

SWT Planning Committee

Thursday, 25th February, 2021,
1.00 pm



Somerset West
and Taunton

[SWT VIRTUAL MEETING WEBCAST LINK](#)

Members: Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Mark Blaker, Dixie Darch, Ed Firmin, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous Planning Committee that was held on the 4 February 2021.

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have requested to speak, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

(Pages 5 - 10)

Temporary measures during the Coronavirus Pandemic

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will either be answered by the Chair of the Committee, or the relevant Portfolio Holder, or be followed up with a written response.

5. 42/20/0042

(Pages 11 - 52)

Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull

6. 42/20/0031

(Pages 53 - 88)

Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 76 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Comeytrove/Trull

7. 42/20/0056

(Pages 89 - 120)

Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works, together with additional details as required by conditions 7, 9, 11, 12, 13,14, 15, 16, 18, 19, 20, 21 and 23 at Phase H1C on land at Comeytrove/Trull

8. Latest appeals and decisions received

(Pages 121 - 136)

9. Planning Performance Report - For Information Only

(Pages 137 - 138)

This paper provides the performance information for the planning department's key indicators for the first 4 months (April-December) of the 2020/21 financial year.

10. Committee update sheet

(Pages 139 - 148)

A handwritten signature in black ink, appearing to read "James Hasset". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JAMES HASSETT
CHIEF EXECUTIVE

Please note that this meeting will be recorded. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the recording will be retained in accordance with the Council's policy. Therefore unless you are advised otherwise, by taking part in the Council Meeting during Public Participation you are consenting to being recorded and to the possible use of the sound recording for access via the website or for training purposes. If you have any queries regarding this please contact the officer as detailed above.

Following Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will be live webcasting our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting](#) website.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using governance@somersetwestandtaunton.gov.uk

Any requests need to be received by 4pm on the day that provides 2 clear working days before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Thursday prior to the meeting.

The Governance and Democracy Case Manager will take the details of your question or speech and will distribute them to the Committee prior to the meeting. The Chair will then invite you to speak at the beginning of the meeting under the agenda item Public Question Time, but speaking is limited to three minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group.

Please see below for Temporary Measures during Coronavirus Pandemic and the changes we are making to public participation:-

Due to the Government guidance on measures to reduce the transmission of coronavirus (COVID-19), we will holding meetings in a virtual manner which will be live webcast on our website. Members of the public will still be able to register to speak and ask questions, which will then be read out by the Governance and Democracy Case Manager during Public Question Time and will be answered by the Portfolio Holder or followed up with a written response.

Full Council, Executive, and Committee agendas, reports and minutes are available on our website: www.somersetwestandtaunton.gov.uk

For further information about the meeting, please contact the Governance and Democracy Team via email: governance@somersetwestandtaunton.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please email: governance@somersetwestandtaunton.gov.uk

SWT Planning Committee - 4 February 2021 held via Zoom Video Conference

Present: Councillor Simon Coles (Chair)
 Councillors Marcia Hill, Ian Aldridge, Mark Blaker, Dixie Darch, Roger Habgood, John Hassall, Mark Lithgow, Chris Morgan, Craig Palmer, Andrew Sully, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Rebecca Miller (Principal Planning Specialist), Martin Evans (Shape Legal Partnership), Alex Lawrey (Planning Specialist), Chris Mitchell (Planning Specialist), Denise Todd (Planning Specialist) and Tracey Meadows (Democracy and Governance)

Also Present: Councillors Bolton and Hadley in connection with application 3/21/20/093

(The meeting commenced at 1.00 pm)

124. **Minutes of the previous meeting of the Planning Committee**

(Minutes of the meeting of the Planning Committee held on 14 January 2021 circulated with the agenda)

Resolved that the minutes of the Planning Committee held on 14 January 2021 be confirmed as a correct record.

Proposed by Councillor Hill, seconded by Councillor Lithgow

The **Motion** was carried.

125. **Declarations of Interest or Lobbying**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Application No.	Description of Interest	Reason	Action Taken
Cllr C Palmer	3/21/20/093	Correspondence regarding item 6 and Chair of Minehead Council's Planning Committee. Discretion not fettered.	Personal	Spoke and Voted
Cllr A Sully	25/20/0018	Ward Member	Personal	Spoke on the application but did

126. **Public Participation**

Application No	Name	Position	Stance
14/20/0053	E Holland	Applicant	In favour
3/21/20/093	Mr & Mrs Atkins	Local resident	Objecting
	M Ramfry	Local Resident	Objecting
	J Hendry Pickup	Managing Director of Butlins	In favour
	Cllr P Bolton	Minehead TC	Objecting
	Cllr A Hadley	Minehead Central Ward	In favour
25/20/0018	C Jones	Local Resident	In favour
	Colliers	Agent	In favour
	Cllr A Sully	Ward Member	In favour

127. **14/20/0053**

Conversion of garage with raising of roof and insertion of first floor for use as a home office and ancillary accommodation at Barnoaks, Worth Lane, Creech St Michael

Comments by member of the public included;

- The proposal was that of an ancillary accommodation and not a new dwelling;
- Less traffic movement, pollution and reduction in carbon emissions on the public highway;
- No objections to the proposal had been received;
- The proposal would not damage the character of the main dwelling or surroundings;
- The proposal would enhance the appearance of the main dwelling, curtilage and street scene;
- There were no windows above ground floor level therefore no loss of privacy to the residents;
- The proposal would not extend the existing footprint, making it subservient to the main dwelling;

Comments by Members included;

- The proposal was not sympathetic to the area;
- Overbearing development;
- Out of character for the area;
- The proposal was not subservient to the existing dwelling;

Councillor Morgan proposed and Councillor Tully seconded a motion for the application to be **REFUSED** as per Officer Recommendation.

The **motion** was carried.

128. **3/21/20/093**

Erection of a temporary building to accommodate performance stage and seating for a period of up to 3 years at Butlins, Somerwest World, Warren Road, Minehead

Comments by members of the public included;

- Concerns that the noise from the camp had been getting progressively worse and more prolonged over the last few years;
- Concerns that feelings of well-being and mental health issues were affecting the residents;
- The proposal should have the correct soundproofing with the proviso that no doors /windows were to be left open;
- Reassurance needed from the operators that the electronic limiter could not be overridden;
- Requested that Butlins respect any requests made to lower the noise levels as part of their duty of care;
- Could Butlins provide a written guarantee that No electric live music activity would take place in the proposed venue as musicians were able to control their own amplified sound levels which could exceed the ones set;
- Butlins was an integral part of the town, providing employment, tourism opportunities and revenue to the local area;
- The proposal would add an additional entertainment venue to a high-quality temporary building which would be acoustically secure, air filtered and visually in keeping with the rest of the Resort;
- Accommodating the venue within the building would provide a weather proofed facility for guests whilst minimising noise from the performance schedule;
- A detailed noise impact assessment model has been commissioned to model the potential noise effects with the construction of the walls and roof of the building being designed to reduce noise;

Comments by Members included;

- This application was only temporary for 3 years and was essential to protect employment and tourism in Minehead;

- Pleased that Butlins were being very forward thinking in keeping Butlins going through this pandemic;
- Concerns with the extra people on site;
- Noise impact concerns, no acoustic report;
- Concerns with flooding;
- Concerns with the distance of the individual seating family pods and the sound levels;
- Concerns with additional traffic on the A39 if this proposal was open to the wider public not just those holidaying in Butlins;

Councillor Morgan proposed and Councillor Hassall seconded a motion for the application to be **GRANTED** as per Officer Recommendation.

The **motion** was carried.

129. **25/20/0018**

Conversion of outbuilding to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023)

Comments from members of the public included;

- The stable building was a lovely old building that needed to be restored sympathetically;
- The conversion would benefit the surrounding area;
- The site was a sustainable location for an additional dwelling;
- No letters of objection had been received from the Parish Council or local residents;
- Concerns with the holding objection;

Comments from Members included;

- Concerns with the HRA issue;
- Concerns that policies had been twisted to suit the application;
- Concerns with the development's effect on the Somerset Levels and Moors Ramsar site;

At this point in the meeting a 30 minute extension was proposed and seconded.

- Concerns with development in the countryside;
- Highway concerns;
- No change from the original application;
- One extra building in this area would not make any difference with all the house building work going on in Norton Fitzwarren;

Councillor Hill proposed and Councillor Coles seconded a motion for the application to be **REFUSED** as per Officer Recommendation;

The **motion** was carried.

130. **Latest appeals and decisions received**

Latest appeals and decisions noted.

(The Meeting ended at 4.47 pm)

42/20/0042

TAYLOR WIMPEY UK LTD, BOVIS HOMES LTD, SUMMERFIELD DEVELOPMENTS (SW) LTD

Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrowe/Trull

Location: STREET RECORD, COMEYTROWE RISE, TAUNTON

Grid Reference: 320507.123255

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

(A1) `DrNo BRL_PL007 Rev F by the email 05/02/2021	Landscape Proposals, as amended
(A3) DrNo BRL_PL008 Rev D	Site Location Plan
(A1) DrNo 46006/2014/SK12 Rev J 05/02/2021	Layout, as amended by the email
(A1) DrNo 46006/2014/SK13 Rev F	Tracking Sheet 1
(A2) DrNo 46006/2014/SK14 Rev A	Tracking Sheet 2
(A1) DrNo 46006/2014/SK15	Surface Water and Overland Flow Path
Planning Statement – Pumping Station Application (Ref: 42/20/0042), received 04/02/2021	

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

2. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:
 - a) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
 - b) Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
 - c) Construction delivery hours;
 - d) Expected number of construction vehicles per day;

- e) Car parking for contractors;
- f) A scheme to encourage the use of Public Transport amongst contractors; and
- g) Measures to avoid traffic congestion impacting upon the Strategic Road network.
- h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
- i) The control and removal of spoil and wastes;
- j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
- k) The proposed hours of operation of construction activities;
- l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
- m) Sound attenuation measures incorporated to reduce noise at source;
- n) Details of measures to be taken to reduce the generation of dust; and
- o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice

The agreed Construction Environmental Management Plan shall thereafter be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety, to protect the amenities of nearby properties during the construction of the Development and to protect the natural and water environment from pollution in accordance with National Planning Policy Framework and Policies CP8 and DM1 of the Taunton Deane Core Strategy.

3. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy.

4. No lighting shall be installed in connection with the development hereby approved until details of such has been submitted to and approved by the Local Planning Authority. Any such submitted details shall include a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) within a 25m radius of the application red line so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy CP8 of the Taunton Deane Core Strategy.

5. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the commencement of the development hereby approved. After the completion of the development, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposal benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and the landscape character of the green wedge in accordance with Policy CP8 of the Taunton Deane Core Strategy.

6. No development shall take place until a detailed scheme for surface water drainage with regards to the hardstanding areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully completed prior to first use of any element of the scheme and thereafter be managed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To adequately respond to the risk of flooding to accord with Policy CP1 of the Taunton Deane Core Strategy.

7. The development shall not be brought into use until the access and highway works shown on drawings DrNo 46006/2014/SK12 RevJ and DrNo BRL_PL007 Rev F has been provided, in accordance with details approved in writing by the Local Planning Authority (in consultation with Somerset County Council). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter. Thereon the vehicular access shall only be used by service vehicles in connection with the Sewerage Pumping Station, Water Booster, Gas Reducing Station, Horts Bridge Park or the continued use of the field for agricultural purposes only (as well as cycles and pedestrains) and shall be retained and controlled as such at all times by means of lockable bollards as shown on drawing DrNo 46006/2014/SK12 RevJ.
Reason: To ensure that the development is served by an adequate means of access and in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy. The access off Comeytrove Lane has not been applied for and assessed for use by all types of traffic, but it is accepted that access by cycles and pedestrians is allowed by the outline application 42/14/0069 and this application seeks access only for service vehicles in connection with the Sewerage Pumping Station, Water Booster, Gas Reducing Station, Horts Bridge Park or agricultural vehicles in accordance with Policy DM1 of the Taunton Deane Core Strategy.
8. Within 3 months of a commencement of works on the development hereby approved a review mechanism for independently assessing noise and odour from the sewerage pumping station, water booster and gas reduction station over the lifetime of the Comeytrove Garden Community build process shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the review mechanism shall include noise and odour surveys at 50, 250, 750 and 2000 occupations at the Comeytrove Garden Community and also an operational health-check of the sewerage pumping station if operated by a NAV (New Appointments and Variations). The assessments shall be carried out in accordance with British Standard BS4142:2014 (+A1 2019). If the survey results show non-compliance with British Standard BS4142:2014 (+A1 2019) then suitable mitigation shall be submitted to and agreed by the Local Planning Authority along with a timescale for that remediation to take place. The remediation shall thereafter be carried out in full accordance within the agreed timescale.
Reason: In the interests of residential amenity and the safe, pleasant and efficient use of Horts Bridge Park in accordance with Policy CP8 of the Taunton Deane Core Strategy.
9. There shall be no physical piped connection directly or indirectly between the sewerage pumping station and the Galmington Stream.
Reason: In the interests of pollution control and environmental protection in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. The applicant is advised to engage with the Highway Authority to enter into an appropriate legal agreement to facilitate works on the highway. Given the confined nature of Comeytrove Lane it is possible that a temporary road closure may be required for a short duration, and due to the wider implications of this, it would need to be agreed well in advance of any intended works.
2. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.

Proposal

Full planning permission is sought for the installation of a foul pumping station, gas pressure reducing plant and water pressure boosting plant.

This plant and equipment is required to serve the Comeytrove Garden Community; the foul pumping station as part of Condition 13 of the outline consent related to the foul sewerage strategy for the site.

A previous application, 42/20/0024 was previously submitted for this proposal in April 2020 but procedurally could not be technically determined by the authority in the form it had been submitted (as a reserved matters application). This application effectively replaces that previous application (albeit that application had not been withdrawn at the time of writing this report).

It is perhaps useful to outline the role of each element of plant and equipment (taken from the planning statement):

What is a Pumping Station?

A Pumping Station consists of a large tank constructed beneath the ground, known as a Wet Well, which receives the sewage from homes in the locality. The sewage is conveyed by gravity to the wet well and underground storage. From there it is pumped via a rising main to a point where it enters the main sewer. All this process takes place underground.

All that will be seen above ground is a green control kiosk and the compound is enclosed by fencing and landscaping, which allows an operator from Wessex Water to safely inspect and control the system.

What is a Water Booster Station?

A Water Booster Station increases the pressure of potable (drinking) water for homes in the locality to ensure a safe and dependable supply.

What is a Gas Pressure Reducing Station?

Utility companies supply Natural Gas at high pressure to keep the size of the transmission lines as small as possible. Before it reaches peoples' homes, the pressure must be reduced to be compatible with heating systems, or any other equipment requiring Natural Gas. This is what the Gas Pressure Reducing Station does.

The accompanying Planning Statement goes onto say *"the requirement for the construction of a Foul Pumping Station to serve the Urban Extension is at the request of Wessex Water, who require an on-site location, which is accessible from the adopted highway. As the lowest part of the overall site, this is the optimal and most effective position for drainage to connect with the sewage network"*.
"We [the development consortium] are required to work alongside Wessex Water to determine the best location for the facility that meets Wessex Water's standards and those of their Regulators. This location meets those requirements".

Above ground the visible plant and equipment is largely contained within green kiosks, the water booster and gas reducer within kiosks 2.5m high and the foul pumping equipment within a 1m high kiosk. In the case of the foul pumping station and water booster both are contained within a palisade fenced compound, with the wet well of the pumping station located outside the compound underground.

Vehicular access is achieved via the existing field gateway off Comeytrowe Lane. Hardstanding is proposed to allow HGV and service vehicles to access the plant and machinery. A landscaping scheme is also proposed that integrates with the wider fields' future use as the Horts Bridge Park; an area of Public Open Space and play approved as part of the Garden Community.

Site Description

Outline consent with reserved matters approval exists for the use of the host field as Public Open Space and the siting of a NEAP (neighbourhood equipped area of play), known as Horts Bridge Park, as part of the Comeytrowe Garden Community.

This section of field is bound by the Galmington Stream to the east, Comeytrowe Lane to the west and residential development along the northern boundary and northwest corner. One outlier property, Honeysuckle House is located off Comeytrowe Lane adjacent to the existing field gate from where access to this parcel of land is derived. To the south is currently agricultural land, due to form part of the wider garden community in time.

The host field is currently in agricultural use, and appears to have been used for arable purposes in recent times. The contours are such that the land rises by nearly 2m from the application site area to the southern boundary of the field.

As previously described the proposed plant and machinery has been designed to integrate as much as possible into the approved public open space designs with additional landscaping. The siting of this proposal is closest to Honeysuckle House, with the gas pressure kiosk located (all measurements are approx.) 2.6m from the hedged boundary (10m from a habitable room) and the foul sewerage compound located approx. 15m from the rear hedged/fenced boundary (18m from a conservatory). The water booster is further away at approx. 23m from the hedged boundary (29.5m from a habitable room) with Honeysuckle House and approx.

21.5m from the boundary with Roundwood (28.5m from a habitable room).

There is currently no public right of access over the land, the Galmington Stream supports a group Tree Preservation Order and parts of the field are in Flood Zones 2 and 3 although the site of the three elements are within Flood Zone 1. The site is not near any Conservation Area and the nearest listed building is located approx. 115m to the north/north-west, Comeytrowe Manor.

Relevant Planning History

There is no specific planning history relating to this field except the previous application 42/20/0024.

Ref. 42/20/0024 - Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrowe/Trull - Currently deemed invalid.

Comeytrowe Garden Community planning history:

Ref. 42/14/0069 - Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrowe/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility - Approved 8 August 2019.

Ref. 42/14/0042 – Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull – Approved 9 August 2019

Ref. 42/19/0053 - Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrowe/Trull - Approved 18 March 2020.

Ref. 42/20/0005/DM - Prior notification of proposed demolition of chicken coops on land south west of Taunton - No objection subject to conditions 21 February 2020.

Ref. 42/20/0006 - Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase 1a Parcel H1b) on land at Comeytrowe/Trull - Approved 22 July 2020.

Ref. 42/20/0043 - Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrowe/Trull – Approved 19 October 2020.

Ref 42/20/0031 - Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 76 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Comeytrove/Trull – Pending consideration

Ref. 42/20/0056 - Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c on land at Comeytrove/Trull – Pending.

Ref. 42/21/0004 - Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Parcel H1d, Comeytrove/Trull – Pending.

Consultation Responses

A summary is given, all consultee responses are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

TRULL PARISH COUNCIL – Objection:

This is a full planning application for a pumping station for the whole site. A Reserved Matter Application came forward for this site 42/20/0024 in April but was deemed 'invalid' due the fact there was no permitted access to the site from the public highway. This location is entirely inappropriate for three reasons:

- 1. Due to the risk of flooding and the risk of contaminating the Galmington Stream and land further downstream which forms an attenuation pond. The risk of flooding has been well demonstrated by the photographs shown by one of the other representations. The previous application was objected to by the Somerset Drainage Board and whilst it has been moved, a small amount within the field it is essentially in the same place as before. The LLFA is yet to respond to this application.*
- 2. The site is ridiculously and unnecessarily close to neighbouring properties and risks being a nuisance both in terms of noise and odour. This is a large site of 286 acres and the pumping station could be sited on the other side of the plot at a distance from residential properties.*
- 3. Unsuitable highway access. When the main application for this housing development was given permission the only permitted access to the main site from Comeytrove Lane is a bus/emergency vehicle route due to its unsuitability for the type of large vehicles that would need to visit this pumping station. In addition the Highways Authority has many points for which they require clarification and the Transport Development Group have yet to add their comments.*

The applicants must resite this infrastructure on the other side of their plot far from any properties and in an area with a low risk of flooding.

We also object to the District Council's continued confusing arrangement of application numbers and documents online (including recently adding several recent representations to the previous application for this site despite it now being 'invalid'.

Further objections to consider are;

- 1. There is no CEMP Biodiversity to support the application*
- 2. No mention has been made of the need for a Habitats Regulations Assessment*
- 3. No mention made of the impact of the key cycle route through the site*
- 4. The claim that the site has a very low risk of flooding from either rivers or surface water flooding is not correct. The area floods regularly and there is no surface water flood drainage scheme available for public scrutiny*
- 5. The proposal does not factor in the impact on local residents from noise, smell and maintenance actions.*

COMEYTROWE PARISH COUNCIL (Adjoining PC) – Objection

- 1. Concerns over Impact of the noise of the pumping station and smell from the waste water tanks on existing residents in close proximity to proposed site, what are the mitigation measures that will offset it's nuisance and local environmental impact?*
- 2. Concerns over reliability of pumping station - We have concerns for any environmental impact of any failure of the facility and would want a guarantee that it is completely fail proof.”*
- 3. Will it have the capacity to service all 2000 homes or are there more pumping stations proposed?*
- 4. Are there any other utilities supply facilities and issues needed to be addressed on the site we've yet to be informed of?*

Further comments:

With no material reasons to amend previous objections and request siting is moved further away from residential dwellings.

BISHOPS HULL (Adjoining PC) – Objection

- 1. Concerns that the pumping station is located too close to residential properties - causing safety concerns.*
- 2. Concerns about noise from the pumping station affecting local residents.*

ENVIRONMENT AGENCY – No objection.

The Environment Agency would not be adversely affected by this proposal providing there is no fencing or any ground raising within the Flood Zone 3 area, as indicated within the planning documents. Although Flood Zone 3 falls just inside the red line boundary this area will remain undeveloped.

Further comments received:

1) If the pumping station includes an emergency overflow it will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. Whether or not the pumping station is adopted or not by Wessex Water, the operator of the pumping station will be responsible for obtaining an Environment Permit from the Environment Agency. The applicant would be advised to contact

the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-checkif-you-need-one>.

2) This site falls within Flood Zone 1 which is at the lowest flood risk. The water vulnerabilities classification would be a Local Planning Authority decision, but I would agree that "sewage transmission infrastructure and pumping stations" fall within water compatible development.

3) Please consult your Environment Health Officer concerning odour.

4) No objection to this location.

5) The access is outside the planning applications redline boundary. It is understood that the flooding is caused by restricted flows through the bridge. This bridge would fall under Highways responsibility. Any work to the bridge would need to ensure there is no additional risk to third parties. However, the pumping station will not make the risk of flooding any worse.

LEAD LOCAL FLOOD AUTHORITY – No objections

Our role in the planning process is to provide advice to the Local Planning Authority only in respect of local flood risks - predominantly flooding from ordinary watercourses, surface water, groundwater. Our remit does not include assessing other aspects of the site suitability – for example noise, visual impact associated with the development etc. We also do not specifically comment on the foul drainage arrangements, and ask the Local Planning Authority to confirm the design of the infrastructure with Wessex Water, and any mitigation that may be required to account for any failure of the system. The proposed development is for a pumping station, water booster station and gas pressure reduction station. These are classified in national planning policy as 'Water Compatible' infrastructure, and therefore are considered appropriate to be located in flood risk areas. We are aware that there have been flood events within the vicinity of the proposed development, and that this has caused anxiety within the community. The developer has shown that all the infrastructure, whilst close, is located outside of the flood risk areas including the 100 year + 85% climate change scenario. We note however, that local residents have submitted photographs of flooding on Comeytrove Lane where we understand the proposed access is located. Therefore, an assessment of the flooding mechanisms here should be undertaken to determine if the site can be accessed and operated effectively under flood conditions. Any sunken infrastructure will need to be designed with respect to local groundwater levels. We are unclear how the surface water from any hardstanding areas for the development will be managed to ensure these do not exacerbate local flood risk. For comfort, some indication of the construction drainage arrangements, including any silt pollution measures, would be helpful prior to permission being granted.

WESSEX WATER – No objections:

"I refer to the application in respect of the above and can advise the following on behalf of Wessex Water.

The promoted foul drainage strategy for the Comeytrove development involves development parcels draining by gravity to a pumping station situated in the low part of the overall site. An underground pumped main from the pumping station will connect to the existing public foul sewer network within Queensway. This is different from the original draft proposal submitted with the outline planning application describing a new gravity sewer laid adjacent to the Galmington Stream

and connecting to the sewer network north east of the site in College Way. The original option also required construction of a large underground tank in the vicinity of College Way to attenuate foul flows from the development and protect downstream customers from sewer flooding.

Wessex Water reviews sewerage options in view of time elapsed and ensuing updates to our sewer network computer model. We also commence more detailed design as proposals move through the planning system. Within the last year we have discounted the original option due to concerns with working in continued and close proximity to Galmington Stream and the disruption to residents caused by construction in this area and at College Way.

The current proposed option identifies an alternative point of connection minimising work close to Galmington Stream and negating the need for an additional storage tank in the downstream network.

The proposed foul pumping station serving the entire Comeytrove development will primarily comprise of a wet well, pumping set and emergency storage. The majority of apparatus are below ground with control kiosks and compound above ground. When flows from the new sewers entering the wet well reach a set level the pumps will operate pumping the flows forward in the pumping main to the existing foul sewer in Queensway. The route of the underground rising main is not currently fixed but the pipe will run through the development site close to Comeytrove Lane before cutting east to the existing sewer network.

The pumping station design includes an underground emergency tank sized to accommodate flows from the entire development for 6 hours in the event of an emergency. The pumping station will have a number of alarms connected to our 24 hour control room alerting operational staff to any issues. The pumping station will normally have a duty and assist 2 pump arrangement. The pumping station will have space and connection for a mobile generator in the event of any planned or unplanned power outages to maintain service.

New pumping stations are not designed with sewer overflows. There will be no direct connection from the pumping station to the Galmington Stream. In the unlikely event that both the wet well and emergency storage are overwhelmed the flows will back up into the development site. If the situation is permitted to continue eventually the upstream system will become full and customers may not be able to flush toilets. Wessex Water is an environmental and highly regulated company treating sewage at Taunton sewage treatment works to comply with consents prior to return to the environment. Sewer networks are constructed and designed to industry standards. The Sewerage Sector Guidance; Design & Construction Guidance (DCG available on Water UK's website) ensures networks are designed to be watertight, of appropriate capacity, maintainable and at an appropriate distance to avoid impact from noise, vibration and odour.

Wessex Water is obliged to adopt networks which are in compliance with the DCG. The pumping station is located away from flood risk areas and 15 metres from habitable buildings required by the DCG. Where there is a perceived risk of flooding the developer can incorporate further protection measures including raising electrical controls and sockets and constructing landscape bunding. The application shows additional landscaping and we understand will include higher quality fencing and

fabrication than dictated by the code to better blend with the surrounding environment. The majority of the apparatus are underground and at a distance where noise and odour should not be discernible from residential dwellings. A lighting column will also support an odour vent allowing odours to dissipate at a higher level than standard. Lighting on site will only be operational during site visits. Once adopted from the developer the pumping station will be visited proactively bi-yearly for standard checks (small van) and wet well clean annually (tanker). Any issues can also be reported via our 24 hour emergency phone line.

The sewer system is designed to carry domestic waste water and the threes Ps – paper, poo and pee. Non disposable items such as wet wipes, sanitary items and fats, oils and grease can damage pumps and cause blockages in sewers. New and existing customers can assist in ensuring a free running system by adhering to guidelines available [here](#). Sewer flooding can also be caused by the cumulative connections of surface water to the sewer network; the connection of rainwater pipes and drains from new impermeable driveways and roofs. The new development will have separate drainage systems of surface and foul water with no surface water connections permitted to the foul system.

The utilities compound includes a water supply booster and gas pressure reducing station. The developer's design will need to ensure that the services are kept separate and the individual needs of the service providers are met. We are satisfied that the arrangements for water supply and foul sewerage are in accordance with water industry guidelines. The decision for a combined compound rests with the developer to realise efficiencies and maximise land use. The foul pumping station must be at a low point within the site; the water supply boosting station has a wider scope for locating. The booster station is required to provide water pressure on site to first floors at the high points on site and in line with our guaranteed standard. The demand has been assessed through computer modelling with no detriment predicted to existing customers subsequent to new connections. Initial phases are to be serviced via the existing water main in Comeytrove Lane.

On Monday 11th January myself and Wessex Water's Development Engineering Manager attended a "Virtual" Members briefing with representatives from the Comeytrove Consortium. A video of the presentation can be found [here](#). In response to follow up questions since the briefing I can advise:

The first was about the 'alternative location' which would be on higher ground requiring a bespoke engineering and construction solution. Could you comment on this from WWs perspective, incl. health and safety, operating costs, any additional operational difficulties etc.

The ground level contours shown on Wessex Water's (WW) mapping system indicate that the pumping station has been positioned at the lowest point on site, which is the norm with pumping stations. If it the sewage pumping station (sps) were to be moved from the existing properties then the ground level of the station would rise around 5m minimum. This means that the depth of the station would increase by 5m to ensure it drained the site. For the developer this would mean additional expense during construction, and possibly different, more complex construction methods and increased Health and Safety risk. For WW once adopted it would mean the annual maintenance costs would increase, there would be greater Health and Safety issues, and increased energy costs. Larger pumps would be required to

lift the additional head of sewage which equals more energy. The industry guidelines dictate that where a sps is to be used, it should be as economically viable as possible over its 'whole life', and therefore the above points matter. Where WW is asked to adopt a sps we would look for it to be at the lowest point of the site so it can be as shallow as possible. It's also possible that larger tankers and general maintenance equipment would also be required to maintain a deeper station.

Additional information regarding noise and odour and conformity with published guidance (and what guidance that is – WW's own or industry).

SPS - The current position meets all the industry guidelines, and WW would have no reason to move it. If odour issues did occur once it was public, we would look to mitigate these, but we would not look to add positive odour removal.

Water Booster – In the presentation it was stated from our design standards that: "The internal noise in any building or kiosk shall not exceed 80 dbA (that means inside the booster station). A target < 70 dbA shall be set – The perceived noise at a distance of 1m from the outside of the building containing the pumps, shall not exceed 75 dbA"

To elaborate:

75 dbA is the limit set at 1 metre from outside the booster building. The dbA level will reduce with distance from the station. British Standard 8233: Sound Insulation and Noise Reduction for Buildings – Code of Practice indicates a level of 30 dbA as "good" inside living rooms and bedrooms and 35 – 40 dbA as "reasonable". We have previously carried out Noise and Vibration studies to support our own booster planning applications. These are site specific and take into account other factors such as existing background noise and ground conditions and can not be used in comparison. Wessex Water will adopt booster stations where the risk of noise and vibration is mitigated to acceptable levels.

Would a Weldmesh type of fencing would be acceptable over the currently specified palisade?

WW view on the fencing is flexible. If a different style is more suitable to soften the look, then we would be happy to adjust our requirements as long as the site security is maintained. WW do accept certain types of weldmesh style fencing if as part of the planning approval, our standard palisade fencing is not acceptable.

Questions have been raised on the safety aspect of the gas pressure reducing station – proximity to housing and the foul pumping station can you advise any comments?

Wessex Water has assessed the risk of explosions and fire occurring within pumping stations and sewer networks. Such hazards are rare but risk factors can exist in older systems. No such risk factors are applicable at Comeytrowe. Wessex Water do not consider the foul or supply pumping station as posing a risk to the gas governor station.

Could the Services Compound be requisitioned by the developer and constructed by Wessex Water under Permitted development rights?

The sewage pumping station and booster station can be requisitioned by the developer. Wessex Water will consider whether it is appropriate to gain permission for development by planning application or permitted development rights.

If the pumping station were to fail – which upstream manhole would the tanker require access to?

This has yet to be determined. We will select the upstream manhole to ensure minimum disruption to customers.

Should the application be approved I can advise we have no objection to condition 11 of the original application being discharged for the phases where reserved matters have been submitted”.

Officer Note: Wessex Water attended a SWT Councillor briefing on 11th January 2021 where a significant number of questions largely raised by local people were addressed. This briefing is viewable to view on YouTube via this link <https://youtu.be/DrTTazx9h9Q> . Slides from the briefing are viewable on the online case file via www.somersetwestandtaunton.gov.uk, ref 42/20/0042.

ENVIRONMENTAL HEALTH – No Objections:

“I refer to my previous memo dated 17th December 2020, and some additional information that was received yesterday regarding potential noise and odour issues from the above development.

- *Summary note from applicant “What is a pumping station”*
- *Comeytrowe presentation answers*
- *Accompanying photographs*

This information refers to the “Design and construction Guidance for foul and surface water sewers offered for adoption....” It is stated that this guidance provides industry standards for the location, design and construction of pumping stations and has been prepared to mitigate any impacts on residential amenity. The proposed pumping stations are to be built in accordance with this document before it is adopted by Wessex Water, who are supportive. This guidance gives minimum distances from the wet wells to habitable buildings, and for this type of plant it would be 15m, and it states that the proposed pumping station is 18m from the nearest residential property.

It states that the pumps will not be in use all the time, and that the pump in the sewage pumping station is submerged and there will be almost no noise emanating from the pumping station.

Regarding the water booster station, the information says that water will be boosted by pumps according to demand, and that the kiosks are designed to keep noise to a minimum to reduce impact on surrounding dwellings. There is reference to the design standards used for the booster station.

“The internal noise in any building or kiosk shall not exceed 80 dbA. A target < 70 dbA shall be set – The perceived noise at a distance of 1m from the outside of the building containing the pumps, shall not exceed 75 dbA”

The statement gives information on the location of numerous other pumping stations in the Taunton area (including plans and photographs).

It is also noted that SWT Council has a policy requirement for a 15m cordon sanitaire for pumping stations.

