

## SWT Planning Committee

Thursday, 15th September, 2022,  
2.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white swoosh.

The John Meikle Room - The Deane  
House

[SWT MEETING WEBCAST LINK](#)

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**Members:** Simon Coles (Chair), Marcia Hill (Vice-Chair), Ian Aldridge, Ed Firmin, Steve Griffiths, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, Keith Wheatley, Loretta Whetlor and Gwil Wren

### Agenda

#### 1. Apologies

To receive any apologies for absence.

#### 2. 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.)

#### 3. 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 submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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| <b>4. 34/21/0017 Formation of 2 No. Intergrated constructed wetlands (ICW) including associated plant, infrastructure, landscaping and on-site redistribution of materials on land off Langford Lane, Longfield and land off Nailsbourne Road, Nailsbourne</b>  | (Pages 5 - 54)    |
| <b>5. 42/21/0035 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 55 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 Parcel H1c (ii) on land at Comeytrove/Trull (resubmission of 42/20/0056)</b> | (Pages 55 - 98)   |
| <b>6. 35/21/0001 Erection of a free range poultry building at Appley Orchard Farm, Bishops Hill, Stawley</b>  | (Pages 99 - 120)  |
| <b>7. 16/22/0001 Conversion and change of use of barn into ancillary accommodation at Warrs Farm, Durston</b>   | (Pages 121 - 134) |
| <b>8. 49/21/0030 Erection of an agricultural building for the rearing of calves on Simons Holt Farm retained land, Whitefield, Wiveliscombe</b>   | (Pages 135 - 152) |
| <b>9. 3/05/22/006 Variation of Condition No. 02 (approved plans) of permission 3/05/20/004 to change the final height of the building as updated on drawings. The Paddock, Carhampton Road, Blue Anchor</b>   | (Pages 153 - 170) |



**ANDREW PRITCHARD**  
**CHIEF EXECUTIVE**

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Any requests need to be received by 4pm on the day that provides 1 clear working day 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 Friday prior to the meeting.

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

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Application Details	
Application Reference Number:	34/21/0017
Application Type:	Full Application
Description	Formation of 2 No. integrated constructed wetlands (ICW) including associated plant, infrastructure, landscaping and on-site redistribution of materials on land off Langford Lane, Longfield and land off Nailsbourne Road, Nailsbourne
Site Address:	Land off Langford Lane, Longfield and land off Nailsbourne Road, Nailsbourne
Parish:	Staplegrove and Kingston St Mary Parishes
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	ORIGIN3
Applicant:	PTARMIGAN STAPLEGROVE LTD & ELIZABETH COOK, C/O AGENT
Reason for reporting application to Members:	In the public interest. The application is associated with the Staplegrove (West) Garden Community and the application has attracted a number of representations from the local community.

## 1) Recommendation

That planning permission be **GRANTED** subject to conditions

## 2) Executive Summary of key reasons for recommendation

- 2.1 The application seeks permission for the creation of Integrated Constructed Wetlands (ICWs), which in time may be used as Phosphate Mitigation for the Staplegrove (West) site, part of the Staplegrove Garden Community. The application has been assessed and judged on its own merits, in conjunction with national and local policy and with deliberation of the views of local residents, and is considered appropriate to recommend approval subject to the conditions listed at Appendix One to this report and the prior signing of a S106 legal agreement.

### **3) Planning Obligations and conditions and informatives**

#### **3.1 S106 Obligations**

An obligation will require:

- 1) the submission of a detailed management and maintenance plan prior to the commencement of works; and
- 2) submission of Management Company (or other body) information, incl. constitution, long term funding plus initial working capital and its structure prior to the commencement of works.

#### **3.2 Conditions (see Appendix 1 for full wording)**

- 1) Time limit
- 2) Approved plans
- 3) Hydraulic modelling requirement
- 4) Arboricultural Method Statement compliance
- 5) Landscaping compliance
- 6) Boundary fencing detail
- 7) Ecological Assessment Report compliance
- 8) Construction Management Plan for Biodiversity requirement
- 9) Construction Management Plan for Biodiversity compliance
- 10) Landscape and Ecological Management Plan requirement
- 11) Flood Risk Assessment compliance
- 12) Inlet and outlet channel details
- 13) Spoil depositing
- 14) Construction Environmental Management Plan requirement
- 15) Prevention of pollution requirements
- 16) Archaeological measures
- 17) Public Right of Way protection

#### **3.3 Informatives (see Appendix 1 for full wording)**

- 1) Working together
- 2) Public Rights of Way
- 3) Wessex Water advisory
- 4) Environment Agency advice

### **4) Proposed development, Site and Surroundings**

#### **Details of proposal**

- 4.1 This is a full application for the creation of two Integrated Constructed Wetlands (ICWs) on two distinct areas of agricultural land off Langford Lane and Nailsbourne Road, including associated plant, infrastructure, landscaping and on-site redistribution of material arising from the development.
- 4.2 ICWs are shallow marsh-type wetland supporting a broad diversity of wetland plant species, within which phosphorus retention is aided by biological and physicochemical processes. The overall objective for the ICW sites, is to

provide treatment to the existing watercourses adjacent to the sites, with a specific focus on removing phosphates from the waterbody. The new wetlands by design will also provide biodiversity benefits as well as providing additional floodplain storage in some areas.

- 4.3 It should be noted that the application is associated with the Staplegrove Garden Community, in particular Staplegrove West. Forming half of the larger allocation with Outline consent (ref 34/16/0007) for up to 713 dwellings Staplegrove West is required to demonstrate phosphate neutrality in order for the Local Planning Authority (Somerset West and Taunton Council) to grant Reserved Matters applications to facilitate the commencement and ongoing construction of the development.
- 4.4 Whilst this will be explained in more detail later in the report, in short the two ICWs proposed are designed to remove phosphates from watercourses and cover a combined area of 4.26 ha of wetland. The removal of phosphates from watercourses that feed the Somerset Levels and Moors is proposed to counterbalance and mitigate phosphates generated by the Staplegrove West development that would also reach the Somerset Levels and Moors via the Wessex Water wastewater treatment plant.
- 4.5 The proposals have been conceived, designed and assessed in tandem with Natural England.
- 4.6 The ICWs will appear as marshland comprising areas of open water, vegetation, and surrounding pathways to provide access for maintenance. The ICWs consist of a series of leaky dams to help divert flows into the wetlands, an inlet and outlet flow measurement / control arrangement, a number of treatment cells and a series of outfall structures.
- 4.7 Whilst the proposal seeks to provide mitigation for Staplegrove West, this is a standalone application, to be accessed on its own merits with recourse to the relevant national and local planning policy and any material considerations. If approved, there will be a time for subsequent linking of this wetlands application and the phosphate mitigation required to unlock Staplegrove West, via legal agreement, but now is not that time.

#### Site and surroundings

- 4.8 The application sites are located to the north of Taunton, in the valley between Staplegrove and foothills of the Quantocks, to the west of Nailsbourne, a small village just off the classified but un-numbered Taunton Road, leading north out of Taunton towards Kingston St Mary. Both sites are within 1.2kms of the northern boundary of the Staplegrove West development site.
- 4.9 There are two distinct sites, one to the south of Nailsbourne Road and one to the north of Langford Lane, the two lanes run almost in parallel east-west off Taunton Road, towards the A358, through and to the south of Nailsbourne.

- 4.10 The '*Nailsbourne Site*', off Nailsbourne Road, comprises of approximately 21.3 hectares of undeveloped agricultural land, within Kingston St Mary parish but on the boundary with Staplegrove parish. The proposed ICW will be located in the southern portion of the site. Two ordinary watercourses bound the Nailsbourne site to the west and east flowing in a southwest direction. The two watercourses converge at the southwest corner of the site and ultimately discharge into the Back Stream, which is a tributary of the River Tone. The site is currently used for agricultural purposes, predominantly grazing and improved grassland. The excavated material will be deposited across areas within the site that are not proposed for ICW uses. This will mean that no material is proposed to be taken off the site. Access to the Nailsbourne site is proposed to be gained via the existing field access from the southern side of Nailsbourne Road.
- 4.11 The red-line site, comprising several hedged fields, inclusive of trees, lies in open countryside on the periphery of Nailsbourne and in proximity to several isolated properties, notably a cluster of properties at Dodhill. The site is crossed by Public Rights of Way and a network of streams and ditches.
- 4.12 The '*Longfield and Yarde site*', off Langford Lane, comprises approximately 14.3 hectares of undeveloped, agricultural land, within Staplegrove parish. The proposed ICW will be located in the western section of the site. Here the ordinary watercourse runs along the northwest boundary before cutting through the centre of the site flowing in a southeast direction. The watercourse is a tributary of the Back Stream, which ultimately discharges into the River Tone (Main River). The site is currently used for agricultural purposes, predominantly grazing and improved grassland. The excavated material will be deposited across areas within the wider red-line site that are not proposed for ICW use, meaning no material is proposed to be taken off the site. Access to the Longfield Site is proposed to be gained via an existing gated field entrance positioned on the northern side of Langford Lane between Burlands Lodge and Yarde Farm.
- 4.13 The red-line site, comprising several hedged fields, inclusive of trees, lies in open countryside but in proximity to several isolated properties, notably a cluster of properties on Langford Lane. The site is crossed by Public Rights of Way and a network of streams and ditches.
- 4.14 The two sites are located in part in Flood Zone 3b which is classified as functional floodplain and is deemed to be the most at risk land of flooding from rivers. This will be assessed in more detail later in the report.
- 4.15 Neither application site is within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Yarde Farmhouse (Grade II\*), Smokey (Grade II) and Slapes (Grade II) all on Langford Lane, Stone House (Grade II), The Old Tannery (Grade II), Deacons (Grade II), Edgeborough Farmhouse (Grade II) all on Edgeborough Lane.
- 4.16 There are no Tree Preservation Orders evident.



- 4.17 As mentioned, several Public Rights of Way cross or pass close to the red-line areas, although none cross the proposed wetland area themselves. These are T24/9, T24/10, T24/11, T15/18, T15/18A, T15/14, T24/6, T24/14, T15/11, T15/19 and T15/17. A long-distance path, Channel to Channel, runs along part of path T24/9 and the West Deane Way runs along part of Langford Lane.
- 4.18 The sites both have an Agricultural Land Classification of grade 3, 1 being the best, and therefore are not classified as representing the best and most versatile land according to the NPPF.
- 4.19 A high pressure (HP) gas main crosses the northern section of the Nailsbourne site in an approximate east to west alignment. An intermediate pressure (IP) gas main is also recorded crossing the east corner of the Nailsbourne site. The locations of both the HP and IP gas mains are such that they will not be affected by the proposals. A water main also crosses the eastern part of the site, the wetlands have been designed so that they do not encroach into the 6m offset from the pipes.

## 5) Planning (and enforcement) history

- 5.1 There is no evident or relevant planning history on the fields subject to this application. Application details given below are for context only.

Reference	Description	Decision	Date
34/16/0007 <i>'The Staplegrove West Outline Consent'</i>	Outline permission (with all matters reserved except for access) for a residential-led, mixed use urban extension to include up to 713 dwellings, 1 ha of employment land comprising use classes B1(a) (up to a maximum of 2500sqm), B1(b), B1(c), B2, B8 together with green infrastructure, landscaping, play areas, sustainable drainage systems (SUDS) and associated works. An internal spine road is proposed to connect the A358 Staplegrove Road and Taunton Road at land at Staplegrove (West), Taunton	Approval	15/04/2019

- 5.2 It is worthwhile recognising the broader picture and the interrelation with the other half of the Staplegrove Garden Community, namely Staplegrove East. This is a separate entity from Staplegrove West with different landowners, a different land promoter and a different planning status. An application for circa 900 dwellings (ref 34/16/0014) was resolved to approve in 2017 but the section 106 planning obligation was not completed. The matter has now been

implicated by the need for the whole site to demonstrate phosphate neutrality and work continues by that party to address that issue.

## **6) Environmental Impact Assessment**

6.1 During the conception and preparation of a planning application a screening opinion was submitted by the applicant and assessed by the Local Planning Authority, as to whether the ICW creation triggered the need for an Environment Statement.

6.2 After consultation with statutory bodies the LPA returned the view that no EIA was required. This decision was reached mindful of the criteria laid out in Schedule 3 of the Regulations, for the following reasons (as quoted in the SCO letter):

1. *The size of the development, in accumulation with other developments is unlikely to be of a character that would create significant environmental impact. The development is unlikely to consume significant natural resources, generate significant waste or to create significant noise, pollution or lead to accidents.*
2. *With regard to the existing land use and location outside any particularly sensitive landscape area, it is unlikely that the development will lead to significant environmental impact.*
3. *The geographical extent of any impact is likely to be limited and local. The probability of significant negative impact is considered to be very low. The impacts will most likely be localised and limited and/or mostly temporary impacts upon flood risk/drainage, landscape and ecology (bats). As such, they are not considered to be complex or beyond mitigation.*

## **7) Habitats Regulations Assessment**

7.1 The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. In fact, the rationale for the project is exactly the opposite. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

7.2 The site lies within the Hestercombe House SAC, relating to bats. The applicant has submitted a shadow HRA. Given the comments of the Council's retained Ecologist and as Competent Authority the Council is satisfied that the proposal will not have a significant effect on the European site (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## **8) Consultation and Representations**

- 8.1 Statutory consultees (the submitted comments are available in full on the Council's website.  
Date of Consultation: 15 December 2021  
Date of revised consultation: Due to a mistake in the description referring to Parsonage Lane rather than Nailsbourne Road - 06 January 2022, corrected site notices displayed 16 January 2022. A consultation on amended plans was started 08 August 2022.

It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order. All comments on original submission unless otherwise stated.

Statutory consultee	Comments	Officer comments
Natural England	<p>On amended plans -  <i>"We have no additional comments to make and remain supportive of the scheme".</i></p> <p>On original plans -  <i>"No Objection - Based on the plans submitted, Natural England considers that the proposed development of wetlands at Longfield and Nailsbourne will not have significant adverse impacts on designated sites and has no objection".</i>  <i>"Natural England welcomes the wider benefits of wetlands in these locations, especially the projected habitat gains which will support a range of flora and fauna".</i>  <i>"Intention to provide nutrient mitigation for planned developed at Taunton - The wetlands for which planning permission is being sought are intended to provide nutrient (phosphorus) mitigation for housing development in the same sub-catchment. We support the approach that has been taken in appropriately locating and designing the wetlands in relation to tributaries of the Back Stream that ultimately discharges to the River Tone. Natural England acknowledges the submitted calculations demonstrate that there will be significant removal of phosphorous. We advise that while it is clear that the wetlands will provide mitigation with certainty for initial phases of the housing development and meet HRA requirements, monitoring of the wetlands once they are established will provide real-world phosphorous removal rates and confirm the actual amount of the phosphorous 'credits' that the wetlands can provide to mitigate for housing</i></p>	No further action.

	<p><i>development. While it is expected that the removal rate will be higher than anticipated, a precautionary approach means that the possibility of lower than expected removal rates should also be factored in. Please note that HRA will need to be carried out for any housing development for which the wetlands proposed here are intended to provide phosphorus mitigation”.</i></p> <p>Natural England’s further advice is also given on: landscape/ALC/protected species/local Sites and priority habitats and species/ancient woodland, ancient trees and veteran trees/environmental gains/access and recreation/rights of way, access land, coastal access and national trails/biodiversity duty.</p>	
<b>Environment Agency</b>	<p>On amended plans –</p> <p><i>“Wetlands are classed as Natural Processes. They are a not new technology, there are many examples of its application across the UK. Wetlands encourages infiltration and soil water storage – the roots of floodplain wetland vegetation help water to be delivered to the soil, encouraging infiltration and water storage. Wetlands reduces flood risk, by slowing, storing and filtering water. It complements rather than replaces traditional engineering. They soak up floodwaters to protect homes and businesses. Typically they reduce flood risk for smaller magnitude floods, across small to medium catchment scales. It almost always achieves multiple environmental benefits. Not only are wetlands designed to absorb phosphate, they also absorb huge quantities of carbon dioxide from the air. They also provide vital habitat for rare birds and spaces to enhance our mental health and wellbeing.</i></p> <p><i>In this instance, the wetland is not specifically designed to provide flood benefit, but by its very nature it should improve the flood risk or at the very least have a neutral impact on flood risk”.</i></p> <p>On original plans -</p> <p>Provided the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework (NPPF) are met, the Environment Agency would have no objection, in principle, to the proposed development...(subject to the inclusion of conditions within the Decision Notice).</p>	<p>Noted, suggested conditions imposed. See Para 12.9 for commentary on the Sequential Test.</p>

<p><b>Lead Local Flood Authority - SCC</b></p>	<p>On amended plans -  <i>"The LLFA is satisfied that the Stantec technical note ref 332310539 TN004 dated May 2022 adequately addresses the previous comments given the EA response on the application. It is noted that, as per the LLFA response of 10<sup>th</sup> June 2022, we understand that any approval will include a suitable pre commencement condition in this regard".</i></p> <p>On receipt of EA comments –  <i>"Thanks for your email of 26/5/22 and the copy of the EA response. Given the EA's stance on flood risk, the LLFA would have no further comment on this matter at this stage. Your suggested approach for a pre-commencement condition is acceptable".</i></p> <p>On original plans –  <i>"The LLFA has the following comments:</i>  1. <i>Impact to flood risk: The previous LLFA comments (11/03/2022) asked that evidence should be submitted to demonstrate that no detrimental impact to flood risk is caused by the development. The Applicant's response states that "it is not considered that hydraulic modelling of the proposals is necessary at this stage. Instead, an assessment of the scheme based on the design approach, capacity within the channel and impacts on floodplain storage and flow routes is provided." The principles of the proposal are generally supported. However, given the considerable size of the sites, the various impacted watercourses, and the location in EA Flood Zones 2 and 3, confirmation of consultation and agreement to the proposals with the EA should be provided. The final design should be supported by quantitative evidence (e.g. modelling) to demonstrate on- and off-site impacts for various return periods and climate change scenarios.</i>  2. <i>Maintenance: The previous LLFA comments (11/03/2022) asked to review the outline management and maintenance schedule. The Wetland Design Statement has been</i></p>	<p>Condition imposed.</p>
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	<p><i>updated to include a draft maintenance and management plan. The plan includes a maintenance schedule detailing the regular, occasional, and remedial actions required to ensure the ongoing performance of the proposed ICWs. This is considered appropriate.</i></p> <p><i>Provision of further information in line with the above comments is required before the LLFA can approve the drainage strategy”.</i></p>	
<b>Somerset Drainage Boards Consortium</b>	No comments to make.	Noted.
<b>Highway Authority - SCC</b>	<p>On amended plans -  <i>“The highway authority has reviewed the updated planning application submissions, including the reissued Transport Statement document. A review of the documents has not identified any issue that would supersede the initial highway authority comments made in December 2021. The most significant highway impacts would occur in the construction phase of the development, and the Transport Statement fully reviews the scale of impact that would occur. In particular, it is noted that material will not be removed from the site, and the daily movements will be limited to staff travelling to and from the site. It is considered appropriate that the impacts can be managed through the agreement and implementation of a Construction Traffic (Environmental) Management Plan. It is anticipated that the operation phase of the development would generate very few traffic movements”.</i></p> <p>On original plans -  <i>“The potential impact of the scheme has been considered in the construction and operational phases of the development, and these impacts are reviewed in the sections below. There are also two separate sites, accessed from different roads, so the impact of each is considered individually where necessary.</i>  <i>As a general point, the traffic impact of the proposed scheme needs to be balanced against the continued use of the fields for agricultural purposes, and the highway authority has considered the application on that basis.</i></p>	Noted, no further action required. Suggested condition imposed.

