

Referral to Committee Report

Parish: Ashcott
Application No: 01/23/00001 Received: 16/02/23
Application Type: Full Planning Permission
Proposal: Change of use from residential (C3) to school (D1) with provision for boarding, associated works for access and parking (revised scheme).
Location: 13 Bath Road, Ashcott, Bridgwater, Somerset, TA7 9QS
Applicant: The Levels School



Committee decision required because

This application is referred to the chair and vice chair of the Planning North committee as the officer recommendation is contrary to comments received by Ashcott Parish Council.

Site and Surroundings

The application site is located close to the western edge of the built-up limits of Ashcott Village. The application site consists of an irregularly shaped deep and spacious plot consisting of both the application building which fronts onto Bath Road (A39) and grounds which back onto a Public Right of Way known as Kings Lane (Path Number: BW 1/10) which is a quiet no-through-road that serves a number of houses and the Levels School at Etonhurst and also allows access to the rear of the site. The site has its own gated access towards the front of the site leading onto a tarmacked access track shared with 2 neighbouring premises located at numbers 9 and 11 Bath Road and which has an established vehicular junction with Bath Road. The application site is set over several levels due to the topography of the site and sloping ground levels. The rear portion of the site consists of spacious grounds including several large wooden sheds and outbuildings towards the immediate rear of the application building courtyard with the remaining grounds comprising of a large grass field containing trees, with several areas of the field appearing to be undergoing excavation works. There is a mud and pebbled track which passes through the middle of the rear grounds of the site

and connects onto the courtyard of the application building.

The application building is a Grade II Listed building known as 'Ashcott House' (List Entry Number: 1344970). The application building is set back significantly from the highway behind a large fore garden comprising of a large field with several large trees. The application building also has its own enclosed rear stone courtyard. The Official List Entry offers the following further description of the application building:

“Country house, subsequently school, now empty. Mid C18, some C19 additions and alterations. Stucco scribed as ashlar, ground floor of rusticated ashlar, colour washed, rusticated ashlar quoins, wide bracketed eaves, asbestos slate roof, ashlar stack to left, rendered stock to right; plain bands at first and second floor levels. Three storeys, 2:1:2 bays, symmetrical frontage, 9 and 12-pane sash windows in moulded architraves, slightly cambered heads, emphasised keys; Venetian windows in a similar surround to centre of first floor, 3:13:3 panes; segmental headed sash to centre of second floor. Central door opening, paired 3-panelled doors, top 2 panels glazed, in a semi-circular head opening with an architrave, fanlight with radiating glazing bars; projecting non-conforming flat-roofed porch. Embattled single-bay wing set back to each side, to left hipped double Roman tile roof, to right slate roof, rusticated ashlar quoins, sash windows in conforming style except those to left of 4 panes. Two large semi-circular head opening to left return. Interior with 2 fireplaces and some ornamental plasterwork. Range of outbuildings at the rear are not of special interest.”

Proposal

Planning consent is sought for a change of use from residential (C3) to school (D1) with provision for boarding, associated works for access and parking (revised scheme). The proposals are required to provide existing students with the option of boarding but will not lead to any increase to the 65 pupils currently attending the Levels School. A Schedule of works has been provided alongside the current application which provides a more detailed specification of any external and internal works proposed to the Grade II Listed Ashcott House as part of the current application. All of the works to the listed building itself as per the schedule have been undertaken other than some matters relating to fire and insulation. However, a brief overview of any external and internal works which have already been carried out to the Grade II Listed Ashcott House alongside works proposed to the wider grounds is provided below.

The following external works and alterations to accommodate the proposed change of use have already been carried out:

- Structural repairs of west gable.
- Stabilisation and painting of render where required.
- Replacement of loose concrete veneer.
- Redress mullions and quoins.
- Repair chimney.
- Relay pantiles on outbuilding.
- Replacement of 2 arched French doors (lower section only).
- General repainting.

- Repair lead work.
- Replace missing slates.
- Remove and refit cast iron guttering.

The following internal works and alterations to accommodate the proposed change of use have already been carried out:

- Reinstatement of missing plasterboard.
- Replace any broken or missing chequer floor tiles.
- Repair swollen doors.
- Make good missing lime render.
- Remove stairlift.
- Stitch repair and stabilise office ceiling.
- Repair coving.
- Remove and reinstate rotten joists, ceiling, and floor.
- Repair arch in room above office.
- Box in new beams.
- Reinstatement missing dowel beads.
- Install new plumbing and carry out rewiring works.
- Reinstatement fire surround.
- Replace missing floorboards.
- Reinstatement missing skirting board.
- Install New dry lining.
- Replace coving.
- Redecoration works.

The following works to the wider grounds are also proposed as part of the current application:

- Reinstatement of existing drive.
- Replace/repair outbuilding roof.
- Replace timber outbuilding.
- Repair garden steps to rear.

