

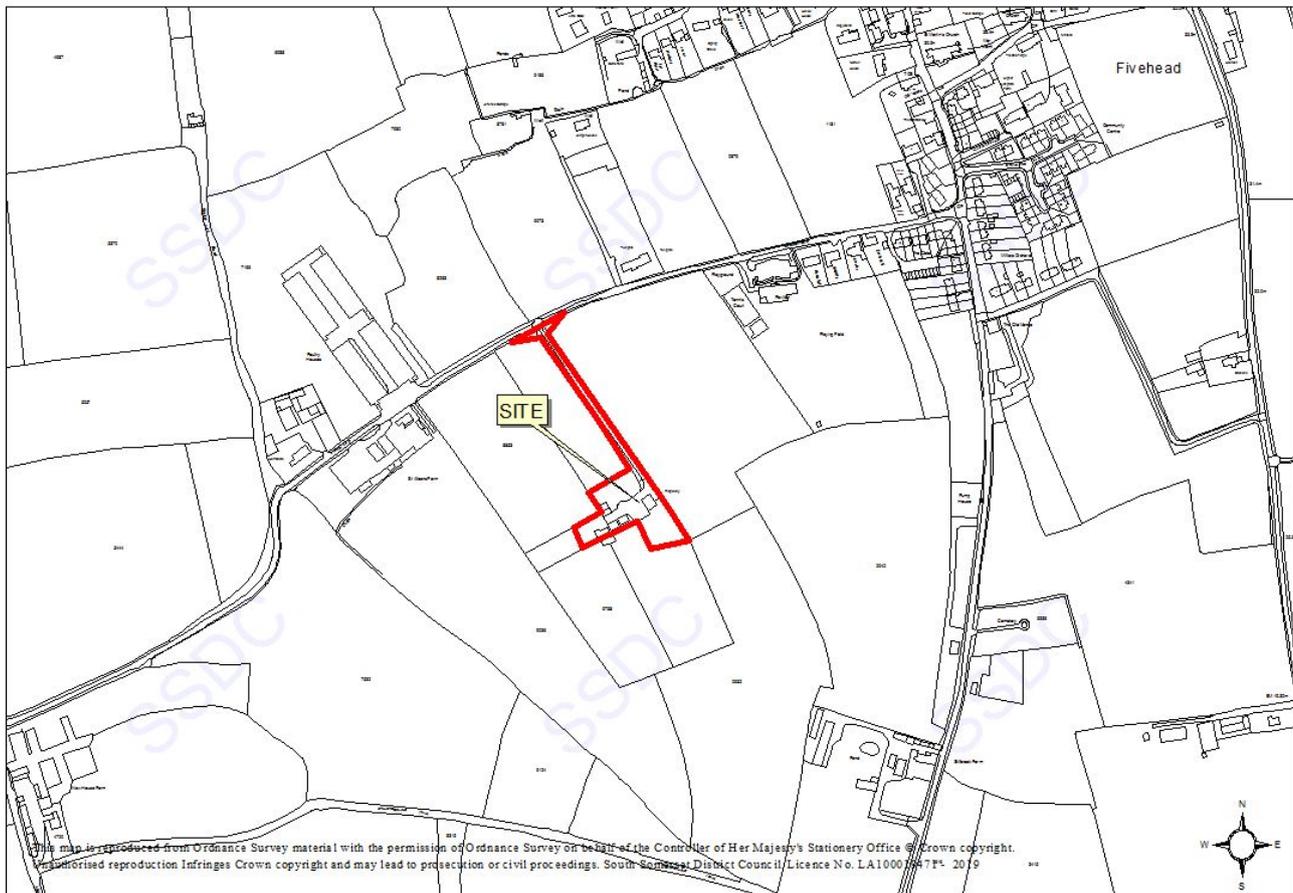
## Officer Report On Planning Application: 19/02246/FUL

