hedgerows with trees.

8.3.22 There is a high level of badger activity present on site, including a main sett within the south east corner that spreads beyond the southern boundary to the north east corner of Buckler's Mead school. Furthermore, a number of 'push through' points are located along the eastern and southern boundary, with an additional potential sett entrance in the centre of the southern boundary, with other outlier setts within the southwest boundary and under one of the modular buildings.

- 8.3.23 The preliminary bat roost assessment of trees and buildings within close proximity of the development identified one tree as having Low suitability; all other trees and buildings were assessed as having Negligible potential to support roosting bats. The tree containing Low suitability will not be impacted by the development.
- 8.3.24 The ecology consultant recommends a number of planning conditions relating to lighting for bats, badger protection, vegetation removal and net environmental gain measures. With conditions applied the proposal would protect the biodiversity value of the site and incorporate beneficial biodiversity conservation features and would therefore be in accordance with Policy EQ4 (Biodiversity) of the South Somerset Local Plan (2006-2028).

Landscape and trees

- 8.3.25 The development has no impact on the wider landscape, as evidenced in the submitted Landscape and Visual Appraisal report.
- 8.3.26 An Arboricultural Report was undertaken to assess tree quality, root and canopy spread. All existing trees of significance will be retained, apart from the removal of one tree (a Category “B” Maple) which lies within the footprint of the proposed building and two small trees (a Category “C” Hazel and a Category “U” Sycamore) on the western boundary and part of an existing Leyland Cypress hedge required to provide access to proposed parking. Otherwise all other trees will be retained with construction methods applied to provide appropriate protection, including the implementation of a Tree Protection Plan as set out in the submitted Arboricultural Impact Assessment Report.
- 8.3.27 Areas of the site will be re-landscaped to accommodate the new building and car parking area as well as the reconfigured hard play areas and green space. A detailed landscaping scheme can be secured by planning condition. With a condition applied to secure the detail of the final landscape scheme, the proposed approach to the landscaping of the site is considered to comply with Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028).

Play space provision

- 8.3.28 Part of the existing open space will be utilised by the proposed building and the increased parking areas and hard play areas. The plans show a small net increase in hard play area of approximately 53m² and the retention of climbing frames and a formal MUGA/basketball court. There is a net loss of grassed area of approximately 1,660m² (0.16ha), with the proposed building encroaching into the eastern part of the current green area. The existing green open space is not laid out or used as a formal playing field and the reduction in green space is not considered by the applicant to be a disadvantage to the school or the education they provide to their pupils.

8.3.29 The intention is, alongside the re-provision of hard play areas, that approximately 3,027m² (0.3ha) of green space is retained with small pitch areas laid out and the existing hard surfaced cycle/scooter “track” reprovided as shown on the submitted plans. The proposals ensure that adequate hard and green open areas are retained for the specific needs of the school.

Drainage

8.3.30 Representations have made reference to concerns about the existing site drainage. A surface water drainage strategy has been devised that sees surface water from the building attenuated on site, and then pumped at, or below, existing greenfield run off rates to the existing combined network within the site prior to an outfall to the waste water public sewer network to the north of the site.

8.3.31 The use of permeable paving is proposed for all new surfaces across the site, both within the car parking and the external hard play areas. The surface water drainage strategy aims to achieve a reduction in peak flow from the development, equating to reduction in flows compared to the existing discharge from the building, and includes the following features;

- An attenuation system consisting of a permeable pavement and cellular tank will be provided to achieve temporary storage of run-off during storm events up to the 1 in 100 year return period, plus allowance of 40% additional flow for climate change;
- The use of a pump station is required due to the shallow nature of the existing drainage network;
- Overflows from the drainage system will be directed to the existing drainage network and drain from the site;
- The development proposals will intercept potential overland flow routes and divert these to the new drainage system.

8.3.32 The applicant has provided additional information at the request of the Lead Local Flood Authority (LLFA). The LLFA raise no objection subject to a planning condition being applied which is set out in the recommendation.

8.3.33 The additional foul flows are not significant and would not represent any issue for capacity. Foul water will also be pump discharged to the existing combined network to the north.

Conclusion

8.3.34 The proposals support a wide community need for additional special needs school places. The proposals have been produced following the consideration of a number of options and the extension has been located to balance the need to minimise impact to neighbours, whilst retaining adequate play areas and minimising impacts on important trees and the badger sett.

8.3.35 Concerns have been raised in representations about the potential for the proposed building to impact on the amenities of neighbouring property in Fairmead Road, through overlooking and overshadowing. The classroom element of the extension has been set off the eastern boundary by over 10 metres which is considered to be sufficient to avoid any unacceptable loss of privacy or loss of light.

8.3.36 As is common at many schools, the drop off and pick up times create specific and short term traffic management challenges. The proposals seek to address this by creating a further 13 staff car parking spaces which will provide further spaces but also ease congestion and improve circulation within the existing parking area. A new Travel Plan has also been created which commits the school to a number of initiatives aimed primarily at reducing the number of car journeys to school by staff.

8.3.37 Whilst there is some loss of green space, the proposal has ensured the retention of a mix of hard surface and grass play areas that are required to support the school in its day to day activities and sports.

8.3.38 The proposal includes measures to protect the retained trees on the site and ensure the ecological interest on the site is not compromised. These measures can be secured by conditions.

8.3.39 The extension to the school provides much needed modern day facilities for the children attending the school, providing classrooms that are naturally lit, acoustically treated and designed to meet the emotional and ambulatory requirements of the children attending the school.

8.3.40 The proposal is considered to be in accordance with the relevant policies of the Development Plan.

9. Recommendation

9.1 **It is recommended that, planning permission be GRANTED subject to 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 Strategic Commissioning Manager – Economy & Planning.**

Conditions

Commencement of Development

1. 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).

Completion in accordance with the approved details

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

- Existing Site Plan (P18004-AWW-ZZ-ZZ-DR-A-0101RevP03);
- Existing Site Elevations (P18004-AWW-ZZ-ZZ-DR-A-0102RevP02);
- Proposed Site Plan (P18004-AWW-ZZ-ZZ-DR-A-0110RevP03);
- Proposed Ground Floor Plan (P18004-AWW-V1-00-DR-A-0200RevP02);
- Proposed First Floor Plan (P18004-AWW-V1-01-DR-A-0201RevP02);
- Proposed Roof Plan (P18004-AWW-V1-RF-DR-A-0202RevP02);
- Proposed Ground Floor Plan (A - P18004-AWW-V1-00-DR-A-0200_P02);
- Proposed Elevations (P18004-AWW-ZZ-ZZ-DR-A-0300RevP02);
- Proposed Site Elevations (P18004-AWW-ZZ-ZZ-DR-A-0305P02);
- Whole Building Sections (P18004-AWW-ZZ-ZZ-DR-A-0310RevP02);
- Topographical & Buried Services Survey (509/11175/1); and
- Tree Constraints Plan.

and the specification of materials and other details in the Design and Access Statement, Flood Risk & Drainage Statement, Preliminary Ecological Appraisal, Phase 1 Environmental Site Assessment, School Travel Plan and Appendices, Transport Statement and Appendices, Historic Environment Assessment, Landscape and Visual Appraisal Report, Environment & Sustainability Statement, Arboricultural Impact Assessment & Tree Constraints Plan and on the application form.

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

Hours of working

3. No work relating to the construction of the development hereby permitted, (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials) shall take place before 0800 or after 1700 Monday to Friday inclusive, before 0800 or after 1500 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties and to provide reasonable hours of working in line with the Government's Written Statement (13 May 2020) on the construction industry and Covid-19.

Highways

4. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Construction operation hours and construction delivery hours;
- b) Construction vehicular routes to and from site including a map showing the route;

- c) The areas for on-site turning facility for delivery vehicles and the arrangements for the loading and unloading of vehicles on-site and confirm that egress onto highway shall only take place under the guidance of a trained banksman;
- d) Expected number of construction vehicles per day;
- e) The arrangements for all contractor vehicle parking being accommodated off the highway including a plan showing the onsite parking arrangements;
- f) Detail the specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- g) Details of a scheme to encourage the use of Public Transport amongst contractors; and
- h) Details of on-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways.

The development shall be implemented strictly in accordance with the approved plan for the duration of the development.

Reason: In the interests of highway safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028). This is a pre commencement condition.

5. The development hereby permitted shall not be occupied until the new parking spaces and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with the approved Proposed Site Plan.

Reason: In the interests of on-site safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

6. All parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of on-site safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

7. The development shall be implemented in accordance with the approved School Travel Plan hereby approved (March 2020). No part of the new development shall be occupied prior to implementation of those parts identified in the Approved School Travel Plan as capable of being implemented prior to occupation. Those parts of the School Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

Ecology

8. If external lighting is proposed specifically in relation to the development hereby approved, prior to occupation or use of the development, a “lighting design for bats”, following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of 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 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 directly in relation to the development hereby approved without the prior approval of consent from the Local Planning Authority.

Reason: In the interests of the ‘Favourable Conservation Status’ of populations of European protected species and in accordance with Policy EQ4 (Biodiversity) of the South Somerset District Council Local Plan (2006 - 2028).

9. No tree felling or vegetation removal works directly related to the implementation of the development hereby approved shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, scrub, shrubs and tall ruderal vegetation to be cleared for active birds’ nests immediately before works proceed 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. Please note the law does not specify a time period – some species can breed outside the time frame given.