The current application also involves the construction of a new hardstanding oval-shaped car-parking and manoeuvring area which would provide car-parking spaces for up to 10 vehicles and which also involves carrying out of improvements to the existing vehicular access to the rear of the site which connects onto the Public Right of Way known as Kings Lane. The proposals will also involve the creation of a new pedestrian footpath which connects the new hardstanding car-parking area to the rear courtyard of the existing Grade II Listed application building which is to become an outdoor recreation area as part of the proposals. A variety of landscaping works are also proposed to the current fore garden of the Grade II Listed application building which is to become an outdoor play area and remaining rear grounds of the site which are to be amalgamated into the existing grounds of the Levels School.

Relevant History

Applications Affecting the same BLPU and Overlapping the same Spatial Area:

Reference	Case Officer	Decision	Proposal
01/22/00010	EC	WDN	Works to facilitate the change of use from residential to school
01/22/00009	EC	WDN	Change of use from residential (C3) to school (D1) with provision for boarding, associated works for access and parking.
01/94/00019	SHH	GTD	Erection of triple garage, resiting stone entrance gate and pillars, erection of stone portico and raising height of boundary wall.
01/94/00018	SHH	GTD	1. Partial demolition of outbuildings within garden of house, 2. Demolition of redundant chimney on east elevation, 3. Demolition of first floor timber framed classrooms, 4. demolition of existing porch, 5. Formation of new window openings in main house, 6. Alteration to vehicular entrance to north of existing shared access, 7. Raising of stone south boundary wall at A39 by 500mm in matching stone and relay existing copings.
01/94/00013	SHH	GTD	Change of use from school dormitory building to single dwelling.
01/89/00037	CTP	GTD	Conversion and extension to provide 25 sheltered homes and alteration to existing access.
01/89/00036	CTP	GTD	Refurbishment of Ashcott House to include sheltered flats, external alterations to include demolition of outbuildings, new window openings and reroofing.
01/89/00005	CTP	REF	Erection of four additional dwellings to approved sheltered housing scheme.
01/89/00004	CTP	GTD	Demolition of outbuildings and erection of extensions to listed building with internal alterations.
01/88/00018	CTP	GTD	Demolition of outbuildings, internal alterations to listed building and erection of extensions to provide 25 sheltered

			homes.
01/88/00017	CTP	INV	Change of use and conversion, and erection of extensions to provide 25 sheltered homes, and alterations to existing access.
01/87/00031		REF	Change of use and conversion of Ashcott House and erection of extensions to provide 30 sheltered homes.
01/87/00027		REF	Demolition of outbuildings, internal alterations and extensions to provide 30 sheltered homes.
01/86/00026		GTD	Alterations to form private nursing home.
01/86/00025		GTD	Demolition of front and rear porches and internal alterations.
01/86/00012		GTD	Change of use from school residential accommodation to residential nursing home.

Supporting information supplied by the applicant

Application Form

Cover Letter & Updated Planning, Heritage, Design & Access Statement

Design & Access Statement Incorporating Heritage & Planning Statements

Listed Building Description

Bat Report

Tree Report

Ashcott House Schedule of Repairs

Ashcott House Stage II Bat Surveys Dated December 2023

Ashcott House Transport Impact Assessment

Ashcott House Alterations/Repairs Amended

Consultation Responses

Consultee Name	Summary of Response
Somerset County Council - Ecologist	<p>No objections to the proposals on phosphate grounds subject to a condition requiring all foul water from the development hereby approved to discharge via connection into the Wessex Water mains foul sewer only.</p> <p>No objections to the proposals on ecological grounds subject to conditions in relation to bat lighting and the provision of a Biodiversity Enhancement Plan (BEP).</p>
East Polden - Cllr D McGinty	No Comments or Objections received at time of

	writing.
Ashcott Parish Council	<p>The Parish Council are supportive of the principle of regeneration of Ashcott House and its use by The Levels School as a boarding house.</p> <p>However, the parish council object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • The application is misleading as the area shown in red takes the access of Kings Lane up to School Hill. This access is a shared access for several houses and agricultural fields and the playing fields and so on. It has a public footpath right of way over it. The whole stretch shown is not the private property of the school. • Concerns about access arrangements as Kings Lane is not an adopted road and footpath users would be discouraged from using it due to increased traffic generated because of access by visitors and staff to the school. • Public safety is the overriding factor so the parish council cannot support the application in its current form.
Planning Enforcement (SDC)	No Comments or Objections received at time of writing.
Conservation Officer (SDC)	No Objections subject to a condition requiring details of building regulations that have potential to restrict permeability of original fabric, increase the risk of interstitial condensation or embed original features behind modern materials to be submitted and agreed in writing by the local planning authority.
Environment Agency (drainage/water)	No Comments or Objections received at time of writing.
Environmental Health	No Objections.
Somerset Council - Rights of Way	No objections subject to a condition that vehicular use of the Public Right of Way known as 'Kings Hill' will be as per the planning submission, i.e. only for staff and visitors, not deliveries, house parents or accessibility.
Historic Environment Service - Archaeology, Somerset Heritage Centre	No Objections.
Landscape Officer (SDC)	No Comments or Objections received at time of

	writing.
Natural England	No Comments or Objections received at time of writing.
Planning Policy (SDC)	No Objections.
Somerset County Council - Economic Development	No Comments or Objections received at time of writing.
Somerset Education Services	No Comments or Objections received at time of writing.
Somerset Waste Partnership	No Comments or Objections received at time of writing.
Somerset Wildlife Trust	No Comments or Objections received at time of writing.
Sustainable Drainage Systems (LLFA)	No Objections subject to conditions requiring the provision of a Flood Risk Assessment and Surface Water Drainage Strategy.
Western Power Distribution (re: Planning)	No Comments or Objections received at time of writing.
King Alfred 1 - Matthew Martin	No Comments or Objections received at time of writing.
King Alfred 2 - Harry Munt	No Comments or Objections received at time of writing.
Trees Officer	No objections subject to a condition requiring the installation of on-site protective barriers prior to the commencement of any works.
Somerset Council Highways	No Objections.