Comment

The only detail that has been provided on noise levels are for levels for the water booster station (external level of 75dBA). However, there is no information how often

or how long the pumps will be in action, or at what time of day. (or whether the dBA levels are for sound pressure level or sound power level). Therefore, it is hard to assess the impact of this.

There is no other detail on the potential noise levels or odour from the other plant on the site, or a noise assessment that would predict the noise levels at any nearby properties. Therefore, there is no information that will allow me to give an objective comment on the potential for noise or odour to cause any disturbance.

It is noted that there are a number of pumping and booster stations within the Taunton area. I can confirm that Environmental Health do not have records of complaints about any of these, which would indicate that they can operate in proximity to dwellings without disturbing any nearby residents.

Your email suggested using a condition to require the developer/operator to assess noise and odours once the stations are in operation. This would be a good idea. Regarding guidance: for noise the guidance normally used to assess noise for planning purposes is British Standard BS4142:2014 (+A1 2019). The Defra Code of Practice on odour nuisance from sewage treatment works has been withdrawn, however, there is some industry guidance, although I am not up to speed on the latest versions (as we've not had to deal with any complaints about odours from sewage works). I would also recommend that the operator carry out a more basic assessment, i.e. when the equipment is running can they hear or smell anything at nearby premises, and if this identifies problems then steps should be taken to resolve the issue.

As mentioned, the Council does have powers to investigate complaints about noise or odour nuisance under the Environmental Protection Act 1990. Statutory nuisance is a subjective assessment, based on the severity, time, frequency and duration of the noise/odour, and how it is affecting people in their properties. A business does have a defence in nuisance of "best practicable means", which means that the local authority can only require them to take all reasonable steps to abate a nuisance; once something has planning permission to operate the nuisance legislation cannot be used to stop the lawful use".

Previous memo of 17-December 2020:

"Discharge to the Galmington Stream.

I note that the Environment Agency and Wessex Water have been contacted about this. They would be the best agencies to give an opinion, the Environment Agency deal with the pollution of controlled waters, and Wessex Water have experience of managing pumping stations.

Noise.

The Planning Statement with the application states that "the design and location of the pumping station will need to comply with Wessex Water's requirements. These are in-line with the Sewers for Adoption guidance which considers the impact of noise and odour on neighbouring properties." It also says that the pumps will not be in use most of the time and will be (partially) submerged and that "unacceptable noise levels are not expected to impact neighbouring properties"

Comment. There is no detail on the potential noise levels from the site, or a noise assessment that would predict the noise levels at any nearby properties. Therefore, there is no information that will allow me to give an objective comment on the potential for noise to cause any disturbance.

Odour

The Planning Statement says that the pumping station will comply with Wessex

Water guidance and that the design will be reviewed by Wessex Water, and that “a properly functioning pumping station will not create any odour.”

Comment

There is no odour assessment with the application, therefore, no information that will allow me to give an objective comment on the potential impacts. There is no detail on the guidance that is being referred to or the standards that would need to be met. It is not clear if the developer has already contacted Wessex Water with details of the design so that Wessex Water would be able to confirm that the system could operate without causing an impact on nearby properties.

Health and safety issues

With utility companies any safety issues are overseen by the Health and Safety Executive. The operation of sewage pumping stations and gas and water stations is not something that Environmental Health would have any experience of, and so we are not in a position to make a professional comment. You may wish to contact the HSE if there are any specific concerns.

Additional information

The developer could provide some additional information that would help the planning authority determine the potential impact of the development.

- A noise assessment that determines the noise levels from the sewage pumping station, the water booster and the gas pressure reducing station (for example a BS4142:2014+2019 assessment). This should assesses the potential impact on any nearby properties and make recommendations for any mitigation that may be required.*
- An odour assessment for the sewage pumping station to determine the potential effect on nearby properties.*
- Correspondence between the developer and Wessex Water about the design of the pumping station so that Wessex Water can confirm that they system will be able to operate without causing an impact on nearby properties?*
- It is likely that there are similar sewage, water and gas stations in the area. It would be useful if the applicant could provide details of these, as it may be possible for the planning authority to review these sites to see if they have been the source of any noise or odour problems whilst operating (and people may be able to visit them to see what the new development would be like)”.*

SCC - TRANSPORT DEVELOPMENT GROUP – No objections:

It has been confirmed by the applicant that the site would only need to be visited on an occasional basis by engineers. Further, it would be expected that visits by larger vehicles would only be needed in emergencies or when maintenance at the site was required. Following the construction period, it is accepted that there should not be a significant number of traffic movements associated with the operation of the site, and this would certainly not occur on a daily basis. Should planning permission be granted and to manage impacts through any construction phase, a Construction Management Plan would need to be agreed and implemented before any works would commence on site.

Additional swept path information was provided on 15th December 2020, and this shows vehicles turning in and out of the proposed site access. It is anticipated that the vast majority of the movements will be to and from the north, and this would become the only movement if Comeytrove Lane was stopped up as proposed by the wider residential development proposals. The updated swept path analysis shows that all of the required manoeuvres could be undertaken as required, and that vehicles will be able to turn within the site. The position of the proposed bollards will allow vehicles to safely wait off the highway without interrupting other

traffic movements on Comeytrowe Lane.

The applicant has provided an updated drawing that shows the availability of visibility at the proposed site access. To the north, the visibility is unconstrained and the highway authority is content that there would be good lines of sight between motorists travelling on Comeytrowe Lane and those exiting the site. To the south, the existing hedge will be amended to expand visibility and this will be an improvement as compared to the existing arrangement for the field access. Having reviewed the submission, the available visibility would actually continue for a significant distance beyond that shown on the submitted drawing. Given the levels of traffic that would be associated with the proposed scheme, the highway authority has no objection to the access position and visibility as shown.

A revised landscape drawing has been submitted, and this provides more details regarding the materials that would be used and also the specification of the bollards that would be incorporated within the site. The detail of the use of the bollards close to the adopted highway (and it is possible that some are shown to be within the highway) will need to be considered when the applicant submits the detail of the highway works at a later date, see below.

Whilst the extent of the existing highway adoption would not need to change, there would be a requirement for minor surfacing works to be implemented within the public highway. Should planning permission be granted, the applicant will need to enter into an appropriate legal agreement with the highway authority to facilitate such works. To be clear, the access shall not be brought into use until the details of the access have been approved and constructed in accordance with the highway authority requirements. Given the confined nature of Comeytrowe Lane it is possible that a temporary road closure may be required for a short duration, and due to the wider implications of this, it would need to be agreed well in advance of any intended works.

The proposed site will form a critical part of the wider pedestrian / cycle network for the proposed Comeytrowe residential development site, and the implementation strategy for the network was secured by planning condition (Condition 26 of planning application 42/14/0069). As previously stated, as the detail of infrastructure serving the proposed wider development are now being presented, the highway authority suggests that it would now make sense to agree the detail of the condition requirements at this time. This would avoid any further amendments to the proposed infrastructure being required at a later date.

Subject to the above, the highway authority would not now object to the application, although it is recommended that the following planning conditions are attached to any planning permission.

Conditions proposed concerning Construction Management Plan and Highway Access Works.

LANDSCAPE – Comments.

- The area lies within the Comeytrowe Green Wedge and therefore is subject to meeting appropriate policy requirements to have particular regard to the landscape and landscape setting of the Green Wedge.*
- The proposed development, although low key in visual terms, uses up valuable open space and I'm not aware that any compensatory space will be provided as part of this application.*
- If the proposals are approved I would recommend substituting Prunus padus for Prunus avium and Acer pseudoplatanus for Acer campestre as these are the locally indigenous tree species.*

CP8 says for green wedges: “protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements;” so one then has to look at the criteria for defining them which include:

- Prevent the coalescence of settlements and maintain a sense of place and identity for neighbourhoods;
- Maintain the open character of a green lung contributing to health and wellbeing for residents;
- Bring the countryside into the heart of town;
- Provide accessible formal and informal recreation, sport and play;
- Provide valuable wildlife corridors and habitat;
- Protect areas of landscape importance and visual amenity; and
- Provide a positive approach to land use.

Comments that it could be argued that the proposals will detract from some of the above but it is the degree to which they detract that is less clear as an argument given the pumping station structures are very low key. The development is contrary to the policy but given suitable landscape mitigation and some additional open space provision it's difficult to make a sustainable objection.

ECOLOGIST – No objections

“An Ecological Appraisal for the application was carried out by EDP (not dated, author unknown). This found that the proposed site consisted of part of an arable (wheat at the time of survey) field and a short section of species poor hedgerow along Comeytrowe Lane. Galmington Stream, a Local Wildlife Site, about 65m away, is present on the eastern boundary of the arable field in which the site is located. Based on the habitats present within and around the Site, and the cumulative baseline for the wider site collected over the past 12 years, the following protected and priority species are pertinent to these proposals:

- *Birds (various – largely common and widespread species) – potentially nesting in the hedgerow and, to a lesser extent, at ground level in the arable field;*
- *Bats (various – largely common and widespread species) – likely foraging or commuting along the hedgerow on Comeytrowe Lane but no potential roosting habitat is present;*
- *Dormice– potentially nesting, foraging or dispersing in the hedgerow;*
- *Badger (– setts not currently within or near to the development footprint but potential to be so in the future; and*
- *Reptiles (slow-worm (*Anguis fragilis*) and grass snake – potentially dispersing through the hedge and arable habitat owing to the presence of more suitable habitat (tall ruderal and stream) nearby.*

Method statements to prevent harm to these species need to be set out in a Construction Environmental Management Plan which needs to be condition as follows [see conditions section].

As light averse bat species are present in the locale the following condition is required [see conditions section].

It assumed that the landscape plan would be conditioned as part of the condition for compliance with plans and that the site would be managed in accordance with the Landscape and Ecology Management Plan for the whole Comeytrowe development. The pumping station will connect to the existing foul sewer and will comprise sealed and/or underground structures, such that no effluent will be discharged into the Galmington Stream or any other local watercourse. Furthermore, following recent advice from Natural England planning applications may now require a Habitats Regulations Assessment (HRA) due to the recent CJEU Dutch Nitrogen case law.

This is where the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings, is seen as significant, either alone or in combination with other developments. However, as the pumping station itself will not produce wastewater no Habitats Regulations Assessment for the application is necessary. However, individual housing developments within the Comeytrowe site will require Habitats Regulations Assessment as applications come forward”.

SOMERSET WILDLIFE TRUST – Objection.

Noted the comments of the County Ecologist and support his recommendations. Concerns remain regarding flooding and the impact of possible problems with the Galmington Stream Local Wildlife Site. Strongly object on these grounds.

SOUTH WEST HERITAGE TRUST – No archeological implications.

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of approximately 82 representations from members of the public (some residents have sent multiple representations) and local Councillors. All object to the proposal.

A summary is given, all responses from the general public are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

The comments made can be summarised as follows:-

- The information provided is not sufficient for safe decision making – validation requirements, flood risk assessment, lighting assessment, noise assessment and an incorrect description.
- The application is premature – phosphates
- Spatial and locational requirements – storage, gas pressure compound size, proximity to residential properties, impact of development of adjacent land, no pipelines to and from compounds are shown, pipework will need to cross Galmington Stream.
- Please produce the pre-app notes for this proposal.
- Please post the Environmental Screening opinion.
- Please advise of the conflation with the outline approval. Two inconsistent approvals.
- The area floods, which will cause foul sewerage to overflow and leach into the Galmington Stream which is a nature reserve and locally valued amenity. Attention is pointed towards Wessex Water's use of combined sewer overflows (CSO's) which release highly diluted sewerage into rivers during extreme rainfall to prevent flooding.
- SWT has declared an ecological emergency.
- Lack of information from the applicant on Noise from the booster station – links to YouTube videos provided demonstrating what 75 dbA sounds like over the distance between the water booster and Roundwood.

- The Planning Committee has never been given the opportunity to scrutinise an Application governing the selection of the site for the strategic infrastructure for the entire Urban Extension concerning its foul-water drainage, its freshwater supply, or its gas-supply.
- Challenge the assertion made on the call that the construction methodology of a slightly deeper well than the one proposed would necessitate a significantly more complex and costly construction.
- The procedures surrounding the access to the pumping station in the event of flood on Comeytrove Lane has not been provided. How can this comply with 'Sewers for Adoption' guidance?
- The potential use of a NAV is of concern. Each of these multi stations need to be at least 100 metres away from the nearest resident's homes so that residents have a reasonable level of protection against an incompetent or under resourced NAV.
- There are no multi stations like the one proposed anywhere nearby.
- The pumping station can be moved south on the existing contour.
- Gas represents a different type of threat to sewage and water and must be assessed properly.
- No consideration has been made of the noise effects by the developer or SW&T council – comparison to a site in Norfolk are given.
- A BS4142 noise assessment should be carried out.
- An odour assessment should be carried out.
- The gas reduction station poses a risk of explosion.
- The development is impacted by the Natural England prohibition of planning permission for any new applications with unmitigated downstream effects on the levels.
- There are no details of the onward connection of the foul sewerage infrastructure.
- No updated surface water strategy required by Condition 12 of the outline permission.
- The assertions regarding flooding and pollution are not evidenced.
- The wet well construction reduces ground capacity to absorb water meaning greater flow into the Galmington Stream.
- There is a detailed representation from H.Jaeschke (dated 17 Nov on the online file) raising specific operational and management issues and how these may impact on residential amenity and pollution control.
- There will be impacts on residents by odour and noise.
- There are suggestions that the wet well has to be vented in order to 'prevent a toxic or explosive atmosphere from developing' and the view that 'septic sewage has a strong hydrogen sulphide smell' and there will be 'malodorous emissions'.
- A new EIA is required, this facility was not mentioned at the outline stage.
- Increase in service vehicles posing safety concerns to children playing and walking to school.
- The facility will clash with the use of the field as public park with cyclists and pedestrians and is not appropriate next to a play park.
- An alternative location should be found.
- It will be a blot on the landscape and a hedge has been removed.
- Better engagement by the developers with the local community would be welcome.
- Material omissions on the application form and missing documents.
- There is an error with the blue line.

The following comments have been received from local councillors:

Cllr Hunt -

The only obvious difference between this and the original application, is that the proposed foul pumping, water booster and gas pressure reducing stations, have simply been moved a little further up the road, directly outside the dwelling next door. Therefore, I offer you similar objections to the original application. It is clear that the positioning of these stations will be far too close to the properties of residents living in Comeytrove Road and Comeytrove Lane. The probable noise generated by the pumps is of particular concern to those living close by. The location, very close to the Galmington stream, is renowned for flooding annually and it is not so long ago that Lloyd Close situated nearby was flooded. Surely this facility can only add to the probability of this reoccurring. The risk of contamination to the Galmington Stream will of course be a very real one, along with the unpleasant odours which will surely follow. This will not only affect those close by, but others downstream in Queensway, Glasses Mead, Burgess Close, Claremont Drive and throughout the Comeytrove, Newbarn Park and Galmington area. This needs to be moved, and I am yet to hear a good reason why it can not be located within the new development itself. Clearly, this would make the selling of those properties situated close to this facility rather more difficult and not something the developer would like. Quite why the developers thinks it is okay to move the problem close to already established properties escapes me. I anticipated those making the decision on this application will see it for what is and refuse it.

Cllr Farbahi

Over the last 8 months our community have had to endure an enormous amount of anxiety and concern about the potential of building multi station in flood zone 3 with risk of pollutions to the nearby Galmington Stream. Up to very recently the communications with residents have been minimal. There are still a lot of concerns about the location of the current multi station. I am pleased that some amendments have been made to move the stations away from the flood zone 3, however I am still concerned that it is next to another property namely Honeysuckle and nearby Lloyds Close. Therefore the new proposal is not designed with the people living nearby in mind. I understand that the pumping station will connect to the existing foul sewer and is sealed with no physical connection between the foul pumping station and Galmington Stream, but the existing foul sewers can and will leak into the Galmington Stream in high seasons. I am yet to receive a Habitats Regulations assessment report as this site falls within the catchment draining into the protected Moors Ramsar area of Somerset levels, without which this application cannot be determined. I will be interested to obtain details and the measures being proposed by the Wessex Waters to control the amount of phosphate being discharged in to watercourse including any mitigation plans. I object to the current proposal as it stands. I strongly request that the planning committee looks at positioning the multistation some 50 meters away from the current proposed site and nearby residents' homes and seek to minimise any contamination into nearby Galmington Stream. It is important to note that if the

developers wish to create a vision to define a green lung within Hort Bridge Park, they should really engage and communicate better with the very people that live and breathe the air in the nearby vicinity.

Cllr Nicholls

I strongly object to application 42\20\0042. The proposal is broadly the same as the previous application, with the relocation of the pumping station being moved only a matter of metres. Residents and myself remain extremely concerned about the noise levels, odours, poor narrow access for HGVs, and the increase of flooding. All the above concerns are clearly and comprehensively documented on the planning portal, and I strongly encourage planners, developers, and members of the planning committee to read and scrutinise the comments ahead of any decision. Appropriate alternatives do

exist in terms of other locations or smaller stations strategically placed around the development. I urge the planning committee to seriously explore all options and not to accept any proposals which unfairly impact on current residents, the ecology of Galmington stream, or safety {flooding events} of the area. Application 42\20\0042 poses

a threat to the existing ecological balance of Galmington stream, and will also reduce rain water retention, thereby giving rise to flooding of Lloyd Close, other properties

further downstream, and also the highway. The flooding concerns are not simply forecasts or predications. . . it has happened before. And many local people including myself have experience of this. Lastly, you will be aware of the strength of public feeling that exists about this. It was reported in the local press and radio during the summer. The

planning portal has no shortage of comments that reinforce this message. They are all worthy of reading and convey our feelings about this proposal, and in particular some of these submissions are factual and very comprehensive. I urge you to read and strongly consider. I would like to finish with a question. . why has a large section of hedgerow been removed at the top of Comeytrowe Lane, presumably at the point where access would be required for this site, before a decision has been made? In previous correspondence I have been assured that all hedgerow removal has taken place

strictly within developers parameters. Assuming this is correct, why therefore has this stretch been removed so early on? It is a presumptuous act is it not?

Cllr Hill

You will be aware of the concerns of local residents about the proposed location of the pumping station and the potential contamination of Galmington Stream. I appreciate that amendments have been made to the location but there remains a perceived risk that foul water will on occasion leak into the stream , a stream that you know is a valued and loved community asset. There is no need for this conflict-better engagement with the community would result in a better solution and I object to the current proposal.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan-SADMP (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013). Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being rolled forward with the aim of producing one new Local Plan covering the entire administrative area.

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
CP4 - Housing,
CP7 - Infrastructure,
CP8 - Environment,
SP1 - Sustainable development locations,
SP2 - Realising the vision for Taunton,
SS7 - Comeytrowe / Trull - Broad Location for Growth,
DM1 - General requirements,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
ENV5 - Development in the vicinity of rivers and canals,
I3 - Water management,
I4 - Water infrastructure,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
TAU1 - Comeytrowe / Trull,

The Trull Neighbourhood Plan is part of the development plan and a material consideration. The Trull Neighbourhood Plan includes policies that are aligned with the adopted policies in the Taunton Core Strategy and Site Allocations and Development Management Plan (SADMP), and provide for sustainable development in the parish.

- Policy E2: Woodland, Trees and Hedgerows, supporting broadleaved tree planting and hedgerow enhancement.
- Policy F1: Reducing Flood Risk

The Final Green Wedge Assessment, 2015

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are material considerations.

Local finance considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

Determining issues and considerations

The principle of development of a Garden Community on this site was agreed by way of an outline planning permission. This was supported by policies SP2 and SS7 of the core Strategy and policy TAU1 of the SADMP. The utilities to be provided

would ensure the development is sustainable and supports new housing in the right locations in the district in accordance with policies SD1, SP1 and CP1 of the Core Strategy.

This full application sits within the area to be laid out in future as Horts Bridge Park, one of the principle public open space areas of the emerging Comeytrove Garden Community.

The application comprises three elements of vital infrastructure for the effective servicing of the site with potable water, sewerage disposal and a gas supply.

A previous application 42/20/0024 is held in abeyance, the Council unable to determine it do to a procedural matter in the manner the application has been submitted.

Although some level of pre-application discussion took place with the now departed planning officer at the time, there are no formal notes on the advice given. This has been answered via an FOI request.

This full application is a new application and must be considered on its own merits.

Procedural matters have been raised as outlined in the representations section of the report.

- The Council was satisfied that the application met validation requirements. Additional information has been requested since. The Council is also satisfied with the description of development.
- There is no significant lighting proposed for the application that warrants a lighting assessment.
- Noise impact is addressed later in this report.
- The matter of ecology is addressed later in this report.
- The matter of phosphates in addressed later in the report.
- The Council takes the view that the works in connection with 42/20/0042 would not inhibit or obstruct in any way the carrying out of the wider development under the outline consent.

It is evident that the principal issues locally revolve around the perceived environmental and residential amenity issues of the sewerage pumping station, although concerns do also exists regarding the gas reducing station and water booster.

Concerns persist through representations from parish councils and local residents that an EIA has not been undertaken to support this full application.

Environmental Impact Assessment (EIA) / Environment Statement (ES)

Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2. The Council concludes it falls into neither.

Then the Council must consider if the application is:

- (i) a subsequent application in relation to Schedule 1 or Schedule 2 development
- (ii) has not been subject to a screening opinion and

(iii) is not accompanied by an ES (under Reg 9 of the EIA regulations).

In this case the Garden Community development fell within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and was accompanied by an ES so this application is a subsequent application under (i), but is not subject to its own a screening opinion and not accompanied by its own ES under (ii) and (iii).

The Council therefore has to assess whether the information it has within the outline ES is sufficient to determine the application now before it. The Council is of the view that based on the information submitted with and subsequently acquired in connection with the application is adequate to form the view that the application would not have any further environmental effects. As such no formal request under Reg 25 of the EIA regulations has been necessary.

To demonstrate this a review has been undertaken of the original ES:

- *Landscape and Visual Amenity*

The ES which accompanied the outline included an assessment of the likely significant effects of the then proposed development on landscape character and the visual amenity of the area from surrounding public and private viewpoints for the demolition and construction and completed development phases.

This assessment concluded that, from a landscape and visual perspective, the wider application site is suitable for the proposed development. The proposed development was assessed to have a limited effect on views from the surrounding areas as it would be perceived in the context of the existing urban areas of Comeytrove and Trull to the east, and within the longer term would represent a well-designed and sensitive extension to the wider settlement.

There is no reason to think differently given the application before us. A specific assessment of the green wedge and visual amenity will follow later in this report, but it has not been necessary to require any more information regarding landscape impact to enable a recommendation and the overall impact is not considered adverse.

- *Ecology and Nature Conservation*

The ES contained an assessment of the likely ecological effects of the then proposed development on the application site and its surroundings. The assessment included a review of the current conditions found within the area and identifies measures to avoid, mitigate and/or compensate where appropriate for significant effects that may arise as part of the project.

The assessment observed habitats within the wider application site are generally of low ecological value, reflecting its predominantly agricultural land use, however some habitats of higher value were identified, namely the Galmington Stream (which is part of a locally designated Local Wildlife Site and connects with a Local Nature Reserve), hedgerows, trees and ponds.

The relationship with the Galmington Stream is an important consideration for this application for utility infrastructure. The Ecologist has been consulted and raised no objection nor required any more information to enable a recommendation.

Conditions are proposed to avoid, mitigate and/or compensate where impacts may occur. The overall impact is not considered adverse.

- *Transport and Access*

The ES contained an assessment to determine the likely significant effects of the then proposed development in relation to traffic and access. Mitigation measures were proposed to mitigate any adverse effects.

A specific assessment of the transport and accessibility aspects of this application for utility infrastructure will follow later in this report, but additional information has been submitted and the overall impact is not considered adverse.

- *Air Quality*

An air quality assessment was undertaken to identify the likely significant effects of the proposed development during demolition, construction and operation. The application site lies approximately 3km away from an Air Quality Management Area (East Reach) declared for exceedences of national objectives for nitrogen dioxide (from road traffic). It was found the development would bring a negligible effect on air quality.

This application does not raise significant air quality concerns, no additional information has been necessary to secure and the overall impact is not considered adverse.

- *Noise and Vibration*

An assessment was made of the likely significant noise and vibration effects of the then proposed development. The assessment considered the current baseline noise climate and the suitability of the application site for the proposed development as well as describing the effects of the proposed development arising from construction activities and traffic generation. This included the identification of mitigation measures to reduce any noise effects. This related largely to road traffic noise and fixed plant at the employment area but not any perceived noise from utilities. Those impacts could be mitigated.

A specific assessment of the noise aspects of this application will follow later in this report, but there is no objection from SWT Environmental Health, additional information has been submitted by the applicant and Wessex Water, mitigating conditions are proposed and overall impact is not considered adverse.

- *Water Resources and Flood Risk*

An assessment was made of the likely significant effects of the proposed development on the environment in relation to water resources and flood risk. This was informed by available environmental information, from sources including the Environment Agency, Wessex Water and from other available data sets.

The outline application was supported by a drainage strategy and mitigation measures to ensure potential effects remain at negligible levels.

A specific assessment of the flood risk aspects of this application will follow later in this report, but there is no objection from the LLFA, no additional information has been required and a mitigation condition is proposed so overall impact is not considered adverse.

- *Cultural Heritage*

An assessment was undertaken to establish the likely significant effects of the proposed development with respect to archaeology and built heritage. This assessment included analysis of the Somerset Historic Environment Record, aerial photographs and historic maps.

The assessment concluded that there are no significant effects on either designated or undesignated assets either within the Application Site or in the surrounding area. Comeytrowe Manor is the closest Listed Building to the application site but is at a

distance with no inter-visibility and intervening residential development to conclude that no adverse harm would result, nor any additional information is required.

- *Ground Conditions and Contamination*

An assessment was undertaken of the likely significant effects of the proposed development on the environment in relation to ground conditions and contamination. The application site is previously undeveloped agricultural land. This application has raised issues of potential contamination of the Galmington Stream and groundwater and additional information has been sought from the applicant and Wessex Water. It is considered no additional information is required beyond that. Overall the impact is not considered adverse.

- *Socio Economics*

An assessment was made of the likely significant effects of the then proposed development with respect to socio economics. It is not considered this application represents any issues in this regard and no additional information has been sought. Overall the impact is not considered adverse.

- *Agricultural Land*

An assessment was undertaken to identify the quality of agricultural land on the application site within the context of the national resource, and of other areas around Taunton.

The land subject to this application was already to be lost from agriculture by reason of the outline application and its designation as a public park (Horts Bridge Park). It is not considered this application represents any issues in this regard and no additional information has been sought. Overall the impact is not considered adverse.

The Council has consulted all relevant parties from the outset of the application.

The conclusions hereon are such that the Council considers the application will not have significant environmental effects as a result of the change to the overall development and a further environmental statement is not required.

Councillor Briefing _

Throughout the assessment of this application it has been necessary to seek a lot more information from the Comeytrove Development Consortium than was original submitted to ensure all concerns, fears and objections are suitably addressed. This was aided by a Briefing to Councilors during January 2021 with the involvement of the Development Consortium and Wessex Water which focused mostly on the water based activities. This briefing is viewable to view on YouTube via this link <https://youtu.be/DrTTazx9h9Q> . Slides from the briefing are viewable on the online case file via www.somersetwestandtaunton.gov.uk, ref 42/20/0042.

It remains therefore to consider the material considerations raised by this application:

Highways Access

The three elements will sit as three separate enclosures towards the periphery of the existing agricultural field near the field's only vehicular access off Comeytrove Lane. In future the field will be combined with others to create Horts Bridge Park.

This will be a large recreation area with a play area, allotments and cycleways/footways. The outline application for the Comeytrove Garden Community shows the field gateway used as part of the site wide cycle and pedestrian network. This application modifies that access arrangement to allow for service vehicles. The vehicular use will only be for such uses, and controlled by lockable bollards, themselves controlled by a proposed condition.

It should be noted that the highway arrangement in this vicinity will change significantly as a result of the Garden Community. Comeytrove Lane will be closed to through traffic at a point south of Honeysuckle House to where the spine road cuts across at grade, just north of the lane to Higher Comeytrove Farm (where hedgerow clearance has been carried out recently). As such the area of Comeytrove Lane fronted by the service vehicle access will only be passed by vehicles accessing Honeysuckle House. Vehicular movements to and from the south of the closure will need to do so via the spine road. Comeytrove Lane (at the point of Honeysuckle southwards) will be downgraded for use by cyclists and pedestrians only to access the spine road cycleway and footway.

Some have commented on the potential conflict of the cycleway and pedestrian pathways weaving through the plant and equipment installations and the presence of service vehicles. This is noted as a fair concern but it is felt the instances of service vehicles being present will be limited and akin to any other pavement or cycleway where utilities run under them (on occasion next to major roads) and statutory undertakers have to close or divert access for Health and Safety reasons. H&S will dictate appropriate safety barriers and signage will be used to direct cyclists and pedestrian to other entry points to the park (in its future state).

Concern has also be raised regarding access by service vehicles when Comeytrove Lane is flooded and several photographs have been supplied showing low level flooding instances from the past as the lane is lower than the application site. The concern being that service vehicles would not be able to access to solve emergency situations. Wessex Water indicate that if an emergency that required the wet well and overflow to be pumped out did coincide with flooding then a manhole 'upstream' (as yet unspecified) would be used by the tanker to suck out material. There is also the option of using access points off the spine road that will be available for maintenance vehicles serving Horts Bridge Park.

The Highway Authority has no objections and it is considered that insofar as the highway access, cycle and pedestrian aspects the developments complies with policy CR7 of the Core Strategy and policy D9 of the SADMP.

Visual Amenity and Landscape Considerations

The site lies within the Comeytrove Green Wedge located alongside the Galmington Stream. The wedge is at its narrowest at its most northern point, which is the field within which the application site lies.

The glossary to the SADMP defines Green Wedge as *“A multi-functional area of land assisting towards a number of objectives including the protection of an area of landscape importance and visual amenity, the prevention of coalescence of settlements, the provision of a 'green lung' for the health and wellbeing of residents, and a valuable wildlife corridor and habitat”*.

Given a recreational park with play equipment, footways and cycleways, plus the spine road for the development has already been approved in the Green Wedge it is not considered this proposal is at odds with the definition of what a Green Wedge is supposed to achieve

As explained previously the three elements will sit as three separate enclosures towards the periphery of the existing agricultural field near the field's only vehicular access off Comeytrowe Lane. In future the field will be combined with others to create Horts Bridge Park.

The most visual aspects of the three elements are the fenced enclosures and the additional hardstanding areas, the plant and equipment itself comprising low level kiosks akin to telephony/traffic light cabinets seen across the country, and underground installations which in time will only disclose their existence due to visible manhole covers.

The fencing comprises 1.8m black Weldmesh fencing. It was previously palisade but the less industrial and fortress looking Weldmesh will be a more sensitive treatment given the longer term use of the surrounding area. An alternative would to have employed cabins akin to those seen used for electricity sub-stations but that would have made the overall effect more bulky and visible.

The application is also supported by a landscaping plan showing additional landscaping over and above that secured in connection with the longer term use of the site as a recreation park. This includes more hedging and trees supported by the SADMP and NP. In the case of the hedging material this will be instant hedging adjacent to the compounds to provide an immediate semi-screening function.

The additional handstanding for service vehicles extends that tarmac surfacing already approved for the Horts Bridge Park cycleway and footways. The additional area is typically shown as granular.

Whilst clearly this application erodes the quality of the approved Horts Bridge Park to some extent, that overall extent is borne out of necessity and is mitigated as far as it possible and reasonable to do so. The fencing and landscaping treatment will ensure that the developments integrate and so do not appear any more out of place than the same types of installation elsewhere in the vicinity.

It is considered the development will maintain the visual amenity of the area and as such complies with policies CP8 and DM1 of the Core Strategy, policies ENV1 and ENV2 of the SADMP and policy E2 of the NP.

Flooding

The three elements subject to this application lie within Flood Zone (FZ) 1. FZ 1 is defined as having a low probability of flooding. This zone comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). It is considered all uses of land are appropriate in this zone.

The wider field in which the application lies, has areas of FZ 2 and FZ 3. It should be noted that if land isn't within FZ 2 or FZ 3 then it will sit within FZ 1.

FZ 2 is where there is a medium probability of flooding. This zone comprises land

assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year. Appropriate uses in FZ 2 include essential infrastructure and the water-compatible less vulnerable and more vulnerable uses (in accordance with the guidance).

FZ 3 are areas of high probability and functional floodplain, where development should be avoided.

As would be expected the area nearest the Galmington Stream is FZ 3 and then as the land rises it changes to FZ 2 and again as the land rises to FZ 1 where the application site is located.

Technical guidance refers to water compatible development being acceptably located within FZ 2. Sewage transmission infrastructure and pumping stations are listed within water-compatible development. As such even had this development been wholly located within FZ 2 there would not have been a technical planning reason to refuse on flooding grounds.

It is considered therefore that there is no flood risk to the development or greater flood risk to others caused by the development; a view shared by the Lead Local Flood Authority (LLFA) and the Environment Agency. Subject to a suitably worded surface water drainage condition requested by the LLFA it is considered the development complies with policy CP7 and CP8 of the Core Strategy and policy ENV5 of the SADMP, policy F1 of the NP and the objectives of the NPPF.