Reason: In accordance with the protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended), and in line with Policy EQ4 (Biodiversity) of the South Somerset District Council Local Plan (2006 - 2028).

10. Prior to the commencement of the development, a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the BMEP shall include the following:

a) A Landscaping Scheme including more detail of the proposed works within the site and including measures (where possible) to include locally native species suitable for the area as well as the creation of areas to benefit wildlife including planting of locally native trees and hedgerows, wildflower areas of grassland and native shrub planting.

- b) Installation 2x bird and 2x bat durable boxes (Woodcrete or similar) upon the buildings or suitable retained mature trees;
- c) A 'bee brick' built into the wall about 1 metre above ground level on the south or southeast elevation of the new building extension;
- d) Installation of 2x hedgehog houses and leaving small gaps in fences to create suitable hibernation/resting sites and maintain habitat connectivity for hedgehogs;
- e) details of the Badger Protection Zone and associated measures to be implemented; and
- f) the timescale for implementation of all measures within the plan

The plan shall be implemented as approved in accordance with the timescale set therein.

Any plants or trees which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure enhancement and compensation measures are implemented in accordance with National Planning Policy Framework (2019) and Policies EQ4 (Biodiversity) and EQ5 (Green Infrastructure) of the South Somerset District Council Local Plan (2006 - 2028). This is a pre commencement condition.

Landscaping

11. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Impact Assessment (March 2020) and associated Tree Protection Plan (Appendix A of the Arboricultural Impact Assessment (March 2020)).

Reason: In the interests of landscape character and the protection of existing trees in accordance with Policies EQ2 (General Development) and EQ5 (Green Infrastructure) of the South Somerset District Council Local Plan (2006 - 2028).

12. All trees and hedgerow retained will be protected in accordance with the approved plans during the works, including groundworks, by the establishment of Root Protection Areas and the erection of temporary fencing, and to include accommodating the badger protection zones, in accordance with BS 5837:2012. No materials or plant should be allowed within the buffer zone.

Reason: In accordance with BS 5837:2012, National Planning Policy Framework 2019 and Policies EQ4 (Biodiversity) and EQ5 (Green Infrastructure) of the South Somerset District Council Local Plan (2006 - 2028).

13. Within 3 months of the first occupation of the new building hereby approved, the temporary classrooms to be situated on the site to accommodate decanted pupils during construction shall be removed from the site, and the site reinstated in accordance with the approved Site Plan.

Reason: To ensure the satisfactory reinstatement of the land in accordance with Policy EQ2 (General Development) of the South Somerset District Council Local Plan (2006 - 2028).

Drainage

14. No development shall be commenced until details of the surface water drainage scheme, based on sustainable drainage principles, together with details of 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. This scheme should aim to enhance biodiversity, amenity value, water quality and provide flood risk benefit (i.e. four pillars of SuDS) to meet wider sustainability aims, as specified by The National Planning Policy Framework (July 2018) and the Flood and Water Management Act (2010). The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than 2 l/s and agreed with Wessex Water. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory, sustainable system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

INFORMATIVES

1. Protection of Wild Birds: You are reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take damage or destroy the nest of any wild bird while that nest is in use or being built, or to take or destroy an egg of any wild bird even where it is done pursuant to lawful authority or requirement, if any of the activities could reasonably have been avoided in carrying out the prescribed or authorised work on the tree, shrub or scrub. Planning consent for a development does not provide a defence against prosecution under this act. Trees, shrubs and scrub are likely to contain nesting birds between 1 March and 31 August. Any Trees, shrubs or scrub present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

2. Protection of Badgers: You are reminded that The Protection of Badgers Act 1992, has identified the following as criminal offences:

- to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;
- to interfere with a sett by damaging or destroying it;
- to obstruct access to, or any entrance of, a badger sett; and

- to disturb a badger when it is occupying a sett.

Licences can be issued by Natural England authorising actions that would otherwise amount to an offence under the Badgers Act.

The Local Planning Authority request that a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead is provided prior to the commencement of development.

3. Invasive non-native species: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. All invasive species plant waste is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. A non-native species protocol should be prepared detailing the containment, control and removal of variegated yellow archangel and cotoneaster, if found to be an invasive species of cotoneaster, on site. The measures shall be carried out strictly in accordance with the approved scheme.

4. Landscaping: The Royal Horticultural Society guide, “RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators” provides a list of suitable plants both native and non-native.

5. Drainage: The surface water drainage scheme referred to in condition 14 above shall include consideration of the following: -

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the sustainable methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Justification for the use of pumped system which should address the assessment of potential failure and measures in place to mitigate any failure, summary of key design principles and assessment of residual risk, with supporting calculations.
- Any works required on and off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Relevant Development Plan Policies

The following is a summary of the reasons for the County Council's decision to grant planning permission.

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 South Somerset Local Plan (2006 - 2028)

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

- Policy SD1 (Sustainable Development);
- Policy SS1 (Settlement Strategy);
- Policy TA5 (Transport Impact of New Development);
- Policy TA6 (Parking Standards);
- Policy HW3 (Protection of Play Spaces and Youth Provision); and
- Policy EQ1 (Addressing Climate Change in South Somerset);
- Policy EQ2 (General Development);
- Policy EQ4 (Biodiversity);
- Policy EQ5 (Green Infrastructure); and
- Policy EQ7 (Pollution Control).

The County Council has also had regard to all other material considerations, in particular paragraphs 7, 8, 11, 94, 118, 124, 127, 128 the National Planning Policy Framework (2019) as well as Planning Practice Guidance.

Material Considerations

[PPG] Planning for Schools Development: Statement (2011)

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools; and that the following principles should apply with immediate effect:

There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;

Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before them for decision;

Local authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community;

Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms;

Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants;

A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;

Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence;

Appeals against any refusals of planning permission for state-funded schools should be treated as a priority. Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education; and

Where a local planning authority refuses planning permission for a state funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

Somerset County Council Parking Strategy (September 2013)

The standards below apply generically to primary and secondary schools but are not specific to Special Education Needs (SEN) School proposals.

Minimum Level (Zone A)

Cycle Parking = 1/10 pupils + 1/5 staff

Motorcycle Parking = a minimum of one space provided in all non-residential developments

Car Parking = 1/2 FTE staff + 2 visitor space

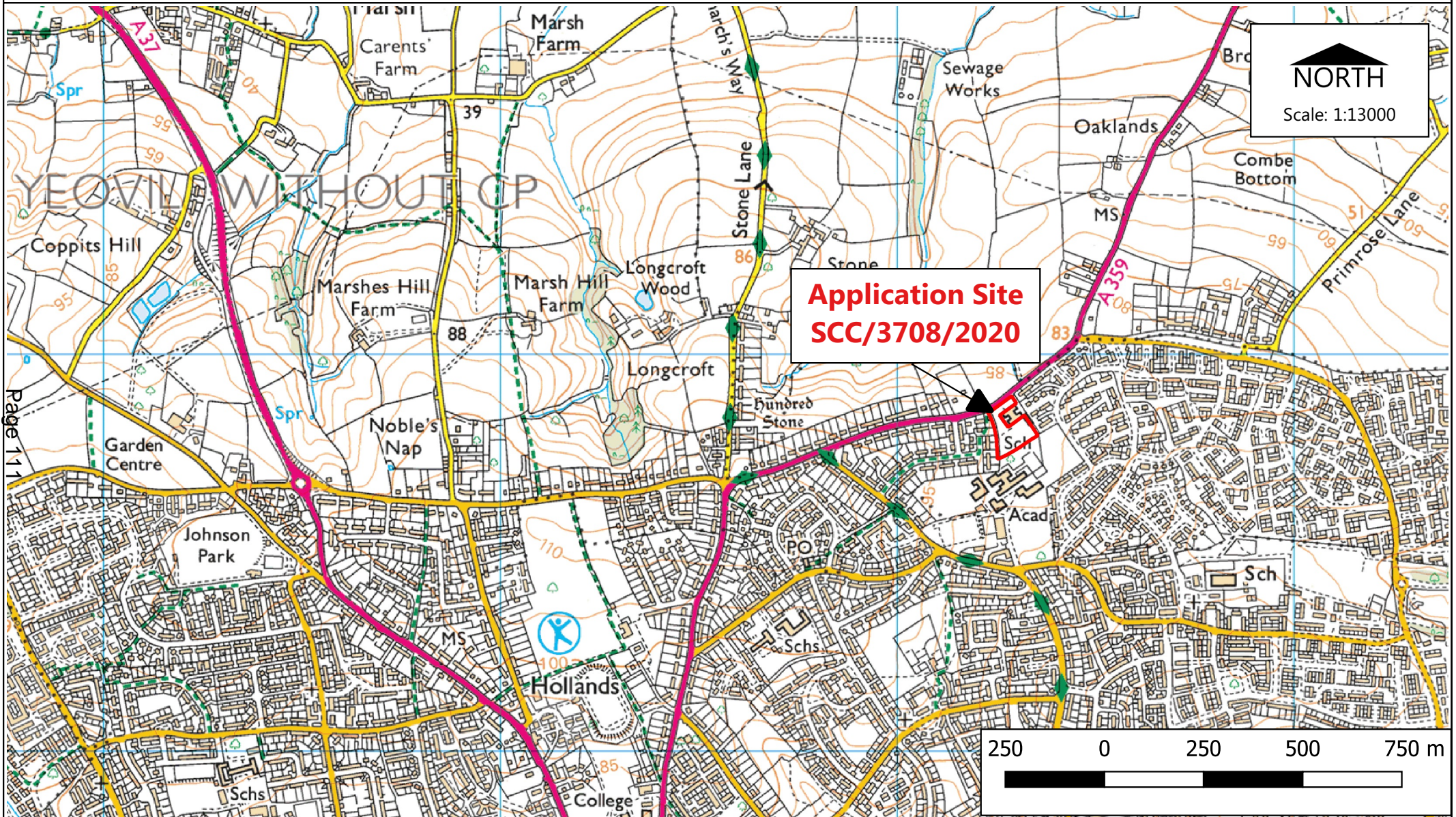
Electric Vehicles = In all non-residential developments where 50 or more car parking spaces are to be provided, 16 amp electric vehicle charging points will be required in 2% of spaces.

