
Area South Committee

Wednesday 5th October 2022

2.00 pm

**Council Chamber, Council Offices,
Brympton Way, Yeovil BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Barbara Appleby
John Clark
Nicola Clark
Karl Gill
David Gubbins
Peter Gubbins
Kaysar Hussain

Andy Kendall
Mike Lock
Pauline Lock
Tony Lock
Graham Oakes
Wes Read
David Recardo

Gina Seaton
Peter Seib
Jeny Snell
Andy Soughton
Rob Stickland

Consideration of planning applications will commence no earlier than **2.00pm**.

Any members of the public wishing to attend, or address the meeting at Public Question Time or regarding a planning application are asked to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 4th October 2022, so that we can advise on the options for accessing the meeting.

This meeting will be live streamed and viewable on YouTube by selecting the committee meeting at: https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

This Agenda was issued on Monday 26 September 2022.

Jane Portman, *Chief Executive Officer*



This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area South Committee are held monthly, usually at 2.00pm, on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to attend or speak they should contact Democratic Services (democracy@southsomerset.gov.uk) by 9.00am on the day prior to the meeting and provide their name and whether they have supporting comments or objections, or who they are representing. If this is not possible and a member of the public wishes to speak, they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing - this must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area South Committee

Wednesday 5 October 2022

Agenda

Preliminary Items

1. Minutes of previous meeting

To approve as a correct record the minutes of the Area South Committee held on 10th August 2022. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Peter Gubbins, Tony Lock, Peter Seib and Andy Soughton.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public question time

5. Chairman's announcements

6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

7. Market Review Working Group - Verbal Update

Items for discussion

8. Verbal Update on Yeovil Refresh

The Director, Place and Recovery will be in attendance to give an update on the progress of the Yeovil Refresh.

9. Community Grant to West Coker Parish Council – West Coker Pavilion Solar PV Installation (Executive Decision) (Pages 6 - 11)

10. Area South Forward Plan (Pages 12 - 13)

11. Planning Appeals (For information only) (Page 14)

12. Schedule of Planning Applications to be Determined by Committee (Pages 15 - 17)

13. Planning Application 20/01087/FUL - The Park School Kingston Site Kingston Yeovil BA20 1DX (Pages 18 - 51)

14. Planning Application 20/01088/LBC - The Park School Kingston Site Kingston Yeovil BA20 1DX (Pages 52 - 59)

15. Planning Application 22/01610/FUL - Preston School A Business And Enterprise Academy Monks Dale Yeovil Somerset BA21 3JD (Pages 60 - 72)

16. Planning Application 19/03242/OUT - Land North Of Brimsmore Tintinhull Road Yeovil Somerset (Pages 73 - 109)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.



Community Grant to West Coker Parish Council – West Coker Pavilion Solar PV Installation (Executive Decision)

Strategic Director: Kirsty Larkins, Director of Service Deliver
Service Manager: Tim Cook, Locality Manager
Lead Officer: Beth Poole, Locality Officer
Contact Details: beth.poole@southsomerset.gov.uk or 07458 129603

Purpose of the Report

Councillors are asked to consider the awarding of a grant of £12,435.00 towards the installation of solar photovoltaic panels on the new West Coker Pavilion.

Public Interest

Awarding grants is a key way that SSSC supports and helps to deliver community projects sponsored by Parishes and voluntary community organisations in the towns and villages across the district.

West Coker Parish Council has applied to the Area South community grants programme for financial assistance with the costs of purchase, installation, commissioning and certification of solar photovoltaic panels for the new West Coker Pavilion. The Locality Officer is submitting this report to enable the Area South Committee to make an informed decision about the application and has assessed the application.

Recommendation

It is recommended that Councillors award a grant of £12,435.00, the grant to be allocated from the Area South capital programme and subject to SSSC standard conditions for community grants (appendix A)

Application Details

Name of applicant:	West Coker Parish Council
Project:	West Coker Pavilion Solar PV Installation
Total project cost:	£24,870.00
Amount requested from SSSC:	£12,435.00
% amount requested	50%
Application assessed by:	Beth Poole

Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

Category	Max Score available	Officer assessment score
A Supports Council Plan/Area Chapter	1	1
B Supports Equalities & Diversity	1	1
C Supports Environment Strategy	3	3
D Need for Project	10	8
E Capacity of Organisation	15	15
F Financial need	7	4
Total	37	32

Background

The project to construct a new pavilion on the recreation ground at Halves Lane, West Coker was conceived around a decade ago to replace three dilapidated, inefficient buildings used by West Coker and Hardington Cricket Club, East Somerset Scout District, and the West Coker Youth Club with a single, multi-use facility to serve not only these groups but the wider community, whilst improving and extending access to sports, leisure, and recreation facilities for all. It's owned and managed by West Coker Parish Council as the Sole Managing Trustee for the 'Recreation Ground for Children Charity' (registered charity number 304669).

Construction of the new pavilion finally began late last year, following significant delays caused by the Covid-19 pandemic, and will be completed in August 2022. Its design has used 'green' solutions to reduce carbon emissions and increase its energy efficiency wherever possible, including high specification insulation, double glazing, motion-sensor LED lighting, and air source heat pumps to power underfloor heating. The next phase of this project is the addition of solar photovoltaic panels to the pavilion's roof space to further reduce its use of fossil fuels, create sustainable long-term cost savings, and contribute to its 'green' credentials.

Parish information

Parish*	West Coker
Parish Population	2,018
No. of dwellings	947

*Taken from the 2011 census profile

The project

Eighty solar photovoltaic panels will be installed on the pavilion's south-easterly facing side of the roof, covering approximately two hundred square meters, to maximise solar exposure. The installation will use a twenty-five-kilowatt system that will be compatible with battery storage and a renewable energy grid, whilst utilising electrical connections pre-emptively installed in the design of the building, reducing installation costs. This project has a short pay-back period of less than seven years and may provide an opportunity for the Pavilion to generate income in the future by returning surplus energy to the grid.

Local support / evidence of need

The Parish Council recognises that there's an ongoing climate emergency and the necessity to consider the environmental impact of its decisions. As such, optimisation of the energy performance and efficiency of the West Coker Pavilion epitomises responsible stewardship of public money by reducing its energy demands and decreasing its ongoing running costs, at a time when energy prices are increasing at an alarming and unprecedented rate and many households are facing a cost-of-living crisis. This measure will ensure the long-term energy security of the Pavilion, avoid higher energy costs being passed on to the community, and reduce financial pressures that can often prevent community facilities from thriving.

Project costs

Project costs	Cost £
80 x 'vision style' solar panels	15,120.00
Equipment costs	4,949.88
Installation	3,500.00
Delivery	1,200.00
Electrical, Tray, Cables and Accessories	500.00
Discount	400.00
Total	24,869.88

Funding plan

Funding source	Secured pending or	Amount £
West Coker Parish Council	Secured	11,435.00
Recreation Ground for Children Charity	Secured	1,000.00
SSDC Community Grant	Pending	12,435.00
Total		24,870.00

Conclusion and Recommendation

It is recommended that a grant of £12,435.00 is awarded.

Financial Implications

The balance in the Area South Capital programme is £132,175. If the recommended grant of is awarded, £119,740 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a 50% basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

Council Plan Implications

Council Plan themes and areas of focus for 2022-2023

A plan specific to West Coker under Priority 2 'Healthy and Reliant Communities' is to support the delivery of new or improvements to community halls.

Priority 1 - Environment

- Continue the delivery of the Environment Strategy action plan, reducing our carbon emissions by 10% every year, to reach carbon neutrality by 2030.
- Deliver schemes to enhance the quality of our local environment and its resilience to adapt to climate change.
- Deliver the County-wide Climate Environment Strategy.
- Support the development of environmental and ecological aspects within local, parish and neighbourhood plans.

Priority 2 - Healthy, self-reliant Communities

- Collaborate with local partners to reduce the impact of social isolation and create a feeling of Community.
- Work with local partners to support people in improving their physical and mental health and wellbeing and reduce inequalities.
- Enable quality and inclusive cultural, leisure and sport activities.

Priority 3 - Economy and Covid-19 Recovery

- Support individuals and businesses through the pandemic, including response, recovery and growth initiatives (including any new grant schemes in the new financial year).
- Enable and encourage businesses to become more environmentally sustainable (aligned to 2030 Climate Emergency commitments).

SSDC's Environment Strategy and Action Plan 2022-2023

- Enable and signpost grant funding opportunities for environmental initiatives.
"Provide support, alongside partners, for communities and parishes to access existing funding for environmental initiatives, including renewable energy."



South Somerset District Council

- Decarbonisation of estate through energy efficiency improvements and electrifying heating and lighting away from fossil fuels.
- Engagement with key stakeholders around zero-carbon agenda.

Carbon Emissions and Climate Change Implications

This project will optimise the energy performance of the West Coker Pavilion by increasing its energy efficiency and further reducing any reliance on carbon-emitting generation from the grid, making a significant local contribution to South Somerset's goal to become carbon neutral by 2030 and leading through example. Furthermore, the need for carbon-emitting generation will be offset by returning surplus solar energy to the grid.

Equality and Diversity Implications

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was not required, please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA was required, please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
Additional Comments	
<p>The installation of solar panels will contribute to long-term sustainable financial management of the pavilion, serving <i>all</i> of the community for generations to come. The building has been designed in accordance with Part M (access to and use of buildings) of the Building Regulations 2010 and the Equality Act 2010 (reasonable adjustments for accessibility). However, an equalities and diversity policy is currently not held by the applicant and is recommended.</p>	

Background Papers

None

Appendix A

Standard conditions applying to all SSDC Community Grants

The applicant agrees to:

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of the grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured before starting the project, if these were not already in place at the time of the application.
Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc.).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.
- Complete an evaluation survey when requested after the completion of the project.
- Note that they cannot apply for another community grant for the same project within a 3-year period of this award.

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control Service when buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

Additional conditions applying to Facilities

- Provide good quality signage to buildings and facilities.

Special conditions

None.



Area South Forward Plan

Director: Nicola Hix, Strategy & Support Services
Lead Officer: Jo Boucher, Case Officer (Strategy & Commissioning)
Contact Details: Jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area South Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers.

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the Agenda Coordinator.

Background Papers

None

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Case Officer – Strategy and Commissioning; Jo Boucher.

Meeting Date	Agenda Item	Lead Officer
Monthly Ongoing -	Verbal Update – Yeovil Market Review Group	Cllr Karl Gill
Monthly Ongoing	Verbal Update – Yeovil Refresh	Director, Place & Recovery
TBC	<i>Section 106 Obligations Update</i>	<i>Tim Cook, Locality Manager</i>
TBC	<i>Yeovil Crematorium Update Report</i>	<i>Robert Orrett, Commercial Property, Land and Development Manager</i>
TBC	<i>Community Funding Requests</i>	<i>Ongoing</i>



Planning Appeals

Director: Kirsty Larkins, Service Delivery
Lead Officer: John Hammond, Lead Specialist Planning
Contact Details: John.hammond@southsomerset.gov.uk

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendations

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

Ward: Brympton
Proposal: Proposed new double garage to front of property
Appellant: Mr & Mrs Josh Stagg
Site: 43 Poplar Drive Yeovil BA21 3UL

Background Papers

Decision Notices attached (if applicable)

Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins (Service Delivery)
 Lead Specialist: John Hammond, Lead Specialist Built Environment
 Contact Details: john.hammond@southsomerset.gov.uk

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area South Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.00pm

*The meeting will be live streamed and viewable online by selecting the committee at:
https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA*

Any member of the public wishing to address the meeting regarding a Planning Application are asked to email democracy@southsomerset.gov.uk by 9.00 am on Tuesday 4th October 2022.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	YEOVIL SUMMERLANDS	20/01087/FUL	Redevelopment of former Park School site consisting of the conversion of existing buildings to 7no dwellings, conversion of and works to the Grade II Listed Kingston House to 8no dwellings, erection of 30no. new dwellings, demolition of 3 existing school buildings and	The Park School Kingston Site , Kingston, Yeovil, BA20 1DX	Stonewater Ltd

			associated infrastructure, access enhancements, landscaping and all associated works		
14	YEOVIL SUMMERLANDS	20/01088/LBC	Listed Building Consent for the redevelopment of former Park School site consisting of the conversion of existing buildings to 7no dwellings, conversion of and works to the Grade II Listed Kingston House to 8no dwellings, demolition of 3 existing school buildings and associated infrastructure, access enhancements, landscaping and all associated works.	The Park School Kingston Site , Kingston, Yeovil, BA20 1DX	Stonewater Ltd
15	YEOVIL SUMMERLANDS	22/01610/FUL	The construction of a new Artificial Grass Pitch (AGP) with perimeter fencing.	Preston School A Business And Enterprise Academy , Monks Dale, Yeovil, Somerset, BA21 3JD	Preston School Academy
16	YEOVIL WITHOUT	19/03242/OUT	Outline application for the erection of up to 185 dwellings with public open space, landscaping, sustainable drainage system, and vehicular access point. All	Land North Of Brimsmore, Tintinhull Road, Yeovil, Somerset,	Gladman Developments Ltd

			matters reserved except for means of access.		
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Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Agenda Item 13

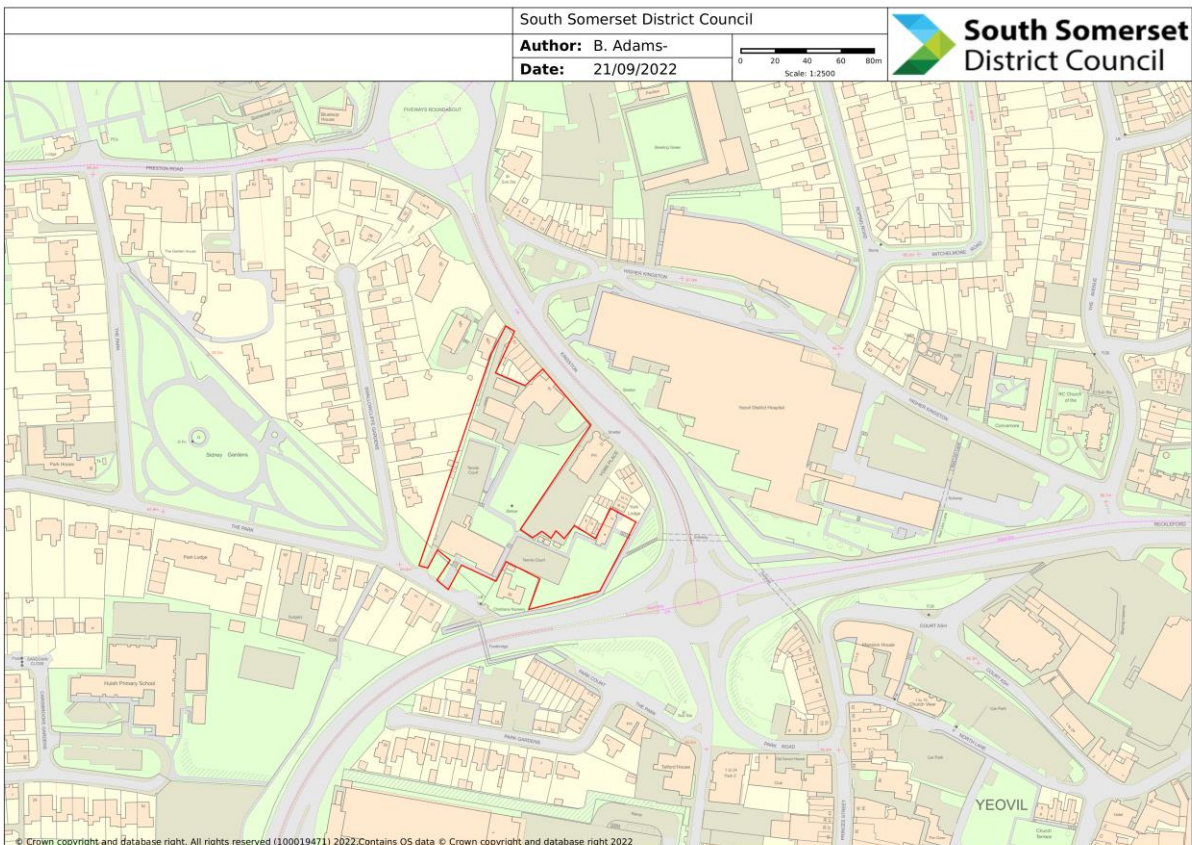
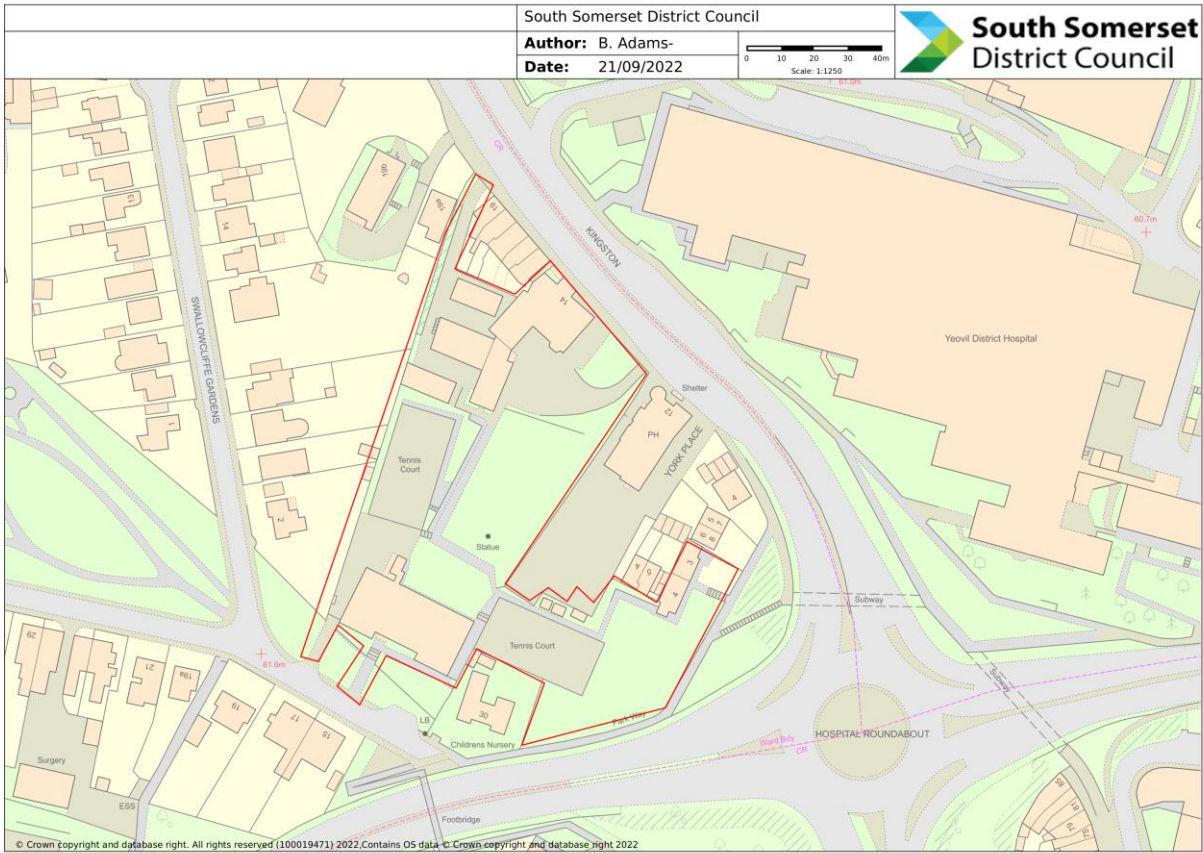
Officer Report On Planning Application: 20/01087/FUL

Proposal :	Redevelopment of former Park School site consisting of the conversion of existing buildings to 7no dwellings, conversion of and works to the Grade II Listed Kingston House to 8no dwellings, erection of 30no. new dwellings, demolition of 3 existing school buildings and associated infrastructure, access enhancements, landscaping and all associated works
Site Address:	The Park School Kingston Site , Kingston, Yeovil, BA20 1DX
Parish:	Yeovil
YEOVIL SUMMERLANDS Ward (SSDC Member)	Cllr J Clark Cllr W Read Cllr P Lock
Recommending Case Officer:	Linda Hayden (Principal Specialist) Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	5th August 2020
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Andrew Tregay Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The Development Manager has agreed that this report (and the associated listed building application (20/01088/LBC)) should be considered by the committee given the level of local interest together with the scheme being an early proposal that is accompanied by a self-contained solution to nutrient neutrality.

SITE DESCRIPTION AND PROPOSAL



The application site forms part of the former Park School situated within the centre of Yeovil with accesses both from The Park and Kingston. The site has been vacant since the Park School relocated to Chilton Cantelo in 2017/8 and includes former school buildings, tennis court, play areas and parking areas. The majority of the site boundary is adjoined by residential properties with the Conservative Club to the east, the Kingston dual carriageway adjoins the northern boundary. To the south of the site is a footbridge over the dual carriageway for pedestrian use. The site is partially within The Park conservation area and Kingston House is Grade II listed. There is a group Tree Preservation Order covering trees along the eastern boundary.

The proposal includes the demolition of several existing school buildings including the tennis courts, hard standing and smaller ancillary buildings. Buildings to be demolished:

Link Building = 272.00 sqm
Rear of Coach House 1 = 165.00 sqm
Main School Building = 1,039.5 sqm

The remaining buildings will be converted to residential units.

