

Area East Committee – 9 January 2013

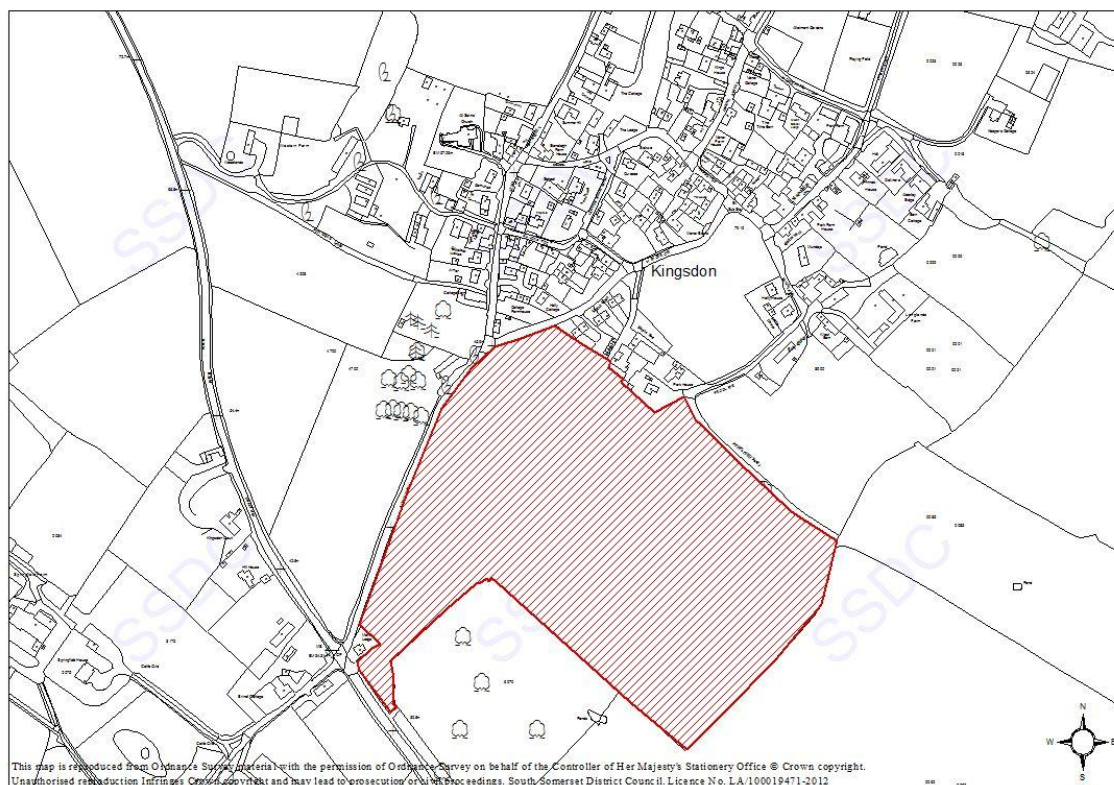
Officer Report on Planning Application: 12/03098/FUL

Proposal:	The conversion of existing school into 5 dwellings, the extension and alteration of 4 existing dwellings, the erection of 11 new dwellings and one replacement dwelling. The demolition of existing buildings, the provision of associated access roads and alterations to existing accesses. (GR 351598/125942)
Site Address:	Kingsdon Manor School Kingsdon Somerton
Parish:	Kingsdon
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date:	9th November 2012
Applicant:	The JB Development Partnership
Agent:	Town- Country Planning Practice LTD Home Orchard Littleton Somerton TA11 6NR
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee as the proposal is a major development justified on the basis of enabling development in a locality where residential development would be contrary to policy without some clear form of justification.

SITE DESCRIPTION AND PROPOSAL



The site is located towards the southern side of the village of Kingsdon, and is an area of some 8.5 Ha focussed around a Grade 2 listed building, the former Kingsdon Manor House, which was last used as a boarding school, operated by the Bristol City Council for special educational requirements of a particular group of children. The Manor House building has various ancillary buildings (some listed by association), including a coach house building, and buildings associated with the earlier use as a school (including 5 dwellinghouses).

Except for the two semi-detached houses at the northern end of the site, the site is outside of the defined development area. The site is mostly within the conservation area.