	<p><i>Depending on the agricultural activity, it is acknowledged that the existing fields have the potential to generate a significant number of heavy vehicle movements throughout the year. Given the proposed change, these movements would no longer occur in the operational phase of the development, although there would clearly be a peak in movements through the construction phase. The proposed wetlands project would also result in the removal of several vehicular access points to fields around the perimeter of the sites.</i></p> <p><u><i>Construction Phase</i></u></p> <p><i>The construction phase of the development will result in the most intensive number of traffic movements associated with the proposed project, and at the beginning and end of the phase there will be a need to move heavy machinery to and from each of the sites. The submitted Transport Statement reviews the access routes to both of the sites. The sites are currently agricultural fields and the proposed access routes would be via country lanes. Each route would run adjacent to residential properties, and the villages of Langford and Nailsbourne would both form part of the access routes. The proposed location of each site access point is shown within the Transport Statement. It is noted that construction vehicles will need to be unloaded on the public highway before travelling into the site. This process clearly needs to be managed and some liaison with the highway authority and local communities will be required, however, it is accepted that the detail can be agreed as part of the Construction Traffic Management Plan. The number of construction workers travelling to and from the sites each day is unlikely to result in any significant impact. There is a need to agree the routing to each of the sites, and this will need to cover the delivery of heavy vehicles and also the daily worker trips. Both routes to the strategic highway network seem obvious, but these routes need to be considered and agreed as part of the Construction Traffic Management Plan. The Transport Statement confirms that no material will be taken from the site as part of the construction process, although a limited number of deliveries would have to be made to the sites by van sized vehicles. It is understood that no</i></p>	
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	<p><i>deliveries would be needed using heavy good vehicles, however, it is recommended that this is further considered if permission is granted and when a contractor becomes involved. This will need to be reviewed as part of any agreed Construction Traffic Management Plan, and specific traffic management mitigation may be required on each of the routes. The submitted drawings show that existing field access points would be used to gain access to each of the sites. There are no significant concerns relating to this approach, although some temporary traffic management (including advance signs) may be required. This detail should be included as part of the agreed Construction Traffic Management Plan.</i></p> <p><u><i>Operational Phase</i></u></p> <p><i>The Transport Statement confirms that the wetlands will have no public access (other than via any established public right of way), and therefore access to the sites will be limited to any scheduled maintenance visits. The Statement confirms that these would be weekly visits in the first instance, and then once a month after the initial six-month period. There are no highway concerns relating to this number of visits throughout the operational life of the project.</i></p> <p><u><i>Public Rights of Way</i></u></p> <p><i>Impacts It is noted that there are a number of footpath routes that could be affected by the construction phase of the development. Temporary measures will be required to mitigate the impacts and to protect path users. If not already done so, it is requested that the Somerset County Council Public Rights of Way team are directly consulted, and this will enable the necessary processes to be agreed with the applicant and their consultants.</i></p> <p><u><i>Construction Traffic Management Plan</i></u></p> <p><i>Should planning permission be granted, and as noted above, construction access and impact will need to be carefully considered at these locations. The site would be highly sensitive given the surrounding country lanes and residential properties. This would need to be mitigated through the agreement and implementation of a detailed Construction Traffic Management Plan. A suitably worded planning condition is recommended.</i></p>	
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	<p><u>Summary</u></p> <p><i>Having reviewed the submitted planning application scheme, the highway authority has no objection to the proposal. However, it will be necessary to agree the detail of a Construction Traffic (Environmental) Management Plan in advance of any works commencing on site. Should planning permission be granted, the following planning condition is recommended”.</i></p>	
<b>Historic England</b>	<p><i>“On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers. We note that archaeological monitoring has been requested by South West Heritage Trust (12th January 2022). Historic England Science Advisor (South West) can provide support in reviewing of WSI’s for mitigation, covering monitoring of Ground Investigation works through to archaeological trenching and reviewing the results”.</i></p>	Noted, SWT Conservation Officer and SWHT consulted.
<b>Staplegrave Parish Council</b>	<p>On amended plans – See original comments.</p> <p>Object - Comments from SPC on the original plans are attached at Appendix 2.</p>	See Appendix 2.
<b>Kingston St Mary Parish Council</b>	<p>On amended plans –</p> <p><i>“The Parish Council objects to this planning application as the revised documentation does not provide any additional reassurance concerning, flood risk (no modelling of upstream or climate change risk has been undertaken) or funding (although a maintenance and management plan has been provided, no mention of how maintenance of the wetlands will be funded over its lifetime of operation has been provided). Consequently, the Parish Council continues to object to this planning application for the reasons stated above and in its previous representation dated 12 January 2022”.</i></p> <p>Object - Original comments from KSMPC are attached at Appendix 3.</p>	<p>Flood risk is assessed at Para 12.6 onwards</p> <p>See Appendix 3.</p>
<b>Bishops Hull Parish Council</b>	No comments received to date.	

## 8.2 Non-Statutory Consultees

All comments on original submission unless otherwise stated.

Non-Statutory consultee	Comments	Officer comments
<b>SWT Landscape Architect</b>	<p>On amended plans –  <i>“The amendments have addressed earlier concern that the ponds could better fit into the existing landscape patterns and be detailed in a way that is more natural. They now fit well and appear much more natural. There also appears to be more space between the excavation works and the existing boundaries and so the trees and hedges should now be less affected. The Tree Officer will have also looked at this issue and it is recommended that you defer to their opinion.</i></p> <p><i>There does not appear to be any information on boundary fencing other than reference to there being “post and rail fencing to be detailed in the future”. It is positive that there is no security fencing required, however post and wire, rather than post and rail fencing should be used instead. Please ask for this to be amended or for it to be conditioned”.</i></p>	<p>Initial concerns overcome by amended plans; a condition detailing the fencing will be imposed.</p>
<b>SWT Tree Officer</b>	<p>On amended plans –  <i>“The amended scheme is better and the bunds and excavations are now shown to be just outside the RPAs of most of the trees. It is still close, with little margin for error or growth of the trees, but although I’d ideally like to see more space given I think it is broadly acceptable, so long as we have conditions that ensure that the works are carried out very carefully and are fully monitored by their project arborists – details to be included in their Arb Method Statement and Tree Protection Plans which should be required by conditions. The AMS must also include details of any tree management works required and temporary ground protection for construction vehicles where necessary within the construction exclusion zones”.</i></p> <p>On original plans -  <i>“I can confirm that there are no trees protected by TPO or conservation area. However, there are numerous good hedges and hedgerow trees, many of which are category ‘B’ under the BS5837 guidance,</i></p>	<p>Revised plans have overcome previous concerns. Suitable conditions to be imposed.</p>

	<p><i>and there are a good number of category ‘A’ trees, many of which are oaks. I am therefore concerned that some of the wetland areas, and their associated earthworks, are somewhat close to these trees, giving little margin for their future growth or for errors during the construction period. In some areas the mounding of soil is shown right up against the protective fencing – this is likely to result in fencing being moved to enable the build, and result in damage to the tree roots. If the trees were given more clearance in certain areas, could the lost water volume be made up in other areas where there are no trees, such as the open fields to the north in both sites? When the precise layout is agreed, we will need a good Arboricultural Method Statement, and assurance that the works will be thoroughly monitored by the project arborists, as it will state in the AMS. We will also need to see the fencing and any temporary ground protection in situ before works commence”.</i></p>	
<b>SCC Ecologist</b>	<p>On amended plans –  <i>“The application is located within the catchment of the Somerset Levels and Moors Ramsar site. Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out. An Ecological Assessment Report of the application site was carried out in between August and September 2021 by Stantec a summary of results include:  <u>Designated sites -</u>  The application site (both wetlands) are within Band C of the Bat Consultation Zone for the Hestercombe House SAC which is designated for its lesser horseshoe bat feature. However, on closer consideration the proposed development is highly unlikely to have an effect on lesser horseshoe bats and therefore I do not propose to carry out a</i></p>	<p>No further action required.  Suggested conditions imposed.</p>

	<p><i>Habitats Regulations Assessment for the application in relation to the Hestercombe House SAC.</i></p> <p><u><i>Bats</i></u> -  <i>Both sites have foraging value for a variety of bat species and there are several mature trees, mostly within hedgerows, with low potential to support roosting bats at both the Nailsbourne and Longfield site locations.</i></p> <p><u><i>Badgers</i></u> -  <i>Badger activity was identified across the sites.</i></p> <p><u><i>Birds</i></u> -  <i>Suitable nesting habitat associated with the tree and hedges. The report does not reference possibility of ground nesting birds which may utilise the site.</i></p> <p><u><i>Reptiles</i></u> -  <i>A common lizard was observed on the wall along the roadside at the northern end of the Nailsbourne site however the works area within both sites is considered unsuitable for reptiles with limited refuge and foraging opportunities.</i></p> <p><u><i>Dormice</i></u> -  <i>Nailsbourne: Some sections of boundary hedgerow were suitable however these were isolated and hedgerows on the Site did not connect to any off-Site areas of woodland or unmanaged hedgerow networks. Consequently, the hedgerows (and woodland area) on Site were considered largely unsuitable for dormice. Longfield: The intact hedgerows within the Site are considered suitable for dormouse.</i></p> <p><u><i>Otters</i></u> -  <i>The streams within both sites are considered to provide suitable foraging and commuting habitat, no holts were identified during the surveys.</i></p> <p><u><i>Water vole</i></u> -  <i>The majority of aquatic habitats within both sites are considered less favourable but sufficiently connected to the wider landscape. No burrows were identified at the time of the surveys".</i></p> <p><i>Conditions proposed to comply with local and national policy, wildlife legislation, and the requirements of the mitigation hierarchy and for biodiversity net gain.</i></p>	
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<b>SWT Conservation Officer</b>	There are no listed buildings located within any of the Scheme Areas. The land use would be altered in the wetlands but the legibility of the land use being the patchwork arrangement of agricultural fields would not be altered. I have no comments to make on archaeology.	Noted, no further action.
<b>SW Heritage Trust</b>	The submitted Historic Environment Desk Based Assessment (HEDBA) concludes that there is potential for archaeological remains to be impacted by this proposal. These remains are likely to be of local significance and will require further investigation and recording. The HEDBA states that a phased approach to investigation should take place involving: Archaeological monitoring of boreholes and any other ground investigation works, archaeological trial trenching and (dependant on results) mitigation involving archaeological watching brief or excavation. For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 205).	Noted, no further action required. Suggested condition imposed.
<b>SCC Rights of Way</b>	No objections subject to conditions relating to the crossing of the PROWs. Additional information was provided to detail the depth of excavated material on the PROWs – this results in the need for a for the purposes of the soil spreading and to allow the grass to become established.	Noted, no further action required. Suggested condition and notes imposed.
<b>SWT Environmental Health</b>	No comments received.	No further action.
<b>Health and Safety Executive</b>	No comments received.	No further action.
<b>National Grid</b>	No comments received.	No further action.
<b>Western Power Distribution</b>	No comments received.	No further action.
<b>Wessex Water</b>	<i>"It is noted that the application supports nutrient offsetting to facilitate residential development at Staplegrove. The applicant must contact Wessex Water to agree protection measures relating to the strategic water mains crossing the Nailsbourne site. An extract from our records is attached – the</i>	Noted, no further action required. Suggested informative imposed.

	<i>exact location of these mains must be located on site and plotted on record drawings. There must be no alteration to vertical cover levels without agreement. We would normally also seek a horizontal easement of 6 metres either side of these mains. Any damage to these mains during construction or as a result of these proposals will result in a claim for damages. There are no recorded assets impacted by the proposed scheme at Long Field”.</i>	
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### 8.3 Local representation

8.3.1 This application was publicised by 74 letters of notification to neighbouring properties and 8 site notices were displayed around the periphery of the two sites, at site entrances and on Public Rights of Way.

8.3.2 The consultation resulted in 54 representations, all raising objections or concerns, including multiple representations from some residents, over two consultation periods, the second following amended plans/additional information. Given the number and length of representations received key issues and statements have been extracted and detailed below as representative of the views generally submitted.

<b>Comment - Objection</b>	<b>Officer comment</b>
<b>Principle</b>	
General concern with the quality of the original application and the information it contained or didn't contain.	This point isn't reflected by statutory consultees or shared by the LPA.
Why are the wetlands located here? The wetlands required to support development should be located in Sedgemoor	The wetlands are located approx. 1km north of the Staplegrove West site on a watercourse that eventually flows to the Somerset Levels and Moors. The watercourse contains phosphates, largely from agricultural practices, the removal of which can off-set phosphate released downstream via wastewater treatment plants. This is likely to be one of the first of many wetlands required across Somerset to allow housing whilst not impacting upon the Somerset Levels and Moors. The wetlands will absorb phosphates via filtration, sedimentation and via plant growth.

Do recent government announcements negate the need for these wetlands?	This is unclear as the announcement does not contain a suitable level of information to suggest how individual sites will be addressed. The LPA has not seen the proposed legislation/regulations and there has been no update to the NPPG as yet.
<i>"The initiative to construct a wetland has been clearly devised by the developers to circumvent planning requirements".</i>	Circumvent isn't the word the officer would use; 'comply' or 'address' would be more accurate descriptive words to use.
The plan is flawed, what plans have developed to reduce the phosphate in the watercourses in the first place.	The methodology used has been agreed with Natural England.
There are no calculations of how much phosphate is needing to be removed.	This will come as part of the 'link' to the Staplegrove (West) site in the future.
The focus should be on dirty farms and discharging water companies cleaning up their acts. Tackle the issue at source rather than through mitigation and stop discharging untreated sewerage into rivers and seas.	There will likely need to be a multi-faceted approach to halt and reverse the decline in the condition of the Somerset Levels and Moors.
<i>"The fields making up the proposed wetlands area are regularly spread with either fertiliser granules, slurry, or both. I can find no mention of a measurement of phosphate in the soil. That could have been measured when the trial pits were dug. The material excavated from the proposed wetlands, along with its phosphates, is then going to be spread around. Will this not increase the phosphate problem over a wider area?"</i>	The fields will have a residual phosphate and nutrient load within them from agricultural activity and this proposal will not change that significantly, once reseeded the vast majority of the red-line areas will return to agricultural use and will no doubt be fertilised once more.
<i>"The spoil to be spread around will not just be topsoil, but a mixture of silt, clay and gravel (design statement 3.2.5). Won't this mess up the soil structure of the fields on which it is spread, and change the drainage characteristics, especially if it is clay? This will mean more runoff from the affected fields and more surface flooding".</i>	Only the 400mm of topsoil will be spread, the subsoil will be used locally around the wetlands for land modelling. Once reseeded the vast majority of the red-line areas will return to agricultural use and therefore there is no benefit from spreading subsoil on top of existing topsoil.
The proposed wetlands will impact on existing wildlife ponds.	The wetlands will be created out of the dry season and therefore there will be the usual supply of water. The wetlands do not abstract water per se, although there will be likely greater evaporation, but merely divert temporarily and return.

	<p>The removal of phosphates from water is a good thing for wildlife ponds.</p> <p>The status of the wildlife ponds referred to is unknown, do they have planning permission? What is there maintenance regime? Who pays?</p>
<b>Management and Maintenance Responsibilities</b>	
Roles and responsibilities not clear.	Management and Maintenance Responsibilities area addressed at Paras 12.17 onwards.
Kingston St Mary PC should not be left with the cost of maintaining this wetland.	See above.
Who pays?	See above.
<i>"There is also no mention of a compensation fund or indemnity insurance liability scheme to compensate residents should they flood or to compensate them should their house values be adversely affected by this 'bog' development".</i>	<p>To limit the nature and severity of the type of event feared it should be considered -</p> <p>The Environment Agency undertake modelling of watercourses, surface water and fluvial flooding as part of extensive research and publish the best available data for engineers/consultants working on planning applications to use to inform their designs.</p> <p>The design has been undertaken by a local engineering team with local knowledge.</p> <p>Ongoing physical monitoring will ensure that everything is working as it should be.</p>
<b>Flood Risk</b>	
<i>"Extreme weather events are now no longer a 1 in a 100-year occurrence and flooding has recently occurred in the areas surrounding the proposed development. Most recently in July 2021 during a period of sustained rainfall the road between Kingston St Mary and Taunton flooded, a significant amount of water then ran down through Nailsbourne into the proposed wetland area. If the ground were already saturated following the construction of an artificial wetland, it's capacity to absorb further water associated with extreme weather events of this type will at best be reduced, but crucially the capacity needed to protect existing settlements may be lost entirely. Numerical modelling that</i>	<p>Nailsbourne is within a flood risk area already within a valley with poor soil infiltration. These issues plus climate change affecting weather patterns will more likely heighten the issues raised more than this application will.</p> <p>The wetland will aid the management of surface water; the geology of underlying clay means there is little to no impact on ground water and there are no pathways through the ground from and to the wetlands, except overground.</p>



<p><i>details the predicted magnitude of future weather events for the next 100 years, and evidence of the ability of the current and proposed landscape to dissipate the associated water is not present”.</i></p>	<p>This is why the wetlands will not need lining, as the water cannot naturally soak away. The existing watercourse as a high capacity which will be added to by the wetland. On-site monitoring can regulate flow in peak season.</p>
<p>A rise in the water table will cause flooding.</p>	<p>See above.</p>
<p>The outlets from both wetlands is to areas within Flood Zone 3 (high risk). “What modelling or calculations have been completed to cover flow rates under normal and extreme conditions, including the failure of one or both outlets?” “It is noted from the Longfield and Yarde Site Plan that the inlet channel with integrated control and monitoring and the outlet channel with integrated monitoring are to be designed in detail at a later stage, so the conclusions reached can only be based on assumptions. The water flow through the tunnel under Langford Lane already exceeds its capacity after very heavy rainfall and breaches the road at times. Outlet channel failure from the wetlands would have a significant affect on flow rates downstream. There are properties immediately south of the tunnel under Langford Lane where the watercourse splits in 2 in a weir, before continuing to join Back stream”.</p>	<p>The area is liable to flood already, so the question is whether either wetland proposal makes that existing situation worse. The EA and LLFA say not. The wetland areas will flood and are designed to cope with flood events. The extra capacity created by digging into the ground creates extra capacity in this scenario.</p>
<p>“The flood assessment shows Nailsbourne to be 50-75% susceptible to ground water flooding. The groundwater level at the lower end of the village rises significantly after heavy rains. Houses on the south side of Nailsbourne Road rely on gravitational drainage to offset this, with two pipes draining into the eastern watercourse/ditch referred to above. The gradient is slight, but sufficient to keep water flowing away from the houses. If the water level in the field rises by 20cms, as is proposed, will this interfere with our rights of drainage, potentially leading to flooding and/or damage to houses from rising damp? If this should happen, who is responsible?”</p>	<p>This is due to the poor infiltration of the existing ground. Due to this water held by the wetland will not lead to a rise in the water table and the knock-on effects suggested. The management of surface water generated by residential properties appears to be the issue needing to be addressed.</p>
<p>Nailsbourne is susceptible to flash flooding.</p>	<p>This will be due to the issues discussed above.</p>
<p>“Will the feeder streams also be checked to ensure that water continues to flow to the</p>	<p>This is part of the on-going maintenance requirement for the</p>

<i>site? If not then this stream will gradually silt up and the flow will reduce with the stream through Nailsbourne taking more flow and consequently increasing the flood risk in the village”.</i>	body managing the wetlands and all landowners were watercourses exist.
<i>Sediment removal – “Anyone who lives in the Burlands area will know that silt builds up rapidly especially in times of high rainfall and needs regular dredging for appropriate housekeeping of the water flows. These comments show a lack of understanding of the local area and of waterways in general. There needs to be a formal programme of clearing silt. What is absent from this application is a robust programme of waterways management and how this maintenance programme is to be funded and overseen”.</i>	This is part of the on-going maintenance requirement for the body managing the wetlands and all landowners were watercourses exist.
<i>“Multiple claims throughout these reports indicate that the construction “is likely” to reduce flooding in the area, however these are not backed up by evidence”.</i>	Planning policy requires a planning application to demonstrate that flood risk will not increase. The EA and LLFA have raised no objections.
The maintenance of existing streams and ditches is vital.	Agreed, but that is not unique to this situation.
What happens if the wetlands flood?	The primary aim of phosphate removal may be impacted, the wetlands themselves are resilient to flooding and monitoring will pick up any issues.
What happens if there is no water in the wetland?	The primary aim of phosphate removal may be impacted but wetlands will generally be the last feature in a landscape to dry out and water can be held via the weir boards adjusted via the monitoring regime.
<i>“There appears to be a misrepresentation of a drainage ditch close to Hayrig and Westwood as a stream”.</i>	There is the need to carry out detailed modelling to satisfy the LLFA and so this matter will be picked up then.
<b>Visual Impact</b>	
There will be a visual impact during the construction period.	Agreed, short term,
<b>Highway impacts</b>	
The lanes are at their busiest at the times the construction traffic is expected at the start and end of the day. The lanes are used by a variety of users so a conflict will occur.	Once machinery is delivered to site there will be little need for large vehicles to use the lanes until the job is complete and they are taken away.