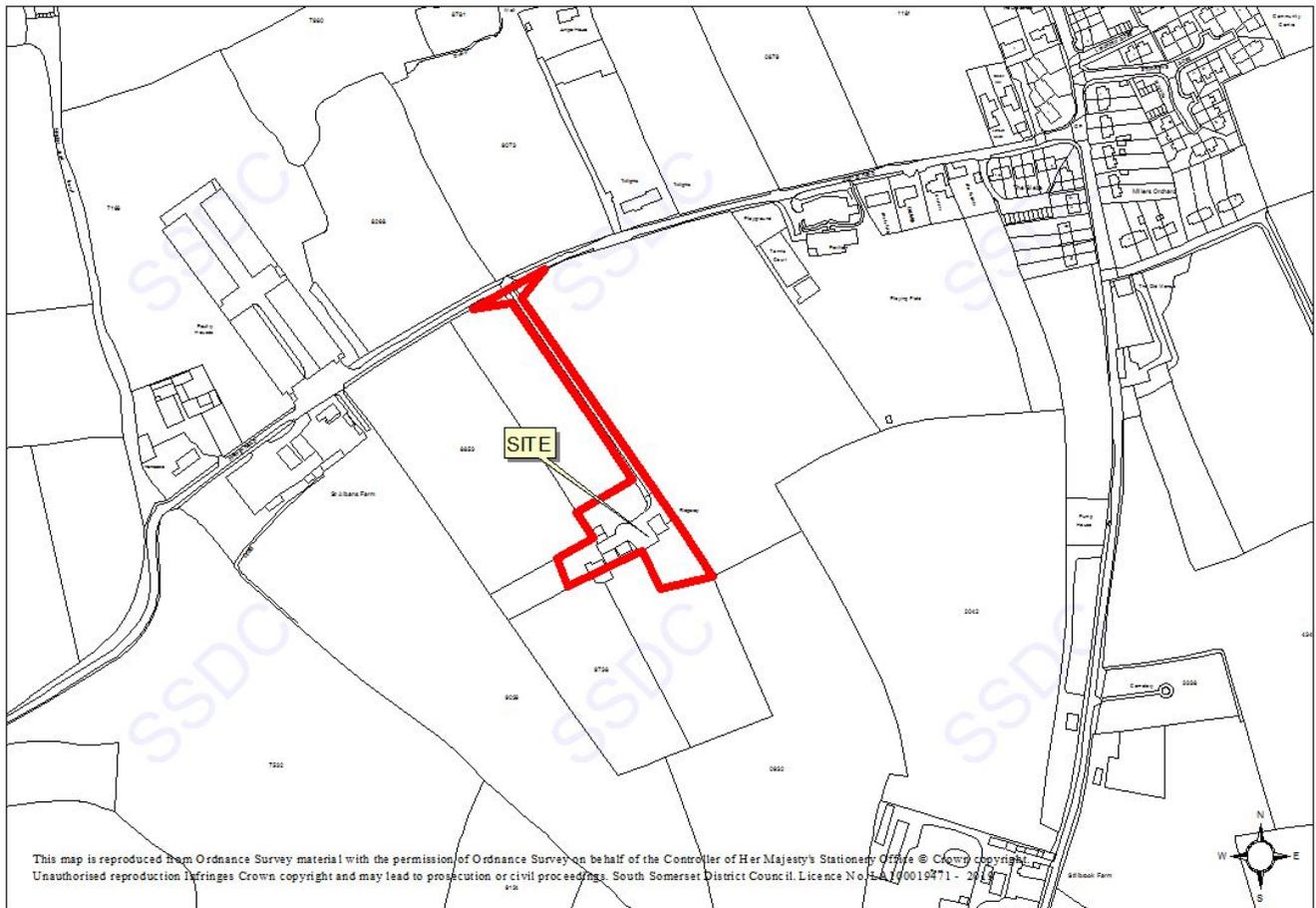
<b>Proposal :</b>	The change of use of premises from Use Class C3 (residential dwelling) to Use Class D1 (independent day school for 26 young people) including the erection of 3 new classroom units.
<b>Site Address:</b>	Ridgeway, Stowey Road, Fivehead.
<b>Parish:</b>	Fivehead
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Malcolm Cavill
<b>Recommending Case Officer:</b>	Colin Arnold
<b>Target date :</b>	28th October 2019
<b>Applicant :</b>	Keys Progressive Care And Education Ltd
<b>Agent: (no agent if blank)</b>	Mrs Sarah Sands, Emery Planning Partnership Ltd, Units 2 - 4 South Park Court, Hobson Street, Macclesfield SK11 8BS
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman, in order to allow the planning issues to be debated.