Disabled Parking = 2% of total capacity (minimum of one space) and 1 space for each additional disabled employee

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, National Planning Policy for Waste, Waste 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.

This page is intentionally left blank



Page 111



SOMERSET
County Council

Paul Hickson,
 Strategic Commissioning Manager
 Community & Environmental Services
 Somerset County Council
 County Hall, Taunton, TA1 4DY

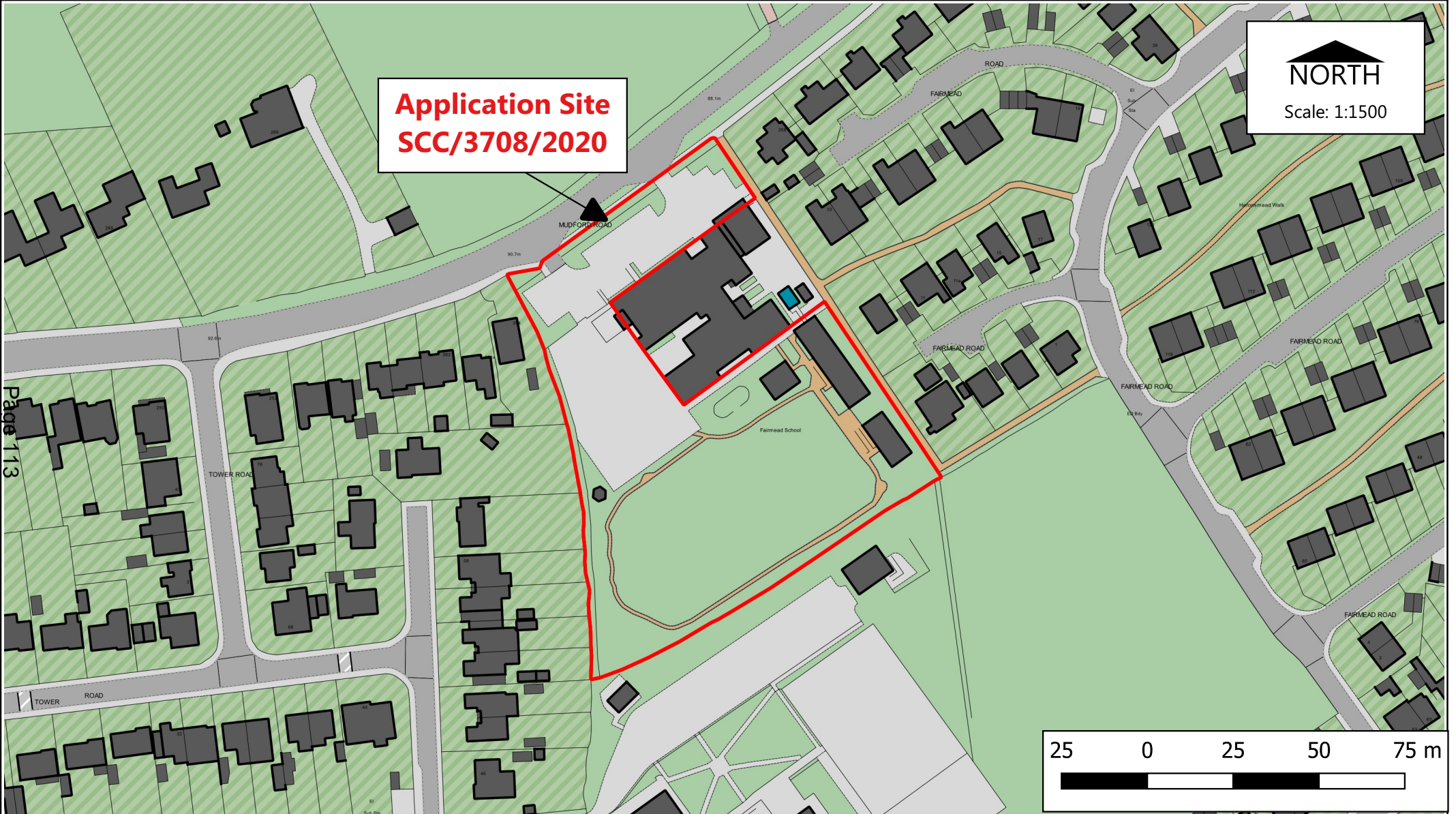
© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
 © Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
 © Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
 Drawn by: K Blackmore

LOCATION PLAN

Dated: 02/07/2020

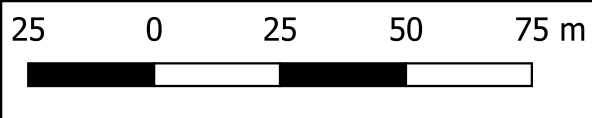
This page is intentionally left blank



Page 113

**Application Site
SCC/3708/2020**

NORTH
Scale: 1:1500



SOMERSET
County Council

Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: K Blackmore

SITE PLAN

Dated: 02/07/2020

This page is intentionally left blank

Somerset County Council

Regulation Committee –

Report by Service Manager - Planning & Development

Application Number: SCC/3710/2020

Date Registered: 1 April 2020

Parish: Yeovil Town Council / Yeovil Without Parish Council

District: South Somerset District Council

Member Division: Yeovil Lyde

Local Member: Councillor Tony Lock

Case Officer: Judith Smallman

Contact Details: 01962 847870 / planning@hants.gov.uk

Description of Application: Single storey extension to school, relocation of bike/bin store, new bike store, additional car parking, reconfiguration of and new hard and soft play areas, landscaping and support infrastructure.

Grid Reference: Easting - 356961, **Northing** - 116685

Applicant: Somerset County Council c/o Mr Mark Collis (Head Teacher)

Location: Fiveways School, Victoria Road, Yeovil, BA21 5AZ.

1. Summary of Key Issues and Recommendation(s)

1.1 The proposed development relates to a single storey extension to school, relocation of bike/bin store, new bike store, additional car parking, reconfiguration of and new hard and soft play areas, landscaping and support infrastructure. The main issues for Members to consider are:-

- the need for the development;
- the potential impacts on the highway;
- the potential impacts on residential amenity; and
- car parking provision.

- 1.2 Somerset County Council is Local Planning Authority for this application as it is a Regulation 3 development. Regulation 3 of the Town and Country Planning General Regulations 1992 enables the County Council to make planning applications to itself as long as the development is to be carried out by (or on behalf of) the Council and the interest in the development by the Council is significant.
- 1.3 **It is recommended that planning permission be GRANTED subject to the conditions set out in section 9 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 Strategic Commissioning Manager – Economy & Planning.**

2. Description of the Site

- 2.1 Fiveways School is sited on Victoria Road, Yeovil. The site is located in the urban area of north-east Yeovil within a predominantly residential area. A small industrial estate is located just to the north west of the site. The site is located in a relatively low-lying area owing to the proximity of the valley associated with the River Yeo. A recreation ground sits adjacent to the north western corner of the Site. Pen Mill Railway station is a 500m to the south of the Site. Pen Mill sewerage treatment works is immediately to the south of the railway line.
- 2.2 Fiveways School provides a critical service within the County, providing specialist educational facilities to a number of pupils with severe learning difficulties. The school provides an education for approximately 80 students; aged from 4 up to 19 who are noted as non-ambulant with Severe Learning Difficulty (SLD), Profound Multiple Learning Difficulties (PMLD) and Autistic Spectrum Disorder (ASD). There is significant pressure on the school to accommodate additional pupils from across the Council area. The School has a wide catchment area that covers Yeovil and extends into South Somerset and Dorset. This is representative of the important function the school plays for children with Special Educational Needs. As such, the school draws pupils from a significant area. The furthest distance travelled by a pupil is around 25 miles.
- 2.3 The school occupies a large plot primarily surrounded by residential properties, comprising a variety of residential styles. The total school site measures approximately 2.7 hectares (ha) (6.6 acres). Much of the school has been re-built over the last few years. The existing purpose built facility is over 1,700m² and consists of 8 classrooms, each linked to a hygiene room and outside space, dining/ assembly hall, sports hall, library, and soft play room.
- 2.4 The school is accessed via the junction off St Michael's Road and Victoria Road to the north-west. This is the sole access into the school. It is a single entry and exit vehicular gate that is around 5 metres wide. There is a drive

access from this junction to the existing gated entrance of the school itself. The local highway network in the immediate vicinity of the school can be characterised as being primarily residential streets. St Michael's Road runs in a roughly east-west alignment and provides access to residences which line both sides of the carriageway, and other residential roads that stem from St Michael's Road in a north-south alignment. St Michael's Road is subject to a 30mph speed limit and has a footway on both sides. On-street parking is largely unrestricted apart from in the vicinity of junctions and along the northern side of the road between St Michael's Avenue and Avon Close. Traffic calming is provided in the form of speed bumps to restrict vehicle speeds. There is limited formal pedestrian crossing provision on these roads, but this is considered to reflect their nature.