Access to the site is taken via various points. A main driveway enters the site at the southern end, joining the B3151 very close to the intersection with Lodge Road (the main access to the village of Kingsdon); and there are three access points at the northern end of the site, from the corner of Lodge Road and Manor Road, giving access to the various dwellings and outbuildings at that end of the site as well as to the main building.

It is proposed to restore and convert the existing listed building(s) to residential use, and to develop a residential scheme including 11 new dwellings within the site, as enabling development for the upgrading and improvement of this heritage asset. The details of the proposal include:

- the conversion of the Manor House to 3 dwellings;
- the conversion of the service wing to 1 dwelling;
- the conversion of the coach house/stable building to 1 dwelling;
- the improvement of 4 existing dwellings;
- the replacement of 1 dwelling; and
- the erection of 11 newbuild dwellings.

The application is supported by:

- Landscape Concept;
- Landscape Management Plan;
- Flood Risk Assessment;
- Arboricultural Assessment and Tree Protection Plan;
- Ecological Impact Assessment;
- Great Crested Newt Survey Report;
- Statement of Community Involvement;
- Site Waste Management Plan;
- Assessment of Historical Importance/Listed Building Statement;
- Conditions Assessment and Principles for Repair;
- Enabling Development details as assessed by the District Valuer

HISTORY

The site and the buildings were used as a residence up until the second World War. They have been in use as a school since 1948 (the Somerset Historic Environment Record, describing details of the listing, notes that 'Since 1948 this building has housed a school for handicapped boys run by the Bristol Education Authority'; It also notes that the building was bought by the Corporation of Bristol in 1952). In the period during which the school occupied the site, various additional buildings were erected, including 5 houses, 4 semi-detached and one detached; as well as a dining/kitchen wing; a gymnasium; and the 'Nash' Building.

There have been no relevant recent planning applications on the site.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

- STR1 – Sustainable Development
- STR3 – Rural Centres and Villages
- STR5 – Development in Rural Centres and Villages
- STR6 – Development Outside Towns, Rural Centres and Villages
- Policy 1 – Nature Conservation
- Policy 5 – Landscape Character
- Policy 9 – The Built Historic Environment
- Policy 10 – Historic Landscapes
- Policy 11 – Areas of High Archaeological Potential
- Policy 39 – Transport and Development
- Policy 48 – Access and Parking
- Policy 49 – Transport Requirements of New Development
- Policy 50 – Traffic Management

Saved policies of the South Somerset Local Plan (April 2006):

- ST2 – Villages
- ST3 – Development Areas
- ST5 – General Principles of Development
- ST6 – The Quality of Development
- ST7 – Public Space
- ST8 – Sustainable Construction
- ST9 – Crime Prevention
- ST10 – Planning Obligations
- EC3 – Landscape Character
- EC8 – Protected Species
- EH1 – Conservation Areas
- EH2 – Demolition of Buildings in Conservation Areas
- EH3 – Change of Use and Alterations to Listed Buildings
- EH5 – Setting of Listed Buildings
- EH7 – The Conversion of Buildings in the Countryside
- EH12 – Areas of High Archaeological Potential and Other Areas of Archaeological interest.
- EP3 – Light Pollution
- TP2 – Travel Plans
- TP5 – Public Transport

- TP7 – Residential Parking Provision
- TP8 – Local Transport Plan Schemes
- HG6 – Affordable Housing
- HG7 – Affordable Housing – Site Targets and Thresholds
- CR1 – Existing Playing Fields/Recreation Areas
- CR2 – Provision of Outdoor Playing Space and Amenity Space in New Development
- CR3 – Off Site Provision
- CR4 – Provision of Amenity Open Space

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy

- Goal 1 - Safe and Inclusive
- Goal 2 - Healthy and Active
- Goal 3 - Healthy Environments
- Goal 4 - Quality Public Services
- Goal 5 - High Performance Local Economy
- Goal 7 - Distinctiveness
- Goal 8 - Quality Development
- Goal 9 - Homes
- Goal 10 - Energy
- Goal 11 – Environment

English Heritage Guidance: Enabling Development and the Conservation of Significant Places (EH, 30 Sept. 2009).

CONSULTATIONS

Parish Council: *At the Planning meeting of Kingsdon Parish Council it was agreed to approve this proposal in principle with the following caveats/ conditions.*

The Parish Council feel generally the size and feel of the development appears to be sympathetic to the village.