Kingston House = 715.00 sqm (plots 1-8)
Coach House = 289.00 sqm (plots 9-11)
Stables = 147.00 sqm (plots 13-14)
Cottage Classrooms = 195.00 sqm (plots 37-38)

The schedule of accommodation comprises:

Conversion of the existing remaining buildings to provide:

5 x 1 bedroom apartments
3 x 2 bedroom apartments
3 x 3 bedroom houses
4 x 2 bedroom houses

The new build comprises:

12 x 2 bedroom apartments
8 x 3 bedroom houses
9 x 2 bedroom houses
1 x 4 bedroom house

It should be noted that the proposal does not make provision for affordable housing and will be 100% market housing. A viability report has been submitted and assessed by the District Valuer confirming that the proposed scheme would not be viable should any affordable housing or S106 contributions be levied. Nevertheless, even should the scheme be viable the existing floorspace being demolished or converted equates to 85.6% of the total proposed floorspace therefore under the Vacant Building Credit the development would have only been liable for 14.4% of its affordable housing requirement equating to 2.2 affordable homes (14.4% of 15.75 affordable units). Despite this it should be noted that the applicant is Stonewater one of the

districts preferred housing partners and it is their intention to provide plots 15 to 45 (30 total) as affordable housing (this will not be secured through a legal agreement).

The proposed development will utilise two existing access points. A one way 'in/out' arrangement is proposed onto Kingston serving plots 1- 14. The existing access onto The Park will be upgraded to serve plots 15 to 45. 50 Parking spaces are proposed with each unit having access to an allocated space (except plot 12 which will have 2 spaces), this includes 4 visitor spaces. Each unit will have access to cycle storage.

During the course of the application amended plans were received in relation to the details of the proposed dwellings and additional information was received in regard to the trees on the site, ecology and phosphates.

This application has been subject to lengthy delay due to the phosphates issue that is currently impacting the majority of South Somerset. As the applicants are a social housing provider, they have been able to provide a phosphates solution by way of introducing water efficiency measures within some of their existing housing stock. This will be considered in more detail within the report.

HISTORY

The planning history indicates the school site was established through a change of use from dwelling/surgery to a residential/boarding school in 1949. The school was then subject to numerous ancillary development in the form of extensions and additions through the 1960's and 70's. The only recent planning history is:

01/00670/COU - The change of use of land from residential garden to school right of way. Application permitted with conditions 16/05/2001.

01/00673/LBC - The rebuilding of storm damaged boundary retaining wall. Application permitted with conditions 16/05/2001.

POLICY

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

South Somerset Local Plan 2006 - 2028

Policies:-

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
HG2 - The Use of Previously Developed Land for New Housing Development
HG3 - Provision of Affordable Housing
HG5 - Achieving a Mix of Market Housing
TA1 - Low Carbon Travel
TA3 - Sustainable Travel at Chard and Yeovil
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural or Community Facilities in New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

National Planning Practice Guidance

Appropriate Assessment
Climate Change
Design
Historic Environment
Natural Environment
Noise
Planning obligations
Travel plans, transport assessments and statements in decision-taking
Tree Preservation Orders and trees in conservation areas
Viability
Water supply, wastewater and water quality

Legislative requirements for applications within setting of Listed Buildings or Conservation Areas

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

Somerset County Council Parking Strategy (2013)

CONSULTATIONS

Yeovil Town Council:-

'Refusal for the following reasons:

- Inadequate planning for the potential additional traffic using the proposed Kingston access and exit, including poor visibility, which would result in safety concerns
- Lack of any proposed management of construction traffic and potential traffic generated from the new development in order to safeguard the conservation area, neighbourhood and surrounding trees
- The scale and density of the proposed development is not in keeping with the existing surrounding development and will therefore be detrimental to the character and appearance of the neighbouring conservation area
- The future upkeep of the private road is of concern and may lead again to a detrimental impact on the conservation area
- The overdevelopment of the site resulting from the proposed high density of the housing.'

The Town Council meeting to discuss the submission of the phosphate mitigation has not taken place at the time of writing the report.

County Highway Authority:-

Advise the following:

'Without recourse to the planning process this site could be re-commissioned as a full functioning educational establishment. As such it could already generate a variety of vehicles

associated with staff, pupil drop-off and pick-up, servicing vehicles, deliveries, and grounds maintenance.

The vehicle access points are existing and are provided with suitable visibility splays. The current access onto Kingston caters for two way traffic but are limited in width which means there is a risk of conflict between accessing and egressing vehicles/pedestrians/cyclists. The access onto The Park is a more quiet setting with limited passing traffic due to the 'dead-end' nature of the route. To the east of the access The Park only provides access to a couple of properties and as such traffic speeds and volumes are very low.

Having regard to the aforementioned access onto Kingston, as a fully functioning school due to the width of the access onto Kingston, there was always a risk that two vehicles would meet in the driveway leading to inappropriate reversing manoeuvres onto the footway of Kingston. The proposed alteration to an in/out arrangement will remove this risk of conflict in the driveway and is therefore beneficial to the interests of pedestrians and cyclists. All works which affect the highway such as the planting build-outs on Kingston will need to be secured via a suitable agreement under s278 Highways Act 1980. Further the proposed amendments to the access onto The Park can be secured by condition and will allow for an efficient flow of traffic through the single width access route.

Within the submitted transport statement, the applicant has taken the approach of calculating the predicted trips generated by the extant use of the site (180 pupil secondary school) and has also predicted the trips for the proposed site (45 dwellings). The applicant has then calculated the net difference. This approach was assessed during the audit process and is considered suitable as the extant use (the school) of the site is understood to have closed in 2018.

A review of some of the selections within TRICs has shown the applicant has purposely undertaken a selection approach to generate a slightly greater number of trips for the extant and fewer trips for the proposed site in order to demonstrate that the net difference will be negative.

Despite this, if more robust selections and resulting higher trip rates were used, the net impact and actual trip generation of the proposed site would only be slightly higher (due to the size of the proposed development) and therefore this is only a minor issue.

In terms of modelling, this Transport Statement is considered acceptable as the traffic impacts (not including highway safety) of the proposed development on the local highway network will not be severe.

Following a Stage 1 Feasibility Safety Audit, no major safety implications have been highlighted other than a 'one-way' sign should be erected at the egress onto Kingston to advise drivers that a left turn is the only manoeuvre allowable due to Kingston being a dual carriageway, and limited pedestrian dropped kerbs and tactile pavings in The Park.

As currently submitted, the internal layout of the site is not considered suitable for adoption as highway maintainable at public expense. As such, the management and maintenance of the internal roads should be secured via a suitable agreement under s106 Town and Country Planning Act 1990. This agreement should also secure a Travel Plan.

As the internal layout of the site will result in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

Having said that, there are concerns that the turning head is of insufficient dimensions to allow for efficient turning movements for refuse freighters. Drawing BTC18106-SPA-03 Rev P3 shows the vehicle over running pedestrian areas and this needs amending.

It is noted that this site is adjacent to a conservation area and the designer will need to consult with the District Council and Somerset County Council conservation officers to agree appropriate materials for any works carried out on this area.

I can confirm that this Authority has no objection in principle to the surface water drainage strategy proposed on the presumption that all the access roads within the developer will remain private. I would however ask that the opportunity be taken through this application to intercept any surface water run-off from impermeable areas within the development to prevent discharge out onto the public highway.'

In the event of permission being granted, the Highway Authority recommended that the conditions are imposed in relation to a; construction traffic management plan; access arrangements; estate details; and provision of parking spaces. They also suggest a note advising the following:

'It is understood that there is a certain level of concern within the locality regarding the levels of highway safety connected with this proposal. When assessed against the current permitted use, and local and national policies, whilst this Authority is content there will not be a detrimental impact on safety caused by the development, if the Local Planning Authority is minded to investigate alternative access arrangements, this Authority would be happy to consider a scheme whereby the internal layout is amended to permanently close both access points onto Kingston and have all vehicular access taken from The Park as being the quieter of the roads.'

Ecologist for SSDC (appointed to carry out Habitat Regulation Assessment (HRA/ Appropriate Assessment (AA)) in relation to proposed phosphate mitigation:-

The conclusions of the HRA/AA in relation to the proposed phosphate mitigation strategy are as follows:

'The HRA screening assessment has shown that without the implementation of mitigation to reduce the increase of phosphorus caused by the proposed development at Park School, Kingston, Yeovil, BA20 1DX, LSE would occur. LSE would be due to the increase of phosphorous and effect the Somerset Level and Moors Ramsar sites alone. No other likely significant effect on any other designated site or impact pathway on the Ramsar site have been identified, either alone or in combination.

Mitigation will be provided by implementation of and retrofitting of water saving apparatus in

housing stock. Based on the figures provided, the applicant would have to provide water saving apparatus in 110 houses. This would include 45 houses in the proposed development and 65 houses in the applicant existing housing stock. To ensure that the precautionary principle enshrined in the HRA is upheld, the applicant will agree to 125 houses to be provided as mitigation.

Mitigation will be secured via a S106 agreement. Further security is ensured via the provision of clauses within the existing and future tenants lease agreements, preventing removal of or tampering with the mitigation.

The provision of mitigation measures which will protect against the impacts of increased phosphorous, will ensure that **no adverse effects to the integrity of the sites will occur**. Even when a sites qualifying features are not currently at favourable conservation status, and conservation targets, for example, for water and air quality are not currently met, developments can go ahead if they either provide a reduction to the discharge of the relevant pollutant (phosphorous) or they do not add to the pollution load or impede the achievement of the conservation objectives. In such cases there is no adverse effect on the integrity even if the proposals are not actually contributing to an improvement, they are not making worse or impending measures which are being delivered under article 6 (1) or 6 (2).

As a result of proposed development **no adverse effects to the integrity of the sites will occur.**'

Natural England:-

Respond as follows:

'NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Somerset Levels and Moors Ramsar

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse

effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Water Saving Technology

In order to be satisfied that the water efficiency measures will be maintained, it is recommended that the water saving technologies are fitted into the piping as part of the dwelling infrastructure, decreasing the risk that the devices would be removed by future occupants. The technology the applicant has proposed appears to meet this requirement.

Stonewater have calculated the total phosphorus saving from the water saving technologies retrofitted into the proposed development based on a daily water saving of 58 Litres/property/day. An average daily water saving of 58 Litres/property/day has been abstracted from previous studies which used the same device and monitored the real-world savings (Phosphorus Mitigation Strategy Appendix 2).

Regulations 36 and 37 of the Building Regulations 2010 introduced a minimum water efficiency standard into the Building Regulations for the first time for new homes. It requires that the average water usage of a new home (including those created by a change of use) is no more than 125 litres per person per day or 110 litres/person/day if required as part of the planning permission.

As confirmed in an email to the LPA (04 March 2022), only houses constructed under the control of the Building Regulations that were applicable prior to the 2010 revision will be selected for retrofitting of the evidenced water saving technology within this mitigation proposal. This may include houses that were completed after the 2010 revision but approved and constructed under the previous version of the Building Regs and therefore were not subject to a minimum water efficiency standard.

This is a positive deviation from the Appropriate Assessment provided which stated that 45 houses in the proposed development would be included. The inclusion of housing stock subject to Regulations 36 and 37 of the Building Regulations 2010 would be incomparable to the provided case study data and therefore the proposal would not provide certainty to enable adverse effects on site integrity to be ruled out. This amendment should be reflected in the appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Stonewater have proposed upgrading 125 properties, in excess of the 110 dwellings figure which has been calculated as generating sufficient credits for the proposed development. This provides an additional approx. 10% buffer as a precautionary measure.

Mitigation will be secured via a S106 agreement. Further security is ensured via the provision of clauses within the existing and future tenants lease agreements, preventing removal of or tampering with the mitigation.'

Conservation Officer:-

Provides the following advice:

'You have asked for my formal comments on the proposals for the listed buildings and also the

development in the grounds. We had close liaison with the heritage consultant early on so the vast majority of these proposals are acceptable. There is an excellent Statement of Heritage Significance. I agree with the contents. We have both expressed concern regarding the loss of the last remaining garden for plots 12 and 21 - 24. This is what the statement says:

7.7.1 Between the carriage house to the north and the new development on the site of the modern school building to the south, the sports courts and lawn are proposed for development with a central driveway with six units on its north west side and five on its south east side, figure 80. The houses along are considered to cause harm to the significance of Kingston House through altering its setting. Although the garden of the house was much altered by The Park School through the introduction of the tennis court against the north west boundary, the bulk of the lawn remained, figure 86 (View to the south west elevation of the house, looking north, across the remaining open area of garden)

8.7 There is concern about the compliance of the proposed new build development on the former garden of the house. The Park School altered the garden with a tennis court along the north western boundary but the rest of the garden, other than the southerly modern building, remained as an open lawn. It is considered that the redevelopment of the entire lawn area would harm the setting of the listed building. The houses on the tennis courts could be found to be appropriate as they are on what could be considered to be developed land but more importantly are set back from the main views from the house, tucked in, to a degree, behind the carriage house. A demonstration of public benefit will be required to make the proposed houses on the lawn area policy compliant.

8.8 In summary:

The principle of residential development for the site is considered to be an appropriate new use for the listed building and its grounds, the proposed conversions of the listed house and its carriage house and stables curtilage buildings and the redevelopment of the modern classroom building on the south west boundary of the site are considered to be policy complaint subject to detail, the proposed new build development on the western boundary tennis court is considered likely to be policy compliant,

There is concern with proposed plots 12, 21 - 24 as the proposed development is considered to cause harm to the identified significance of Kingston House, listed grade II. This element of the proposed development will therefore need to be considered against public benefits afforded by the overall proposal, it is considered that there is a reasonable expectation of archaeological potential on the site.

The policies to be considered are as follows:

The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires us to assess the impact that development will have on a heritage asset.

Conserving and enhancing the historic environment
Paragraphs 189 to 208

196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the

deteriorated state of the heritage asset should not be taken into account in any decision.

197. In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. 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. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan Policy EQ3 reflects the NPPF guidance. Heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. In addition Policy EQ2 requires all new development proposals to be designed to achieve a high quality which promotes the District's local distinctiveness and preserves or enhances the character and appearance of the District.

I have spoken to the Heritage Consultant. We have discussed whether the 5 units represent Substantial Harm or Less than Substantial harm. We both agree that these extra units will result in Less than Substantial Harm as the site is already compromised by the former use. I would hope that Heritage Harm will be common ground at appeal if it is ultimately refused. I would reiterate paragraph 199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The restoration of the heritage asset alone would not be sufficient public benefit to offset the harm as it does not accord with Paragraph 196. There are clear signs that the asset has been neglected by the previous owner when I visited three years ago.

I formally OBJECT to this proposals as it is not in accordance with Local Plan Policies EQ2 and EQ3.'

Historic England:

Do not wish to comment upon the application.

Archaeologist SWHT :-

Advises that the submitted Heritage Statement acknowledges the potential for archaeology on the site which, is likely to be of local significance. There are also upstanding heritage features that will require recording. For this reason he recommends that the developer be required to investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of a condition attached to any permission granted.

Environmental Health Officer :-

Advised that the site is surrounded by existing residential buildings and therefore the construction phase has the potential to impact on these. Recommend conditions to protect residential amenity during the construction phase.

Strategic Planning:-

Advise the following:

Capital contributions

Local Facilities:

Equipped Play Space - £33,952

Youth Facilities - £6,667

Playing Pitches - £17,108

Changing Rooms - £31,273

Total - £88,999

Commutated Sums

Equipped Play Areas - £19,611

Youth Facilities - £2,465

Playing Pitches - £10,384

Playing Pitch Changing Rooms - £2,516

Total - £34,976

Overall Level of Planning Obligation to be sought (including administration fee) - £123,976

Overall Contribution per dwelling - £2,783

Designing Our Crime Officer:-

No objection subject to comments in relation to layout, access points, landscaping, cycle storage and lighting. Reference can be made to these comments within an appropriately worded informative.

Somerset Waste Partnership:-

Advise that collections are not made from private roads unless the landowner/developer has given written permission and has waived liability to do so. Provide advice on the size of bin stores that will be required. Reference can be made to these comments within an appropriately worded informative.

Tree Officer:

Following concerns about the application the Tree Officer met with the applicant's arboriculturist and advised:

'I had a productive site meeting to consider the concerns I raised within the attached objection. Following that meeting, (agents) have kindly provided the attached scheme of detailed tree protection, pruning and specialist landscaping measures.

I'm pleased to confirm that those measures have provided reassurances sufficient to overcome my concerns.'

If a Planning Consent is to be granted, the Tree Officer requests condition in relation to tree protection during construction and landscaping.

Local Lead Flood Authority (LLFA):-

Following submission of additional details, the LLFA have no objections to the application subject to the imposition of a condition in relation to surface water drainage.

County Education:-

Advise the following:

'45 residential properties in this location will generate the following number of children for the local schools:

5 early years pupils
15 Primary pupils
7 secondary pupils

Yeovil is expanding with a large amount of new housing. Somerset County Council as the education authority has commissioned new primary schools in the areas of new development as well as a town wide expansion of the secondary schools to manage the number of new pupils the new developments will generate. This development is required to contribute to the cost of the school builds and expansions to ensure that there will be sufficient places for the pupils which the homes will generate. The data currently indicates that there are sufficient early years places in the area so we will not require education funding for early years, however primary and secondary education funding is required per pupil. The cost to build is based on the most recent school builds undertaken in Somerset as follows:

15 x £17,074= £256,110 for Primary education in Yeovil
7 x £24,861 = £174,027 for Secondary Education in Yeovil

We would expect these totals to be detailed in a S106 agreement.'

Ecologist (Somerset Ecology Services):-

Advise the following:

Greenwood Ecology & Conservation was commissioned by Stonewater Ltd in March 2019 to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) to inform potential development of the Park School site, Yeovil. Following the results of the PEA/PRA, further bat surveys were recommended and subsequently completed during 2019. The results of the surveys were as follows:

Designated Sites: The application site is not coincident with any statutory or non-statutory designated sites and there are no statutory sites located within 1 km of the application site boundary. A network of five interconnected Local Wildlife Sites is located approximately 850 m to the south-east of the site.

Habitats: Overall the site comprises predominately hardstanding (car parking and tennis courts), school buildings, amenity grassland (mown short and well maintained), some small areas of flowerbeds/shrubs and ornamental tree planting. In a few locations, some ruderal/ephemeral vegetation is emerging in cracks in the hardstanding,

Amphibians: SERC returned no records of great crested newts (GCN) (*Triturus cristatus*) within 1 km of the application site. Although there is a pond on site, a HIS was undertaken which resulted in a low score. Therefore, given this low score coupled with the lack of records of GCN within 1 km of the proposed application site, it is considered that this species is not present on site

Reptiles: The application site does not provide the mosaic of tussocky grassland or grassland/scrub margins that are the preferred foraging habitat for slow worms. Furthermore, the regularly mown amenity grassland does not provide suitable habitat and the flowerbeds/shrub planting is of insufficient scale to support this species. Equally, the habitats on site are not considered suitable for barred grass snake or adder. There are no areas of the site that provide suitable hibernation habitat for reptiles and it is therefore considered that they are unlikely to be present on site.

Birds: The trees within the site have the potential to support nesting birds, whilst the buildings may also provide some nesting opportunities for small bird species. The lack of foraging opportunities and semi-natural habitats means that the proposed application site does not provide the suitability to support notable species or populations of birds.

Badger: No evidence of badger (*Meles meles*) activity or presence was recorded during the site survey, despite a thorough search being undertaken

Dormice: No hazel dormouse (*Muscardinus avellana*) records were returned by SERC as part of the data search. The lack of woodland and/or scrub habitat within the application site means that the application site does not provide suitable habitat for this species.

Bats: Following a Preliminary Roost Assessment, roost survey were undertaken which resulted in no bat roosts being recorded in any building on site.

Invertebrates: The application site does not contain a variety of habitat types often required to support notable invertebrate populations.'

In light of these comments the ecologist recommends the imposition of conditions to secure a Construction Environmental Management Plan; details of lighting; Landscape and Ecological Management Plan; and Biodiversity Enhancement (Net Gain).

(Officer Note: Given the length of time since the original surveys, the agents have submitted updated informative form their ecologists. The ecologist for SSDC at Somerset Ecology Services have confirmed that given there have been no material changes at the site that the comments and requests for condition from 2020 are still valid as the updated ecological surveys have concluded no changes since the previous surveys were undertaken.)

District Valuer:-

Conclude in their January 2021 report:

'Despite a number of differing inputs in their respective appraisals DVS conclude the same as Boon Brown, that a scheme providing 100% private residential housing is not financially viable.

Further, Boon Brown state that the applicant cannot afford to offer any on-site affordable dwellings nor afford to pay the required s106 contributions. The DVS Valuer agrees with this statement and is of the view that this outcome is due to a combination of factors, including a relatively high existing use value of the site and relatively high abnormal costs.'

(Officer Note: Given the delay in the determination of the application, the District Valuer was asked for updated comments and advised that house prices have increased since the report, but equally so have build costs and in general they have found that one cancels the other out in the current market. On this basis, they anticipate that an updated viability review would result in the same conclusion as that from January 2021.)

NHS

Advise as follows:

'The GP surgeries within the catchment area that this application would affect, currently have sufficient infrastructure capacity to absorb the population increase that this potential development would generate.

However, please be advised that this response from NHS Somerset is a snapshot of capacity assessment at the date of this letter and should there be any change to this position as a result of any current planning applications that may or may not affect the capacity at Ryalls Park

Medical Centre, Preston Grove Medical Centre, Penn Hill Surgery and Hendford Lodge Surgery being approved prior to a final decision on this particular development, then the NHS position could change.

Therefore, whilst at this time there would be no need for a Section 106 contribution towards NHS Primary Care from this development, we would advise that the estimated sum of £580 per dwelling towards NHS Primary Care is factored in to any viability assessments.

Accordingly, the NHS reserve the right to review and respond again when any future planning applications are received by the Council. The NHS cannot guarantee that the response will be the same once all the factors surrounding any future application are considered.'

Dorset and Somerset Fire and Rescue Service:-

Provide the following comments:

'Whilst we acknowledge this is a planning application, we take the opportunity to comment on the access and facilities for the Fire & Rescue Service. Consideration should be given at the design stage for the provision of fire hydrants for this development.