- 2.5 A pedestrian gate is located adjacent to the vehicular access and intersects a footway provided from Victoria Road which continues into the site to the main school building. Both vehicle and pedestrian access gates are electronically controlled through an intercom that links to the school reception. The low speed environment within the vicinity of the access minimises the risk of vehicle conflict. An internal access road connects to two separate parking areas which provide a total of 45 car spaces comprised of marked and unmarked spaces, and 11 minibus drop off bays.
- 2.6 Car parking is provided across two areas to the north and the east of the main school buildings. To the north of the school, adjacent to the main entrance and reception, there are 12 marked spaces. This area also provides 11 minibus bays for pick up / drop off, with eight bays located adjacent to the main entrance and three located to the north of the car park. Based on site observations the total capacity of the on-site parking resource is 55 spaces. They serve the school, extra-curricular activities and the existing training centre.
- 2.7 There is no existing cycle parking provision at the school.
- 2.8 The site slopes north to south. The topography of the site shows the site considerably sloping towards the southern boundary.
- 2.9 There is an existing and active Badger sett located in the north-east corner.
- 2.10 Currently, the landscaped grounds offer facilities for recreation and play for student. This includes two playgrounds in the form of hard play space, woodland walk, a large open green space to the south and sensory gardens. Each class is attached to an enclosed outside space. Formal Sports pitches are not required, as these spaces are unsuitable for the majority of Fiveways students.
- 2.11 The Planning History of the site is as follows:

| Planning permission | Description | Status |
|----------------------------|---------------------------------|---------------|
| 07/05235/R3C | Demolition of existing swimming | Granted |

| | | |
|--------------|--|---------------------------------------|
| | pool cover and ancillary structure and the provision of new structure over pool to include changing facilities and the construction of a new communication and interaction suite. | |
| 10/03455/R3C | Detached single storey building with dual pitch roof for a new teacher training facility with associated car parking and landscaping scheme | Granted |
| 12/01440/R3C | The retention of modular building E748 (TC) in its current position. (GR: 356944/116724) | Granted |
| 12/03159/R3C | The erection of a single storey extension with flat roof and link entrance lobby to be located in garden to rear of existing 2 storey building to provide additional accommodation for sixth form special educational needs campus (356944/116724) | Granted |
| 13/00104/R3C | Retrospective application for the formation of an earth bund to the south east corner of the playing field (GR: 356944/116724) | Granted |
| 14/02728/R3C | Single storey extension with pitched roof providing additional classroom with external space and a flat roof single storey extension to form a staff room and formalisation of existing parking spaces (GR: 356944/116724) | Granted |
| 15/00117/FUL | The erection of a single storey extension comprising of a reception, offices and hall extension (GR 356944/116724) | Application permitted with conditions |

- 2.13 A Regulation 3 application has recently been received for a single storey modular 2 classroom building, car parking, play areas and pupil drop-off area (SCC/ 3726/2020) at the school. The additional proposed classrooms will be used to accommodate a small number of pupils (currently 2) who require

individual supervision in an easily supervised, safe and secure environment. This is currently subject to consultation.

3. The Proposal

- 3.1 The application seeks planning permission for a single storey extension to the south of the existing school, to provide 5 additional general classrooms and associated sensory and shared group rooms. The additional floor area proposed by the new extension is 827m². The design and layout of the building is single storey to ensure it is in keeping with the existing school. The flat roof proposed has a parapet, level with the ridge line of the existing school. The applicant states that the building delivers a simple clear layout that is easily understood by all users, with all corridor routes wide enough to allow access to all students whether in beds or frames.
- 3.2 The need and demand for specialist educational facilities has expanded. The proposed development is therefore intended to meet the requirement of the community's social needs across the Council area. The extension proposed forms part of a much larger requirement to expand the capacity and facilities currently on offer for children with SEN in the County.
- 3.3 The school fully integrate pupils of all needs into their classes, meaning all classrooms need to be flexible and accessible to all students. Based on 8 pupils per classroom as per the design brief, the classroom size is approximately 68m². Each classroom benefits from its own hygiene room accessed directly from the classroom and its own equipment store outside the classroom for additional bed, frames and chairs.
- 3.4 The school requires ceiling mounted hoists throughout all student spaces including the shared group and sensory rooms. All spaces especially classrooms have been kept as regular shapes to allow for full hoist coverage for flexibility throughout.
- 3.5 Classroom facilities have access to shared group rooms which will offer a teaching facility away from the classroom for small groups or one on one. Two group rooms are provided between the 5 proposed classes. Two sensory rooms have also been provided one for exploration and stimulation with the other for calming. To facilitate the expanding school the existing staff room will be extended to support staff members. The additional classrooms provided increase the capacity of the school by 24 from 80 to 104 pupils.
- 3.6 The proposed extension will extend south of the current layout, remaining as a central single storey mass; albeit on land that is being raised. This has been progressed on the basis that it would cause the least harm in terms of affecting local resident's amenity, who will view the development at some distance and in the context of the existing building.
- 3.7 There are currently 68.18 FTE staff based at Fiveways School. The proposal will require an increase in staff of circa 23 FTE, resulting in total of 91 FTE

- staff at the school. The proposed 5 classrooms are suitable for higher band SEN pupils, connected to the existing main school by creating a new corridor.
- 3.8 Proposed materials include Red and White Render, Weathered timber, green Metal work details and signage and Light Grey Window Frames, RWP and roof capping which have been chosen to compliment the materials used in the original school building. The proposed brick tone has been chosen to match weather wood cladding to the existing building.
- 3.9 The school is served by a single access point. The proposals will not result in a change to the existing access arrangements for vehicles and pedestrians to the school. Pupils arriving and departing the school are almost exclusively dropped off and picked up by taxis and/or mini buses. The existing access must be gated for safety and security reasons.
- 3.10 As part of these proposals an additional 22 car parking spaces are proposed as an extension to the easternmost parking area; providing a total of 77 spaces overall, to meet forecast vehicle demand arising from the development. This will be located to the east side of the school as an extension to the existing provision and adjacent to the Training Centre, providing additional parking and flexibility when the existing Training Centre is being used. In order to facilitate this new parking area, hardstanding, which currently functions as an informal playground, will be removed.
- 3.11 The proposals include some reconfiguration of existing hard and soft play areas within the school site. The existing playground is approximately thirty years old and no longer meets the student's needs. The proposal looks to re-provide the same space but in a new format which meet the pupil's needs. The plans show effectively a like for like replacement via reconfiguring and re-providing hard open space to the west of the site. Just to the south, it is also proposed to construct a multi-purpose play and activity area of approximately 2,000m². As a result of the reconfiguration, there is a small loss of existing grassed area of approximately 4,059m² (0.4ha). The existing green open space is not, however, a playing field. The applicant has indicated that the loss is not a disadvantage to the school or the education they provide to their pupils. The outcome of the above is that alongside the re-provision of hard play areas, the additional multi-use play and activity area, approximately 0.9ha of open green space, is retained across the southern part of the site.
- 3.12 An improved playground (including new adventure playground) will be provided to the south-west of the proposed extension with screening installed between the playground and residential properties on Victoria Road. The proposal includes the provision of a new courtyard between the existing school and the proposed extension. The courtyard area would provide a level sheltered outdoor teaching and play space.
- 3.13 The proposals also include the laying out of an additional multi use play and activity area and a 26-space bike storage unit.
- 3.14 The sustainability credentials of the proposed building include:

- High efficiency gas boiler heating and hot water;
 - A mixture of natural ventilation, hybrid natural ventilation incorporating low power fans;
 - Providing forced air movement and low specific fan power mechanical ventilation systems utilising heat recovery;
 - Energy efficient lighting and controls;
 - Use of sustainable water consumption practices e.g. use of the Solenoid Valves to isolate and shut water off to specific parts of the building and flow control measures to all sanitary-ware; and
 - Sustainable urban drainage systems to manage surface water runoff from the development within the site.
- 3.15 The surface water runoff from the development will be managed within the site. The proposed approach will consider storage and treatment of the runoff at site via sustainable drainage systems (SuDS) options such as permeable paving, before ultimately discharging from the site into the existing sewer, south-east of the site, at a controlled flow rate. The final discharge point is to be confirmed and agreed with the relevant sewerage undertaker. For the car parking area, surface water is also attenuated on site via a proposed permeable sub base, before being discharged at/or below greenfield run off rates, also to the existing surface water sewer network.
- 3.16 The proposed foul water drainage strategy is to provide a new foul sewer. This will connect to the existing foul sewer to the south-eastern corner of the site area. The additional foul flows are negligible and would not represent any issue for capacity. Foul water will also be discharged to the existing network to the south.
- 3.17 The existing refuse and recycling stores on site are adequate to service the needs of the extension and current collection system will be unchanged.
- 3.18 The existing secure line 1 fencing will be maintained and extended to exclude the proposed car parking area, with a non-climb fence approximately 2.4m high.
- 3.19 Six individual trees, one full tree group and part of one tree group are to be removed to facilitate the Proposed Development; this includes one tree and one tree group classed as moderate quality (Category B) with the remaining five trees and (part of) one tree group classified as low quality (Category C). To the west of the site new tree planting is proposed alongside the boundary. It is proposed to install willow fencing to help assimilate the proposed hard and soft play areas.