Concerns about the physical size of vehicles needing to access gateways.	These gateways are often used for equally large agricultural machines.
<i>"This work will increase the traffic through Nailsbourne. The streams cross under Nailsbourne Road at several points and only a few years ago this road was closed for many months because one of these culverts collapsed. Repairs were costly and done at tax/rate payers expense. What assurance can we be given that should this traffic cause a collapse repairs will be done in a timely manner and not at tax/rate payers expense".</i>	The Highway Authority was asked whether a 'Road Condition' survey was required via condition, but it was not felt to be necessary given the number of movements envisaged.
Car parking?	No public car parking is proposed or necessary and no public access is to be granted. Car parking for contractors will be onsite.
<b>Neighbouring amenity impacts</b>	
There will be noise generated during the 8-12wk construction period.	Addressed in Para 12.33 of this report
There is a risk of mosquitos.	There is likely to be an increase in the number of mosquitos present on site as they breed in shallow open water, however the view of the applicant is that any increases in mosquitos are likely to be very localised to the wetlands themselves as they tend to stay around their breeding location. Mosquitos also provide a valuable food resource to other species such as amphibians and birds such as swallows and swifts. Monitoring and an approach to deal with this can be included in the management plan secured by legal agreement.
<b>Wildlife and Plant Life (Biodiversity)</b>	
<i>"This land is the highest grade agricultural land closest to Taunton required for our food security needs in the face of Net Zero. It runs counter to Taunton's claim to be a transition town and green credentials. If we are serious about nature conservation and the enhancement of the natural and environment and biodiversity it is necessary to create wildlife corridors and connections between our AONBs and SSSIs. Where is there any understanding of this need".</i>	Neither site is classified as best and most versatile according to the NPPF, however the general point of food production is noted. The management of surface water, carbon storage and biodiversity enhancement which this scheme achieves are objectives set out by the Taunton Garden Town and Climate Change policies.
Has SWT, WWT or RSPB been consulted?	A verbal discussion took place with SWT, advice was given to enhance

	biodiversity, WWT were emailed for advice but there has been no response and no consultation has taken place with RSPB.
Has wildlife been encouraged all it can?	The development of wetland s in itself brings benefits and this has been added to by further interventions like bird boxes and hibernacula.
Will existing wildlife be impacted?	There is inevitably some impact through the disturbance caused by the construction works but following that the general view is that there are only benefits.
Otter and Water Voles have been seen in the area.	Noted.
Will invasive species such as Himalayan Balsam be manged in the feeder streams?	There is a responsibility on all landowners to do this.
<b>Trees</b>	
Why has group G4 already been cut down?	Trees in open countryside have limited legal protection, where planning applications involve development near trees then appropriate fencing is conditioned.
<b>Footpaths</b>	
Footpaths will be affected.	This is correct, short term, the comments from SCC PROW Team are noted.

8.3.3 There were no letters of support received.

## 9) Relevant planning policies and guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan 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).

9.2 Planning (Listed Buildings and Conservation Areas) Act 1990 sections 66 and 72 are relevant in order to assess the impact on heritage assets.

9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

9.4 Relevant policies of the Development Plan in the assessment of this application are listed below.

Core Strategy 2012

SD1 - Presumption in Favour of Sustainable Development

CP1 - Climate Change

CP7 - Infrastructure

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Countryside

DM5 - Use of Resources and Sustainable Design

Site Allocations and Development Management Plan 2016

ENV1 – Protection of trees, woodland, orchards and hedgerows

ENV2 – Tree Planting within new developments

ENV4 – Archaeology

ENV5 – Development in the vicinity of rivers and canals

Relevant Supplementary Planning Documents

None are applicable.

Other relevant policy documents

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency

Neighbourhood Plans

There is no made Neighbourhood Plan for either Staplegrove or Kingston St Mary parish areas.

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development

3. Decision-making

11. Making effective use of land

14. Meeting the challenge of climate change, flooding and coastal change

- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

## **10. Conclusion on Development Plan**

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the Development Plan as a whole. This needs to be done even if Development Plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.4 This application and the assessment of it is not an opportunity to reopen an assessment of the merits of the Staplegrove (West) development. As a standalone development this application should be judged on its own merits and considered as if it was to be implemented without any association with the Garden Community.
- 10.5 This report assesses the material considerations and representations before reaching a conclusion on adherence with the Development Plan as a whole.

## **11) Local Finance Considerations**

### Community Infrastructure Levy

The application is for a development type where the Community Infrastructure Levy (CIL) is not charged. As such there would not be a CIL receipt for this development.

## **12) Material Planning Considerations**

- 12.1 The main planning issues relevant in the assessment of this application are as follows:
  - The principle of development
  - Flooding and Drainage
  - Landscape
  - Ecology
  - Transport and Highways
  - Impact on Residential Properties
  - Heritage and Archaeology
  - Public Access

### Principle of Development

- 12.2 At its centre this is a nature based low impact development which achieves multiple benefits. It has been fully acknowledged in this report that there is a

wider context, a primary aim (phosphate stripping), which means this is not a philanthropic development by a landowner for the benefit of ecology and flood risk alone. Nonetheless, as consequences of the primary aim, they are not to be underestimated in the planning balance.

- 12.3 Delivering the Staplegrove West development is a corporate priority and given the well-known issue with the status of the Somerset Levels and Moors Ramsar it is generally accepted that the creation of wetland will inevitably form part of the wider response to reverse the documented decline and to also unlock housing and the knock-on benefits of delivering the growth set out in the local plan. As such the wider context could be considered material to this determination. However, initially the proposal, in itself, should be assessed against national and local policy to ascertain compliance before any material consideration dictates any different conclusion should be reached. To do this the issues identified at para 12.1 will be considered hereon.
- 12.4 The relevant local plan policies have been set out at para 9.4. Policies relating to the environment (landscape, trees, ecology) and flood risk feature prominently. National guidance in the NPPF covers heritage specifically, but also flood risk and the environment.
- 12.5 Local plan policies are often written as a one size fits all, typically seeking to cover the impacts of built development, housing, commercial, leisure and transport developments. The development of a wetland, in effect the excavation of a profiled hole, or two, in the ground, whilst falling into the definition of development, obviously does not create the same issues as the other development types mentioned. Some policies will not 'fit' the development being assessed whilst others require their intentions need to be interpreted for the development before us. Policy CP8 is one example of this, assessed under Landscape, to follow. DM2 seeks to manage development in the open countryside but this application is considered wholly consistent with a countryside location. DM5 seeks to minimise the energy requirements of construction which fits the intention here to reuse excavated materials on site and therefore minimise waste to be taken off-site. There is no specific policy that conflicts with the principle of what is being proposed here.

#### Flooding and Drainage

- 12.6 Policy CP8 understandably seeks to manage development in flood zones, but the development of a wetland is compatible with the flood risk designations in this area. The situation would of course be different if a building was proposed.
- 12.7 The perceived additional flood risk from this development is a universally felt concern locally. From the outset it should be noted from the Statutory

Consultation carried out the Environment Agency (EA) and Lead Local Flood Authority (LLFA) raises no objection to determining this application positively.

- 12.8 In the case of the LLFA the support/no objection stance is contingent on detailed quantitative evidence through hydraulic modelling which will be secured via condition.
- 12.9 The EA state the Sequential Test (as set out in the NPPF) must be applied. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. Of course this makes sense if you were assessing residential uses (vulnerable) in a high risk area, but in this case you have a use of low vulnerability which is stated as water-compatible in all flood zones meaning the sequential and exception tests are not required.
- 12.10 The Flood Risk Assessment (FRA) also points out that there will be no increase in ground levels within the flood zones, therefore the development will not result in any loss in floodplain storage; any flood water will be controlled by the wetland inflow and outflow structures; and no access will be required during flood events as the development is water compatible with only occasional maintenance access required.
- 12.11 Other safeguards beyond the planning process that local people can take comfort in is the fact proposed works in, over, under or near a Main River or in a floodplain require a 'Flood Risk Activity Permit' (FRAP) application to be made to the EA (this replaced the previous 'Flood Defence Consent' (FDC) procedure). Activities on, in or near an ordinary watercourse would require a Land Drainage Consent (LDC) made to the Lead Local Flood Authority. This is required to demonstrate any works do not have a detrimental impact on flood risk.
- 12.12 Specific concerns expressed by local people have been addressed in the representations section of this report. Concerns regarding the water table, whilst understood, are not considered to warrant refusal of the application due to the local geology (impermeable clay) and the management of surface water versus groundwater.
- 12.13 The existence of high-risk flood zones in the area illustrate the liability to flood already, so the question is whether either wetland proposal makes that existing situation worse. The EA and LLFA comments suggest not.
- 12.14 The wetland areas will flood and are designed to cope with flood events. The extra capacity created by digging into the ground creates extra capacity in this scenario.



- 12.15 The Environment Agency undertake modelling of watercourses, surface water and fluvial flooding as part of extensive research and publish the best available data for engineers/consultants working on planning applications to use to inform their designs. As has been mentioned a specific condition for further detailed hydraulic modelling provides all the safeguard the planning system can provide at this point in time.
- 12.16 It is considered the proposal complies with the National Planning Policy Framework (NPPF) and local planning policy with respect to flood risk and is an appropriate development at this location.

#### Process, Roles and Responsibilities

- 12.17 This matter has attracted significant comment and revolves around three main questions – who has the ultimate responsibility to maintain the wetlands, who pays for the ongoing maintenance and what is the maintenance that needs to take place?
- Question 1 - who has the ultimate responsibility to maintain the wetlands? This lies with the registered landowner. All landowners (riparian owners) have an obligation to maintain watercourses which include rivers, streams, ditches and culverts, this is by letting water flow naturally. This may include removing blockages, fallen trees or overhanging branches or cutting back trees and shrubs on the bank if they could reduce the flow or cause flooding to other landowners' property. Incidents of flooding, blockages which could cause flooding to main rivers, pollution, unusual changes in the flow of water and collapsed or badly damaged banks should be reported to the EA (owning a watercourse - Gov.uk). An intervention such as is proposed here requires planning permission and consultation with the EA and LLFA. In this case the surrounding area will continue to be farmed and watercourses will be maintained as usual, whilst the landowner will employ a specialist management company to maintain the wetland. This is no different that attenuation basins in residential developments that regulate and manage surface water. The local community wishes to receive further assurances regarding the legal stability of the management regime, but the reassurances required extend beyond that reasonably required through the planning process. The Council could play a role, but currently isn't adopting new assets in the form of public open space, attenuation basins or areas of woodland. Other Stewardship options are being explored by the Council, looking at the matter of green spaces and community assets more generally but the recommendations from that works are not known at this time, as such private management is the only option. A S106 planning obligation will require details of the specific management body to be agreed prior to the commencement of works. The aspiration on the part of the LPA is that the constitution will afford a (large) part to be played by the residents of the Staplegrove development. It is also very likely the same management regime will exist for the Staplegrove (West) site.
  - Question 2 - who pays for the ongoing maintenance? As the application stands at present this falls to the landowner, given the responsibilities set out above. However, the requirement for this development is driven by the

need to provide phosphate neutrality for the Staplegrove (West) development. As such the costs of ongoing maintenance, via a management company, will be covered by a charge to new properties within the Staplegrove (West) development. This long-term funding model will only change if the SWT work on Stewardship elicits a different funding model. The initial construction and set-up costs plus initial management, until there are sufficient new properties to pay, will rest with the landowner/developer.

There is a concern locally that a management company or landowning company may 'go bust' or get wound up, leaving the responsibility for maintenance unclear or with a Parish Council. Given the linkage to the Staplegrove (West) development and the necessity for each household/commercial property to pay for maintenance it is considered the eventuality feared locally is difficult to see occurring. It is worth noting that at present all POS, attenuation basins, play areas and the community hall to be provided at Staplegrove will also likely be managed by the same Management Company in all likelihood, and so the default concern is actually a much wider issue at Staplegrove and in the town more widely than just this wetland proposal.

Gaining planning approval for the wetland is effectively Phase 1. Phase 2 is the formal submission of this wetland as phosphate mitigation to the Staplegrove (West) development in order to unlock housing on that site. As such, work on the wetland will not start until that linkage is made legally, otherwise the wetlands will not proceed as there will be no need for them. At this point the costs of maintenance and the future legal undertaking for paying for such will be established. The LPA has made it clear to the applicant that by approving this application it is not prejudging that later set of different considerations to those relevant in this determination, including the funding model and how much of the site will be unlocked and under what phasing regime. Clearly the applicant has received certain assurances on the phosphate removal methodology from Natural England to get to this stage with the reasonable prospect of unlocking, in time, the whole Staplegrove (West) site. Whilst calculations are given, this application, in itself, will not agree the phosphate removal rate, that will follow later when the case is made to use the wetland to mitigate the housing development.

- Question 3 - what is the maintenance that needs to take place?  
The nature of wetland environments is such that little day-to-day management is required. The revised submission includes a table of recognised tasks that will need undertaking periodically by the Management Company. A planning obligation will require a more detailed management plan.

12.18 Overall, the provisions within the application and those achievable by condition will ensure appropriate management and maintenance of the wetland.

### Landscape

- 12.19 The assessment of the impact of this development from a landscape perspective starts with understanding the baseline, the context and use of the current sites. As a farmed, managed and man-made landscape the sites present a typical countryside scene, of improved grassland, large field patterns, hedged and trees boundaries with a grazing dairy herd of cattle.
- 12.20 Through more modern agricultural practices, the management of water has largely comprised drainage systems to shed water from fields, so the creation of a wetland is and apparent contradiction but perhaps the reinstatement of a water management system long since eradicated. It is considered the construction of a wetland in the locations proposed will pose little negative impact, a change in character perhaps but a positive change instead adding interest in the landscape, once the impact of the construction period has passed and the fields are reseeded and the proposed planting establishes. Existing boundaries are to be respected and reinforced in places and significantly more landscaping is proposed. As such it is felt Policy DM1 is met.
- 12.21 Policy CP8 also sets out criteria to be met for development outside of settlement boundaries. Development in such areas will be strictly controlled in order to conserve the environmental assets and open character. As stated at Para 12.5, some policies do not fit the development type being proposed, however it is considered the proposal fulfils the criteria laid out insofar as
- The proposal is considered to be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites)
  - It is appropriate in terms of scale, siting and design;
  - It protects, conserves or enhances landscape character whilst maintaining green wedges and open breaks between settlements;
  - It protects, conserves or enhances the interests of natural and historic assets (for historic assets see Para 12.39 onwards);
  - It will not exacerbate, and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water);
  - It will protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area (see the following Ecology section); and
  - It does provide for any necessary mitigation measures (see the following Ecology section).
- 12.22 Policy ENV1 seeks to minimise impact on trees and hedgerows and seek to provide net gain where possible. Policy ENV2 encourages the planting of trees within new developments. The application is seen to positively respond to both policies, insofar as amendments have been sought to further protect those trees and hedgerows that will be in close proximity to excavations and the depositing of soil, whilst new planting is also proposed.

### Ecology

- 12.23 Policy DM1 seeks to ensure proposals will not lead to harm to protected wildlife species or their habitats. Natural England also refer to their Standing advice on Protected Species. The standing advice details when surveys may be required and how LPAs should agree avoidance, mitigation or compensation measures. In this case the application is accompanied by a wildlife survey which has been assessed by the Councils' retained Ecologist. No issues have been raised and conditions have been suggested to avoid harm and indeed seek enhancement. Whilst the primary driver for this proposal is not biodiversity enhancement it is a very welcome by-product which has been further embellished during the course of the application.
- 12.24 A wetland planting palette has been designed. This planting palette represents a mix of wildflower meadow, wetland and wet woodland planting to create a biodiverse ICW and improve the ecological value of the sites. The main species of interest in and around the areas of the scheme include Lesser Horseshoe bats that use parts of the site for foraging. Hedgerows and mature trees in and around the site are important as foraging habitat for bats, while Lesser Horseshoe bats also forage over pastureland. The site also supports a variety of bird species.
- 12.25 The comments of the Council's retained Ecologist also covers the assessment of development within the Bat Consultation Zone relating to Hestercombe House and the need for a Habitats Regulation 'test of significance', as referred to in Policy CP8. This is further set out at Para 7.2.
- 12.26 The Council's Interim Guidance Statement on Planning for the Climate Emergency published in February 2021 questions, via an embedded checklist, whether the development responds to the ecological emergency by protecting and enhancing ecology, whether it acts as a carbon store, whether it uses sustainable materials and whether it mitigates flood risk. Whilst the guidance, and questions, were not written specifically with this development type in mind it is considered the proposal is positive on all of these aspects and this is further ratified by the comments of the EA.