The Council is extremely concerned with the access to the B3151 from the development site where it joins at Manor Lodge. This is an extremely dangerous junction especially when turning right up the hill towards Somerton and even more so if the traffic turns immediately right into Lodge Rd or villagers are trying to exit Lodge Rd at the same time. The situation would be considerably worsened with the addition of seven houses, whose only planned exit is this junction and visiting traffic to those dwellings together with village traffic entering or leaving these junctions.

Further it is suggested that the B3151 be given a 30 mph speed limit through this dangerous junction, along with double lines to prohibit overtaking. A speed camera for

south travelling vehicles would also assist enforcement and would slow on coming traffic down the hill towards these two dangerous junctions.

Some of the entrance and exit points need to be re examined and it is felt that better access could be gained by repositioning the exits rather than using existing openings. As there is demolition work proposed on the site, the opinion of the Council is this should not be too difficult to achieve at this stage of the development. If necessary, for historical reasons, it is felt that the existing openings could be secured against use. There are alternative entrance/exit points in existence now on Manor Road, which is further from the current north end gateway access onto Top Street. It would a logical, sensible and safe modification to move the north end access point to one of these locations. It would not be difficult to modify the plan at this stage and strength of opinion from the village would see this as a positive modification.

The existing entrances could be retained for historical and architectural reasons, but as blind entrances and for visual reasons should this be the reasoning for planned continuing use of them. Council are of the opinion that there is scope before work begins to make the active entrance further from this already difficult to navigate junction point.

A strongly held view is that this development should be fully integrated into the village and this could be achieved by open access for Kingsdon villagers through the development . It should not be or become a separate “gated” community or indeed prohibit any residents accessing this site.

Considerate construction principles should be applied to this development with no working on the site on Saturdays and Sundays and with restricted start and finish times (e.g. not before 7-00am or after 5-30pm).

Mud and other debris that is associated with building work and brought onto village roads should be cleaned up instantly. There should be no burning of materials on the site.

There should be restricted access to the building site with no access for construction vehicles and associated construction traffic via Manor Road as it is too narrow to handle this sort of traffic.

There should be no parking of any construction vehicles in Manor Road, Manor Close, Lodge Road and Top Street as this would further hinder villagers’ access, emergency vehicles access and obstruct the free running of the public transport we have and do not wish to lose.

Section 106 money must come into the village via the Parish Council for the benefit of villagers.

No further development should be allowed on this site either by the present owners or future owners. This particularly applies to the southern part of the site.

This condition to be the subject of a legally binding agreement in perpetuity (there is a section No 106 under planning laws).

Highways Authority: *The site is a brownfield site which has been in use until recently. The previous use would have a similar traffic generation as the proposed use which means that the impact of the site in terms of trips will not change. As a result, the principle of development is acceptable.*

There are various access points around the site and all are existing. The use of these access points will be largely the same as previously so it is difficult to object to the continuing use of these access points. The minor access points that serve the scattered

existing dwellings will continue to serve the same level of use so these are acceptable.

The substantial changes are to the main accesses to the school building, one emerging on to the B3151, Rocky Hill, and the other emerging onto Lodge Road, a classified un-numbered road. Minor changes are proposed to the B3151 access and these will improve visibility for emerging vehicles to pass within the access removing the need for vehicles waiting on the highway which could cause an obstruction or a hazard. The changes to the Lodge Road access are more extensive and involve getting emerging vehicles to a position perpendicular to the highway so that they can make the turn left or right from the access without difficulty. This is a big improvement in the geometry of this access and the proposed layout is acceptable.

There will be sufficient parking on site to accommodate the proposed level of use and there will be room for turning so that vehicles can enter and leave the site in forward gear.

No objection is raised, subject to conditions.

SSDC Area Engineer: Notes that the submitted drainage scheme is satisfactory, subject to any comments from Wessex Water.