4 Background

- 4.1 Currently, the school employs 68.18 FTE staff. This equates to a higher staff: pupil ratio than in mainstream schools, but is a necessity in order to ensure

that the children at the school have access to sufficient levels of care and support.

- 4.2 The demand for SEN is significant and resources to meet this are very limited. It is important that pupils with identified learning difficulties are in a safe and secure environment, where they can receive the kind of care and attention they would not be able to receive at standard schools.
- 4.3 In 2007, Fiveways was awarded specialist school status, in 'communication and interaction'. The school was rated "outstanding" by OFSTED in 2014.
- 4.4 The school benefits from an on-site training centre that offers easily accessible and cost effective specialist CPD and development opportunities for school teachers and support staff at any level.

5. The Application

- 5.1 The Plans and documents submitted with the application

Plans:

- Site Location Plan (February 2020);
- Existing Site Plan (February 2020);
- Existing Ground Floor Plan of Main Building (February 2020);
- Existing Site Elevations (February 2020);
- Proposed Site Plan (February 2020);
- Bike Stores (October 2019);
- Proposed Ground Floor Plan (February 2020);
- Proposed Roof Floor Plan (February 2020);
- Proposed Building Elevations (February 2020);
- Proposed Building Sections (February 2020);
- Proposed Site Elevations (February 2020);
- Topo survey (509-11174-1A) (October 2019);
- Topo survey (509-11174-1B) (October 2019); and
- Topo survey (509-11174-1C) (October 2019).

Documents:

- Planning Statement (March 2020);
- Design & Access Statement (March 2020);
- Flood Risk and Drainage Statement Technical Note;

- Preliminary Ecological Appraisal (March 2020);
- Phase 1 Environmental Site Assessment Part 1 (March 2020);
- Phase 1 Environmental Site Assessment Part 2 (March 2020);
- Phase 1 Environmental Site Assessment Part 3 (March 2020);
- Phase 1 Environmental Site Assessment Part 4 (March 2020);
- Arboricultural Impact Assessment Report (March 2020);
- Transport Statement and associated Transport Statement – Appendices (March 2020);
- School Travel Plan and associated School Travel Plan – Appendices (March 2020);
- Historic Environment Desk-based Assessment (February 2020);
- Landscape & Visual Appraisal Report and associated Landscape & Visual Appraisal Report - Appendix C and D (March 2020);
- Environmental & Sustainability Statement (February 2020);
- Statement of Community Involvement (March 2020); and
- Specialists in Land & Utility Surveys Part 1 and Specialists in Land & Utility Surveys Part 2 (September 2019).

6. Environmental Impact Assessment (EIA)

- 6.1 The development falls within one of the categories set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations (10b - 'Urban development projects'). The development was screened prior to the submission of the application and having regard to the scale and nature of the proposal and the fact it is wholly outside any defined 'sensitive areas' it is not an EIA development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.

7. Consultation Responses Received

External Consultees

- 7.1 Yeovil Town Council: Supports the application but raised concerns about the lack of on-site parking. Understands that at present visitors to the school are asked to find spaces off site in the surrounding roads and concerns that the SCC Parking Strategy has been adopted to determine the number of parking spaces to be provided which would result in an inadequate level of parking being proposed and needs to be increased. The movement of construction traffic in the surrounding narrow terraced streets with vehicles parked either side is also of concern. The recommendation to make the proposed

Construction Traffic Management Plan a condition of the planning permission is considered to be essential, and should include agreed hours for deliveries, etc.

7.2 Yeovil Without Parish Council: The proposal was noted.

7.3 South Somerset District Council: Was notified. No comments received.

Internal Consultees

7.4 Ecology: No objection subject to conditions.

7.5 Highway Authority: No objection subject to conditions.

7.6 Councillor Lock: Supports the application but have concerns about the lack of on-site parking.

Public Consultation

7.7 One response was received from a local resident supporting the application.

8. Comments of the Service Manager – Planning Control, Enforcement & Compliance

8.1 The key issues for Members to consider are:

- the need for the development;
- the potential impacts on the highway;
- car parking provision; and
- the potential impacts on residential amenity.

8.2 The Development Plan

8.2.1 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan consists of the following document, with its policies of relevance to this proposal being listed in Section 10 of this report:

- The South Somerset Local Plan (2006 - 2028).

8.3 Material Considerations

8.3.1 Other material considerations to be given due weight in the determination of the application include the following:

- the National Planning Policy Framework [NPPF] (2019);
- Planning Practice Guidance [PPG]; and
- The South Somerset Local Plan (2006 - 2028).

Need

- 8.3.2 As already noted, the proposed extension forms part of a much larger requirement to expand the capacity and facilities currently on offer for children with Special Educational Needs (SEN) in Somerset. The demand is significant and resources to meet this are very limited. It is important that pupils with identified learning difficulties are in a safe and secure environment, where they can receive the kind of care and attention they would not be able to receive at standard schools. Fiveways School provides a critical service within the County, providing specialist educational facilities to a number of pupils with severe learning difficulties. The need and demand for such facilities has expanded.
- 8.3.3 The NPPF expects (Para 94) the needs of existing and new communities to be met, specifically in the form of school places. LPA's are expected to meet this requirement and support development that helps widen the choice of education. LPA's are expected to:
- Give great weight to create, expand or alter schools; and
 - Work with school representatives at an early stage to resolve issues before applications are submitted.
- 8.3.4 The site is in existing education use and therefore the principle of the development is acceptable, subject to the details of the proposal meeting all other planning policy considerations, and in terms of location meets the requirements of Policy SD1 (Sustainable Development) of the South Somerset Local Plan (2006-2028). In addition, the proposed development is intended to meet the requirement of the community's social needs for SEN across the Council area. It therefore meets the requirements of paragraph 94 of the NPPF (2019).

Parking, access and potential impacts on the highway

- 8.3.5 The application was supported by a Transport Statement (March) (TS) and associated Transport Statement - Appendices as well as a School Travel Plan (March 2020) (STP).
- 8.3.6 Fiveways School is accessed from St Michael's Road. The proposals will not result in a change to the existing access arrangements for vehicles and pedestrians to the school. Likewise, the existing parking and drop off area will be retained in its current form / layout.
- 8.3.7 It is noted that Yeovil Town Council raised concerns about the lack of on-site parking as well as concerns that the implementation of SCC Parking Strategy has been adopted to determine the number of parking spaces to be provided

which would result in an inadequate level of parking being proposed and needs to be increased.

- 8.3.8 As already outlined, Fiveways School has a wide catchment area that covers Yeovil and extends into South Somerset and Dorset. This is representative of the important function the school plays for children with SEN. As such, the school draws pupils from a significant area. There are currently 80 pupils in attendance at Fiveways School. Fiveways has a different operational structure to other schools given the special requirements of pupils. Due to the special requirements of children who attend the school, a significant proportion travel by minibus or taxi on a daily basis. This also includes specific pick up / drop off arrangements and a greater staff: student ratio. The existing operational requirements of the school will not differ following the proposed expansion. The majority of pick up / drop off activity occurs on-site, but the TS acknowledges that parents tend to park in the vicinity of the site on local roads where on-street parking is permitted. School pick up / drop off activity occurs for only a short period at the start and end of the school day, with traffic directly associated with the school significantly lower at all other times. The number of this trip type is forecast to increase by 10 cars, which is not significant. The projected increase in pupil numbers is forecast to lead to a maximum of additional 3 minibus trips and 4 taxi trips per day. The school has sought to address key access issues which have arisen as the school has expanded. Drop off / pick up is well managed to minimise queuing at the existing access junction. There are existing managed drop off and pick up facilities at the entrance to the existing school itself and it is not proposed to amend these.
- 8.3.9 The TS indicates that the current parking supply operates over-capacity by around 10 vehicles. A total of 22 additional parking spaces will be provided as part of the proposed development. This will equate to a total parking provision of 66 spaces and 11 minibus spaces. The proposed allocation of car parking is greater than that contained in the SCC Parking Standards Strategy. It is acknowledged that due to the specialist nature of staff roles, the school employs staff across a wide distance which increase the demand for parking. This will be increased as part of the proposal with an anticipated 76 staff car trips, compared to 57 existing as a result of the proposed development. Whilst this exceeds the proposed parking provision, it is considered that the updated STP update has the potential to reduce the forecast trip generation in line with parking allocation by encouraging the use of non-car modes. This will be supported by the provision of additional secure and covered cycle parking spaces for staff, visitors and pupils which will be made available as part of the new parking area.
- 8.3.10 Existing public transport services operating in the vicinity of the proposed development have been identified in the TS, although it is acknowledged that the majority of pupils travel to and from school accompanied by a parent or guardian, either by car, minibus or taxi, there is an opportunity for staff to commute to the school by public transport.