#### Transport and Highways

- 12.27 The transport considerations largely revolve around the construction period. The number of movements post-construction are negligible and will be indistinguishable from the day-to-day movements associated with the continued agricultural use of the field.
- 12.28 There is no doubt the construction period will bring rise to increased movements by larger vehicles, however this is tempered by the fact all excavations will be retained and redistributed across adjacent land so no HGVs will be required for 'muck-away' trips. People in the locality will be accustomed to seeing and negotiating with large agricultural machinery on local roads but the specific management of the delivery and removal of excavating machinery will be important.

- 12.29 Paragraph 111 of the National Policy Framework states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”, and it is considered this proposal, in terms of the two individual sites or collectively would reach that trigger.
- 12.30 The Highway Authority has suggested a condition to secure a Construction Environmental Management Plan (CEMP). Many representations seek that this document is produced up-front by the applicant to be assessed by local residents. Typically, CEMPs are secured via condition because the body suggesting the condition, in this case the Highway Authority, is reasonably assured that there are no ‘show-stoppers’ in complying with the reasonable requirements post approval to mitigate impacts. The Highway Authority also has not said that the local lanes are totally inappropriate for construction traffic. There has been no compelling argument to suggest such information is vital to the determination of the application, or without it the application is refusible.
- 12.31 Concerns have been expressed regarding the current condition of local lanes and how this may be impacted by construction traffic. The Highway Authority does on occasion seek a ‘Road Condition Survey’ but in this case deem it not necessary given the one-off delivery and collection of heavy earth moving equipment, the lack of HGVs to remove spoil, and the fact other agricultural/delivery vehicles would continue to use the same routes throughout the construction phase, so it would appear to be impossible to assign any damage to specific vehicles.

#### Impact to Adjacent Residential Properties

- 12.32 In this regard the principle issue relates to any impacts during the construction phase. When operating as a Wetland there are few operational issues envisaged save for a local concern relating to mosquitoes which can be covered in the management plan.
- 12.33 Some noise is highly likely from the delivery, operation and collection of heavy earth moving equipment during the construction period. One very important point is to understand this is a working landscape and as such the operation and movement of agricultural machinery is commonplace (and occurs without planning control). As such this assessment has been made against that context.
- 12.34 Policy DM1 outlines that potential noise pollution which could adversely impact amenity of residents or occupants of a site should be appropriately dealt with.
- 12.35 Only one property is within 250m of the excavation area of either wetland (Higher Yarde Farm is within 180m of the Longfield and Yarde site). Of course, a number of properties are much closer to the fields where arisings will be deposited but the sphere of impact dissipates as you move away from the excavated areas.

- 12.36 The anticipated time scale for the works is 8-12 weeks and a Construction Environmental Management Plan (CEMP) will be requested by condition.
- 12.37 The CEMP advocated by the Highway Authority will be imposed but its enforcement is somewhat complicated by the fact this is a working farm and therefore there will be at times activity that is associated with that which may cause harm and will not be 'caught' by the CEMP. Working hours, vehicle routes and task assignment may become hard to differentiate and lead to a challenge to provide suitable enforcement capacity to police. The mitigation to this concern is that the landowner is a local family who farm the land so they are visible and accountable in the community and much also depends on the tolerance of local residents and the dialogue between all parties and the contractors. The CEMP condition also requires a communication strategy and point of contact for site operations that can be circulated to report and quell any issues being experienced.
- 12.38 It is considered given the nature of the proposal that 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 will not occur.

#### Heritage and Archaeology

- 12.39 The General Duty on the LPA in its exercise of planning functions with respect to listed buildings is set out under s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the case of s66 the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and in the case of s72 a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings. Paragraphs 189-208 of the NPPF set out the policy guidance for the enhancement and conservation of the historic environment. Neither application site is within a Conservation Area, nor does it contain any Listed Buildings. However, there are a number of listed buildings in the wider vicinity, including Yarde Farmhouse (Grade II\*), Smokey (Grade II) and Slapes (Grade II) all on Langford Lane, Stone House (Grade II), The Old Tannery (Grade II), Deacons (Grade II), Edgeborough Farmhouse (Grade II) all on Edgeborough Lane. In this case the main consideration is regarding the setting of those assets. Given the nature of the proposal, the wider farmed landscape and intervisibility these heritage assets are unlikely to be adversely impacted by the proposal.
- 12.40 This view has been reached mindful of the Historic England's advice contained in 'The Setting of Heritage Assets' (2017). The heritage asset in closest proximity is the Grade II\* Yarde Farmhouse. As a Grade II\* building, the protection of its setting is afforded great weight. This dwelling sits within a farm complex of traditional and modern steel portal framed agricultural

buildings and lies circa 250m due south from the Longfield wetland. Its front elevation faces southeast, away from the development site. The farmhouse and wider historic complex sit as a traditional farmstead in open countryside within a landscape that creates a setting to that farmstead of varied field patterns bound by hedgerows, interspersed with trees. The effect of the proposed development on that setting is at worst neutral, arguably beneficial, with a temporary impact of the construction works and excavations which will reduce over time as planting establishes.

- 12.41 With respect to archaeology, the sites have some potential and so a Written Scheme of Investigation (WSI) has been requested. A condition refers to its implementation. SADMP policy ENV4 is relevant.

#### Public Access

- 12.42 Policy ENV5 refers to improving public access and views of development in the vicinity of rivers, streams and canals, whilst ensuring protection from the physical impacts of development. Although this proposal is technically 'development in the vicinity of a stream' the policy is largely written to cater for residential and commercial development adjacent to waterways in built-up areas that could provide a strategic function.
- 12.43 The position of the applicant in this case is very clear, there is to be no public access over and above that already available over the application sites via Public Rights of Way. The non-wetland land will revert and remain in agricultural use once the arisings have been deposited and integrated. As such aspects associated with public use (parking disturbance to residents and wildlife, ancillary infrastructure) have not been assessed as part of this application.

### **13) Planning Balance and Conclusion**

- 13.1 The creation of integrated constructed wetlands to provide phosphate mitigation is one answer to the apparent environmental issues being experienced at the Somerset Levels and Moors, whilst allowing the development industry in Somerset to continue in some form.
- 13.2 Irrespective of the linkage to a specific development site and the science and calculations being phosphate mitigation the proposal will deliver other worthwhile benefits in the form of biodiversity enhancement and carbon capture.
- 13.3 The application has had extensive input from Natural England and is considered a good design.
- 13.4 Whilst there is the need for a further legal linkage to the Staplegrove (West) development which will happen in time, each planning application should be treated on its merits and on the balance of considerations having regard to the Development Plan, the weight that can be given to it, and all material considerations including national policy.

- 13.5 The recorded concerns and objections have been replicated, explained, and assessed in this report, balanced against a series of material considerations.
- 13.6 This application represents the first of what will likely be a number of wetland proposals across the district and county promoted by public bodies and private developers to unlock housing. These will very likely raise the same issues that are evident in this case.
- 13.7 It is considered that the application accords with the Development Plan when taken as a whole, with any residual concerns able to be mitigated by condition or via the suggested s106. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1 and the prior signing of a legal agreement.
- 13.8 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

#### **Appendix 1 – Planning conditions and Informatives**

#### **Appendix 2 – Staplegrove PC consultation response**

#### **Appendix 3 – Kingston St Mary PC consultation response**

1. The development hereby permitted shall be begun within three years of the date of this permission.  
Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the plans and documents as set out on the Origin3 Drawing Schedule ref 21-056 received 06 September 2022.  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of works details of the final construction design supported by quantitative evidence (hydraulic modelling) of the proposal to demonstrate on- and off-site impacts for various return periods and climate change scenarios shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereon be carried out in accordance with the approved details.  
Reason: To demonstrate that no detrimental impact to flood risk is caused by the development given the considerable size of the sites, the various impacted watercourses, and the location in EA Flood Zones 2 and 3 to accord with the aims and objectives of the National Planning Policy Framework.



4. Prior to the commencement of any works an Arboricultural Method Statement (AMS), in accordance with BS 5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include tree protection measures and details of any tree management works required and temporary ground protection for construction vehicles where necessary within the construction exclusion zones. The agreed AMS and tree protection measures shall be fully implemented prior to the commencement of any works and maintained throughout the construction phase.  
Reason: To safeguard tree and hedgerows in accordance with Policy ENV 1 of the SADMP.
5. The landscaping of the development hereby approved shall follow that set out on the approved General Arrangement – Landscape Proposals set out in Condition 2 above.  
The proposed hedgerow at the Nailsbourne site shown on Drawing No 332310539/004 Rev E (Nailsbourne Integrated Constructed Wetland-Site Plan) shall be planted during the next available planning season after the cessation of the ground works or within 2 planting seasons from the commencement of works whichever is sooner. The specification of the hedgerow shall have first been submitted to and approved in writing by the Local Planning Authority and shall be inclusive of several trees. Where the landscaping scheme allows additional hedgerow shall be planted up with native species between the re-instated agricultural grassland and the proposed meadow buffers. The hedgerow shall be coppiced and laid on reaching maturity and cut on a 3-year rotation thereafter.  
Any trees, shrubs or plants that cease to grow, die, or are otherwise lost shall be replaced with exact replacements unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that the proposed development benefits are realised in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
6. Notwithstanding the approved plan ref 332310539/004/003 RevE and 332310539/004 Rev E details of the boundary fencing shall be submitted to and agreed in writing by the Local Planning Authority prior to installation.  
Reason: In the interests of visual amenity.
7. In accordance with the specification set out in the Ecological Assessment Report, Stantec, Rev A, 22/11/2021 the following will be incorporated into the proposal with photographs of the installed features submitted to the Local Planning Authority on completion; installation to take place in accordance with a timescale agreed in writing with the Local Planning Authority prior to commencement of development):
  - a) Provision of 6x bird boxes per wetland area to be installed on retained trees at the boundary and maintained thereafter (5 x 1B Schwegler Nest Box and 1 x Barn Owl Nest Box for a Tree)
  - b) 2x reptile and amphibian hibernacula will be created in the retained grassland per wetland and maintained thereafter.

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

8. 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) to biodiversity on site, including habitats (trees, hedgerows and watercourses, including pollution prevention measures) and protected species (amphibians, badgers, bats, birds, reptiles otters and water vole), followed by appropriate mitigation, as required.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment.

9. A report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the CEMP (Biodiversity) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, in line with a timescale to be first submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered and that protected/priority species and habitats are safeguarded in accordance with the CEMP and Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the

commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

11. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Stantec Project Ref: 332310539/Rev C/Date December 2021 and the mitigation measures detailed within the FRA. The mitigation measures shall be fully implemented and maintain in perpetuity.  
Reason: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.
12. Details of the inlet and outlet channels with integrated control and monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The agreed details shall thereafter be implemented prior to first use and maintained in perpetuity.  
Reason: In the interests of visual amenity and to ensure the development is adequately monitored to prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.
13. Spoil from the proposed wetland areas shall be deposited in Flood Zone 1 as per the submitted Flood Risk Assessment and attached Flood Risk Parameter Plans. There shall be no deposition of arisings in Flood Zones 2/3 except where detailed on the submitted plans/drawings.

Reason: To preserve floodplain storage capacity and prevent increases in flood risk elsewhere to accord with the aims and objectives of the National Planning Policy Framework.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (Construction) has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:
- a) The specific start and expected completion dates;
  - b) 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;
  - c) Construction vehicle routes to and from site including any off-site routes for the disposal of excavated material;
  - d) Construction delivery hours;
  - e) Expected number of construction vehicles per day;
  - f) Car parking for contractors;
  - g) A scheme to encourage the use of Public Transport amongst contractors;
  - h) Measures to avoid traffic congestion impacting upon the Strategic Road network.
  - i) 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;
  - j) The control and removal of spoil and wastes;
  - k) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
  - l) The proposed hours of operation of construction activities;
  - m) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
  - n) Sound attenuation measures incorporated to reduce noise at source;
  - o) Details of measures to be taken to reduce the generation of dust;
  - p) Communications strategy including details of the site manager/point of contact for local residents/Parish Council's during the construction period;
  - q) Any other measures to maintain the amenity of adjacent neighbours; and
  - r) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice.

The agreed CEMP (Construction) 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.

15. To prevent pollution during construction a scheme for the prevention of pollution should be submitted to and approved by the Local Planning Authority. The scheme should include details of the following:
- a) Site security.
  - b) Fuel oil storage, bunding, delivery and use.

- c) How both minor and major spillage will be dealt with.
- d) Containment of silt/soil contaminated run-off.
- e) Disposal of contaminated drainage, including water pumped from excavations.
- f) Site induction for workforce highlighting pollution prevention and awareness.
- g) Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

The agreed scheme should be implemented throughout the construction period.

Reason: To prevent pollution to the water environment to accord with the aims and objectives of the National Planning Policy Framework.

16. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: The site has been identified as of possible archaeological interest and therefore as requiring further archaeological investigation in accordance with section 12 of the National Planning Policy Framework and policy CP8 of the adopted Taunton Deane Core Strategy.

17. No development hereby approved which shall interfere with or compromise the use of the public rights of way shall take place until details of the location and treatments of the construction traffic crossing points over the PROWs have been made available to the satisfaction of the Local Planning Authority.  
Reason: To ensure the use of PROWs is not compromised during the course of the development.

#### Notes

1. 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.
2. The comments of the SCC Rights of Way Team, dated 02/02/2022, should be reviewed. The SCC Rights of Way Team should be contacted regarding a temporary path closure and for surfacing authorisation prior to any works commencing (email [scresswell@somerset.gov.uk](mailto:scresswell@somerset.gov.uk)).  
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 contact Wessex Water prior to any works commencing to agree protection measures relating to the strategic water mains crossing the Nailsbourne site.
4. The applicant is advised to take note of the following advice and informative from the Environment Agency:
  - a) The above proposal falls within Flood Zones 3, 2 and 1 which are areas with a high, medium and low probability of flooding.
  - b) There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches. If the applicant intends to fill and/or maintain a proposed wetland with water from a surface source e.g. a stream or from underground strata (via borehole or well) then they are likely to need an abstraction licence. There is no guarantee that a licence will be granted. A licence is not required if they intend to excavate and allow the lakes to fill naturally to existing groundwater levels.
  - c) If the applicant intends to impound a watercourse then they are likely to need an impounding licence from the Environment Agency. An impoundment is any dam, weir or other structure that can raise the water level of a water body above its natural level. 'Online' impoundments hold back water in rivers, stream, wetlands and estuaries, and consequently affect downstream flows, sediment transport and migration of fish.
  - d) Advice on the need for an abstraction licence and flow levels should be requested via a pre-application consultation to the EA National Permitting Service via or Tel 03708 505506.
  - e) Any work should be done in a Water Framework Directive (WFD) compliant manner. A WFD Assessment may be required.
  - f) General guidance on undertaking a WFD assessment is available via the EA website which describes where you can find some of the End 3 required supporting information:  
<https://www.gov.uk/government/publications/water-framework-directive-how-to-assess-the-risk-of-your-activity>
  - g) Should the proposal provide for the importing, exporting or use on site of any waste materials, then this development may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact our National Permitting Team on 03708 506506 to discuss the issues likely to be raised. Natural England should be consulted to ensure their interests are not affected by this proposal.
  - h) It must be noted that any works in proximity of a watercourse other than a main river, may be subject to the regulatory requirements of the Lead Local Flood Authority/Internal Drainage Board.

## STAPLEGROVE PARISH COUNCIL

### CHAIRMAN

Ian Talbot  
Magnolia Cottage  
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Staplegrove, Taunton  
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01823 259506

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14 January 2022

### STAPLEGROVE PARISH COUNCIL

### PLANNING APPLICATION 34/21/0017

### WETLANDS AT LONGFIELD, YARDE AND NAILSBOURNE

### Staplegrove PC oppose this application.

#### Presentation of Application

- 1) At first sight this application suggests a scheme for removal of phosphorus (phosphates) from water courses in the north of Staplegrove Parish and also in KSM parish. It is presented as a one-off stand-alone application and does not give any reason why phosphate needs to be removed and specifically does not mention any linkage with any other planning application.
- 2) Staplegrove PC has held several ZOOM meetings with the Planning Officer, Origins 3, Stantec and other interested parties where it has openly been stated that this wetland scheme is the key to “unlocking “ and “progressing” another application namely 34/19/0036 - Redrow’s application for 173 houses at Staplegrove West. There is a clear linkage between the two schemes but this is not stated in either application.
- 3) The linkage is that removal of phosphates upstream will compensate for the additional phosphate loading caused by the a new Redrow development. i.e. local neutrality. This is the real reason for the scheme and is not mentioned in either application.
- 4) The wetland scheme would not have arisen but for the previous housing application. Hence 34/21/0017 and 34/19/0036 are clearly linked.
- 5) 34/19/0036 deals with the reserved matters in Redrow’s application and correctly covers such matters as sewerage, storm water provision. SUDS etc. It deals with disposal and /or amelioration of on site pollutants.
- 6) There is clear linkage between these two schemes. The phosphate produced by the housing development is an on site pollutant and should therefore be covered by reserved matters. As the reserved matters application is in the name of Redrow, why is their name not on the wetland application? Is this an attempt to mislead? This linkage demands that application 34/21/0017 must be considered AT THE SAME TIME as the reserved matters 34/19/0036 and not treated as individual seemingly unrelated applications. If either scheme fails to get approval they BOTH fail!

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- 7) The wetland scheme if considered in isolation would seem to be a perfectly laudable “green” scheme. Is it being presented separately in the hope that it would be decided by “officer decision”, rather than part of a much bigger issue going for more detailed scrutiny by the full planning committee? Report to full Council SWT 84/21 5/10/21 seems to suggest wholesale delegation of powers to officers in wetland applications.
- 8) If 34/21/0017 is presented in isolation to the planning committee, how would councillors who are not local, and party to the verbal background discussions realise the two schemes are linked? Would the link to 34/19/0036 even be mentioned?
- 9) Adoption of interim measures contained in SWT 84/21 raises democratic issues. Phosphate issues in parish A could be offset by wetlands in parish B. These could be miles apart and even in different local authorities. The Councils considering two applications may not be aware of the link. Council (B) could approve an application in total ignorance of the effects triggered in (A)

### Technical Issues

- 10) Presumably the size parameters of the wetland were calculated in order to remove a certain amount of phosphorus. Where did this phosphorus figure come from? Nowhere does it say “we need to remove x amount of phosphorus because.....”. The figure given (86.52 kg/yr) is actually to offset the inputs from the Redrow first phase housing 34/19/0036 but this is not mentioned.  
There is no calculation of the housing phosphorus input in either of the two applications
- 11) For any scheme to be considered the degree of phosphorus neutrality must be stated. This should be in the form of the exact number of properties which will be “neutralised.” If this limit is reached then a new scheme must be in place for work to continue. Is this not clearly implied in report SWT 84/21?
- 12) Who pays for the lifetime maintenance of wetlands, possibly 100 years? The application should explain how these ongoing costs are to be paid for. The efficiency of the wetland is dependent on the input and output flows being maintained at an optimum level. If the watercourses on either side are not under the control of the wetland landowner how can maintenance of watercourses and effectiveness of the wetland be assured?
- 13) The Parish Council shares the concerns of all the residents regarding the flood risk arising from the proposed works at both wetland sites.
- 14) There are areas for excavated spoil to be spread out and at some point those areas will be returned to agriculture. During the lifetime an amount of silt will need to be removed, so where will it go?
- 15) The application contains errors:- Failure to proof read!