Please ensure that the requirement within ADB Volume 1: Dwellings Part 5 of the Building Regulations 2010 is complied with.

The Fire and Rescue Authority is a statutory consultee under the current Building Regulations and will make detailed comments at that time when consulted by building control (or approved inspector).'

REPRESENTATIONS

Over 40 objections and one letter of support have been received in response to the application and the amended plans. In addition, an objection letter and petition (in relation to traffic concerns) with 134 signatures from the Friends of Sidney Gardens has been received. The Yeovil Constituency Conservative Association has also written a letter of representation.

The objections are summarised as follows:

- o Development is out of keeping with the area and does not enhance the conservation area
- o Proposal will result in additional traffic and the need for parking, which are already issues within the vicinity. Difficult for emergency vehicles to access.
- o Overdevelopment of the site - too many dwellings
- o Development is not inclusive as affordable and private dwellings are separated.
- o Vehicular access onto Preston Road is already very difficult and the development will exacerbate the situation.
- o Vehicular access onto Kingston is dangerous
- o SSDC should think long term not short term when considering the impact of the development
- o Reduction in property values
- o The construction work will cause damage to the area.
- o Proposed parking is inadequate and will further exacerbate the on-street parking issues

- o Safety concerns for children and the community trying to access the area
- o The whole development should be accessible through Kingston to reduce the impact upon The Park
- o Proposal will detract from and reduce the enjoyment of Sidney Gardens. It is a community asset which already suffers from anti-social behaviour, the additional homes in the immediate vicinity will only exacerbate this
- o The proximity to the town centre does not mean that there is less dependence on the car as new residents are likely to need a car to travel to work. There are no cycle paths within the vicinity and public transport is insufficient.
- o Noise and light pollution
- o Loss of privacy
- o Town centre schools are already full
- o The amended scheme does not address the original concerns regarding scale of development, access and local infrastructure. Concerned that more attention is given to ecology than local residents.
- o The development of the other part of the school by the same developer is an eyesore.

The Friends of Sidney Gardens object on the following grounds:

- o Over development
- o Vehicular access to the site
- o Segregation between categories of housing
- o Traffic and parking problems in the surrounding roads
- o Parking provision in the new estate
- o Construction and demolition phase - disruption and transport implications
- o Environmental and safety concerns - impact upon conservation area, heritage park, trees and pedestrians using footpaths
- o Traffic control to Preston Road
- o Petition in relation to traffic concerns

Yeovil Constituency Conservative Association comment on discrepancies in the Design and Access Statement with regard to accommodation schedule and user access. Queries the levels of parking provision and assumes that there will be a s106 to secure offsite provision for recreation (suggests a play area in Sidney Gardens).

The County Councillor for the area has also objected to the application on the following grounds:

- o The segregation between social and private housing in the development does not seem in keeping with the community feel of the area.
- o Road access -
 - a. Concerned about access onto Kingston
 - b. Concerned about access/traffic in and around the Park and Sidney Gardens
 - c. Welcomes conditions regarding construction traffic and requiring survey of local roads to ensure any construction traffic damage is addressed by the developer.

Requests that consideration be given to having access through the whole site to integrate the sites and ease traffic.

The letter of support states that the proposal means there will be new and upcoming houses in the market for first time buyers.

CONSIDERATIONS

Principle

Yeovil is identified as a Strategically Significant Town in the adopted Local Plan 2006-2028 and is the prime focus for the greatest concentration of growth in the district (Policy SS1). The proposal site is located within the Development Area for Yeovil.

The Council published a Five-year Housing Land Supply 2021-2026 in September 2021 and is able to demonstrate a housing land supply equivalent to 4.7 years. As a result of the appeal decision on the proposed residential development of Land North of Ansford Hill, Ansford, South Somerset District Council now accepts that it has a housing land supply equivalent of 4.4 years - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site. The Council acknowledges that this means that the tilted balance in paragraph 11 d) of the National Planning Policy Framework, 2021 now applies to the decision-making process.

Given the policy background, it is considered that the proposal is acceptable, in principle.

Parking and Highways Impact

The proposal has been assessed by the County Highway Authority (CHA) who have not raised any objections to the application. They have advised that the proposal has been assessed against the activity that could be generated by lawful use of the site as a school. Accepted methodologies have been used to assess the levels of activity that a school could produce these have then been compared to the likely movements from the proposed residential development. In the view of the CHA, whilst the applicants transport statement takes the best case scenario, even if:

'more robust selections and resulting higher trip rates were used, the net impact and actual trip generation of the proposed site would only be slightly higher (due to the size of the proposed development) and therefore this is only a minor issue.'

In terms of modelling, this Transport Statement is considered acceptable as the traffic impacts (not including highway safety) of the proposed development on the local highway network will not be severe.'

The CHA confirm that:

'Following a Stage 1 Feasibility Safety Audit, no major safety implications have been highlighted other than a 'one-way' sign should be erected at the egress onto Kingston to advise drivers that a left turn is the only manoeuvre allowable due to Kingston being a dual carriageway, and limited pedestrian dropped kerbs and tactile pavings in The Park.'

Such signage can be required through the imposition of a planning condition.

It is noted that the proposed layout of the estate is not considered suitable for adoption as highway maintainable at public expense. Therefore, the landowner will be required to manage and maintain the internal roads via a suitable agreement under s106 Town and Country Planning Act 1990.

The CHA provide further advice as the internal layout of the site will result in the laying out of a private street, and therefore the development will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

It is noted that the CHA has expressed concerns about the size of the turning head but the applicant's transport consultant has advised that there is sufficient turning space for a refuse vehicle as there will be a shared surface with flush margins and the vehicle tracking only show a very slight incursion onto the landscaped area.

Therefore, whilst the concerns of the local residents regarding traffic and highway safety are noted the CHA considers that this application is acceptable with regard to highway safety and does not meet the para 111 test of the NPPF which states that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

In terms of parking provision, the application proposes 50 car parking spaces across the site which is under the optimum level of car parking of 67 spaces as calculated from the Somerset Parking Strategy. The Transport Consultant notes that the Parking Strategy states:

"The car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision. Proposals for provision above or below this standard must be supported by evidence detailing the local circumstances that justify the deviation and must be included in the developer's Travel Plan.'

In this case, the site is considered to be in an extremely sustainable location with good walking and cycling links to the town centre and essential services and being very well served by public transport on Kingston.

Given the sustainable location and the lack of an objection from the Highway Authority it is not considered that a reason for refusal on the grounds of lack of parking could be justified.

With the imposition of conditions requested by the CHA (to include a Travel Plan) it is considered that the proposal complies with Policies TA5 and TA6 of the Local Plan and the advice within the NPPF.

Phosphates

On 17 August 2020 Natural England (NE) advised that the Somerset Levels and Moors Ramsar protected site was in an unfavourable condition. This meant that there was a greater need for scrutiny of the effects of plans or projects likely to, either directly or indirectly, increase nutrient loads to this site. Residential development, such as that proposed, is one of the development types that could give rise to such likely significant effects in terms of increased phosphate levels.

In response the affected Councils, which included South Somerset District Council, prepared a Phosphate Calculator, in conjunction with Natural England and the Environment Agency, to inform the calculation of likely phosphate generation arising from any development. The applicants have submitted a proposed phosphate mitigation strategy which will deliver a water efficiency scheme within its older housing stock. Following the submission of a Habitat's Regulation Assessment and Appropriate assessment from the Council's consultant ecologist, Natural England has confirmed that they have no objection to the proposed mitigation strategy. This is to be secured by way of a S106 agreement.

It is important to note that this form of mitigation can only be provided by this type of social landlord as it requires the adaptation of 125 existing dwellings with water efficiency measures.

With the mitigation secured through a s106 it is considered that the application accords with Policy EQ4 of the Local Plan.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

Greenwood Ecology & Conservation was commissioned by the applicants in March 2019 to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) to inform potential development of the Park School site, Yeovil. Following the results of the PEA/PRA, further bat surveys were recommended and subsequently completed during 2019.

The ecologist at Somerset Ecology Service (SES) considered the PEA and PRA on behalf of the Council and concluded that the proposals were acceptable subject to the imposition of a number of conditions. Given the age of these reports, the applicants commissioned updated reports and these have been further considered by the ecologist (SES) who has confirmed that given there have been no material changes at the site, there remains no objection to the development of the site subject to the imposition of the conditions recommended in 2020.

Subject to the inclusion of the recommended mitigation, compensation and enhancement measures, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance

within the NPPF.

Heritage

The school was formally a large manor house which was converted to a private school in 1949, the main schoolhouse (Kingston House) is Grade II listed. Since this time the school has added three buildings. Various elements of the grounds have been adapted over the years including the addition of a tennis court and numerous areas of hard standing. It is important to note that due to lack of use and natural deterioration along with vandalism and theft, despite the applicants employing a security company, the building is in a poor state. It is understood that recently thieves stole a significant amount of lead from the roof of the listed building with an estimated replacement cost of more than £30,000.

The southern access point of the site clips the Park Conservation Area however the majority of the site is outside its boundary.

The main considerations are therefore the impact on the setting of the Grade II Listed Building and the Park Conservation Area.

The application proposes the conversion of Kingston House to 8 flats. This conversion includes the demolition of several unsympathetic modern extensions. The proposed works have been assessed by the Conservation Officer and Historic England. Historic England responded not wishing to make any comments and the Conservation officer has no objection to the works to the building. Overall, it is conserved the proposed works will enhance Kingston House, restore it to its original use and ensure its long term preservation.

The Conservation officer has no objection to the majority of the remaining works but has maintained an objection to the scheme in relation to plots 21-24 and plot 12. The siting of the plots on the existing lawn area are considered by the Conservation Officer to harm the setting and therefore significance of the Listed Building (it is not considered to impact the Conservation Area). It has been agreed between the Conservation Officer and the applicant that the degree of harm will constitute 'Less than Substantial Harm' as defined by the National Planning Policy Framework. As per paragraph 202 of the National Planning Policy Framework where "... a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". Consideration therefore needs to be given as to whether the public benefits of the proposed development outweigh any perceived harm to the heritage asset. The applicant has previously provided a list of public benefits detailed below:

- o The provision of 30 affordable units in a highly sustainable location, delivered by the districts largest Registered Provider. The South Somerset Local Housing Needs Assessment Update 2021 indicates that 1,425 households in South Somerset are currently living in unsuitable housing and are unable to afford their own housing. With a projected 1,140 new households in need of affordable housing per annum.
- o Securing the optimum viable use will help secure the long term protection of the site.
- o As per the submitted heritage assessment the proposed works to the building are

sensitively done and the building lends itself well to conversion. The proposal includes enhancements to the building and protection of its key historical features.

- o The removal of the 1960's extensions will offer significant visual enhancements and de-institutionalise the buildings aesthetic, allowing it to be read once again as a residential property
- o Efficient use of a brown field site
- o Reinstating landscaped gardens around Kingston House and removal of large swathes of tarmac. This creates a readable and defined curtilage to the house; the current lawn is divorced from the main house and does not offer any legible or obvious curtilage.

The applicant has also indicated that the loss of the 5 units would render the scheme unviable for them and therefore unable to come forward thus losing a potential 30 affordable units. A viability assessment has been submitted which has been assessed by the District Valuer, they have confirmed that even with 100% market housing the scheme would be unviable. It is noted that affordable units will not be secured through the imposition of a s106 however the phosphate mitigation that has been agreed for this site can only be provided by this applicant and therefore the provision of the affordable housing is secured.

Officers have concluded that in this instance the public benefits of the proposals do outweigh the harm to the setting of the Listed Building. Whilst great weight has been accorded to the protection of the heritage asset the Council also has to give due weight to their duty to provide sufficient market and affordable housing. The layout maximises the separation between the new development and existing. Furthermore, the reinstatement of gardens and a definable curtilage will go some way to mitigate the loss of the lawn area.

Given the existing built form and dense urban environment it is not considered there will be any adverse impact on the Park Conservation area. The site is physically well contained and views into the site are limited and therefore the more densely developed part of the site is well screened from the adjacent conservation area. It is therefore considered that the proposal will preserve the character and appearance of the conservation area. Conditions can be imposed to ensure that appropriate materials are used that will respect the character and appearance of the surrounding heritage assets.

Whilst the Conservation Officer has raised some concerns over the loss of the existing lawn area it is considered the proposed plans adequately mitigate its loss and that the overall benefits of the development outweigh the harm. It is considered that the proposed development will result in an overall net benefit to the heritage assets especially the removal of the modern buildings and sensitive conversion of Kingston House. It is therefore concluded that the proposed development complies with policy EQ3 of the adopted local plan, section 16 of the National Planning Policy Framework and will preserve the character and appearance of the conservation area.

Design and Layout

The proposals will see a significant improvement to the Kingston side of the site through the renovation of the listed building and the removal of inappropriate additions to the historic buildings alongside conversion of the ancillary buildings into attractive residential properties.

With regard to the new part of the site this will involve the replacement of the existing large red brick school building on The Park side of the site with a 2-3 storey building to accommodate 12 new flats designed with influences and materials to reflect the Victorian and Georgian styles and features that typify the adjoining conservation area.

In terms of the new build dwellings within the centre of the site, the Design and Access statement advises that these have been designed to resemble a Garden Village situated within the curtilage of a Listed building. It is felt that the scheme establishes a clear and distinct sense of identity whilst respecting its urban setting and neighbouring vernacular. The design seeks to establish an attractive, well designed scheme which has a clear and distinct sense of identity.

The elevational treatment includes traditional materials such as red brick with double Roman and plain tiles but also proposes coloured cladding to introduce a modern design feature to ensure that the development is not a pastiche of the important historic surroundings. It is considered that this mix of materials and the elevational treatments proposed have properly reflected the local vernacular whilst also introducing modern design features that ensure the development retains a traditional character.

It is considered that the design and layout are appropriate for the site and have had due regard to the heritage setting of the site. As such, the proposals are considered to be in accordance with Policy EQ2 and EQ3 of the Local Plan.

Impact on Residential Amenity

It is not considered that the proposed development will have an adverse impact on residential amenity. The new residential block to the south of the site will be set back from the road with a separation of circa 27m between front elevations. The new dwellings on the western side of the site (plots 15 to 20) are set between 21.3m (plot 20) and 33m (plot 33) from the nearest neighbouring elevation. There is also a level difference of between 2.5 and 3.5m with the proposed properties set below those along Swallowcliffe Gardens.

Given the distances involved and the proposed height of the dwellings it is not considered that the proposed dwellings will result in an unacceptably overbearing impact, loss of light or overlooking.

It is noted that some local concerns relate to the noise and disturbance that can be caused by construction and related traffic. Whilst these concerns are noted, it is not considered that these could be reasonable grounds for refusing the application. Conditions can be imposed to secure hours of construction and delivery times in order to protect neighbouring amenity.

Given the safeguards that conditions can secure, it is considered that the proposal therefore accords with policy EQ2 in regard to neighbouring amenity.

Trees

There are a number of trees on the eastern side of the site protected by a Tree Preservation Orders (TPO). The application proposes the removal of 9 trees all of category U or C (lowest quality). Regardless of the development the submitted Arboricultural report recommends the

removal of 8 of these 9 trees due to their declining condition. Overall, the removed trees will constitute circa 1% of the canopy cover. The plans show additional tree planting with an estimated 10% gain in tree cover.

Following discussions between the applicant and Councils Tree Officer a suitable scheme of tree protection, pruning and specialist landscaping measures has been established, as such the Councils Tree Officer has no objection to the scheme subject to the imposition of relevant conditions.

Drainage

The LLFA has considered the application and advised that they have no objections to the proposal subject to the imposition of a condition requiring details of the surface water drainage scheme based on sustainable drainage principles.

As such, the proposal is considered to be acceptable in regard to drainage.

Other Matters

Reduction in property values - this is not a planning consideration that can be given weight as part of the consideration of a planning application.

Impact upon Sydney Gardens - it is not considered that this relatively modest development would have such a significant impact upon this creational space as to justify refusal of the application.

Link between the two sides of the development - Whilst there will not be vehicular access through the site there is pedestrian access between the two sides of the site.

S106 contributions and advice from the District Valuer

It is noted that requests have been made by Strategic Planning, County Education and the NHS towards their infrastructure. Due to concerns about the viability of the scheme, the proposals were considered by the District Valuer (DV) in order that the financial viability of the development could be assessed. It is the conclusion of District Valuer that the scheme is not able to offer any on-site affordable dwellings or to pay the required s106 contributions. Whilst this is disappointing, the scheme has been thoroughly assessed by the DV and it is not considered that it would be appropriate to demand contributions where the scheme is clearly unable to afford such requests. It is however noted that the proposed phosphate mitigation scheme can only be secured through the introduction of water efficiency measures with the applicant's existing housing stock. As such, the provision of affordable housing is secured as only the applicant can provide the required mitigation.

As such, a s106 will only be required in relation to the water efficiency measures for the applicant's housing stock to secure the required phosphate mitigation.

Summary

This proposal will allow for the redevelopment of this brownfield site that will also secure the future of a currently vacant listed building. Furthermore, the site is considered to be appropriate for residential redevelopment being within a highly sustainable location. The proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety, ecological assets or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage assets and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

RECOMMENDATION

Grant planning permission for the following reason, subject to:

(a) the prior completion or submission of an appropriate legal mechanism (in a form acceptable to the Council's solicitor) before the decision notice granting planning permission is issued, to secure:

i) the provision of water efficiency measures (as described within the Phosphorous Mitigation Strategy by Turley November 2021) within at least 125 dwellings of the applicants housing stock

(b) the imposition of the planning conditions set out below on the grant of planning permission.

01. The site is located within a sustainable location within the Strategically Significant Town of Yeovil, where the principle of residential development is acceptable. The development of the site would respect the character of the area with no demonstrable harm to highway safety, protected species, flood risk, contamination or residential amenity. The proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of dwellings within a sustainable location. As such the proposal complies with policies SD1, SS1, SS4, SS5, SS6, HG2, HG3, HG5, TA1, TA3, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Issue Sheet 3968 - The Park School (dated 04/05/2020) received 26/06/2020.

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

03. No building operations above damp proof course level of the dwellings shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Brickwork details shall be supported by a sample panel that shall be made available for inspection on site. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and the setting of heritage assets to accord with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. No work shall be carried out to erect any boundary treatment unless full details of the boundary treatments, including walls, fences, railings, gates, gateposts have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and permanently retained and maintained.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

05. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: To safeguard residential amenity of neighbouring residential properties prior to and during the construction of the approved development and to ensure there is no detrimental effect upon the amenities of the area in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.

Reason: To safeguard residential amenity of neighbouring residential properties prior to and during the construction of the approved development and to ensure there is no detrimental effect upon the amenities of the area in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which includes provision for evaluation and building recording that has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence

recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: In the interests of securing appropriate evaluation of archaeological remains in accordance with Policy EQ3 of the South Somerset Local Plan.

08. 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 and volume of 50% betterment over the existing brownfield rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- o 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
- o 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. This should include details on how any pre-existing surface water flooding may impact the surface water drainage system, to ensure that the system will function appropriately.
- o 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). This should include details on the existing drainage channel, including the exact use and any works to this feature.
- o 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.
- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory, 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 and the Technical Guidance to the National Planning Policy Framework.

09. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- o Construction vehicle movements
- o Construction vehicular routes to and from site including a map showing the route
- o Construction delivery hours
- o All construction deliveries being made off highway
- o On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
- o Expected number of construction vehicles per day
- o All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
- o A scheme to encourage the use of Public Transport amongst contractors
- o On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways

Reason: In the interests of residential amenity and highway safety in accordance with Policies TA5 and EQ2 of the South Somerset Local Plan (2006-2028).

10. The proposed access arrangements shall be constructed in accordance with details shown on the submitted plan and shall be available for use before first occupation. Once constructed the accesses shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. The south-eastern access onto Kingston shall be used for the purpose of "Entry Only" and appropriate physical measures shall be installed which shall have been agreed in writing with the Local Planning Authority before the development hereby permitted is first brought into use to ensure compliance with this arrangement. All measures shall be retained thereafter.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The north-western access onto Kingston shall be used for the purpose of "Exit Only" and appropriate physical measures shall be installed which shall have been agreed in writing with the Local Planning Authority before the development hereby permitted is first brought into use to ensure compliance with this arrangement. All measure shall be retained thereafter.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. The Development hereby permitted shall not be occupied until the parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such 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 highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

14. Prior to first occupation of the dwellings hereby permitted, a scheme for the provision of electric charging points (of a minimum 16amps) for electric vehicles shall be submitted and approved in writing by the Local Planning Authority. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

15. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the onsite storage of materials, the submitted scheme of phased tree protection measures as prepared by Brynley Andrews Associates (Ref: R.AMS & TPP. Park-school.2021 - update.v1) shall be implemented in-entirety. The appointed supervising Arboricultural Consultant must confirm in-writing to the Council (please contact us at planning@southsomerset.gov.uk quoting Planning Ref: 20/01087/FUL) that the various phased protection measures are being satisfactorily monitored and implemented in-compliance with the terms of the approved scheme on an on-going basis throughout the course of construction of the development (inclusive of special engineering, as well as the hard and soft landscaping measures) and those precautionary measures may only be altered, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development & EQ5: Green Infrastructure.

16. Prior to the occupation of Plots 12, 21, 22, 23 & 24, a scheme of precautionary signage and/or fencing measures to safeguard the future occupants from the toxicity of Yew trees must be submitted to the Council for their approval in- writing and those approved measures must be installed satisfactorily. All planting installation measures comprised within the submitted Planting Plan (Dwg No. 3968- BBLA- SP- 000- DR- 200 RevA) and Planting Schedule (Ref: 3968- BBLA- SP- 000- SC- 292) must be carried out within the first available dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they must be replaced by the landowner in the next dormant planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To preserve existing landscape features (trees) and to ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The

South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

17. 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) and protected species (bats, birds and badgers), 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.
 - 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

18. Prior to occupation, 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 without prior 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 South Somerset District Council Local Plan - Policy EQ4 Biodiversity

19. 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.

20. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or 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) A Habitat 001 bat box or similar will be built into the structure of the 30 new dwellings, positioned at least four metres above ground level and away from windows of the west or south facing elevation
- b) A cluster of five Schwegler 1a swift bricks or similar will be built into the structure of 2 new dwellings, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation.
- c) A cluster of three Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 2 existing buildings.
- d) A bee brick built into the structure of 20 new2 dwellings or garages, located 1 metre above ground level on the south or southeast elevation (please note, be bricks attract solitary bees that do not sting).
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- f) New hedgerows will be planted with native woody species that support nuts, berries and nectar for foraging wildlife species. A minimum of 5 of the following species will be planted: Hawthorn, Blackthorn, Honeysuckle, Dogwood, Elder, Holly Hazel, Dogrose, Field rose, Spindle, Clematis, Cherry, Yew, Crab apple and Wild raspberry. The hedgerow will be laid on reaching maturity, with long term management to include cutting on a 3 year rotation.
- g) Wildflower grassland

h) The land allocated within the landscape plan will be sown with a native wild flower seed mix, providing increased floristic diversity as well as providing enhanced habitat for invertebrates. On reaching maturity the grassland will be cut twice year, once in late February and once in Mid-September, with all arisings/hay collected and removed from site.

i) New trees as identified within the landscape plan and planting schedule, including species which will support pollinators and providing winter foraging for birds.

j) All new shrubs will include species which are nectar producing to encourage a range of invertebrates to the site. 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.

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.

21. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

(a) Part 1, Class A (enlargements, improvements or other alterations);

(b) Part 1, Class B (additions etc to the roof of a dwellinghouse);

(c) Part 1, Class C (other roof alterations);

(d) Part 1, Class E (buildings etc incidental to the enjoyment of a dwellinghouse) and;

Reason: To enable the Local Planning Authority to exercise control over development in order to:

(i) safeguard the character and appearance of the development itself, by ensuring there are no inappropriate extensions or alterations to the dwellings, or erection of inappropriate outbuildings or other structures;

(ii) preserve and enhance the setting of the nearby designated heritage assets;

having regard to Policies EQ2 and EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

22. All the recommendations of the Approved Travel Plan (prepared by Bellamy Transport Consultancy dated March 2020) shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan.

23. Prior to the occupation of the dwellings hereby approved a scheme for the inclusion of water efficiency measures to ensure 110 litres / per person per day are provided shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed prior to the occupation of any dwelling and shall be retained and maintained as agreed.

Reason: To ensure the provision of water efficiency measures as required by Policy EQ1 of the South Somerset Local Plan 2006-2028.

Informatives:

01. The applicant is advised that the County Highway Authority will require a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy.

CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

03. The applicant's attention is drawn to the comments of:

- o the Designing Out Crime Officer dated 29 May 2020
- o the Somerset Waste Partnership dated 2 July 2020
- o the Dorset and Somerset Fire and Rescue Service dated 15 September 2022.

Agenda Item 14

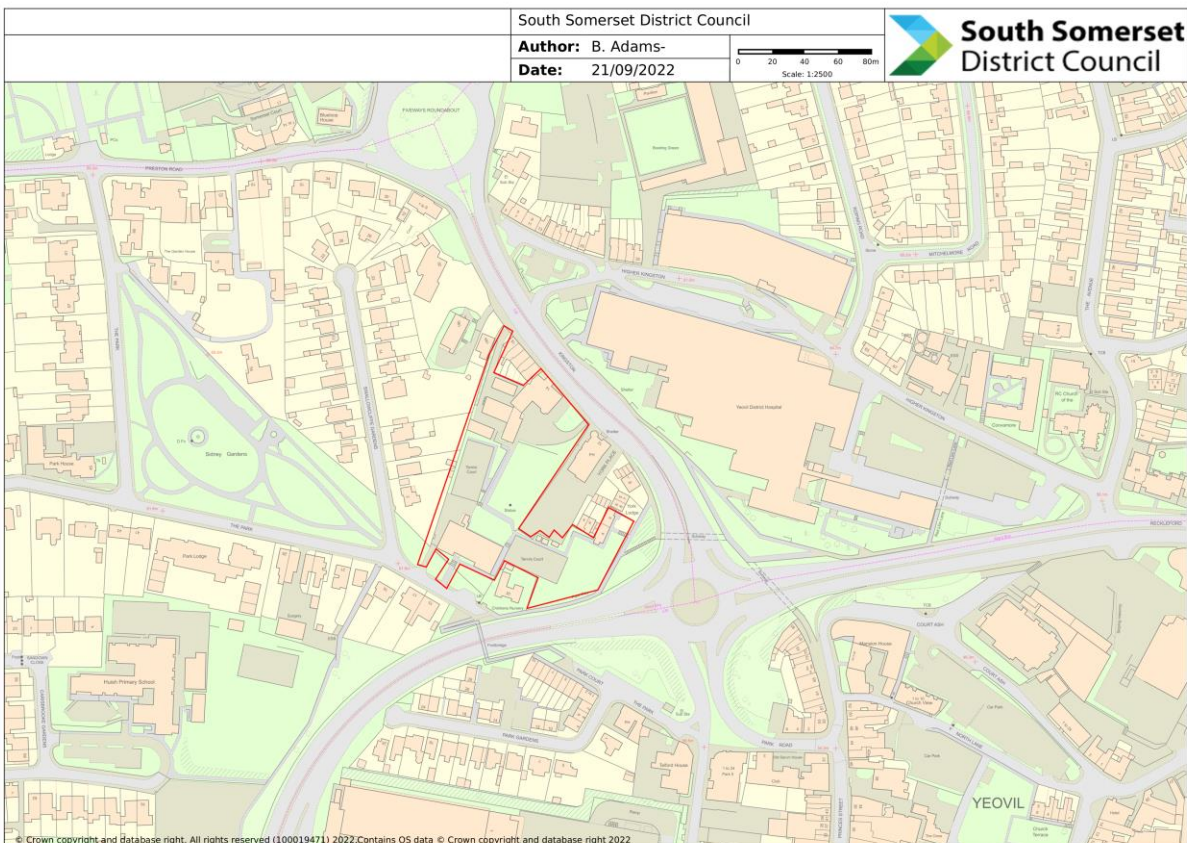
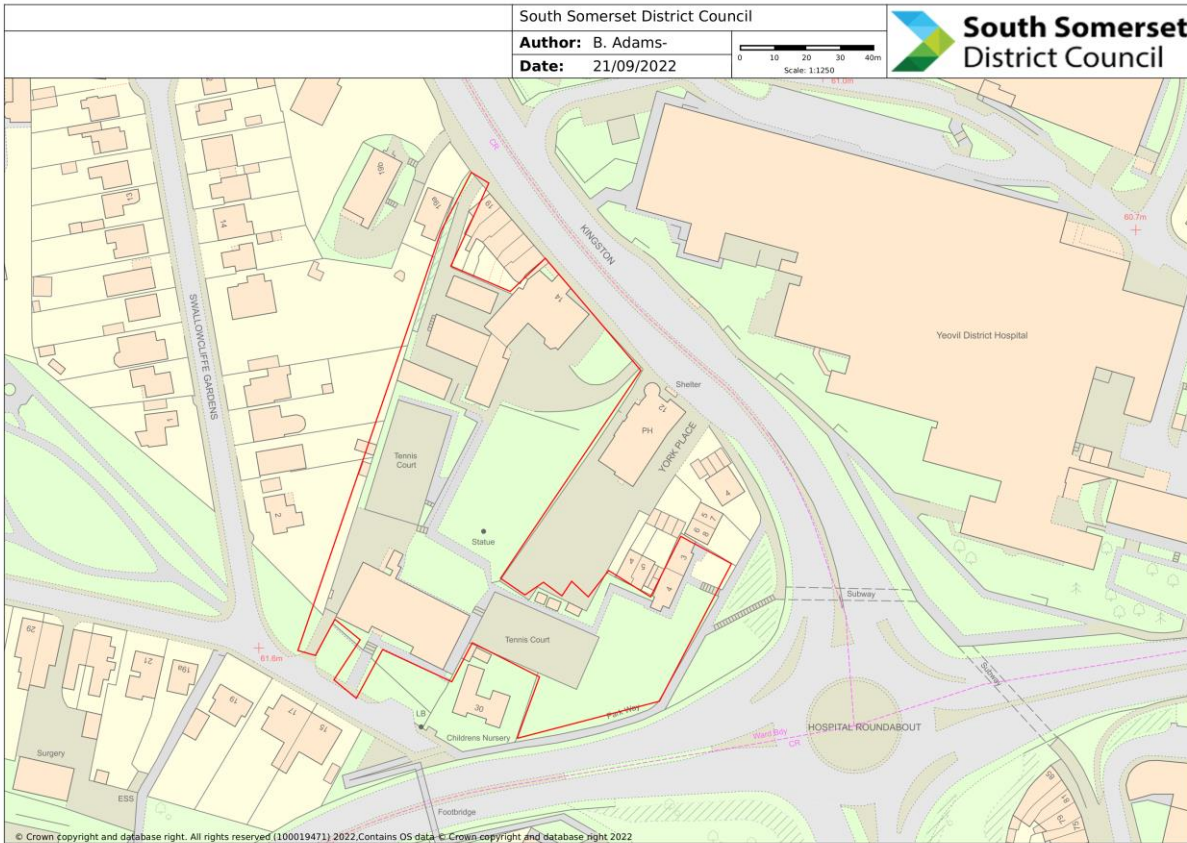
Officer Report On Planning Application: 20/01088/LBC

Proposal :	Listed Building Consent for the redevelopment of former Park School site consisting of the conversion of existing buildings to 7no dwellings, conversion of and works to the Grade II Listed Kingston House to 8no dwellings, demolition of 3 existing school buildings and associated infrastructure, access enhancements, landscaping and all associated works.
Site Address:	The Park School Kingston Site , Kingston, Yeovil, BA20 1DX
Parish:	Yeovil
YEOVIL SUMMERLANDS Ward (SSDC Member)	Cllr J Clark Cllr W Read Cllr P Lock
Recommending Case Officer:	Linda Hayden (Principal Specialist) Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	1st July 2020
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Andrew Tregay Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The Development Manager has agreed that this report (and the associated planning application (20/01087/FUL)) should be considered by the committee given the level of local interest together with the scheme being an early proposal that is accompanied by a self-contained solution to nutrient neutrality.

SITE DESCRIPTION AND PROPOSAL:



This application relates to Kingston House, formally a large manner house which converted to a private school in 1949, which is Grade II listed. The house is understood to have been constructed on a former brickworks circa 1831 and to have been extended and altered and its carriage house and stables built by 1886. Since this time the school has added three buildings. Various elements of the grounds have been adapted over the years including the addition of a tennis court and numerous areas of hard standing. The listing states:

'ST51NE YEOVIL CP KINGSTON (West side) 2/47 No 14 (Kingston House) and North-east boundary wall and gateway - II Town house (now private school) of c1840. Brick with Ham stone plinth, band and rusticated quoins: Welsh slated roof behind parapets with stare urns mounted on the four corners. The South East entrance facade 2-storeys of 3-bays, with central 6-pane (4-glazed) door set in simple opening, with 12-pane sash windows each side; these shielded by wood and corrugated iron verandah across whole front, arcaded with bell hipped roof; at first floor level three 12-pane windows in simple openings, fitted with hinged venetian shutters. The South Western return, rendered, matches the first floor in its 2-bays, but at ground floor level there is a single storey stone and rendered extension, with an angled bay window. The interior not seen. The extension to South West not included in the listing. To the North Eastern boundary a high capped stone wall with two 2-centre arched openings (one blocked) and panelled and capped gate piers (trio left-hand cap now missing)'

The application proposes the conversion of the house into 8 flats, the stables to 3 houses and the carriage house to 2 houses. The fourteen units in the house, stables and carriage house and the new house are provided with car park spaces and are proposed for access from the original drives off of Kingston on a one-way, in and out system. A lawn would be re-established in front of the south east, principal elevation and south west elevation, in place of the existing car parking and paved areas.

HISTORY

The planning history indicates the school site was established through a change of use from dwelling/surgery to a residential/boarding school in 1949. The school was then subject to numerous ancillary development in the form of extensions and additions through the 1960's and 70's. The only recent planning history is:

01/00670/COU - The change of use of land from residential garden to school right of way. Application permitted with conditions 16/05/2001.

01/00673/LBC - The rebuilding of storm damaged boundary retaining wall. Application permitted with conditions 16/05/2001.

POLICY:

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Paragraphs 199 and 200 of the NPPF: Chapter 16 - 'Conserving and enhancing the historic environment' is applicable. This advises that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more

important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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. Substantial harm to or loss of:

Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional; assets of the highest significance, notably Scheduled Monuments, Protected Wreck Sites, Registered Battlefields, Grade I and II* listed buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites, should be wholly exceptional.'

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application:

Policies of the South Somerset Local Plan (2006-2028)
Policy EQ3 - Historic Environment

National Planning Policy Framework
Chapter 16 - Conserving and enhancing the historic environment

CONSULTATIONS:

Yeovil Town Council

Refusal for the following reasons:

- Inadequate planning for the potential additional traffic using the proposed Kingston access and exit, including poor visibility, which would result in safety concerns
- Lack of any proposed management of construction traffic and potential traffic generated from the new development in order to safeguard the conservation area, neighbourhood and surrounding trees
- The scale and density of the proposed development is not in keeping with the existing surrounding development and will therefore be detrimental to the character and appearance of the neighbouring conservation area
- The future upkeep of the private road is of concern and may lead again to a detrimental impact on the conservation area
- The overdevelopment of the site resulting from the proposed high density of the housing.'

Historic England

Do not wish to offer any comments.

SSDC Conservation Specialist:

The Conservation Officer has provided a details response in regard the proposed redevelopment of the site for housing but in relation to the conversion of the listed building has advised:

'the proposed conversions of the listed house and its carriage house and stables curtilage

buildings and the redevelopment of the modern classroom building on the south west boundary of the site are considered to be policy complaint subject to detail'

REPRESENTATIONS

Three objections have been received from local residents; these are summarised as follows:

- o Objections raised in regard to the full planning application are equally applicable to this application.
- o Object to the splitting of the site into two
- o The effect of allowing this development as it stands currently on the heritage Sydney Gardens will be catastrophic
- o Object to the removal of three perfectly good buildings, why not convert them?
- o Development of the site is inevitable but must be carried out in such a way as to ensure appropriate traffic provision and parking and respect the Sydney Gardens and the conservation area.
- o The proposal represents overdevelopment of the site
- o Suggest retirement bungalows rather than the proposed development

CONSIDERATIONS

It is important to note that this listed building application relates solely to the proposed works to listed structure; it does not include the proposed new residential development at the site. As such, the only matters to be considered as part of this application are the physical works to the listed building required as part of the conversion works. Any impacts of the proposed new residential development upon the setting of the listed building will be considered as part of the associated planning application ref 20/01087/FUL. As such, whilst the comments of the objectors are noted, it is not considered that they can be given significant weight in the determination of this listed building application but they are fully considered as part of the consideration of the planning application 20/01087/FUL Works to listed buildings are required to respect their special architectural and historical character and appearance.

In this case, it is considered that the proposed works for the conversion of the historic buildings on the site have been carefully considered and respect both the historic fabric of the buildings along with their historic character. The plans indicate limited internal changes to the listed buildings and retained structures with small alterations to allow for the opening up of internal doorways and the limited insertion of stud walling to facilitate the conversions. Externally, the proposals will see a significant improvement to the appearance of the listed building through the removal of inappropriate additions. This, along with the renovation of the retained structures, will see a significant and welcome improvement to the immediate setting of the listed building. Conditions can be imposed to ensure that appropriate materials and fittings are used within the historic structures.

The buildings and structures proposed for demolition are modern additions and their removal will provide a significant improvement to the setting of the listed building.

With the imposition of appropriate conditions, it is considered that the proposals are in accordance with Section 16 of the Listed Building and Conservation Areas Act, policy EQ3 of the South Somerset Local Plan and Chapter 16 of the NPPF.

RECOMMENDATION

That Listed Building Consent be granted.

01. The proposal by reason of its limited/informed intervention into the historic fabric of the listed building is considered to respect the historic and architectural interests of the building and is in accordance with the provisions of the NPPF Chapter 16 - Conserving and Enhancing Historic Environment and policy EQ3 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 3968 -BB -SP-00-DR-A-001

Site Layout 3968-BB-SP-00-DR-A-002 Rev J

Listed Building Identification Plan 3968-BB-SP-00-DR-A-PL003

Plots 1-8 First and Second Floor Plans Conversion 3968-BB-SP-00-DR-A-011 Rev B

Plots 1-8 Ground Floor Plan Conversion 3968-BB-SP-00-DR-A-010 Rev C

Plots 1-8 Elevations 02 Conversion 3968-BB-SP-DR-00-A013

Plots 1-8 Elevations 01 Conversion 3968-BB-SP-00-DR-A-012

Plots 1-8 Elevations 03 Conversion 3968-BB-SP-DR-00-A-046

Plots 9-11 Floor Plans Conversion 3968 -BB-SP-00-DR-A-014 Rev A

Plots 9-11 Elevations Conversion 3968-BB-SP-00-DR-A-015 Rev B

Plots 13-14 Floor Plans Conversion 3968-BB-SP-00-DR-A-018 Rev A

Plots 13-14 Elevations Conversion 3968-BB-SP-00-DR-A-019 Rev A

Plots 37-38 Elevations Conversion 3968-BB-SP-00-DR-A-037

Plots 37-38 Floor Plans Conversion 3968-BB-SP-00-DR-A-036

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

03. No work shall be carried out to install any doors, windows, rooflights or boarding within the listed building and retained buildings to be converted unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

04. The windows comprised in the conversion of the listed building and retained buildings to be converted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work to the windows is commenced.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

05. No work shall be carried out to any roofs unless design details of all roof eaves, verges, watertabling, corbels and abutments within listed building and retained buildings to be converted have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028)..

06. No work shall be carried out to install any guttering, down pipes, other rainwater goods, or any external plumbing or flues upon the listed building and retained buildings to be converted unless details of all guttering, down pipes, other rainwater goods, and external plumbing or flues have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

07. No repointing shall be undertaken to the listed building and retained buildings to be converted unless full details, including elevational drawings, to indicate the areas to be repointed; details of the method of removal of existing pointing (in this regard mechanical tools shall not be used); details of the mortar mix, and a sample panel of new pointing that shall be carried out in the agreed mortar; have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

08. No work shall be carried out to block any openings within the listed building and retained buildings to be converted unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

09. No work shall be carried out to the listed building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

10. No work shall be carried out to erect any new partitions within the listed building unless full construction details of the new partitions and finishes have been submitted to and agreed in writing by the Local Planning Authority. Such details shall show new partitions scribed around, not cut into the existing cornices, skirting or other features. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

11. No external rendering to the listed building or retained buildings to be converted shall be carried out on site unless details of the external render to be used have been provided to and approved in writing by the Local Planning Authority. Details shall include the finish, materials and colour of the render. The work shall be carried out in accordance with the agreed details, and any sample panel shall remain available for inspection throughout the duration of the work.