### SITE DESCRIPTION AND PROPOSAL





This is an application for the change of use of premises from Use Class C3 (residential dwelling) to Use Class D1 (independent day school for 26 young people) including the erection of 3 new classroom units at Ridgeway, Stowey Road, Fivehead, Taunton.

Ridgeway is a large detached property in a fairly isolated position on the outskirts of Fivehead. It is accessed via a long drive some 170 metres long.

The site was a former agricultural holding but that use has long ceased and the property is a residential dwelling set in over six acres of land.

It has an existing large garage block and associated stables which are to be retained as part of the scheme.

The three classroom units are to be sited in the yard to the south of the main house. They are of a porta cabin type which are commonly used as school buildings throughout the country. One will have a toilet block attached. The main dwelling would be changed to a school/office use and five classrooms would be created within as well as an office.

The proposed school (Use Class D1) would operate during term-time only with occasional staff training sessions taking place during school holidays (up to 10 days in any school year). In terms of pupils the applicants business 'provides tailored educational packages for children between the ages of 7 and 19 specifically geared towards children with autism spectrum conditions ('ASC') or social, emotional and mental health (SEMH) and special educational needs.' The main site is based in the Meare Green Area (about ten minutes drive away) and this is proposed to be a satellite school due to a high demand for

such a use. It is proposed to start off in the first year with just 11 pupils but this would rise to 26 in total in three years.

There are nineteen car parking spaces proposed as part of this application.

## **HISTORY**

03/00015/FUL Retention and reconstruction of partially collapsed dwelling with approved extension (approval no 0202564/FUL) and change of use of agricultural land to domestic (GR350/224) Approved 07/02/2003

02/02564/FUL Erection of two storey side extension and reduction/alteration to existing lean to and change of use of agricultural land to domestic curtilage (revised scheme of 0200463/FUL (GR348/224) Approved 29/10/2002

02/00463/FUL Erection of two storey side extension and reduction/alteration to existing lean to and change of use of agricultural land to domestic curtilage (GR 350/224) Approved 22/04/2002

01/01241/FUL Demolition of existing dwelling and erection of replacement dwelling and extension of residential curtilage (GR.349/224) Refused 23/08/2001

92/00882/FUL Erection of an agricultural implement building and a building to house livestock (GR 349/224) - land adjacent to Ridgeway Approved 26/11/1992

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)  
SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4

National Planning Policy Framework  
Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance  
Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations  
Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

### **Parish Council:** Summary of objections

Whilst recognising the laudable purpose of school and the work done by its staff, the following important concerns were recorded:

1. The proposed remote location is in a rural community with poor transport links and highway access, and increasingly difficult/dangerous traffic conditions for all road users.
2. The large increase in vehicle movements at the start/end of the day is onto a single-track road with few passing places (other than private driveways) and then through the centre of Fivehead which is already experiencing an increasing number of traffic-related incidents.
3. The lack of pavements and street lighting would be a danger during the dark winter months particularly for village children walking to/from school transport buses.
4. The planned provision of onsite car parking space and turning area appears to be inadequate.
5. The application did not appear to have any environmental focus and would make a negative contribution to the climate emergency by bringing multiple vehicles into a rural setting and by removing hedgerows.
6. No significant benefits to the community from the application were demonstrated.
7. There are inaccuracies in the application (e.g. the quoted use of the Village Hall; the availability of bus transport routes).
8. The applicant does not own the adjacent hedgerows which it proposes to reduce for a visibility splay.
9. There had been no communication with the parish prior to the application being made (indeed, we invited the applicants to the Public Session). There appears to have been limited formal consultation with the owners of adjacent properties.

Full version available on website.

### **Neighbouring Parish Council:**

'On Friday, Curry Mallet Parish Council considered the planning application 19/02246/FUL Ridgeway, Stowey Road Fivehead TA3 6PP.

Although the application is not in the Curry Mallet parish, it was felt that an increase of traffic might be felt by the village and Councillors do have concerns regarding that.

However, they do support the application.'

### **SCC Highway Authority:**

These comments have been written to take the submitted TSA (Transport Statement Addendum) dated 14 October 2019 into account and should be read in conjunction with the previous highway authority comments dated 7 October 2019.