Representations

Five neighbours/third parties have made representations in relation to the current application.

The following is a brief summary of 3 comments objecting to the proposals:

- The poor condition of the road at the top of School Hill and throughout Kings Lane.
- Further construction vehicles and increased traffic may worsen the situation.
- Concerns about the access to the site from Kings Lane.
- Concerns about the potential increase in traffic, which could create problems for residents and pedestrians using the area to access local facilities.
- Additional traffic and the creation of a new car park with separate access to Kings Lane could make the situation on School Hill and Kings Lane more dangerous and problematic.
- All traffic to said plans will come up School Hill and down Kings Lane.
- Quality of life of residents living along Kings Lane is already impacted by the traffic which currently accesses Ashcott Primary School and associated parking problems this causes particularly during mornings and afternoons. The current application will make this situation worse.
- There are already 9 to 10 taxis currently going to the Levels School.
- Kings Lane is a single road and an old lane to farmers field in days gone by and is unsuitable

for any extra traffic.

The following is a brief summary of 2 comments supporting the proposals:

- The existing building has been deteriorating for some time and the current proposals would represent positive regeneration of the existing building.
- Putting the building to good use will benefit the community.
- A previous planning approval for Levels School under application reference: 01/20/00016 was granted in 2020, in light of this application can it be confirmed:
 - 1) That no more than 65 students will be allowed to spread across both buildings.
 - 2) That further car-parking or car-parking facilities will be provided and whilst catering for the overflow for the school will also increase the number of cars using Kings Lane.

Most Relevant Policies

National Planning Policies

National Design Guide

National Planning Policy Framework (2023)

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 6 – Building a Strong, Competitive Economy

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Effective Use of Land

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conservation and Enhancement of the Natural Environment

Chapter 16 – Conservation and Enhancement of the Historic Environment

Footnote 55 – Assessment of Land which may be subject to Sources of Flooding if a Vulnerable Use is Introduced

Annex 3 – Classification of Vulnerable Uses

Sedgemoor Local Plan (2011-2032)

S1 Presumption in Favour of Sustainable Development

S2 Spatial Strategy for Sedgemoor

S3 Infrastructure Delivery

S4 Sustainable Development Principles

S5 Mitigating the Causes and Adapting to the Effects of Climate Change

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D3 Sustainability and Energy in Development

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D19 Landscape

D20 Biodiversity and Geodiversity

D21 Ecological Networks
D22 Trees and Woodland
D23 Bat Consultation Zones
D24 Pollution Impacts of Development
D25 Protecting Residential Amenity
D26 Historic Environment

Ashcott Neighbourhood Plan (2015 – 2027)

Policy 1: Influencing design.
Policy 6: Improving road safety and parking.
Policy 7: Improving safety at junctions.
Policy 8: Protecting existing services and facilities.
Policy 9: Improving business premises.

Other Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)
Ashcott Housing Need Assessment (January 2019)

Main Issues

Consideration of the Planning Issues

The current planning application considers the principle of the development, design, residential amenity, drainage, ecological, phosphate, archaeological and highway impacts and any other matters. The heritage impacts of the proposals are addressed under the accompanying application for listed building consent at the same application site under planning reference: 01/23/00002. Therefore, any third party or town council comments specifically relating to the heritage impacts of the proposals are further considered under the accompanying listed building consent application under planning reference: 01/23/00002.

Principle

Local Plan Policy S1 and paragraph 11 of the NPPF (2023) emphasize the presumption in favour of sustainable development. Ashcott is identified as a Tier 3 settlement under Policy S2 and is therefore a sustainable location for suitable redevelopment or new development. The proposals represent sustainable development by making effective use of brownfield land through the reuse of an existing Grade II Listed building and enhancement of the building's immediate settings. The proposals also do not pose a threat to wildlife and conservation designations. Policy D27 Education Provision provides specific support for educational facilities within or well-located to identified rural settlements. This proposal for the conversion of Ashcott House is within the settlement boundary for Ashcott although the grounds to the north are just outside. The policy also refers to accessibility by sustainable modes, Ashcott is served by existing public transport and the proposal will also enable improved pedestrian and vehicular access. Additionally, the proposal has the potential to create some small-scale local employment and to provide a facility that could have wider community benefits.