Reason: To safeguard the significance of the heritage asset, in accordance with the provisions of chapter 16 of the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

Agenda Item 15

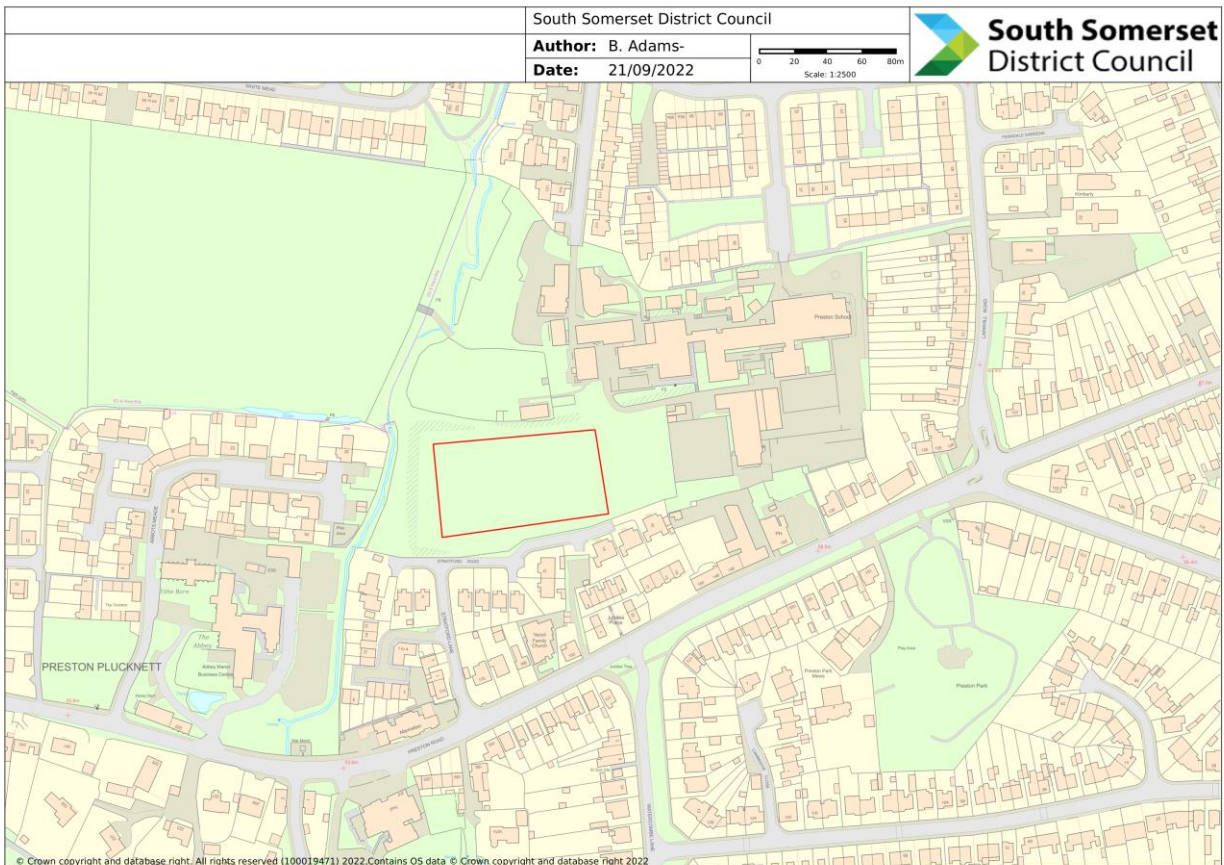
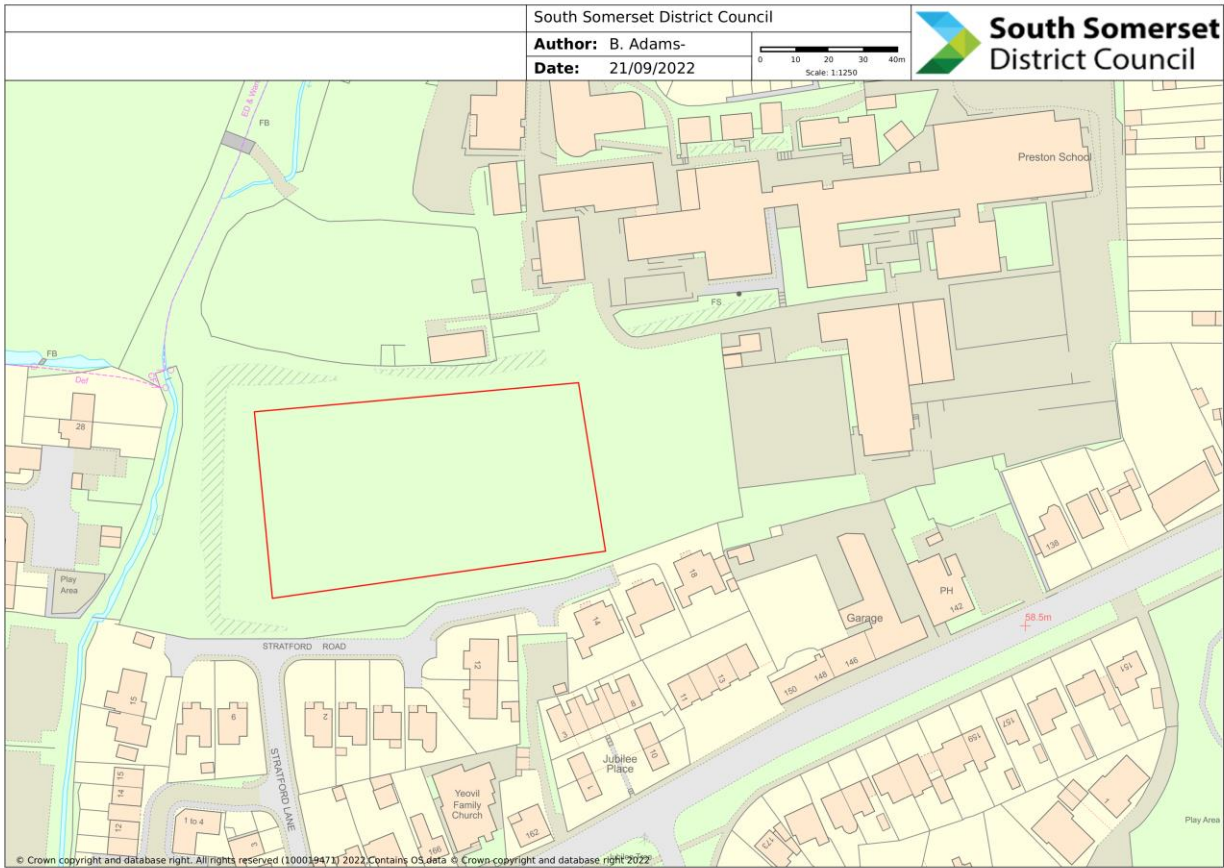
Officer Report On Planning Application: 22/01610/FUL

Proposal :	The construction of a new Artificial Grass Pitch (AGP) with perimeter fencing.
Site Address:	Preston School A Business And Enterprise Academy , Monks Dale, Yeovil, Somerset, BA21 3JD
Parish:	Yeovil
YEOVIL SUMMERLANDS Ward (SSDC Member)	Cllr J Clark Cllr W Read Cllr P Lock
Recommending Case Officer:	Debbie Redding (Specialist) Tel: 01935 462348 Email: debbie.redding@southsomerset.gov.uk
Target date :	15th August 2022
Applicant :	Preston School Academy
Agent: (no agent if blank)	Notts Sport Ltd Bridge Farm Holt Lane Lutterworth LE17 5NJ United Kingdom
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is reported to the Committee due to the officer recommendation being contrary to the objection raised by Sport England as a statutory consultee.

SITE DESCRIPTION AND PROPOSAL



Preston School is located towards the centre of Yeovil within the development area as defined in the South Somerset Local Plan. The school campus is set within residential development on all sides, with the main vehicle access being off Monks Dale. The school site includes a large area of grass sports pitches to the west of the site and a smaller pitch on the southern boundary adjacent to Stratford Road and Shrewsbury Road. This boundary has a hedgerow and fencing that screens the school from residential properties.

It is the smaller grass pitch that is proposed to be replaced with an Artificial Grass Pitch (AGP) which will include the following: -

- o AGP with underlying base construction marked with various pitch layouts;
- o 4.5m mesh fencing to enclose the AGP with associated rubber infill mitigation;
- o Hard standing path to provide access to/from the AGP.

The current grass pitch is used by the school within usual school hours (0900 and 1500) with some after school activities, but at present it is not used by the local community outside of school hours. Inclement weather leaves the grass pitch unusable for periods of the winter months which restricts PE activities at the school. The proposed AGP will allow sports to be played more frequently, regardless of weather conditions.

The AGP will have a long pile 3G surface which is preferable for football but could also be used for rugby training and other sports. The school also aims to include some local community use of the pitch outside of school hours. The hours of use would be limited to reduce any impact on residents and no sports lighting is proposed.

The application is supported by: -

- o Design and Access Statement
- o Ground Investigation Report
- o Drainage Strategy
- o Transport Statement

RECENT HISTORY

18/03716/FUL - The erection of rear extension to existing ASD base building and relocation of external air source heat pumps and enclosure to the front elevation of the building. Permitted with conditions 04/02/2019

18/03037/FUL - Alterations and refurbishment of existing toilets and the erection of a new extension to provide extra toilet facilities. Permitted with conditions 16/11/2018

18/02978/OUT - Outline application for the erection of a hall extension. Permitted with conditions 12/12/2018

17/03654/FUL - The retention of Elliott temporary classroom unit. Permitted with conditions 01/11/2017

13/01477/FUL - The creation of an all-weather sports pitch with fencing and floodlighting, the levelling and re-orientation of existing football pitch using spoil from all-weather pitch excavations and associated works.

Refused 10/09/2013. Appeal dismissed 14/07/2014

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

SD1 Sustainable Development
SS1 Settlement Strategy
HW3 Protection of Play Spaces and Youth Provision
TA5 Transport Impact of new Development
TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development

National Planning Policy Framework 2019

Chapter 2 Achieving Sustainable Development
Chapter 4 Decision Making
Chapter 8 Promoting Healthy and Safe Communities
Chapter 9 Promoting Sustainable Transport
Chapter 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 12 Achieving Well-Designed Places
Chapter 15 Conserving and enhancing the natural environment

Planning Policy Guidance

South Somerset Playing Pitch Strategy and Action Plan (April 2017)
Somerset County Council Parking Strategy (March 2012)

REPRESENTATIONS

52 responses have been received.

23 Letters of support include the following: -

- o Fantastic opportunity for school and community giving young people access to high-quality all-weather pitch,
- o Allow students to engage in sport all year round,
- o Long awaited facility,
- o Hugely beneficial - will support wellbeing and fitness,
- o Increasing facilities for the community can only be positive,
- o Will allow a variety of sports throughout the year to the benefit of young people,
- o Schools are noisy and this pitch will not increase noise levels disadvantaging neighbours.

26 Letters of objection raise the following concerns: -

- o Lack of maintenance of fencing allows short cut access to the school site,
- o Noise disturbance - particularly outside school hours, no noise assessment provided,
- o Light pollution especially evenings and weekends,
- o Damage to landscape character,
- o Already have hard surface area at the school and other facilities in the area,
- o Parking not adequate at the school site,
- o Use of access gate in Stratford Road would cause parking problems,
- o Anti-social behaviour and bad language,
- o Balls come over fence already and hit cars,
- o The pitch could not operate in the winter without lighting, an application will be submitted at a later date,
- o Same concerns as previous application and appeal,
- o Grass pitch already available,
- o Not needed in this area,
- o Insufficient space between the pitch and the boundary hedge for pupils during break times, or for maintenance,
- o No provision made for maintenance or storage buildings.

3 letters also make the following comments: -

- o What is the height of the fence,
- o Use outside school hours needs careful managing,
- o Noted that this application does not include lighting but if it did more information would be needed.

CONSULTATIONS

Yeovil Town Council :

INITIAL COMMENT - Support

FOLLOWING SUBMISSION OF AMENDED PLANS OF FENCING AND PITCH MARKINGS

Thank you for consulting Yeovil Town Council in respect of the amendments to the above application. The Details have been circulated to the Ward Members and they are happy with the response from the school and the amendments proposed to the fencing and line marking, which should not affect any properties close by. The concern from Sport England regarding the cost of running the pitch is not a planning concern and it is noted that the school will be liaising with Sport England with regard to this.

Therefore, they support the amended application.

Highway Authority :

Standing advice applies.

SDDC Strategic Planning :

The Leisure service is supportive of the principle of dual use sports facilities as they provide access to sustainable sport and leisure opportunities within local communities. Preston Academies provide important community sports facilities within Yeovil and in general we are keen to support and encourage the improvement of dual use facilities where there is clear community benefit and need.

Loss of Play pitch:

This application will loss existing playing space within the school, which is stated that it is not fit for purpose all year round.

The NPPF states:

Paragraph 99 Existing open space, sports and recreational buildings and land, including playing fields should not be built on unless:

An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

1. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality in a suitable location or
2. The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
3. Any loss of pitches will be out weighted by the addition of a new AGP pitch which overall will allow greater use all year round.

The changes to pitch layout would not make the development contrary to the NPPF.

South Somerset District Council HW1 and HW3

Healthier communities and leisure facilities deliver all year round use which is what the AGP is trying to promote - all year round use.

The South Somerset Play Pitch Strategy 2017 -2028 shows that school currently use Yeovil Recreation Centre for AGP for Hockey and that they would like their own AGP.

The main use will be for Football and Rugby, but other sports pitches can be adopted to meet the curriculums needs.

There is no lighting being installed as the usage is for the school during the week and then open to the public at weekends and term times.

I would recommend that no conditions are included to restrict competitions to be played at the facility as this could be valuable for the community sports club.

Sport England :

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field, therefore the consultation with Sport England is a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- o all or any part of a playing field, or
- o land which has been used as a playing field and remains undeveloped, or
- o land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The Proposal and Impact on Playing Field

The 3G Artificial Grass Pitch (3G AGP) located on existing playing field land affecting summer sports uses predominantly including athletics and rounders. A grass hockey pitch is shown in a 2010 Google Earth aerial image. England Hockey raise no objection to the proposal.

The proposed AGP would have limited community use weekends and Bank Holidays. Due to the lack of sports lighting there would be no community use in the weekday evenings. Sports lighting is integral to a number of sports facilities as this will enable them to accommodate higher levels of use and considerably extend the hours of use outside the summer months. This would also generate much needed third party income for ongoing maintenance.

The proposal is clearly a school sports facility meeting a localised educational need. It does not meet a strategic need for the wider community.

The design has issues of non-compliance from a NGB community sport delivery view as highlighted in the Football Foundation (FF) response.

Some sports require a grass surface and once grass is lost the chances of the land ever returning to grass are extremely remote. Artificial surfaces do not necessarily provide a direct replacement for grass pitch use as they only make a limited contribution to competitive grass pitch sports use. They are expensive to provide and require a significant revenue support. It is necessary to allocate significant budgets for on-going maintenance requirements. In addition, a year on year sinking fund is required to ensure facilities are replaced when they are "worn out". We require confirmation that the 3G facility will be satisfactorily maintained and that a sinking fund is established.

In summary, Sport England raise concerns over the 3G AGP proposal as set out.

Football Foundation

The Football Foundation (FF) on behalf of The FA advise that the South Somerset Local Football Facility Plan (LFFP) devised in July 2020, suggests that there is a longer term need for a 3G FTP in the Yeovil area (The LFFP being a 10-year delivery plan). The site is identified as a one of two options for a potential project for the South Sub-Area.

However, as the proposed project does not include sports lighting this couldn't be supported via any grant aid (via The Football Foundation), so there is an assumption that this will be self-financed and predominately used for educational use. The information provided suggests that there would be some weekend use for community football, therefore the following should be taken into consideration:

- o A community use agreement (CUA) is agreed with Sport England and Somerset FA in line with the intended usage levels of the facility.
- o The CUA should detail an affordable pricing policy for the local area and should distinguish the difference from training to match play by having a dedicated match play pricing structure broken down for the different match options - i.e., 5v5, 7v7 etc. The match prices should be comparable to grass pitches in order to encourage the use of 3Gs for matches.

The Planning Statement indicates community usage will only be available on Saturday & Sunday (plus bank hols). This will have limited value to the community and grassroots football.

Furthermore, as it is not a full size 3G FTP (100m by 64m) this again limits the value of the facility to the community, particularly for the benefit of adult grassroots football. Pitch markings include 5v5 and 7v7 but no 9v9 marking which would be key for school use. The Football Foundation is not supportive of the proposal in its current form.

More information would be required to review this proposal fully including:

- o Clarity on the pitch marking given that there is no 9v9 markings
- o Will the 3G be on The FA 3G Register? The likely bookings on a Saturday / Sunday would be matches.
- o How is the School proposing to replace the carpet in 10 years' time with limited community use for income to support? The Football Foundation recommend £25K per annum for a full size 3G pitch and this should be index linked.
- o What is the proposed pricing structure proposed for use (training / matches), nothing provided?
- o There is no recessed fencing to allow for safe and easy goal storage which the FF would recommend.
- o Nor is there a spectator area; a dedicated hard standing area for spectators should be provided within the perimeter fence. A 1.1m high spectator barrier should be installed to ensure that spectators can view the 3G playing area from this hard standing area which is separate from the 3G area.
- o With regards to fence height, the FA recommend the perimeter fence height on all sides of the 3G AGP is 4.5m. The fencing appears to be 3 metres rather than the standard 4.5 metres. What is the rationale for this?

Conclusion

Given the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy, in particular exception 5 (E5). or paragraph 99 of the NPPF. We would welcome further information from the applicant that might address concerns in this response.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

The existing grass playing field has been used by the school for outdoor sports for many years and the benefit of an artificial grass pitch (AGP) is noted in that it would allow increased use during inclement weather during the winter months. No change of use of the site is proposed.

However, the loss of the existing grass pitch without satisfactory community benefit has raised objection from Sport England as seen in their comments above. The artificial pitch would be detrimental to some summer sports use and without the benefit of sports lighting evening use in the winter months is limited. Sport England comment that community use is necessary to provide funding for future maintenance without which the long-term retention of the pitch may not be guaranteed. However, Sport England has stated exceptions in their policy guidance of which the following is relevant to this application:-

EXCEPTION 5

The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

In this case whilst a full-size pitch with sport lighting is acknowledged as being required in the area to meet community need, at this school site such provision could have other adverse impacts. Although this part of the school site is not big enough to accommodate a full size pitch the larger playing fields to the west of the site include an 11-a-side pitch and two 9-a-side pitches and provision for athletics, cricket and rounders in the summer. The pitch as proposed would be of benefit to the school and would have some limited community use and it would retain the use of the land for sport. Although the existing grass pitch would be lost, this proposal as submitted can be considered as an exception to Sport England's policy guidance.

The NPPF also seeks to protect open space, sports and recreational land and states that it should not be developed unless the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. As above a similar exception could be made as the proposal would result in some benefit albeit not the full benefit of a full-sized pitch with sport lighting available for intensive community use.

SCALE AND DESIGN

The visual impact of the proposed pitch is screened from neighbouring residential properties by existing hedging and the proposed mesh fencing is powder coated green and as such is similar to other fencing on the school site. The surface of the pitch itself has a similar appearance to natural grass although has a variety of coloured line markings. Therefore, the visual impact would be acceptable.

During the progress of the application amended plans have been submitted to show additional line markings and increased height of the fencing in response to comments made by Sport England/Football Foundation. The line marking now includes match pitches for U13/U14 - 11 v 11, U11/U12 - 9 v 9, U9/U10 - 7 v 7 and four U7/U8 - 5 v 5: plus 4 small training pitches. Although desirable to serve the local community there is insufficient space for a full-size pitch within this part of the school site. The fence height is now 4.5m and a spectator area included.

These details address the concerns raised by Sport England and the Football Foundation and would provide acceptable sporting facilities.

HIGHWAYS ACCESS AND PARKING

This application is supported by a Transport Statement and as was the case at the time of the previous application for artificial sports pitch no highway issues are raised with regard to the existing access arrangements to the site which are not proposed to be altered.

The previous refusal included a reason regarding inadequate parking on the school site at peak times of regular evening events. The proposed hours of use for this application are unlikely to cause such problems and any major events should be controlled and managed by the school. It is also noted that the sports centre at the school is not currently open to the public. A car parking survey submitted shows that 90 spaces are available on site and that whilst these are well used during the day this use drop noticeably outside school hours and therefore adequate

parking spaces would be available if required in the evenings and at weekends. The school also has numberplate recognition and a programmable security gate which would allow access to be controlled outside school hours

Cycle parking is available on the site, there are good pedestrian links and bus stops close to the site, as such the site is accessible using alternative more sustainable modes of transport other than private vehicles.

A construction traffic management plan could be conditioned to provide management and control over construction traffic access to the site and measures to reduce the impact on the surrounding highway network and neighbouring properties. The existing School Travel Plan should also be updated to take account of the use of the AGP.

Overall, the findings of the transport statement are accepted and there are no objections to the proposal on highway safety grounds.

RESIDENTIAL AMENITY

Representations from neighbours raise concern regarding noise disturbance and light pollution and in particular make reference to the previous refused application. This application is however in a different location which does not back onto neighbours' gardens as was the case previously with residential properties distanced from the pitch by a road and screened by hedging. The proposed AGP is smaller which prevents use for an adult pitch, does not include lighting and the hours of use are limited. On weekdays use would be by the school until 6pm as is the case with the existing sports pitch. Community use would be at weekends 9am - 6pm on Saturdays and 9am - 4pm on Sundays and bank holidays.

The hours of use can be controlled by condition and as such the development would not lead to unacceptable noise levels and as no lighting is proposed no light pollution would result. Any future proposal would need to be considered on its merits at that time.

DRAINAGE

The site is not in an area of flood risk nor in a groundwater protection zone. No sewers cross the site and initial trial pits have shown the site viable for soakaways. It is noted that the existing grass pitch is not formally drained.

The drainage strategy submitted identifies the need for attenuation storage to ensure greenfield runoff rates are not exceeded and that flood risk elsewhere is not increased.

This is generally acceptable and full details can be required by condition.

CONCLUSION

The proposed artificial grass pitch would meet overall planning aims to enable and support healthy lifestyles, including sports facilities. Planning policy also seeks to protect sports fields but as an exception does allow development that is for alternative sports provision. In this case although the existing grass pitch will be lost, the proposed artificial grass pitch will provide enhanced facilities for the school and some limited community use.

Concerns over funding and future maintenance are also raised, but the school has responded

to say that funds are available for construction and will be put aside for future maintenance.

The objection from Sport England is noted, and as a statutory consultee this must be given considerable weight and only departed from for good reason. It is also acknowledged that a full-sized artificial pitch with sports lighting and greater community use is needed in the Yeovil area. However, it is not considered that this is achievable at this site and the benefits of the pitch as proposed are acceptable to make an exception against Sport England's objection.

The siting, scale and appearance of the proposed artificial grass sports pitch is acceptable in that it would be appropriate within the existing school grounds, would respect the character of the area and would no cause demonstrable harm to residential amenity. This is subject to restriction on the hours of use and that no sports lighting is provided. The proposal would be of benefit to the school in providing a sports pitch able to be used in all weathers and would provide some use for the benefit of the community.

The proposal is therefore in accordance with national and local planning policy including the aims and objectives of Policies HW3, EQ2, TA5 and TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

RECOMMENDATION

In accordance with The Town and Country Planning (Consultation) (England) Direction 2021, this application should be referred to the Secretary of State, via the Planning Casework Unit, with the Local Planning Authority recommendation that planning permission is granted subject to appropriate conditions.

01. The siting, scale and appearance of the proposed artificial grass sports pitch is acceptable in that it would be appropriate within the existing school grounds, would respects the character of the area and would no cause demonstrable harm to residential amenity. This is subject to restriction on the hours of use and that no sports lighting is provided. The proposal would be of benefit to the school in providing a sports pitch able to be used in all weathers and would provide some use for the benefit of the community.