In terms of pedestrian trips, the TSA states that pupils would not arrive on foot and anticipates that 5-7 members of staff may choose to walk to the development. No rationale for the anticipated number of pedestrian trips has been provided within the TSA. However, taking the location of the development into account as well as limited public transport availability, it is considered highly unlikely that the development would generate a significant number of pedestrian trips and the suggested 5 - 7 staff trips could be an overestimation.

Despite the lack of pedestrian provision in the vicinity of the site, a review of accident statistics in the area has not revealed any accidents which involve pedestrians that could be attributed to the lack of footways. This is a material consideration given that the community centre nearby is also likely to generate pedestrian trips. As such, given that the proposals would generate a low level of additional

pedestrian trips, it is considered unlikely that the development proposals would result in a significant highway safety issue over and above the current situation.

The proposed block plan contained within Appendix 1 of the TSA confirms that 3 disabled parking spaces would be provided. Cycle storage would be located within the garage, with 4 secure cycle parking spaces being provided and additional cycle parking provision being provided if cycle demand increased. Overall, the proposed level of parking provision is broadly in line with the Somerset County Council parking standards.

The Measures-Only Travel Statement is currently being assessed by the SCC Travel Plan Officer and comments will be provided in due course. Notwithstanding this, the highway authority would not wish to raise any objections to the development proposals, subject to the following conditions:

o Prior to the occupation of the development hereby permitted the proposed access over at least the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

- At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Keys Group Drg. No. 03 A) Such visibility splays shall be constructed prior to occupation of the development hereby permitted and shall thereafter be maintained at all times.
- The proposed access and passing place shall be constructed in accordance with details shown on the submitted plan, Keys group drawing number 03 A, and shall be available for use before the development is first brought into use. Once constructed the access shall be maintained thereafter in that condition at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.
- Note: The alteration of the access and minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area. Tel No 0845 345 9155. They will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

**SSDC Highway Consultant:**

None received.

**SSDC Environmental Health:**

The proposed development will require the construction of 3 new classroom units. There is therefore the potential for disruption to local residential properties during the construction/demolition phase including deliveries of materials. Therefore:

1. Noise emissions from the site during the development of the site i.e. the delivery of materials 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:
  - a. Mon - Fri            07.30 - 18.00

- b. Sat 08.00 - 13.00
  - c. All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.
2. There shall be no burning of materials arising on site during any phase of the demolition, site clearance and redevelopment.
  3. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

The site is a former farm and the exact nature of fertilisers, fuel, pesticides and chemicals stored cannot be known therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

## REPRESENTATIONS

39 letters of objection

- Commend the provision of education for vulnerable young people and support the proposed development in principle, I question the viability of the proposed location, specifically regarding the highways infrastructure of Fivehead village.
- I believe the suitability of Stowey Road has not been sufficiently investigated and no account has been taken of the impact of highway safety on the remainder of the village roads.
- AWP Transport Statement Para 2.6 states that 'The Framework states in Paragraph 109 that a '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. The statement continues with a significant amount of information on how this impact can be minimised.
- No account has been taken of vehicles parking outside the properties at the village end of the Stowey Road and the narrow section that coincides with the discontinuation of the footpath, where the road narrows to approx. 3 meters for a distance. This road serves the Village Hall, playing field and children's play area whereby pedestrians, pushchairs and cyclists are often sharing the highway with vehicles and animals. The informal passing places are, I think without exception, driveways and access roads to existing properties. Furthermore, para 3.5 refers to the results of the traffic survey carried out in July 2019 which takes no account of traffic serving the village hall, or properties bordering the Stowey Road prior to the proposed development. The traffic survey should be carried out at the junction connecting to the village which will provide a true reflection of traffic movements along the narrowest part of Stowey Road and its junction with the village road, these being the highest risk areas to pedestrians and other road users with

regard to highway safety.