Design Statement Revision B

Para. 5.3 discusses Yarde

Para 5.3.5 reads *Longfield* abstraction rate 22.9 kg/yr (should be Yarde)

Similarly Para.6.1 discusses Nailsbourne

Para 6.1.6 reads *Longfield* abstraction rate 38.2 kg/yr (should be Nailsbourne)



- 16) The Covering Letter (Origins 3) quotes **Phosphate** removal rates. Also the Design Statement (Stantec-Paras 5 & 6) refers to phosphate removal but gives **Phosphorus** outputs. Phosphorus and Phosphate are not the same. These documents need to be harmonised.
- 17) A study in 2015 estimated that there is enough phosphate stored in UK fields to meet requirements for the next 54 years. In parts of Cambridgeshire no fertiliser has been added for 8 years with no decline in yields. Where wetlands are excavated on farmland which has been heavily fertilised and/or used for grazing cattle there is evidence that wetland phosphate removal can be negative. (ie phosphate flows increase). Phosphates which have been held in stable form within the ground are released suddenly by excavation and raise the phosphate levels in the surrounding water courses.
- 18) The Planning Officer has indicated that this wetland application will be considered in isolation but if approved it could be used to offset phosphorus arising in future applications. Part of any wetland approval should include the degree of offset (ie number of housing units). This would make applications simpler and improve “accounting “ for the neutrality officer appointed under the terms of SWT 84/21.
- The phosphorus budget calculator (Design statement appendix G) gives details of the net loading of the site -86.52 kg/yr. Using the flow rate of 110L/day and a WwTW outfall contamination of 5mg/L the wetland will offset about 430 people and at an occupancy rate of 2.4 this equates to 179 dwellings (the degree of offset). It is no coincidence that the Redrow Phase 1a application is for 173 houses!
- 19) The budget calculator yields 430 humans each of which is 25 times less polluting than a cow, so the human occupants are equivalent to about 17 cows. Wouldn't it be simpler to remove 17 cows from the farm land?
- 20) Within SWT there are currently 112 planning applications equating to 2491 dwellings held back due to phosphate issues. Using the data given in 34/21/0017 an area of 63.9 Ha of wetland would be required to offset 2491 units. To give some idea of size this is equivalent to 100 FIFA approved football pitches!
- 21) The wetland and indeed other offsetting strategies, will be paid for by only the occupants of the houses held up in the planning system because builders and developers will ultimately pass the costs on. So a small number of homeowners will pay for phosphorus removal whilst the general population and farmers will not. This is an unfair and discriminatory policy and should be challenged.
- 22) The Wetland application 34/21/0017 should be “called to Committee” simultaneously with the reserved matters 34/19/0036 for consideration together.

Staplegrave Parish Council January 2022

# KINGSTON ST MARY PARISH COUNCIL

*Chairman: Cllr Paul Townsend*

*Clerk: Katie Gibbins*

*Hayrig, Nailsbourne, TAUNTON, TA2 8AG*

*Tel: 01823 451505 Email: clerk@ksmpc.org.uk*

12 January 2022

## **Planning Application 34/21/0017 Formation of Two Integrated Constructed Wetlands**

### **Summary**

Kingston St Mary Parish Council objects to planning application 34/21/0017 for the formation of two integrated constructed wetlands, on the basis of the material planning considerations outlined below. The Parish Council also requests that taking into consideration the local opposition to this planning application, it should be forwarded to Somerset West & Taunton's (SW&T) Planning Committee for their consideration.

The Parish Council does not have the expertise, capacity, financial resources or desire to be responsible for the management of the proposed Nailsbourne wetland and considers it inappropriate for its residents to be burdened with the ongoing costs of operating a wetland, constructed for the benefit of a neighbouring parish.

### **Planning Obligations:**

The maintenance, monitoring, management and funding arrangements for the proposed wetlands are fundamental to their operation, to ensure that they achieve phosphate neutrality, in perpetuity, for the Staplegrove West development. Consequently, the Parish Council considers it imperative that these arrangements are known, documented and agreed prior to this Planning Application being considered for approval.

The upstream water courses feeding the proposed Nailsbourne wetland are currently not well maintained. The maintenance of these tributaries should be included in the management and funding arrangements, to stop them silting up and affecting the operation of the proposed wetlands and putting upstream residential properties at greater risk from flooding.

### **Flooding:**

The Parish Council considers it essential that the scope of the Flood Risk Assessment be widened to include the village of Nailsbourne and Dodhill hamlet. This is necessary to determine if Nailsbourne and Dodhill residential properties will be put at risk of flooding from construction of the proposed Nailsbourne wetland.

The Flood Risk Assessment should also consider the impact of climate change over the lifetime of the wetlands (i.e. in perpetuity) to determine if there will be any detrimental impact on their operation and increased flood risk to properties in close proximity.

### **Compensation and awards of costs against the Council:**

The Parish Council considers that SW&T would be reckless to consider this planning application, until the risk of flooding to properties close to the proposed wetlands is fully understood, by using realistic real world alternative scenarios, with their associated probability, to assess this possibility.

Unless SW&T are confident that the proposed wetlands will not have a detrimental impact on third parties, they may be in danger of becoming liable for claims from homeowners and their insurers, should properties in close proximity to the wetlands become flooded.

### **Road Access to the development site.**

The Parish Council shares Somerset County Council's Highways Department concerns and agrees that should planning permission be granted a planning condition is required to ensure that no development commences unless a 'Construction Environmental Management Plan' has been approved, by the Local Planning Authority, which includes details of how large construction vehicles will safely route to and from the proposed Nailsbourne wetland site.

## Introduction

At its 11 January 2022 meeting, Kingston St Mary (KSM) Parish Council considered and objected to the above planning application, based on the following material planning considerations. These material planning considerations relate predominately to the proposed Nailsbourne Integrated Constructed Wetland (wetland) but in general also apply to the proposed Longfield wetland, which is in a neighbouring Parish.

## Material Planning Considerations

### Planning Obligations.

Page 3 of Origin3's Covering Letter states:

*'....in order to ensure they (the wetlands) achieve the required phosphate removal performance in perpetuity, we propose the following heads of terms (terms) for the section 106 agreement.*

- 1. Maintenance and monitoring - prior to the commencement of the development to submit to the Council for approval a management scheme for the ongoing management, maintenance and operation of the wetlands.*
- 2. Management and funding arrangements - prior to the completion of the development to provide details of the management body that will carry out the maintenance and monitoring regime agreed by the Council together with such details as may be required to satisfy the Council that adequate funding is in place to ensure ongoing maintenance.'*

The maintenance, monitoring, management and funding arrangements for the proposed wetlands are fundamental to their operation, to ensure that they achieve phosphate neutrality in perpetuity, for the Staplegrove West development of 750 homes. Consequently, KSM Parish Council considers it imperative that these arrangements are known, documented and agreed prior to this Planning Application being considered for approval.

It would be inappropriate for Kingston St Mary Parish residents to be liable, via the Parish Council precept, for the ongoing cost of ensuring the performance of the proposed Nailsbourne wetland, which benefits the current landowner and future residents of the Staplegrove West development.

### Flooding.

The Flood Risk Assessment states:

- 3.1.7 The EA's 'Flood Map for Planning' shows that the majority of the Nailsbourne Site lies in Flood Zone 1 'Low Probability'. The western portion of the site is shown to lie in Flood Zone 2 'Medium Probability' and Flood Zone 3 'High Probability'.*
- 3.1.13 The mapping also indicates that the Nailsbourne Site is located in an area of 'Very Low' risk of surface water flooding. There are areas of 'Low' to 'High' susceptibility to surface water flooding along the boundaries of the site and are therefore likely associated with the ordinary watercourses.*
- 6.3.1 In conclusion, the future occupants and users of the proposed development will be safe from flooding and there will be no detrimental impact on third parties.*

The assessment of flood risk is site specific and focuses on the safety of the future occupants and users of the proposed development, i.e. the wetlands. As the wetlands will not be occupied and only visited for routine maintenance on a monthly basis (clause 6.3.1 Stantec Transport Statement), those at genuine risk from flooding reside in properties in close proximity to the proposed wetlands. The properties closest to the Nailsbourne site are in flood zones 2 and 3 and are already at risk from surface water flooding. The Parish Council considers it essential that the scope of the Flood Risk Assessment be widened to include the village of Nailsbourne and the Dodhill hamlet. This is necessary to ensure that residential properties are not put at risk from construction of the proposed Nailsbourne wetland.

The Flood Risk Assessment also states:

- 3.7.1 *In considering flood risk to the site, it is necessary to fully consider the potential impacts of climate change for the lifetime of the development within the mitigation measures.*
- 3.7.5 *The climate change allowances included in the Taunton Firepool Model are therefore now superseded. Given that the proposed developed (development) is classified as water compatible development no further modelling has been undertaken.*

It is difficult to understand how the Flood Risk Assessment has concluded that there will be no detrimental impact from flooding on third parties, when the impact of climate change over the lifetime of the development (i.e. in perpetuity) has not been factored into the calculations. The Flood Risk Assessment also assumes we live in a perfect world, with the wetlands being fully maintained and functioning as planned over their lifetime of operation. By disregarding the long-term impact of climate change it would appear that the Flood Risk Assessment assumes that the world will get climate change under control.

In order to make an informed judgement about the impact of the wetlands on third parties, scenario modelling should be undertaken, depicting situations where, for example, the wetlands are not properly maintained and climate change is not brought under control. Until scenario modelling is performed, with their associated probability, it will not be possible to be confident that the claim 'there will be no detrimental impact on third parties.', from the proposed wetlands, is justifiable.

The upstream water courses feeding the proposed Nailsbourne wetland are currently not well maintained. Unless this is rectified as part of the management and funding arrangements, the operation of the wetlands will be compromised and upstream residential properties will be put at greater risk of flooding from these tributaries silting up.

### **Compensation and awards of costs against the Council.**

From the above it can be seen that the impact of flooding arising from the proposed wetlands on nearby properties has not been adequately assessed. Consequently, Somerset West and Taunton District Council (SWaT) are in danger of becoming liable for claims from homeowners and their insurers should properties in close proximity to the wetlands become flooded.

It would therefore be reckless of SWaT to consider this planning application for the construction of two wetlands, until the risk of flooding to nearby properties is fully understood, by using realistic real world alternative scenarios to assess this possibility. In addition, the ongoing flood risk cannot be adequately assessed by using a single set of assumptions for the lifetime operation of the wetlands, based on an as yet unknown and unfunded management and maintenance programme. This is another reason for ensuring that the long term maintenance, monitoring, management and funding arrangements for the proposed wetlands are known and agreed before this Planning Application is considered for approval.

### **Road Access to the development site.**

The Transport Statement states:

- 3.3.2 *Nailsbourne Road in the vicinity of the site is a single carriageway rural lane.*
- 6.2.3 *The construction vehicles will be delivered to the site via a low loader or similar delivery vehicle. It is proposed that the low loader will travel to the site access point via the local highway network, before pausing and unloading the construction vehicles onto either Langford Lane or Nailsbourne Road, adjacent to the sites. The low loaders will then proceed away from the site locations without turning in the highway.*

The assumption that a low loader can proceed towards and away from the proposed Nailsbourne site in a forward direction is questionable, as it will be faced with negotiating very narrow single carriageway rural lanes. A vehicle of this size may not be able to negotiate Nailsbourne Road, Park Lane, Pickney Lane or Parsonage Lane when attempting to reach and return from the proposed Nailsbourne wetland access point. As recognised above, it will not be possible for a low loader to turn in Nailsbourne Road, which is a single carriageway narrow rural lane. Therefore, any attempt to proceed in a forward direction may result in a vehicle of this size becoming stuck, damaging itself and potentially injuring the driver. In addition, the ditches and edges of these very narrow country lanes could be damaged, which together with the above comments may make the Nailsbourne site unsuitable for constructing the proposed wetland.

The Parish Council shares Somerset County Council's Highways Department concerns and agrees that:

*'Should planning permission be granted, the following planning condition is recommended:*

*No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include details of ...*

- Construction vehicular routes to and from site ..'*

## **Conclusion**

Kingston St Mary Parish Council objects to planning application 34/21/0017 for the formation of two integrated constructed wetlands, on the basis of the material planning considerations outlined above. Currently 30 representations have been received concerning this planning application; non-favourable. The Parish Council therefore requests that this application be forwarded to Somerset West & Taunton's Planning Committee for their consideration.

The Parish Council does not have the expertise, capacity, financial resources or desire to be responsible for the management, maintenance and operation of the proposed Nailsbourne wetland.

The Parish Council also considers that it would be inappropriate for Kingston St Mary Parish residents to be burdened with the ongoing costs, of an unknown magnitude and duration, to manage, maintain and operate the proposed Nailsbourne wetland, constructed for the benefit of residents in a neighbouring parish.

Kind regards.



Cllr Paul Townsend  
Chair - Kingston St Mary Parish Council  
Tel. - 01823 451986



Application Details	
Application Reference Number:	42/21/0035
Application Type:	Approval of Reserved Matters
Description	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 55 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 Parcel <b>H1c(ii)</b> on land at Comeytrove/Trull (resubmission of 42/20/0056)
Site Address:	Orchard Grove, Land at Comeytrove/Trull, Taunton
Parish:	Trull
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 12 noon on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	Boyer Planning
Applicant:	VISTRY WESTERN
Reason for reporting application to Members:	Each stage of the Comeytrove Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

## 1. Recommendation

That planning permission be **GRANTED** subject to conditions

## 2. Executive Summary of key reasons for recommendation

- 2.1 This revised application seeks the approval of reserved matters for a further parcel of residential development (referred to as H1c(ii)) at the Comeytrove Garden Community known as Orchard Grove. The layout, design and approach to this application follows previously approved applications for

residential parcels in Phase 1 and follows the masterplan set out in the approved Western Neighbourhood Design Guide.

- 2.2 After consideration of all representations and consultations, planning policy and material considerations including the planning history and the scope of the application as one for approval of reserved matters, the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

### **3. Planning Obligations, conditions and informatives**

#### **3.1 Obligations**

No agreement is needed in connection with this application because the outline is accompanied by a site-wide section 106 agreement.

#### **3.2 Conditions (see Appendix 1 for full wording)**

- 1) Drawing Schedule
- 2) Landscaping compliance and protection
- 3) Finishing Materials compliance
- 4) Energy Statement and EV Charging Plan compliance
- 5) Water efficiency requirements
- 6) Phosphate Mitigation Plan compliance
- 7) Arboricultural and Ecological Technical Note compliance
- 8) Obscure glazing to Plot 172
- 9) Pedestrian and Cycle crossing points detail
- 10) Temporary turning head details

#### **3.3 Informatives (see Appendix 1 for full wording)**

- 1) Reminder of Outline Planning Conditions
- 2) Reminder of Public Rights of Way responsibilities
- 3) Encouragement to achieve Secured by Design accreditation.
- 4) Statement of positive working

### **4. Proposed development, Site and Surroundings**

#### **Details of proposal**

- 4.1 Reserved matters approval is sought, for the appearance, landscape, layout and scale of 55 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(ii) - Vistry).
- 4.2 This is the fifth reserved matters approval sought in relation to housing at this strategic site. Councillors will recall more recently considering application



42/21/0004 totalling 166 dwellings for Parcel H1d (Taylor Wimpey) with that resolution having been made in February 2022.

- 4.3 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 and supporting utility infrastructure approved via application 42/20/0042.
- 4.4 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%. Affordable Housing is being increased on these parcels through funding from Homes England.
- 4.5 Parcel H1c(ii) is the remaining part of the one-time larger parcel H1c. As part of approved application 42/20/0056 the number of dwelling was reduced to fit within available phosphate neutrality credits meaning H1c was split into H1c(i) of 64 units which were then approved and are currently under construction, and H1c(ii) of 55 units subject to this application, which nearly 18 months on now has its own phosphates neutrality solution.
- 4.6 The 55 dwellings proposed here in Parcel H1c(ii) comprise 2, 3 and 4-bed houses and also 1 bed flats (38 market, 17 affordable (31%)). 9 affordable units are secured via the s106 and 8 are termed 'additionality units', being funded by Homes England and when combined are split 70% rented and 30% shared ownership.
- 4.7 Parcel H1c(ii) extends eastwards towards Highfield Crescent and completes development adjacent to neighbouring properties at Jeffreys Way, in the north-eastern corner of the site. Bound by an existing hedgerow to the west which adjoins H1c(i) 33 units of the parcel fills in the gap left by the area assigned for strategic landscaping and public open space in the form of Highfield Park, approved by application 42/19/053. A right of way from Jeffreys Way to Comeytrove Lane adjoins the parcel and will be consumed with the public open space. The southernmost units facing south will overlook the retained veteran tree which has been incorporated within the public open spaces design.
- 4.8 Another street of 22 dwellings forms the northern enclosure to the approved Pocket Park, inclusive of a LEAP, approved via application 42/21/0046 and due to commence shortly.
- 4.9 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, and key buildings receive a render finish rather than brick in line with the Design Guide.

- 4.10 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 sheds or garages.
- 4.11 Landscaping is proposed within the parcel including trees on all streets, hedges to provide boundaries, landscaping within parking areas and rear gardens.
- 4.12 All properties, bar one, is afforded an EV charging facility and an energy statement sets out better than Buildings Regulations carbon savings.
- 4.13 Since submission a number of amendments to the 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.
- 4.14 The application does include the discharge of various planning conditions imposed on the 'mother' outline consent 42/14/0069, these are to be considered separately.

#### Site and surroundings

- 4.15 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 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(ii) of the site and sits within the parish of Trull.
- 4.16 The site is generally characteristic by an undulating landscape. The area of the site south of Jeffreys Way slopes from the north to the south east to the un-named tributary of the Galmington Stream. That slope has now been cut into terraces in line with application 42/19/0053 to achieve road lines, development platforms and drainage basins.
- 4.17 The site is not near any Conservation Area and the nearest listed building is located approx. 300m to the south east, Comeytrove Manor.

- 4.18 The site is under construction, occupations commenced in April 2022 with currently circa 40 properties occupied at present. Approval of this application would take the number of dwellings consented with implementable Reserved Matters Approval to 431.