The proposal is therefore in accordance with national and local planning policy including the aims and objectives of Policies HW3, EQ2, TA5 and TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans reference:
Location Plan NSPSA001

Fencing Plan - NSPSA004 Rev E
Line Marking Plan - NSPSA005 Rev C
Cross Section NSPSA007 Rev C

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

03. The Artificial Grass Pitch hereby approved shall not be used except between the hours of :-
09:00 and 18:00 hours Mondays to Fridays;
09:00 and 18:00 hours Saturdays; and
09:00 and 16:00 Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area.

04. No sports lighting or other external lighting shall be installed at the Artificial Grass Pitch hereby approved without the prior written agreement of the Local Planning Authority and planning permission if required.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area.

05. Prior to the Artificial Grass Pitch hereby permitted first coming into use a Community Use Agreement shall be submitted to and approved by the Local Planning Authority and shall be implemented as approved thereafter.

Reason: To ensure to provision of satisfactory benefit to the community

06. Prior to the Artificial Grass Pitch hereby permitted first coming into use a Community Use Agreement shall be submitted to and approved by the Local Planning Authority and shall be implemented as approved thereafter.

Reason: To ensure to provision of satisfactory benefit to the community.

07. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety and the amenity of nearby residents.

08. Prior to the Artificial Grass Pitch hereby permitted first coming into use a revised School Travel Plan to include reference to the Artificial Grass Pitch hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall be implemented as approved thereafter.

Reason: In the interests of road safety and the amenity of nearby residents, and to promote sustainable transport.

09. Prior to the commencement of development details of surface water drainage schemes for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

Agenda Item 16

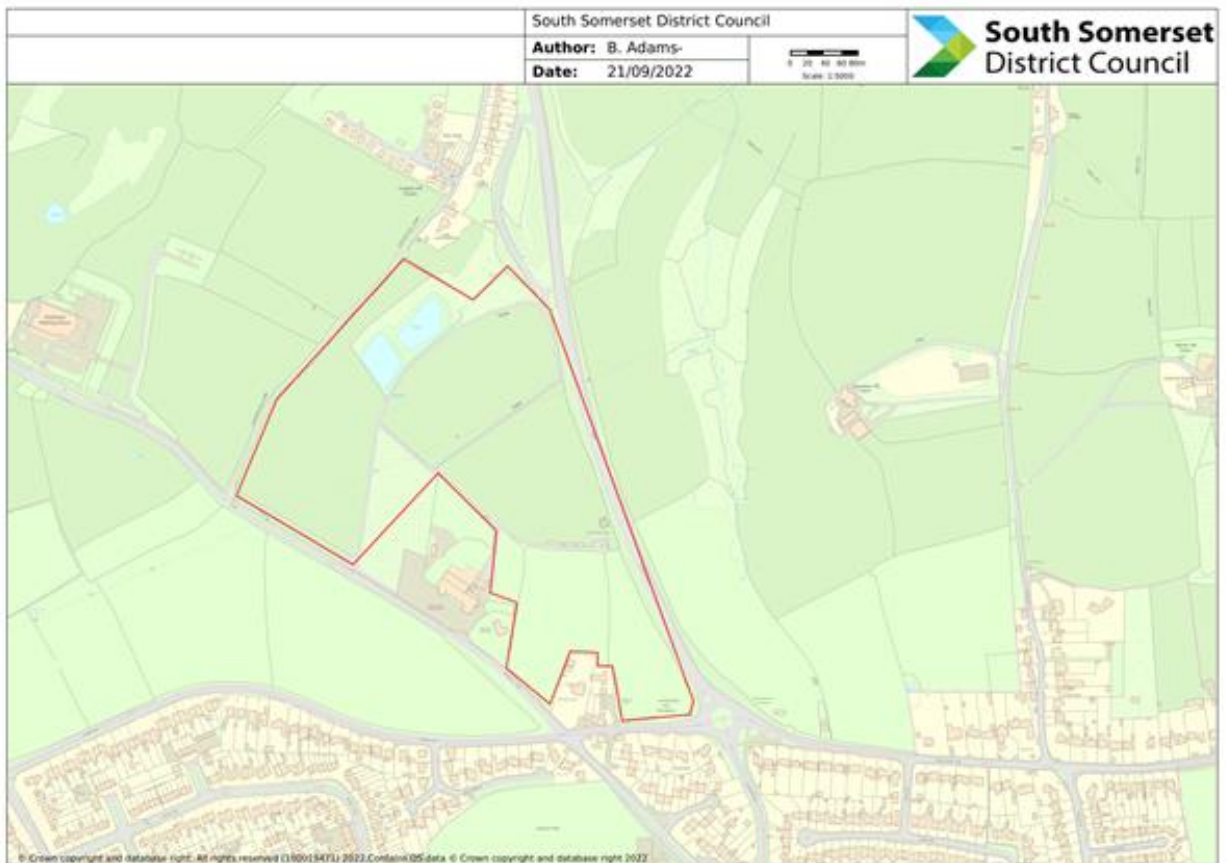
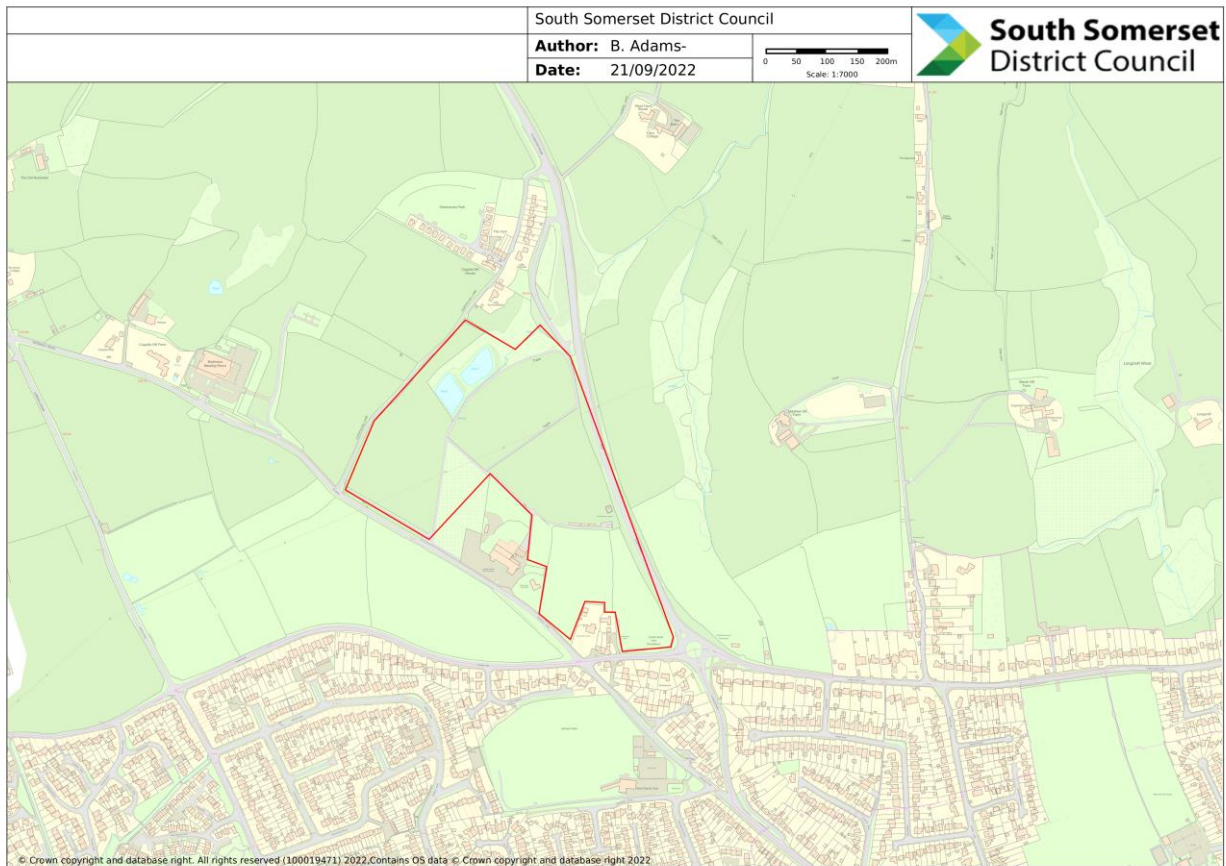
Officer Report On Planning Application: 19/03242/OUT

Proposal :	Outline application for the erection of up to 185 dwellings with public open space, landscaping, sustainable drainage system, and vehicular access point. All matters reserved except for means of access.
Site Address:	Land North Of Brimsmore, Tintinhull Road, Yeovil, Somerset,
Parish:	Yeovil Without
YEOVIL WITHOUT Ward (SSDC Member)	Cllr R Stickland Cllr M Lock Cllr G J Oakes
Recommending Case Officer:	Linda Hayden (Principal Specialist) Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	25th February 2020
Applicant :	Gladman Developments Ltd
Agent: (no agent if blank)	
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application was originally referred to committee in October 2020 by the Ward Members with the agreement of the Area Vice Chair to allow discussion of the planning issues. The item was deferred as the proposal did not have a phosphate solution but is now put back before members as a phosphate mitigation strategy has been agreed by Natural England.

SITE DESCRIPTION AND PROPOSAL



The site is situated on the northern edge of Yeovil. It is just over 13 hectares (32 acres approx.) and comprises a series of adjoining fields in a roughly triangular shape. A garden centre, farm shop and part of the field to the north west is indented into its south western boundary with Tintinhull Road. A group of residential properties are indented into the site's southern boundary, where Tintinhull Road joins with Thorne Lane, one of these houses is Grade II listed as is its front wall (Brimsmore House). To the south west and west of the site, between Tintinhull Road and Thorne Lane, is the Brimsmore Housing development a strategic housing allocation with planning permission for a total of 902 dwellings, associated landscaping and infrastructure works. The A37 adjoins the eastern boundary.

There is a public right of way (Y 31/4) opposite the western part of the site.

PROPOSAL

The submitted planning application seeks outline planning permission with all matters reserved apart from access for:

- o Residential development for up to 185 new dwellings (with 35% affordable housing).
- o A new vehicular access point off Tintinhull Road/Coppits Hill Lane.
- o Retention and strengthening of the vast majority of vegetation present within the Site, and along the Site boundaries.
- o New publicly accessible and landscaped open space, which will include a children's play area, and new recreational routes throughout.
- o Sustainable Drainage Systems (SuDS) features in the form of two attenuation basins, to help manage the flow of surface water during periods of heavy and persistent rainfall.

The application is supported by:

- o Planning Statement
- o Design and Access Statement
- o Landscape and Visual Impact Assessment
- o Transport Assessment
- o Travel plan
- o Ecological Appraisal
- o Arboricultural Appraisal
- o Flood Risk Assessment
- o Phase 1 GEO Environmental Report
- o Air Quality Assessment
- o Noise Assessment
- o Heritage Desk Based Assessment
- o Foul Drainage Analysis
- o Utilities Appraisal
- o Socio-Economic Sustainability Statement
- o Statement of Community Involvement
- o Shadow Habitats Regulation Assessment (HRA)
- o Affordable Housing Statement
- o Nutrient Neutrality Assessment and Mitigation Strategy

This application has been subject to lengthy delay due to the phosphates issue that is currently impacting the majority of South Somerset. The applicants and their environmental advisers have now produced a phosphate solution in the form of a wastewater treatment works (WwTW)

with wetland. This will be considered in more detail within the report.

A re-consultation has taken place in regard to the additional information that was supplied in relation to the phosphate mitigation.

HISTORY

The site comprises a number of fields that have been subject to various applications in relation to telecommunications equipment and equestrian development (to the east of the site), the most recent applications for both being in 2003.

Environmental Impact Assessment Regulation - the planning application falls within the scope of Schedule 2 Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). The Local Planning Authority is required to make a formal screening decision as to the requirement for Environmental Impact Assessment because the proposed development includes more than 150 dwellings, and the site exceeds 5 hectares. The screening opinion was issued on the 14th September 2020 and concluded that the development is unlikely to have significant environmental effects and therefore an Environmental Statement was not required (reference 20/02602/EIASS).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA3 - Sustainable Travel at Chard and Yeovil

TA4 - Travel Plans

TA5 - Transport Impact of New development

TA6 - Parking Standards

HW1 - Provision of open spaces, outdoor playing space, sports, cultural and community facilities in new development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

Relevant Policy Material Considerations

National Planning Policy Framework

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

(Note: The Council published a Five-year Housing Land Supply 2021-2026 in September 2021 and is able to demonstrate a housing land supply equivalent to 4.7 years. As a result of the appeal decision on the proposed residential development of Land North of Ansford Hill, Ansford, South Somerset District Council now accepts that it has a housing land supply equivalent of 4.4 years - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site. The Council acknowledges that this means that the tilted balance in paragraph 11 d) of the National Planning Policy Framework, 2021 now applies to the decision-making process.)

National Planning Practice Guidance

Appropriate Assessment

Climate Change

Design

Historic Environment

Natural Environment

Planning obligations

Travel plans, transport assessments and statements in decision-taking

Water supply, wastewater and water quality

National Design Guide (NDG)

The National Design Guide is a material consideration when making planning decisions, and sets out how well designed places can be achieved and forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The NDG sets out the ten characteristics of well-designed places.

Legislative requirements for applications within setting of Listed Buildings

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Adopted Somerset County Council Parking Standards

CONSULTATIONS

Yeovil Without Parish Council:

In response to original application:

'RECOMMENDATION: REFUSAL - *the application is detrimental to the parish of Yeovil Without and its residents and considered premature.'*

Object on the basis of:

- o Full traffic impacts of the Brimsmore key site development are yet to be realised with some road improvements yet to be undertaken.
- o Concerned about the possible use of Coppits Hill as a rat run to the A37.
- o Proposal is dependent upon infrastructure to be provided by Brimsmore key site. The key site is yet to be fully developed and as such impact cannot be fully understood.
- o Proposal is for further housing to be squeezed into an already high density area and is disproportionate to areas in the south of Yeovil.
- o Surface water drainage - Coppits Hill has inadequate surface water containment. This development requires further evaluation in light of the impact that the key site will have.
- o Ecology - proposal will have a detrimental effect on the flora, fauna and wildlife on the site. May force animals closer to the A37 causing an accident hazard.
- o Archaeology - Due to close proximity of the Fosse Way a full archaeological evaluation should be completed prior to planning permission being granted.
- o Air/Noise Pollution - Increase in such pollution would have a detrimental effect on the area and a direct effect on Grade II listed Brimsmore House. Such an increase in emissions should not be encouraged when a climate emergency has been declared. Not able to assess such impacts until key site is complete.
- o Disagree with Travel Assessment report that states facilities are within 15 minute walk. So there will be increased traffic movements.

In response to re-consultation, the Parish Council advise that they remain opposed to the application for the same reason as set out in their original response and have further concerns in relation to:

- o Lack of facilities and infrastructure. There is no provision for the needs of the parish.
- o Phosphate Mitigation
- o South Somerset District Council should undertake a detailed Habitats Regulations Assessment.
- o Natural England's calculator should be used to calculate the phosphorus loads.
- o Concerned about the proposal for an on-site sewage treatment plant and the precedent it will set.
- o Have considerable doubts about the ability of Severn Trent to be able to deliver this safely.
- o Unhappy with the proposals to deal with spillage

County Highway Authority:

There have been lengthy discussions between the applicant's highways consultants and the County Highway Authority. This has resulted in the submission of an amended plan with regard to the proposed access arrangements.

The County Highway Authority have commented:

'To confirm, this Authority's previous comments highlighted the following aspects;

- o The access arrangement should be a ghosted right turn lane on Tintinhull Road.
- o A suitable footway should be provided along the north side of Tintinhull Road between the proposed development access and the proposed traffic signal-controlled pedestrian crossing.
- o Suitable and sufficient highway lighting should be provided.
- o A visibility splay will also be required for where the realigned Coppits Hill Lane joins the proposed new access road.
- o Minimum circular corner radius at simple junctions should be 10m to allow vehicles to clear the major road more quickly minimising the risk of shunt type collisions.
- o A Travel Plan will be required to be secured via s106 agreement

Further information has been supplied by the developer in order to provide confirmation of the vehicle visibility splays to be secured at the point of access onto Tintinhull Road. Drawing number P17033-20-08A has been supplied.

In addition to the previously noted highway mitigation package the following aspects are now added;

- o 2.4 x 43m visibility splays in both directions onto Tintinhull Road, and for Coppits Hill Lane onto the new estate road
- o Extension of the 30mph speed limit
- o New gateway feature to be agreed with this Authority to include new signage and lining

NOTE: Having regard to the fact that the extension of the speed limit is subject to its own legal process which entails a full consultation and therefore cannot be guaranteed confirmation should be confirmed prior to commencement of the development as it may impact on the provision of the visibility splays at the site access.

As a s106 agreement will be required in order to secure the Travel Plan it would be beneficial if the highway mitigation package could also be included in this agreement by citing s278 of the Highways Act 1980.'

In the event of permission being granted, the CHA would recommend that the conditions are imposed in relation to; a Construction Environmental Management Plan; disposal of surface water; estate details; details cycle and footpath connections; provision of parking spaces; and visibility.

In response to the re-consultation, advises that the CHA's position on this matter has not altered from no objection subject to the highway mitigation package previously discussed.

Highways England

Offer no objection but advise:

'In light of a number of large scale applications for development in the Yeovil area that Highways

England does not appear to have been consulted on, and proposals for additional development allocations set out in the South Somerset Local Plan Review, we strongly advise that the Local Planning Authority gives further consideration to the cumulative impact of planned development on the strategic road network to identify the timescales and development thresholds for any necessary improvements to ensure the residual cumulative impact of development on the highway network is not severe or unacceptable in safety terms.'

In response to re-consultation:

*'We issued no objections to original application 19/03242/OUT in February 2020 as set out in our attached response **subject to** the Local Planning Authority giving further consideration to the cumulative impact of planned development on the strategic road network to identify the timescales and development thresholds for any necessary improvements to ensure the residual cumulative impact of development on the highway network is not severe or unacceptable in safety terms.'*

We have reviewed the proposed amendments and are satisfied that these are unlikely to result in an unacceptable impact on the safe operation of the strategic road network. As such we consider our response of no objections, subject to the above advice, remains appropriate. '

Rights of Way (SCC):

No objections but request that a pedestrian crossing be provided across Tintinhull Road to link with public right of way Y 31/4. Advise that works should not encroach on the public right of way.

Ecologist (Somerset Ecology Services (SES):

Advises:

'CSA Environmental undertook an Ecological Impact Assessment (EclA) of the development proposal site at Land North Of Brimsmore, Tintinhull Road, Yeovil throughout 2019.

Results

Designated sites: The Site lies c.9.2km from Somerset Levels and Moors SPA/Ramsar site, certain bird interest of which may be susceptible to recreational pressure. Given the distance from the development site, no effect is identified in isolation, but the potential for an in-combination effect with other plans/projects, is identified

Habitat: The Site comprises an area of mixed farmland with additional habitats including ponds, woodland, hedgerows and ditches.

Species: Important ecological features at the Site are bats, badger, breeding birds and slow-worm.

Assessment

I am satisfied in principle with the proposal and the detailed mitigation hierarchy and net gain recommendations made by CSA Environmental. I am particularly in approval of the habitat to

be retained and created as part of the approval, including wildlife area within the northwest corner, SuDs, sufficient buffer zones around the sites boundaries and green corridor through the site.

Hedgerows and trees

Hedgerows and trees are targeted to be removed to allow for development and access proposals. These proposals include the removal of the entirety of hedgerow H3 (c. 150m), c. 60m of hedgerow H2, c.15m of hedgerow H8 and c.10m from hedgerows H6, H9, H10 and H13, for vehicular and pedestrian access. This results in a net loss of c. 265m of hedgerow. Scrub is also proposed to be removed from H11, with the mature trees retained. Existing gaps within hedgerows H4 and H12 have been utilised for pedestrian access points to avoid further impacts.

In the absence of suitable protection and mitigation, there is potential for construction activities to result in damage to tree or hedgerow roots. The quality of the retained hedgerows and trees may also deteriorate during the operational phase due to improper management, littering or compaction.

Woodland

The woodland on-site is due to be retained in its entirety as part of an area of Public Open Space. In the absence of mitigation, demolition and construction works in the vicinity of the woodland could result in accidental damage of habitats, including to tree roots. The woodland currently experiences minimal visitor pressure although this is likely to increase as a result of the development. Without appropriate management, anthropogenic impacts such as compaction, littering and vandalism could result in an adverse effect significant at the Local level.

Ponds and Stream

In the absence of mitigation, demolition and construction works could result in pollutant run-off into the ponds and stream at the Site. During the operational phase, contaminated surface water could also cause a deterioration in aquatic habitat quality in the absence of sufficient mitigation. These potential effects could be significant at the Local level.

Bat Roosts

A total of 54 trees / tree groups were subject to assessment. Of these, 28 trees were determined to have negligible potential to support roosting bats, 21 were found to have low roosting potential, three were found to have moderate roosting potential (two within tree group G22, and T13) and two were found to have high roosting potential (T22 and T28)

No potential bat roosts are present within the trees to be removed.

Bat activity

At least nine species of bat were recorded at the Site during the transect surveys, comprising common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *P. pygmaeus*, Nathusius pipistrelle *P. nathusii*, noctule *Nyctalus noctula*, *Nyctalus* species, serotine *Eptesicus serotinus*, Myotis species, long-eared *Plecotus* sp., barbastelle *Barbastella barbastellus* and lesser horseshoe *Rhinolophus hipposideros*

The bat activity survey results demonstrate high levels of activity encountered on the transect

surveys which were dominated by common and soprano pipistrelle activity. The ponds and adjacent woodland area has been shown to support most activity during the surveys. Hedgerow H7 and H9 were found to be used by a small number of pipistrelle bats during the transect surveys (four to five bats).

Greater horseshoe bats were recorded at all Monitoring Points in very low numbers.

Twelve passes of lesser horseshoe bats, a nationally rare species have been recorded during the transect surveys, mostly in the northern tip of the Site, and predominantly during the September survey.