- Para 3.6 details the links from the Stowey Road to the main A378, stating that Ganges Hill and Butchers Hill provide for two priority junctions, 170 metres apart. I disagree! Ganges Hill is a single track road with limited visibility and no passing places other than the junctions with Silver Street and Ganges Close. Therefore the flow of traffic will follow Butchers Hill with one right angled bend by the church, a further right angled bend at the bottom of Butchers Hill, coincident with the junction of the Isle Brewers road. This bend also coincides with the location of the Baptist Chapel, with weekday toddlers group meeting, and the Community coffee shop, with the associated parked vehicles. Vehicles will then experience the bridge pinch point which allows only single file traffic and is currently subject to the imminent erection of traffic warning signs, highlighting the significant hazard presented by the bridge and bend.
- The road continues up the hill with limited visibility and insufficient room for two vehicles to pass until the rise is crested after the junction with Orchard Rise. These hazards are negotiated by all pedestrian, animal and vehicle traffic sharing the highway. No traffic survey has been carried out on Butchers Hill which will carry the majority of the traffic generated by the proposed development.
- The proposed development is intended as a satellite to the existing Keys Group Somerset Progressive School which is well served by its immediate proximity to the A358. However, I consider that the intended development creates an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe as demonstrated by the points raised.
- I would also like to highlight some inaccuracies raised in the documents supporting this development.
- Para 6.3 of the Transport Statement, states that a number of staff are likely to use non-car modes to travel to work reducing the number of vehicles accessing the site. Para 3.19 of the Emery Planning Statement anticipates that staff would travel to and from the site using a means of transport other than private car including public transport. This is supported by Para 4.5 of the Transport Statement stating that the nearest bust stop is approx 300 meters from the proposed development served by the 608, 901 and 904.
- Route 901 to Taunton has 1 service on Saturdays. A non-school day.
- Route 904 to Langport has one service Fridays and Tuesday.
- Route 608 to Ilminster has one service on Thursdays.
- This then leaves just the option of the bus stop at the top of Ganges Hill, detailed as 1000m in the planning documents, but in reality nearer to 1200m if existing roads are followed. Route 54 serves the Taunton - Yeovil route but is currently operating at high capacity during peak times. Public transport therefore presents only very limited opportunities.
- Para 5.8 of the Transport Statement states that refuse collection would typically take place outside of operational hours and would not conflict with parking need on the site. I believe this to be incorrect
- How exactly would the proposed development support the health and well-being of the local community?

- How exactly would the proposed development provide jobs for the local community and in what numbers? The vast majority of staff must be specialists in their field offering limited opportunities for local employment.
- Para 3.15 states that the Village Hall at Fivehead has been hired out on a regular basis for PE lessons as part of the school curriculum for the last 4 years by Somerset Progressive School. This statement is inaccurate and misleading. The village hall was booked weekly for a brief period within the last 18 months but was discontinued after a short period and no bookings have been made for several months.
- To accept another 156 vehicle movements per day (quote) would be totally detrimental to the local area.
- No details have been made about the age or the needs of the children. We do not know if there is a risk to the community based on this. The site is very near the park where children play and youths are able to socialise unaccompanied. This could be threatened.
- The nearest bus stop is not 300m away. This is a stopping place for the infrequent community bus. The nearest bus stop is 1,200m away and at peak times the buses are already full and do not stop.
- I understand that the applicants undertook monitoring of the local traffic along the lane, but I understand that this was conducted during the school holidays so cannot be considered an accurate reflection of traffic volume.
- The location of such premises would surely be preferable in a more suitable urban setting where services are more accessible.
- This is surely an accident waiting to happen should this application go ahead. The village has no infrastructure for this application.
- 156 vehicle movements per day, this amounts to 800 vehicle movements per week, all presumably within the hours of 8-9am and 3-4pm and is not acceptable in our village, due to the road system, which is not designed for such mass movement of vehicles.

1 letter of support:

- I had a leaflet pushed through my door, and I would highly recommend this proposal very much, I hope that the plans are successful and hope that this school has enough land that the Main Builders can build a small community shop to serve the ever growing population of Fivehead, we do not have a post office or a Village shop in Fivehead and with this school hopefully in the making a shop would be ideal for the pupils of the school and also for the village, we have in our village a very nice cafe which serves the local community, and is run solely by volunteers.

## **CONSIDERATIONS**

### **Principle of Development**

There are no direct policies that deal specifically with the provision of a special needs school. The most relevant policy therefore is SD1 which reads as below:

## **'POLICY SD1: SUSTAINABLE DEVELOPMENT**

When considering development proposals the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework and seek to secure development that improves the economic, social and environmental conditions within the District.

Planning applications that accord with the policies in this local plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:-

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted or refused.
- Where necessary the Council will work with applicants to improve proposals so that they are capable of being approved.'