SSDC Landscape Officer: *As I understand it, the proposal before us intends the restoration of the Manor, along with the removal of a number of poor quality buildings associated with its previous use as a school. The new build is required to fund the demolition and restoration works. I am not in a position to comment on the valuation of the works, nor whether the worth of the manor justifies the extensive new build (which I will leave to English Heritage and my building conservation colleagues). Hence my response will concentrate on the capacity of the site to carry the amount of new build proposed, and the overall landscape design.*

On the matter of site capacity, one of the main concerns of the pre-app discussions, was that the new build should not dominate the manor's setting, to adversely impact upon it. This was always going to be difficult with the dwelling numbers involved, though I accept that the manor has evolved with a close association of adjacent built form. The layout design has come forward with the retention of the best tree specimens in the vicinity of the manor, which not only provides the scheme some immediate maturity, it also helps to break up the new built form, so that there is no competing massing effect with the manor. There is the further intention to plant the next generation of parkland trees, which will help to play down the site's presence as viewed from further afield - primarily the southeast quadrant - which I consider satisfactory. To the north of the manor, the proposed arrangement of the new buildings will enable a more satisfactory transition into Kingsdon village than exists at present; hence I raise no landscape setting issues.

On the submitted landscape plans, I am broadly happy with the organisation of external spaces, and detailed planting proposals. In relation to the manor itself, the two main areas of concern have been the treatment of the communal areas to the east of the house, which by being sunken will not widely express their sub-division; and the parking and access arrangements to the west of the manor, which are appropriately handled by the landscape design. A specific detail where I would recommend change, is the removal of the 3 quercus ilex specified outside unit 10, as they potentially will darken this frontage and the internal spaces within the unit, as well as longer term limiting the prospect of the manor's front as viewed from the village street to the north.

Turning to the wider landscape, management proposals are offered for the woodland to the west, which seeks to remove the cherry laurel; coppice back circa 30% of the hazel;

along with selective thinning and remedial shaping and pruning of existing specimens. New planting will follow to ensure a woodland canopy is maintained. I am happy with this general approach, but would suggest 5 year proposal plans are submitted for the next 25 years, to ensure the feature is maintained and renewed appropriately. On the matter of the new parkland plantings, I am satisfied with the additional planting that is proposed.

SSDC Conservation Manager: *The submitted proposal incorporates closely the results of the extensive pre-app work we conducted after the formal Enabling Development tests concluded justification for the considerable extent of new build required to create a viable scheme. The layout has sought to minimise the impact this would have upon the setting of the Manor by concentrating the new build in three locations deemed to be those that best preserved its most important setting features. To the north of the Manor in the former service areas of the house nearest the village this has been relatively easy but constraints from the important trees meant that less new building could be fitted here with consequent repercussions. Siting new houses around the former walled garden appears highly intrusive on plan but the retention of key parkland plantings allows this to be in practice more discrete from the direct setting of the house. The southern driveway area was always more contentious but the demonstrated need in numbers of new houses needed to be accommodated forced the conclusion that this area was the most appropriate as least harmful. The design incorporates the removal of poor C20th buildings, the enhancement of existing houses and has sought to fit in new houses as discretely as possible among retained trees with as low impact upon the immediate setting of the Manor itself as possible.*

Overall, the scheme represents a means to provide a suitable future for Kingsdon Manor.

As a result of the pre-app process, I am satisfied that the layout is a good and careful response to the constraints that apply here and the new buildings are well designed and reflective of the local character.

Various earlier concerns with matters of detail have been satisfactorily resolved.

SSDC Conservation Officer: Initial comments raised concerns about detailed design issues. These have been resolved and no objections are now raised.

SSDC Environmental Protection Unit: No comments.

SSDC Ecologist: No objection is raised. Mitigation measures are required relating to great crested newts on the site as well as reptiles. Condition and informative notes recommended.

It is pointed out that the application needs to be considered against the three Habitats Regulations tests. Permission can only be granted if all three derogation tests are satisfied. The tests are:

1. The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
2. 'There is no satisfactory alternative'; and
3. The development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

SSDC Climate Change Officer: Objects, on the basis that the proposal does not comply with aspects of the Draft Core Strategy: "The following sustainable construction

standards will be required, unless it is proven not to be feasible or viable:

- Code for Sustainable Homes level 4 from 2013”

SSDC Sports, Arts and Leisure: Contributions required for the 11 newbuild dwellings as follows:

- Capital contributions (Local Facilities: equipped play space; youth facilities; community halls): £28,284
- Capital contributions (Strategic facilities): £17,671
- Commuted sums: £6,152
- 1% admin charge

Total Contribution Sought: £52,629.44. This is £4,784.49 per dwelling.