Similarly, fifteen barbastelle bat passes, were recorded along hedgerows H2 and H10 which is consistent with patterns observed during the automated monitoring. Detections of barbastelle are variable and may suggest the seasonal use of local roosts by this species. Bats have been recorded throughout the night suggesting that the hedgerows are used for foraging rather than commuting only.

Serotine and Myotis bats have been recorded consistently on most surveys and in all areas of the Site. Greater horseshoe bats were recorded at all Monitoring Points in very low numbers.

A residual adverse effect on foraging and commuting bats is acknowledged from the removal/breach of key hedgerows. This is considered to be significant at the Local levels whilst new habitats establish, however after this point strategic new planting is likely to provide alternative habitats for bats and reduce the impact of the proposed development to an insignificant level.

Badgers

Badgers are known to use the Site and one outlier sett has been found on-site (September 2019). Whilst the area containing the sett is due to be retained as public open space, in the absence of appropriate avoidance or mitigation measures the sett could potentially be impacted by machinery undertaking drainage or landscaping works resulting in an offence under the Protection of Badgers Act, 1992. There is also potential for badgers to dig new setts at any time.

Badgers may cross the Site during construction works and animals could become trapped within excavations or harmed by hazardous materials or equipment. This is unlikely to have a significant impact on the local badger population but it has animal welfare implications and could result in an offence under the Protection of Badgers Act.

Birds

The removal of lengths of hedgerow and small areas of scrub will result in the loss of suitable habitats for nesting bird species. Clearance works also poses a risk of killing and injury to birds.

There will be a net loss of arable and open grassland habitat used by foraging birds although these habitats were not found to support a significant interest.

During the operational phase of the development, nesting birds will experience an increase in disturbance due to the increased vehicle usage at the Site. This will likely continue during the operational phase as a result of increased human activity, vehicular movements, lighting, noise

and domestic pets. In the absence of mitigation, the proposed development is anticipated to have the potential for an adverse impact on breeding birds at less than Local level.

Reptiles

A small population of reptiles have been found at the Site. Suitable reptile habitat is to be lost in order to accommodate the proposed development, including areas where reptiles were found on the surveys. Given the small number of reptiles at the Site, these effects are unlikely to be significant to the local population, however construction works could result in the killing or injury of individuals, which is an offence under the Wildlife and Countryside Act, 1981.

Amphibians

Following a pond scoping and assessment exercise, full surveys for great crested newt were undertaken between April-May 2019 for the two onsite ponds and three local, off-site ponds. No great crested newt were found during these surveys although smooth and palmate newt *Lissotriton helveticus* were recorded. The on-site ponds were found to contain large numbers of fish and large specimens of signal crayfish which reduce their suitability for great crested newt.

Dormouse

A presence/absence dormouse survey was undertaken during 2019. No evidence of dormouse activity has been observed in either the nest boxes or nest tubes

HRA

A shadow HRA has been produced to inform the application. I agree with the findings regarding no likely significant effect to European Designated sites located within 10km of the site, therefore the HRA can be adopted and forwarded to Natural England for their comment.'

The ecologist recommends the imposition of conditions in relation to; Construction Ecological Management Plan; lighting details; mitigation compliance, Landscape and Ecological Management Plan; invasive species; and biodiversity enhancement. With an informative in relation to badgers.

Due to the age of the ecology reports an Ecological Survey Addendum was submitted by the applicant's ecologist. SES are happy with the updated walkover survey and have advised that given the unprecedented delays this application has suffered due to phosphates, and CSE Environmental's conclusions that the habitats remain unchanged, on this occasion SES feel it would be disproportionate to request a repeat of the Phase 2 surveys previously commissioned in 2019 by the applicant.

Ecologist for SSDC (appointed to carry out Appropriate Assessment (AA)) in relation to proposed phosphate mitigation:-

Summary of the conclusions of the Appropriate Assessment:

'(19/03242/OUT) Land North Of Brimsmore has been considered in light of the assessment requirements of regulation 63 / 105 of the Conservation of Habitats and Species Regulations 2017 South Somerset District Council of which is the competent authority responsible for adopting the project and any assessment required by the Regulations.

Having carried out a 'Screening' Assessment of the plan, the competent authority concluded that the Project would be likely to have a significant effect on Somerset Level and Moors Ramsar Site and SPA (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C - 127/02). Consequently, an appropriate assessment was required of the implications of the Project on the qualifying features of that Site(s) in light of its Conservation Objectives.

The Screening Assessment has shown that the Proposed Development will lead to 'Likely Significant Effect' (LSE) on the Somerset Levels and Moors Ramsar Site due to an increase of phosphorous as a result of an increase of residential development. The Screening Assessment has also identified the possibility of an LSE caused by an increase of recreational pressure from an increased population to the Somerset Levels and Moors Ramsar Site and SPA.

Following an Appropriate Assessment in accordance with the Regulations, the competent authority has ascertained that the project would not have an adverse effect on the integrity of the Somerset Level and Moors Ramsar Site and SPA; either alone or in combination with other plans or projects.

The Water Environment Nutrient Neutrality Assessment and Mitigation Strategy (attached to email). The Assessment has shown that prior to the implementation of mitigation, 44.89kg/P/yr will need to be mitigated for (Rev B dated September 2022). The NNAMS shows that the provision of an onsite WwtW, run by Severn Trent Connect, which is designed to discharge at 0.2 mg/l, an additional grey water attenuation/SUDS pond, and an onsite SUDS system will enable the site to mitigate against the 44.89 kg/p/yr. The Proposed Development has demonstrated that the on-site landscaping can be developed to ensure that the increase of recreational pressure will be mitigated for on site; and as such, will not lead to an adverse effect to the integrity of the Site; either alone or in combination with any other plans or projects. Water Environment also calculated that the excess phosphorus could be fully mitigated using a bio retention/filtration system currently on the market (Silva Cell).

Subject to the inclusion of the proposed mitigation, which will reduce the adverse effects of recreational pressure and increased phosphorous loading to the Somerset Level and Moors Ramsar Site and SPA. The recreational pressure was based on information provided within the South Somerset Local Plan HRA and the phosphorous loading was based on Nutrient Neutrality Guidance provided by Natural England. Natural England have been consulted on the planning application throughout the projects various iterations.

Details of the WwtW strategy and the proposed adoption agreement has been provided by Severn Trent Connect and is attached as an appendix to this note. An adaptive treatment strategy is proposed and will ultimately comprise either a Severn Trent Connect designed and built onsite WwtW, or an ARM designed and built reed bed treatment system; neither system requires chemical dosing for effective treatment. Either system would be adopted, maintained and operated in the long-term by Severn Trent Connect in our [SIC] capacity as the local statutory wastewater undertaker. Surface Water Strategy: it is proposed to use a bio-filtration / bioretention product such as a Silva Cell system to treat surface water runoff. The Silva Cell Manual suggests that an 86.5% reduction in Total Phosphorous (TP) can be achieved. This manual is included in the appendix of this report. A peer reviewed study of Silva Cell systems²³ also found that a minimum 72% reduction in TP was found on development sites with Silva Cell bioretention systems installed. Therefore, a reduction in surface water loading of 58% is

achievable using products currently available on the market.

The proposed mitigation measures would ensure that there would be no adverse effect on the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either alone or in combination with other plans or projects, as a result of water quality (phosphorous) impacts. Accordingly, SSDC can conclude that there would be no adverse effect on the integrity of the Ramsar Site in respect to this impact pathway.

Various assumptions have been incorporated into the Natural England guidance on Nutrient Neutrality. These include using Office for National Statistics data on population densities of 2.4 person per household. The use of this figure was considered to be sufficiently reasonable and in line with the precautionary principle (Wyatt, R (On The Application Of) V Fareham Borough Council & Ors (Rev1) [2022] EWCA Civ 983). Similarly a standard water use per person has been incorporated into the calculations. The assumptions are to allow the competent authority to undertake Appropriate Assessment and determine if the application will lead to an adverse effect to the integrity of the site and fulfil their legal obligation under regulation 63 of the Conservation of Habitats and Species Regulations 2017.'

Natural England:

No objection subject to identified mitigation being secured

The amended documents and calculations submitted by the applicant address the points we advised needed to be resolved in our email dated 26 August.

Therefore Natural England agrees with conclusion of the Appropriate Assessment that you have undertaken on behalf of SSDC, namely that providing all of the necessary mitigation measures and legal arrangements are secured, the proposed developed will not result in an adverse effect on the integrity of the Somerset Level and Moors Ramsar Site. In this case those legal arrangements include that the new wastewater treatment facilities will be managed by Severn Trent Connect, an OFWAT-appointed statutory sewage undertaker, and regulated by the Environment Agency.

Note that advice here only relates to potential impact on Habitats Sites, and SSDC should ensure that other natural environment interests, including protected species, have been properly considered in step with national and local policy and legislation.'

South West Heritage Trust (archaeologist):

Advises:

'The Geophysical Survey report submitted in support of the application shows that there is archaeology on this site that most likely, represents prehistoric or Roman period occupation. The archaeology is likely to be of local significance and will require full investigation prior to development of the site. There will also be a requirement for trial trench investigation of the site to determine the scope and scale of an excavation. '

For this reason the archaeologist recommends that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured

by the use of the conditions attached to any permission granted.

Open spaces officer:

Advise:

'The plans shown on the "Development Framework Plan" identifies an amount of Public Open Space (POS) far in excess of the required amount for a development of this size.

The green corridors surrounding the site are an encouraging feature helping to incorporate the development with the existing surroundings as well as providing good green links throughout and around the site.

The larger areas of POS are again located to help link the site together and it is encouraging to not see them all in one place and at one end of the site. There are several areas of POS accessible to each section of built area with green corridors linking them.

The locations of the SuDS features makes sense for the site and they have not encroached on the POS provision. We would be encouraged to see further plans for these areas and how they will be incorporated with the open space surrounding them, enhancing the areas for the residents.

Overall we are happy for this application to progress with its current layout and are interested to see the POS designs progress too.'

Housing Officer:

Policy requires 35% affordable housing which would be split 80:20 social rent: intermediate product. This would equate to 65 units, these would be split as 52 for social rent and 13 for shared ownership or other intermediate affordable solution.

I would propose the following mix detailed below:

- 22 x 1 bedroom flat/bungalow (2 person)
- 26 x 2 bedroom house/bungalow (4 person)
- 14 x 3 bedroom house (6 person)
- 3 x 4 bedroom parlour house (8 person)

We would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses/bungalows or if flats have the appearance of houses. I would recommend that the affordable units are in at least 5 clusters with social rent properties in each cluster.

These affordable dwellings will form an integral and inclusive part of the layout.

I have detailed below our prevailing minimum internal space standards which should also be adhered to:

1 bedroom flat	2 Person	47 sqm	
2 bedroom flat	4 Person	66 sqm	
2 bedroom house	4 Person	76 sqm	(86 sqm if 3 storey)

3 bedroom house	6 Person	86 sqm	(94 sqm if 3 storey)
4 bedroom house	8 Person	106 sqm	(114 sqm if 3 storey)
4 bedroom parlour house	8 Person	126 sqm	(134 sqm if 3 storey)

We would expect the s106 agreement to contain appropriate trigger points to guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units:

LiveWest
Magna Housing
Stonewater Housing
Yarlington Housing Group

Environmental Health Officer:

Agrees with the conclusions of the air quality report and suggests conditions in relation to construction works.

Planning Policy:

The response to the original application is now out of date as it referred to older housing data and the Local Plan Review (no longer being progressed as there will be a new Development Plan(s) to be prepared in the future as part the single unitary council.

However, the advice regarding the local plan context, five year land supply and conclusion are still considered to be applicable:

'Planning Policy Context

Policy SS1 of the adopted Local Plan 2006-2028 (Local Plan) places each settlement a tier within the 'settlement hierarchy', based on their role and function within the district. In accordance with policy, the scale of development envisaged for each settlement should be commensurate with its tier, thereby reinforcing the hierarchy. Yeovil, as the largest settlement in South Somerset is identified as a Strategically Significant Town.

Local Plan Policy SS5 attributes a level of growth to each of the main settlements within the hierarchy. Yeovil is expected to deliver at least 7,441 dwellings. The policy takes a permissive approach to housing proposals in the SUEs.

Given that the proposal site is located outside of the "Urban Framework" of the town (the development area for Yeovil) and is not within either SUE, it is contrary to Local Plan policies SS5 and YV1.

Planning Balance

It is accepted that delivery of new homes in Yeovil lags behind what was anticipated in the Local Plan. This can mainly be attributed to market factors and the reliance on the large urban extensions, however as has already been noted these should now start to come forward; although it may still be a number of years before we see homes are on the ground.

The Council accepts that it is unable to demonstrate a five-year housing land supply and that a

presumption in favour of sustainable development exists. National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), and therefore less weight can be afforded to policies that affect the supply of housing. Paragraph 11 is therefore a significant material consideration with regard to the tilted balance of the presumption of sustainable development.

Conclusion

This proposal is contrary to Local Plan Policies SS5 and YV1 however, housing delivery in Yeovil is behind that expected at this point in the Plan period and the lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration.

Designing Out Crime Officer:

No comments.

Local Lead Flood Authority:

Provide advice on the provision of SUDS and recommend the imposition of a detailed drainage condition that requires the submission of details including; SUDS details; discharge rates and volumes; and a management and maintenance plan.

Environment Agency:

Advise that the application falls outside the Environment Agency External Check List, so they will have no comments to make.

County Education:

Updated advice:

186 dwellings will generate a need for:
17 Early years places (£304,997)
60 Primary School places (£1,076,460)
26 Secondary School places (£667,602)
2 SEN Schools places (£234,672)

MOD:

In response to re-consultation advises:

'The application site occupies the statutory safeguarding zone(s) surrounding RNAS Yeovilton and RAF Yeovil. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 1.8km from the centre of the airfield at RAF Yeovil and approx. 5.9km from RNAS Yeovilton.

Aerodrome heights

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches, and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

Birdstrike

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and, or flocking birds close to the aerodrome. The proposals include new planting and attenuation basins.

On reviewing the documents there is not enough information for the MOD to determine whether we have any concerns.

Therefore, the MOD would like to be consulted at the next stage of this application, where details of the heights of the dwellings and proposed landscape planting, drainage are available.

Noise

The MOD advises that the proposed development will be exposed to noise from aircraft activities from RAF Yeovil, RNAS Yeovilton, which some residents, when living on the development, may find disturbing. My colleagues in the DIO Town Planning/Land Management Services section will be submitting separate representation on noise issues in respect of this application

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above the developer's documents titled 'Site Location', 'Landscape and Visual Impact Assessment', 'Amended Flood Risk Assessment' and 'Amended Development Framework' dated March 2019 - June 2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.'

Sport and Play Officer

Have calculated:

Equipped play - on-site	£138,354
Commuted sum	£79,916
Youth Facilities - off site	£27,166
Commuted sum	£10,044
Changing room provision - off site	£128,225
Commuted sum	£10,315
Overall contribution total	£394,020
1% Locality Service Administration Fee	£3,940
Overall Level of Planning Obligation to be Sought	£397,961
Overall contribution Per Dwelling	£2,151

In response to the re-consultation, they confirm that there has been no change to the standards applied to the original application so their comments remain as above.

REPRESENTATIONS

70 residential properties were notified of the application, a site notice was displayed and an advert was placed in the local newspaper to advertise the application.

Over 20 letters of objection have been received in response to the original application.

The comments of the objectors are summarised as follows:

- o Road infrastructure will not cope with additional demand from another 200 homes as well as the Brimsmore key site
- o Site is not allocated for development as part of the HELAA 2018 plan
- o Local services (doctors, schools etc.) will not be able to cope with additional demand from Brimsmore key site and the proposal
- o The proposed entrance is unworkable and therefore dangerous. A Planning Inspector has previously noted that the Coppits Hill Lane junction is substandard.
- o The social structure in the area is already at breaking point and the proposed development can only have a negative impact.
- o Wish to see that the works proposed at the Coppits Hill Lane junction with the A37 (as agreed as part of the Brimsmore key site development) are respected.
- o Suggest that the site should only be developed once the agreed roundabout for the Brimsmore key site has been constructed on Tintinhull Road.
- o The sloping nature of the site means that sewage disposal will be more costly. Existing sewer may not be able to cope with the additional demand.
- o Concerned about made up land and previous pollution incident (2003)
- o Question supporting documents in relation to surface water disposal and attenuation ponds
- o Query who will be responsible for hedge maintenance.
- o Coppits Hill has suffered from surface water flooding in the past and concerned that this will be exacerbated by additional development. Could also affect Yeovil Marsh.
- o Concerned about the use of SuDs and risk of drowning
- o Suggested that section of Tintinhull Road near Coronation Avenue be closed to prevent use as a rat run or traffic calming introduced
- o Site should only be developed once the Brimsmore key site is complete in order that all impacts can be assessed.
- o Concerned about use of Coppits Hill as a rat run
- o Detrimental impact upon Grade II listed Brimsmore House, setting must be respected and appropriate screening and planting provided. Existing drainage to property must be accommodated. Developer should provide extension to existing stone boundary wall.
- o Disruption caused by construction works
- o Increase in noise and disturbance
- o Suggest a link from Brimsmore key site to A37 with a new roundabout to divert traffic away from current bottlenecks
- o Increased danger to pedestrians
- o Proposed development relies on infrastructure that is yet to be built on the key site.
- o Proposal is detrimental to wildlife, disagree with findings of ecological report
- o Archaeological survey needs to be carried out prior to permission being granted.
- o Along with the other approved development in the Parish the proposal represents overdevelopment
- o Agree with highways analysis provided by adjacent landowner. And that developer

should be required to pay equivalent contributions as the key site.

- o Development would adversely impact upon the landscape of Yeovil's north escarpment
- o Increase in light pollution
- o New development should be on brownfield land within the town.
- o Disagree with findings in the FRA

Coppits Hill Residents Association are concerned about the potential rat run status of Coppits Hill Lane. They support the offer from the adjacent landowner to work with the developer on the highways aspects of the scheme and suggest that the best solution to the highways issue would be to wait for the agreed roundabout for the Brimsmore key site to be provided

The developer of the adjacent site (Brimsmore key site) has provided a review of the transport impacts of the development prepared by a highways consultant. He advises that he has no objection to the principle of the proposed development but feels that the developer should contribute its fair share to the community highway infrastructure being provided in the area, from which it would derive benefit.

The CPRE object to the application on referring to the paragraphs 170 and 174 of the NPPF and on the grounds that the site is outside of the settlement boundary of Yeovil, the development is likely to put further pressure on the transport system and is contrary to Policy EQ2 of the Local Plan.

In response to re-consultation (letters sent 27 June 2022) a further five letters of objection were received making the following comments:

- o Wish to see a comprehensive detailed independent review and study of this new proposed waste water drainage and treatment strategy. These type of installations are a significant contributor of microplastics (MP) to the environment
- o More time should have been given for comments
- o Query the efficacy of the proposed phosphate mitigation and the potential for agreement to this solution to set a precedent for the whole of Somerset. Is the whole scheme sustainable and energy efficient?
- o Presence of a waste treatment plant may impact upon enjoyment of open space. Potential for noise and odours from the plant
- o Query the proposed drainage solution and applicant's control of adjoining land
- o Concerns about how spillages will be handled
- o Concerns about future controls if operators cease to exist
- o Concerned about increase in traffic and potential for rat running.

RESPONSE OF APPLICANT TO REPRESENTATIONS

The applicant has provided the following responses to the concerns of local residents:

- o Full ecological surveys have been undertaken to identify any protected species and propose extensive mitigation measures to ensure flora and fauna is enhanced as part of the proposals
- o Flooding has been carefully considered within the Flood Risk Assessment, with on-site proposals limiting and controlling surface water 'run off' to ensure the existing 'greenfield run off rate' is improved. No objections have been received from the LLFA regarding

- o flooding concerns associated with the proposals.
- o Noise and air quality reports have indicated no detrimental impact on the proposals or surrounding area, with statutory consultees raising no concerns.
- o Highways matters including traffic flows, speed restrictions etc. have been reviewed by County Highways and following minor amendment to the site access found to be acceptable with no objections.
- o All statutory consultees have been consulted as part of the application process and have indicated appropriate financial contributions to be made to ensure current and future services are adequate for the number of dwellings proposed.
- o The site is a preferred option for development in the emerging South Somerset Local Plan.
- o Early pre-application discussions with County Highways indicated a preferred access via Tintinhull Road.
- o School capacity has been discussed with the CC and, where capacity is not available, financial contributions have been agreed.
- o The Heritage Desk-Based Assessment recognises the setting of Brimsmore House and proposes open space is retained to the west, which has been reflected within the Framework Plan and Design and Access Statement.
- o Further evidence has been presented to the case officer regarding why Coppits Hill Lane would not be a preferred 'rat run'.
- o The site does accommodate sloping topography, the design and retention of ground levels would be considered at detailed design stage.
- o Foul and surface water solutions have been presented as part of the application with no objections received from statutory consultees. Exact details would be considered at detailed design stage.
- o A phase 2 site investigation would be conducted as part of a reserved matters application, in addition to Building Regulations approval to fully detail any issues associated with landslip.
- o SuDs basins will be designed and managed to current regulations, specific details provided part of a reserved matters application ensuring all health and safety requirements are adhered to.
- o Archaeological investigations would be 'conditioned' with further investigations undertaken if deemed necessary by the LPA.
- o We believe there is some misunderstanding in relation to the point of discharge. As can be seen in the FRA submitted on 21st June 2022 the point of outfall is within the application site red line boundary (shown on page 79)
- o In terms of concerns about noise, the applicants have suggested that a condition be imposed to secure noise levels on the site.

CONSIDERATIONS

Principle of development

The site lies outside the defined settlement area of Yeovil as shown in the adopted Local Plan. It is not currently allocated or identified for further residential development.