Water Pollution – Galmington Stream

There is no dispute with the view held locally that the Galmington Stream is a valuable ecological and environmental asset. That local value is recognised by the Comeytrove Garden Community development by designating the land around it as a public park (Horts Bridge Park), to be brought forward in the coming years.

The principle local concern regarding polluting the Galmington Stream stems from a fear based on assumption that the sewerage pumping station will discharge directly into it. No water pollution concerns have been raised regarding the water booster or gas reduction facility.

Wessex Water has confirmed that whilst some historic sewerage pumping stations are connected to watercourses, in line with permits granted and monitored by the Environment Agency, they are so for overflow scenarios caused by storm surges where pumping stations are inundated by surface water during storms in developments where combined sewers are operational (that take surface water as well as sewerage).

In the case of the Comeytrove Garden Community which benefits from a comprehensive surface water management strategy it will not need to discharge surface water into the sewer meaning the load at the pumping station is more predictable and therefore preventing any instances of overflowing for this reason. Wessex Water are keen to stress that operationally there are safeguards and management protocols to ensure the sewerage pumping station operates without impacting on local amenity and within pollution regulations, however the use of

non-flushables in the form of wet wipes and fats, oils and grease disposal down kitchen sinks are the kryptonite to any pumping station and misuse of the system might lead to one of the instances where a maintenance crew is called.

Local residents have pointed to the existing New Barn Sewerage Pumping Station at Queensway (which Wessex Water say serves in the region of 200 homes) and the fact it does have such an overflow into the Galmington Stream reflective of the approach at the time that development was built. The assumption and theory of local residents is that this application must propose to do the same. As stated that is not the case and to provide additional comfort a condition is suggested to prevent any connection now or in the future.

To be clear the Water Authorities are subject to stringent environmental regulations with the threat of prosecution should an incident occur. As such the industry as a whole has an active interest in ensuring such incidents don't occur. The detailed response from Wessex Water set out in this report, plus the information given at the briefing and summarised at Appendix A, set out more about how the pumping station will be commissioned, connected and operated all in line with industry standards in line with relevant regulations.

The NPPF definition of water compatible development includes sewerage pumping stations and so there is a clear allowance that sewerage pumping stations can be legitimately located in FZ2 where there is a greater likelihood of flooding than the proposed siting in FZ1, and therefore some acceptance of some material exchange from the sewerage pumping station to the watercourse in those situations. The siting of this application in FZ1 means that eventuality will not likely occur.

If there is no connection there can be no pollution and as such it is not necessary to consider, yet mitigate, any impact on wildlife. There remains no substantive evidence to indicate the proposal would, with certainty, create a pollution hazard to the Galmington Stream or local environment and thereby substantiate a reason for refusal.

Residential Amenity – Sewerage Pumping Station

The principle issues raised with regard to this application in terms of amenity fall into three categories – noise, odour and health and safety.

Noise with regards to the water booster and sewerage pumping station, odour from the sewerage pumping station and the health and safety aspects of the gas reducing station and sewerage pumping station.

A number of queries were raised by local people that related to noise, odour and disturbance, these mostly fall into the operational management aspects of the facilities when built. A table setting out the questions and the answers to these points (not a transcript) is appended (Appendix A).

With regards to the sewerage pumping station the starting point is the development plan, and relevant policies. In this case Policy I4 of the Taunton Site Allocations and Development Management Plan (SADMP) (2016).

It states:

Policy I4: Water infrastructure

Adequate foul drainage/sewage treatment facilities and surface water disposal shall be provided for all new development. Separate systems of drainage with points of connection to the public sewer system or outfalls will be required.

Surface water shall be disposed of by Sustainable Urban Drainage Systems (SUDS) unless it is demonstrated that it is not feasible.

The supporting text explains:

Policy I4 ensures developers have a robust drainage strategy to reduce the risk downstream of pollution and flooding, furthermore, it is recognised that the provision of adequate foul infrastructure is vital to protect the environment and public health.

This policy can be interpreted to command developers to provide suitable foul drainage infrastructure to protect the environment and public health.

Policy DM1 of the SADMP states (extract):

- e. Potential air pollution, water pollution, noise, dust, lighting, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not unacceptably harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment;*
- f. The health, safety or amenity of any users of the development will not be unacceptably harmed by any pollution or nuisance arising from an existing or committed use;*
- g. The site will be served by utility services necessary for the development proposed...*

Policy I3 sets out Council policy on the provision of sewerage pumping stations.

Policy I3: Water management

Proposals for residential or commercial development within the consultation zone of a sewage treatment works or within 15 metres of a standard pumping station must demonstrate through an impact assessment that they are not adversely affected by odour, noise or vibration. Proposals that are affected will not be agreed without adequate mitigation.

The supporting text explains:

The amenity of residents and occupiers of any proposed development may be negatively impacted by existing operational wastewater or water supply infrastructure, due to odour emissions, noise or pollution. The operational ability of essential infrastructure could also be compromised. Wessex Water require consultation for proposals within a sewage treatment works consultation zone and/or 15m of a sewage pumping station to ensure that the proposed development can co-exist [case officer emphasis]. Consultation

zones range from 250m to 400m from the boundary of the sewage treatment works, the radius depends on population/traders served and the nature of processes on site.

From this one can deduce that 15m is a critical distance in maintaining amenity and that whilst the emphasis in the policy is about locating houses near an existing sewerage pumping station, the opposite scenario of placing sewerage pumping stations near to existing houses must also be applicable.

So where does 15m come from as a threshold?

The Council's Sustainability Appraisal to the SADMP says the purpose of the policy is to *"ensure residents are not affected by odour, noise and vibration."*

It then goes on to say: *"By preventing unmitigated development in areas affected by sewage works or standard pumping stations, this policy will reduce unneighbourly uses and ensure that residents are not affected by odour, noise or vibration [case officer emphasis]. This will maintain the quality of life for residents, which is also likely to benefit their mental and physical wellbeing."*

The Development Consortium maintain the application proposal is in accordance with Policy I3, as the proposed pumping station is more than 15 metres from the nearest habitable dwelling. As a result, no impact assessment for noise, odour or vibration has been submitted to accompany the application as compliance with Policy I3 will mean that *"residents are unaffected by odour, noise and vibration."*

In order for TDBC to include such a threshold it would have engaged at the plan making stage with the statutory undertaker Wessex Water whom would have had regard to industry standards. Wessex Water refer to The Sewerage Sector Guidance; Design and Construction Guidance (or DCG), which is available to view on Water UK's website. This guidance ensures networks are designed to be watertight, of appropriate capacity, maintainable and at an appropriate distance to avoid impact from noise, vibration and odour. Wessex Water state they are obliged to adopt networks which are in compliance with the DCG. Given the industry guidance and standards are well known all engineers and equipment providers design their part of the facility to accord.

Mitigating factors other than distance include the fact the proposal is underground and so not disturbed by wind strength or direction, the pump system is design to move effluent before it could become septic and venting to a high level is provided by a vent stack (with the appearance of a standard lighting column). Temporary chemical dosing in the early stages whilst flows through the pumping station is also an option. The overriding message from Wessex Water is:

- Pumping stations are common infrastructure,
- Wessex Water are accustomed to operating such infrastructure effectively,
- If built to industry standards and maintained and operated effectively there should be no odour and noise issues,
- The facility is monitored remotely by telemetry,
- That Wessex Water have a 24 hour phonenumber where issues can be reported (although complaints relating to pumping stations are few),
- Complaints will be investigated and mitigated,
- That misuse of the system should be avoided by customers,

- Complaints can also be reported to SWT Environmental Health, and
- Industry standards are in place to protect the environment and local residents.

It is acknowledged that this aspect of the proposal is most of concern to those residents whom live nearest. Honeysuckle House is 18m from the Pumping station and Roundwood is 70m distant. Both are in excess of the industry and SADMP requirements. There will be intervening planting and the mitigation measures explained previously. Nevertheless the concerns of those residents permeates local ward councilors and will be amplified to members of the planning committee. As such a condition is proposed to require future assessment of odour and noise throughout the construction period of the Garden Community as flow rates increase as occupations occur. To be clear this in no way is an admission or prediction that such issues will result, merely a belt and braces approach and in order to give planning committee members comfort that they may grant planning consent. The condition includes a mitigation requirement should any issue be uncovered by the surveys. This approach supplements the existing nuisance reporting options to Wessex Water or SWT Environmental Health.

It is noted that SWT Environmental Health would have preferred surveys at the application stage but based on the application information that has been submitted and the views of Wessex Water, there is no objection raised.

It must also be noted that any noise assessment would start with the baseline existing noise environment. It is evident that the noise environment around the immediate area will change considerably over the next 20 years. The approval of the outline application already means through traffic on Comeytrove Lane will cease and be replaced by a spine road some 100m to the south, that the employment area near Comeytrove Manor some 100m from the site will be demolished, that a public park with neighbourhood play area will be located immediately adjacent to the application site and within view and earshot of those same residential neighbours, and that footways and cycleways will run behind those same properties and finally that a primary school will be located adjacent to Horts Bridge Park. There is of course construction noise from across the site. As such the surveys undertaken throughout the life of the development in accordance with the proposed condition will reflect this change in the overall noise environment.

Health and Safety has been raised as an issue, the perceived explosion risk from gas generated by the sewerage. Wessex Water carry out such risk assessments and suggest there is a low risk factor in this situation.

It is therefore considered that the sewerage pumping station would not cause demonstrable harm to the residential amenity of adjacent neighbouring properties by noise, odour or disturbance.

Residential Amenity – Water Booster

The primary concern here is the potential for noise. Honeysuckle House is 29.5m from the Booster Station and Roundwood is 28.5m distant.

Wessex Water has commented on the matter of noise from the Booster Station:
 “The internal noise in any building or kiosk shall not exceed 80 dbA (that means inside the booster station). A target < 70 dbA shall be set – The

perceived noise at a distance of 1m from the outside of the building containing the pumps, shall not exceed 75 dbA.

75 dbA is the limit set at 1 metre from outside the booster building. The dbA level will reduce with distance from the station. British Standard 8233: Sound Insulation and Noise Reduction for Buildings – Code of Practice indicates a level of 30 dbA as “good” inside living rooms and bedrooms and 35 – 40 dbA as “reasonable”. We have previously carried out Noise and Vibration studies to support our own booster planning applications. These are site specific and take into account other factors such as existing background noise and ground conditions and can not be used in comparison. Wessex Water will adopt booster stations where the risk of noise and vibration is mitigated to acceptable levels”.

On the basis of this information, the lack of objection from Environmental Health and the proposed monitoring condition it is therefore considered that the water booster station would not cause demonstrable harm to the residential amenity of adjacent neighbouring properties.

Residential Amenity/Health and Safety – Gas Reduction Station

The primary concern here is the potential for noise and health and safety concerns. Honeysuckle House is 10m from the gas station or governor and Roundwood is 44.5m distant.

Wessex Water do not consider the sewerage pumping station or water booster to be a risk to the gas reduction station.

Unlike the pumping station for the foul network the works to the Gas main themselves and the valves around them will not be installed by the developer, who will only construct the plinth and compound. Bringing the two mains systems together, the valve works and the enclosure are all completed by the Gas Supplier. As you can imagine by the nature of the works this is strictly controlled by the Gas industry to their own national standards

Relevant standards are an IGEM (Institution of Gas Engineers and Managers) document IGE/TD/13 Edition 2. This document is part of a wider suite of documents and specifically covers design, operation, maintenance and safety considerations of Pressure Regulation installations, PRI's also known as Gas Governors. It is an industry wide recognised document. It is understood this particular installation will be installed operated and maintained from day one by the nationally registered energy supplier GTC.

The operator will be heavily regulated in terms of health and safety and it should be noted that a similar installation is located just up the road on Comeytrove Lane, approx. 50m north of Queensway, closer to a residential property and public highway than the one proposed here. The planning system is not the health and safety authority but as a responsible authority it should ensure risks are not heightened by any planning decision.

It is therefore considered that the gas reduction station would not cause demonstrable harm to the residential amenity of adjacent neighbouring properties or posed an obvious health and safety matter that in itself would not be regulated by

other legislation.

'Why can this development not be put somewhere else?'

The primary objection to the application is the perceived pollution to the Galmington Stream. That attracted a lot of objections to this application and the setting up of a local action group to 'save the stream'. The other main objection to this application is that the development is too close to residential properties based on noise and odour. The shortcut in that argument has transpired as 'why cant you just put it elsewhere, anyway just so long as it isn't near us' type argument. The fact of the matter is that the application has to be considered on its own merits. That does not include a sequential test type approach, merely an assessment of whether the chosen location accords with relevant policies. The assessment in this report concludes it does accord with policy and as such, as harsh as it sounds, it is academic to the determination whether there is another location or not. If the chosen location does not accord with policy then the application should be refused on clearly evidenced and demonstrable reasons. The Development Consortium is very clear that the chosen location is the one that works best from an engineering perspective whilst according with the relevant industry standards and guidance and local planning policy and as such do not feel it is necessary to propose another location.

Comments they also make regarding another site –

- It would have to meet DCG for pumping stations,
- It would need to be accessed via public highway,
- The chosen strategy means less work in proximity to the Galmington Stream, if another site is chosen this work may be required again,
- The chosen site is demonstrated as the lowest part of the Garden Community site and as such aids gravitation drainage to the pumping station,
- Maintenance costs and issues over the lifetime of the pumping station will be reduced by locating in the optimal engineering position,
- A bespoke design at a higher elevation will mean a deeper well rising additional health and safety issues for maintenance crews,
- A deeper well elsewhere on site would require a greater amount of pumping to take place increasing energy consumption, and
- A bespoke solution raises potential adoption issues.

Ecology _

The ecological appraisal include a field-based investigation and this has informed that no specific mitigation is required and only method only statements are required in relation to nesting birds, dormice and reptiles together with a pre-commencement survey for badgers. The information has been reviewed by the Councils' Ecologist and no objections are raised.

Impact of Heritage Assets _

The nearest Conservation Area is located to the south in Trull some considerable distance from the site. The nearest Listed Building is Comeytrowe Manor located approx. 115m to the north/north-west. It is not considered neither heritage asset is impacted by the proposal, indeed neither the Conservation area nor Listed Building are particularly visible from the site, nor vice versa.

It is considered the development will safeguard the setting of heritage assets in the locality and as such complies with the objectives of protecting heritage assets in the NPPF.

Other Matters

Whilst not directly applicable to the determination of this application it has been asked whether additional sewerage pumping stations, gas reducing stations and water boosters will be required to serve the site.

The Development Consortium has indicated they do not anticipate any further gas reducers or water boosters within the site to supply the full development. They are currently reviewing the drainage for the eastern neighbourhood and there may be a need for a secondary pumping station to overcome the need for some overly deep drainage through this section of the site. This will be contained within the site (location to be determined), and they are trying to design out the requirement. If needed it would pump to the top of the hill and then gravitate down to the pumping station subject to this application.

The Development Consortium has also indicated there are no other utility supply issues that need to be addressed beyond this, other than the standard inclusion of distribution substations within the Reserved Matters applications for the subsequent parcels.

The Requisition Process and Permitted Development

In making any decision the decision-maker must be appraised of as much information as possible and any fallback positions. As such it is necessary to be aware of the requisition process. A developer can instruct the Sewerage Undertaker to requisition a sewer pipe across third party land. Under the Water Industry Act Sewerage Undertakers have special powers to do this by formal notice.

This could also extend to the sewage pumping station and booster station by utilising permitted development rights afforded to statutory undertakers. In this case Part 13 of the General Permitted Development Order is applicable (<https://www.legislation.gov.uk/ukxi/2015/596/schedule/2>).

Part 13 provides rights for sewerage and water works that fall within certain criteria. Rights exist for water boosters and sewerage pumping stations to be constructed using permitted development rights. The applicant is at liberty to request a planning permission even if the proposed could be considered permitted development. It is not for the Council at this time to conclude whether what has been proposed in this application would otherwise be permitted development. That can only be established formally via a Certificate of Lawful development, a legal interpretation of the compliance with the order, not a merit based assessment and not subject to public consultation.

That situation may only materialise if the application was refused. If the development was constructed under permitted development rights there wouldn't be the potential to impose the conditions proposed in this recommendation.

To be clear Councillor's have sufficient grounds to approve this application based on its merits assessment. However if they were to refuse the Consortium would look at the reasons for refusal and may appeal, resubmit another application tackling those stated reasons and/or consider a Certificate of Lawfulness, if only to secure a fallback position.

Councillor's can be forgiven therefore for thinking how can a proposal that has attracted this many objections and concerns be considered in any form as permitted development.

There lies the principle point throughout this whole application is that this is a standard type of infrastructure which is evident across Taunton and the country, that will be built to industry guidelines that protects residential amenity and the environment and will be managed by appropriate statutory undertakers.

Habitats Regulation Assessment

Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').

In its letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is "...*unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated*" as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.

The issue in terms of the Ramsar Site is that the conservation status of the designated site is 'unfavourable' in consequence of eutrophication caused by excessive phosphate levels.

The typical consequence of such excessive phosphate levels in lowland ditch systems is "*the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna*".

This excessive growth "*adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia*" which in turn allows those species better able to cope with such conditions to dominate. The result is a decline in habitat quality and structure. NE state that "*The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive P and the resultant ecological response, or at risk from this process*".

NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works ('WWTWs')) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the

Ramsar Site have a phosphate level classed as significantly less than 'Good' by reference to the Environment Agency's Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a "Poor Ecological Status".

NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations Assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

The Council and the Development Consortium has sought advice from Somerset Ecology Services (the Councils' retained Ecologist's) regarding the need for a HRA. The advice given can be seen in the consultees section of this report and concludes that because the sewerage pumping station does not actually produce the waste, and is merely a conduit from housing, that a HRA is not required in connection with this application. It remains the fact however that any future Reserved Matters applications considered hereon will need an HRA as the source of the waste/phosphorous.

Conclusion and planning balance

The delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area. This is given significant weight in the planning balance.

The principle of development of a Garden Community on this site was agreed by way of an outline planning permission. The development consortium is building momentum by opening up the site and seeking reserved matters approval for dwellings, even in increasingly uncertain times.

This additional utility requirement in the form of the sewerage pumping station has materialised through detailed design work that only comes at the implementation stage and has required a different approach to the foul drainage strategy.

Having had regard to the representations of objection and the advice of the various consulted parties, it is considered that with regard to the planning balance the need for the scheme outweigh the impacts. It has been concluded that the development will unlikely yield demonstrable harm argued by local residents.

Utility infrastructure, whether it be for sewerage, electricity, gas and/or telecommunications is never welcomed when it is visible and perceived as impactful to the host community, however it is imperative provision so that the community can all flip a switch, flush the loo, use mobile phones, and live the lives they have become accustomed to.

Whilst the reasons for concern, fear and objections are understood the planning committee will need to decide if any of those matters individually or collectively warrant withholding planning permission, and furthermore what the planning reasons would be and what demonstrable evidence would be provided and expert witness' called should the matter be subject to a future appeal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Simon Fox

Appendix A

Here are specific answers from Wessex Water to issues relating to the operation of the sewerage pumping station raised by local residents in connection with application 42/20/0042.

<p><i>How is the facility managed? What are the common errors and faults during operation?</i></p>	<p>If the facility is managed by Wessex Water once adopted it will be operated remotely by telemetry. Actual site visits will be carried out twice yearly and in response to any telemetry alarms. The biggest cause of issues at pumping station are the impact of non-disposable items on pump performance. If upstream sewers are of poor construction groundwater can enter causing the pump to operate for longer and increase the risk of flooding. (as can urban creep)</p>
<p><i>If there are odour problems who do we call? Will they fix them?</i></p>	<p>Once the pumping station is adopted by WW our control centre on 0345 6003600. We will investigate and consider mitigation measures. The pumping station is designed to minimise septicity issues – which can sometimes occur at smaller stations where the sewerage is in the wet well for longer periods of time or small amounts pumped forward to the network (here complaints would be received from the connection point)</p>
<p><i>If the planner envisions installing chemical injection into the sewer system to mitigate odours, is Wessex Water actually obligated to do this? Who will pay for it?</i></p>	<p>Sometimes Chemical dosing is undertaken temporarily through initial phases where the build up of flows are slow. Our odour expert advises on this. We will undertake dosing only where necessary due to cost and environmental impact of the production of dosing chemicals.</p>
<p><i>If there is an equipment failure, what kind of alarms are sent? Does Wessex Water have an operator on call after hours? Is there a red light that will disturb nearby residents?</i></p>	<p>Our 24 hour control centre will be alerted remotely via telemetry. There are no on site operational alarms. Operators are on call locally and will be scheduled to attend.</p>
<p><i>What equipment will they bring in for maintenance: a crane, a tanker truck with a pump, a generator?</i></p>	<p>A lifting davit will be available on site to lift the pumps from the wet well so a crane will not be necessary. A small van will attend for scheduled maintenance visits. A generator will be required if there is a loss of power longer than 6 hours. A tanker truck will only be required in emergencies.</p>

<i>How often will they remove the cover from the wastewater wetwell for equipment maintenance? How long will this take on each occasion?</i>	Twice a year - It will be a visual inspection – minimal time.
<i>If the wastewater station overflows during a power outage, who will clean up the mess?</i>	The station should not overflow due to the 6 hours storage; where this is exceeded the upstream system could surcharge – leading to restricted toilet use and eventually – although unlikely – to flooding. Where Wessex Water is the undertaker we will clean up and compensate.
<i>Will there be a washroom facility at the station for visiting staff?</i>	Visiting staff vans are equipped with clean water and washing facilities. Local operations depot have restroom facilities
<i>Can stored sewerage waiting to be pumped go septic?</i>	Only if it is retained longer than intended due to another issue.
<i>What is the capacity of the existing system in the area and what additional capacity does this facility provide?</i>	The existing system is limited the pumping station allows the flows to be regulated and pumped to the point in the network with the greatest capacity.
<i>Why isn't there an on-site generator?</i>	It would not be cost effective. But facilities on site to accommodate a temporary generator.
<i>What are the chances of sewage leaks that will end up contaminating the ground water?</i>	Rare – it is up to all of us not to abuse the system (non flushables) Measures are in place to ensure an air tight system is provided that will work effectively and attended to in the event of an emergency. There is no risk to drinking water
<i>What are the risks of failure of seals and joints, especially in the rising main?</i>	The rising main will be constructed by Wessex Water.
<i>How do you access the compound during an emergency if Comeytrowe Lane is flooded?</i>	We can look at a point upstream if necessary to tanker from.
<i>Will any of the infrastructure be enhanced above standard design e.g. extra linings, covers, enhanced joints and seals?</i>	The Design and Construction Guidance is the water industry standard and deemed sufficient.

42/20/0031

VISTRY AND LIVEWEST

Application for approval of reserved matters in respect of appearance, landscape, layout and scale, following outline application 42/14/0069, for Phase H1A for the erection of 76 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works with additional details as required by Condition No's 7, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land at Comeytrove/Trull

Location: LAND AT COMEYTROWE/TRULL

Grid Reference: 319761.123452

Reserved Matters

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

DrNo PL-VI-01 RevA	Site Location Plan
DrNo PL-VI-02 RevB	Site Context Plan
DrNo PL-VI-03 RevI	Planning Layout
DrNo PL-VI-04 RevF	Materials Plan
PL-VI-04.1 RevD	Materials Plan Specification
DrNo PL-VI-05 RevD	Boundary Treatments plan
DrNo PL-VI-05.1 RevB	Boundary Treatments
AC-VI-03 RevG	Accommodation Schedule
SS-VI-01 RevB	Street Scenes and Sections
DrNo HT-H1a-G-S224-01RevB	Housetype, Gateway Frontage – S224
DrNo HT-H1a-G-X306-01RevB	Housetype, Gateway Frontage – X306
DrNo HT-H1a-G-X306-05	Housetype, Gateway Frontage – X307
DrNo HT-H1a-G-X307-01RevC	Housetype, Gateway Frontage – X307
DrNo HT-H1a-G-X307C-01RevB	Housetype, Gateway Frontage – X307C
DrNo HT-H1a-G-X307C-05	Housetype, Gateway Frontage – X307C
DrNo HT-H1a-G-X309-01RevD	Housetype, Gateway Frontage – X309
DrNo HT-H1a-G-X309-02	Housetype, Gateway Frontage – X309
DrNo HT-H1a-G-X309-03	Housetype, Gateway Frontage – X309
DrNo HT-H1a-G-X413-01RevC	Housetype, Gateway Frontage – X413
DrNo HT-H1a-G-X413-02	Housetype, Gateway Frontage – X414
DrNo HT-H1a-G-X414-01RevD	Housetype, Gateway Frontage – X414
DrNo HT-H1a-G-X 414-03 RevA	Housetype, Gateway Frontage – X414

DrNo HT-H1a-P-X204-01RevB	Housetype, Primary Frontage – X204
DrNo HT-H1a-P-X306-02RevB	Housetype, Primary Frontage – X306
DrNo HT-H1a-P-X306-06RevB	Housetype, Primary Frontage – X306
DrNo HT-H1a-P-X307C-04 RevA	Housetype, Primary Frontage – X307C
DrNo HT-H1a-S-A10L-01	Housetype, Secondary Frontage – A10L
DrNo HT-H1a-S-X204-02RevB	Housetype, Secondary Frontage – X204
DrNo HT-H1a-S-S224-02RevC	Housetype, Secondary Frontage – S224
DrNo HT-H1a-S-X306-03RevD	Housetype, Secondary Frontage – X306
DrNo HT-H1a-S-X306-04RevB	Housetype, Secondary Frontage – X306
DrNo HT-H1a-S-X306G-02RevB	Housetype, Secondary Frontage –X306G
DrNo HT-H1a-S-X306G-03RevB	Housetype, Secondary Frontage – X306G
DrNo HT-H1a-S-S325-01RevB	Housetype, Secondary Frontage – S325
DrNo HT-H1a-S-S325-02RevB	Housetype, Secondary Frontage – S325
DrNo HT-H1a-S-X307-02RevB	Housetype, Secondary Frontage – X307
DrNo HT-H1a-S-X307-03RevB	Housetype, Secondary Frontage – X307
DrNo HT-H1a-S-X307C-02RevB	Housetype, Secondary Frontage – X307C
DrNo HT-H1a-S-X307C-03RevB	Housetype, Secondary Frontage – X307C
DrNo HT-VI-GAR-01	Single Garage
DrNo HT-VI-GAR-02	Double Garage Double Owner
DrNo HT-VI-GAR-03	Double Garage Extended
DrNo SRS-VI-01	Steps and Railings Study

DrNo BR-L-N1-PL210 Rev E	Planting Plan Layout
DrNo BR-L-N1-PL211 Rev E	Planting Plan Sheet 1 DrNo
BR-L-N1-PL212 Rev E	Planting Plan Sheet 2
BR-L-N1-PL101 RevB	Tree Layers Plan Strategy
BRL-L-N1-PL303	Landscape Details, Tree Pits,
BR-L-N1-PL102 RevB	Central Key Space
BR-L-N1-PL103	Gateway Key Space

DrNo 02-ATR-1001 RevB	Fire Tender Tracking Plan
DrNo 02-ATR-1101 RevB	Refuse Vehicle Tracking Plan
DrNo 02-DR-1001 RevA	Preliminary Drainage Layout
DrNo 02-GA-1001 RevA	Preliminary Highway Levels Plan 1
DrNo 02-GA-1002 RevA	Preliminary Highway Levels Plan 2
DrNo 02-GA-1101 RevA	Preliminary Adoption Plan
DrNo 02-GA-1201 RevA	Preliminary Junction Visibility
DrNo 02-RP-1001 RevA	Preliminary Road Profile 1
DrNo 02-RP-1002 RevA	Preliminary Road Profile 2

Energy and Sustainability Statement, AES Sustainability Consultants Ltd, July 2020

Noise Impact Assessment, Stantec, November 2020

Drainage Statement 1033 Rev B, awp, August 2020

DrNo 02-DR-1001 Rev B Parcel H1a Preliminary Drainage Layout

Planning Statement

H1a Compliance Statement, COM-VI-01

Western Neighbourhood Master Plan and Design Guide, (incl. Appearance Palette), March 2020

Phosphate Mitigation Strategy, Rev 6, Brookbanks, 14/01/2021

Fallow Land Management Plan, edp782_r055c, 15/01/2021

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

2. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the final occupation within Phase H1a.

For a period of ten years after the completion of the development (Phase H1a), the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement

and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.

3. The development hereby approved shall be carried out in full accordance with the materials plan and specification DrNo PL-VI-04 RevF and PL-VI-04.1 RevD unless any variation in writing is first agreed with the Local Planning Authority.

Reason: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.

4. The development hereby approved shall be carried out and completed in full accordance with the recommendations of the Noise Impact Assessment (Stantec, November 2020) and the specifications set out in the Energy and Sustainability Statement (AES Sustainability Consultants Ltd, July 2020).

Reason: To safeguard residential amenity and in the interests of climate change objectives to accord with Policies CP1, CP8, DM1 and DM5 of the Taunton Deane Core Strategy and the provisions of the NPPF regarding achieving a good standard of amenity.

5. Prior to first occupation of any dwelling, facilities for the charging of electric vehicles shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.

6. Prior to commencement of development to implement the Phosphates Mitigation Strategy (Rev 6, Brookbanks, dated 14/01/2021) and Fallow Land Management Plan (edp782_r055c, 15/01/2021) in so far as they relate to the

development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow HRA Assessment Report 210115_P1136_sHRA_Final, ead, 15/01/021 shall be implemented.

Reason: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. 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.
3. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
4. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.

Proposal

Reserved matters approval is sought, for the appearance, landscape, layout and scale of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, incidental public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1a-Vistry/LiveWest) on land at Comeytrowe/Trull.

This is the second reserved matters approval sought in relation to housing at this strategic site. Councillors will recall considering application 42/20/0006 seeking 70 dwellings on a neighbouring parcel (H1b-Taylor Wimpey) with that permission being issued in July 2020. These residential schemes follow the approval, by committee, of reserved matters relating to strategic infrastructure (spine road, strategic drainage and public open spaces areas) for the western neighbourhood, ref 42/19/0053.

The outline application, ref 42/14/0069, for this 2000 dwelling development was accompanied by a viability assessment, which made assumptions around the costs and timescales for delivery of this strategic site, with the delivery of affordable housing being agreed at 17.5%. However, it is noted that following the allocation of funding by Homes England, affordable provision across the site is being supplemented with 'additionality' affordable units. This parcel contains such 'additionality' units. This does mean the developer is under stringent timescales to get the additional affordable homes consented and constructed by LiveWest ahead of the Government's funding deadline.

The 76 dwellings comprise 2, 3 and 4-bed houses and also 1 bed flats (50 market, 26 affordable). 14 affordable units are secured via the s106 and 12 units represent the 'additionality' units.

Parcel H1a is located on the periphery of the site sharing its north-eastern boundary with the A38 and its north-western boundary with the residential property formally known as The Croft, which has been demolished and is in the process of being replaced with four dwellinghouses (ref 05/11/0042). The eastern boundary adjoins the approved H1b parcel and also parcel H1c(i) which exists as a pending Reserved Matters application (42/20/0056). The western and southern boundaries will adjoin the new A38 Gateway roundabout and spine road respectively.

A new play area within an area of open space is to be located to the north-east of parcel H1a (via a separate application).

The principle and layout (within the western neighbourhood) inclusive of street hierarchy and cycle paths were approved as part of the Outline (42/14/0069) and Infrastructure Reserved Matters (42/19/0053) consents. In order to ensure the safety of cyclists and ensure the route is given a high level of priority in the movement hierarchy the number of access points on the northern side of the primary spine road has been limited meaning parking has been provided in rear access courts for properties fronting the spine road.

To the west of the parcel the existing public footpath travels in a north-south direction, this footpath was incorporated into the now approved layout for parcel H1b.

The proposed dwellings are all two-storey houses save for three pairs of dwellings which are 2½ storey containing dormer windows and one 2-storey building which is split into two flats. The 2½ storey dwellings are located in key positions to add variety to the urban form in line with the Design Guide.

The proposed dwellings consist of a mixture of detached, semi-detached and

terraced properties. The majority of dwellings are of a simple rectangular floorplan with pitched roofs. All dwellings have allocated parking as well as cycle storage in shed or garages.

Landscaping is proposed within the parcel including trees on all streets, hedges to provide boundaries, landscaping within parking courts and vertical planting.

Since submission a number of amendments to plans have been sought and submitted. In summary this includes additional detailing to the proposed dwellings, amendments to better respond to urban design principles and improvements to proposed landscaping.

Site Description

Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use garden community at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the north and north-east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

The area submitted for approval with this application comprises parcel H1a of the site and is the only residential parcel that sits exclusively within the parish of Bishops Hull. The remainder of residential parcels across the site fall within Trull parish.

The site slopes from the north-east to the south west and increases in elevation to the A38. The hedgerow that bordered the A38 has been removed to allow the roundabout works and will be replaced in time with a landscape buffer, already approved. This parcel is separated to parcel H1b by way of a hedgerow, which has been incorporated into the proposed layout. It also acts as defining feature of a Right of Way situated to the eastern boundary of this parcel and providing a footpath link between the junction of the A38/Jeffreys Way to the north and Higher Comeytrove Farm to the south.

There is existing landscaping to the boundary with the site known as The Croft. There are no trees of note within this parcel.