SSDC Housing Development Officer: The development is above the threshold of 15 dwellings, and an affordable housing component would be required.

SSDC Environmental Protection: No comments.

County Rights of Way Officer: No objections.

Somerset Waste Partnership: After lengthy investigation of swept-path analyses and investigation of site accessibility, no objection is raised. *It would appear from the plan that all properties comply with section H6 of the building regulations with the exception of the 2 plots that the separate arrangements are being made for, so as long as the plan is followed I think we have a viable collection plan that we can use for waste and recycling collections.*

English Heritage: Does not wish to offer any comment, but recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council’s expert conservation advice.

Environment Agency: *The Environment Agency has no objection in principle to the proposed development. We have reviewed the submitted Flood Risk Assessment (FRA) and the proposed surface water drainage strategy. We support the intention to enlarge the existing pond to provide extra storage to mitigate the increased run-off rates to the surface water sewer. To maximise the ecological value of the pond, we recommend that the pond is designed as a retention pond, which is permanently wet rather than a dry basin. Further details of the surface water drainage strategy should be submitted prior to construction.* Condition required.

Wessex Water: No objection is raised; information and advice has been received for the attention of the applicant.

REPRESENTATIONS

5 letters have been received, raising the following concerns:

- there should be no construction access down private track at north of the site
- there should be time restrictions for construction work, and for the use of certain roads during construction, parking of construction vehicles, etc
- objection to the widening of the southern access adjacent to the Lodge – it will increase traffic noise; it will increase visibility of traffic on the B3151; it will harm the appearance of the access; create a layby; damage the septic tank system; detract

- from the setting of the Lodge (listed building)
- the materials should be stone and clay tiles
- the site should be generally accessible

One letter offered full support for the proposals.

CONSIDERATIONS

Principle of Development

The site is outside of the defined development area, where there is a presumption against the creation of new dwellinghouses without explicit policy exemption. Balancing this are various policy considerations in which exceptions may be considered.

First, the conversion of buildings worthy of retention is supported by Policy EH7 of the Local Plan; secondly, it is noted (dealt with in detail below) that the Council's five-year land supply has been queried, along with the validity of Policy ST3 of the Local Plan in considering development for housing; a further consideration – and the major thrust of the assessment of this proposal – is 'enabling development, which seeks permits development not in accordance with policy in the interests of preserving and converting defined heritage assets (listed building). In this instance, the development is seeking to enable the conservation of significant heritage assets, being the listed Manor House, its ancillary buildings, and its greater setting.

In principle, therefore, the proposal is considered acceptable particularly if it can be shown to comply with the guidance relating to the conservation of 'significant places' as published by English Heritage and endorsed by the NPPF (para 140).

Enabling Development

The NPPF sets out clear support for development that would enable the conservation of heritage assets:

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

English Heritage publishes detailed guidance as to how this should work in practice (Enabling Development and the Conservation of Significant Places).

The proposal has been subject to a rigorous and lengthy process in which the appropriate quantum of supporting development has been arrived at which would generate sufficient income to enable the upgrading and conversion of the listed building(s) and grounds. These calculations have been assessed in depth by the District Valuer, and the final design reflects the appropriate amount of development, accommodated on the site in such a way as to enhance the general setting.

The proposal is considered to comply with the advice in the NPPF, having been assessed in terms of the detailed advice from English heritage. It can therefore be regarded as 'enabling development' as justification for this departure from policy which restricts development outside of defined development areas.

Visual and Landscape Impact

As clearly set out by the Council's Landscape Architect, the proposal is the result of extensive pre-application discussions, during which great care has been taken to identify the special character of the site, and enhance and protect it in the design and layout. It is considered that the proposal represents the optimal approach in ensuring that the quantum of development required does not harm the essential character of the local and broader landscape.

The detailed design of buildings and layout are considered to respect the special character of the site, and its relationship to the village of Kingsdon.

The proposal is considered to accord with Policies ST3, ST6 and EC3 of the Local Plan in this regard.

Impact on Heritage Assets

The proposal has taken as its starting point the protection of the listed building and its ancillary structures, as well as their setting. The resulting design is considered to represent the best attainable option for protecting these, and indeed enhancing the overall setting in the longer term. The detail of works to the buildings has been considered in assessing the listed building consent application. It is considered that the proposal respects the conservation area and the setting of the listed building(s) and well as their fabric, in accordance with Policies EH1, EH3 and EH5 of the Local Plan.