It is noted that the proposals would lead to the loss of an existing 9-bedroom dwelling. However, there are no Local Plan Policies which prohibit or restrict development which results in the loss of housing. Furthermore, the Ashcott Housing Need Assessment (January 2019) shows the greatest need for affordable 1 and 2 bed houses within the Ashcott with the smallest need for 4 or more bed affordable housing need within Ashcott. Consultation has also been carried out with the Somerset Planning Policy Team who are supportive of the principle of the development. The proposed boarding school use from a sequential test perspective would also represent an appropriate use of the site and would not result in the loss of any existing retail, community, or other similar uses. Therefore, the principle of the development would be acceptable as the proposal complies with Local Plan Policies S1, S2 and D27, policies 8 and 9 of the Ashcott Neighbourhood Plan as well as the aims and provisions of the NPPF (2023).

Visual Amenity (including Landscape, Design and Heritage)

The National Design Guide outlines the Government's priorities for well-designed places in the form of ten characteristics, which emphasises the importance of design within development. Listed Buildings and Conservation Areas are designated heritage assets, and chapter 16 of the NPPF contains several paragraphs and policies aimed at conserving and enhancing the historic environment. Policies D2 and D26 of the Sedgemoor Local Plan also echo NPPF requirements.

The internal and external alterations of the proposals are already assessed under the accompanying listed building application at the same application site under planning application reference: 01/23/00002, which also recommends several design-related conditions. The proposals would not lead to any changes in the orientation, positioning or increases in footprint of the existing Grade II Listed building with limited external alterations to the existing Grade II Listed application building itself. The only external works which are significant in design terms for the purposes of the current application therefore are the works to the outbuildings and landscaping works to the existing drive and rear grounds. The application site is situated within the Lowland Hills Landscape Character Area. The rear grounds of the site would also fall within the setting of the Grade II Listed Ashcott Application building. The impact of the landscaping works to the existing drive and rear grounds upon the setting of the Grade II Listed Ashcott House and wider surrounding Lowland Hills Landscape Character Area are therefore particularly relevant for the purposes of the current application.

The wider site and surrounding fields are set over a variety of varying, flat and sloping ground levels. The landscaping has been designed and planned to give the appearance of a naturally formed landscape and would amalgamate well into the existing fields and other natural features located within the grounds of the existing Levels School and therefore would not be out of keeping or inappropriate in relation to either the Lowland Hills Landscape Character Area or the setting of the Grade II Listed Ashcott House. This is supported by the submitted Site Plan (Drawing Number: S6429 101B) showing landscape and environmental enhancements to be implemented as part of the proposals including additional hedge and tree planting and other natural features to be installed throughout and around the wider site. However, to ensure that appropriate trees and planting species are used, a condition requiring the submission of a more detailed landscape plan to include specific details such as planting schedules has been attached. With such a condition

attached, the proposals would comply with policies D2, D19 and D26 of the Sedgemoor Local Plan 2011-2032, Policy 1 of the Ashcott Neighbourhood Plan (2015 – 2027), the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government guidance within the NPPF.

Residential Amenity

The proposals would not lead to any changes in the orientation, positioning or increases in footprint of the existing Grade II Listed building. Furthermore, the location of the application site within Ashcott Village and directly adjacent to the Levels School which is the neighbouring use to the west of the site, means that the proposed boarding school use would be a use conforming with neighbouring and surrounding community and educational uses. Environmental Health also raises no objections to the proposals. The proposals will also not lead to any increase to the 65 pupils currently attending the Levels School as the proposals are required to provide existing students with the option of boarding. However, to ensure this remains the case, a condition is attached which only permits the use hereby approved to be used as accommodation ancillary to the adjoining school premises approved under application 01/20/00016. With such a condition attached, the proposals are unlikely to lead to any long-term increase in occupiers or visitors' numbers to and from the site once the development and all associated construction works have been completed. Furthermore, it is considered that due to the separation distance between the site and given the deep and spacious nature of the plot and wider grounds, alongside the topography of the wider site, the proposed use would not have any long-term unacceptable impacts in terms of dominance, overbearing impact, overlooking, loss of privacy, overshadowing, unacceptable noise and odour pollution and loss of outlook on the amenities of any nearby residential occupiers once the development and all associated construction works have been completed.

However, during the construction phase, significant disruption caused by lorries and HGVs and other construction traffic accessing the site as well as noise, dust and odours during construction works, is likely to have a significant impact upon the residential amenities of neighbouring and nearby occupiers. The front of Ashcott House has direct vehicular access to Bath Road (A39) and construction traffic appears to be using this site access for current construction works taking place on the site with such an arrangement likely to continue during further construction works to be carried out to the site as part of the current proposals (once and if approved). There is likely to be minimal use of the Public Right of Way known as Kings Lane (Path Number: BW 1/10) which is a quiet no-through-road that serves several houses and the Levels School at Etonhurst and also allows access to the rear of the site. However, to mitigate and manage such impacts, a condition requiring the provision of a Construction Management Plan is attached. As part of this condition, construction routes for traffic would have to be provided and such routes could be provided along Bath Road (A39) instead of along the Public Right of Way known as Kings Lane (Path Number: BW 1/10) to the rear of the site. With the above condition attached, the proposed development would therefore comply with the requirements of policies D2 and D25 of the Sedgemoor Local Plan 2011-2032 and the aims and provisions of the NPPF in terms of residential amenity impacts.