## 5. Relevant Planning History

Reference	Description	Decision	Date
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
42/15/0042	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
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
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
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,	Approved	22 July 2020

	footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrove/Trull		
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	Withdrawn on procedural grounds – not a Reserved Matters	10 August 2021
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	Approved	8 April 2021
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	Approved	08 April 2021
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
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	Approved	8 April 2021

	works at Phase H1c(i) on land at Comeytrowe/Trull		
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 at Parcel H1d on land at Comeytrowe/Trull	Approved	3 February 2022
42/21/0020	Non-material amendment to application 42/20/0006 to allow for adjustments to highway alignments (Phase 1a and Parcel H1b) on land at Comeytrowe/Trull	Approved	10 January 2022
42/21/0032	Erection and installation of an electricity sub-station on land falling within Phase H1C/H1F at Comeytrowe/Trull	Approved	31 August 2021
42/21/0046	Application for approval of reserved matters following outline application 42/14/0069 for a local equipped play area (LEAP), landscaping, drainage and associated engineering operations, referred to as Garden Park, on land at Comeytrowe/Trull	Approved	4 April 2022
42/21/0058	Re pointing of former kitchen garden wall (Building A) with removal of loose stones, removal of attached modern industrial shed along stable blocks northern wall and making good of gable end (Building B), and removal of stub wall (Building G) at the stable block associated with Comeytrowe Manor, Manor Industrial Estate, Taunton	Pending	
42/21/0077	Application for a non-material amendment to application 42/14/0069 for realignment of the approved A38 roundabout on land south of the A38, Comeytrowe	Approved	17 December 2021
42/21/0068	Conversion and change of use from commercial (Class E) to 1 No.	Pending	

	residential dwelling at The Stable Block, Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe		
42/21/0069	Conversion and change of use from commercial (Class E) to 1 No. residential dwelling at The Stable Block, Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe	Pending	
42/22/0026	Application for a Non-Material Amendment to application 42/20/0042 to introduce a turning head at the entrance to the approved pumping station compound and associated delivery of designated cycle lane through the site on land at Comeytrowe Rise, Trull	Refused on procedural grounds – not an NMA	21 April 2022
42/22/0027	Application for Approval of Reserved Matters in respect of the appearance, landscape, layout and scale, following Outline Approval 42/14/0069 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 at Phase H1e, on land west of Comeytrowe Lane, Taunton	Pending	
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and infrastructure on land at Comeytrowe, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>	Pending	Comments sent to SCC 26 May 2022
42/22/0043	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrowe Rise, Taunton	Pending	

## **6. Environmental Impact Assessment**

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.
- 6.2 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).
- 6.3 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 the outline application was accompanied by a full Environment Statement.
- 6.4 The Council therefore must assess whether the information it has within the outline ES is sufficient to determine the application now before it.
- 6.5 The conclusions hereon are such that the Council considers the application as an application for reserved matters will not have any further significant environmental effects over and above those assessed at the outline stage and a further environmental statement is not required.

## **7. Habitats Regulations Assessment**

- 7.1 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').
- 7.2 In a 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.
- 7.3 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*" NB: (Lemna refers to aquatic plants such as duckweed).

- 7.4 This excessive growth *“adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia (absence of oxygen)”* 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 phosphate (P) and the resultant ecological response, or at risk from this process”*.
- 7.5 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”*.
- 7.6 At the time of the letter the issue in terms of the Ramsar Site was that the conservation status of the designated site was ‘unfavourable’ but in a recent SSSI Condition Change Briefing Note for the Somerset Levels and Moors dated May 2021 (uploaded to this applications’ online case file) the overall condition across all Somerset level and Moors SSSI’s is ‘Unfavourable Declining’ due to evidence of failing water quality, most notably high Phosphate levels.
- 7.7 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.
- 7.8 The project being assessed here will result in a positive phosphate output and therefore the wastewater from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site (‘the Ramsar Site’). The pathway is via the wastewater treatment works. Therefore, the surplus in the phosphate output would need to be mitigated in order to demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.
- 7.9 In response to this situation the Development Consortium acted quickly to ascertain the phosphate load to mitigate and the necessary solution, with help and assistance from the Council and Natural England. Natural England’s advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites.



- 7.10 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 (42/22/0035) on the Council's website.
- 7.11 When calculating the phosphate load from development and subtracting this from the phosphates produced from current land usage neutrality can be achieved whilst also applying all suitable buffers. The Shadow Habitats Regulations Assessment (sHRA) report concludes that in order to achieve phosphate neutrality for Parcel H1c(ii) part of the site in the Eastern Neighbourhood will be fallowed. Given Parcel H1c(ii) itself was to be fallowed to provide mitigation for previously approved parcels more land has been allocated for fallowing in the Eastern Neighbourhood to compensate.
- 7.12 The key design principle for fallowing is the cessation of arable farming and the application of fertilizer, beyond that the creation and maintenance of permanent vegetative cover (as opposed to bare ground) will provide soil stability and minimise the runoff of silt and/or phosphate from the land.
- 7.13 Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.
- 7.14 The proposed Phosphate Mitigation Strategy is an interim measure for the Parcel H1c(ii) Reserved Matters application, a separate but similar approach has been taken with Parcels H1a, H1b, H1c(i) and H1d. As explained land is to be taken out of agricultural production prior to the first occupation.
- 7.15 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.
- 7.16 Extensive discussion between the Consortium and Natural England has occurred over the course of the development so far resulting in the approach taken and the submitted documents.
- 7.17 Natural England has confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the reserved matters application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site. Natural England has asked for further information from the applicant given the site will soon have exhausted its fallowing potential. This is more of a summary document than integral to the determination of this application. Somerset Ecology Services as the

Council's/LPA's retained Ecologists have agreed that the sHRA can be adopted by the Council.

- 7.18 The method of securing the specific mitigation measures in this situation has been discussed and in this instance a suitably worded condition is proposed as has been the case for all previous parcels.
- 7.19 The judgment whether a proposal will adversely affect the integrity of the designated site for the purposes of Regulation 63(5) of the Habitats Regulations is one for the LPA to make. In conclusion the LPA view 55 additional dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.
- 7.20 In the wider context recent Government announcements in the form of the recent Written Ministerial Statement and the Letter to Chief Planning Officers, are to be treated with cautious optimism. This is important in considering the continued development of this site.
- 7.21 The Written Ministerial Statement (WMS) issued on 20<sup>th</sup> July 2022, set out details of a national nutrient mitigation scheme to be funded by Defra/DHULC and implemented by Natural England. The DLUHC letter to Chief Planning Officers dated 21<sup>st</sup> July 2022 gives further details and states that the national nutrient mitigation scheme will enable LPA's to grant permission subject to conditions or obligations securing mitigation and phasing development if needed.
- 7.22 The WMS also states that there will be a new legal duty imposed upon water companies in England to upgrade wastewater treatment works in 'nutrient neutrality' areas to the highest technically achievable limits by 2030 - the Government will be tabling an amendment to the Levelling Up and Regeneration Bill. The DLUHC letter states that, as a result of the new legal duty on water companies, the pollution levels after 2030 via water treatment works will be much reduced and so a lower level of mitigation will be required, thus reducing the overall mitigation burden on housing developments.
- 7.23 DLUHC state they will make clear in future planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force.
- 7.24 The Government will also be bringing forward proposals to 'reform' the Habitats Regulations.
- 7.25 However, none of the above has yet been translated into legislation or even planning guidance as yet. As such this scheme seeks to consume its own smoke, but as referenced above there may be the need, in the absence of the

legislation and/or planning guidance coming into force swiftly, that this scheme will need to explore other longer-term solutions.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website.

Date of Consultation: 23/24 March 2022

Date of revised consultation: 09 August 2022

### 8.1 Statutory Consultees

8.1.1 It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order.

8.1.2 It should be noted that specific comments made by consultees on Parcel H1f will not appear below, given that part of the scheme has been withdrawn; any general comments that could relate to H1c(ii) have been reported and will be assessed.

Statutory consultee	Comments	Officer comments
Trull Parish Council	<p>Upon receipt of the first set of amended plans –</p> <p><i>“None of our previous objections have been satisfied by the new amendments that are proposed. Therefore Trull Parish Council continues to object to this proposal on the following grounds.</i></p> <ol style="list-style-type: none"> <li><i>1. The original proposed secondary access of Comeytrowe Road is placed in a more northerly position than that agreed at outline permission of 42/14/0069. The figure approved as part of that permission was Figure 4.3 Rev A.</i></li> <li><i>2. There still does not appear to be an updated phosphate mitigation plan. Therefore neither of these areas should be developed. Parcel H1Cii is shown on the map in the Brookbanks Report as ‘fallow land’, and parcel H1F as ‘land taken out of urban use’.</i></li> <li><i>3. There is no contaminated land assessment for the former industrial estate nor a plan for decontamination.</i></li> <li><i>4. An additional access onto Comeytrowe Road would require a new full planning application and cannot be permitted as part of this reserved matters application.</i></li> </ol>	<ol style="list-style-type: none"> <li>1. The Bus Gate in Parcel H1f is no longer part of the application.</li> <li>2. Phosphate mitigation is assessed at Section 7.</li> <li>3. The former industrial estate in Parcel H1f is no longer part of the application.</li> <li>4. Agreed.</li> <li>5. This is a subjective view, the design principles follow those already established for circa 375 dwellings approved so far.</li> </ol>

	<p>5. <i>The houses are bland in style and do not satisfy the high design standards required by a development in a town that has taken Garden Town funding.</i></p> <p>6. <i>The density in H1Cii does not fulfil the criteria laid out in the agreed density parameter plan which requires 'predominantly detached units', in fact all the houses along the northern boundary are semi-detached. The density overall has been lowered by including a long stretch of road which has previously appeared in 4 other planning applications (42/19/0053; 42/20/0006; 42/20/0056 and 42/21/0004)."</i></p>	<p>6. The issue of density is assessed at Para 12.21.</p>
	<p>On original plans – Objection for the following reasons;</p> <p>1. <i>"Both of these areas are shown on the phosphate mitigation map by Brookbanks as not being land for development. Parcel H1Cii is shown as fallowed land and parcel H1F as 'land taken out of urban use'. There is no updated phosphate mitigation plan to explain this anomaly.</i></p> <p>2. <i>There is no contaminated land assessment for the former industrial estate nor a plan for decontamination.</i></p> <p>3. <i>An additional access onto Comeytrowe Road would require a new full planning application and cannot be permitted as part of this reserved matters application.</i></p> <p>4. <i>The houses are bland in style and do not satisfy the high design standards required by a development in a town that has taken Garden Town funding.</i></p> <p><i>The density in H1Cii does not fulfil the criteria laid out in the agreed density parameter plan which requires 'predominantly detached units', in fact all the houses along the northern boundary are semi-detached. The density overall has been lowered by including a long stretch of road which has previously appeared in 4 other planning applications (42/19/0053; 42/20/0006; 42/20/0056 and 42/21/0004)."</i></p>	<p>1. The matter of phosphate mitigation is covered at Section 7.</p> <p>2. The former industrial estate is no longer part of the application.</p> <p>3. Agreed</p> <p>4. This is a subjective view, the design principles follow those already established for circa 375 dwellings approved so far.</p> <p>5. The issue of density is assessed at Para 12.21.</p>

<p><b>Comeytrowe Parish Council (Neighbouring Parish)</b></p>	<p>Upon receipt of the first set of amended plans –  <i>“Object - Flooding: The Parish Council fully supports the objections raised by the Lead Local Flood Authority “We object to this application as not enough information has been provided to ensure the development will not increase flood risk in line with the NPPF.”</i>  <i>Phosphates: The land of this proposed submission is shown on the phosphate mitigation map as not being suitable for development and there was no phosphate mitigation plan to explain why it had now become suitable, this matter needs to be addressed before any permission is granted</i>  <i>Contaminated land: In addition, a contaminated land assessment has not been carried out on the former Industrial Estate.</i>  <i>Additional Access: An additional access onto Comeytrowe Road should not be permitted and this would require a new full planning application and cannot be permitted as part of this reserved matters application”.</i></p>	<p>Comments as above, phosphate mitigation is assessed at Section 7. The former Industrial Estate is no longer part of the application and therefore contaminated land will be assessed in a future application. Any additional access to Comeytrowe Lane will need assessment via a separate FULL application.</p>
	<p>On original plans – Object to this application on grounds of the increased flood risk, increased traffic flow if additional access permitted and environmental concerns.</p>	<p>Flooding and drainage issues are addressed at Para 12.47. No vehicular access to Comeytrowe Lane is proposed by this revised application and the environmental concerns are not expanded upon or evidenced.</p>
<p><b>Bishops Hull Parish Council (Neighbouring Parish)</b></p>	<p>Upon receipt of the first set of amended plans –  <i>“Continue to object on the basis of:</i>  <i>1. flood impacts as set out in the correspondence from the LLFA on 11 March;</i>  <i>2. insufficient detail on the successful operation of the ‘bus gate’; and</i>  <i>3. ambiguity over proposed parking accessed from Comeytrowe Lane,</i></p>	<p>Flooding and drainage issues are addressed at Para 12.47. No vehicular access to Comeytrowe Lane is proposed by this revised application. The remainder of the comments</p>

	<p><i>which is not permitted under the conditions of the overarching outline permission. For example, drawing 02-GA-7101 continues to show a 'private block paved driveway' which is clearly outside of the application redline. To prevent any ambiguity, this should be removed from any plan submitted for approval and a further condition added to prevent the laying out of any parking south of the 'special key building' (parking spaces 246- 249 previously marked on drawing PL-VI-33 rev E).</i></p> <p><i>It should also be made clear how the units which previously benefitted from these parking space will be allocated parking within the development, not outside of the redline boundary. The Design Compliance Statement (February 2022) continues to state: "the other three apartments and the stable building will be served by the new courtyard space which will provide a shared access, via the existing driveway to the south, and car parking for both buildings." This access arrangement is not permitted under the outline permission and the application is therefore not in conformity with this. As a reminder, Somerset County Council in its response to application 42/21/0068 stated that: It is important to reiterate that the highway authority would strongly object to the vehicular access route being used to provide any vehicle connection to the adjacent Orchard Grove site. It is therefore critical that full details of this aspect of Parcel H1f are properly confirmed as part of any Reserved Matters approval, to prevent any ambiguity in the future. As the 'courtyard space' land sits between the redline boundaries of applications 42/21/0035 and 42/21/0068, the use of this land should also be clarified by the applicant. The Parish Council requests that it should be landscaped to enhance the setting of the heritage setting and could include further biodiversity enhancements".</i></p>	<p>relate to Parcel H1f which is no longer part of the application.</p>
	<p>On original plans – “<b>OBJECT</b> with Highways concerns if new access permitted”</p>	<p>No vehicular access to Comeytrowe Lane is proposed by this revised application.</p>

<b>Highway Authority - SCC</b>	<p>On the latest set of amended plans -  <i>“Summary:  These are updated comments following the earlier Highways Development Management responses made on 13th October 2021, 7th April 2022 and 27th July 2022. The local planning authority has confirmed that the application has been amended and that the scheme now considers only Parcel H1c(ii) with Parcel H1f removed. A summary of the updated highway comments is as follows:</i></p> <ul style="list-style-type: none"> <li>- <i>The submitted scheme will require a temporary turning heads to the provided as part of the highway layout. These are not shown on the submitted layouts, and should be secured as part of any permission. It is questioned whether it is appropriate to condition a requirement that is currently beyond the red line boundary of the site, and this should be clarified with the local planning authority.</i></li> <li>- <i>The latest submission makes a comment that the opportunity for EV charging would be provided at every dwelling, although this is not shown on any plan submitted as part of the application. The suggested provision does also not appear to correspond with the latest Building Regulation requirements, and it is recommended that this provision is reviewed by the local planning authority”.</i></li> </ul>	<p>The provision of temporary turning heads can be controlled by condition.  EV charging is assessed at Para 12.57.</p>
<b>Natural England</b>	<p><i>“Thank you for consulting Natural England on the above reserved matters application. I have this afternoon spoken with the applicant’s consultant, Brookbanks, who have prepared the nutrients calculations and phosphorus mitigation strategy for the next parcels of land at Comeytrowe. The methodology follows that previously approved for earlier parcels of land, using the nutrients savings from taking land within the outline red line boundary out of agricultural production to provide headroom for new development. Fallowing of land is acceptable as a temporary or bridging solution provided it is backed with the commitment for it to become the permanent mitigation solution in the event</i></p>	<p>Final details are being ironed out, but NE advise there are no fundamental issues or impediment to approving this application.</p>

	<p><i>that an alternative solution cannot be found.</i></p> <p><i>Given that the current application concerns phases of development on land that was previously fallowed and some of the calculations relate to other reserved matters applications in the pipeline (including the care), the assessment of nutrient budgets is inevitably quite complex. It is also apparent that land within the outline consent red line boundary available for fallowing will be more or less exhausted if current or pending phases of development are approved. For those reasons we have requested that Brookbanks provides an overview of the phosphorus budget that shows that the overall amount of development (quantum of housing/residential) for which approval is being sought and the overall amount of land that need to be fallowed.</i></p> <p><i>Brookbanks indicated that it would take several days to provide this information and that may it is not available to include in your Officer's Report for Committee. However, I can say that I do not foresee any fundamental problem with the calculations or mitigation approach for this application. Rather it is sensible that we, as a statutory adviser on Habitats Sites, and your Authority, as the Competent Authority for Habitats Regulations Assessment, have the additional reassurance that the overall budgets for Comeytrowe work".</i></p>	
<b>Public Rights of Way - SCC</b>	On original plans – No objections subject to comments relating to potential path surfacing, the crossing of an internal road being agreed via the s38/s278 highway adoption process. An informative note is suggested.	Informative note imposed.
<b>Environment Agency</b>	On original plans – No objection in principle, comments made in relation to condition discharges. "Phases H1C and H1F are located within Flood Zone 1 at the lowest risk of flooding, the ideal flood zone to develop".	Condition discharges are a separate matter; no further action.
<b>ICOSA - NAV</b>	No objections.	No further action.



<b>Lead Local Flood Authority (LLFA) - SCC</b>	The LLFA has received a package of information from the applicant relating to context, capacity, exceedance routes and management. There are no remaining issues.	No further action.
<b>Historic England</b>	On original plans - No comments to make, advice should be sought from SWT Conservation, archaeological and placemaking advisers.	The recommended consultations have taken place; no further action.
<b>Sport England</b>	On original plans – No comments to make.	No further action.
<b>National Highways</b>	On original plans – offer no objection.	No further action.

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Affordable Housing</b>	<p>On the latest set of amended plans – <i>“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. For Phase H1Cii the 17 affordable homes proposed is 31% of the total 55 homes. 9 will be in accordance with the S106 agreement and 8 will be as additional affordable housing through Homes England funding. The additional affordable housing across this phases is welcomed to meet the high level of affordable housing demand in Taunton. We will continue to monitor the tenure across the whole development to ensure the overall tenure meets the S106 agreement requirements of 60% affordable rented and 40% shared ownership.</i></p> <p><i>The affordable housing layout and proposed tenure plans are shown on drawings (A1) DrNo13708 PL-VI-23/ Planning Layout - H1c-ii. The plans clearly show the affordable housing arranged in small clusters interspersed with some open market homes and therefore are considered to be an integral part of the development and will</i></p>	No action required.