Ecology: Habitats Regulations Assessment

The Ecologist notes that there is a small chance that some of the Great Crested Newts identified on the site could use habitats that would be subject to disturbance or damage from the proposed development. The proposal has therefore been considered against the three Habitats Regulations tests set out above by the Council's Ecologist:

1. The proposal will result in bringing into use this brownfield site, at the same time as meeting the objectives of the NPPF in respect of the important heritage assets on the site. The proposal therefore contributes meaningfully towards the attainment of various social, economic, environmental and public interest objectives, and is considered to meet the first test.
2. There is not considered to be a satisfactory alternative, given the range of buildings, the importance of the heritage assets, and the objectives which need to be satisfied for useful incorporation of this site into the village.
3. Mitigation measures are possible, and the proposal is not therefore considered to be detrimental to the maintenance of the population of the species concerned.

Conditions and informatives are included as advised by the Ecologist.

Affordable Housing

As assessed by the District Valuer, there is a viability issue related to this development, which principally seeks enabling development for the retention of the identified heritage assets. It is not considered that the project would be viable if made subject to an affordable housing contribution.

Impact on Climate Change

Whilst the Climate Change Officer's comments are noted, the draft Local Plan (Core

Strategy) has not been adopted. Furthermore, as the policy referred to by the Officer is the subject of numerous objections, the policy can be accorded little weight. It should also be noted that, as this is an exceptional case, in which the viability of the project is constrained by the need to enable retention and protection of the heritage assets, it is not considered reasonable to expect the project to absorb extra costs in this respect. Furthermore, the applicant has submitted a detailed Sustainability Statement, which is considered to deal appropriately with the issues in the context of this enabling development scheme. The development will be subject to Building Regulations approval, which will deal with the legal requirement for efficiency measures in construction. It is not considered that the Climate Change Officer's objection can be sustained.

Comments Made by the Parish Council

Although the PC states that the proposal is supported, significant changes to the design of the layout and access arrangements are sought. The application has to be assessed as submitted, which has been the approach taken by various consultees in reaching their recommendations – the PC is effectively objecting to the submitted proposal. The concerns raised by the PC can be addressed as follows:

Access and Highway Safety: The difficulties of the existing access arrangements are acknowledged. However, the Highways Officer has clearly indicated that it would be unreasonable to object to the proposal, on the basis that the proposed new use of the site would represent a significant improvement on the traffic generation and patterns represented by the former – and lawful – use of the site. The PC's comments have been submitted to the Highways Authority for consideration; in response the Highways Officer noted:

It is not reasonable to insist on changes to an access where there is to be a reduction in the traffic generation. While I agree that the access is sub-standard, we [would fail] at appeal if we try and refuse this application for these grounds. As I've said, if the site could operate as a school without the need for planning permission, the potential traffic generation for the site is well in excess of that for the residential development proposed.

For the same reason, it is not possible to ask the developer to make changes to the road past the site since the impact on that road is very likely to reduce. If the Parish Council believe that such changes are necessary to deal with current problems, they already know how to express those concerns through the Area Highway Office and should not be introducing it into this planning application.

Where the accesses continue to serve the same number of dwellings, it is not possible to insist on changes. The minor accesses from Manor Road and Frog Road are not changing in terms of the amount of development that they serve. In those circumstances, changes cannot be sought.

Integration into Village: The roads within the development are not proposed to be adopted as public highway. No indication has been given that a 'gated development' would result. However, it is agreed that any gates to be erected should require prior permission, and a condition is included accordingly.

Construction period: It is agreed that a clear proposal should be submitted prior to construction setting out the management of the site, hours of operation, etc. A condition is proposed requiring a construction management plan.

S106 Contributions: Contributions will be payable for Leisure/Recreation purposes, to be dealt with through the usual channels. They cannot be guaranteed to come 'via the

Parish Council', nor can all the contributions be dedicated solely to the village (there is a strategic component for district-wide purposes which cannot be met at a parish level).

No Further Development: Owners of land are entitled to make further planning applications for development, which would then be considered on their merits at that time. There would be no planning purpose to be served by an agreement preventing future development proposals, nor would such an agreement be enforceable.