Drainage & Flood Risk

The application site is situated within flood zone 1 and not in area with identified critical drainage

problems. The application, is, however a major application. The Environment Agency (drainage/water) has been consulted on the application but raises no objections or comments to the proposals at the time of writing. The LLFA have also been consulted and raises no objections subject to conditions requiring the provision of a Flood Risk Assessment and Surface Water Drainage Strategy. The proposals will rely upon the existing drainage infrastructure of the Grade II Listed application building in terms of foul drainage arrangements. However, the proposals involve the construction of a new hardstanding oval-shaped car-parking and manoeuvring area which would provide car-parking spaces for up to 10 vehicles. The existing courtyard and access steps to the Grade II Listed building are to be retained. No Landscaping Plan has been submitted in support of the proposals which details any additional planting proposed as part of the application, and any alterations proposed to existing planting, softstanding and/or hardstanding areas throughout the site. Limited details about surface water drainage arrangements for any hardstanding areas have also been the proposals. A condition is therefore attached which requires the provision of a landscaping plan alongside further conditions requiring the provision of a Flood Risk Assessment and Surface Water Drainage Strategy which would require further technical details about the permeability of materials to be used or drainage arrangements in any hardstanding areas as well as details about any rainwater goods including guttering and downpipes on the existing building which are to be repaired and/or improved as part of the proposals (in the form of cross-section drawings and/or brochures). Such a condition would ensure that the proposals incorporate appropriate drainage infrastructure and use appropriately permeable materials to minimise any detrimental flood risk impacts arising from excess surface runoff water. With the above conditions attached, it is considered that the proposals would not conflict with Policy D1 of the Sedgemoor Local Plan, Flood Risk Standing Advice, and relevant guidance within the NPPF in terms of flood risk.

Trees

There is an extensive presence of medium to large trees throughout and around the boundaries of the wider site. However, none of these trees appear to be subject to a Tree Preservation order and neither does the site appear to fall within a 50-metre Tree Protection Order Buffer Zone. Although there are several small to medium sized trees within the large fore garden which appear to have already felled, the proposals do not involve any specific works to further remove any existing trees within the site. The applicant has submitted a Tree Report which assesses any arboricultural impacts and recommends appropriate arboricultural mitigation, avoidance and enhancement measures. The Tree Report has been reviewed by the Somerset Council Trees Department who raise no objections subject to a condition requiring the installation of on-site protective barriers prior to the commencement of any works. This condition alongside a compliance condition requiring any arboricultural related recommendations to be implemented as recommended within the submitted Tree Report have been attached. With such conditions attached, the arboricultural impacts of the proposals would be appropriately mitigated, and the proposals would comply with Policies D20 & D22 of the Sedgemoor Local Plan and the aims and provisions of the NPPF (2023).

Ecology & Biodiversity

The application site is situated close to several SSSI impact Risk Zones. The site also falls within

the boundary of two County Wildlife Sites Buffer Zones both of which support legally protected and other important species. Given the extent of works which are significant and required to accommodate the proposed change of use as well as the associated landscaping, access and parking works, it is likely that the proposed development would cause significant interference with parts of the existing Grade II Listed building such as roof voids which may be used as habitats by legally protected species such as bats and segments and portions of the wider site including open landscaped areas and areas of hedging within the grounds of the site which may also be used as habitats by legally protected species such as nesting birds. The applicant has submitted a Preliminary Ecological Investigation report, 'Attic and window Inspection of Ashcott House and contractor briefing' followed by a Stage II bat activity survey, which provide further details in relation to ecological impacts and recommend appropriate enhancement, avoidance, and mitigation measures. The Preliminary Ecological Investigation report, 'Attic and window Inspection of Ashcott House and contractor briefing' and Stage II bat activity survey have been reviewed by Somerset Ecology Services who raise no objections but have requested subject to conditions in relation to bat lighting and the provision of a Biodiversity Enhancement Plan (BEP). The conditions requested by Somerset Ecology have been attached alongside a condition requiring any enhancement, avoidance and mitigation measures to be carried out as detailed on pages 2 and 4 of the submitted 'Attic and window Inspection of Ashcott House and contractor briefing' note and page 8 of the submitted Stage II bat activity survey and Section 7 of the submitted Preliminary Ecological Investigation Report'. The current proposals should also explore opportunities to promote biodiversity net gains by incorporating more effective natural features such as hedging and planting within the wider site curtilage which would act as habitats for both legally protected and other species. A landscaping condition showing landscaping, planting, hedging and other natural features to be incorporated within the wider site curtilage is therefore attached. An informative in relation to bats, birds, badgers & other legally protected species has also been attached for the applicants benefit. Attachment of the above conditions and informatives will help to ensure that the proposals promote potential biodiversity net gains and avoid biodiversity net losses in line with the aims and objectives of policies D20, D21 & D23 of the Sedgemoor Local Plan and the aims and provisions of the NPPF (2023).