In this instance the opportunity that this application gives to provide a social facility to assist young people with special educational needs definitely improves the 'social' element as required by the NPPF and this application can therefore be supported subject to material considerations and these are explored below:

### **Scale and Appearance**

As the external appearance of the main dwelling remains unaffected it is mainly the additional elements - the classrooms and extra parking spaces which affect the appearance of the plot in this instance. However given the distance from the road there is likely to be little if any visual impact when viewed from public vantage points. Therefore there is no objection to the proposal on visual amenity grounds.

### **Residential Amenity**

It is accepted that children at play will make noise - it is inevitable when they are expressing themselves. However as previously mentioned the site is in an isolated position away from residential property not associated with the proposed school. The nearest property is some 150 metres away and with the intervening natural screening providing noise mitigation of sorts (trees and hedgerows etc.) it will be largely unaffected (both visually and through noise disturbance) by the proposal it is considered. Notwithstanding this the Environmental Health section have suggested conditions relating to the construction period to add safeguards for the neighbours (especially outside of social hours) It should also be noted that the main dwelling will also be converted so there will be no adverse impact upon that.

In conclusion it is considered that there will be no adverse impact on residential amenity as a result of this proposal.

### **Highway Safety**

Schools by the very nature of their use and with timings involved (i.e. start and end of the school day) mean that there are definite peak times when traffic is leaving and entering the site.

In terms of the access to the site this is proposed to be widened to 5.5 metres in width and a passing point is to be provided on the access lane about 100 metres from the junction with Stowey Road. Visibility at the access is to be 49 metres in either direction which according to the accompanying traffic statement is commensurate with the actual speed of vehicles passing the one-laned Stowey Road (with passing places along it)

The supporting statement with the application states:

'With a maximum trip generation of 78 vehicles in the AM peak per day, added to the average existing flow of 14 vehicles this would mean that the shared space on Stowey Road would continue to operate as existing.'

The County Highway Authority appear to agree with these statements and raise no objection subject to several proposed conditions which are recommended below.

Whilst the comments of the neighbours objecting on highway grounds are duly noted these are not supported by the highway experts and it is considered that a refusal on highways grounds would be unlikely to be upheld at an appeal.

### **Planning Obligations**

There are no planning obligations required for such a use which is deemed to be of community benefit in itself by providing educational opportunities for children/young adults with special educational needs.

### **Conclusion**

The proposal by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

### **RECOMMENDATION**

To grant permission subject to appropriate conditions.

01. The proposal by reason of its size, scale and materials, is acceptable as it respects the character of the site and its surroundings, and has no detrimental impact on local ecology, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan 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:

Site Location Plan - 1:2500  
Existing block plan 10/04/19 -02  
Existing elevations 10/04/19 - 06  
Existing and proposed floor plans 10/04/19 - 01  
Proposed block plan 10/04/19 - 03  
Proposed classrooms 10/04/19 - 04  
Access arrangement 10/04/19 - Rev B

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

03. Noise emissions from the site during the development of the site i.e. the delivery of materials 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	07.30 - 18.00
Sat	08.00 - 13.00

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

Reason: In the interests of amenity and to prevent undue noise and disturbance at unsocial hours and in accordance with policy EQ2 of the South Somerset District Local Plan

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

Reason: in the interests of amenity and in accordance with Policy EQ2 of the South Somerset District Local Plan

05. Prior to the development commencing, the applicant shall submit a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the construction (and preparation associated with construction) of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included.

Reason: In the interests of amenity and in accordance with Policy EQ2 of the South Somerset District Local Plan

06. Prior to the occupation of the development hereby permitted the proposed access over at least the first 20 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

07. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Keys Group Drg. No. 03 A) Such visibility splays shall be constructed prior to occupation of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

08. The proposed access and passing place shall be constructed in accordance with details shown on the submitted plan, Keys group drawing number 03 A, and shall be available for use before the development is first brought into use. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

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

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset District Local Plan

**Informatives:**

01. SSSDC Environmental Health dept advices

The site is a former farm and the exact nature of fertilisers, fuel, pesticides and chemicals stored cannot be known therefore it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF s.178: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

SCC County Highways Authority advices:

The alteration of the access and minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager for the South Somerset Area. Tel No 0845 345 9155. They will be able to advise upon and issue/provide the relevant licences, necessary under the Highways Act 1980.

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