Relevant Planning History

Ref. 42/14/0069 - Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility - Approved 8 August 2019.

Ref. 42/14/0042 – Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under

Planning Application No. 42/14/0069) on Honiton Road, Trull – Approved 9 August 2019.

Ref. 42/19/0053 - Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrove/Trull - Approved 18 March 2020.

Ref. 42/20/0005/DM - Prior notification of proposed demolition of chicken coops on land south west of Taunton - No objection subject to conditions 21 February 2020.

Ref. 42/20/0006 - Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrove/Trull - Approved 22 July 2020.

Ref. 42/20/0024 - Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrove/Trull - Currently deemed invalid.

Ref. 42/20/0042 – Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull – Pending.

Ref. 42/20/0043 - Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull – Approved 19 October 2020.

Ref. 42/20/0056 - Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c on land at Comeytrove/Trull – Pending.

Ref. 42/21/0004 - Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Parcel H1d, Comeytrove/Trull – Pending.

Consultation Responses

A summary is given, all consultee responses are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

BISHOP'S HULL PARISH COUNCIL – Objection:

- *With the previous application for pumping station (42/20/0024) being deemed invalid, surely no development can proceed until the issue of drainage is resolved?*
- *No public open space, play provision or local amenities provided for the proposed new 75 houses or for the previous 70 house (42/20/0006)*

Previous objections are reiterated concerning the spine road completion, the need for the school and adequate measures to prevent flooding.

TRULL PARISH COUNCIL (Adjoining PC) – Objection:

- *“Despite the apparent deadline for comments online there are not yet any responses from key internal consultees such as the Placemaking Specialist and the LLFA, both of whom objected initially to application 42/20/0006 for the first parcel of houses (the Placemaking Specialist maintained her objections despite some amendments to the plans). It is impossible for the public and Parish Councils to comment meaningfully without all the information being made available to them”.*
- *The site requires an updated EIA.*
- *Conditions of the outline permission remain to be completed despite the assurances from the applicants.*
- *The District Council has an obligation to follow the guidance on garden town planning.*
- *The houses are not distinctive.*
- *The key space is insufficient.*
- *The houses should be future proofed.*
- *Emails concerning the validation of the application should be reinstated online.*

Additional comments:

1. *The application form states 75 houses and lists ‘public open space’ as one of the things it is asking permission for. There is no public open space on the plans and the number of houses has become 76.*
1. *This area was agreed on the Density Parameter Plan (as approved as part of 42/14/0069) to be of low housing density and whilst the number of houses complies with the number of houses per hectare (20-40), the Parameter Plans specifies that this area will be made up of ‘predominantly detached houses’. In fact only 15% of the housing types are detached.*
2. *The Placemaking Specialist objects to yet more poorly designed, bland and non-distinctive housing styles. This is the part that will be seen by everyone driving into Taunton from the west along the A38 – it is not acceptable that a so-called Garden Town should have yet more poorly designed houses lining its approaches.*
3. *Condition 13 – requires a detailed drainage scheme for this parcel of land. It hasn’t yet been done.*
4. *Conditions 23, 24, and 26 are required to ensure that cycleways and footpaths are properly planned and built before houses are built but their details have yet to be agreed.*

5. *The Phosphate Mitigation Strategy is a rushed concept which assumes the reduction in (theoretical, future) agricultural inputs of phosphate will mitigate against the amount of phosphate produced by the new houses. Whilst they have attempted to follow Natural England's guidance there remain many questions: what about the 0.33 ha which is now part of 42/20/0042? This is marked on the map as fallow land. What about the spine road? What about the existing right of way across the western side of the site which according to the Fallow Land Management Plan will allow no public access? What about the areas that are shown as white on the map – what will they be? What about the areas which combine fallow land with Public Open Spaces? How are they compatible with the requirement for no public access?*
6. *The site also requires an updated EIA as 7 years have now passed since it was done before.*

COMEYTROWE PARISH COUNCIL (Adjoining PC) – Objection:

New Objections:

- *There is insufficient buffer/protection between the proposed development site and the existing adjacent property. It is worrying that this may set a precedent for the next phases where the development site adjoins existing properties where no 'green zone' has been detailed on the plans.*
- *It should be noted that the original outline application detailed these areas as residential, to include play parks, green areas, appropriate landscaping, etc., however, these green elements seem no longer included within the detailed scheme. This is an important aspect of the design that is critical in protecting the privacy and wellbeing of existing residents.*

Previous objects are still relevant to this application as listed below:

- *Lower density houses were promised at the north and west sides and at the higher points and ridge lines of the development. The artists impression shows higher density housing at these locations.*
- *It appears SCC require additional land for an 'all through' school, to include both primary and secondary education.*
- *The climate emergency announced by the Government is at odds with the current mitigation measures detailed within the proposal which now seem insufficient.*
- *Hedgerows along the A38 towards Rumwell have been ripped out prematurely and without the necessary promised consultation.*
- *The promised Environmental Impact Assessment appears not to have been forthcoming.*
- *Hilltop parks were promised at high points, but these are missing from the draft plans.*
- *The Spine Road – Needs to be completed early in the development.*
- *School – Construction of the School needs to be a priority at the early stages of the development.*
- *Local Area - The impact on the surrounding area during and after the development needs careful consideration.*
- *Flooding Measures - flooding prevention in the area needs for proper investigations to be carried out and adequate plans put in place to ensure the development does not impact on this.*
- *Enforcement of Planning Conditions – It is essential that SW&T ensuring that proper enforcement is carried out to ensure the developers adhere to the Traffic Management plan before commencement of the development (e.g.*

Wheel wash in place).

Officer comment: Answers to the points raised here by the three parish councils are detailed in the officer assessment section later in this report and also specifically in **Appendix A** to this report.

ENVIRONMENT AGENCY – No objection on flood grounds.

“The Environment Agency has no objection to amendments to this Reserved Matters application, as detailed below, as Phase H1A is located in Flood zone 1, at low flood risk, and does not impede on the flood plain

Submission of Phosphate Mitigation Strategy, Fallow Land Management Plan, Shadow HRA Assessment report and Strategy Composite Plan, Clarification of Layout Plan for 76 No. dwellings (PL-VI-03RevI), revised materials plan (PL-VI-04RevF), front steps detail, Noise report (stantecNov20), Drainage Statement (awpAug20RevB) and submission of Heritage Briefing Paper (edpJan21)

However we do make the following comments:

Natural England (NE) should be consulted to ensure their interests are not adversely affected by this proposal, particularly with regard to the phosphate stripping.

The Lead Local Flood Authority (LLFA) should be consulted with regard to the surface water drainage and to the SuDS design.

Some of the phosphates are to be offset by the creation of SUDS, therefore it must be ensured that the SUDS are adequately maintained for the lifetime of development. This should be discussed with the LLFA and NE”.

LEAD LOCAL FLOOD AUTHORITY – No objection.

“It is noted some changes have been made to the masterplan layout and a corresponding revised drainage layout has not been provided. However, given the LLFA’s previous comments and acceptance of the reserved matters application for this parcel on the 25th September 2020, the LLFA is content to accept this minor masterplan change.

LLFA expect the principles set out in the drainage layout (02-DR-1001 RevB, dated 4th August 2020) and associated statement to be carried forward into the final detailed design, namely the inclusion of permeable paving, filter drains and bioretention/raingarden areas”.

Comments also provided regarding condition discharge.

WESSEX WATER – No objection to RM app.

Advisory comments also made regarding the parallel discharging of Condition 11 of the outline consent.

HISTORIC ENGLAND – No detailed comments to make.

Refer to SWT Conservation Specialist to ensure all opportunities have been taken to mitigate potential impacts on designated heritage assets including listed buildings.

SWT CONSERVATION OFFICER – No objections:

“With reference to outline Application 42/14/0069 the conservation officer’s comments were as follows:

“Further to my consultation response of 9 February, I have now had the opportunity to view both parts of the submitted heritage assessment (listed separately as appendix 13.1 and figure 13.0 on the TDBC website). I can

confirm that these documents use an appropriate and sound methodology proportionate to the scale of the development and allow the impact on the built heritage assets to be properly assessed. Having assessed the reports on site, I would broadly agree with the findings. I have identified no harm, either physical or to setting, to the built heritage assets that could under the terms of the National Planning Policy Framework be described as 'substantial'. The 'less than substantial harm' to the setting of the Conservation Area and Listed Buildings is at the lower end of the scale and is accurately set out in Table 13.4 of the report as at worst moderate and can be further reduced through mitigation measures. In terms of these measures, further details will be required, particularly the treatment of the Honiton Road area, which will directly impact Trull Conservation Area. In summary, while the proposed development would not enhance the significance of the built heritage assets, neither would it result in a degree of harm that causes me to object in principle to the scheme on conservation grounds."

The letter from Historic England 26 May 2015 had no undue concerns for the following:

"Trull Conservation Area, Poundisford Park Pale. With regard to the listed buildings there are two specifically that have the potential to be affected, Chilliswood farmhouse and Hamwood Farmhouse... Whilst there are a large number of highly graded assets within Taunton their setting essentially relates to their urban context... Within Trull there is the Church of All Saints, which is grade I. It is separated from the proposed site by some historic housing and more modern infill. Having reviewed the information submitted and looked at the two farmhouses we do not feel that there would be any notable impact on setting."

The letter goes on to refer to a landscape buffer between the Comeytrowe urban extension and the Trull conservation area.

Parcel H1A is the most northern parcel of the allocation lying south of the A38 and does not contain any designated heritage assets.

The impact of development considered at outline stage considered Rumwell Park grade II and Trull conservation area to be the principle assets that might be affected by development however it was considered with appropriate mitigation, harm could be reduced. As part of outline application 42/14/0069 mitigation was approved for the northern boundary of the site. This would have taken into account the gate piers and gate at the entrance to Rumwell Park as well. The Landscape and public open space strategy document shows the mitigation in the form of a landscape buffer and park and bus facility. No further mitigation is required for parcel H1A for these assets as it has been taken into account already for Rumwell Park and gate piers and Trull conservation area is not affected by this parcel.

Rumwell Hall and Higher Comeytrowe farmhouse lie to the south west and south of the allocation and are some distance from parcel H1A and it isn't considered that additional mitigation is required for H1A parcel to mitigate any effect on the setting of these two assets".

HIGHWAYS ENGLAND – No objection.

SCC - TRANSPORT DEVELOPMENT GROUP – No objection.

The proposed layout is broadly acceptable but detailed points made concerning street tree detail, surfaces, tactile paved crossing, gradients, retaining walls, drainage will need to be considered by the developer as part of their technical highways submission.

SCC RIGHTS OF WAY – No objection.

An Informative note is requested to advise proposed works must not encroach on the right of way.

ECOLOGIST – No objection.

Conditions 18, 19, 20 and 21 imposed on the outline consent protect and enhance ecological interests on the site. These conditions will be signed off by the Ecologist in parallel to this application insofar as the matters cover H1a.

On the submitted HRA and Phosphate Mitigation Plan:

“I’m satisfied within the show Habitat Regulations Assessment and associated Phosphate Mitigation Strategy and Fallow Land Management Plan, and concur with Natural England’s assessment and conclusions pertained within DAS letter dated 15/01/2021. Therefore, I can confirm that, in principle, the sHRA can be adopted by SW&T, however it to confirm the appropriate planning and legal mechanisms for ensuring the mitigation proposals, as detailed within the Phosphate Mitigation Strategy and Fallow Land Management Plan, allow the development to reach nutrient neutrality throughout the lifetime of the development further advise will be required from Counsel and Natural England. My understanding is that this is likely to be delivered through the implementation of a s106 agreement/unilateral undertaking, or Grampian condition/s.

Regarding the Fallow Land Management Plan I note Natural England have stated the following within their DAS response:

‘While the grassland established could be managed more positively for wildlife interests, this is not a requirement of the Habitats Regulations in this instance and the applicant needs to find a balance between providing mitigation for phosphorous and the likely need to develop the fallowed land in the future, transferring mitigation into a permanent solution off-site’.

I concur with this summary, and would further recommend that the mechanisms for taking into account the situation when the fallow land comes forward for development, that the s106 agreement/unilateral undertaking, or Grampian condition/s, or other legal mechanisms facilitate the process for transferring the development Phosphate budget for projects 42/20/0031 and 42/20/0056, plus the new development budget, into permanent solutions off-site”.

NATURAL ENGLAND – No objection subject to appropriate mitigation being secured.

NE considers that without appropriate mitigation the application would have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. In order to mitigate these adverse effects and make the development acceptable, the mitigation measures as set out in the adopted Appropriate Assessment, should be secured. NE advises that an appropriate planning condition or obligation is attached

PLACEMAKING SPECIALIST– Objection.

- Considers the scheme to be not of a high enough standard of design quality for this gateway frontage and does not meet the design tests set out in the NPPF, National Design Guide, or the Taunton Garden Town Vision and Taunton Garden Town Charter & Checklist. It also does not comply with the design requirements set out for this parcel in the approved Neighbourhood Design Guide for this development.

- “The approved Neighbourhood Design Guide for this development requires distinctive local identity that interprets the character of Taunton, a positive arrival experience that reflects the vision for the new garden community, traditional building forms, well-proportioned solid to void ratio featuring vertical emphasis, high quality materials. The contextual analysis shows 19th Century Victorian houses and the illustrative proposed houses for the Gateway frontage as well designed classical buildings incorporating vertical proportions and sash windows”.
- Key issues include
 - The proposed house designs are standard ‘anywhere’ types merely adapted and do not reflect local traditional house forms shown by the developers as being the identity of Taunton. This will not provide a distinctive local identity.
 - The Neighbourhood Design Guide states that the house types for this parcel should be well-proportioned traditional building forms with vertical proportions. This has not been carried to reflect local character and identity.
 - There is insufficient design definition between key buildings and normal buildings. This will give a lack of legibility and will produce repetitious and undifferentiated street scenes.
 - There is little roofscape interest. Roofscape interest in long distance views is a specified requirement for this development parcel. This needs a greater variation in the height of buildings and the provision of features such as chimneys, cowls etc.
 - 95% of houses have no boundary treatment specified to their frontages. Low level hedge with railing is a specified requirement generally for all plots in this development parcel.
 - The proposed materials are not high quality materials. In particular, reconstituted stone is wholly unacceptable given the proliferation of local building stones. Local stone needs to be used throughout the parcel (not just to buildings on the frontage).
- Strong advocacy is also given to present this proposal to Design Review.

Additional comments on revised plans:

- Maintains a strong preference is for the use of natural local stone (we are in a stone area with a choice of materials, it makes no sense to use an artificial product), especially for main frontages and key/secondary key buildings
- It would be better to vary some of the roof materials along the PROW edge
- Plots 44/45 and 54/55 would be good to see these terminating buildings in natural slate
- Detailed point regarding boundary treatments abruptly ending.

LANDSCAPE – Comments:

Verbal discussion - The inclusion of more oak along the eastern boundary is necessary. Remove division of the eastern POS by hedging. Detail of trees in hardstanding required.

[officer comment – tree pit details were subsequently submitted and agreed]

BLACKDOWN HILLS AONB – No comments to make.

TREE OFFICER – Comments:

Suggested tree species changes.

[officer comment – these changes have been made]

HOUSING ENABLING – No objections raised.

“The developer is required to deliver 17.5% affordable homes on this site under the S106 Agreement with a permissible variance for each RM application of 15-20% providing the final overall is 17.5%. This will be monitored in the subsequent phases of this development. The 14 affordable homes proposed is 18.4% of the total 76 homes.

This proposal undertakes to provide a further 12 affordable homes through additional funding from Homes England. This additional affordable housing brings the number of affordable homes to be delivered on the site to 27 which is welcomed.

The tenure split of all 26 affordable homes is 61.5% affordable rent and 38.5% shared ownership. This closely mirrors the tenure split agreed in the S106 agreement i.e. 60% affordable rent and 40% shared ownership. This percentage split will be monitored across all phases of this development.

The affordable housing layout and proposed tenure plan (as shown on drawing (A1) DrNo PL-VI-03 Rev I Phase H1a - Vistry Planning Layout dated 18 January 2021) shows the affordable housing concentrated in the North-East and East of the site with none in the South or South-West of the site. However, the affordable homes are arranged in clusters interspersed with some open market homes and therefore can be considered to be an integral part of the development and will not be visually distinguishable from the market housing on site.

The type and size of the affordable housing units to be provided reflect the distribution of property types and sizes in the overall development with the majority of the homes having 2 and 3 bedrooms. In addition there are two 1 bed homes for rent which are much in demand in Taunton.

The unit sizes have been assessed by Somerset West and Taunton against the requirements set out in Policy D10 in the Taunton Deane Adopted Site Allocations and Development Management Plan. All unit sizes either meet or exceed the minimum internal floor space requirements.

The Housing Association associated with this development is LiveWest which is one of Somerset West and Taunton’s preferred Registered Provider partners. LiveWest will work together with the Somerset West and Taunton Enabling team on a Local Lettings Plan to ensure local people are given priority for affordable housing on this development.

The delay from determining this Reserved Matters for Parcel H1A whilst a resolution to the Phosphate issue was found has impacted on the Affordable Housing Delivery program, however following discussions with Homes England the Affordable Homes proposed within this Reserved Matters application should be able to meet the grant funding deadlines providing the proposed affordable homes start on site imminently. The impact of a delay to start on site and therefore completion of further ‘additional’ affordable homes through subsequent Reserved Matters submissions will form part of the ongoing discussion with Homes England and LiveWest”.

AVON AND SOMERSET CONSTABULARY – Comments:

Rear gates would be advisable for rear access paths and increased overlooking of parking courts is desirable.

[officer comment – these changes have been made]

SOMERSET WASTE PARTNERSHIP – No objections.

COMMUNITY PROTECTION/ENVIRONMENTAL HEALTH – Comments (following request for noise survey):

- *The report provides details of noise monitoring, carried out as part of a previous noise assessment. It uses this information to create an acoustic model of the site, reflecting the proposed plan and traffic flow data. The model was used to predict the noise levels at the facades of the residential units (daytime and night-time) and noise levels in external amenity areas during the daytime. This information was then used to calculate the level of noise attenuation that would be required to ensure suitable internal noise levels (and external for amenity areas), using criteria based on the relevant British Standard (BS8233).*
- *The report then recommended a minimum standard of glazing and ventilation for the building facades on the site, with some of the premises closest to the new road requiring a higher level of attenuation.*
- *The report does provide a good assessment of the potential noise levels and makes suitable recommendations. The developer should ensure that they take the recommendation into account when they install the glazing and ventilation on the site.*

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 12 representations.

A summary is given, all responses from the general public are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

The comments made can be summarised as follows:-

- "The roads cannot cope with even more dwellings".
- "Drainage with associated infrastructure? We all know that this is not right".
- Drainage statement discrepancies.
- Discrepancies with the application form and validation process.
- The plan doesn't show The Croft development or any landscaping important for privacy.
- "The proposed layout delivers a harsh and unsympathetic boundary between new development and properties to the north. It creates a stark and unmitigated transition between the established low density residential area to the north of which development at The Croft forms a part and the higher density suburban development of the new urban extension".
- "The proposed layout does not appear to respond to mature trees that substantially overhang the application site from land to the north (The Croft)".
- The cycle and walking layout is not in line with current government guidance set out in Gear Change and in LTN 1\20.
- Affordable housing should be tenure blind.
- Environmental and ecological concerns remain, and this will always be the case until a complete cultural rethink takes place nationally on how we can live more sustainably.
- An updated EIA should be undertaken.
- Climate emergency.
- There are no LEAPS or NEAPS on this plot.
- Developers need to ensure that the green buffer zones around the site are built as proposed, in order to help mitigate the impact on current residents.
- Concern regarding hedgerow removal.
- No up to date tree or ecology surveys.
- Procedural point concerning consultation.

- Potential red line discrepancy.
- Comments regarding conditions and triggers.
- "...the Planning committee are being encouraged to make an early decision on this due to the timescales affecting developers in relation to the affordable homes. Whilst I understand this, I do not agree with planning members feeling rushed or being placed under any pressure with their decision making".
- A detailed representation raises concerns regarding planning conditions, in particular relating to surface water drainage.
- Detailed comments and observation of the HRA, Phosphates Mitigation Plan and Fallow Land Management Plan, and a view that there has been inadequate assessment by Natural England
- Comments on the steps and railing study, impacting on the disabled, those with prams and shopping trolleys and moving wheelie bins.
- There is no practicable masterplan and strategic drainage plan.

Cllr Nicholls wrote to support comments made by Mr T Smith regarding irregularities in the application submission and that the climate emergency and drainage issues should be taken seriously.

Objection and comments from Taunton Area Cycling Campaign -
The design of the cycling and walking provision is in serious conflict with government policy set out in 'Gear Change' and design guidance Local Transport Notes 1/20. Key points from LTN 1/20 which the proposals are in conflict with.
Cyclists are not physically separated from pedestrians in conflict with LTN 1/20
Crossings at side road junctions are not designed in accordance with LTN 1/20
The proposed path widths are below the levels required in LTN 1/20
The shared 3m cycle and pedestrian path is in serious breach of government design requirements, and we object to the developer's totally inadequate proposals.
'The proposals are in conflict with LTN 1/20 since the cycle network and design standards have not been included in a design code
The proposals also conflict with Manual for Streets-
The proposal is also in conflict with your own SADMP Policy D2, which states 'Developments which harm the visual qualities of routes into and out of Taunton and Wellington will not be permitted.
We therefore support the comments made by the Taunton Design Circle
High quality public realm will enable active travel. Poor quality, roads dominated design will not.

Objection and comments from Taunton Design Circle –

- *I am writing to ask the Planning Committee to refuse the application for housing at Comeytrove Gateway on the ground that the architectural façade design does not meet the application's own design guide, and is not of sufficient quality. It also has not been reviewed by independent Design Review Panel as required by the adopted Garden Town Vision.*
- *The application has been valued engineered.*
- *The proposed scheme being decided does not follow the material boards or the style guides within this neighbourhood design guide.*
- *The placemaking team at SW&T have requested several times for plans to be amended to match in some way the Victorian style, the sliding sash windows and the high-quality materials in the neighbourhood design guide. Also none of the house types are the large double fronted properties which typify the examples*

shown and relate better to the large properties on Wellington Road. The applicant has refused in their response in red text to placemaking teams requests. This is against the National Planning Policy Framework.

- *The NPPF requires that development is of a high quality; and that it responds to the requirements set out by the council. This application clearly does neither in respect of the architecture and should be refused on design grounds and for not meeting the parameters the applicant has set out.*

Objection and comments from Arts Taunton which is a founding member of the Taunton Design Circle –

“The scheme comprehensively fails to adhere to the basic tenets of the Garden Town vision document, and makes almost no attempt to create a sense of place or context. None of these plans, if removed from Comeytrove and placed before an independent panel, could be remotely considered Somerset or even West Country. This vital gateway to Taunton will simply read as yet another vast Anywheresville extension to the County town. We urge the council to demand more of the developers and refuse this scheme. Central government policy is attempting to shift profoundly towards more locally distinctive, beautiful building that is future-proofed against climate change and engages local people. This scheme fails on all these fronts, builds no value into the town and has no sense of identity and no purpose other than providing identikit homes in bulk”.

Objection and comments from Forum Heritage Services (Wimborne, Dorset) –

“We are writing in our own capacity as professional consultants in principally heritage issues but we are keenly interested in and contributed to the understanding of the character and local distinctiveness of Taunton which in turn contributed to the development of the Taunton Garden Town Vision”.

“...we are deeply concerned about the lack of careful and thoughtful regard to local distinctiveness and absence of design cues from the local context in both built and landscape terms of the immediate and wider environment within which the gateway phase of development at Comeytrove Urban Extension finds itself”.

The layout appears to be largely dictated by highways requirements which bears no resemblance to the principles of proper place-making

“Whilst there is some attempt to define corners and views and spaces with ‘key buildings’ and ‘secondary key buildings’ they do not form part of coherent or continuous street scape but are simply larger – this is insufficient in itself and needs to be part of a much more integrated ‘idea’ about a sense of place. This is something which the Taunton Garden Town Vision strongly advocated and is completely lacking in this proposed development”.

“The use of standard house types makes it near impossible to create effective streetscapes and townscapes and inevitably lacks local distinctiveness”.

“We are very concerned that one of the first schemes to emerge as part of the Taunton Garden Town Vision is going to have nothing in common with that vision. This raises very serious questions about the commitment of the Local Authority to reflect the spirit of the vision document and perhaps more importantly the value for money the tax payer is receiving for the time and resources which went into the production of a Garden Town Vision which seems to have been completely ignored by this proposed development (but we hope not ignored by its Planning Officers)”. Referral to a Design Panel is suggested.

With regards to an issue relating to the boundary with the Croft, a neighbouring property, an email was received on behalf of that ‘neighbour’ stating the issue had

been resolved through discussions with the developer.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013). Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being rolled forward with the aim of producing one new Local Plan covering the entire administrative area.

Relevant policies of the development plan are listed below.

- SD1 - Presumption in favour of sustainable development,
- CP1 - Climate change,
- CP4 - Housing,
- CP5 - Inclusive communities,
- CP6 - Transport and accessibility,
- CP7 - Infrastructure,
- CP8 - Environment,
- SP2 - Realising the vision for Taunton,
- SS7 - Comeytrove / Trull - Broad Location for Growth,
- DM1 - General requirements,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,
- A1 - Parking Requirements,
- A2 - Travel Planning,
- A3 - Cycle network,
- A5 - Accessibility of development,
- ENV1 - Protection of trees, woodland, orchards and hedgerows,
- ENV2 - Tree planting within new developments,
- ENV3 - Special Landscape Features,
- I3 - Water management,
- I4 - Water infrastructure,
- D7 - Design quality,
- D8 - Safety,
- D9 - A Co-Ordinated Approach to Dev and Highway Plan,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- TAU1 - Comeytrove / Trull,

The Trull Neighbourhood Plan is part of the development plan and a material consideration.

The Trull Neighbourhood Plan includes policies that are aligned with the adopted policies in the Taunton Core Strategy and Site Allocations and Development Management Plan (SADMP), and provide for sustainable development in the parish.

- Policy F1 Reducing Flood Risk requires proposals to include an acceptable SuDS system and manage surface water in a way that adds value, these principles have been established at outline stage with details being provided in this application to satisfy the Local Lead Flood Authority.
- E2 Woodland, Trees and Hedgerows, supporting broadleaved tree planting and hedgerow enhancement. New trees and retained hedges feature in this development.
- H2 Housing 'in keeping' requires housing to demonstrate appropriate compliance with urban design principles. Housing should be 'in keeping' with neighbours however this it is acknowledged that this is most relevant for housing within existing settlements. Housing in the proposed parcel is most closely associated with properties that are either rendered or in red brick.
- H3 Affordable Housing requires affordable housing to be indistinguishable from market housing, it is considered this has been achieved.
- H5 External Space requires developments to provide storage space for waste and recycling bins, this has been provided in the form of areas of hard standing for each plot.

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are material considerations. The National Design Guide is also a material consideration.

Other documents including the consultation draft of the Somerset West and Taunton Design Guide (February 2020), Taunton: The Vision for our Garden Town (October 2019) and the Taunton Design Charter and Checklist do not form part of the development plan but remain material considerations albeit with limited weight.

All policies and material considerations can only be considered as far as they relate to the details for which reserved matters approval is sought, as defined in the Development Management Procedure Order (DMPO) 2015.

Local finance considerations

Community Infrastructure Levy

The creation of dwellings is CIL liable.

Amended drawings submitted Sept 2020 measure proposed development at approx. 7372sqm

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £516,000.00. With index linking this

increases to approximately £732,750.00.

This calculation does not take account of any exemptions that may be claimed and granted. Exemptions will apply for example for each affordable house constructed.

Determining issues and considerations

Principle of development of the site

The principle of developing this site to provide a new sustainable neighbourhood has been established by the outline approval. This reserved matters application seek approval for detailed matters in relation to layout, scale, appearance and landscaping and as explained above consideration is limited to these issues.

Councillors will recall a great deal of discussion regarding the scope of a reserved matters application at the meeting of 09 July 2020 when the adjoining Taylor Wimpey parcel H1b (42/20/0006) was approved. Matters such as Taunton's Garden Town status, climate change, the Council's five year land supply, development viability and sustainable development all being matters discussed at length. Those matters could likely be raised again in conjunction with this application and so Councillors may find it very beneficial to revisit the webcast for that meeting to remind themselves of the officer advice at that time which remains germane to this application and indeed all the future reserved matters applications at Comeytrove Garden Community. The webcast can be viewed here:

<https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=330&MId=2709&Ver=4>

A full and detailed Environmental Statement was submitted with the Outline application. It was not required to be updated to support application 42/20/0006 Phase H1b.

However as Members will be aware the issue arising from the intervention of Natural England pertaining the phosphorus levels on the Somerset Levels and Moor has required the submission of a Shadow Habitats Regulations Assessment. This matter is described and discussed following this section of the report.

Negotiated Amendments

In accordance with the NPPF, officers have worked proactively with the applicants to secure improvements to the proposal. A number of design changes have been secured over several sets of amended plans.

These can be summarised as increased or improved detailing, changes to fenestration, improvement to the design of key buildings, changes to finishing materials, revised boundary treatments, landscaping changes, increased surveillance of parking courts, and the inclusion of gates to rear access paths.

The Scope of this application

The outline application accompanied by an Environmental Statement was approved on the basis that reserved matters would subsequently be sought for layout, scale, appearance and landscaping. Access was approved as part of the outline application and three Highways related plans for 2 roundabouts on the A38 and Honiton Rd and the secondary 'bus only' access off Comeytrove Lane were approved and listed in Condition 02 accordingly.

Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that the reserved matters should encompass some or all of the outstanding details of the outline application proposal, including:

- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- scale - includes information on the size of the development, including the height, width and length of each proposed building
- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development

Condition 02 of the outline consent stated the development was to be carried out in accordance with 5 parameter plans. These plans had been formulated through consultation and through the conclusions of the Environmental Statement. For example the Environment Statement concluded that there would be policy compliance and no environmental harm caused if the development was developed in line with the guidelines set out on the parameter plans, i.e.: development of a certain height, distribution and density, accessed in the manner set out and with the quantum, distribution and general characteristics of green infrastructure. In many ways the parameter plans approved at outline stage form the bones of the skeleton to which the Reserved Matters now represent the flesh.

Applications for Reserved Matters are not full planning applications in the normal sense where all matters are on the table but are instead a matter of assessing compliance with all the matters agreed at the outline stage and via outline conditions. Only the matters of layout, scale, appearance and landscaping are those reserved (or deferred) to this latter stage and they must be guided by the parameter plans set at the outline stage and any conditions attached to the permission.

It should be noted that the Reserved Matters do overlap to an extent and are inextricably linked insofar as changes to one aspect will invariably impact on another.

Access

The approved Access and Movement Parameter Plan stated in Condition 02 is Plan No. 9603 Rev H. It shows the access points around the periphery of the development for vehicles (incl. bus), cycle and pedestrian. This Reserved Matters application accords with this approved plan.

Landscaping

The approved Green Infrastructure Parameter Plan stated in Condition 02 is Plan No. 9604 Rev L. It shows the strategic public open spaces to serve the development, the approx. locations of LEAPs and the NEAP, allotments and playing fields, plus proposed structural landscaping and retained/ removed hedgerows/trees. This Reserved Matters application accords with this approved plan.

Additional landscaping to that retained is provided for in the form of street trees,

front gardens, parking courts and within incidental public open space areas. The quantum, distribution and species choice is considered acceptable.

Layout

The approved Land Use Parameter Plan stated in Condition 02 is Plan No. 9600 Rev L. It shows the area covered by this reserved matters application as being 'residential development' which can include play areas, allotments, drainage basins and incidental landscaping. This parcel does not contain drainage basins, play areas or allotments as they are located elsewhere in line with the approved masterplan. This Reserved Matters application therefore accords with this approved plan.

Condition 04 of the outline consent required the submission of a Neighbourhood Design Guide. This was submitted and approved by the LPA. Within this document an indicative layout was set out. This Reserved Matters application accords with this approved document in terms of the general layout.

The infrastructure Reserved Matters application, ref 42/19/0053, also showed some internal estate roads which this application also accords with.

The layout provides a suitable quantum of parking spaces, largely on plot, to accord with policy.

A later section of this report assesses the '*Standard of amenity for proposed dwellings*'.

Scale

The approved Scale Parameter Plan stated in Condition 02 is Plan No.9602 Rev K. It shows the area covered by this reserved matters application as being 'Up to 10m' 2-2.5 storey high development. This Reserved Matters application therefore accords with this approved plan.

Density

An integral part of scale and layout is density. The approved Density Parameter Plan stated in Condition 02 is Plan No.9601 Rev I. It shows the area covered by this reserved matters application as being 'lower density' inclusive of predominantly detached units, some semi-detached and minimal terraced units at a density of 20-40 dwellings per hectare (dph). This Reserved Matters application therefore accords with this approved plan insofar as the density range given (the density stated on this application is 37.8dph so within the 40dph maxima), however the plan shows predominantly semi-detached houses (71%) and some detached units (17%) with four terraces of three properties. In this instance it is considered the density range is the significant matter, rather than the description, which the plan accords with. In addition the reason for the higher proportion of semi-detached smaller houses is influenced in part by the inclusion of 'additionality' affordable homes through the securing of Homes England funding. It should also be noted that the approved adjacent Parcel H1b was 40.2dph within a medium density range of 30-50dph.