	<p><i>not be visually distinguishable from the market housing on site.</i></p> <p><i>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.</i></p> <p><i>The proposed overall 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.</i></p> <p><i>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.</i></p> <p><i>The Housing Association associated with this development is LiveWest which is one of Somerset West and Taunton's preferred partners. LiveWest have agreed the affordable housing layout and plans and are working closely 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.</i></p> <p><i>The delay whilst a resolution to the Phosphate issue was found has impacted on the Affordable Housing Delivery program. However it is hoped that the Affordable Homes proposed within this Reserved Matters application will 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".</i></p>	
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<b>Crime Prevention Officer</b>	On original plans – no objection subject to comments – design observations and recommendations given.	This advice has been borne in mind during revisions and implemented where possible/ appropriate.
<b>SWT Environmental Health</b>	No comments of Parcel H1c(ii)	No further action.
<b>SWT Conservation Officer</b>	No objection. Verbally discussed - the setting of Comeytrowe Manor has been establish by the grant of the outline.	No further action.
<b>SWT Placemaking Officer</b>	Comments on original plans, Parcel H1c(i) only - Concerns raised relating to the lack of an Appearance Palette, the grouping to the south without a perimeter road, a key building is missing and key buildings are not sufficiently individual and house types do not reflect the local vernacular. The scheme should be reviewed by QRP.	The concerns are noted, this Parcel follows the approved design principles of previous parcels and amended plans have tried to address concerns where possible. No previous parcels have been reviewed by QRP.
<b>SWT Green Infrastructure Officer</b>	On the latest set of plans – (comments numbered to aid response) <i>“In general, I am supportive of what is being proposed. The removal of Parcel H1f from the application doesn't suppose to cause any difference in terms of GI. However, I am writing here a few general suggestions from a GI perspective –</i> <b>1. Trees and Vegetation</b> - <i>I think vegetation and tree planting hasn't been fully maximised along (all) streets, and specifically, along the tertiary cycle street, which connects major green areas (the linear pocket park within the application boundary and Highfield meadow and Manor Park are outside the application boundary). I marked on the map below the street section which should have a softer approach. I also and a few suggestions within the application boundary where I think trees could be added without further changes. I am sure there are many more areas where vegetation/trees could be added,</i>	1. The street mentioned is outside the current application.  2. This can be conditioned.  3. This hasn't been raised by the highway authority, the road design follows the principles from the previous approvals.  4. Dense tree buffers do not feature in other previously approved situations.

	<p><i>including within the street verges and adding new tree pits.</i></p> <p><b>2.Crossing points</b> - <i>I think the proposal should identify and add more crossing points based on pedestrian desire lines to create better and safer walking routes across the neighbourhood. The parks would attract residents of different ages, including children, and I suggest adding a crossing point at the entrances to the park. I would prefer the crossing point to be raised and paved (using the same surface as the pavement).</i></p> <p><b>3.Streets</b> - <i>I also think that all street types within the site boundary (tertiary cycle street, tertiary garden lane and the private drivers) should include measures to calm traffic to create a pleasant low-traffic environment around. Such as creating pinch-points, lane shifts or filtered permeability.</i></p> <p><b>4.Edges treatment</b> - <i>The design suggests a 'green edge frontage' treatment for the plots that border the adjacent open spaces. I think this type of separation has the potential to create a softer transition from the built to the open area. However, I would suggest adding a green buffer dese tree planting to make a more gradual transition between the buildings and the open spaces.</i></p> <p><b>5.Playground</b> - <i>As I have commented before on the LEAP, I think that its design and setting still don't fully benefit from the site topography and the level change. Integrating the topography within the design has the potential to create a unique playground which could strengthen the character of the area and the linear park.</i></p> <p><b>6.Drainage</b> - <i>The drainage strategy includes a seasonal attenuation pond as part of the local park and another attenuation pond at the edge of the development. A sewer system is designed to drain and discharge rainwater to the attenuation ponds. I think the drainage strategy should rely more on rain gardens and Bio-swales</i></p>	<p>5. The LEAP/playground has been approved.</p> <p>6. The approach to drainage follows and fits that established site wide and agreed with the LLFA.</p>
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	<i>for capturing more rainwater closer to where it falls and draining it to the attenuation ponds. I also haven't seen (might missed?) a plan that shows where permeable paving is used. I think the street surfaces and parking areas next to the Linear Pocket Park should be permeable paving”.</i>	
<b>SCC Ecologist</b>	<p>On amended plans (inclusive of sHRA)-  <i>“SES can confirm that we concur and support Natural England’s comments on this application”.</i></p> <p>On original plans –  Commenting on condition discharge material, largely in relation to Parcel H1f. Refers to the fact dormice are catered for via a site wide licence already. By inference there are no stated issues with H1c(ii).</p>	No further action.
<b>SWT Tree Officer</b>	<p>On original plans – Comment made relating to protective fencing and underground services. Space should be made for strategically placed larger species within the layout that can grow to maturity. The smaller trees shown are unlikely to make a long-term contribution to the canopy cover or treed character of the development.  Smaller planting sizes would aid establishment.  Concern over the use of fastigate trees.</p>	<p>A condition will secure protective fencing and a no dig area in the RPZ for underground services.  Larger trees are shown in the open spaces throughout the western neighbourhood.</p>
<b>Devon and Somerset Fire and Rescue</b>	On original plans - Comments relating of means of escape, and the availability of fire hydrants.	These matters are covered by Building Regulations; no further action.
<b>Blackdown Hills ANOB</b>	On original plans – No comments to make.	No further action.

### 8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties and several site notices were displayed in streets surrounding the site on 18 October 2021.

8.3.2 59 letters were received, all expressed objection, queries or concern.

- 8.3.3 Three issues in particular raised many objection's, firstly the proposed use of the former Industrial Estate access on Comeytrowe Lane to serve several proposed properties in Parcel H1f. Parcel H1f has now been withdrawn as part of this application, but not before the applicant signalled its intention to revise this arrangement. Secondly the detail and use of the bus-gate on Comeytrowe Lane and thirdly potential land contamination at the former Industrial Estate which are also only relevant to Parcel H1f. These issues and more will be relevant once Parcel H1f remerges via what will now be a new application in the future.
- 8.3.4 Given the above it should be noted that specific comments made by members of the public on Parcel H1f will not appear below, given that part of the scheme has been withdrawn; any general comments that could relate to H1c(ii) have been reported and will be assessed.
- 8.3.5 Of the 58 letters only 8 raised objection/concerns that were directly or indirectly applicable to the now revised application for Parcel H1c(ii).

Comment	Officer comment
<b>Impact on residential amenity</b>	
<p>Objection to original plans - The proximity and orientation of certain plots will impact on 18 Jeffreys Way, the ground does not slope away as is the case further east along Jeffreys Way. The outlook from an annexe by a dependent relative is of concern. The impact could be reduced by reducing dwelling numbers, parking moved, and orientation altered.</p> <p>On amended plans – the plans are an improvement to the previous versions. Queries relating to affordable housing and timescales for delivery.</p>	<p>These issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p>
<p>Objection to original plans - 16 Jeffreys Way - <i>"The latest proposed plan submitted has changed in the way the units are drafted to be allocated. The allocation of units between private and rented has changed compared with earlier versions submitted. The rented housing units seem to be clustered, rather than "pepper-potted" as I believe is the stated aim of SW&amp;T. The Affordable/Rented units seem to have narrower plots than the private ones. Hence the impact upon my property is that the density of immediate neighbours is greater than might otherwise be possible. Plots B171 &amp; B172 are still quite close to our rear boundary (and that of No</i></p>	<p>These issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p> <p>The distribution of affordable units has been agreed with the relevant officer.</p> <p>The issue of density and scale is addressed at Para 12.20 onwards. No comments have been received in connection with the amended plans.</p>

<p>18). If these units were converted to a single larger unit, this would enable the repositioning of parking and the building orientation move the building further away. Overall, the density of these plots B163 to B172 has not materially changed and there must be scope to redesign the road layout &amp; density behind our property. Is it possible to remove a pair of semi-detached units, create a turning or parking space and assist the re-orientation of B172/173 or replacement single unit??</p> <p>The overall top corner of the development H1C-ii, as now proposed, seems comparatively cramped in against the rest of the phase designs. The existing field is higher than our garden and house floor levels. Even with the boundary fencing, the proposed building layout density impacts upon us most invasively as existing residents. Within the overall scope of circa 2k houses, one would hope there is scope to alter this particular phase layout. This would benefit both the new and existing residents.”</p>	
<p>15 Highfield Crescent - A request for cross sections is made – <i>“The buildings closest to my property will have a dominating impact, their scale and height difference, (much higher) and gable ends blanking out much sunlight. Even though their actual distance will be over 20m away. A slight roof design change would ameliorate the blank gable ends. Any windows will look directly into, particularly downwards, into my bedrooms and living room as well as the garden. My privacy will be greatly impeded”.</i></p>	<p>These issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p> <p>Cross sections were submitted, and the issue of density and scale is addressed at Para 12.20 onwards.</p>
<p>15 Highfield Crescent – On amended plans -</p> <p>“1. We now have 4 houses with windows that fundamentally look into and at our house and garden. This removes any vestige of privacy.</p> <p>2. My previous submission to the Planning Committee asked for simple cross section drawings to be made, showing relative heights and aspects. This has not been done for my property, which actually is the most affected by the new houses cf those in Jeffreys Way.</p> <p>3. I therefore feel badly done by and aggrieved, that we have not been treated fairly and equally.</p>	<p>Cross sections were submitted, these issues have been taken on board in the revised plans which seek to achieve an acceptable relationship, this is explored further at Para 12.39.</p> <p>The applicant has been constantly reminded of their responsibilities with regard noise, dust and vibration mitigation set out in their own CEMP. Environmental Protection colleagues are currently dealing with a complaint.</p>

<p>4. On your visit to us, we roughly measured distances and heights, showing that the new full ridge height of the new houses are way above the ridge height of our dormer bungalow. We have a lower inherent height, not only that, the new houses foundations are some 9' (over 2m) higher than our houses.</p> <p>5. The 4 new houses absolutely dominate our position.</p> <p>6. Please can you tell me if privacy is a planning factor?"</p> <p>The development is also causing intolerable noise and dust with horrendous vibrations from the volume of heavy machinery, which has caused damage to property.</p>	
14 Jeffreys Way – Query relating to the extent of boundary fencing being currently erected and ensuring there are no gaps.	The plans show there will be no gaps but this is being confirmed with the consortium.
<b>Design and Layout</b>	
<i>"This submission does not seem to fully align to the statements, both of the developers and SW&amp;T, about building a cohesive integrated community".</i>	No evidence is given to justify this statement; design and layout is considered at Para 12.20 onwards.
<b>Highways</b>	
Concern about potential vehicular access from the development onto Comeytrowe Road.	The outline is clear in setting out the points of access for the development. Where any variation is sought then this will be consulted upon, assessed, and referred to the planning committee. The redline for this revised application does not now extend near Comeytrowe Lane as before.
No improvement is being made to the carriageway width at 'Midfields' on Comeytrowe Lane.	All off-site highways works deemed necessary to serve this development were secured via the outline consent. New developments need to address their own impact.
<b>Drainage</b>	
Photos sent relating to a flooding event at Comeytrowe Manor (adj. to H1f) in Sept 21.	This event followed a heavy storm and was quickly addressed by the developers when contacted by the member of the public. The application contains a surface water strategy assessed in Para 12.47.
<b>Other</b>	
A question regarding responsibilities – Who will be responsible for rectifying damage and undertaking any remedial works caused by this development – to adj.	A specific evidenced allegation needs to be made to the appropriate body to investigate. Issue with



property, from flooding or traffic accidents, and pollution of the Galmington Stream, who will bear the cost?	damage to private property is a civil matter.
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8.3.6 There were no specific letters of support received.

## 9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan 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).

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

9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

9.4 Relevant policies of the development plan in the assessment of this application are listed below.

### Core Strategy 2012

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

### Site Allocations and Development Management Plan 2016

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&4 - Water infrastructure

D7 - Design quality

D8 - Safety,

D9 - A Co-Ordinated Approach to Dev and Highway Plan,

D10 - Dwelling Sizes

D12 - Amenity space

Site allocation policy TAU1 - Comeytrowe / Trull

### Other relevant policy documents

Somerset West and Taunton Design Guide

Taunton: The Vision for our Garden Town and the Taunton Design Charter and Checklist

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency

The Somerset County Council Parking Strategy (2013) supports the provision of EV charging points in new residential developments.

### Neighbourhood Plans

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

The revised National Planning Policy Framework (NPPF), last update July 2021 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Build a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

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.

### **10. Conclusion on Development Plan**

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.2 The relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. This project relates to a historic allocation, a 2014 application and 2019 outline approval informed by a viability assessment. Importantly also pre-Garden Town allocation. The Urban Extensions of Comeytrove and Staplegrove were therefore brought forward, allocated, financially assessed and master planned in a different policy context to that which exists today. The challenge is to ensure sustainable development is secured, within the established legal framework to maintain momentum in housing delivery.
- 10.3 Indeed, SWT published the Strategic Housing and Employment Land Availability Assessment (SHELAA) in May 2022. The former TDBC LPA area had a 4.04 Year Housing Land Supply (YHLS).

- 10.4 As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.
- 10.5 The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that *Presumption* would not apply.
- 10.6 Clearly the sites in the supply need to come forward and this scheme of 55 units with a phosphate solution is part of a site which underpins and contributes significantly to the Council's five-year housing land supply.
- 10.7 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

## **11. Local Finance Considerations**

Community Infrastructure Levy  
Creation of dwellings is CIL liable.

Amended scheme development measures approx. 5176 sqm.

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 £362,500.00. With index linking this increases to approximately £511,000.00.

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.

## **12. Material Planning Considerations**

- 12.1 The main planning issues relevant in the assessment of this application are as follows:
- The principle of development
  - The scope of this application
  - Issues raised through the consultation process

Principle of Development

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

- 12.2. 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(ii).
- 12.3. 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

- 12.4. 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.
- 12.5. These can be summarised as increased or improved detailing, changes to fenestration, improvement to dwelling design and streetscape, revised boundary treatments, landscaping changes and improvements and clarification of the relationship to adjacent existing residential properties.
- 12.6. Available phosphate mitigation has also seen the proposal be substantially amended by reducing the extent of the application.

#### The Scope of this application

- 12.7. 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.
- 12.8. 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

- 12.9. 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.
- 12.10. 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.
- 12.11. 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.
- 12.12. 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. An assessment of the internal movement and access is to be found at Para 12.45.
- 12.13. 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 high-level parameter plan. It also fits with the already approved detailed landscaping plans for Highfield Park (app ref 42/19/0053) and the approved Garden Park (app ref 42/21/0046).
- 12.14. Additional landscaping to that retained is provided for in the form of street trees, front gardens, parking areas and within incidental public open space areas. The quantum, distribution and species choice is considered acceptable. A condition relating to protective fencing for existing trees and hedges will be imposed as required by the Council's Tree Officer.
- 12.15. 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.

- 12.16. 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.
- 12.17. The infrastructure Reserved Matters application, ref 42/19/0053, also showed some internal estate roads and the location of the more strategic public open space areas which this application also accords with.
- 12.18. The layout provides a suitable quantum of parking spaces, largely on plot, to accord with policy.
- 12.19. A later section of this report assesses the '*Standard of amenity for proposed dwellings*'.
- 12.20. 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.
- 12.21. 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) to the north, nearest the Jeffreys Way boundary and the southernmost areas as 'medium to higher density' inclusive of predominantly semi-detached units, some detached and some terraced units at a density of 30-50 dwellings per hectare (dph).
- 12.22. This Reserved Matters application shows an averaged density across the whole parcel at 42.9 dph. It is clear from looking at the plan that the density of the northern part nearest the Jeffreys Way boundary is at a lower density than that to the south bordering the Garden Park.
- 12.23. The plan continues the pattern established by Parcels H1a and H1c(i) whereby semi-detached units dominate, with larger detached units facing open spaces. Stronger terrace forms are used to enclose and overlook the Garden Park as required by the Design Guide.
- 12.24. 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 was 37.8dph within the lower density range of 20-40 dwellings.

- 12.25. 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.
- 12.26. 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 are also material considerations albeit with limited weight given the existence of the outline approval.
- 12.27. 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.
- 12.28. 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.
- 12.29. 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.
- 12.30. 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.
- 12.31. 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.



- 12.32. 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.
- 12.33. Within Phase 1, Parcels H1a, H1b, H1c(i) and H1c(ii), 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/look 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.
- 12.34. As such the approach to parcel H1c(ii) has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them in already resolving to approve the Reserved Matters applications for H1b, H1a, H1c(ii) and H1d despite several design facets remaining problematic to officers and councillors 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 decisions on these previous parcels.
- 12.35. Numerous amendments have been made to the Reserved Matters submission to both align with those parcels already approved but to also respond to new settings such as the public open space/countryside edge and to improve and clarify movement within the parcel and how it connects to other parts of the site.
- 12.36. The comments of the GI Officer are noted; green infrastructure has been considered, street trees and on-plot trees included and there is a comprehensive approved landscaping scheme within the public open spaces areas.
- 12.37. The comments of the Placemaking Specialist are acknowledged but it is felt that with the changes already made and improvements sought, plus the pattern set by the approval of previous parcels then the application can go forward with a positive recommendation.
- 12.38. Overall it is considered the proposal accords with the relevant policies of the Core Strategy and SADMP.

### Residential Amenity - Impacts on Neighbours

- 12.39. The application nestles into a corner formed by boundaries to Jefferys Way (3 properties) and 1 property at Highfield Crescent. This is reflected in the letters received from these residents (NB 1 property on Jeffreys Way was vacant for most of the application period and has subsequently been sold and is now occupied by new owners). Save for this dwelling the other three have been visited and the application assessed from those gardens.
- 12.40. As a result, some revisions have been secured to lessen the actual, and perceived impact of new houses. Whilst these changes will not have gone as far as some would like, cross sections provided by the applicant show window the window distances in excess of that typically found to be acceptable in planning terms. In the case of Jeffreys Way and Highfield Crescent separation distances are a minimum of 29m, when 21m is used as a guide.
- 12.41. As was evident on Parcel H1c(i), application 42/20/0056, which extended along the majority of the Jeffreys Way boundary, attention has been paid to limit the perceived impact by securing a higher than normal boundary fence and the inclusion of tree planting in the rear gardens of proposed properties. Highfield Crescent is separated from new properties by an area of open space where planting will take place and properties there also benefit from established and robust vegetated boundaries.
- 12.42. Overall it is considered the proposal accords with the relevant policies of the NPPF, Core Strategy and SADMP.

### Other Considerations

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

### *Ecology*

- 12.44. The outline application is subject to numerous ecologically related conditions that require consideration at each Reserved Matters stage. Most of the issues raised by the Council's retained ecologist relate to Parcel H1f, which is now withdrawn. The Ecologist refers to phosphates, site wide licences relating to dormice and the need for further surveys for bat activity in the former Industrial Estate to satisfy those conditions related to H1f. In short there are no ecological concerns with H1c(ii).

### *Internal Access and Movement*

- 12.45. The Western Neighbourhood Design Guide and Masterplan set out a hierarchy of roads and streets which this application accords with. Condition 26 of the outline also required an internal network of cycle paths to be created and plans for this in the Western Neighbourhood have also been agreed, which this application respects.
- 12.46. Comments have been made regarding turning heads (Highway Authority) and crossing points (GI Officer), both issues can be easily resolved via conditions.

### *Drainage and Flood Risk*

- 12.47. The site is not within a Flood Risk area. The approach to surface water drainage follows that established via the Infrastructure application in 2019 when the majority of attenuation basins and the way they were to drain the Western Neighbourhood was approved. The LLFA have raised some concerns relating to Parcel H1c(ii) and further details will be examined via the submission for condition 13 of the outline consent. The strategy works on the basis of surface water being captured and held in attenuation basins and then released slowly, at a rate the same or better than would have been the case had the rain fallen on a green field. Other parts of the strategy include the use of water butts, permeable paving and depressions. Surface water is also importantly kept separate from foul discharges.