The Council's five-year housing land supply is referred to in the applicant's submission as justification why development should be allowed in this location. The Council can currently

demonstrate 4.4 years and as such acknowledges that the presumption in favour of sustainable development and the 'tilted balance' are in play. The application will be determined on the basis that the policies most important to the determination of the application are out of date and that the application should be approved unless:

'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

However, whilst the current deficiency in the housing land supply situation is one significant planning consideration to take into account it is not necessarily an overriding factor. Appropriate development plan policies remain relevant. A proposal is required to demonstrate that it will result in sustainable development and comply with relevant policies, and it is insufficient to simply argue that the Council's five year land supply position and the nation's housing situation are of more importance than all other sound planning considerations.

In this case, given the site's location directly adjacent to the Brimsmore key site, it is considered that the site can be considered a sustainable location. Taking into account the development plan and the Council's five-year land supply situation, the principle of development on this site is accepted.

Highway issues

The proposals would see the creation of a new access to the site along with the closure of the existing junction to Coppits Hill Lane which will be re-provided within the site as a branch of the main estate road. The plans also include the provision of a new right turn lane for the site on Tintinhull Road.

A Transport Assessment was undertaken and submitted with the application which has been assessed by the Highway Authority and additional/amended information has been submitted at their request to ensure appropriate consideration of the impacts of the development. The main concerns relate to visibility at the access and the speed of traffic using the road. These aspects have been addressed through the submission of amended plans.

The County Highway Authority have advised that there have been no recorded collisions that have resulted in injury casualties along Tintinhull Road within the limits of this scheme in the previous 5-year period.

The details submitted with the application have been assessed by the County Highway Authority and they have confirmed the following;

- o Trip generation figures acceptable
- o Trip distribution data acceptable
- o Traffic survey timings suitable
- o Committed developments included
- o Brimsmore Urban Extension
- o Lufton
- o Lyde Road

- o Mudford
- o Keyford
- o Growth factors have not been applied, with the fact that the growth from the committed development is already greater than the TEMPro forecasts cited.
- o Peak hours suitable
- o Capacity modelling of the following is considered reasonable;
- o Thorne Lane / Tintinhull Road double-mini roundabout - to be replaced
- o Proposed Tintinhull Road / Link Road 3-arm roundabout - operates within capacity
- o Proposed Thorne Lane / Tintinhull Road 3-arm roundabout - operates within capacity
- o A37 / Combe Street Lane roundabout - within capacity although some queues due to high RFCs but these can be accommodated and is not considered to be a major issue
- o A37 / A359 / Preston Road roundabout - high RFC values but it is evident that the proposed development traffic will not have a significant impact on the operation of the junction.
- o A37 / Tintinhull Road - operates within capacity
- o A37 / A30 / Clarence Street roundabout - Again high RFCs but the proposed development traffic will not have a significant impact on the operation of the junction.
- o Proposed access / Coppits Hill Lane off Tintinhull Road - Operates within capacity

The County Highway Authority have noted the concerns raised regarding 'rat-running' at the junction of Coppits Hill Lane and the A37, however, they have advised this was not noted by the Safety Auditors as being a potential issue. It is noted that works to prevent access to the A37 from Coppits Hill Lane are included in the road improvements works agreed as part of the Brimsmore key site development.

With regard to the submission of the report by the highways consultant for the developer of the Brimsmore key site, this has been assessed by the County Highway Authority, and they are content that it does not require them to change their recommendations.

In terms of the actual access arrangements, the County Highway Authority have agreed that the proposed access is acceptable in highway safety terms subject to the imposition of appropriate highways conditions including the required visibility splays at the access and the extension of 30 mph speed limit zone to include the new site access.

Therefore, on the basis that the Highway Authority have not objected, it is considered that the overall impact on the local highway network could not be considered severe, and is therefore acceptable at this location given the requirement of paragraph 111 of the NPPF which states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Impact upon setting of Listed Building

The site sits adjacent to the boundary of the Grade II listed Brimsmore House and associated boundary walls and as such a Heritage Assessment was submitted to support the application. This concludes that the most important elements of the setting of Brimsmore House that positively contribute to its significance will be preserved. As such, there would be only a small degree of harm to the setting and this equates to the lowermost end of less than substantial

harm.

The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 202), this harm should be weighed against the public benefits of the proposal. In this case, it is not considered that the setting of the listed house and boundary walls would be significantly affected and appropriate layout, landscaping and screening can be secured at the reserved matters stage to protect the setting of the heritage assets.

Furthermore, the lack of a five year supply of housing land has to be weighed in the balance and, as such, appropriate weight has to be given to the provision of housing on a sustainable site.

Therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour which allow for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building in accordance with the NPPF and Local Policy EQ3.

Impact on the local landscape, visual amenity and density

The site comprises an edge of settlement agricultural fields which directly adjoins the Brimsmore key site development. The site is well screened with mature hedgerows and trees and is well contained.

It is felt that the conclusion of the Landscape and Visual Impact Assessment neatly summarises the landscape impact of the development:

'The effects on the wider landscape will be limited, due to the relatively well contained nature of the Site, provided by tree belts and other mature vegetation. Where views of the new housing are possible in the wider landscape, it will be seen in a similar way to that of the existing development which is visible on the scarp head. As with this existing development and as described in the Yeovil Peripheral Landscape Study, it will appear of small scale, with limited parts of the development visible on the escarpment, due to the mature trees and landform variation and will be subservient to the scale of the escarpment.'

The application is in outline permission at this stage and as such, the layout plan provided is indicative only, however, it sets out how a scheme of this density/scale might be achievable on the site and how it would relate to surrounding development. The scheme indicates the retention of the existing field hedgerows with increased planting where required to help filter views of the development from the wider landscape.

It is not considered that development of this type and at this density is inappropriate in principle in this location. The layout, house types, density and landscaping proposals would be fully considered at the reserved matters stage.

For the purposes of this outline application, having regard to the above, it is considered that the proposed development would not result in significant and demonstrable harm to the wider

landscape subject to appropriate mitigation. Notwithstanding local concern, the density of the proposed development is considered to be acceptable and to accord with local character. Consequently, it is considered that the proposed development complies with Policy EQ2 of the Local Plan.

Residential Amenity

The site shares boundaries with only a few dwellings and it is considered that a layout can be agreed at reserved matters stage that would allow for future residents and existing neighbouring residents to enjoy a good level of residential amenity. As such, there is no apparent reason why an acceptable scheme could not be achieved that would avoid causing any demonstrable harm to existing local residents in this regard. Overall this outline scheme raises no substantive residential amenity concerns.

For these reasons the proposal is not considered to give rise to any demonstrable harm to residential amenity that would justify a refusal based on Policy EQ2 of the Local Plan.

Phosphates

On 17 August 2020 Natural England (NE) advised that the Somerset Levels and Moors Ramsar protected site was in an unfavourable condition. This meant that there was a greater need for scrutiny of the effects of plans or projects likely to, either directly or indirectly, increase nutrient loads to this site. Residential development, such as that proposed, is one of the development types that could give rise to such likely significant effects in terms of increased phosphate levels.

In response the affected Councils, which included South Somerset District Council, prepared a Phosphate Calculator, in conjunction with Natural England and the Environment Agency, to inform the calculation of likely phosphate generation arising from any development.

The applicants have submitted proposals to reduce the total phosphorus load, these include:

- o Use of an on-site Wastewater Treatment Works (WwTW) to process waste water generated by new residents
- o On-site wetland systems to store and treat surface water

The WwTW will process wastewater produced on-site before discharging treated effluent to the watercourse north of the site. The WwTW will be designed to discharge treated effluent with a TP concentration limit of 0.2mgP/l and will be adopted, operated and maintained in perpetuity by Severn Trent Connect (an Ofwat regulated company).

The detailed design and controls for future maintenance of the WwTW can be secured via a planning obligation to ensure that all wastewater from the development is discharged on site at the required phosphorus discharge concentration limit of 0.2mgP/l. The discharge from the WwTW will require an Environment Agency permit which will be secured once planning permission has been agreed and the detailed design of the on-site WwTW and the wider foul water drainage network has been finalised.

Severn Trent Connect will apply to the Environment Agency for the required permit.

In addition, the Site will incorporate constructed wetland habitats, likely in the form of dual-use bio-retention wetland areas of a minimum size of 0.2ha which will both attenuate and treat excess surface water generated by the development. These will be permanently wet features and include a variety of native plant species/vegetation types to filter and clean the water.

The Shadow HRA indicates that the proposed approach (WwTW plus 0.2ha wetland habitat) was found to achieve nutrient neutrality using the methodology adopted by applicant's environmental advisers (Water Environment Ltd), i.e. the proposed development has an equal or lower phosphorus loading than the existing land-use. Therefore adverse impacts on the Somerset Levels and Moors Ramsar resulting from the development scheme could be ruled out, as a betterment on the current situation would be achieved. In this instance, the impact of the development site alone would be fully mitigated and no additional incombination effect would need to be assessed.

However, under the 'Generic Guidance' from Natural England (2022) it is also now necessary to consider alternative leaching rates. With these rates, the development proposals require an updated mitigation strategy in order to achieve nutrient neutrality, where the level of phosphorus removal from surface water runoff would need to be improved. The applicant's environmental advisers have calculated that this would be readily achievable through the inclusion of small-scale SuDS features such as permeable paving, swales or bio-retention features such as rain gardens and green roofs. It is understood that specific guidance relating to the removal of nutrients by SuDS features is due to be released imminently by Natural England/CIRIA, after which point the nutrient budget could be recalculated to determine more precisely what features could be added to achieve nutrient neutrality. In lieu of this information, Water Environment also calculated that the excess phosphorus could be fully mitigated using a bio retention/filtration system currently on the market (Silva Cell).

Following the submission of the Shadow Habitat's Regulation Assessment, the Council's appointed phosphate consultants carried out an Appropriate Assessment which was then considered by Natural England.

Natural England agrees with conclusion of the Appropriate Assessment that providing all of the necessary mitigation measures and legal arrangements are secured, the proposed developed will not result in an adverse effect on the integrity of the Somerset Level and Moors Ramsar Site. In this case those legal arrangements include that the new wastewater treatment facilities will be managed by Severn Trent Connect, an OFWAT-appointed statutory sewage undertaker, and regulated by the Environment Agency.

Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The ecologist at Somerset Ecology Service (SES) considered the reports on behalf of the Council and concluded that the proposals were acceptable subject to the imposition of a number of conditions. Given the age of these reports, the applicants commissioned updated reports and these have been further considered by the ecologist (SES) who has confirmed that given there have been no material changes at the site, there remains no objection to the development of the site subject to the imposition of the conditions recommended in 2020.

Subject to the inclusion of the recommended mitigation, compensation and enhancement

measures, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

Flooding/Drainage

A Flood Risk Assessment was undertaken and submitted with the application. This confirmed that the site is located in Flood Zone 1 which means low probability of flooding from river or sea. The LLFA have thoroughly considered the proposals for surface water drainage and has no objections subject to the imposition of a detailed condition to require drainage details before commencement of work at the site. As such, whilst recognising local concerns regarding surface water issues, it is not considered that the proposal could reasonably be refused on the grounds of flooding/drainage issues.

The Environment Agency has advised that it does not wish to make any comments.

Taking into account the above, it is considered that the application accords with the requirements of Local Plan Policy EQ1 and relevant guidance within the NPPF5

SECTION 106 PLANNING OBLIGATION

If the application is approved it will be necessary to seek the prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) to cover the following terms/issues:

- 1) The provision of 35% affordable housing;
- 2) Contribution towards the provision of sport, play and strategic facilities (£324,774);
- 3) Contribution towards education provision;
- 4) A travel plan safeguarding sum and any required highways works; and
- 5) Provision and maintenance of open space.
- 6) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either (a) include a WwTW to be managed by Severn Trent Connect (or similar OFWAT-appointed statutory sewage undertaker), a wetland and scheme for phosphorus removal from surface water runoff, which have all successfully passed a Habitat Regulations Assessment demonstrating nutrient neutrality, or (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

The application is liable to CIL.

CONCLUSION

With no five year supply of housing land in South Somerset, footnote 8 to paragraph 11 of the NPPF is engaged, which explains that, for applications involving the provision of housing, relevant policies are considered out-of-date where "...the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.".

As such the tilted balance set out in paragraph 11 of the NPPF is the measure against which the development should be assessed. This states that "For decision-taking this means...where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development include the proposal bringing forward several contribution towards education provision, community, sport and leisure provision, through S106 obligations and CIL.

Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole and, as such, should be afforded at least moderate weight as a benefit of the scheme.

Further benefit of the scheme would be that the proposed development offers benefits in terms of delivery of both market and affordable dwellings which assist in helping SSDC towards a five year housing land supply.

Weighed against the benefits outline above, the scheme would also cause some harm. The proposal will result in some harm to the setting of the adjacent Grade II listed Brimsmore House and associated boundary walls. However, as highlighted above, this harm is assessed as being less than substantial and there are clear public benefits that would accrue from the development in terms of the provision of both market and affordable housing that have to be weighed against the very limited harm. Further areas of some harm, albeit limited, are the disturbance likely to be caused during the construction phase of the development.

Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the County Highway Authority, or by any of SSDC's officers consulted. Material planning considerations in respect of highways, drainage, ecology, phosphates, landscape and neighbour amenity can be addressed through reserved matters submissions and/or suitably worded planning conditions.

Given all of the above, and having due regard to the 'tilted balance', it is considered that the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

In conclusion, the application is recommended for approval subject to completion of a Section 106 Agreement and various planning conditions and informatives, which include those recommended by consultees.

RECOMMENDATION

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s)) before the decision notice granting planning permission is issued to cover the following terms/issues:

- 1) The provision of 35% affordable (to include the provision of First Homes) which would be split 80:20 social rent: intermediate product equating to 65 units, split as 52 for social rent and 13 for shared ownership or other intermediate affordable solution;
- 2) Contribution towards the provision of sport, play and strategic facilities (£397,961);
- 3) Contribution towards education provision (£1,961,084);
- 4) A travel plan safeguarding sum and required highways works; and
- 5) Provision and maintenance of open space.
- 6) Implementation of phosphate mitigation scheme to ensure the development achieves nutrient neutrality. The scheme shall either (a) include a WwTW to be managed by Severn Trent Connect (or similar OFWAT-appointed statutory sewage undertaker), a wetland and scheme for phosphorus removal from surface water runoff, which have all successfully passed a Habitat Regulations Assessment demonstrating nutrient neutrality, or (b) an alternative scheme which the Local Planning Authority (in consultation with Natural England) consider also passes a Habitat Regulations Assessment demonstrating nutrient neutrality.

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in such a significant and adverse impact upon the visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Furthermore, the proposal would result in less than substantial harm to the setting of the heritage assets and the public benefits of the proposal outweigh this harm. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 185 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS4, SS5, SS6, HG3, HG5, TA1, TA3, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout, and scale of the development hereby permitted (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

- Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.
03. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

- Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.
04. The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan - ref. CSA/4226/106 Rev. A
Access Plan - ref. P17033-20-08 Rev. A

- Reason: For the avoidance of doubt and in the interests of proper planning.
05. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number P17033-20-08A and shall be available for use before first occupation of the dwellings hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

- Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.
06. The proposed footway along the northern side of Tintinhull Road shall be constructed generally in accordance with details shown the submitted plan, drawing number P17033-20-08A and shall be available for use before first occupation of the dwellings hereby permitted. Once constructed the footway shall be maintained thereafter in that condition at all times.

- Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.
07. No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements
 - o Construction operation hours
 - o Construction vehicular routes to and from site including any temporary construction access points and haul roads required. This information should also be shown on a map of the route
 - o Construction delivery hours
 - o All construction deliveries being made off highway
 - o On-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
 - o Expected number of construction vehicles per day
 - o All contractor vehicle parking being accommodated off highway including a plan showing the onsite parking arrangements
 - o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice
 - o A scheme to encourage the use of Public Transport amongst contractors
 - o On-site vehicle wheel washing facilities and the regular use of a road sweeper for local highways

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

08. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

09. The proposed estate roads, footways, footpaths, tactile paving, cycleways, , verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays of estate roads, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

NOTE: If it is not possible to construct the estate road to a standard suitable for adoption, yet it is deemed the internal layout of the site results in the laying out of a private street, under Sections 219 to 225 of the Highway Act 1980, it will be subject to the Advance Payment Code (APC). In order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code. A suitable adoptable layout should be provided as part of the Reserved Matters application.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028

10. Prior to the commencement of development, a scheme for the construction of the network of cycleway and footpath connections shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

11. No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and be approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: To ensure appropriate parking provision on the site in accordance with Policy TA6 of the South Somerset Local Plan 2006-2028.

12. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 82 metres to the east of the access and 43m to the west of the access Having regard to the size of

vehicles to be attending the site during the construction phase such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

13. No part of the development shall be first occupied until a detailed Travel Plan has been submitted to and been approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department of Transport or as advised by the Local Highway Authority.

Reason: To promote sustainable modes of transport in accord with Policy TA3 of the South Somerset Local Plan.

14. No works shall commence on the site until the Traffic Regulation Order to extend the 30mph speed limit on Tintinhull Road beyond the Coppits Hill Lane junction has been secured by the Local Highway Authority.

Reason: In the interests of highway safety and policy TA5 of the South Somerset Local Plan 2006-2028.

15. 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 (February 2019) 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 and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include the following: -

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information (confirmation of outfall locations, discharge rates etc.) demonstrating that the surface water design for the adjacent permitted developments do not impact on this proposed development.
- o Detailed layout drawings that demonstrate the inclusion of sustainable drainage (SuDS), where appropriate, with levels, location, size of key drainage features with supporting attenuation volume calculations. Details of proposed features such as infiltration structures, attenuation features, conveyance features, pumping stations, outfall structures and any land drainage requiring consideration.
- o 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. Should infiltration be

proposed, confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels.

- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). Calculations to be provided to inform the assessment of the risk of water backing up the drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere.

- o Flood water exceedance routes both on and off site, note, the drainage system shall be designed to prevent surcharging of any below ground drainage up to and including the 1 in 2 year event, and 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. Overland flow route plans to demonstrate how these have influenced the development layout and design of the drainage system with an assessment of the residual risks to downstream receptors and proposed mitigation and management measures. Calculations to be provided to support this using hydraulic modelling software.

- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development for all drainage features.

- o Evidence of a permission to discharge. If discharging to a drainage system maintained/operated by other authorities (Environment Agency, internal drainage board, highway authority, sewerage undertaker, or Canals and River Trust), evidence of consultation and the acceptability of any discharge to their system should be presented for consideration.

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 and the Technical Guidance to the National Planning Policy Framework.

16. 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) and protected species (bats, birds, badgers, reptiles 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.
- i. Provisions for monitoring (with agreed time scales), 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.

17. 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.

18. Prior to occupation, a lighting design for bats and biodiversity for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats (hedgerows, trees, scrub, ponds and grassland) and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed through the provision of lighting contour plans and, if appropriate, technical specifications so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and Locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

19. 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.

20. A Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement or 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) The mitigation measures outlined with the Land off A37, Yeovil Ecological Impact Assessment (CSA environmental, 2019).

- b) A (Habibat 001) bat box or similar will be built into the structure of 50 houses, positioned at least four metres above ground level and away from windows of the west or south facing elevation
- c) A cluster of five Schwegler 1a swift bricks or similar will be built into the structure of 10 houses, built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation (of Plots to be confirmed)
- d) A cluster of three Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation of 10 houses.
- e) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart mounted on 10 houses or garages, away from windows on the north elevations.
- f) 10 Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- g) A bee brick built into the structure of 20 houses or garages, located 1 metre above ground level on the south or southeast elevation.
- h) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site
- i) One reptile hibernacula and 3 log piles as a resting place for reptiles and or amphibians constructed within the north west corner of the site.
- j) All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source 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.
- k) The new hedgerows will be planted with a minimum of 5 of the following species: hazel, field maple, hawthorn, blackthorn, dog rose, bird cherry and spindle. Hedgerow should be coppiced and layed on reaching maturity.
- l) The two SuDS basins, and associated potential swales and rain gardens, are to planted up with native wetland plants comprised of grasses, rush, sedge and marginal vegetation.
- m) New wild flower grassland areas are to include a seed mix containing species native to the area, and which provide benefits to pollinators and associated biodiversity.

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.

- 21. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Signal Crayfish on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to release, or allow to escape, any non-native species into the wild in the UK except under licence.

- 22. Prior to commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of a Trial Trench evaluation and the nature of the further work required based on the results of the trenching, as well as detailing the methods utilised for

archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure appropriate consideration of heritage assets in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice within the NPPF.

23. No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To ensure appropriate consideration of heritage assets in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice within the NPPF.

24. Prior to the first occupation of the dwellings hereby approved the applicant shall submit a noise report that demonstrates compliance with the noise levels cited in BS8233:2014, namely: to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night), 45 dB LAmax (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas.

Reason: In the interests of residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028 and advice within the NPPF.

25. Prior to the occupation of the dwellings hereby approved a scheme for the inclusion of water efficiency measures to ensure 110 litres / per person per day are provided shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed prior to the occupation of any dwelling and shall be retained and maintained as agreed.

Reason: To ensure the provision of water efficiency measures as required by Policy EQ1 of the South Somerset Local Plan 2006-2028.

Informatives:

01. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
02. 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.
03. The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft

may overfly the site. The mitigation of noise in external areas may not be possible. Future occupants should also be made aware that aircraft types, flight paths and ground-based activity can vary over time and this may cause disturbance.

In the interest of good practice it is recommended that noise levels for the scheme should aim to achieve Leq 16hr 35dB within living rooms during daytime (07.00 - 23.00) and Leq 8hr 30dB within bedrooms during night-time (23.00 - 07.00).

04. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email