Appearance

Appearance is probably the Reserved Matter most concentrated on as the most visible and relatable aspect as it's what you see. Indeed in assessing the 'appearance' reserved matter it is inevitable that matters of scale and density are

referenced as it is not always possible to keep them separate.

One such example is reflecting on the fact that the wider application site falls partially within the Stonegallows Ridge Special Landscape Feature (SLF), which is designated as a notable feature within the local landscape and due to the important function it performs in screening and containing the existing settlement of Taunton in views from further west. The Environment Statement (ES) to the outline application considered the proposed development of the garden community would create a major/moderate significant adverse effect on a small portion (approximately 12 hectares) of the Ridge as a result of the material change of land use from arable land to employment land, residential and public open space.

The assessment did note that effects on the function of the Ridge in containing the settlement edge from the wider landscape to the north and west would be limited and in no instances would the implementation of the proposed development of the garden community affect the role of the Stonegallows Ridge as a key landscape feature in addition to its function of providing a visual barrier to Taunton.

Parcel H1a is the only residential parcel with the SLF. As well as the ES there is significant commentary and assessment on the issue in the officer's outline report and as stated previously that assessment led to the agreement over a set of parameters plans which if followed would ensure the impact on the SLF was minimised. In this regard one has to also look at the Park and Bus facility and in particular the A38 roundabout scheme to understand the bigger picture and context to this parcel. For example the A38 roundabout scheme includes significant landscape treatment that wraps around the edge of Parcel H1a and would provide some screening or diffusion of view and therefore impact on the SFA. It is noted that a significant hedgerow has been removed alongside the A38 already to create the roundabout and that the replacement landscaping would take time to establish and (re)provide that screening or diffusion. Key trees or groups of trees central to the landscape response and not within public ownership will in time (protected initially by condition) be candidates for Tree Preservation Orders. Overall, other than the matter of density, discussed previously, the proposal is in accordance with the assessment parameters carried out at the outline stage in recommending approval of the garden community.

Core Strategy Policy DM4 Design, Site Allocations & Development Management Plan (SADMP) Policy D7 Design Quality and Section 12 (Achieving well designed places), together with Chapter 12 of the NPPF are material considerations. The Garden Town Vision Charter and Checklist and the Somerset West and Taunton Design Guide consultation draft are also material considerations albeit with limited weight given the existence of the outline approval.

Given the strategic nature of this site, this design process has taken place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with the approval of the parameter plans previous discussed.

A condition (4) on the Outline application required the submission of a Site-specific Neighbourhood Masterplan and Design Guide. This document is intended to build on the approved parameter plans and provide a more detailed framework against which mid-level matters of design such as the proposed arrangement of

development blocks, streets and spaces can be assessed. A Neighbourhood Design Guide for the Western Neighbourhood (Neighbourhood Design Guide) was agreed in March 2020 after several months of negotiations.

An Appearance Palette is also required by Outline condition (5) for each parcel. This in turn builds on the Neighbourhood Design Guide and provides a framework to assess narrower design considerations such as building design, building materials, surface materials, street furniture and tree species. An Appearance Palette for Parcels H1a and H1b was submitted as part of the Neighbourhood Design Guide (pages 168-179) and was likewise discharged in March 2020.

These plans and documents further inform how the reserved matters should be considered. This application is accompanied by a Compliance Statement setting out how the applicant believes the proposal accords with the parameter plans, Neighbourhood Design Guide and Appearance Palette.

The Comeytrove Garden Community will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line with the Garden Town Vision. Much of this green infrastructure has already been designed and approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots. This is the work presently occurring on site.

The SWT Design Guide states that the creation of a design concept, to identify key groupings, focal points/features, character areas, and street and space hierarchy is a very important stage in the design process. The Neighbourhood Design Guide sets out a framework regarding the creation of character areas and nodes, key frontages and groupings development of principles on development blocks, density and height ranges, development block structure, and street and space hierarchy for the Western Neighbourhood.

Within Phase 1, Parcels H1a, H1b, H1c, H1d, H1e and H1f all form part of Northern Slopes character area. A term used to set out different design characteristics across the site. Phase 2 is known as Hilltop Gardens and the Local Centre is similarly in a separate character area. What this means is that the parcels within each character area should more-or-less appear the same. The contrast is provided between character areas and should be subtle, akin to the use of a different palette of materials, different planting types, height, density, modern design over traditional design or urban design changes. The key is subtlety to make one area distinct from another to aid wayfinding and legibility.

As such the approach to parcel H1a has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them at the 09 July 2020 meeting in resolving to approve the application for H1b despite several design facets remaining problematic to officers and councilors alike. It was apparent the committee, as the decision-maker, attributed weight to a wide range of issues in making a decision based on the planning balance which it was perfectly entitled to do. The appearance of the Northern Slopes character area which impacts the whole of phase 1 has therefore in part been influenced by the committee decision on H1b.

Indeed the parcel contains design facets to continue the approach in H1b and also respond to the suite of design documents:

- The parcel is at a lower density to parcel H1b, reflecting its site edge location. Several 2½ storey properties are included as key buildings to add variety and legibility. Councilors will recall the density and heights of buildings are set out in the parameters plans and show a gradual intensification as you move towards the local centre and away from higher points of the site.
- Continuation of the primary frontage treatment, rendered key buildings and railings with the short section of the spine road and cycle way
- Implementation of the street hierarchy, including shared surfaces and private drives.
- A simplification of the materials palette to avoid a visual jumble of walling and roofing materials. Dwellings to be finished in render and red brick with stone dressings as per parcel H1b but also the introduction of grey reconstructed stone on several key buildings fronting the A38 and new roundabout.
- A varied roofscape informed by the natural topography and stepped rooflines, but also some dormers on key buildings and chimneys, interspersed with (in time) tree canopies.
- The use of roman tiles, imitation slate and natural slate (on the primary frontage to tie into parcel H1b) ensure the visual impact of the development when viewed from sensitive areas is minimised.
- The use of casement windows throughout as per H1b, with the introduction of ground floor bay windows for visual interest in key locations, and added light to the recipient habitable rooms.
- Key transition spaces at the Gateway and Central area.
- Comprehensive landscaping, through street trees, hedging and frontage shrub planting.
- Private rear amenity space within acceptably sized gardens.
- Where rear gardens adjoin the public realm brick walls are used (rather than fencing) to provide additional security and enhance the quality of the street scene.

• *Placemaking through the Taunton Garden Town-Design Checklist*

The GT Design Checklist revisits many factors considered and determined at the outline stage, namely connections (access), facilities and services, public transport and meeting local housing requirements, working with the site and its context, masterplanning (through assistance from Design Review Panel), public and private spaces, building with nature and energy and renewables.

Issues relating to character, streets for all, integrated parking and legibility for some remain unresolved satisfactorily.

Appearance (continued) - Objections from the Placemaking Specialist

The matters causing the objection outlined in the consultation section of this report fall largely to the use of what is described by the Placemaking Specialist as 'anywhere' standard house types only. This leads to criticism regarding the lack of identity and local character, variety and design definition, and little roofscape interest. Additional points of concern relate to the lack of frontage boundary treatments to all dwellings and an opinion on the quality of materials, and in particular the use of reconstructed stone.

This objection is echoed by other contributors, see representations section. In

summary offering the opinion that the architectural façade design is not of sufficient quality, displaying a preference for a Victorian style, sash windows and high quality materials. There is also the argument that the development makes almost no attempt to create a sense of place or context, builds no value into the town and has no sense of identity and no purpose other than providing identikit homes in bulk. Reference to a referral to a Design Panel is also made.

Appearance (continued) - Response to the Placemaking Specialist's objections

There is an objection to the proposed dwelling typologies on the grounds that they do not represent "traditional building form". This was similarly challenged on parcel H1b and the committee were sufficiently satisfied to grant Reserved Matters approval. Sites of this size require volume housebuilders to handle the quantum, complexity and financial risk that comes with such a development. That challenge and risk is mitigated, in part, by a standardised method of construction where costs are known up-front and potential complexities de-risked. As such there is a known input to deliver a known output at a price affordable to prospective purchasers. Members were reminded at the committee meeting concerning H1b that the viability exercise that was carried out at the Outline stage assumed that the site would have standard build costs, which would assume the use of a standard house type product. Widespread bespoke designs and expensive materials cause exponential additional actual costs and indirect costs by a non-standardised method of construction due to houses taking longer to build.

This is not saying that development cannot be well-designed if built by a volume house builder, quite the contrary, it is entirely possible. However the extent they can adapt to the wishes of some, is limited. The applicant has however, through amended plans, responded in part to ensure the elevations are designed to reference the local character of Taunton, with detailing and materials interpreted from their studies in and around Taunton.

With regards to the roofscape, it is varied to an extent due to the topography of the site and stepped rooflines, a mixture of roof materials and chimneys add interest; more chimneys have been added through the amended plans. Tree planting within and around the site edges will also help contain and disrupt built form.

Reference is made to the use of reconstructed stone rather than natural stone on several units within the Gateway Frontage. The applicant team point to the fact that reconstructed stone is a very good alternative to natural stone, that natural stone is significantly more expensive and will increase the build time on site through increased labour time and the risks associated with local skill shortages, and ensuring a sufficient supply of natural stone is available. These risks and costs are something the applicant team say they cannot afford. They stress to deliver the Garden Community they will need to ensure that the scheme remains financially viable, something that has become even more acute in light of COVID-19 and the economic downturn. Any delay also risks the delivery of the additional affordable units.

If Councillors were minded to refuse the application on the basis of the non-use of natural stone alone then clear and demonstrable reasons would need to be given. It is worth noting that whilst the applicant team accept and acknowledge that the Trull end of the site will command the need for natural stone to better reflect the dwelling typological in that area, and the setting of the Conservation Area, there is actually

very little natural stone in the context of the A38 and the Western Neighbourhood.

It is concluded that whilst desirable there is no clear and demonstrable planning reasons to refuse the application on the basis that natural stone is not used. On the separate matter of the merits regarding the use of reconstructed stone in its place is a decision that Councillors can reach based on an assessment of visual amenity and reminded of the fact the proposed muted grey colour of the proposed reconstructed stone will help the Gateway Frontage units regress into the site rather than present a more solid and brighter frontage should more render be used instead. Acceptance of reconstructed stone in Parcel H1a may give the Consortium a steer insofar as using it in Phase 2 to provide a different character to the predominately brick character in Phase 1.

There is an objection to the use of casement windows, stating sash windows, or windows with vertical proportions, would be preferred as they would be more akin to the shape of windows on Taunton's historic buildings. This objection was also made in response to 42/20/0006. Councillors concluded, in approving that application, that casements were acceptable and there is no policy basis to require an alternative window style.

The type and distribution of materials follows that agreed with parcel H1b.

Design is a subjective matter, a matter that two people could have two different views on, but who is right? Who has the final say? Design is akin to taste and people have a different taste for all sorts of things, cars, clothes, urban and rural landscapes, and of course buildings. The fact of the matter in this case it that the development is more than a façade of a house, it's a place with its own identity, with access to a significant quantum of open space, with distant views and facilities needed to live a happy life. For many this will be a first home, perhaps a last home, a chance to live nearer family or to work from home; when you boil it down it's a matter of opinion as to whether these factors matter just as much or even more in place-making as the non-provision of some architectural features, or indeed whether somebody else thinks your new home or street is beautiful.

Reference to Design Review Panel (DRP) is made. A DRP was engaged to assist with the production of the Western Neighbourhood Masterplan but not felt to be necessary in the formation of H1b, the first residential RM approved last July. As such a DRP has not been engaged for H1a nor H1c. A DRP will be engaged in the production of the Eastern Neighbourhood Masterplan in due course.

Overall it is considered the proposal accords with the relevant policies of the Core Strategy and SADMP.

Other Considerations

Beyond the strict interpretation of the Reserved Matters it is necessary to reflect on other material considerations; these are detailed hereon.

- *Impact of Heritage Assets*

The outline application contained an assessment on the likely impacts to heritage assets. Now we have the precise detail within a Reserved Matters application we can compare the judgments and assumptions made then to the proposal as is now.

The outline application assessed the potential change to Rumwell Park by the construction of modern houses and access roads on the south side of the A38. It noted the separation by the A38 and acknowledged that the proposed development will not encroach on the primary setting of the house, namely its farmland, which includes aspects of designed landscaping, or the key connective views with the driveway and the A38. It would also not interfere with the relationship between the house and listed gate piers. Therefore the significance would only be effected by the change in use of farmland to the south, which forms a rural 'backdrop' to the listed building. It was concluded the potential development if built in line with the parameters plans would represent an adverse, permanent, indirect and low change, considered to be a moderate/minor effect to its significance. The outline application was obviously approved on this basis.

The Listed Buildings and Conservation Areas Act 1990 is relevant in order to assess the impact on heritage assets. Given the Reserved Matters is broadly in compliance with the parameter plans and given the inherent measures within the application (design and landscape) and the setting, it is considered there are no additional mitigation measures which can eliminate, reduce or otherwise offset the moderate/minor effects on the setting of Rumwell Park. The situation has been assessed by the SWT Conservation Officer and Historic England and there is no reason to withhold reserved matters approval on the basis of any impact on heritage assets.

- *Sustainability*

This application for reserved matters is supported by an Energy and Sustainability Statement. The outline application did not secure additionality in terms of the sustainable construction specification over Building Regulations and this was a point of some discussion at the committee meeting of 09 July 2020 when parcel H1b was approved.

The Design Guides focused on other important but often forgotten measures of sustainability such as walkable neighbourhoods, cycling infrastructure, public transport and travel planning, open space inclusive of allotments, surface water management and biodiversity enhancement.

The submitted Energy and Sustainability Statement sets out a fabric first approach to demand reduction which will in turn delivers a level of energy performance beyond the current Building Regulation standards whilst addressing a range of additional sustainable design considerations.

Improvements in insulation specification, efficient building services, a reduction in thermal bridging and unwanted air leakage paths and further passive design measures are reported to enable the relevant standards to be met, whilst building in low energy design and future climate resilience to the design and construction of the dwellings. It also states how water saving measures have been incorporated into the design in order to deliver a calculated water use per person which far exceeds Building Regulations requirements.

Councillors will also be keen to learn that in order to support the transition to electric vehicles, all plots with adjoining garages are intended to be provided with electric vehicle charging points. A condition is proposed to ensure greater provision within

the parcel.

It must be stressed that because this is a Reserved Matters application this additionality over and above what was secured at the outline stage is seen as positive.

- *Residential Amenity - Impacts on Neighbours*

At present there are no existing immediate neighbours to H1a however the neighbouring site, formally known as 'The Croft' is undergoing redevelopment for 4 dwellings under reference 05/11/0042. The dwellings are not yet occupied. The approved plans for that development show new planting on the boundary to supplement that which already exists. The properties at The Croft site will be elevated compared to the proposed dwellings on the boundary within parcel H1 and be located at least a distance of 25m window to window.

A representation from the developer of The Croft was received detailing concerns regarding trees on the boundary and the alignment of the boundary. These matters have been resolved between developers and the objection withdrawn. The boundary treatment proposed by this development is a 1.8m high close boarded fence and 10 additional small trees spaced out along the boundary, which is acceptable.

Overall the combination of factors ensures an acceptable level of amenity will be afforded to all future residents.

- *Standard of amenity for proposed dwellings*

Internal floorspace and layouts meet the space standards of SADMP Policy D10. The Housing Enabler has also confirmed acceptance of the sizes and layouts of the affordable units.

There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid over-shadowing of neighbours.

Overall it is considered the proposed dwellings will provide an acceptable standard of amenity for future residents.

- *Refuse and Recycling*

Hardstanding for bin storage is provided to the rear of all units. Where collection cannot be made from the immediate frontage of properties designated collection points are provided a short distance from properties. Paths provide rear access for terraced properties where necessary.

- *Parking and cycle storage*

Parking is provided in a mixture of parking courts and on-plot parking (to the side or front of the dwelling). Visitor parking is also provided. The level of car parking, and size of garages, is adequate to meet the requirements for parcel H1a and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.

External storage of cycles is in garages and sheds, again this is in line with parking standards. Where cycles are stored in sheds these are located adjacent to access

gates.

Habitats Regulation Assessment

Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').

In its letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset

Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is "...*unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated*" as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.

The issue in terms of the Ramsar Site is that the conservation status of the designated site is 'unfavourable' in consequence of eutrophication caused by excessive phosphate levels.

The typical consequence of such excessive phosphate levels in lowland ditch systems is "*the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna*".

This excessive growth "*adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia*" which in turn allows those species better able to cope with such conditions to dominate. The result is a decline in habitat quality and structure. NE state that "*The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive P and the resultant ecological response, or at risk from this process*".

NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works ('WWTWs')) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the Ramsar Site have a phosphate level classed as significantly less than 'Good' by reference to the Environment Agency's Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a "*Poor Ecological Status*".

NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development,

commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

In response to this situation the Development Consortium has acted quickly and developed a site specific solution, with help and assistance from the Council and Natural England.

This has resulted in the submission of additional key supporting documents; a Phosphate Mitigation Strategy, a Fallow Land Management Plan, a Shadow HRA Assessment Report and Phosphate Strategy Composite Plan. These detailed documents are available on the planning case file (42/20/0031) on the Council's website.

The Shadow Habitats Regulations Assessment report sets out the level of phosphorus which would be generated by a quantum of development on the site, the current land uses and their impact on phosphate creation and calculates the mitigation required. It concludes that in order to achieve phosphate neutrality for an initial tranche of 306 homes on the site part of the site in the Western Neighbourhood will be fallowed.

The key design principle for fallowing is the creation and maintenance of permanent vegetative cover (as opposed to bare ground) to provide soil stability and minimise the runoff of silt and/or phosphate from the land. The 'Fallowing' comprises 1.88ha proposed to be planted as native shrub and woodland as part of the dormouse mitigation strategy for the Site, taking account of the loss of dormouse habitat (hedgerows) permitted under a Natural England European Protected Species Licence and 37.98ha proposed to remain open and undeveloped but reverted from arable to a low maintenance grassland/ley with no fertilisers applied.

Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.

The proposed Phosphate Mitigation Strategy is an interim measure for the three pending Reserved Matters Sites. As explained land is to be taken out of agricultural production prior to the first occupation. Future Reserved Matters Applications for development (in accordance with the Outline Planning Consent) will come forward for the Fallow Land and therefore in order that future development is acceptable, mitigation will be required, for both the future development and the Reserved Matters sites that will have been approved by then. An updated Phosphate Mitigation Strategy would be required at that stage.

In summary a Likely Significant Effect on Somerset Levels and Moors Ramsar has been identified as a result of water quality (phosphate) impacts, in isolation and in combination with other plans and projects. Mitigation in the form of land-use change and fallowing of agricultural land, secured through delivery of a Management Plan, would ensure that phosphates generated by this Reserved Matters Site would be mitigated. It is considered that the Council can conclude that there would be no adverse effect on the integrity of the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either in isolation or in combination.

The submitted documents have been reviewed by the Council's retained Ecologist and Natural England.

Somerset Ecology Services as the Council retained Ecologists have agreed that the sHRA can be adopted by the Council.

The method of securing the mitigation measures has been discussed and in this instance a suitably worded condition is proposed.

In conclusion 306 dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.

Detailed representations have been received from a couple of residents concerning the implementation of the Fallow Land Management Plan. Comments relate to the presence of uncultivated field margins on the edges of the field which are proposed to be fallowed. Questions regarding the temporary fencing along field boundaries, which are tree protection fencing, are made and the potential to impede the future management in line with the FLMP.

Comments have been sourced from the Consortium's ecologist:

- *Field margins around arable fields are essentially the equivalent of fallowed land, with an equivalent (low) phosphate load. However, these margins are too small in extent to be mapped and measured separately and have thus been assumed to have the same (high) phosphate load as the rest of the field.*
- *As a result, the calculations slightly over estimate the current phosphate load from each field and also slightly over estimate the reduction in phosphate load by the same amount, therefore this does not affect the reliability of the calculations overall.*
- *These margins would essentially be managed as grassland in the same manner as the grassland to be established in the field interiors although a very narrow strip would likely be left simply to avoid damaging any boundary hedgerows. Any fencing currently in place to protect the hedgerows during construction activity would be removed from the areas to be fallowed prior to implementing the FLMP, thus enabling management of the whole field as specified.*
- *In terms of public access, access will be allowed along existing rights of way but informal access routes within fallowed areas may not remain given the gradual build out of housing in the wider area.*

Given the views of Natural England and Somerset Ecology Services it is considered appropriate to proceed on the basis of the submitted approach which will unlock the site.

Conclusion and planning balance

The delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area.

The principle of development of a neighbourhood on this site, together with access connection to the existing road network and principle drainage issues, was agreed with the outline planning permission. The reserved matters application accurately reflects and builds upon the outline approval and the approach taken in the approval of Reserved Matters on the first housing parcel H1b, adjacent to the parcel subject to this submission H1a.

The previous Reserved Matters application ref. 42/20/006, considered by Councillors, similarly raised issues of design quality, site viability and the approach that should be taken with the Reserved Matters submissions that will now be continually submitted across the whole of the Western Neighbourhood over the coming months and into 2021.

There has been engagement by the applicant's agent and officers have added value by seeking amendments to plans during the application stage, many to align with changes similarly made to parcel H1b and the valuable input from the Placemaking Specialist. A number of issues have been fully or partially resolved, however it has not been possible to fully resolve all the issues raised. Of those issues that remain, explanations have been provided by the applicant as to why they have chosen to progress this design for a decision without making changes.

The parcel contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrove site. The wider site is delivering substantial areas of open space, including new parks and gardens, allotments, playing fields and tree planting in line with the garden town vision approved by Reserved Matters 42/19/0053.

The development consortium is building momentum by opening up the site and seeking reserved matters approval, even in uncertain times. This application would deliver housing, including affordable housing, and its positive determination in a timely manner would keep delivery of the 'additionality' affordable homes on track.

Having had regard to the representations of objection and the advice of the various consulted parties, it is considered that with regard to the planning balance the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

Whilst the few remaining reasons for concern are understood the planning committee will need to decide if any of those matters individually or collectively warrant withholding reserved matters approval, and furthermore what the planning reasons would be and what demonstrable evidence would be provided and expert witness' called should the matter be subject to a future appeal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Simon Fox

Appendix A

Here are specific answers to the points raised by Bishop's Hull, Trull and Comeytrowe Parish Councils' in connection with application 42/20/0031.

<i>With the previous application for pumping station (42/20/0024) being deemed invalid, surely no development can proceed until the issue of drainage is resolved?</i>	The issue of drainage is dealt with via the outline consent and an associated condition. The drainage strategy involves the use of a sewerage pumping station. Consent for the RM should not be withheld on the basis of the drainage situation. Clearly if consent is not given for the sewerage pumping station then the developer will not start to build houses they cannot drain.
<i>No public open space, play provision or local amenities provided for the proposed new 75 houses or for the previous 70 house (42/20/0006)</i>	The location and phasing of POS and play provision is set out in the s106 agreement. The first triggers are beyond the combined occupations of H1a and H1b.
<i>Previous objections are reiterated concerning the spine road completion, the need for the school and adequate measures to prevent flooding.</i>	The phasing and timings for the provision of the entire spine road and the primary school are set out in the s106 agreement. Strategic surface water drainage is achieved in accordance with the outline consent and associated condition. This parcel fits into that strategy and is agreed by the LLFA.
<i>Despite the apparent deadline for comments online there are not yet any responses from key internal consultees such as the Placemaking Specialist and the LLFA, both of whom objected initially to application 42/20/0006 for the first parcel of houses (the Placemaking Specialist maintained her objections despite some amendments to the plans). It is impossible for the public and Parish Councils to comment meaningfully without all the information being made available to them.</i>	Parish Councils are not asked to consider those comments from statutory consultees but provide SWT with their view and comments. Parish Councils are consulted in parallel to statutory consultees and given the same amount of time to provide comments should they wish.
<i>The site requires an updated EIA.</i>	There is need for a new EIA. A similar request was made in response to H1b.
<i>Conditions of the outline permission remain to be completed despite the assurances from the applicants.</i>	The conditions are a separate matter to the Reserved Matters application before us.
<i>The District Council has an obligation to follow the guidance on garden town planning.</i>	There is no obligation. The Garden Town Status was established on the back of resolutions to grant planning permission to sites like Comeytrowe. There is more commentary on this matter within the body of the report.
<i>The houses are not distinctive.</i>	This is a matter of opinion.
<i>The key space is insufficient.</i>	It is unclear what it is insufficient for?
<i>The houses should be future proofed.</i>	It is unclear what they should be future proofed for?
<i>Emails concerning the validation of the application should be reinstated online.</i>	It is unclear what is meant by this, if there is a specific issue the case officer can be connected to resolve.
<i>There is insufficient buffer/protection between the proposed development site and the existing adjacent property. It is worrying that this may set a precedent for the next phases where the development site adjoins existing properties where no 'green zone' has been detailed on the plans.</i>	It would not be fair to withhold consent on this application because of what might happen on another pending RM application. Each application should be determined on its own merits.

<i>It should be noted that the original outline application detailed these areas as residential, to include play parks, green areas, appropriate landscaping, etc., however, these green elements seem no longer included within the detailed scheme. This is an important aspect of the design that is critical in protecting the privacy and wellbeing of existing residents.</i>	The RM application needs to be assessed in the context of existing permissions, which contain the POS and landscaping referred to. Nothing has been omitted from what was set out at outline.
<i>Lower density houses were promised at the north and west sides and at the higher points and ridge lines of the development. The artists impression shows higher density housing at these locations.</i>	There is commentary on this with the body of the report.
<i>It appears SCC require additional land for an 'all through' school, to include both primary and secondary education.</i>	The outline and s106 detail the provision of a primary school. Anything else is speculation on behalf of the parish council.
<i>The climate emergency announced by the Government is at odds with the current mitigation measures detailed within the proposal which now seem insufficient.</i>	The outline application was approved before such announcements, by Government or SWT. There is commentary on this matter within the body of the report.
<i>Hedgerows along the A38 towards Rumwell have been ripped out prematurely and without the necessary promised consultation.</i>	The hedgerow alongside the A38 was removed, as approved by the outline consent and detailed access arrangements, in particular the A38 roundabout. Work on that aspect of the scheme is now underway.
<i>The promised Environmental Impact Assessment appears not to have been forthcoming.</i>	There is need for a new EIA. A similar request was made in response to H1b.
<i>Hilltop parks were promised at high points, but these are missing from the draft plans.</i>	Parks/Green spaces were secured at the outline stage as part of the masterplan at high points across the site. There is one to the rear of Highfield Crescent, but not to the rear of Jeffreys Way.
<i>The Spine Road – Needs to be completed early in the development.</i>	The phasing and timing for the provision of the entire spine road is set out in the s106 agreement.
<i>School –Construction of the School needs to be a priority at the early stages of the development.</i>	The phasing and timing for the provision of the primary school is set out in the s106 agreement.
<i>Local Area - The impact on the surrounding area during and after the development needs careful consideration.</i>	Noted but there is no reference to what impact is being referred to specifically.
<i>Flooding Measures - flooding prevention in the area needs for proper investigations to be carried out and adequate plans put in place to ensure the development does not impact on this.</i>	Strategic surface water drainage is achieved in accordance with the outline consent and associated condition. This parcel fits into that strategy and is agreed by the LLFA.
<i>Enforcement of Planning Conditions – It is essential that SW&T ensuring that proper enforcement is carried out to ensure the developers adhere to the Traffic Management plan before commencement of the development (e.g. Wheel wash in place).</i>	Officers will monitor conditions when on site, otherwise will respond to reports and complaints locally concerning any apparent breaches.

42/20/0056

VISTRY AND LIVEWEST

Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works, together with additional details as required by conditions 7, 9, 11, 12, 13,14, 15, 16, 18, 19, 20, 21 and 23 at Phase H1C on land at Comeytrowe/Trull

Location: LAND AT COMEYTROWE/TRULL

Grid Reference: 320039.123526 Reserved Matters

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

DrNo PL-VI-11 RevB	Site Location Plan
DrNo PL-VI-12 RevB	Site Context Plan
DrNo PL-VI-13 RevC	Planning Layout
DrNo PL-VI-14 RevB	Materials Plan
PL-VI-14.1 RevA	Materials Plan Specification
DrNo PL-VI-15 RevB	Boundary Treatments plan
DrNo PL-VI-15.1 RevA	Boundary Treatments
AC-VI-13 RevC	Accommodation Schedule
SS-VI-02 RevB	Street Scenes and Sections
DrNo HT-H1c-S-Cartwright-01 RevA	Housetype, Secondary Frontage – Cartwright
DrNo HT-H1c-S-A24L-01 RevB	Housetype, Secondary Frontage – A24L
DrNo HT-H1c-S-A24L-02	Housetype, Secondary Frontage – A24L
DrNo HT-H1c-S-Elmslie-01 RevA	Housetype, Secondary Frontage – Elmslie
DrNo HT-H1c-S-Elmslie-02 RevA	Housetype, Secondary Frontage – Elmslie
DrNo HT-H1c-S-Elmslie-03 RevA	Housetype, Secondary Frontage – Elmslie

DrNo HT-H1c-S-A30L-01 RevB A30L	Housetype, Secondary Frontage –
DrNo HT-H1c-S-A30L-02 RevA A30L	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Becket-01 RevA Becket	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Becket-02 RevA Becket	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Becket-03 Becket	Housetype, Secondary Frontage –
DrNo HT-H1c-S-A40L-01 RevB A40L	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Aldridge-01 RevB Aldridge	Housetype, Secondary Frontage –
DrNo HT-H1c-S-Pembrooke-01 RevA Pembrooke	Housetype, Secondary Frontage –
DrNo HT-H1c-K-Cartwright-01 RevB Cartwright	Housetype, Local Space Frontage –
DrNo HT-H1c-K-Cartwright-02 RevA Cartwright	Housetype, Local Space Frontage –
DrNo HT-H1c-K-Elmslie-01 RevB Elmslie	Housetype, Local Space Frontage –

DrNo HT-VI-SGAR-11	Single Garage
DrNo HT-VI-SGAR-12	Double Garage Double Owner
DrNo HT-VI-SGAR-13	Double Garage Extended
DrNo SRS-VI-01	Steps and Railings Study
DrNo BR-L-N1-PL213 Rev B	Planting Plan Layout
DrNo BR-L-N1-PL214 Rev B	Planting Plan Sheet 1
DrNo BR-L-N1-PL215 Rev B	Planting Plan Sheet 2
BRL-L-N1-PL303	Landscape Details, Tree Pits,

DrNo 02-ATR-3001 RevC	Fire Tender Tracking Plan
DrNo 02-ATR-3101 RevC	Refuse Vehicle Tracking Plan
DrNo 02-GA-3001 RevC	Preliminary Highway Levels Plan 1
DrNo 02-GA-3002 RevC	Preliminary Highway Levels Plan 2
DrNo 02-GA-3101 RevC	Preliminary Adoption Plan
DrNo 02-GA-3201 RevC	Preliminary Junction Visibility
DrNo 02-RP-3001 RevB	Preliminary Road Profile

Energy and Sustainability Statement, AES Sustainability Consultants Ltd, July 2020

Drainage Statement 1033 Rev A, awp, January 2021

DrNo 02-DR-3001 Rev B Parcel H1c Preliminary Drainage Layout
Planning Statement

H1c Compliance Statement, COM-VI-02

Phosphate Mitigation Strategy, Rev 6, Brookbanks, 14/01/2021

Fallow Land Management Plan, edp782_r055c, 15/01/2021

Shadow HRA Assessment Report, 210115_P1136_sHRA_Final, ead,
15/01/2021

Phosphate Strategy Composite Plan, DrNo 9985 RevC

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

2. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the final occupation within Phase H1c(i).
For a period of ten years after the completion of the development (Phase H1c(i)), the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
Reason: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
This is a unique Reason
3. The development hereby approved shall be carried out in full accordance with the materials plan and specification DrNo PL-VI-14 RevB and PL-VI-14.1 RevA unless any variation in writing is first agreed with the Local Planning Authority.
Reason: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.
4. The development hereby approved shall be carried out and completed in full accordance with the specifications set out in the Energy and Sustainability Statement (AES Sustainability Consultants Ltd, July 2020).
Reason: To safeguard residential amenity and in the interests of climate change objectives to accord with Policies CP1, CP8, DM1 and DM5 of the Taunton Deane Core Strategy.
5. Prior to first occupation of any dwelling, facilities for the charging of electric vehicles shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.
6. Prior to commencement of development to implement the Phosphates Mitigation Strategy (Rev 6, Brookbanks, dated 14/01/2021) and Fallow Land Management Plan (edp782_r055c, 15/01/2021) in so far as they relate to the development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit

to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow HRA Assessment Report 210115_P1136_sHRA_Final, ead, 15/01/021 shall be implemented.

Reason: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. 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.
3. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website - www.securedbydesign.com - which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
4. In accordance with the National Planning Policy Framework the Council has worked in a constructive and pro-active way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.

Proposal

Reserved matters approval is sought, for the appearance, landscape, layout and scale of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, incidental public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1c(i)-Vistry/LiveWest) on land at Comeytrove/Trull.