Somerset Levels and Moors – Phosphates

The site is identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area and more specifically falls within the Parrett Catchment. However, the proposals will rely upon the existing Grade II Listed applications building connection into the foul mains which discharges downstream of the Parrett catchment as Ashcott drains west to Chilton Trinity (i.e. Bridgwater). The applicant has also submitted a phosphorus budget calculator for the proposals which shows that the proposals would be phosphate neutral as they would not lead to any additional nutrient load from the proposed boarding school use. Somerset Ecology Services raises no objections to the proposals on phosphate grounds but have requested a condition requiring all foul water from the development hereby approved to discharge via connection into the Wessex Water mains foul sewer only. Natural England have been re-consulted on the application since the submission of a phosphorus budget calculator by the applicant but has raised no comments or objections at the

time of writing. On this basis, with the attachment of the condition requested by Somerset Ecology Services, any impact of the proposals on the Ramsar Site can be screened out and no further phosphate mitigation would therefore be required as part of the current proposals. As such, the proposals with the above conditions attached are unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site.

Car Parking & Highway Safety

The site is located close to the western edge of the built-up limits of Ashcott Village, therefore meaning that future occupants can rely on transport links offered within Ashcott. Ashcott is served by existing public transport and the proposal will also enable improved pedestrian and vehicular access. No electric vehicle charging points are shown within the application site curtilage on the submitted plans and limited details have also been provided about the provision of any covered and secure cycle storage within the application site curtilage. However, given that the proposals relate to an existing boarding school with no increase in student numbers proposed, it is not necessary to attach conditions requiring plans and brochures showing technical specification, colour, dimensions and the location of any electric vehicle charging points and covered and secure cycle storage.

The proposals also involve the carrying out of improvements to the existing vehicular access to the rear of the site which connects onto the Public Right of Way known as Kings Lane. The existing vehicular access leading onto Kings Lane is located more than 150 metres to the east of the nearest highway of 'School Hill'. At this distance from the public highway, this aspect of the proposals is unlikely to have any adverse implications in terms of public and highway safety and conditions in relation to the carrying out of improvements to the existing vehicular access located along Kings Lane are therefore not needed.

The third-party highway related comments are noted. In response to these comments, Somerset Council Highways have been consulted and raised no objections on the basis that the A39 entrance is used for deliveries and accessibility drop of and the minibus and staff car parking uses the Kings Lane Access. The Local Planning Authority needs to take an approach which is consistent with the approach taken for the adjoining site. The approach at the adjoining site was to attach conditions limiting pupil numbers and not conditions about the use of the access as conditions which limited pupil numbers would act as a limiting factor on vehicle movements and the layout of the site, with parking provision at the rear, with almost no space for this near the A39 end of the site meant in practice drivers would be more likely to use the Kings Lane access. Therefore, to address the Somerset Council Highway comments, a condition which only permits the use hereby approved to be used as accommodation ancillary to the adjoining school premises approved under application 01/20/00016 has been attached instead. Further conditions relating to any newly created car-parking areas within the site have also been attached. The attachment of such conditions also ensures that the proposals would comply with the relevant sections within the Councils Standing Advice Document. The proposals will provide a total of 10 car parking spaces meaning that the proposed parking provision would be more than adequate when compared to the requirements of the Somerset Parking Strategy.

With the above conditions attached, the proposals are unlikely to have any adverse impact upon the local highway network in terms of traffic and public/highway safety and would accord with Policies D13 & D14 of the Sedgemoor Local Plan (2011-2032), Policies 6 and 7 of Ashcott Neighbourhood Plan (2015 – 2027) and relevant guidance within the NPPF.

Historic Environment

The Grade II Listed application building itself is designated as an archaeological site. A significant portion of the grounds of the application site also fall within the boundary of a designated area of high archaeological potential known as 'Ashcott' which has a specific archaeological classification of settlement. As such, consultation has been carried out with Southwest Heritage Trust (Archaeology) who have advised that there are limited or no archaeological implications to the proposals and therefore raise no objections. Given the nature of the proposals which are to be carried out within the curtilage of the wider application site and involve limited external alterations to the existing Grade II Listed application building itself, the proposals are unlikely to have any adverse archaeological impacts.

Public Rights of Way (PROWs)

There is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access to the site along (public footpath BW 1/10) and a PROW that runs adjacent to the site (public footpath BW 1/8). Many of the third-party objections and parish council objections relate to vehicular use of public footpath BW 1/10 to access and exit from the application site. In response to these objections, the applicant has stated within their submitted 'Design & Access Statement that 'it is envisaged that as a result of this proposal there will be an increase in traffic of 10 cars per day, utilising the King's Lane access to the school.' The applicant further states that the vehicular use of the footpath will only be for staff and visitors, not deliveries, house parents or accessibility. Kings Lane makes up the majority of public footpath BW 1/10 and is a quiet no-through-road already serving several houses and the Levels School at Etonhurst and allowing access to the rear of the site. An additional 10 cars per day using Kings Road is therefore unlikely to lead to a significant amount of an increase in generated trips to justify a refusal of the application on grounds of significant adverse impact upon a designated Public Right of Way. Furthermore, the PROW Team has been consulted on the proposals and has raised no objections subject to a condition that vehicular use of the Public Right of Way known as 'Kings Hill' will be as per the planning submission, i.e. only for staff and visitors, not deliveries, house parents or accessibility. The Local Planning Authority needs to take an approach which is consistent with the approach taken for the adjoining site. The approach at the adjoining site was to attach conditions limiting pupil numbers and not conditions about the use of the access as conditions which limited pupil numbers would act as a limiting factor on vehicle movements and the layout of the site, with parking provision at the rear, with almost no space for this near the A39 end of the site meant in practice drivers would be more likely to use the Kings Lane access. Therefore, to address the Public Rights of Way Team comments, a condition which only permits the use hereby approved to be used as accommodation ancillary to the adjoining school premises approved under application 01/20/00016 has been attached instead. Furthermore, the applicant has provided a Statutory Declaration which demonstrates that they have an all-purpose vehicular right to the site along path BW 1/10 to the