In conclusion: Subject to the inclusion of conditions as set out, it is not considered that the PC's comments would warrant a refusal of the application.

Neighbour Objection: The Lodge

The owner of the Lodge building at the southern access point has objected to the proposal. However, the setting of this listed building has been fully considered by the Council's Conservation team, and it is not considered that any demonstrable harm would result to the setting of the building or to the access to the site that would warrant a refusal. As pointed out by the Highways Officer, the amounts of potential traffic generated by the development are considered to be lower than for the earlier use of the site, and it is therefore not considered that the amounts of traffic to use this access would increase and cause any unacceptable amenity harm. Use of the access by vehicular traffic is currently permitted, and vibration damage to adjacent sites is a civil matter.

Neighbour Comments

The comments made by local residents are noted, and incorporated in the recommendation as follows:

- materials are to be controlled by condition; it is not agreed that uniform materials should be used throughout, but a combination of materials supporting the local character and setting of the listed buildings;
- construction traffic is proposed to be controlled by way of a construction management plan;
- accessibility of the site is dealt with above under comments on the Parish Council submission.

The proposal represents a proven case of enabling development, in which an appropriate quantum of new development outside of the defined development area is regarded as acceptable to ensure the preservation and upgrading of the listed buildings on site. Given the absence of a demonstrable five-year land supply, the approval of additional accommodation would also contribute to overcoming this shortfall. In the various respects of the assessment of the application set out in the body of the report, the proposal is viewed as a sustainable development for purposes of the NPPF, and is accordingly recommended for approval.

S.106 AGREEMENT

Approval of the application will be subject to prior signing of an agreement to secure:

- completion of works required to secure the heritage assets (listed buildings); this to be tied to a development schedule and detailed scheme of work;
- contributions in respect of outdoor playing space, sport and recreation requirements as set out in the body of the report (the amount of £52,629.44).

RECOMMENDATION

Grant permission, subject to the prior signing of a Section 106 Agreement securing:

- a) contributions in respect of outdoor playing space, sport and recreation requirements as set out in the body of the report to the satisfaction of the Assistant Director, Health and Wellbeing; and
 - b) the completion of works required to secure the heritage assets (listed building(s)) and any aspects of the site affecting the setting of the listed building(s), in accordance with a detailed development schedule and scheme of work, to the satisfaction of the Development Manager.
01. The proposal represents an acceptable case of enabling development for the retention, enhancement and conversion of designated heritage assets. It would contribute to the Council's five-year land supply, and result in an acceptable extension of the village which maintains and enhances the environment, respects the character of the conservation area and listed building(s), and causes no demonstrable harm to residential amenity or highway safety. In these respects, the proposal is considered to represent sustainable development in accordance with the aims and objectives of the NPPF, the South Somerset Local Plan, 2006 (in particular Policies ST5, ST6, EC3, EH1, EH3, EH5, EH7, HG6, CR2 and CR3) and the Somerset and Exmoor National Park Joint Structure Plan Review, 2000.

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: Drawings ref. 1456/P serial numbers 01D, 02D, 03D, 04D, 05D, 06D, 07D, 08, 09, 10, 11, 12, 13, 14, 15, V/15D, 16, 17, 18, 19, 20, 21, 22D, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35D; Landscape Plan by Bridges Design ref. 545-100A (read together with 545-101A and 545-102A); 1456-Waste-22D and 1456-Fire-22D.

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

03. No development hereby permitted shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
- a) materials (including the provision of samples where appropriate and details of stone coursing, jointing and pointing) to be used for external walls and roofs; these details shall be supported by sample panels of natural stone and brickwork, as appropriate, which shall be made available on site prior to commencement;
 - b) design, material and external finish to be used for all windows, external doors, window/door head arches, lintels, cills, reveal depths boarding and openings;
 - c) details of all eaves, verges, rainwater goods, chimneys, vents, extracts and meter boxes;
 - d) details of the surface materials for all paved or hard surfaces within the development; and

- e) details of all boundary walling and fencing, gates and gate piers.

Reason: To safeguard the character and appearance of the buildings and the area to accord with policies ST5, ST6, EC3, EH1, EH3, EH5 and EH7 of the South Somerset Local Plan, 2006.