The application has been amended from its original submission which was for 192 dwellings and comprised the whole of Parcel C and also Parcel F. The application was reduced to 64 dwellings in response to the issue related to the Somerset Levels and Moors Ramsar Site detailed later in this report. The effect of this is that

Parcel C is now split into H1c(i) which is this application and H1c(ii) which will form a separate application along with Parcel F in the future.

This is the third reserved matters approval sought in relation to the appearance, landscape, layout and scale of housing at this strategic site. Councillors will recall considering application 42/20/0006 seeking 70 dwellings on a neighbouring parcel (H1b-Taylor Wimpey) with that permission being issued in July 20. A second Reserved Matters application 42/20/0031 seeks 76 dwellings on parcel H1a for Vistry and Livewest.

The residential schemes follow the approval by committee of reserved matters relating to strategic infrastructure for the western neighbourhood, ref 42/19/0053.

The outline application, ref 42/14/0069, for this 2000 dwelling development was accompanied by a viability assessment, which made assumptions around the costs and timescales for delivery of this strategic site, with the delivery of affordable housing being agreed at 17.5%. However, it is noted that following the allocation of funding by Homes England, affordable provision across the site is being supplemented with 'additionality' affordable units. This parcel contains such 'additionality' units. This does mean the developer is under stringent timescales to get the additional affordable homes consented and constructed by LiveWest ahead of the Government's funding deadline.

The 64 dwellings comprise 2, 3 and 4-bed houses (31 market, 33 affordable). 12 affordable units are secured via the s106 and 21 units represent the 'additionality' units.

Parcel H1c(i) will contain 64 dwellings and is located on the periphery of the site sharing its northern boundary with properties at Jeffrey's Way. The western boundary borders a right of way running north-south from the A38 to Higher Comeytrove Farm, and also Parcel H1a. To the south of the parcel will be an area of public open space, containing strategic surface water infrastructure and a Local Equipped Area of Play. This area is not yet consented. Further to the south is Parcel H1d and the body of the Western Neighbourhood which will itself adjoin the Local Centre. To the east of Parcel H1c(i) is Highfield Park, the consented area of Public Open Space to the rear of Highfield and Highfield Crescent. This is the area that contains a public footpath connecting Comeytrove Lane to Jeffrey's Way and also contains the two significant protected trees.

The principle and layout (within the western neighbourhood) inclusive of street hierarchy and cycle paths were approved as part of the Outline (42/14/0069) and Infrastructure Reserved Matters (42/19/0053) consents.

The proposed dwellings are predominately two-storey houses save for 6 units (3x semi-pairs) which are 2½ storey containing dormer windows. The 2½ storey dwellings are located in key positions to add variety to the urban form in line with the Design Guide. The proposed dwellings consist of 5 detached, one terrace of three dwellings and the remainder are semi-detached. The majority of dwellings are of a simple rectangular floorplan with pitched roofs. All dwellings have allocated parking as well as cycle storage in shed or garages.

Landscaping is proposed within the parcel including street trees and planting to

front garden areas.

In addition to the wider revision to reduce the number of units a number of amendments to plans have been sought and submitted since submission of the application. In summary this includes additional detailing to the proposed dwellings, amendments to better respond to urban design principles and improvements to proposed landscaping.

Site Description

Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use Garden Community at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the north and north-east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.

The area submitted for approval with this application comprises Parcel H1c(i) of the site and sits within Trull parish. Parcel H1a is the only residential parcel that sits exclusively within the parish of Bishops Hull. All remaining parcels lie with Trull parish.

The site slopes from the north to the south with the highest point being on the boundary with Jeffrey's Way properties.

Other than a couple of larger trees (both Eucalyptus) on the boundary with Jeffrey's Way the only notable landscape feature is the native hedgerow which runs north south from the boundary of Jeffrey's Way, and the hedgerow which runs north south along the right of way from the A38. Both hedgerows have been incorporated into the proposed layout and form the eastern and western extents of the amended Parcel H1c(i). The boundary with Jeffrey's Way is largely open with only a certain number of properties having any discernable boundary treatment, or where there is its low domestic hedging or open style low fencing.

Relevant Planning History

Ref. 42/14/0069 - Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility - Approved 8 August 2019.

Ref. 42/14/0042 – Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull – Approved 9 August 2019.

Ref. 42/19/0053 - Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated

with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrove/Trull - Approved 18 March 2020.

Ref. 42/20/0005/DM - Prior notification of proposed demolition of chicken coops on land south west of Taunton - No objection subject to conditions 21 February 2020.

Ref. 42/20/0006 - Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrove/Trull - Approved 22 July 2020.

Ref. 42/20/0024 - Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrove/Trull - Currently deemed invalid.

Ref. 42/20/0042 – Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull – Pending.

Ref. 42/20/0043 - Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull – Approved 19 October 2020.

Ref. 42/20/0031 - Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1a on land at Comeytrove/Trull – Pending.

Ref. 42/21/0004 - Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works on land at Parcel H1d, Comeytrove/Trull – Pending.

Consultation Responses

A summary is given, all consultee responses are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

TRULL PARISH COUNCIL - H1c - Comment:

I would like the following noted against this planning application on behalf of Trull Parish Council; There is a feeling of disappointment that the website lacks information from the crucial statutory consultees such as LFA, Highways, Wessex Water, Environment Agency, Place-making specialist. There is not enough

information yet in order to make full comment.

Further comment on H1c(i):

Trull Parish Council wishes to object to this application on the following grounds:

- 1. This area was agreed on the Density Parameter Plan (as approved as part of 42/14/0069) to be of low housing density and whilst the number of houses complies with the number of houses per hectare (20-40) the Parameter Plans specifies that this area will be made up of 'predominantly detached houses'. This area has only 5 detached houses out of 64. We note also that this parcel has disingenuously added on a large part of the road which makes the density of housing seem lower than it really is.*
- 2. The Placemaking Specialist objects to yet more badly designed houses and laments the absence of an agreed Design Guide and Architectural Appearance Palette as required by conditions 4, 5, and 6.*
- 3. Condition 13 – requires a detailed drainage scheme for this parcel of land. It hasn't yet been done and the LLFA still require a long list of drainage details and SUDS plans.*
- 4. SCC Highways report that Condition 26 needs to be fulfilled which requires the developers to ensure that cycleways and footpaths are properly planned and built before the houses are occupied.*
- 5. The Phosphate Mitigation Strategy is a rushed concept which assumes the reduction in (theoretical, future) agricultural inputs of phosphate will mitigate against the amount of phosphate produced by the new houses. Whilst they have attempted to follow Natural England's guidance there remain many questions: what about the 0.33 ha which is now part of 42/20/0042? This is marked on the map as fallow land. What about the spine road? What about the existing right of way across the western side of the site which according to the Fallow Land Management Plan will allow no public access? What about the areas that are shown as white on the map – what will they be? What about the areas which combine fallow land with Public Open Spaces? How are they compatible with the requirement for no public access?*
- 6. The site also requires an updated EIA as 7 years have now passed since it was done before.*

COMEYTROWE PARISH COUNCIL (Adjoining PC) - H1c - Objection:

- The height of the new properties will have a negative impact on loss of privacy of existing properties in Jefferies Way.

BISHOP'S HULL PARISH COUNCIL (Adjoining PC) - H1c - No comments to make.

ENVIRONMENT AGENCY – No comments received.

LEAD LOCAL FLOOD AUTHORITY – H1c(i) - No objection in principle but some details need needing/clarifying.

[officer note: additional information clarifying matters has been received and send to LLFA, a verbal update will be given to the planning committee).

WESSEX WATER – No objection to RM app.

Advisory comments also made regarding the parallel discharging of Condition 11 of the outline consent.

HISTORIC ENGLAND - H1c - Advised to take recommendations into account.

Refer to SWT Conservation Specialist to ensure all opportunities have been taken to mitigate potential impacts on designated heritage assets including listed buildings.

SWT CONSERVATION OFFICER:

“With reference to outline Application 42/14/0069 the conservation officer’s comments were as follows:

“Further to my consultation response of 9 February, I have now had the opportunity to view both parts of the submitted heritage assessment (listed separately as appendix 13.1 and figure 13.0 on the TDBC website). I can confirm that these documents use an appropriate and sound methodology proportionate to the scale of the development and allow the impact on the built heritage assets to be properly assessed. Having assessed the reports on site, I would broadly agree with the findings. I have identified no harm, either physical or to setting, to the built heritage assets that could under the terms of the National Planning Policy Framework be described as ‘substantial’. The ‘less than substantial harm’ to the setting of the Conservation Area and Listed Buildings is at the lower end of the scale and is accurately set out in Table 13.4 of the report as at worst moderate and can be further reduced through mitigation measures. In terms of these measures, further details will be required, particularly the treatment of the Honiton Road area, which will directly impact Trull Conservation Area. In summary, while the proposed development would not enhance the significance of the built heritage assets, neither would it result in a degree of harm that causes me to object in principle to the scheme on conservation grounds.”

The letter from Historic England 26 May 2015 had no undue concerns for the following:

“Trull Conservation Area, Poundisford Park Pale. With regard to the listed buildings there are two specifically that have the potential to be affected, Chilliswood farmhouse and Hamwood Farmhouse... Whilst there are a large number of highly graded assets within Taunton their setting essentially relates to their urban context... Within Trull there is the Church of All Saints, which is grade I. It is separated from the proposed site by some historic housing and more modern infill. Having reviewed the information submitted and looked at the two farmhouses we do not feel that there would be any notable impact on setting.” The letter goes on to refer to a landscape buffer between the Comeytrowe urban extension and the Trull conservation area.

Comments

The impact of development considered at outline stage considered Rumwell Park grade II and Trull conservation area to be the principle assets that might be affected by development however it was considered with appropriate mitigation, harm could be reduced. As part of outline application 42/14/0069 mitigation was approved for the northern boundary of the site. Phase H1C lying south of Rumwell Park and some distance from Trull conservation area has less sensitivity to those assets and less impact on setting through being blocked by proposed housing and agreed mitigation landscaping. It is considered that there will be no harm to heritage assets by allocation H1C”

HIGHWAYS ENGLAND - H1c(i) - No objection.

SCC - TRANSPORT DEVELOPMENT GROUP - H1c(i) – Comments:

“As noted previously, this proposal is a reserved matters application following outline permission 42/14/0069. Any issues relating to the possible impacts of the scheme on the wider transport network would have been considered at that earlier time.

The application submission has now significantly changed, and the number of proposed dwellings has reduced to a total of 64 dwellings, down from 194 dwellings as originally proposed. Having reviewed the planning submission it appears that the proposed change has been generated by the conclusions of the Phosphate Mitigation Strategy, which now forms part of the current planning application package.

As the scale of the proposed development is much reduced, there are a number of earlier comments that are no longer relevant. In particular, the site layout plan shows that the area known as Phase H1f has now been comprehensively removed from the current submission. The scheme no longer includes any of the bus gate elements at Comeytrove Road, and the secondary spine road is not part of the updated submission. The earlier comments relating to those elements are no longer relevant to the revised scheme.

As previously noted, there is a need to now consider the requirements of Condition 26 which was attached to the earlier outline planning permission (42/14/0069). In order to fully assess the pedestrian and cycle connection requirements through this part of the site there is a need to understand how the overall strategy for the site will be delivered, and the phasing of the infrastructure as part of this. Associated with this comment, there are a number of public open spaces immediately adjacent to the development proposals where the connections (on key desire lines) through this land will become important as the site is developed. It also remains unclear when external pedestrian / cycle connections could be achieved, and it is requested that the requirements of Condition 26 are presented at this time, and that the application details are determined on that basis. This further information is needed to clarify how this proposal fits with the wider infrastructure (some of which may have to be temporary in nature) to ensure that appropriate access can be provided to the site.

A key issue that needs to be addressed at this time is the cycle infrastructure shown as part of the design of the road labelled as NR01 (or WR01 in some technical submissions). This shows a segregated cycle route along the southern side of the road. However, this route does not appear to be on a significant cycle desire line, and a more direct route could also become the preferred option through the public open space immediately to the south of the application site. Without understanding how the wider pedestrian and cycle connections will be achieved, there is a risk of delivering a route that will not be used by a large number of cyclists (and the more desirable route to the south would not be designed to the appropriate standard to meet the demand). It is recommended that this detail is considered against the wider objectives and timescales for cycle infrastructure being delivered across the site.

Having reviewed the submitted Site Plan, there does not appear to be any visitor parking spaces included as part of the revised scheme. This is not in accordance with the adopted parking standard requirements, and it is requested that this is reviewed by the applicant before any planning decision is made. It is noted that a small part of proposed highway (including the adjacent

footway), which is intended for adoption by the highway authority, would need to be submitted for technical design. The rest of the proposed highway is already at the Section 38 technical design stage and any comments made regarding the detail of the proposed highway will be provided as part of that current process. As noted above, there are key issues that should be considered by the applicant, and it is recommended that these should be reviewed before a final planning decision is made. The highway authority will provide a further consultation response following any necessary discussions and on receipt of updated information”.

[Officer comment: plans are being amended address these concerns, a verbal update to be given to planning committee]

SCC RIGHTS OF WAY - H1c - No objection.

An Informative note is requested to advise proposed works must not encroach on the right of way.

The area adjacent to T 29/10 has now been withdrawn from the application.

ECOLOGIST – No objection.

Conditions 18, 19, 20, 21 and 22 imposed on the outline consent protect and enhance ecological interests on the site. These conditions will be signed off by the Ecologist in parallel to this application insofar as the matters cover H1c(i).

On the submitted HRA and Phosphate Mitigation Plan:

“I’m satisfied within the show Habitat Regulations Assessment and associated Phosphate Mitigation Strategy and Fallow Land Management Plan, and concur with Natural England’s assessment and conclusions pertained within DAS letter dated 15/01/2021. Therefore, I can confirm that, in principle, the sHRA can be adopted by SW&T, however it to confirm the appropriate planning and legal mechanisms for ensuring the mitigation proposals, as detailed within the Phosphate Mitigation Strategy and Fallow Land Management Plan, allow the development to reach nutrient neutrality throughout the lifetime of the development further advise will be required from Counsel and Natural England. My understanding is that this is likely to be delivered through the implementation of a s106 agreement/unilateral undertaking, or Grampian condition/s.

Regarding the Fallow Land Management Plan I note Natural England have stated the following within their DAS response:

‘While the grassland established could be managed more positively for wildlife interests, this is not a requirement of the Habitats Regulations in this instance and the applicant needs to find a balance between providing mitigation for phosphorous and the likely need to develop the fallowed land in the future, transferring mitigation into a permanent solution off-site’.

I concur with this summary, and would further recommend that the mechanisms for taking into account the situation when the fallow land comes forward for development, that the s106 agreement/unilateral undertaking, or Grampian condition/s, or other legal mechanisms facilitate the process for transferring the development Phosphate budget for projects 42/20/0031 and 42/20/0056, plus the new development budget, into permanent solutions off-site”.

NATURAL ENGLAND – No objection subject to appropriate mitigation being secured.

NE considers that without appropriate mitigation the application would have an

adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. In order to mitigate these adverse effects and make the development acceptable, the mitigation measures as set out in the adopted Appropriate Assessment, should be secured. NE advises that an appropriate planning condition or obligation is attached

PLACEMAKING SPECIALIST– Objection.

“Overall the quality of the design for this RM is poor. The layout lacks any imagination or streetmaking skills and will be a standard boring suburban estate. There is no variation in density resulting in a uniform layout. House types are anywhere national house types with no reference to the character or appearance of Taunton. I would recommend Design Review.

Layout:

- *The layout shows no imagination in placemaking and legibility is poor and the key group and key buildings are not defined in any way in this layout (all very uniform standard boxy units with little grouping or linking together to create good townscape). No identity is being created; this layout is clearly a numbers exercise to cram as many units on the site as possible*
- *The approved masterplan has a low density edge (plots 80 – 173). As proposed has no differentiation in the density and is all uniform. The edge is far too cramped and number need to be reduced.*
- *Parking layout doesn't conform to the Tertiary Cycle Street design layout characteristic set in the approved masterplan. This states that parking should be to the side of houses (not frontage).*
- *Key building - plot 137/138 does not turn the corner*

House Types:

- *Standard suburban house types of anywhere design that relate nothing to the defined Taunton character as defined in the approved masterplan and design guide for this western neighbourhood.*
- *Houses all uniform height with no differentiation between 'cottage' form and 'town house'*
- *No informality to what should be a low density edge to existing properties.*
- *No roofscape interest*
- *Poor design for key buildings and secondary building which will not give legibility and landmarks in the streetscenes. Box dormers to the front of key buildings is unacceptable.*
- *I would like to see a drawing specifically showing key and secondary buildings as there are too many house types*
- *Whole layout lacks wide frontage units which help create for visual interest to a streetscene and provide variety (systematic of a cramped form of development)*
- *Terrace elevations lacking symmetry of windows*
- *Little variation in boundary treatment. Lack of wallscape for boundaries, both stone walls and brick walls*
- *Casement windows pretending to be vertical sash windows in 'town houses' – be convincing and execute a design properly*
- *Needs more articulation of corner buildings with bays and side windows*
- *Stone buildings are needed both for key buildings and the informal green edge*

Materials:

- *Some use of stone would help uplift the quality including stone walls*
- *There is one cream gilt brick house and this doesn't relate to other materials*
- *Natural slate for key and secondary key buildings*

General Observations:

- *The Design Guide and Architectural Appearance Palette needs to be discharged for parcels ahead of RM applications, as according to planning conditions 4, 5 and 6 attached to outline planning permission 42/14/0069. This in my professional opinion is completely unacceptable and will result in a lower quality of development. We need to set the expected standard of design in the Design Guide and Architectural Appearance Palette ahead of a RM being submitted”.*

LANDSCAPE – Comments:

Commenting on the Appearance Palette

“With regards to local building materials certainly ham stone and blue lias are used on local buildings but probably the key material is the local chert which was readily available locally. I suggest that those three local stones are used on the key buildings in particular but also throughout the scheme. I would avoid reconstituted stone unless it is of the best quality.

Car parking should be excluded from key open spaces.

Given that the open spaces are also used as wildlife corridors suitable lighting levels should be used to avoid glare and the potential impacts on bat and moth feeding routes

Regarding the proposed scheme subject to trees in the back gardens of the more northerly houses and trees on the shared fence lines of the more southerly houses I’m relatively happy with what is proposed. I understand there is a need for a retaining wall to the south, along the red line, but low water demanding trees such as Amelanchier, Betula and Sorbus species should not cause any damage if planted 1m away from the structure according to BS5837:2012.

There may be maintenance issues whether trees are within private or management company ownership but I assume that can be agreed as part of the landscape details”.

BLACKDOWN HILLS AONB – No comments to make.

TREE OFFICER – Comments on the wide H1c application before amendment:

Concerns relating to the retaining walls and impacts on existing trees on Jeffrey’s Way boundary. Detail of trees in hardstanding required.

[Officer comment: plans are being amended to safeguard RPZ, verbal update to be given to planning committee, also a typical detail of tree planting in hardstanding was submitted and agreed]

HOUSING ENABLING – No objections raised.

“The developer is required to deliver 17.5% affordable homes on this site under the S106 Agreement with a permissible variance for each RM application of 15-20% providing the final overall is 17.5%. This will be monitored across all phases of this development. The 12 affordable homes proposed is 15.6% of the total 64 homes. This proposal undertakes to provide a further 21 affordable homes through additional funding from Homes England. This additional affordable housing brings the number of affordable homes to be delivered on the site to 33 which is welcomed.

The tenure split of all 33 affordable homes is 52% affordable rent and 48% shared ownership. This does not match the tenure split agreed in the S106 agreement i.e. 60% affordable rent and 40% shared ownership. This will be monitored across all phases of this development.

The affordable housing layout and proposed tenure plan is shown on drawing (A1)

DrNo PL-VI-13c Rev B Planning Layout Parcel H1c dated 27 Jan 2021. This shows the affordable housing arranged in small clusters interspersed with some open market homes and therefore can be considered to be an integral part of the development and will not be visually distinguishable from the market housing on site.

The type of the affordable housing units to be provided reflect the distribution of property types and sizes in the overall development with the majority of the homes having 2 and 3 bedrooms. There are two 4 bed houses for rent which is welcomed. The proposed mix reflects the existing need in Taunton and allows for different sized households across the development to encourage a diverse and sustainable community and allow socially supportive and stable community to develop on the site.

The unit sizes have been assessed by Somerset West and Taunton against the requirements set out in Policy D10 in the Taunton Deane Adopted Site Allocations and Development Management Plan. All unit sizes either meet or exceed the minimum internal floor space requirements.

The Housing Association associated with this development is LiveWest which is one of Somerset West and Taunton's preferred partners. LiveWest will work together with the Somerset West and Taunton Enabling team on a Local Lettings Plan to ensure local people are given priority for affordable housing on this development. The delay whilst a resolution to the Phosphate issue was found has impacted on the Affordable Housing Delivery program. However following discussions with Homes England, the Affordable Homes proposed within this Reserved Matters application should be able to meet the grant funding deadlines providing the proposed affordable homes start on site imminently. The impact of a delay to start on site and therefore completion of further 'additional' affordable homes through subsequent Reserved Matters submissions will form part of the ongoing discussion with Homes England and LiveWest".

AVON AND SOMERSET CONSTABULARY - H1c(i) - No objections, comments:
No concerns regarding layout, planting and existing landscaping should be carefully considered to maintain surveillance.

SOMERSET WASTE PARTNERSHIP – No comments received to date.

Where comments are awaited it is anticipated that no objections or only minor issues will be raised. This is based on the response received on H1b and H1a. Any additional consultee responses will be orally updated at committee and those representation will be added to the online case file.

Representations Received

Representations Received

A site notice has been posted and neighbours notified of the application. The council is in receipt of 19 representations. Some are multiple representations from the same person.

A summary is given, all responses from the general public are available to read in full on the council's website, www.somersetwestandtaunton.gov.uk.

The comments made can be summarised as follows:-

- There should be a green buffer to the back of Jeffery's Way, to protect neighbours and the Stonegallows Ridge. Other edges to the development have green buffers.
- Impact of new dwelling on existing properties – overlooking and privacy. Additional mitigation is required. There will be multiple properties on the development side contained within the width of one property on Jeffrey's Way.
- Reduce the density and maximize the distance between new and existing properties.
- The dwelling types should be lower and spaced out, perhaps bungalows.
- Can the road line be altered to move houses away to create better separation distances?
- Detailed comments and observation of the HRA, Phosphates Mitigation Plan and Fallow Land Management Plan, and a view that there has been inadequate assessment by Natural England and the development will not proceed past 306 dwellings thereby not providing a school, local centre and employment land. Additional land is required to be fallowed to compensate for the school and rights of way.
- There is a lack of imagination in the dwelling design.
- The conservation area extends further around Highfield Crescent than is shown.
- Comments on the steps and railing study, impacting on the disabled, those with prams and shopping trolleys and moving wheelie bins.
- There is no practicable masterplan and strategic drainage plan.
- Comments on the surface water strategic and outline drainage condition.
- Prescriptive rights have been secured on the agricultural land due to walking over it unchallenged for decades.
- Pre-application advice not sought.
- The application must be determined by committee.

Comments relating to specific issues in the part of H1c now withdrawn are not extensively commented on in this report. Representations from residents of the eastern end of Jeffrey's Way and of Highfield Crescent make detailed comments about an area of the site now withdrawn.

Those comments relate to:

- Loss of residential amenity by overlooking and overbearing properties and the inclusion of flats,
- the loss of green buffer
- The bus gate onto Comeytrove Lane needs altering as it doesn't show adequate radii, conditions should also be imposed to protect local amenity.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.

The development plan for Taunton Deane comprises the Taunton Deane Core

Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013). Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being rolled forward with the aim of producing one new Local Plan covering the entire administrative area.

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
CP1 - Climate change,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
CP7 - Infrastructure,
CP8 - Environment,
SP2 - Realising the vision for Taunton,
SS7 - Comeytrowe / Trull - Broad Location for Growth,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
A1 - Parking Requirements,
A2 - Travel Planning,
A3 - Cycle network,
A5 - Accessibility of development,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
ENV3 - Special Landscape Features,
I3 - Water management,
I4 - Water infrastructure,
D7 - Design quality,
D8 - Safety,
D9 - A Co-Ordinated Approach to Dev and Highway Plan,
D10 - Dwelling Sizes,
D12 - Amenity space,
TAU1 - Comeytrowe / Trull,

The Trull Neighbourhood Plan is part of the development plan and a material consideration.

The Trull Neighbourhood Plan includes policies that are aligned with the adopted policies in the Taunton Core Strategy and Site Allocations and Development Management Plan (SADMP), and provide for sustainable development in the parish.

- Policy F1 Reducing Flood Risk requires proposals to include an acceptable SuDS system and manage surface water in a way that adds value, these principles have been established at outline stage with details being provided in this application to satisfy the Local Lead Flood Authority.
- E2 Woodland, Trees and Hedgerows, supporting broadleaved tree planting and hedgerow enhancement. New trees and retained hedges feature in this

development.

- H2 Housing 'in keeping' requires housing to demonstrate appropriate compliance with urban design principles. Housing should be 'in keeping' with neighbours however this it is acknowledged that this is most relevant for housing within existing settlements. Housing in the proposed parcel is most closely associated with properties that are either rendered or in red brick.
- H3 Affordable Housing requires affordable housing to be indistinguishable from market housing, it is considered this has been achieved.
- H5 External Space requires developments to provide storage space for waste and recycling bins, this has been provided in the form of areas of hard standing for each plot.

The National Planning Policy Framework (NPPF) and National Planning Policy Guidance are material considerations. The National Design Guide is also a material consideration.

Other documents including the consultation draft of the Somerset West and Taunton Design Guide (February 2020), Taunton: The Vision for our Garden Town (October 2019) and the Taunton Design Charter and Checklist do not form part of the development plan but remain material considerations albeit with limited weight.

All policies and material considerations can only be considered as far as they relate to the details for which reserved matters approval is sought, as defined in the Development Management Procedure Order (DMPO) 2015.

Local finance considerations

Community Infrastructure Levy

The creation of dwellings is CIL liable.

Application amended to reduce amount of housing provided.

Amendments provide for approx. 6050sqm of housing development.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £423,500.00. With index linking this increases to approximately £601,500.00.

This calculation does not take account of any exemptions that may be claimed and granted. Exemptions will apply for example for each affordable house constructed.

Determining issues and considerations

Principle of development of the site

The principle of developing this site to provide a new sustainable neighbourhood has been established by the outline approval. This reserved matters application seek approval for detailed matters in relation to layout, scale, appearance and landscaping and as explained above consideration is limited to these issues.

Councillors will recall a great deal of discussion regarding the scope of a reserved

matters application at the meeting of 09 July 2020 when the adjoining Taylor Wimpey parcel H1b (42/20/0006) was approved. Matters such as Taunton's Garden Town status, climate change, the Council's five year land supply, development viability and sustainable development all being matters discussed at length. Those matters could likely be raised again in conjunction with this application and so Councillors may find it very beneficial to revisit the webcast for that meeting to remind themselves of the officer advice at that time which remains germane to this application and indeed all the future reserved matters applications at Comeytrowe Garden Community. The webcast can be viewed here:

<https://democracy.somersetwestandtaunton.gov.uk/ieListDocuments.aspx?CId=330&MId=2709&Ver=4>

A full and detailed Environmental Statement was submitted with the Outline application. It was not required to be updated to support application 42/20/0006 Phase H1c(i).

However as Members will be aware the issue arising from the intervention of Natural England pertaining the phosphorus levels on the Somerset Levels and Moor has required the submission of a Shadow Habitats Regulations Assessment. This matter is described and discussed following this section of the report.

Negotiated Amendments

In accordance with the NPPF, officers have worked proactively with the applicants to secure improvements to the proposal. A number of design changes have been secured over several sets of amended plans.

These can be summarised as increased or improved design, changes to finishing materials (including highway), revised boundary treatments and landscaping changes.

The Scope of this application

The outline application accompanied by an Environmental Statement was approved on the basis that reserved matters would subsequently be sought for layout, scale, appearance and landscaping. Access was approved as part of the outline application and three Highways related plans for 2 roundabouts on the A38 and Honiton Rd and the secondary 'bus only' access off Comeytrowe Lane were approved and listed in Condition 02 accordingly.

Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that the reserved matters should encompass some or all of the outstanding details of the outline application proposal, including:

- landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- scale - includes information on the size of the development, including the height, width and length of each proposed building
- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development

Condition 02 of the outline consent stated the development was to be carried out in accordance with 5 parameter plans. These plans had been formulated through consultation and through the conclusions of the Environmental Statement. For example the Environment Statement concluded that there would be policy compliance and no environmental harm caused if the development was developed in line with the guidelines set out on the parameter plans, i.e.: development of a certain height, distribution and density, accessed in the manner set out and with the quantum, distribution and general characteristics of green infrastructure. In many ways the parameter plans approved at outline stage form the bones of the skeleton to which the Reserved Matters now represent the flesh.

Applications for Reserved Matters are not full planning applications in the normal sense where all matters are on the table but are instead a matter of assessing compliance with all the matters agreed at the outline stage and via outline conditions. Only the matters of layout, scale, appearance and landscaping are those reserved (or deferred) to this latter stage and they must be guided by the parameter plans set at the outline stage and any conditions attached to the permission.

It should be noted that the Reserved Matters do overlap to an extent and are inextricably linked insofar as changes to one aspect will invariably impact on another.

Access

The approved Access and Movement Parameter Plan stated in Condition 02 is Plan No. 9603 Rev H. It shows the access points around the periphery of the development for vehicles (incl. bus), cycle and pedestrian. This Reserved Matters application accords with this approved plan.

Landscaping

The approved Green Infrastructure Parameter Plan stated in Condition 02 is Plan No. 9604 Rev L. It shows the strategic public open spaces to serve the development, the approx. locations of LEAPs and the NEAP, allotments and playing fields, plus proposed structural landscaping and retained/ removed hedgerows/trees. This Reserved Matters application accords with this approved plan.

Additional landscaping to that retained is provided for in the form of street trees, front and rear gardens, parking courts and within incidental public open space areas. The quantum, distribution and species choice is considered acceptable.

Layout

The approved Land Use Parameter Plan stated in Condition 02 is Plan No. 9600 Rev L. It shows the area covered by this reserved matters application as being 'residential development' which can include play areas, allotments, drainage basins and incidental landscaping. This parcel does not contain drainage basins, play areas or allotments as they are located elsewhere in line with the approved masterplan. This Reserved Matters application therefore accords with this approved plan.

It is noted that local residents wish to see a green buffer in this area but that was not secured at the outline stage.

Condition 04 of the outline consent required the submission of a Neighbourhood Design Guide. This was submitted and approved by the LPA. Within this document

an indicative layout was set out. This Reserved Matters application accords with this approved document in terms of the general layout.

The infrastructure Reserved Matters application, ref 42/19/0053, also showed some internal estate roads which this application also accords with. This is important given there are requests from neighbours to move the road south to allow houses to also move south and further away from the boundary.

The layout provides a suitable quantum of parking spaces, largely on plot, to accord with policy.

A later section of this report assesses the '*Standard of amenity for proposed dwellings*'.

Scale

The approved Scale Parameter Plan stated in Condition 02 is Plan No.9602 Rev K. It shows the area covered by this reserved matters application as being 'Up to 11m' 2.5-3 storey high development. This Reserved Matters application therefore accords with this approved plan.

Density

An integral part of scale and layout is density. The approved Density Parameter Plan stated in Condition 02 is Plan No.9601 Rev I. It shows the area covered by this reserved matters application as being 'lower density' inclusive of predominantly detached units, some semi-detached and minimal terraced units at a density of 20-40 dwellings per hectare (dph).

This Reserved Matters application therefore accords with this approved plan insofar as the density range given (the density stated on this application is 30dph so well within the 40dph maxima), however the plan shows predominantly semi-detached houses (87.5%) and some detached units (8%) with one terrace for three properties. In this instance it is considered the density range is the significant matter, rather than the description, which the plan accords with. In addition the reason for the higher proportion of semi-detached smaller houses is influenced in part by the inclusion of 'additionality' affordable homes through the securing of Homes England funding. It should also be noted that the approved adjacent Parcel H1b was 40.2dph within a medium density range of 30-50dph. The proposed density of Parcel H1a is 37.8dph within the lower density range of 20-40 dwellings.

Appearance

Appearance is probably the Reserved Matter most concentrated on as the most visible and relatable aspect as it's what you see. Indeed in assessing the 'appearance' reserved matter it is inevitable that matters of scale and density are referenced as it is not always possible to keep them separate.

Unlike Parcel H1a this parcel does not fall within the Stonegallows Ridge Special Landscape Feature (SLF). It was also not considered at the outline stage to constitute a hilltop that warranted keeping free of development. Those areas are evident across the site, as shown on the Green Infrastructure Parameters Plan. The area most associated to this parcel is Highfield Park just to the east which is an area that has been kept free of development. This is important in the context of the requests for a green buffer from Jeffrey's Way residents'.

Core Strategy Policy DM4 Design, Site Allocations & Development Management Plan (SADMP) Policy D7 Design Quality and Section 12 (Achieving well designed places), together with Chapter 12 of the NPPF are material considerations. The Garden Town Vision Charter and Checklist and the Somerset West and Taunton Design Guide consultation draft are also material considerations albeit with limited weight given the existence of the outline approval.

Given the strategic nature of this site, this design process has taken place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with the approval of the parameter plans previously discussed.

