

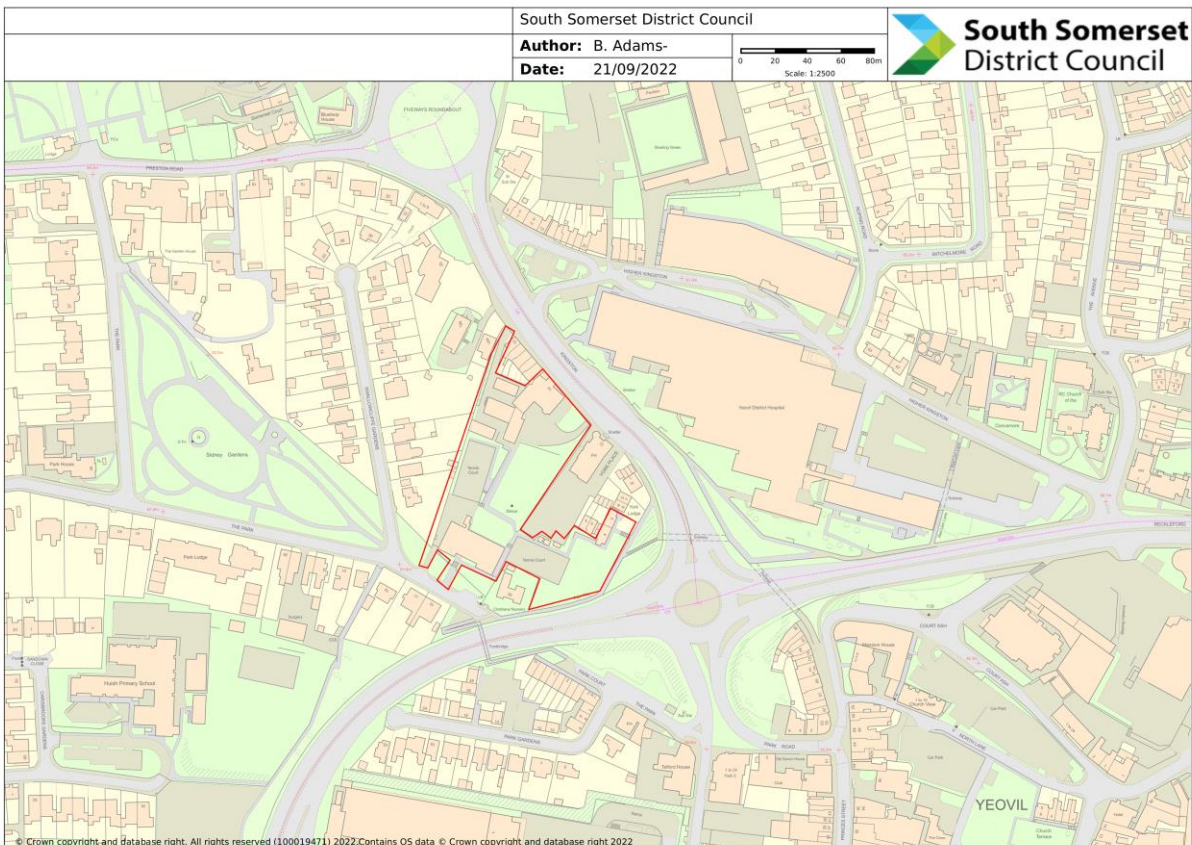
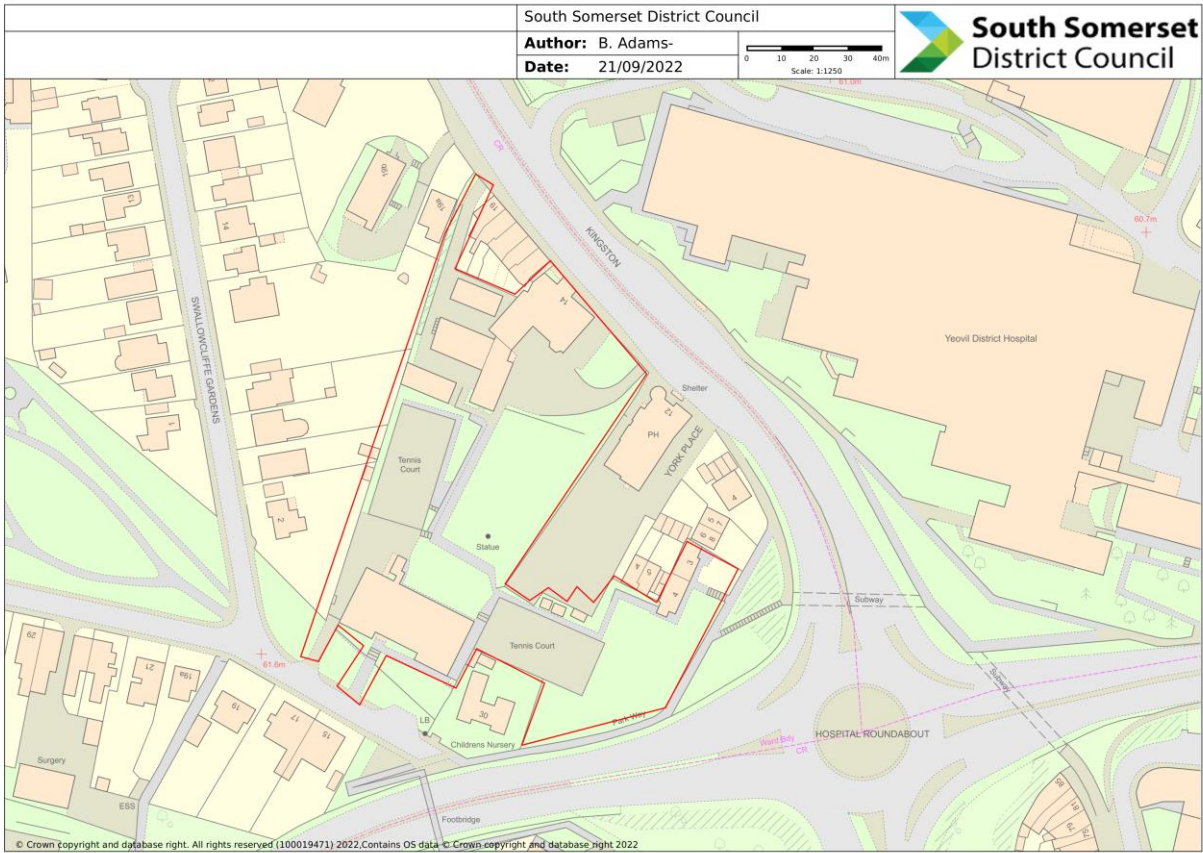
Officer Report On Planning Application: 20/01087/FUL

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 Dwlg 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

Commuted 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 new 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.