satisfaction of the local planning authority. An appropriately worded informative in relation to PROWs has also been attached for the applicants benefit.

The Parish Council comments about Kings Lane being a shared access for several houses and agricultural fields and the playing fields, but which has been shown within the red line site boundary on the submitted plans, when it is not owned by the Levels School are noted. In response to these concerns, it is a validation requirement for the red outline on a location plan to include the site area plus all land required to carry out the proposals to include access from the nearest classified road, which in this case is School Hill. Somerset Council therefore requires the redline to meet the highway to validate the application and this has historically been requested by the Somerset Council Validation Team. If the applicant owns all the land shown within that red line, then they would need to submit Certificate A to support this. If the applicant does not own all the land shown within that red line, then they would need to complete Certificate B with Notice 1 being served on the other owners. The agent has confirmed that the applicant does not own all the land shown within that red line and therefore has provided certificate B and Notice 1 alongside the current application. Any further disputes in relation to land ownership would constitute civil matters to be resolved by neighbouring occupiers and owners and would not represent material considerations for the purposes of the current application.

Conclusions

The proposal is considered to comply with relevant national and local plan policies and is therefore recommended for approval subject to conditions.

RECOMMENDATION

GRANT PERMISSION

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 Prior to the first use of the development approved, a landscaping plan to include those details specified below, shall be submitted to and approved in writing by the Local Planning Authority:

- the treatment proposed for all ground surfaces, including hard areas;

- full details of tree planting;
- planting schedules, noting the species, sizes, numbers and densities of plants;
- finished levels or contours;
- any structures to be erected or constructed including boundary treatments and
- all existing trees, hedges and other landscape features, indicating clearly those to be removed and those to be planted.

The approved plan shall be implemented no later than the end of the first planting season following first use of the development hereby approved. All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the LPA has given its written consent to any variation.

Proposed additional hedgerow planting should be planted and maintained in accordance with Somerset Council's *Native Trees, Shrubs and Hedgerow Planting Guidance*.

Reason: In the interests of visual amenity as per the aims and provisions of the NPPF (2023) and Policies D2 and D20 of the Sedgemoor Local Plan 2011-2032.

- 4 The areas allocated for parking on the submitted Site Plan (Drawing Number: S6429 101B) shall be kept clear of obstruction at all times and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policies D13 & D14 of the Sedgemoor Local Plan 2011-2032 and the aims and provisions of the NPPF (2023).

- 5 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures

taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- Routes for construction traffic which should rely on access to the site via the existing Bath Road (A39) access instead of the Kings Road (Public Right of Way known - Path Number: BW 1/10) access situated to the rear of the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: This is a pre-commencement condition imposed in the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

6 No development (excluding demolition) shall take place until such time as a scheme for surface water drainage of the site and Flood Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. The submitted Flood Risk Assessment and Surface Water Drainage Strategy shall include the following:

- Ensure that any hardstanding surface areas are hard surfaced in a suitable porous material in accordance details to be approved in writing by the Local Planning Authority.
- Provide further details (in the form of drawings and/or plans) about the proposed Soakaway, Sustainable Urban Drainage System and other surface water drainage arrangements as identified in the submitted Planning Application Form.
- Provide further details about any rainwater goods including guttering and downpipes on the existing building which are to be repaired and/or improved as part of the proposals (in the form of cross-section drawings and/or brochures).
- Prohibit any proposed surface water connections into the Wessex Water Foul sewer network either directly or indirectly.
- Assess all sources (fluvial/tidal, surface water, groundwater, sewer, reservoirs, superficial sources) of flood risk (including residual risks), taking note to not displace floodwater off site.
- Where the site is found to be at medium or high risk of flooding from at least one source, the FRA should also consider the need for flood resilience/resistance and emergency planning measures.

- The FRA should assess the flood risk from other sources of flooding (groundwater, sewers, any other artificial sources near the site).
- The surface water drainage strategy should be designed up to the 100-year plus the required climate change allowance (as per latest guidance: Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)).

The proposals shall be retained throughout the lifetime of the development and in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to prevent the increased risk of flooding in accordance with the National Planning Policy Framework and to comply with the requirements of Policy D1 of the Sedgemoor Local Plan 2011-2032.