A condition (4) on the Outline application required the submission of a Site-specific Neighbourhood Masterplan and Design Guide. This document is intended to build on the approved parameter plans and provide a more detailed framework against which mid-level matters of design such as the proposed arrangement of development blocks, streets and spaces can be assessed. A Neighbourhood Design Guide for the Western Neighbourhood (Neighbourhood Design Guide) was discharged in March 2020 after several months of negotiations.

An Appearance Palette is also required by Outline condition (5) for each parcel. This in turn builds on the Neighbourhood Design Guide and provides a framework to assess narrower design considerations such as building design, building materials, surface materials, street furniture and tree species. An emerging Appearance Palette for Parcels H1c to H1f has been submitted and discussed in parallel with the consideration of this application and will be agreed simultaneously with this application for Reserved Matters if this application is approved.

These plans and documents further inform how the reserved matters should be considered. This application is accompanied by a Compliance Statement setting out how the applicant believes the proposal accords with the parameter plans, Neighbourhood Design Guide and emerging Appearance Palette.

The Comeytrove Garden Community will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line with the Garden Town Vision. Much of this green infrastructure has already been designed and approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots. This is the work presently occurring on site.

The SWT Design Guide states that the creation of a design concept, to identify key groupings, focal points/features, character areas, and street and space hierarchy is a very important stage in the design process. The Neighbourhood Design Guide sets out a framework regarding the creation of character areas and nodes, key frontages and groupings development of principles on development blocks, density and height ranges, development block structure, and street and space hierarchy for the Western Neighbourhood.

Within Phase 1, Parcels H1a, H1b, H1c, H1d, H1e and H1f all form part of Northern Slopes character area. A term used to set out different design characteristics across

the site. Phase 2 is known as Hilltop Gardens and the Local Centre is similarly in a separate character area. What this means is that the parcels within each character area should more-or-less appear the same. The contrast is provided between character areas and should be subtle, akin to the use of a different palette of materials, different planting types, height, density, modern design over traditional design or urban design changes. The key is subtlety to make one area distinct from another to aid wayfinding and legibility.

As such the approach to parcel H1c(i) has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them at the 09 July 2020 meeting in resolving to approve the application for H1b despite several design facets remaining problematic to officers and councilors alike. It was apparent the committee, as the decision-maker, attributed weight to a wide range of issues in making a decision based on the planning balance which it was perfectly entitled to do. The appearance of the Northern Slopes character area which impacts the whole of phase 1 has therefore in part been influenced by the committee decision on H1c(i).

Indeed the parcel contains design facets to continue the approach in H1b and also respond to the suite of design documents:

- The parcel is at a lower density to parcel H1band H1a, reflecting its site edge location. Several 2½ storey properties are included as key buildings to add variety and legibility. Councilors will recall the density and heights of buildings are set out in the parameters plans and show a gradual intensification as you move towards the local centre and away from higher points of the site.
- Implementation of the street hierarchy, including shared surfaces and private drives.
- A simplification of the materials palette to avoid a visual jumble of walling and roofing materials. Dwellings to be finished in render and red brick with stone dressings as per parcels H1b and H1a.
- Some variation in roofscape informed by the natural topography and stepped rooflines, but also some dormers on key buildings and chimneys, interspersed with (in time) tree canopies.
- The use of roman tiles and imitation slate ensure the visual impact of the development when viewed from sensitive areas is minimised.
- The use of casement windows throughout as per H1b and H1a, with the introduction of ground floor bay windows for visual interest in key locations, and added light to the recipient habitable rooms.
- Comprehensive landscaping, through street trees, hedging and frontage shrub planting.
- Private rear amenity space within acceptably sized gardens.
- Where rear gardens adjoin the public realm brick walls are used (rather than fencing) to provide additional security and enhance the quality of the street scene.

- *Placemaking through the Taunton Garden Town-Design Checklist*

The GT Design Checklist revisits many factors considered and determined at the outline stage, namely connections (access), facilities and services, public transport and meeting local housing requirements, working with the site and its context, masterplanning (through assistance from Design Review Panel), public and private spaces, building with nature and energy and renewables.

Issues relating to character, streets for all, integrated parking and legibility for some remain unresolved satisfactorily.

Appearance (continued) - Objections from the Placemaking Specialist

The matters causing the objection outlined in the consultation section of this report fall largely to the use of what is described by the Placemaking Specialist as 'anywhere' standard house types only. This criticism follows that made with regards to parcels H1b and H1a also. This leads to criticism regarding the lack of imagination and streetmaking skills, no variation in density resulting in a uniform layout, little design definition, and little roofscape interest. Reference to a referral to a Design Panel is also made.

Appearance (continued) - Response to the Placemaking Specialist's objections

There is an objection to the proposed dwelling typologies on the grounds that they do not represent "traditional building form". This was similarly challenged on parcel H1b and the committee were sufficiently satisfied to grant Reserved Matters approval. Sites of this size require volume housebuilders to handle the quantum, complexity and financial risk that comes with such a development. That challenge and risk is mitigated, in part, by a standardised method of construction where costs are known up-front and potential complexities de-risked. As such there is a known input to deliver a known output at a price affordable to prospective purchasers. Members were reminded at the committee meeting concerning H1b that the viability exercise that was carried out at the Outline stage assumed that the site would have standard build costs, which would assume the use of a standard house type product. Widespread bespoke designs and expensive materials cause exponential additional actual costs and indirect costs by a non-standardised method of construction due to houses taking longer to build.

The applicant has responded in part to ensure the elevations are designed to reference the local character of Taunton, with detailing and materials interpreted from their studies in and around Taunton.

With regards to the roofscape, there is some variation to an extent due to the topography of the site and stepped rooflines, a mixture of roof materials and chimneys add interest; Tree planting within and around the site edges will also help contain and disrupt built form to some extent.

There is an standing objection to the use of casement windows, stating sash windows, or windows with vertical proportions, would be preferred as they would be more akin to the shape of windows on Taunton's historic buildings. This objection was also made in response to 42/20/0006. Councillors concluded, in approving that application, that casements were acceptable and there is no policy basis to require an alternative window style.

The type and distribution of materials follows that agreed with parcel H1b and proposed as part of H1a.

Design is a subjective matter, a matter that two people could have two different views on, but who is right? Who has the final say? Design is akin to taste and people have a different taste for all sorts of things, cars, clothes, urban and rural landscapes, and of course buildings, spaces and places. The fact of the matter in this case it that the development is more than a façade of a house, it's a place with

its own identity, with access to a significant quantum of open space, with distant views and facilities needed to live a happy life. For many this will be a first home, perhaps a last home, a chance to live nearer family or to work from home; when you boil it down it's a matter of opinion as to whether these factors matter just as much or even more in place-making as the non-provision of some architectural features, or indeed whether somebody else thinks your new home or street is beautiful.

Reference to Design Review Panel (DRP) is made. A DRP was engaged to assist with the production of the Western Neighbourhood Masterplan but not felt to be necessary in the formation of H1b, the first residential RM approved last July. As such a DRP has not been engaged for H1a nor H1c. A DRP will be engaged in the production of the Eastern Neighbourhood Masterplan in due course.

Overall it is considered the proposal accords with the relevant policies of the Core Strategy and SADMP.

Other Considerations

Beyond the strict interpretation of the Reserved Matters it is necessary to reflect on other material considerations; these are detailed hereon.

- *Impact of Heritage Assets*

The outline application contained an assessment on the likely impacts to heritage assets. Now we have the precise detail within a Reserved Matters application we can compare the judgments and assumptions made then to the proposal as is now.

The parcel sits outside what could be considered the setting of Rumwell Park and associated gate piers on the A38. The two nearest listed building with any possibility for inter visibility are Comeytrove Manor and Higher Comeytrove Farm. Higher Comeytrove Farm is located at some distance in a bowl in the landscape. Parcel D will need assessment in regard to the setting of this listed building. Comeytrove Manor is adjacent to Parcel F but that part of this application has been withdrawn and so its significance would only be effected by the change in use of farmland to the north, which forms a rural 'backdrop' to the listed building. Given the Reserved Matters is broadly in compliance with the parameter plans and given the inherent measures within the application (design and landscape) and the setting, it is considered there are no additional mitigation measures which are required.

The Listed Buildings and Conservation Areas Act 1990 is relevant in order to assess the impact on heritage assets. The views of the Conservation Officer are noted. The outline application was obviously approved on this basis of the parameters plans and assessing the extent of built development, and the removal of the unsightly industrial estate area. There is no reason to withhold reserved matters approval on the basis of impact on heritage assets.

- *Sustainability*

This application for reserved matters is supported by an Energy and Sustainability Statement. The outline application did not secure additionality in terms of the sustainable construction specification over Building Regulations and this was a point of some discussion at the committee meeting of 09 July 2020 when parcel H1b was approved.

The Design Guides focused on other important but often forgotten measures of sustainability such as walkable neighbourhoods, cycling infrastructure, public transport and travel planning, open space inclusive of allotments, surface water management and biodiversity enhancement.

The submitted Energy and Sustainability Statement sets out a fabric first approach to demand reduction which will in turn delivers a level of energy performance beyond the current Building Regulation standards whilst addressing a range of additional sustainable design considerations.

Improvements in insulation specification, efficient building services, a reduction in thermal bridging and unwanted air leakage paths and further passive design measures are reported to enable the relevant standards to be met, whilst building in low energy design and future climate resilience to the design and construction of the dwellings. It also states how water saving measures have been incorporated into the design in order to deliver a calculated water use per person which far exceeds Building Regulations requirements.

Councillors will also be keen to learn that in order to support the transition to electric vehicles, all plots with adjoining garages are intended to be provided with electric vehicle charging points. A condition is proposed to ensure greater provision within the parcel.

It must be stressed that because this is a Reserved Matters application this additionality over and above what was secured at the outline stage is seen as positive.

- *Residential Amenity - Impacts on Neighbours*

Parcel H1c as a whole adjoins 11 properties on Jeffrey's Way. As amended, the smaller Parcel H1c(i) adjoins 8 properties towards the eastern end. Within that same distance on the development site 28 houses are proposed.

Properties at Jeffrey's Way are large two-storey detached houses with large rear gardens. The gardens enjoy a panoramic southerly aspect and due to that some have low or very lightweight boundary treatment, in some cases are effectively open to the existing field. The houses themselves have either been built or modified to enjoy the views and southerly aspect.

The field level changes across the boundary, from dropping sharply at the western end to more-or-less level at the eastern end. The field then drops continuously away to the south. As explained in the site description section there are hedges at the eastern and western end and several large trees on the boundary.

The form of development within the site adjoining Jeffrey's Way is predominately two-storey in 12 semi-pairs, plus two pairs of 2½ storey and two detached houses.

In tandem with the submission of the application (as the larger H1c parcel at the time) officers engaged with residents to brief them of the submission, supported by the Development Consortium. Residents were able to explain their concerns and understand how planning issues relating to residential amenity are assessed by the Council. As a result of this some amendments were made and site section drawings

were produced to help illustrate the proposed relationship. At the western end the site is to be excavated and retaining walls will be employed to create level building plots and a road to a suitable gradient, as such the proposed properties at that end are lower relative to the properties at Jeffrey's Way. Moving to the eastern the land will be more level and as such the proposed properties are only slightly lower or level.

The determining factor therefore becomes the separation distance and window-to-window relationship. Officers and Planning Inspectors will assess the topography and use a distance of 21m to ascertain whether overlooking will occur to habitable rooms. In this case the minimum distances between existing and proposed properties is 30m and that gradually increases house by house to 54m. 7 Jeffrey's Way properties were visited to assess this relationship in person and to explain the process with those homeowners.

The extent and strength of objection is noted and clearly the development will change irreversibly the view and aspect from these properties. However the relationship in terms of levels and distance is favourable and as such it considered the relationship between proposed properties and those at Jeffrey's Way is acceptable in planning terms. Planning Committee members will be well versed on the fact that no property has a right to a view over land to which they have no control. Given the relationship of distance and levels it is not appropriate to insist on single storey dwellings or any planning reason to insist on the properties being spaced out so views can be retained through gaps. Where there are 2½ storey dwellings the rear roofslope do contain rooflights so they have been moved above head height.

Discussions with those residents also included the proposed boundary treatment and ways they may mitigate perceived impacts within their own property through planting.

Discussions with the Development Consortium, based on feedback from residents, has led to a 2m fence with 300mm trellis being proposed as well as some small trees spaced out along the boundary on the development side. This proposal is currently being communicated to those residents affected. Whilst typically a 1.8m high fence is standard in such situations, a higher fence, given the garden lengths and desire on the part of residents to retain as much privacy as possible is considered acceptable. A higher fence will not prejudice the amenity of those new properties given it is to the north. Properties within the development site will have acceptably sized gardens and will not themselves suffer from overlooking from Jeffrey's Way residents.

Overall the combination of factors ensures an acceptable level of amenity will be afforded to all future residents.

- *Standard of amenity for proposed dwellings*

Internal floorspace and layouts meet the space standards of SADMP Policy D10. The Housing Enabler has also confirmed acceptance of the sizes and layouts of the affordable units.

There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid over-shadowing of

neighbours.

Overall it is considered the proposed dwellings will provide an acceptable standard of amenity for future residents.

- *Refuse and Recycling*

Hardstanding for bin storage is provided to the rear of all units. Where collection cannot be made from the immediate frontage of properties designated collection points are provided a short distance from properties. Paths provide rear access for terraced properties where necessary.

- *Parking and cycle storage*

Parking is provided in a mixture of parking courts and on-plot parking (to the side or front of the dwelling). Visitor parking is also provided. The level of car parking, and size of garages, is adequate to meet the requirements for parcel H1c(i) and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.

External storage of cycles is in garages and sheds, again this is in line with parking standards. Where cycles are stored in sheds these are located adjacent to access gates.

Habitats Regulation Assessment

Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').

In its letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset

Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is "*...unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated*" as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.

The issue in terms of the Ramsar Site is that the conservation status of the designated site is 'unfavourable' in consequence of eutrophication caused by excessive phosphate levels.

The typical consequence of such excessive phosphate levels in lowland ditch systems is "*the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna*".

This excessive growth "*adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia*" which in turn allows those species better able to cope with such conditions to dominate. The result is a decline

in habitat quality and structure. NE state that *“The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive P and the resultant ecological response, or at risk from this process”*.

NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works ('WWTWs')) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the Ramsar Site have a phosphate level classed as significantly less than 'Good' by reference to the Environment Agency's Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a *“Poor Ecological Status”*.

NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.

In response to this situation the Development Consortium has acted quickly and developed a site specific solution, with help and assistance from the Council and Natural England.

This has resulted in the submission of additional key supporting documents; a Phosphate Mitigation Strategy, a Fallow Land Management Plan, a Shadow HRA Assessment Report and Phosphate Strategy Composite Plan. These detailed documents are available on the planning case file (42/20/0031) on the Council's website.

The Shadow Habitats Regulations Assessment report sets out the level of phosphorus which would be generated by a quantum of development on the site, the current land uses and their impact on phosphate creation and calculates the mitigation required. It concludes that in order to achieve phosphate neutrality for an initial tranche of 306 homes on the site part of the site in the Western Neighbourhood will be fallowed.

The key design principle for fallowing is the creation and maintenance of permanent vegetative cover (as opposed to bare ground) to provide soil stability and minimise the runoff of silt and/or phosphate from the land. The 'Fallowing' comprises 1.88ha proposed to be planted as native shrub and woodland as part of the dormouse mitigation strategy for the Site, taking account of the loss of dormouse habitat (hedgerows) permitted under a Natural England European Protected Species Licence and 37.98ha proposed to remain open and undeveloped but reverted from arable to a low maintenance grassland/ley with no fertilisers applied.

Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.

The proposed Phosphate Mitigation Strategy is an interim measure for the three pending Reserved Matters Sites. As explained land is to be taken out of agricultural production prior to the first occupation. Future Reserved Matters Applications for development (in accordance with the Outline Planning Consent) will come forward for the Fallow Land and therefore in order that future development is acceptable, mitigation will be required, for both the future development and the Reserved Matters sites that will have been approved by then. An updated Phosphate Mitigation Strategy would be required at that stage.

In summary a Likely Significant Effect on Somerset Levels and Moors Ramsar has been identified as a result of water quality (phosphate) impacts, in isolation and in combination with other plans and projects. Mitigation in the form of land-use change and fallowing of agricultural land, secured through delivery of a Management Plan, would ensure that phosphates generated by this Reserved Matters Site would be mitigated. It is considered that the Council can conclude that there would be no adverse effect on the integrity of the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either in isolation or in combination.

The submitted documents have been reviewed by the Council's retained Ecologist and Natural England.

Somerset Ecology Services as the Council retained Ecologists have agreed that the sHRA can be adopted by the Council.

The method of securing the mitigation measures has been discussed and in this instance a suitably worded condition is proposed.

In conclusion 306 dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.

Detailed representations have been received from a couple of residents concerning the implementation of the Fallow Land Management Plan. Comments relate to the presence of uncultivated field margins on the edges of the field which are proposed to be fallowed. Questions regarding the temporary fencing along field boundaries, which are tree protection fencing, are made and the potential to impede the future management in line with the FLMP.

Comments have been sourced from the Consortium's ecologist:

- *Field margins around arable fields are essentially the equivalent of fallowed land, with an equivalent (low) phosphate load. However, these margins are too small in extent to be mapped and measured separately and have thus been assumed to have the same (high) phosphate load as the rest of the field.*
- *As a result, the calculations slightly over estimate the current phosphate load from each field and also slightly over estimate the reduction in phosphate load by the same amount, therefore this does not affect the reliability of the calculations overall.*
- *These margins would essentially be managed as grassland in the same manner as the grassland to be established in the field interiors although a very narrow strip would likely be left simply to avoid damaging any boundary hedgerows. Any fencing currently in place to protect the hedgerows during construction activity would be removed from the areas to be fallowed prior to implementing the FLMP, thus enabling management of the whole field as specified.*

- *In terms of public access, access will be allowed along existing rights of way but informal access routes within fallowed areas may not remain given the gradual build out of housing in the wider area.*

Given the views of Natural England and Somerset Ecology Services it is considered appropriate to proceed on the basis of the submitted approach which will unlock the site.

Conclusion and planning balance

The delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area.

The principle of development of a new sustainable neighbourhood on this site, together with access connection to the existing road network and principle drainage issues, was agreed with the outline planning permission. The reserved matters application accurately reflects and builds upon the outline approval and the approach taken in the approval of Reserved Matters on the first housing parcel H1b, adjacent to the parcel subject to this submission H1a.

The previous Reserved Matters application ref. 42/20/006, considered by Councillors, similarly raised issues of design quality, site viability and the approach that should be taken with the Reserved Matters submissions that will now be continually submitted across the whole of the Western Neighbourhood over the coming months and into 2021.

The development consortium is building momentum by opening up the site and seeking reserved matters approval, even in uncertain times. This application would deliver housing, including affordable housing, and its positive determination in a timely manner would keep delivery of the 'additionality' affordable homes on track.

The parcel contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrowe site. The wider site is delivering substantial areas of open space, including new parks and gardens, allotments, playing fields and tree planting in line with the garden town vision approved by Reserved Matters 42/19/0053.

There has been engagement by the applicant's agent and officers have added value by seeking amendments to plans during the application stage, many to align with changes similarly made to parcel H1b and the valuable input from the Placemaking Specialist. A number of issues have been fully or partially resolved, however it has not been possible to fully resolve all the issues raised. Of those issues that remain, explanations have been provided by the applicant as to why they have chosen to progress this design for a decision without making changes.

The residents of Jeffrey's Way will remain disappointed by the outcome of this application, whilst accepting the prospect of development has been evident since at least 2014 when the outline consent was submitted. These matters are of course understandably emotional and personal but the application of a standard planning assessment ensures this situation is played with a straight bat and is no different to any other such assessment in a different context.

Having had regard to the representations of objection and the advice of the various

consulted parties, it is considered that with regard to the planning balance the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

Whilst the few remaining reasons for concern are understood the planning committee will need to decide if any of those matters individually or collectively warrant withholding reserved matters approval, and furthermore what the planning reasons would be and what demonstrable evidence would be provided and expert witness' called should the matter be subject to a future appeal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Simon Fox

APPEALS RECEIVED – 25 FEBRUARY 2021

Site: Chilcombe House, 30 Trendle Lane, Bicknoller, TA4 4EG

Proposal: Application for Outline Planning Permission with all matters reserved except for access for the erection of 1 No. dwelling and detached garage in the garden to the side with associated access

Application number: 3/01/20/016

Appeal reference: APP/W3330/W/20/3263909

Decision: Delegated Decision - Refusal

Enforcement Appeal:

APPEAL DECISIONS – 25 FEBRUARY 2021

Site: Land to the west of Station Road and south of Home Orchard, Hatch Beauchamp

Proposal: Erection of 12 No. dwellings with associated works at field located to the west of Station Road and south of Home Orchard, Hatch Beauchamp

Application number: 19/19/0009

Reason for refusal: Appeal – Dismissed, Costs - Dismissed

Original Decision: Committee – Refusal



Appeal Decision

Hearing Held on 16 & 17 December 2020 Site visit made on 23 December 2020 **by H**

Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/W3330/W/20/3246143 Field located to the west of Station Road and to the south of Home Orchard, Hatch Beauchamp

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by West of England Developments (Taunton) No2 Ltd against the decision of Somerset West and Taunton Council.
 - The application Ref 19/19/0009, dated 22 August 2019, was refused by notice dated 10 December 2019.
 - The development proposed is erection of 12no. dwellings with associated access, landscaping and drainage works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by West of England Developments (Taunton) No2 Ltd against Somerset West and Taunton Council. This application will be the subject of a separate Decision.

Background and Procedural Matters

3. The relevant elements of the development plan for this appeal comprise policies from the Taunton Deane Adopted Core Strategy 2011 - 2028, 2012 (CS) and from the Taunton Deane Site Allocations and Development Management Plan, 2016 (SADMP). Material considerations include the Taunton Deane Affordable Housing Supplementary Planning Document, 2014 (SPD); the National Planning Policy Framework, 2019 (the Framework); and the Government's Planning Practice Guidance (PPG).
4. Two Unilateral Undertakings have been provided by the appellant that provide for various planning obligations in the event that planning permission is granted: UU1, dated 9 June 2006, relates to the provision of affordable homes, as well as financial contributions towards off-site play equipment; UU2, dated 17 December 2020, concerns nutrient neutrality obligations for implementation and management of a package treatment plant and wetland at the appeal site. Both UUs are material considerations to which I return later in the decision. Revised plans (17.98.02D and 17.98.03D) have been submitted in response to the matter of phosphates and nutrient neutrality that has arisen during the course of the appeal. I am satisfied that the revisions do not fundamentally alter the development and no parties' interests would be prejudiced by my taking them into account.

Main Issues

5. The main issues are:
 - Whether the proposed development satisfies the requirement for a rural exception site, having regard to the development plan and national planning policies; and,
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Rural Exception Site

6. SADMP Policy SB1 seeks to maintain the quality of the rural environment and ensure a sustainable approach to development. Prioritising the most accessible and sustainable locations, CS Policy SP 1 follows a sequential approach to development. Hatch Beauchamp is amongst a number of villages with retained settlement boundaries in lowest tier of the settlement hierarchy. Located adjacent to but beyond the settlement boundaries of Hatch Beauchamp, the greenfield appeal site is treated as being within open countryside.
7. CS Policy DM 2 lists eight types of development in the countryside that are supported outside of defined settlement limits. This includes (criterion 6) for affordable housing that is a) adjoining settlement limits, provided no suitable site is available in the rural centre; b) in other locations well related to existing facilities and to meet an identified local need that cannot be met in the nearest identified rural centre.
8. Paragraph 77 of the Framework supports opportunities to bring forward affordable housing rural exceptions sites (RES) to meet identified local needs. Paragraph 78 of the Framework promotes sustainable development in rural areas, encouraging

housing be located where it would enhance or maintain the vitality of rural communities. The Council's affordable housing SPD sets out that RES developments should, amongst other things, meet or help to meet a proven and specific local need for affordable housing in the Parish or adjoining rural Parishes, which would not otherwise be met.

9. The appellant undertook a Housing Needs Survey¹ (HNS), the method or findings of which have not been disputed by the Council and are considered to be up-to-date. I have taken note of interested parties' concerns over the accuracy of the HNS. However, taking into account the limited scope to Hatch Beauchamp Parish, the relatively low response rate, and that the Council conceded demand for affordable housing outstrips supply across the local authority area, I consider the HNS to be a conservative estimate of local need. I am therefore satisfied there is an identified local need for eight affordable homes, which the proposed development would help to meet.
10. Policy DM 2 6 a) provides support for affordable housing adjoining settlement limits providing no suitable site is available within the rural centre. The appellant has promoted the appeal scheme under CS Policy DM 2 criterion 6 b), which relates to sites other locations well related to existing facilities and to meet an identified local need that cannot be met in the nearest rural centre. My reading of CS Policy DM2 is that criterion 6 a) should apply to sites that adjoin settlement limits, as the appeal site would to the settlement limits of Hatch Beauchamp.
11. I do accept that the affordable housing in this case would be well related to the existing facilities in Hatch Beauchamp and, as above, would meet an identified local need. Even so, Policy DM 2 6 b) still priorities that need being met in the nearest identified rural centre, which would be North Curry. Although RES affordable housing may be in addition to specific site allocations, justification text for Policy DM 2 sets out that proposals will remain targeted to locations within rural centres. This corresponds with CS Policy SP 1 and SP 4, which indicate that growth in rural areas will be more limited while allowing for sites fulfilling affordable housing exceptions criteria outside development boundaries in the Major Rural or Minor Rural Centres.
12. The appellant's Affordable Housing Statement² (AHS) concedes that there may be the potential for new affordable housing to come forward in North Curry. The likelihood of any forthcoming affordable housing in North Curry meeting the needs identified for Hatch Beauchamp Parish appear to have been ruled out based on assumption. Paragraph 78 of the Framework provides support for development in one village supporting services in another, whilst the SPD refers to proven and specific local need for affordable housing in the Parish or adjoining rural Parishes. I note that AHS has assessed sites within or adjacent to the settlement boundary for Hatch Beauchamp, however, without a more comprehensive assessment of whether there are suitable sites in North Curry, it has not been convincingly demonstrated that the affordable demonstrable local housing need could not be met within the rural centre in accordance with DM 2.
13. In supporting opportunities to bring forward RES affordable housing, paragraph 77 of the Framework allows for consideration of whether allowing some market housing on these sites would help facilitate this. There is no specific definition or percentage limit given in either the Framework or SPD as to what a 'proportion' or a 'small

¹ Falcon Rural Housing, June 2019

² West of England Developments (Taunton) No. 2 Ltd Affordable Housing Statement, October 2019 paragraph 4.2.6

proportion' of open market housing should entail. The viability of specific sites and schemes is inevitably nuanced, as evidenced by examples of other RES schemes referred to by the appellant. I take the Framework and SPD guidance to imply that, irrespective of the percentage proportion, any open-market element should be the minimum necessary provision.

14. The proposed development would offer six affordable and six open-market dwellings; the open-market provision in this case represents 50% of the units and more than half of the developable part of the site. All of the open-market dwellings would be in the form of three-bedroomed detached bungalows. The proposed affordable units would comprise one two-storey, three-bedroomed semi-detached house; three two-storey two-bedroomed semi-detached houses; and a pair of two-bedroomed semi-detached bungalows.
15. The independent assessment of the appellant's viability report points out that the build costs rates for single-storey development are potentially higher. Whether or not there was an indicative preference for bungalow dwelling during public consultations, there is no convincing reason why developing the site with mainly single-storey housing that is usually more costly and requires extra amount of land has been advanced. A separate appraisal of the costs and revenue of a scheme not comprising bungalow dwellings has not been carried out, causing me to question whether a scheme designed with two-storey homes rather than bungalows could potentially decrease the level of open market housing required to bring forward the affordable homes. On this basis, it has not been demonstrably shown that the open market housing is the minimum necessary provision to enable the delivery of the affordable housing.
16. The appellant has cited examples of RES affordable housing development outside the settlement limits. I do not know the site-specific or detailed planning judgments that applied in those instances, although the PPG³ does indicate that LPAs can support opportunities to bring forward RES by working proactively with landowners and potential delivery partners such as parish councils. Nevertheless, Hatch Beauchamp is a village in the lowest tier of the settlement hierarchy, where local services and facilities are limited. I am not persuaded that meeting the affordable housing needs for Hatch Beauchamp Parish rather than in the rural centre of North Curry would reduce the need to travel, especially taking into account the extremely limited range of services and facilities to satisfy day-to-day needs that the village has to offer.
17. Drawing all of the above together, the proposal fails to satisfy the requirement for a RES outside of settlement limits in accordance with CS Policy DM 2. Furthermore, it has not been convincingly shown the market housing on the site would be the minimum necessary to help facilitate the affordable housing to meet local needs. I therefore conclude that the proposal would not find support under paragraph 77 of the Framework. As a consequence, the proposal would advance new housing in the open countryside that would not ensure a sustainable approach to development and be conflict with SADMP Policy SB1 and CS Policy SP 1 that seeks to restrict development outside of defined settlement limits and focus development on the most accessible and sustainable locations. This, in turn, causes conflict with CS Policy CP6, insofar as it seeks to ensure development reduces the need to travel.

³ PPG Paragraph: 009 Reference ID: 67-009-20190722

Character and appearance

18. SADMP Policy SB1 seeks to ensure that, in all cases, development outside of boundaries of settlements is designed and sited to minimise landscape and other impacts. CS Policy SP 1 seeks to ensure proposals promote the principles of sustainable development by, amongst other things, minimising and/or mitigating pressures on the natural environment. All forms of development listed under CS Policy DM 2 are still subject to, amongst other things, being of a scale, design and layout compatible with the rural character of the area. Policy CP 8 states that on unallocated greenfield land outside settlement boundaries will be permitted where it will be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character. Policy DM 1 requires all proposals for development not to unacceptably harm the appearance and character of any landscape, settlement, or street scene. SADMP Policy D7 seeks to ensure new housing creates a high standard of design quality and sense of place.
19. The Council's affordable housing SPD expects RES developments, amongst other things, to be sympathetic to the form and character of the village. Furthermore, in order to achieve a successful development, the affordable housing SPD advises it should not be visually distinguishable from the market housing on site in terms of, amongst other things, architectural details and levels of amenity space; and be fully integrated with the market housing.
20. The appeal concerns a portion of a gently sloping former orchard laid to rough grass situated on the southwestern periphery of Hatch Beauchamp, a small village situated in rural surroundings characterised by a gently rolling arable landscape. The appeal site sits apart from the regular concentration of development that characterises the built-up area of the village and is readily distinguished by its verdant nature, mature hedgerow boundaries and an absence of development.
21. The notable termination in built form on the west side of Station Road and south of Orchard Close contributes to a green and open setting at the outer edge of the village and views across a wider rural landscape. Notwithstanding the proximity to Station Road and Orchard Close housing, the appeal site provides a valuable transition between the built-up settlement and the more rural context beyond.
22. The appeal scheme would develop the site with 12 dwellings, a mix of detached bungalows or two-storey semi-detached houses. Two new accesses would be created, one through the Station Road hedgerow boundary and another off Orchard Close. The south western half of the appeal site would remain undeveloped; boundary vegetation would largely be retained; and low-profile housing would occupy the highest part of the site. Nevertheless, the proposal would form an obvious urban intrusion onto the site and influence a perceptible 'creep' or sprawl of built form out from the village limits into the open countryside.
23. Through the introduction of domestic buildings, gardens, extensive surface parking and new footways, the urbanising effect of the proposal would be obvious. Particularly looking towards the south west from the corner of Station Road and Home Orchard, the rural landscape definition that the appeal site contributes to the village's setting would reduce.
24. Of the dwellings proposed, just one semi-detached pair would address Station Road, while the remainder would be orientated towards the two shared driveways. There are examples of cul-de-sacs and inward-facing developments further within the developed core of the village. However, in the vicinity of the appeal site, extant development

tends to either front streets and have independent accesses off them, or to comprise a discrete developed enclave with a distinctive townscape character. Although much of the Station Road hedgerow boundary would be retained, the proposal would advance a development that would be more akin to a suburban housing estate that would be incompatible with the countryside periphery of this rural settlement.

25. During my site visit I took note of the range of local material treatments in development, and the existence of single-storey modestly-scaled cottage-like housing. However, the proposal would not only introduce a range of six house types: detached, semi-detached, single and two-storey, they would be arranged around two shared driveways, occupy varying plot sizes, and be executed with an assortment of material finishes. For a relatively modest development overall, the range of building design, materials, scale and orientation would be so varied that, in my judgement, the scheme would lack of coherence or design continuity as a whole. Rather, the scheme would advance a fragmented and disjointed development that would fail to achieve a distinctive sense of place.
26. As proposed, all of the affordable units would be comparatively modest in size and form compared to the open market dwellings and have markedly smaller external provision. Indeed, the only semi-detached properties would be the affordable ones. Furthermore, four of the six of the affordable units would be located at the end of the shared driveway, cause them to appear set apart from, and not convincingly integrated with, the open-market dwellings. Taken as a whole, I consider the proposal would fail to achieve successful integration between affordable and open-market dwellings, which would run counter to the SPD guidance and the principles of good design.
27. Whilst there may be constraints on the site owing to odour exposure, nevertheless, I consider that the proposed development proposal would not be of a scale, design and layout compatible with the rural character of the area. Rather, it would have a harmful effect on the character and appearance of the area. Conflict therefore arises with Policies DM 2, DM 4 and CP 8 of the CS, as well as with Policies SB1 and D7 of the SADMP. Amongst other things these policies seek to ensure development is of a scale, design and layout compatible with the rural character of an area; encourages a sense of place; conserve the open character of the area; protects or enhances landscape and townscape character; and is designed and sited to minimise landscape and other impacts. There would also be conflict with policies within the Framework that seek to achieve well-designed places, establishes or maintains a strong sense of place, ensure development maintains an area's prevailing character and landscape setting, and which recognises the character and beauty of the countryside.