- 8.3.12 There is limited existing cycle parking provision on-site and limited dedicated cycle provision in the immediate local area around the school, although it is considered that both St Michael's Road and Victoria Road are amenable to on-street cycling. The signalised junction between Lyde Road and the A30 Sherborne Road incorporates Advanced Stop Lines for cyclists on each arm of the junction and a short section of shared footway / cycleway along the southern side of Sherborne Road and between Lyde Road and Sherborne Road West. However, given the existing home location pattern of staff there is considered to be a good opportunity to promote cycling uptake through the STP. As such, a total of 26 secure and covered cycle parking spaces will be provided through the development. The proposed cycle parking allocation is lower on the basis of a justification that the policy standards (which relate to mainstream primary and secondary schools) are not directly applicable to the unique operational requirements of SEN schools. This is on the basis that specialist staff are employed from across the region, meaning that there is a higher level of demand for parking. The majority of pupils in attendance are unable to cycle to school. It is therefore recognised that the cycle parking provision is primarily for staff and visitor use.
- 8.3.13 It is noted that the Town Council raises concerns about the movement of construction traffic in the surrounding roads. To address this a Construction Traffic Management Plan (CTMP) will be secured as part of the planning consent. The aim of the CTMP will be to ensure the safety of both the school community and the construction workforce during construction, in addition to reducing the impact of construction traffic on local roads.
- 8.3.14 It is noted that the issue of congestion at the entrance and parking on adjoining streets was an issue raised at public consultation. On-street parking is largely unrestricted apart from in the vicinity of junctions and along the northern side of the road between St Michael's Avenue and Avon Close. Traffic calming are already in place in the form of speed bumps to restrict vehicle speeds. The school benefits from an on-site training centre. When the training centre is in use, it is understood that the additional demand for car parking can result in overspill onto local roads. There is no scope to make specific provision for an on-site parking resource dedicated to the training centre.
- 8.3.15 It is acknowledged that as a consequence of the location of the school, and the necessity for managed drop off and pick up arrangements, that the perceived existing access concerns cannot easily be resolved. The application is accompanied by a comprehensive and revised STP which is aimed at reducing the impact of traffic on the surrounding road network. A degree of congestion and short term parking is common outside many schools and there are few schools which are able to accommodate all drop-off and pick-up needs. While the situation can result in some inconvenience and disturbance to traffic movement, the Highway Authority has not identified an unacceptable highway safety issue. The applicant has indicated that the school will continue to work actively with the local community to address any

issues associated with school traffic, including pick up / drop off by parents and guardians. There is a commitment to monitor and review the STP should permission be granted. The STP will seek to mitigate the impact of this type of behaviour through encouraging non-car modes of travel.

8.3.16 The Highway Authority were consulted on the application and noted that the increased parking on site including cycle stands, and a comprehensive travel plan which will reduce the impact of traffic on the surrounding road network. The Highway Authority requested conditions being attached to the permission relating to the submission of a Construction Environmental Management Plan (CEMP), parking spaces and a STP. Initially the Highway Authority requested a condition on the submission of a STP prior to the commencement of the development. However, it has now been confirmed that the submitted STP is acceptable. A condition is included on the implementation of the Plans prior to occupation of the development.

8.3.17 On the basis of the provisions in place and the conditions proposed, the proposal is considered to be in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

Design, scale and impact on residential amenity

8.3.18 The design and layout of the building is to ensure it is in keeping with the existing school and has been progressed on the basis that it would cause the least harm in terms of affecting local resident's amenity. The proposed extension will extend south of the current layout, remaining as a central single storey mass; albeit on land that is being raised. This has been progressed on the basis that it would cause the least harm in terms of affecting local resident's amenity; who will view the development at some distance and in the context of the existing building.

8.3.19 The Design and Access Statement (March 2020) outlines the building materials which will be used as part of the development. These include Red and White Render, Weathered timber, green Metal work details and signage and Light Grey Window Frames, RWP and roof capping which have all been chosen to compliment the materials used in the original school building. The proposed brick tone has been chosen to match weather wood cladding to the existing building. The proposed development incorporates sustainable design principles as outlined in the Environmental & Sustainability Statement (February 2020) which accompanies the application.

8.3.20 A Landscape & Visual Appraisal (LVA) Report (March 2020) and associated Landscape & Visual Appraisal Report - Appendix C and D (March 2020) were submitted in support of the application. The site is located within a predominantly residential area nor is it covered by any landscape/ townscape designations or covered by a Conservation Area nor does it contain any assets of heritage importance. The LVA notes that visually, the site can be seen in close range views from the residential areas to the southern, eastern

and northern boundaries of the site. The eastern and northern boundaries are heavily screened by trees and hedgerows. Views of the proposed development at eye level, are obscured by vegetation and built form. From medium-range views in the surrounding residential areas the site is not visible, due to landform and buildings/vegetation screening views. It is, acknowledged however likely that the site is visible from the second floor of residential properties. From long-distance views, at elevated locations, the site forms a break in the urban form but is seen in the context of the surrounding residential area. The LVA notes that recent building work has proved to be successful in that it is low-key and of a high standard. The site is similar in character and style to other similar establishments in the area. In addition, the site is well vegetated and screened from the surrounding area. A condition is included on landscaping to ensure the successful completion of landscaping works and their aftercare.

8.3.21 Potential noise (term time and school hours only) is not expected to increase significantly as a result of the proposed development. However, to mitigate (and improve) the relationship of outdoor active uses and those residents that back onto the western boundary additional tree planting and additional willow fence screening is proposed.

8.3.22 A condition relating to hours of working for the construction of the extension is included. It should be noted that the Government issued a Written Statement (13 May 2020)¹ on construction hours in light of COVID-19.

8.3.23 On the basis of the provisions in place and the condition proposed, the proposal is considered to be in accordance with Policies EQ1 (Addressing Climate Change in South Somerset), EQ2 (General Development) and EQ5 (Green Infrastructure) of the South Somerset Local Plan (2006 - 2028) as the proposal is an appropriate layout, design, and choice of materials.

Sustainability

8.3.24 Overall, the building will take a fabric first approach to reduce the building energy requirements, leading to lower energy requirements in the heating season. High efficiency heating plant will be provided to generate a heating medium and domestic hot water. Cooling will be provided through the provision of natural ventilation where possible, with low energy ventilation fans provided where natural ventilation is not sufficient. Mechanical cooling will not be provided, and so the building will be free running in summer. Night time cooling will be provided to reduce the impact of heat gains in the mornings. The cooling performance will be assessed in line with the requirements of Building Bulletin 101: Guidelines on ventilation, thermal comfort and indoor air quality in schools (2018).

¹ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2020-05-13/HLWS230/>

- 8.3.25 The proposed development incorporates sustainable design principles and is considered to contribute to green infrastructure and ecological networks. Inside the building envelope, through the use of low or zero carbon technologies, the carbon footprint and the impact of the new development on the environment will be minimised. A variety of efficient services and plant will be used for the development to deliver this.
- 8.3.26 A Sustainable Water Consumption and Drainage Strategy has been developed, aiming to reduce the use of water across the site. There are no heavy consuming end water uses anticipated as a part of the works. Measures put in place to reduce water use are the installation of Solenoid Valves to isolate and shut water off to specific parts of the building as well as flow control measures to all sanitary-ware.
- 8.3.27 On the basis of the provisions in place and the condition proposed, the proposal is considered to be in accordance with Policies EQ1 (Addressing Climate Change in South Somerset), EQ2 (General Development) and EQ5 (Green Infrastructure) of the South Somerset Local Plan (2006 - 2028) as the proposal incorporates measures such water efficiency.

Ecology

- 8.3.28 A Preliminary Ecological Appraisal (March 2020) was submitted as part of the application. The appraisal was also supported by Phase 1 Environmental Site Assessment Parts 1, 2, 3 and 4 (March 2020).
- 8.3.29 No statutory nature conservation designations are present within 2km of the Survey Area and 10 non-statutory nature conservation designated sites, comprised of Local Wildlife Sites, were located within 2km. The site includes a variety of habitats including amenity grassland, broadleaved woodland, introduced shrub, mixed woodland, neutral grassland, trees and hedgerows. Reptiles are only likely to be present in the broadleaved woodland during their winter hibernation period but the woodland is anticipated to be unaffected by the development.
- 8.3.30 Woodland, trees and amenity grassland and the immediate landscape are considered to have low suitability for foraging and commuting bats. The woodland trees on site are not anticipated to be impacted by the proposed development although scattered trees within close proximity to the site were assessed, with one individual tree and one row of trees found to have low suitability to support roosting bats. Due to the presence of the foraging and commuting habitats for bats, artificial lighting of the trees or boundary vegetation will be restricted by way of condition. Bat boxes will also be provided.
- 8.3.31 The woodland, scattered trees and scrub habitats have potential to support nesting birds and the broadleaved and mixed woodland, scrub and amenity grassland have potential to support nest creation and foraging and commuting hedgehogs. Opportunities to enhance these species are considered by way

of conditions relating to bird boxes, bat boxes, landscaping and hedgehog houses.

8.3.32 Variegated yellow archangel, bamboo and cotoneaster are invasive non-native species which have been found on site and need to be controlled to meet the requirements of Schedule 9 of The Wildlife and Countryside Act (1981). An informative is included relating to this issue.