- 7 Before the commencement of any works on site protective barriers will be erected in the positions to be agreed with the local authority in accordance with the recommendations in Section 6.2 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. The Local Planning Authority will be notified in writing once the barriers are in place.

The protective barriers will remain in place until completion of the main construction phase and will then only be removed with the written consent of the Local Planning Authority. Tree protection will be undertaken in accordance with details set out in the submitted Tree Protection Report including the requirement to agree a specific method statement relating to the approved design details prior to the commencement of development.

Reason: This is a pre-commencement condition imposed To ensure appropriate protection to existing trees and to maintain biodiversity.

- 8 During the course of carrying of the development hereby permitted, the recommendations outlined within pages 6 – 9 of the submitted Tree Report published by Clark Landscape Design dated November 2022 shall be carried out, completed during the development and thereafter maintained.

Reason: To ensure that appropriate measures are implemented to properly protect other trees in the curtilage (which are important features of the site and wider area) while building works take place on the site in accordance with policies D20, D21 and D23 of the Sedgemoor Local Plan (2011-2032) and relevant guidance within the NPPF (2023).

9 A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The mitigation/enhancements should be retained thereafter and should include the following:

- a) Any newly lawned areas should be turf and/or seed mixes that comprise native, species rich mixtures (such as Emorsgate seeds EL1 Flowering Lawn Mixture) that respond well to the proposed mowing schedule (e.g. the aforementioned seed mix responds well to regular short mowing). The planting and ongoing management for the retention of this area shall be specified.
- b) Provision of tree and native shrub planting that consist of high nectar producing species to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native species. All new trees planted on site should ideally be from local native stock.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

10 Where external lighting is to be installed, prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), 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. Lux levels should be below 0.5 Lux on key & supporting features or habitats. 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 Sedgemoor Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

11 During the course of carrying of the development hereby permitted, the recommendations outlined within:

- c) Pages 2 and 4 of the submitted 'Attic and window Inspection of Ashcott House and contractor briefing' note published by Greena Ecological Consultancy dated 20th December 2022;

- d) Page 8 of the submitted Stage II bat activity survey published by Greena Ecological Consultancy dated 19/12/2023;
- e) Section 7 of the submitted Preliminary Ecological Investigation Report' published by Greena Ecological Consultancy dated 12th October 2022.

Shall be carried out, completed during the development and thereafter maintained.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policies D20, D21 and D23 of the Sedgemoor Local Plan (2011-2032).

- 12 All foul water from the development hereby approved shall discharge via connection into the Wessex Water mains foul sewer. No other means of disposal of foul water shall be permitted.

Reason: To ensure that the proposal does not negatively impact upon the Somerset Levels and Moors Ramsar site (due to an increase in nutrient loads (phosphorous) from foul waste) in accordance with Sedgemoor Local Plan 2011-2032 Policy D20.

- 13 The use hereby approved shall only be used as accommodation ancillary to the adjoining school premises approved under application 01/20/00016.

Reason: To ensure an acceptable impact in terms of amenity and highways safety and in accordance with policies D13, D14 and D25 Sedgemoor Local Plan 2011-2032.

Note(s) to Applicants:

Statement of Proactive Working

This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

Legally Protected Species

Bats and Bat Roosts

All Bats species and their roosts are legally protected by both domestic and international legislation as set out in full within the Wildlife and Countryside Act

(1981) (as Amended) and Conservation of Habitats and Species Regulations (2017) (as amended). As such you will need to satisfy yourself that the works you have been granted consent does not impact on protected species prior to work commencing.

You may be committing a criminal offence if you:

- Deliberately take , injure or kill a wild bat
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
- Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)
- Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstruct access to a bat roost.

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Birds

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

No vegetation removal or shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Badgers

The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be

covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Reptiles and Amphibian Species

Reptile and amphibian species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended), are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006) and great crested newt, smooth snakes, sand lizards and pool frogs are designated and protected under The Conservation of Habitats and Species Regulations 2017. Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival. In the unlikely event that reptiles and/or amphibians are encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

PROWs

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

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

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

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.

- Changes to the existing drainage arrangements associated with the PROW.

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

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

then a temporary closure order will be necessary, and a suitable alternative route must be provided. For more information, please visit Somerset Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-travel-andparking/apply-for-the-temporary-closure-of-a-right-of-way/>

Schedule A

Floor Plan & Location Plan as Proposed Drg No. S6429 100B

Site Plan as Proposed Drg No. S6429 101B

Case Officer: Mr Sarfaraz Khan

Date: 02.05.2024

(For*) Principal Planning Officer/Service Manager

*** Delete as applicable**

on behalf of

07/05/2024

Manager: Dean Titchener

Date:

Planning North Committee Chair/Vice Chair

Chair:

Date:

Vice Chair:

Date:

I confirm that the decision notice in respect of the above mentioned application can be issued by delegated powers.*

I confirm that the above mentioned application will need to be presented to Planning Committee.*

*** Delete as applicable**

This application is out of time. Please pass to the Development Manager and please write details below of why this is the case.

Due to ongoing difficulties and negotiations with the current application because of parish and third-party objections, extension of time agreed until 30th June 2024, to allow for chair and vice chair and potential committee referral process.