Other considerations and planning balance

28. I consider that UU1 and UU2 would be directly related to the development, be reasonably related in scale and kind, and necessary to make the development acceptable in planning terms. As such, I consider they would satisfy the relevant tests set out in Regulation 122(2) of the Community Infrastructure Regulations 2010.
29. The proposed development would offer six affordable homes. The appeal proposal would deliver a higher percentage of affordable housing compared to the policy requirement for development within settlement boundaries. There is also an acknowledged need for affordable housing across the local authority area and the delivery of affordable homes where there is a demonstrable local need attracts significant weight in favour of the proposed development.

30. Additionally, the proposal would bring forward six open market dwellings that would satisfy the Government's objective of boosting the supply of homes, with no upper limit. All of the dwellings the appeal scheme would deliver would contribute to a choice of homes, creating mixed and balanced communities and bring associated social and economic benefits, including during the construction phase, through CIL contributions, and as future residents feed into the local economy. However, there is an extremely limited range of services and facilities in Hatch Beauchamp and no compelling evidence that any would be under threat in the absence of the proposal. This reduces the weight I attribute to these benefits to a modest level.
31. The proposal, in my judgement, would not cause harm in respect of flood risk, biodiversity, living conditions or highway safety. There would be financial contributions towards play equipment and contributions towards achieving phosphates neutrality and mitigation in relation to the Somerset Levels and Moors SPA and Ramsar site. However, all of this would be largely as mitigation and attract neutral or very modest weight in the overall planning balance.
32. On the other hand, the proposal would be at odds with the overall spatial strategy and would harm to the character and appearance of the area. Any RES scheme would inevitably involve development in the open countryside. Even if the landowner in this case may be unwilling to consider a smaller scheme, the delivery of RES affordable housing should not come at the cost of an up-to-date settlement strategy or the character and appearance of an area. The 'tilted balance' does not apply in this case and the proposed development would not be in a suitable location. Rather it would not represent a sustainable form of development for the purposes of the Framework or development plan. The weight of other considerations in favour of the appeal do not, in my judgement, justify making a decision other than in accordance with the development plan.

Conclusion

33. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rebecca Randall – Principal Planner, WYG (Agent)

Robin Upton – Director (Planning), WYG

Craig Worden – Senior Architectural Technician, Reed Holland Architects

Rob Murdock – Director, RMA Environmental Ltd

Andy Lehner – Director, West of England Developments Ltd (Appellant)

FOR THE LOCAL PLANNING AUTHORITY:

Jeremy Guise – Planning Officer

Cllr Simon Coles – Head of Planning

Cllr Ross Henley – Ward Councillor

Simon Breeze – County Ecologist

INTERESTED PERSONS:

Christine Scott – Chair, Hatch Beauchamp Parish Council
Kevin Comer
Anette Cox
Rod Harrington
Pippa Fowler
Robert Fowler
Ruth Halliday
Salliea Lemba
Susan Comer-Jones

DOCUMENTS

- 1 Appellant's Opening Summary
- 2 Somerset West and Taunton Draft Design Guide
- 3 Briefing note on AH and Off Site Play Contribution UU
- 4 Briefing note on Nutrient Neutrality Measures UU 16.12
- 5 Phosphates Mitigation UU 16.12 (clean)
- 6 Phosphates Mitigation UU 16.12
- 7 Certified Copy NNM UU 17.12
- 8 Final Schedule of Proposed Conditions



Costs Decision

Hearing Held on 16 & 17 December 2020 Site visit made on 23 December 2020 **by H**

Porter BA(Hons) MSc Dip IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Costs application in relation to Appeal Ref: APP/W3330/W/20/3246143 Field located to the west of Station Road and to the south of Home Orchard, Hatch Beauchamp

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by West of England Developments (Taunton) No2 Ltd for a full award of costs against Somerset West and Taunton Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for erection of 12no. dwellings with associated access, landscaping and drainage works.
-

Decision

1. The application for an award of costs is refused.

The submissions

2. The appellant's application for costs was submitted in writing, followed by a written response to the Council's rebuttal. The written application was made on substantive grounds and on the basis that, in relation to the planning merits of the appeal, the behaviour of the local planning authority has led to unnecessary and wasted expense.
3. The written application was briefly supplemented orally at the Hearing and the points made can be summarised as follows: that the Council's first and second reasons for refusal were unevidenced; that the transcripts of the Committee meeting show limited consideration given to matters of design; that the Council has shown inconsistency in its decision-making; and that the Council's decision has delayed development and that costs should be awarded in full.
4. The Council submitted a response to the appellant's costs application in writing. The following additional points were made orally during the Hearing: that bungalows involve higher build costs and the proposal would not represent the minimum of market housing; that the weight to be applied to the viability assessment rests with the decision maker; that the Council's Member's gave good and reasonable grounds for their decision based on the officer report and had acted in a reasonable way.

Reasons

5. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
6. In this case, the Officer's report included a recommendation for approval. It is not unreasonable for the Committee Members to have reached an alternative conclusion, that is, provided evidence to substantiate each reason for refusal was given and that vague, generalised or inaccurate assertions had not been introduced. In my opinion, the transcripts of comments made during the meeting do not reflect of the full substance of the Council's position, which was set out clearly within its Statement of Case and evidence given at the Hearing.
7. The Council's first reason for refusal refers to the development as being for twelve dwellings in the open countryside. In isolation, the Council's first reason for refusal deals with the proposal being contrary to the settlement strategy. The second reason, more specifically, reflects the nature of the proposed development as being for RES affordable housing in the countryside. The first and second reasons are inextricably linked. Through its Statement of Case along with evidence put forward during the Hearing, the Council provided an objective analysis of the specific areas of concern and substantiated its first and second reasons for refusal.
8. I do not agree that the Council considered CS Policy SP1 in isolation, rather as the proposal failed to satisfy Policy DM 2, it inevitably did not find support through the overarching spatial and sustainable development policy. As will be seen from my

decision letter, in concluding that the development would not satisfy the RES policy, I too found that the proposal would be Council's overarching settlement strategy.

9. The third reason for refusal related to matters of design, character and appearance. Through various iterations the appellant has evidently sought to address concerns raised during the application process. Nevertheless, it is apparent to me that the issue of design was not wholly resolved, rather, in weighing up the benefits of the scheme, the Council's officer was content to accept the design and layout. I do not wish to speculate on how the committee meeting unfolded, nor the time spent discussing specific matters. The issues of character, appearance and design run through various local and national policies, including CS Policy DM 2, indicating that RES development and good design are therefore not mutually exclusive. Furthermore, within their Statement of Case, the Council was able to articulate its concerns in a specific way that tied into development plan policy. On this basis, the Council was able to substantiate its third reason for refusal.
10. On the matter of planning policy, I do not consider the Council has misapplied or misdirected itself, nor failed to have regard to the development plan policies that are most important in determining the appeal. I do not agree that the Council specifically rejected the principle of a rural exception site per se. The Council has clearly assessed the proposal on the basis that some open-market cross subsidy is provided for in the Framework. Without a definition of what a 'small proportion' or 'proportion' in respect of open-market cross subsidy for RES schemes, the Council took account of various factors, including percentage of affordable to open-market, in coming to a view that the level of open-market would be excessive. The Council were entitled to take account of their SPD guidance; even if the wording didn't directly align with the Framework, the substance of the guidance did.
11. That the Council's officers agreed with the appellant's viability assessment and its conclusions is noted. The Committee Members were not duty-bound to accept the report nor the officer recommendation. The evidence I heard during the Hearing persuaded me to the view that the level of open-market cross subsidy would not be the minimum necessary provision. It will be seen from my decision letter that I agreed with the Council and found that the proposal would be in conflict with CS Policy DM 2 and paragraph 77 of the Framework on that basis.
12. I have borne in mind that the Council has granted RES development outside of settlement boundaries; and in circumstances when there was an open-market provision in excess of 50%. I do not know the specific planning considerations in those cases; to my mind, those examples illustrate that under different circumstances, the Council can be willing to accept RES development for affordable housing. In this instance, discussions on conditions or clauses within a S106 would not have satisfied what ultimately were in-principle concerns with the location and design of the development. It was not unreasonable for the Council's officer to defer to the direction of Committee Members' thinking, especially if the planning judgement, as in this case, was a finely balanced one.
13. I am aware that the appellant worked proactively with the Council throughout the application process and that the Committee Members' decision, and subsequently my own, would be a disappointment. However, all things considered, I do not find the Council has prevented development that should have been approved nor has it acted unreasonably.

Conclusion

14. In conclusion, unreasonable behaviour has not been demonstrated. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and that a full award of costs is not justified.

H Porter

INSPECTOR

Site: HIGHER HOUSE FARM, HUNTHAM, NORTH CURRY

Proposal: Permanent Residential Use at Higher House Farm, Huntham, North Curry

Application number: E/0178/36/13

Reason for refusal: Appeal – Dismissed

Original Decision:



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2021

Appeal Ref: APP/W3330/C/20/3260489 Higher House Farm, Huntham, North Curry, Taunton TA3 6EF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Anne Kemp against an enforcement notice issued by Somerset West and Taunton Council.
- The enforcement notice was issued on 21 August 2020.
- The breach of planning control alleged in the notice is failure to comply with condition No 03 of a planning permission Ref: 36/19/0027 granted on 6 November 2019.
- The development to which the permission relates is "Variation of condition 3 (holiday use) of permission 36/07/0016". The condition in question is No 03 which states that: *The property shall be used for holiday accommodation purposes only and shall not be occupied as a person's sole or main residence. The site owner or operator shall maintain an up to date register of the names and addresses of all occupiers of the property on the site for the duration of their stay and shall make this information available at all reasonable times to the Local Planning Authority.* The notice alleges that the condition has not been complied with because the barn is being used as a permanent dwelling.
- The requirements of the notice are: Comply with Condition 3 of planning permission ref 36/19/0027.
- The period for compliance with the requirements is: Three months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (g) of the Town and Country Planning Act 1990 as amended.

Decision

1. It is directed that the Enforcement Notice (EN) is varied by deleting "Three months" from under section 6 and replacing that with "Nine months". Subject to this variation, the appeal is dismissed and the EN is upheld.

Procedural Matters

2. Prior to determining the appeal, I sought the views of the appellant and the Council about not needing to visit the appeal site. This is because there are no planning merits to consider and both sides had submitted sufficient evidence for me to consider the points in dispute under the two grounds of appeal pleaded. No objections were raised to this approach. I am satisfied that no prejudice has been caused by not visiting the site.
3. Under the two grounds of appeal pleaded, I cannot have regard to any matters of planning merit such as whether the building is well suited to holiday accommodation and if the holiday occupancy condition should be lifted. I also cannot consider exempting the appellant from the restrictions of the condition. I shall though consider the time given to comply with the EN under the ground (g) appeal below.

The ground (b) appeal

4. An appeal on this ground is based on the claim that the matter stated in the EN has not occurred. In this case, the appellant needs to show, on the balance of probability, that the holiday occupancy condition has not been breached. Despite the details about persons who have holidayed at the property, there is countering very strong evidence from persons with first hand local knowledge writing in support of the appeal, and the Parish Council, which refers to concerns that the appellant would be evicted from her home. The Council also state that all postal correspondence is sent to the address at Higher House Farm, the appellant's GP is local, and she is registered to vote locally.
5. I acknowledge that for health reasons and the coronavirus pandemic travel restrictions, the appellant's normal lifestyle of moving around the UK and abroad have not been possible. However, the balance of the evidence clearly shows that when the EN was issued, and for what appears to be a prolonged period, the appellant was living at the dwelling and was not there for holiday purposes. Planning condition on planning permission ref: 36/19/0027 restricts the property to be used for holiday accommodation purposes only.
6. Given the above, there is no alternative other than to find that the condition has been breached. Consequently, the ground (b) appeal cannot succeed. **The ground (g) appeal**
7. I acknowledge from the Council's point of view that there is an enforcement history related to the occupancy of the appeal property and it was considered expedient to take enforcement action. However, at the time of my decision the coronavirus pandemic is still having a serious adverse effect on people's normal lives and the ability to travel, and even contemplate holidays. Moreover, there is the appellant's age and health to take into account.
8. In ordinary times a three months compliance period would be reasonable. However, in these extraordinary times, there is a very strong case for extending the compliance period to nine months. That would strike the right balance between bringing the breach of planning control to an end, but also allow the appellant the time needed to plan for hopefully some normality from personal and business perspectives later this year. That nine months would run from the date of this decision.
9. To this extent the ground (g) appeal succeeds.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a variation.

Gareth Symons




INSPECTOR

SWT Performance report - end of Quarter 3.

Full definition	Target	Year to date	Direction of Travel since end of Q2	Denominator	Year to date	Numerator	Year to date
% of major planning applications determined within 13 weeks (or within agreed extension of time)	75	78%	↓	Total number of major planning applications received	23	Total number of major planning applications completed within 13 weeks or agreed extension	18
% of minor planning applications determined within 8 weeks or agreed extension of time	65	81%	↑	Total number of minor planning applications received	243	Total number of minor planning applications completed within 8 weeks	196
% of other planning applications determined within 8 weeks or an agreed extension of time.	80	88%	↑	Total number of other planning applications received	587	Total number of other planning applications completed within 8 weeks or an agreed extension	519
% of appeals received that have been overturned	33	34%	↓	Number of appeals received	41	Number of appeals overturned	14

* The current figures appear well below target, but these are cumulative totals, and projections show that year end figure will likely be only slightly below target. At the end of Q3, Council Tax is 1% lower than the same time last year, and Business Rates are 2% lower.

The column titled Direction of Travel, shows whether performance has improved, worsened or is similar to the last report for the end of July.

-  Performance has improved
-  Performance has got worse
-  Performance is similar

PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date: 25 February 2021
Agenda Item: 5
Application number: 42/20/0042 – Utility Infrastructure
Amended Description: N/A
Amended Site History: N/A
Amended Recommendation: N/A

Amended Conditions:

Amend Condition 01

Include an omitted plan

GTC-AFV/MPLP/PRT/10810-AS

Kiosk Base Details & Specification

New Condition 10

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at any point on the boundary of a residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur at the time of the readings in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 15 minutes, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the residential amenity of adjacent residential properties.

Amended/Additional Consultation Responses:

SWT Environmental Health - Additional Comments

“I refer to my two previous memos regarding the above development and our recent discussion about the application. I note that the applicant has not submitted a noise assessment or additional information about the noise levels or mitigation of noise from the proposed plant.

In addition to the suggestion of a condition requiring the developer to carry out a noise assessment and any required mitigation, it may be possible to use a planning condition to put a limit on the level of noise that could come from the site. I attach a condition that is similar to one that has been used on other applications for sites with plant/equipment close to residential premises. This would mean that the applicant would have to design and install the plant to meet the requirements of this condition.

Condition re noise

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at any point on the boundary of a residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level,

measured at an appropriate time of day and for a suitable period of not less than 15 minutes.

Note that some noise assessment make recommendations for noise levels at the façade of noise sensitive premises. However, as it would not be practical for the site operator to monitor noise on another premises (to ensure they are complying with the condition) it is suggested that the level is monitored at the boundary of the residential property. If there were concerns raised with the Local Planning Authority and they wanted to carry out noise monitoring, it would be hoped that they would be able to get access to monitor noise at the site boundary, either just inside on the residential side, or on the site itself”.

Trull Parish Council – Additional comments

- 1. This Application is incompatible with several of the Plans and documents agreed at the Outline stage. The land governed by 42/20/0042 has already been allocated for other, agreed purposes (open green space), so permitting this full Application, would invalidate the Outline permission for the Urban Extension.*
- 2. This application requires an updated EIA.*
- 3. The Planning Committee has never been given the opportunity to scrutinise an Application for all this critical infrastructure, in the context of the whole Urban Extension.*
- 4. Recent submitted evidence shows flooding in and around the access to this area that would prohibit necessary vehicles attending at times when were most needed.*
- 5. This Application requires its access to be shared by service- and emergency-vehicles, a public footpath, and a designated cycle route, into public open space to the East of the site.*
- 6. Comeytrowe Lane is wholly unsuitable for HGV access to the site; the Applicants have already revised their “swept-path” analysis for such vehicles, and even now, their analysis is questionable.*
- 7. There has never been a justification for co-siting the vital equipment here (or anywhere else in the Urban Extension).*
- 8. The Applicants have never supplied documents detailing the inlet and outlet pipe-runs they propose to serve this site. The latest proposal for its outlet sewer no-longer runs alongside the Galmington Stream, but takes a lengthy alternative route to Queensway, of which most Comeytrowe residents will not yet be aware.*
- 9. Wessex Water have yet to suggest comparable local sites which Councillors might visit, to make their own minds up on the suitability of the proposed site.*
- 10. The Applicants have failed to provide any information on the noise-emission to be expected from the proposed gas, and water infrastructure. Nor have they established a representative base-case for ambient noise at this site, under normal traffic-conditions. They claim that design details will only become available later, after this permission is granted.*
- 11. The Application-site is as close to existing properties as it could possibly be, for no demonstrated civil-engineering reason. In the absence of detailed specification of the equipment, sections, and plans, no proper estimation of odour, noise, vibration or light-emission can be made or scrutinised.*
- 12. Determination has been prejudiced by the premature destruction of mature hedgerow along Comeytrowe Lane.*
- 13. Wessex Water have given no assurances that all the requirements of Water UK’s Design and Construction Guidance Version 2.0 (10th March 2020) will be met. They have yet to justify their designation of this sewage pumping-station as Type 3 (rather than Type 4). That Guidance states, in D5.1 2, “The pumping*

station should not be located where it might be susceptible to flooding at a frequency of more than 1:30 years. All electrical control equipment should be water resistant or sited above the 1:200 year flood level.” And, in D5.1 3, “Pumping stations should be located so that they are accessible and visible to the sewerage company at all times for use”.

- 14. D5.2 1 states “A safe and reasonable vehicular access should be provided to the pumping station at all hours for the purpose of repair and maintenance”. D5.2 3 states “Provision should be made for access by a tanker to empty the wet well and any storage in the event of failure”. That wet well storage is, currently, 340 cubic meters. The next paragraph makes clear that the tanker (note the singular) must “completely empty the wet well....and any resulting upstream in-sewer storage...”. No such tanker could comply with the swept-path analysis provided.*
- 15. That Guidance states, in D5.3 14, “The last access point on the gravity sewer system upstream of the wet well should be within the site compound adjacent to the wet well, and be designed to allow for overpumping”. The Guidance makes clear that, although the design must incorporate a standby-pump, provision must also be made for an alternative power-supply connection, to accommodate an emergency, on-site generator. It is impossible to reconcile all these detailed requirements with the assurances from Wessex Water and the Applicants, that the potential adverse impacts will not exceed acceptable thresholds, or that all the equipment, and vehicles, can be accommodated on this cramped site.*
- 16. Responses from critical statutory consultees have not yet been received, so neither Councillors nor the public can make a fully-informed, objective determination.*
- 17. The whole strategy needs clarification as whilst it is suggested that this will serve the whole development there is also the possibility mooted in the document from Feb 2nd that there will need to be an extra pumping station in the Eastern Neighbourhood – is this the case?*

Amended/Additional Representations Received:

R. Walsh – Concerns

Impact on Galmington Stream and the local wider environment

Why is there no environmental impact assessment and no noise assessment for this application?

Are there other similar examples to this proposal near housing and waterways? If not, why is this now seen as acceptable.

There are many examples of supposedly sealed sewage pumping stations leaking. Can the developers guarantee the sewage pumping station or tank will not leak?

A. Kent – Observations

The developer has admitted that the most recent version of the surface water and draining strategy for the whole site did not take the unique behaviour of the Galmington Stream into account and has agreed to walk the stream together with local residents to discuss the implications. This could impact on the flood level within which the proposed pumping station is located.

Recognising that the site does flood, the Local Flooding Agency has recommended that an assessment of the flooding mechanisms should be undertaken to determine if the site can be operated and accessed under flood conditions. This important statement does not appear in the Planning Officer’s report, so it is not clear if this has been carried out. The Planning Officer’s report and information from the developer’s agents indicate that a second pumping station may be needed

elsewhere on the development with foul water being pumped to the top of the hill and allowed to gravitate down to the pumping station that forms part of this planning application. There has been no mention of this in the planning application let alone confirmation that the pumping station for which planning permission is sought under planning application will have sufficient capacity to handle the increased volume.

D Owen – Objection

Agrees with Mr Smith rep of 14 Feb.

The pumping station will damage the environment and it will be costly for the Council to put right.

J.Freeman – Question

What assurances can you give the neighbourhood that our wildlife will not be affected by this application? How sure are you that this will not leak into Galmington Stream?

W.Crosse - Objection

Pollution potential to the stream.

The application site floods.

The access roads are narrow and unsuitable for heavy traffic.

T.Smith - Objection

Comments relating to the email correspondence between the Case Officer and Wessex Water.

Reference to comments made by S.Smith regarding procedural and technical objections, including whether it is necessary to have all three sets of equipment sited together.

Reference to comments made by Mr and Mrs Stainthorpe regarding discharge from another pumping station downstream.

Acknowledgement and commentary on amended plans and comments of the EA.

Commentary on the comments from Environmental Health not objecting to the application.

Commentary and opinion of the Councillor Briefing session.

Acknowledgment of the agent stating there may be a need for another sewage-pumping station, for the Eastern Development.

Commentary on the Pumping Station Note from the agent.

Observations on the comments from Environmental Health

Commentary on the consultation from Wessex Water.

R.Beckinsale – Objection

Unquantified discharge of raw sewerage into the Galmington Stream.

Objects to the proposed siting of the wet well and storage tank.

How often is the present system in Taunton overwhelmed?

All objections from the previous application should be brought forward to this application.

General updates and considerations

Further updates may be given at the planning committee meeting.

CONTACT OFFICER: Simon Fox (s.fox@somersetwestandtaunton.gov.uk)

PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date. 25 February 2021
Agenda Item: 6
Application number: 42/20/0031 - Parcel H1a
Amended Description: N/A
Amended Site History: N/A
Amended Recommendation: N/A

Amended Conditions:

Condition 05 rewritten

Prior to the first occupation of any dwelling a scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of electric vehicle charging points for each dwelling. Each dwelling shall thereafter only be occupied following individual compliance with the agreed scheme.

The submitted scheme shall also detail provision for visitor parking spaces and set out where and why it has not been possible to supply a particular dwelling, apartment or parking area.

Condition 06 amended (amendments shown embolden and italicised)

*Prior to **occupation** of development to implement the Phosphates Mitigation Strategy (Rev 6, Brookbanks, dated 14/01/2021) and Fallow Land Management Plan (edp782_r055c, 15/01/2021) in so far as they relate to the development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow HRA Assessment Report 210115_ P1136_sHRA_Final, ead, 15/01/021 shall be implemented **and maintained in perpetuity.***

Reason: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

Amended/Additional Consultation Responses: N/A

Amended/Additional Representations Received:

C. Warburton - Objection

These Applications must be deferred. SWT committed to undertaking a Habitats Regulations Assessment before determining a planning application that may give rise to additional phosphates within the catchment. This has not been done. The process of Appropriate Assessment should have considered the options, including removal of phosphate near the source (the houses) for the long term. There are solutions available that would be more efficient, less costly, less restrictive for future

development, help prevent flooding, and enhance biodiversity. The process could have been swiftly evaluated and solutions implemented - in the same time that it has taken to follow this Machiavellian approach. The 'Shadow' document does not meet Regulatory requirements, disguises the problem, and offers an inadequate proposal which can only be made enforceable within the planning system by revisiting the Outline Application. Appropriate Assessment is a focused and clear approach. This Application has not provided Appropriate Assessment and is open to challenge.

1. APPROPRIATE ASSESSMENT BY THE COMPETENT AUTHORITY IS REQUIRED BUT HAS NOT BEEN PROVIDED
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General updates and considerations

Correction to report - Typo on Page 24 of the Appendix – (amendments shown embolden and italicised)

- The site requires an updated EIA – There is ***no*** need for a new EIA.

Further updates may be given at the planning committee meeting.

CONTACT OFFICER: Simon Fox (s.fox@somersetwestandtaunton.gov.uk)

PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date. 25 February 2021
Agenda Item: 7
Application number: 42/20/0056 – Parcel H1c(i)
Amended Description: N/A
Amended Site History: N/A
Amended Recommendation: N/A

Amended Conditions:

Condition 01 – Plans updated

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

<i>DrNo PL-VI-11 RevB</i>	<i>Site Location Plan</i>
<i>DrNo PL-VI-12 RevB</i>	<i>Site Context Plan</i>
<i>DrNo PL-VI-13 RevE</i>	<i>Planning Layout</i>
<i>DrNo PL-VI-14 RevC</i>	<i>Materials Plan</i>
<i>PL-VI-14.1 RevA</i>	<i>Materials Plan Specification</i>
<i>DrNo PL-VI-15 RevD</i>	<i>Boundary Treatments plan</i>
<i>DrNo PL-VI-15.1 RevB</i>	<i>Boundary Treatments</i>
<i>DrNo PL-VI-16 RevC</i>	<i>Presentation Layout</i>
<i>AC-VI-13 RevC</i>	<i>Accommodation Schedule</i>
<i>SS-VI-02 RevB</i>	<i>Street Scenes and Sections</i>
<i>SE-VI-03</i>	<i>Site Section</i>
<i>SE-H1c-AA RevB</i>	<i>Site Section - Amberley</i>
<i>SE-H1c-BB RevB</i>	<i>Site Section – Stonegallows House</i>
<i>SE-H1c-CC RevB</i>	<i>Site Section – 2 Jeffrey’s Way</i>
<i>SE-H1c-DD RevB</i>	<i>Site Section – 4 Jeffrey’s Way</i>
<i>SE-H1c-EE RevB</i>	<i>Site Section – 6 Jeffrey’s Way</i>
<i>SE-H1c-FF RevB</i>	<i>Site Section – 8 Jeffrey’s Way</i>
<i>SE-H1c-GG RevB</i>	<i>Site Section – 10 Jeffrey’s Way</i>
<i>SE-H1c-HH RevB</i>	<i>Site Section – 12 Jeffrey’s Way</i>
<i>SE-H1c-II RevB</i>	<i>Site Section – 14 Jeffrey’s Way</i>
<i>SE-H1c-JJ RevB</i>	<i>Site Section – 16 Jeffrey’s Way</i>
<i>DrNo HT-H1c-S-Cartwright-01 RevA</i>	<i>Housetype, Secondary Frontage – Cartwright</i>
<i>DrNo HT-H1c-S-A24L-01 RevB</i>	<i>Housetype, Secondary Frontage – A24L</i>
<i>DrNo HT-H1c-S-A24L-02</i>	<i>Housetype, Secondary Frontage – A24L</i>
<i>DrNo HT-H1c-S-Elmslie-01 RevA</i>	<i>Housetype, Secondary Frontage – Elmslie</i>
<i>DrNo HT-H1c-S-Elmslie-02 RevA</i>	<i>Housetype, Secondary Frontage – Elmslie</i>
<i>DrNo HT-H1c-S-Elmslie-03 RevA</i>	<i>Housetype, Secondary Frontage – Elmslie</i>
<i>DrNo HT-H1c-S-A30L-01 RevB</i>	<i>Housetype, Secondary Frontage – A30L</i>
<i>DrNo HT-H1c-S-A30L-02 RevA</i>	<i>Housetype, Secondary Frontage – A30L</i>
<i>DrNo HT-H1c-S-Becket-01 RevA</i>	<i>Housetype, Secondary Frontage – Becket</i>
<i>DrNo HT-H1c-S-Becket-02 RevA</i>	<i>Housetype, Secondary Frontage – Becket</i>
<i>DrNo HT-H1c-S-Becket-03</i>	<i>Housetype, Secondary Frontage – Becket</i>
<i>DrNo HT-H1c-S-A40L-01 RevB</i>	<i>Housetype, Secondary Frontage – A40L</i>
<i>DrNo HT-H1c-S-Aldridge-01 RevB</i>	<i>Housetype, Secondary Frontage – Aldridge</i>

DrNo HT-H1c-S-Pembrooke-01 RevA	Housetype, Secondary Frontage – Pembrooke
DrNo HT-H1c-K-Cartwright-01 RevB	Housetype, Local Space Frontage – Cartwright
DrNo HT-H1c-K-Cartwright-02 RevA	Housetype, Local Space Frontage – Cartwright
DrNo HT-H1c-K-Elmslie-01 RevB	Housetype, Local Space Frontage – Elmslie
DrNo HT-VI-SGAR-11	Single Garage
DrNo HT-VI-GAR-12	Double Garage Double Owner
DrNo HT-VI-GAR-13	Double Garage Extended
DrNo SRS-VI-02	Steps and Railings Study
DrNo BR-L-N1-PL213 RevE	Planting Plan Layout
DrNo BR-L-N1-PL214 RevE	Planting Plan Sheet 1
DrNo BR-L-N1-PL215 RevE	Planting Plan Sheet 2
BRL-L-N1-PL303	Landscape Details, Tree Pits,
DrNo 02-ATR-3001 RevC	Fire Tender Tracking Plan
DrNo 02-ATR-3101 RevC	Refuse Vehicle Tracking Plan
DrNo 02-GA-3001 RevC	Preliminary Highway Levels Plan 1
DrNo 02-GA-3002 RevC	Preliminary Highway Levels Plan 2
DrNo 02-GA-3101 RevC	Preliminary Adoption Plan
DrNo 02-GA-3201 RevC	Preliminary Junction Visibility
DrNo 02-RP-3001 RevB	Preliminary Road Profile
	Energy and Sustainability Statement, AES Sustainability Consultants Ltd, July 2020
	Drainage Statement 1033 Rev A, awp, January 2021
	DrNo 02-DR-3001 Rev B Parcel H1c Preliminary Drainage Layout
	Planning Statement
	H1c Compliance Statement, COM-VI-02
	Phosphate Mitigation Strategy, Rev 6, Brookbanks, 14/01/2021
	Fallow Land Management Plan, edp782_r055c, 15/01/2021
	Shadow HRA Assessment Report, 210115_P1136_sHRA_Final, ead, 15/01/2021
	Phosphate Strategy Composite Plan, DrNo 9985 RevC

Condition 03 amended

Save for the use of the Trinity Gilt buff brick the development hereby approved shall be carried out in full accordance with the materials plan and specification DrNo PL-VI-14 RevB and PL-VI-14.1 RevA unless any variation in writing is first agreed with the Local Planning Authority. **Details of the Trinity Gilt buff brick shall be submitted to the Local Planning Authority for approval and not used until approved in writing. If its use is found to be unacceptable then an alternative buff brick shall be submitted to the Local Planning Authority and the development carried out in accordance with that written approval.**

Condition 05 rewritten

Prior to the first occupation of any dwelling a scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of electric vehicle charging points for each dwelling. Each dwelling shall thereafter only be occupied following individual compliance with the agreed scheme. The submitted scheme shall also detail provision for visitor parking spaces and set out where and why it has not been possible to supply a particular dwelling, apartment or parking area.

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New Condition 07

The retained area of ground to the rear of Plots 88-100 and 111-115 shall not used as garden land in connection with any residential property. The prohibition of use and access (unless for maintenance) shall be set out in a scheme to be submitted to and approved by the Local Planning Authority, and then carried out in full prior to the occupation of Plots 88-100 and 111-115.

Referring to the same areas of land, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development comprised within Schedule 2 other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: So as to protect the residential amenity of adjacent occupiers by way of overlooking.

Amended/Additional Consultation Responses:

Somerset Waste Partnership – No objections.

LLFA – No objections.

Landscape Architect – Comments on rear garden tree planting.

Amended/Additional Representations Received:

C. Warburton - Objection

These Applications must be deferred. SWT committed to undertaking a Habitats Regulations Assessment before determining a planning application that may give rise to additional phosphates within the catchment. This has not been done. The process of Appropriate Assessment should have considered the options, including removal of phosphate near the source (the houses) for the long term. There are solutions available that would be more efficient, less costly, less restrictive for future development, help prevent flooding, and enhance biodiversity. The process could have been swiftly evaluated and solutions implemented - in the same time that it has

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R.Catchpole – 5 Jeffrey's Way

A request for some bungalows along the Jeffrey's Way boundary, there appears to be few on the site for the elderly.

Mr Sweetland – 16 Jeffrey's Way

More trees on the Jeffrey's Way boundary would be beneficial

Clarity sought over H1c(i) and H1c(ii) and the extent of this application.

Emails have also been exchanged with affected Jeffrey's Way residents concerning the boundary treatment and tree planting, answering queries and providing the plans for information purposes.

General updates and considerations

Further updates may be given at the planning committee meeting.

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