8.3.33 The proposed works are not considered to impact on the ecological interest of the site including the badger sett to the north-east. An informative is included relating to this issue.

8.3.34 The Ecology Consultee was consulted on the application and did not object to the proposal subject to planning conditions relating to bats, lighting, vegetation removal, badgers, retention of trees and hedgerows, invasive species and the requirement for a Biodiversity Mitigation and Enhancement Plan. With conditions and informatives applied the proposal would protect the biodiversity value of the site and incorporate beneficial biodiversity conservation features and would therefore be in accordance with Policies EQ4 (Biodiversity) and EQ5 (Green Infrastructure) of the South Somerset Local Plan (2006 - 2028).

Trees

8.3.35 Six individual trees, one full tree group and part of one tree group are to be removed to facilitate the proposed development, to achieve the construction and landscaping proposals for the site. All of the remaining recorded trees will be retained and protected. To the west of the site new tree planting is proposed alongside the boundary.

8.3.36 An Arboricultural Impact Assessment Report (March 2020) was submitted in support of the application to identify the likely direct and indirect impacts of the proposed development. A Tree Protection Plan was also prepared to identify trees to be removed or retained and to illustrate how retained trees are to be protected. Outline tree protection measures are considered in Appendix F of the Arboricultural Impact Assessment Report.

8.3.37 On the basis of the measures in place, the proposal is considered to be in accordance with Policies EQ2 (General Development) and EQ5 (Green Infrastructure) of the South Somerset Local Plan (2006 - 2028).

Flooding/Drainage

8.3.37 The development is located within Flood Zone 1 and identified as not being at risk of flooding from surface water or reservoirs.

8.3.38 The application was supported by a Flood Risk and Drainage Statement Technical Note and the Design and Access Statement (March 2020) which outlines the drainage provisions of the proposed development. A Surface Water Drainage Strategy (SWDS) has been devised that sees surface water from the building attenuated on site. The site is considered brownfield for the

purpose of the SWDS. The proposed approach is to discharge to the existing public sewer network. The proposed foul water drainage strategy is to provide a new foul sewer. This will connect to the existing foul sewer to the south-eastern corner of the site area. Localised diversions of the existing surface and foul water sewers located to the north-eastern corner of the proposed building extension will be needed to accommodate the development. The proposed diversion routes are contained within the site boundary.

8.3.39 On the basis of the provisions in place, the proposal is considered to be in accordance with Policies EQ1 (Addressing Climate Change in South Somerset) and EQ2 (General Development) of the South Somerset Local Plan (2006 - 2028).

Conclusion

8.3.42 The school already provides an education for approximately 80 students; aged from 4 up to 19 who are noted as non-ambulant with Severe Learning Difficulty (SLD), Profound Multiple Learning Difficulties (PMLD) and Autistic Spectrum Disorder (ASD). There is significant pressure on the school to accommodate additional pupils from across the Council area and the proposal helps to address this. The proposed development would increase the capacity of the school by 24 from 80 to 104 pupils, providing valuable capacity for SEN in Somerset. This will require an increase in staff of circa 23 FTE, resulting in total of 91 FTE staff at the school. The proposed 5 classrooms are suitable for higher band SEN pupils, connected to the existing main school by creating a new corridor.

8.3.43 The location and design of the extension has been carefully planned, having regard to accommodation needs and the physical layout of the existing school as well as the local residential area and environment.

8.3.44 Whilst it is recognised that there are some specific site issues such as vehicle access, “drop off” and “pick up” congestion and car parking, it is important to recognise that the proposed development cannot solve the existing site constraints and the occasional queuing of taxis and mini buses at the entrance to transport the SEN students to and from the campus. However, recognising this, the STP helps to mitigate the potential harm associated with increased pupil and staff numbers. The school will also continue to manage and monitor vehicle traffic attracted to the site and car parking and there is a commitment to review the STP within 5 years.

8.3.45 Additional planting has been proposed to mitigate the loss of 6 trees and the small tree group as well as the retention and long term management of existing trees and boundary vegetation. Additional ecological enhancement also help to offset impacts such as the provision of bird and bat boxes. With regards to the badger sett; they will be unaffected by the proposals.

8.3.46 The proposal is considered to be in accordance with the relevant policies of the Development Plan.

9. Recommendation

- 9.1 **It is recommended that planning permission be GRANTED subject to 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 Strategic Commissioning Manager – Economy & Planning.**

1. Commencement of Development

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).

Completion in accordance with the approved details

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

- Site Location Plan (February 2020);
- Existing Site Plan (February 2020);
- Existing Ground Floor Plan of Main Building (February 2020);
- Existing Site Elevations (February 2020);
- Proposed Site Plan (February 2020);
- Bike Stores (October 2019);
- Proposed Ground Floor Plan (February 2020);
- Proposed Roof Floor Plan (February 2020);
- Proposed Building Elevations (February 2020);
- Proposed Building Sections (February 2020);
- Proposed Site Elevations (February 2020);
- Topo survey (509-11174-1A) (October 2019);
- Topo survey (509-11174-1B) (October 2019); and
- Topo survey (509-11174-1C) (October 2019).

and the specification of materials and other details in the Design and Access Statement, Arboricultural Impact Assessment Report (March 2020), Flood

Risk and Drainage Statement Technical Note, Preliminary Ecological Appraisal (March 2020), Phase 1 Environmental Site Assessment Part 1, 2, 3, 4 (March 2020) Transport Statement and associated Transport Statement – Appendices (March 2020), School Travel Plan and associated School Travel Plan – Appendices (March 2020), Landscape & Visual Appraisal Report and associated Landscape & Visual Appraisal Report - Appendix C and D (March 2020) and on the application form.

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

Hours of working

3. No work relating to the construction of the development hereby permitted, (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials) shall take place before 0800 or after 1700 Monday to Friday inclusive, before 0800 or after 1500 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties and to provide reasonable hours of working in line with the Government's Written Statement (13 May 2020) on the construction industry and Covid-19.

Highways

4. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Construction operation hours and construction delivery hours;
 - b) Construction vehicular routes to and from site including a map showing the route;
 - c) The areas for on-site turning facility for delivery vehicles and the arrangements for the loading and unloading of vehicles on-site and confirm that egress onto highway shall only take place under the guidance of a trained banksman;
 - d) Expected number of construction vehicles per day;
 - e) The arrangements to ensure all contractor vehicle parking being accommodated off the highway including a plan showing the onsite parking arrangements;
 - f) Detail the specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

- g) Details of a scheme to encourage the use of Public Transport amongst contractors; and
- h) Details of on-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways.

The development shall be implemented strictly in accordance with the approved plan for the duration of the development.

Reason: In the interests of highway safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028). This is a pre commencement condition.

- 5. The development hereby permitted shall not be occupied until the new parking spaces and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with the approved Proposed Site Plan.

Reason: In the interests of on-site safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

- 6. All parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of on-site safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

- 7. The development shall be implemented in accordance with the approved School Travel Plan hereby approved (March 2020). No part of the new development shall be occupied prior to implementation of those parts identified in the Approved School Travel Plan as capable of being implemented prior to occupation. Those parts of the School Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety and in accordance with Policies TA5 (Transport Impact of New Development) and TA6 (Parking Standards) of the South Somerset District Council Local Plan (2006 - 2028).

Ecology

8. For the duration of the development, a 'soft fell' methodology must be employed for the felling of the line of small-leaved lime trees or group of trees identified as having low bat roost suitability and required for removal. This methodology entails felling the tree in sections, with the following precautions:
- Cutting above or below (rather than directly through) a potential roost feature;
 - Lowering of cut sections gently to ground level by rope; and
 - Cut sections are then to be left on site, with any potential roost feature entrances left unobstructed, for 48 hours prior to chipping or removal from site.

A qualified and experienced ecologist will supervise the felling operations, and provide confirmation in writing to the Local Planning Authority of the successful completions of felling works. In the unlikely event that a bat is discovered during the felling works, operations must cease immediately and Natural England contacted for advice.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy EQ4 (Biodiversity) of the South Somerset District Council Local Plan (2006 - 2028).

9. If external lighting is proposed specifically in relation to the development hereby approved, prior to occupation or use of the development, a "lighting design for bats", following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of 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 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 directly in relation to the development hereby approved without the prior approval of consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy EQ4 (Biodiversity) of the South Somerset District Council Local Plan (2006 - 2028).

10. No tree felling or vegetation removal works directly related to the implementation of the development hereby approved shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, scrub, shrubs and tall ruderal vegetation to be cleared for active birds' nests immediately before

works proceed 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. Please note the law does not specify a time period – some species can breed outside the time frame given.

Reason: In accordance with the protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended), and in line with Policy EQ4 (Biodiversity) of the South Somerset District Council Local Plan (2006 - 2028).

11. Prior to the commencement of the development, a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the BMEP shall include the following:
 - a) a Landscaping Scheme including more detail of the proposed works within the site and include measures (where possible) to include locally native species suitable for the area as well as the creation of areas to benefit wildlife including planting of locally native trees and hedgerows, wildflower areas of grassland and native shrub planting.
 - b) Installation 2x bird and 2x bat durable boxes (Woodcrete or similar) upon the buildings or suitable retained mature trees;
 - c) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the new building extension;
 - d) Installation of 2x hedgehog houses and leaving small gaps in fences to create suitable hibernation/resting sites and maintain habitat connectivity for hedgehogs.