- 04. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 05. The revised access to Rocky Hill and Lodge Road shall be constructed in accordance with details shown on the submitted plan, drawing number 1456/P/07D, and shall be available for use before the development hereby permitted is first occupied. Once constructed the accesses shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, 2000, and Policy ST5 of the South Somerset Local Plan, 2006.

- 06. The areas allocated for parking and turning on the submitted plans, drawing numbers 1456/P/04D, 1456/P/05D, 1456/P/06D and 1456/P/07D shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, 2000, and Policy ST5 of the South Somerset Local Plan, 2006.

- 07. No gates or other means of restriction or control of access to the site shall be installed at or near to the access points to the site from the public highway unless details have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and satisfactory integration of the site into the village of Kingsdon, in accordance with the aims and objectives of the NPPF and Policies ST5 and ST6 of the South Somerset Local Plan, 2006.

- 08. No development hereby permitted shall be commenced unless a Site Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such Plan shall seek to regulate, in terms of best practice, hours of operation, deliveries, and impacts of noise, dust, fumes, vibration, traffic, etc., during construction, in the interests of traffic management and amenity.

Reason: In the interests of traffic management and minimising the impacts of the construction of the development in accordance with the aims of Policies ST5, ST6 and EP6 of the South Somerset Local Plan, 2006.

09. No external lighting shall be installed or erected on any part of the communal area or parkland unless as part of a scheme, details of which have been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting should seek to minimise external lighting and avoid spotlights particularly any visible from the public highway or other public vantage points. Once approved, such lighting shall only be erected and used in accordance with such scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the area and in the interests of preventing light pollution in accordance with Policies EH1, ST6 and EP3 of the South Somerset Local Plan, 2006.

10. All planting, seeding, turfing or earth moulding comprised in the submitted landscape plan (Drawing No 545-100A prepared by Bridges Design) shall be carried in accordance with a phasing plan to be submitted for approval to the Local Planning Authority prior to the commencement of any development on site. Any trees or plants which, within a period of five years from the completion of the relevant planting phase in the approved phasing plan, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area, and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EC3 of the South Somerset Local Plan, 2006.

11. The parkland planting shown on the submitted plan (Drawing No 545-100A prepared by Bridges Design) shall be carried out in the first planting and seeding season following the commencement of any aspect of the development hereby approved. Any trees or plants which within a period of five years from the completion of the parkland planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area, and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EC3 of the South Somerset Local Plan, 2006.

12. The maintenance of all new planting and seeded areas shown in the submitted landscape plan (Drawing No 545-100A prepared by Bridges Design) shall be carried out as set out in the submitted Landscape Management Plan prepared by Bridges Design. For a period of 25 years from the date of this permission, there shall be submitted every 5 years to the Local Planning Authority for approval a management proposal indicating woodland management works and restocking details for the coming 5 years, including species detail. Such details, once approved, shall be fully implemented for each 5 year period.

Reason: To safeguard the character and appearance of the area, and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EC3 of the South Somerset Local Plan, 2006.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no solar panels (whether solar PV or solar

thermal equipment) or wind turbines shall be erected anywhere on the site without the express grant of planning permission.

Reason: To safeguard the special character and appearance of the area and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EH5 of the South Somerset Local Plan, 2006.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, rooflights, or other openings (including doors) shall be formed in the buildings, without the prior express grant of planning permission.

Reason: To safeguard the special character and appearance of the area and the setting of the listed building, and the residential amenity of occupants, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EH5 of the South Somerset Local Plan, 2006.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings (other than those expressly authorised by this permission), or extensions or alterations to any buildings, shall be erected or made without the express grant of planning permission.

Reason: To safeguard the special character and appearance of the area and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EH5 of the South Somerset Local Plan, 2006.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within or bordering the curtilages of the dwellinghouses numbers 11, 12 and 13 indicated on the submitted plans, other than those expressly authorised by this permission.

Reason: To safeguard the special character and appearance of the area and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EH5 of the South Somerset Local Plan, 2006.

Informatives:

01. The applicant's attention is drawn to the advice of the Environment Agency in respect of the surface water drainage scheme referred to in Condition 4 above, details of which can be viewed on the Council's website under this application reference number.
02. The applicant's attention is also drawn to the advice of Wessex Water as set out in their letter responding to this planning application, which can be viewed on the Council's website.