The plan shall be implemented as approved.

Any plants or trees which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure enhancement and compensation measures are implemented in accordance with National Planning Policy Framework (2019) and Policies EQ4 (Biodiversity) and EQ5 (Green Infrastructure) of the South Somerset District Council Local Plan (2006 - 2028). This is a pre commencement condition.

Landscaping

12. The Privacy Willow fencing hereby approved shall be erected prior to the occupation of the development and thereafter maintained for the life of the development.

Reason: To improve the appearance of the site in the interests of visual amenity in accordance with Policy EQ2 (General Development) of the South Somerset District Council Local Plan (2006 - 2028).

13. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Impact Assessment (March 2020) including Appendix F and associated Tree Protection Plan (Appendix A of the Arboricultural Impact Assessment (March 2020).

Reason: In the interests of landscape character and the protection of existing trees in accordance with Policies EQ2 (General Development) and EQ5 (Green Infrastructure) of the South Somerset District Council Local Plan (2006 - 2028).

14. All trees and hedgerow retained will be protected in accordance with the approved plans during the works, including groundworks, by the establishment of Root Protection Areas and the erection of temporary fencing, and to include accommodating the badger protection zones, in accordance with BS 5837:2012. No materials or plant should be allowed within the buffer zone.

Reason: In accordance with BS 5837:2012, National Planning Policy Framework (2019) and Policies EQ4 (Biodiversity) and EQ5 (Green Infrastructure) of the South Somerset District Council Local Plan (2006 - 2028).

INFORMATIVES

1. **Protection of Wild Birds:** You are reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take damage or destroy the nest of any wild bird while that nest is in use or being built, or to take or destroy an egg of any wild bird even where it is done pursuant to lawful authority or requirement, if any of the activities could reasonably have been avoided in carrying out the prescribed or authorised work on the tree, shrub or scrub. Planning consent for a development does not provide a defence against prosecution under this act. Trees, shrubs and scrub are likely to contain nesting birds between 1 March and 31 August. Any Trees, shrubs or scrub present on the application site should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.
2. **Protection of Badgers:** You are reminded that The Protection of Badgers Act 1992, has identified the following as criminal offences: to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so;
 - to interfere with a sett by damaging or destroying it;
 - to obstruct access to, or any entrance of, a badger sett; and

- to disturb a badger when it is occupying a sett.

Licences can be issued by Natural England authorising actions that would otherwise amount to an offence under the Badgers Act.

The Local Planning Authority request that a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead is provided prior to the commencement of development.

3. **Invasive non-native species:** It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. All invasive species plant waste is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. A non-native species protocol should be prepared detailing the containment, control and removal of variegated yellow archangel and cotoneaster, if found to be an invasive species of cotoneaster, on site. The measures shall be carried out strictly in accordance with the approved scheme.
4. **Landscaping:** The Royal Horticultural Society guide, “RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators” provides a list of suitable plants both native and non-native.

10 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 South Somerset Local Plan (2006 - 2028).

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

- Policy SD1 (Sustainable Development);
- Policy SS1 (Settlement Strategy);
- Policy TA5 (Transport Impact of New Development);
- Policy TA6 (Parking Standards);
- Policy HW3 (Protection of Play Spaces and Youth Provision);

- Policy EQ1 (Addressing Climate Change in South Somerset);
- Policy EQ2 (General Development);
- Policy EQ4 (Biodiversity);
- Policy EQ5 (Green Infrastructure); and
- Policy EQ7 (Pollution Control).

3 The County Planning Authority has also had regard to all other material considerations, in particular paragraphs 7, 8, 11, 94, 118, 124, 127, 128 the National Planning Policy Framework (2019) as well as Planning Practice Guidance.

Material Considerations

[PPG] Planning for Schools Development: Statement (2011)

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools; and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before them for decision;
- Local authorities should make full use of their planning powers to support state-funded schools applications. This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms;
- Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible, and in particular be proportionate in the information sought from applicants;

- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority. Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education; and
- Where a local planning authority refuses planning permission for a state funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

Somerset County Council Parking Strategy (September 2013)

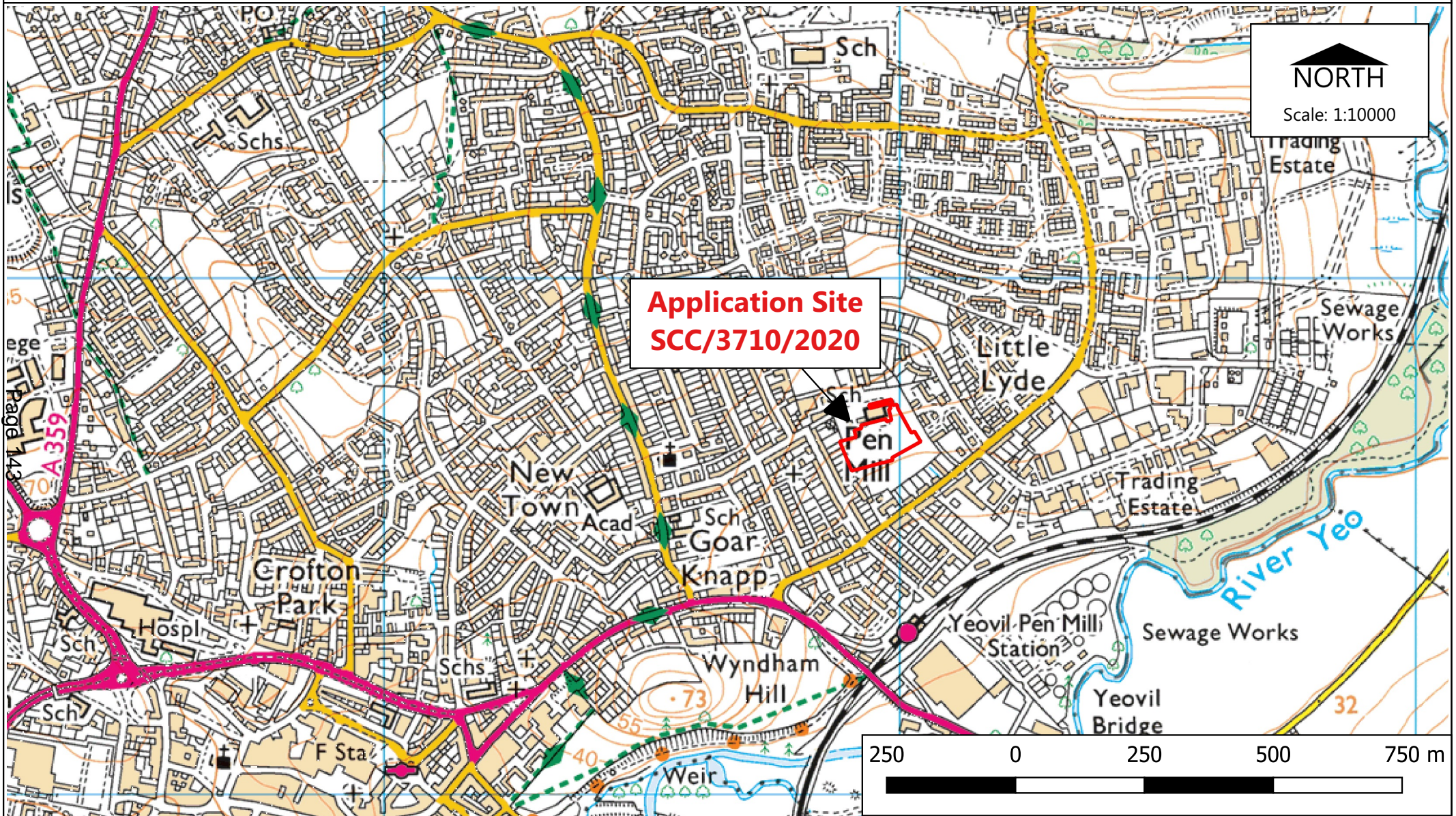
The standards below apply generically to primary and secondary schools but are not specific to Special Education Needs (SEN) School proposals.

- Minimum Level (Zone A)
- Cycle Parking = 1/10 pupils + 1/5 staff
- Motorcycle Parking = a minimum of one space provided in all non-residential developments
- Car Parking = 1/2 FTE staff + 2 visitor space
- Electric Vehicles = In all non-residential developments where 50 or more car parking spaces are to be provided, 16 amp electric vehicle charging points will be required in 2% of spaces.
- Disabled Parking = 2% of total capacity (minimum of one space) and 1 space for each additional disabled employee.

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,

Minerals Local Plan 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.



SOMERSET
County Council

Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: K Blackmore

LOCATION PLAN

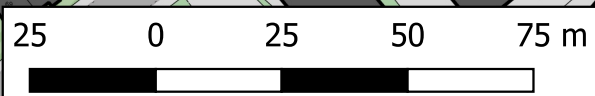
Dated:02/07/2020

This page is intentionally left blank



**Application Site
SCC/3710/2020**

NORTH
Scale: 1:1500



SOMERSET
County Council

Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. ©
© Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011). ©
© Bluesky International Ltd. / Getmapping PLC. ©

Planning Control
Drawn by: K Blackmore

SITE PLAN

Dated:02/07/2020

This page is intentionally left blank