### *Impact of Heritage Assets*

- 12.48. 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.
- 12.49. The primary areas of interest within the Environment Statement accompanying the outline application was Rumwell Park and the Trull Conservation Area.
- 12.50. Parcel H1c(ii) is not within the perceived setting of Rumwell Park which is located further to the north west and is distant from the Trull Conservation Area.
- 12.51. Comeytrove Manor (Grade 2) is located to the south east, but there is little intervisibility between its setting and the parcel in question.
- 12.52. 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 needed. 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*

- 12.53. 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.
- 12.54. 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.

- 12.55. The submitted Energy and Sustainability Statement, which mirrors that already approved for parcels H1b, H1a, H1c(ii) and H1d 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.
- 12.56. 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.
- 12.57. Councillors will also be keen to learn that in order to support the transition to electric vehicles, all units, bar one, are to be provided with infrastructure to allow the future installation of electric vehicle charging points. The comments on EV charging by the Highway Authority is noted.

*Standard of amenity for proposed dwellings*

- 12.58. 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.
- 12.59. There is sufficient space between the windows of dwellings to prevent unacceptable overlooking, and gable ends are positioned so as to avoid overshadowing of neighbours.
- 12.60. Overall it is considered the proposed dwellings will provide an acceptable standard of amenity for future residents.

*Refuse and Recycling*

- 12.61. 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*

- 12.62. Parking is provided largely in the form of 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 H1d and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.
- 12.63. 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.

### **13. Planning Balance and Conclusion**

- 13.1. The continued delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area whilst contributing to the Council's 5-year land supply of housing land and the provision of much needed affordable housing.
- 13.2. 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 four approved housing parcels.
- 13.3. There has been engagement by the applicant's agent and officers have added value by seeking amendments to plans during the application stage.
- 13.4. 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.
- 13.5. It is considered the application accords with the Development Plan when taken as a whole and any impacts are either already mitigated by legal agreement or conditions under the outline or via additional conditions proposed here.
- 13.6. 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.
- 13.7. In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

### **Appendix 1 – Planning conditions and informatives**

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

(A1) DrNo PL-VI-21 RevG	Site Location Plan
(A0) DrNo PL-VI-22 RevB	Site Context Plan
(A1) DrNo PL-VI-23 RevL	Planning Layout
(A1) DrNo PL-VI-24 RevG	Materials Plan
(A1) DrNo PL-VI-24.1 RevB	Materials Plan Specification
(A1) DrNo PL-VI-25 RevC	Boundary Treatments Plan
(A3) DrNo PL-VI-25.1 RevB	Boundary Treatments

(A0) DrNo PL-VI-26 RevA	Presentation Layout
(A0) DrNo PL-VI-27 RevA	Interrelationship Plan
(A1) DrNo PL-VI-28 RecC	Visitor Parking Plan
DrNo 13708 AC-VI-23 RevC	Accommodation Schedule - Parcel H1c(ii)
(A1) DrNo 13708 SS-VI-22 RevB	Street Scenes
(A3) DrNo 13708 SE-H1cii-AA RevA	Site Section A-A
(A3) DrNo 13708 SE-H1cii-CC RevA	Site Section C-C
(A3) DrNo 13708 SE-H1cii-DD RevA	Site Section D-D
(A3) DrNo 13708 SE-H1cii-II RevC	Site Section I-I
(A3) DrNo 13708 SE-H1cii-JJ RevC	Site Section J-J
(A3) DrNo 13708 SE-VI-21 RevA	Site Sections
(A3) DrNo HT-H1cii-S-A24L-01 RevA	Housetype Planning
Drawing -H1c-ii Secondary Frontage - A24L	
(A3) DrNo HT-H1cii-S-A30L-01 RevB	Housetype Planning
Drawing -H1C-II Secondary Frontage - A30L	
(A3) DrNo HT-H1cii-S-ELMSLIE-01 RevA	Housetype Planning
Drawing - H1C-II Secondary Frontage - Elmslie	
(A3) DrNo HT-H1cii-S-BECKET-01 RevA	Housetype Planning
Drawing - H1C-II Secondary Frontage - Becket	
(A3) DrNo HT-H1cii-K-CARTWRIGHT-01	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Cartwright	
(A3) DrNo HT-H1cii-K-ELMSLIE -01	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Elmslie	
(A3) DrNo HT-H1cii-K-ALDRIDGE-01 RevA	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Aldridge	
(A3) DrNo HT-H1cii-K-MYLNE-01	Housetype Planning
Drawing - H1C-II Key Local Space Frontage - Mylne	
(A3) DrNo HT-H1cii-K-A10L-01	Housetype Planning Drawing -
H1C-II Key Local Space Frontage - A10L	
(A3) DrNo HT-H1cii-K-A24L-01	Housetype Planning Drawing -
H1C-II Key Local Space Frontage - A24L	
(A3) DrNo HT-H1cii-GE-BECKET-02 RevA	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-BECKET-03 RevB	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-BECKET-04 RevA	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-BECKET-05	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Becket	
(A3) DrNo HT-H1cii-GE-ALDRIDGE-01	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Aldridge	
(A3) DrNo HT-H1cii-GE-PEMBROKE-01 RevB	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Pembroke	
(A3) DrNo HT-H1cii-GE-MILNE-01	Housetype Planning Drawing -
H1C-II Green Edge Frontage - Milne	
(A3) DrNo HT-VI-SGAR-21	Housetype Planning Drawing
Vistry - Single Garage	

(A3) DrNo HT-VI-GAR-22 Vistry - Double Garage Double Owner	Housetype Planning Drawing
(A0) DrNo BR-L-N1-PL227 RevE Plan, Layout Sheet	Landscape Proposals Planting
(A0) DrNo BR-L-N1-PL228 RevF Plan, Sheet 1	Landscape Proposals Planting
(A0) DrNo BR-L-N1-PL229 RevF Plan, Sheet 2	Landscape Proposals Planting
(A3) DrNo BR-L-N1-PL327	Soft Landscape Tree Pit Detail
(A2) DrNo 13708 SRS-VI-02 RevD	Steps & Railings Study
(A1) DrNo 1033-02-ATR-4001 RevF	Fire Tender Tracking Plan
(A1) DrNo 1033-02-ATR-4101 RevF	Refuse Vehicle Tracking Plan
(A1) DrNo 1033-02-DR-4001 RevG	Preliminary Drainage Layout
(A1) DrNo 1033-02-GA-4001 RevE	Preliminary Highway Levels Plan
(A1) DrNo 1033-02-GA-4002 RevG	Preliminary Highways Levels Plan
(A1) DrNo 1033-02-GA-4101 RevH	Preliminary Proposed Adoption Plan
(A1) DrNo 1033-02-GA-4201 RevF	Preliminary Junction Visibility Plan
(A1) DrNo 1033-02-RP-4001 RevB	Preliminary Road Profile Plan
(A1) DrNo 1033-02-RP-4002 RevA	Preliminary Road Profile Plan
COM-VI-02 Rev 04	H1c-ii Design Compliance Statement
Energy and Sustainability Statement H1a, AES Sustainability Consultants Ltd, July20	
Drainage Statement 1033 RevC, awp, 23 January 2022	
Arboricultural and Ecological Technical Note – Parcel H1c(ii) Prepared by: The Environmental Dimension Partnership Ltd, May 2021, Report Reference edp0782_r067	
Shadow Habitats Regulations Assessment Report, 220728_P1136_sHRA_H1c_H1f, 28 July 2022, ead ecology	

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(ii).  
Prior to the first occupation of any dwelling within Phase H1c(ii) a specification shall have been agreed in writing by the Local Planning Authority and been fully implemented to reinstate the native hedgerow removed in the vicinity of Plots 181/182-186. The replacement hedgerow shall include nine specimen trees. For a period of ten years after the completion of Phase H1c(ii), 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 and maintained in accordance with drawing DrNo PL-VI-24 RevG (Materials Plan), DrNo PL-VI RevB (External Materials and Colours Specification), DrNo PL-VI-25 RevC (Boundary Treatments Plan) and DrNo PL-VI-25.1 RevB (Boundary Treatments) 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. Each individual dwelling hereby approved shall only be occupied following it's individual compliance with the Energy and Sustainability Statement H1a, AES Sustainability Consultants Ltd, July20 and the agreed scheme of electric vehicle charging infrastructure as outlined on drawing no. PL-VI-23 RevL and letter dated from Boyer Planning dated 04/08/2022.  
Reason: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).
5. No individual dwelling hereby approved shall be occupied until:
  - (i) the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
  - (ii) a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.  
Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8, the Supplemental Planning Document - Districtwide Deign Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework.
6. Prior to occupation of development to implement the Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220728\_P1136\_sHRA\_H1c\_H1f, 28 July 2022, ead ecology 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 Habitats



Regulations Assessment Report, 220728\_P1136\_sHRA\_H1c\_H1f, 28 July 2022, ead ecology 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).

7. In accordance with the submitted Arboricultural and Ecological Technical Note, May 2021 ref edp0782\_r067 all protective hedge and tree fencing shall be erected prior to any works within the parcel. Notwithstanding the document, all fencing shall be the fixed type of fencing shown at Annex EDP 2. No trenches shall be dug within the RPAs of trees or hedges for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority.

Reason: To safeguard existing trees and hedges to accord with Policy ENV1 of the SADMP.

8. Prior to the first occupation of Plot 172, the side window in the first floor in the southern elevation shall be fitted with obscure glazing and fixed shut. This shall be retained and maintained as such in perpetuity.

Reason: In the interests of residential amenity to accord with the aims and objectives of the National Planning Policy Framework.

9. Details of the cycle/pedestrian crossing points from the Garden/Pocket Park to Highfield Park and over the estate road to Parcel H1e within Highfield Park shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority.

Reason: To facilitate the safe passage of pedestrians and cyclists throughout the site to accord with Policy A3 of the SADMP.

10. Details of any temporary turning heads for vehicles shall be submitted to and approved in writing. Prior to the first occupation such agreed details shall have been fully implemented unless otherwise agreed in writing.

Reason: Due to the phased nature of the internal estate roads to allow vehicles to turn safely in the interests of Highway Safety to accord with the aims and objectives of the National Planning Policy Framework.

#### 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. Potential surface improvements to the path T 29/10 can be technically

approved under a s38 adoption agreement. In the event that there is not an agreement, then a separate s278 agreement will be required. The applicant will need to demonstrate that the crossing point of T 29/11 over the proposed access road, is safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement.

3. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – [www.securedbydesign.com](http://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.

Application Details	
Application Reference Number:	<u>35/21/0001</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	29 January 2021
Expiry Date	<u>05 April 2021</u>
Extension of time	30 September 2022
Decision Level	Committee
Description:	Erection of a free range poultry building at Appley Orchard Farm, Bishops Hill, Stawley
Site Address:	<u>APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY, WELLINGTON, TA21 0HH</u>
Parish:	35
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/a
Case Officer:	<u>Richard Boyt</u>
Agent:	Acorus
Applicant:	MR & MRS S OWEN
Committee Date:	15th September 2022
Reason for reporting application to Committee	Recommendation is contrary to representations of Parish Council and over 4 individuals

## 1. Recommendation

1.1 That Officers be given delegated authority to grant conditional approval of the application subject to no objections or new issues being raised by Natural England during the Appropriate Assessment process.

## 2. Executive Summary of key reasons for recommendation

2.1 The proposals are for the expansion of a poultry farm at Appley Orchard Farm, Stawley by the erection of a 4th chicken shed housing in region of 12,000 birds at any one time. Expanding and improving rural farms accords with planning policy subject to normal planning constraints, however significant objections have been raised regarding amenity and the applicant has been challenged to find a solution to ensure the development is nutrient neutral with regards phosphates.

2.2 A suitable operating model for the disposal of phosphate rich waste has been developed so that there will not be a likely significant effect on protected wildlife sites as a result of development. Environmental Health Officers and the Environment Agency are satisfied that local living conditions will not be adversely affected and the expansion of poultry operations will result in the farm coming under the EA Permit regime which will mean that any neighbour concerns (which do not amount to planning refusal in this instance) can be more effectively resolved.

2.3 As such the proposals are considered to be sustainable development which

accord with the policies of the Development Plan and any impacts arising from the development can be controlled by planning condition.

### **3. Planning Obligations and conditions and informatives**

#### **3.1 Conditions (full text in Appendix 1)**

1. Standard time limit of three years
2. Development to be in accordance with the approved plans
3. Landscaping scheme to be submitted and approved prior to implementation
4. Schedule of materials to be submitted and approved prior to construction
5. External lighting details
6. Phosphates control
7. Surface water drainage details

#### **3.2 Informatives**

Standard proactive statement  
EA Permit requirement

### **4. Proposed development, site and surroundings**

#### **Details of proposal**

- 4.1 The proposal is for the erection of a free-range poultry building 94m x 13.1m in footprint with a control room, feed bins and associated access and hardstanding. The net productive internal area (NPIA) of the building amounts to approximately 1,200sq m and will accommodate around 12,000 bird places. The scheme also provides for 2 fully enclosed galvanised steel bulk feed bins, each with capacity of 15.2 tonnes, measuring 3.15m in diameter and 5.79m high.

#### **Sites and surroundings**

- 4.2 The farm is situated on fields lying to the east of the hamlet of Appley. The entrance track is located on the east side of Bishop Hill and leads to the farmyard which consists of a yard area where the applicant's mobile home is located and the beginnings of their permanent farm dwelling. Close to the farmhouse is a building separately permitted for wood chipping operations for bedding for the poultry sheds. The track then continues east towards three existing poultry unit buildings of similar dimensions, built in recent years.
- 4.3 There are further timber operations allowed and operating on the farm which do not relate to the poultry operations.

- 4.4 The site is not within an AONB, but the landscape is relatively remote rolling countryside, primarily laid to pasture with wooded valleys and relatively small field sizes with thick treed hedgerows. Cothay Manor is around a mile to the east, Appley about 250 metres to the west (slightly uphill), the River Tone half a mile to the south and Stawley Primary School 500 metres to the south west. The total land holding of Appley Orchard Farm extends to more than 20 acres. The application field is former grazing land that has been slightly reworked using soil waste from the construction of another of the poultry sheds.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
35/09/0008AGN	Storage building and formation of track	Approved	09/02/2010
35/09/0009	Farm access	Approved	
35/14/0015	COU for timber storage	Approved	30/01/2015
35/14/0021	Extension to Agricultural Building	Approved	28/01/2015
35/14/0022	Siting of mobile home and storage utility room	Approved	28/01/2015
35/14/0023	Unit 1 Poultry Building	Approved	30/01/2015
35/14/0024	Unit 2 Poultry Building	Approved	30/01/2015
35/14/0025	Unit 3 Poultry Building and access	Approved	30/01/2015
35/16/0009	Agricultural building with B2	Approved	17/08/2016
35/16/0014	VAR of Condition 5 of 35/14/0022	Approved	16/09/2016
35/18/0003	Agricultural worker's dwelling	Approved	4/07/2018
35/19/0010	Extension to ag building for biomass	Approved	12/08/2019
35/21/0016	VAR Condition 2 of 35/16/0009 to allow sawmilling	Withdrawn - sawmilling moved elsewhere	

## 6. Environmental Impact Assessment

The proposals, by nature of their scale, nature and location, including their cumulative impacts are not considered to require EIA.

## 7. Habitats Regulations Assessment

The proposals involve an intensification of livestock that could result in greater levels

of phosphate which result in further phosphate reaching the ground and the watercourse that could affect the integrity of the Somerset Levels and Moors Ramsar Site. The applicant has proposed a sealed system approach to the poultry shed as part of their Nutrient Neutrality Assessment and agreed to a planning condition to ensure phosphates does not reach the ground in this locality or catchment.

This approach will be subject to an Appropriate Assessment under the Habitat Regulations by SWT as competent authority and should the likely significant affects be acceptable, the proposals will be considered suitable for planning approval without breaching the Habitat Regulations.

## 8. Consultation and Representations

8.1 Date of consultation: 4 January 2021

8.2 Date of revised consultation (if applicable): n/a

8.3 Press Date: 18 August 2022

8.4 Site Notice Date: 6 January 2021

8.5 **Statutory Consultees** Statutory consultees (the submitted comments are available in full on the Council's website). The following were consulted:

Consultee	Comment	Officer Comment
STAWLEY PARISH COUNCIL	<p>Stawley Parish Council objects to this application.</p> <p>The existing business has caused problems by contravening Policy DM1 of the Adopted Core Strategy, specifically DM1.b, 1.d and 1.e.</p> <p>Adding a further chicken house to the business will expand production by 33% and exacerbate the existing issues proportionally, especially as it would be nearer to local residences than the existing houses.</p> <p>Specifically:</p> <p>DM 1.b</p> <p>Lorry traffic delivering wood for heating, involving very large timber lorries</p>	See main report considerations

	<p>with trailers, will be increased significantly, with resultant –</p> <ul style="list-style-type: none"> <li>- increase in damage to road surface, especially at Greenham Bridge and the entrance to the farm</li> <li>- increase in difficulties with other traffic on the narrow road from the A 38</li> </ul> <p>DM 1.d</p> <p>Landscaping around existing houses is inadequate, so that they are visible to an unacceptable extent, with resulting impact on the residential amenity (see also 1.e below). The proposed new house would be even closer* to residential properties (conveniently not shown on Location Plan in the proposal) with resultant further harming of the landscape and adjacent residential dwellings.</p> <p>DM 1.e</p> <ul style="list-style-type: none"> <li>- Light pollution at night will be significantly increased. Ref to contravention of condition restricting depopulation of existing houses to 07.00-19.00 (need evidence)?</li> <li>- Noise pollution from wood chipping (to supply heating) will be significantly increased, particularly if any conditions placed are ignored (as has happened to date), resulting in</li> </ul>	
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	<p>chipping continuing outside permitted hours.**</p> <ul style="list-style-type: none"> <li>- Aerial pollution from continuous bonfires will be increased</li> <li>- Nuisance. Increase in nuisance flies which have already become a problem.</li> </ul> <p>In addition, the proposed chicken house will damage the viability of the recently-started holiday let at Morses Farm, Appley.</p> <p>Conclusion</p> <p>A comprehensive case was made by our local community for refusing the original applications (2014) to start up the chicken rearing business. Unfortunately, our collective concerns were ignored, though they have subsequently proved to be valid, because the existing development does not meet the criteria stipulated in Policy DM1 of the Adopted Core Strategy and has had a profound impact on the quality of life for the nearest local residents.</p>	
SCC - ECOLOGY	No objections providing the phosphate issue can be resolved.	
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice applies	
LEAD LOCAL FLOOD AUTHORITY	The site is located wholly within fluvial Flood Zone 1 in accordance with the Environment Agency's	



	<p>Flood Map for Planning. The risk of surface water flooding at the site is low – very low.</p> <p>It is noted that the applicant has provided a Flood Risk Assessment (FRA) proportional to the risk of flood and an indicative drainage strategy plan, however further information regarding the drainage strategy is required.</p> <p>For a full planning application of this nature, details of the proposed surface water drainage strategy should include; detailed plans, detailed calculations regarding the sizing of drainage features and an operation and maintenance plan. The surface water drainage strategy should encompass all addition impervious areas including roofs, hardstanding and proposed access roads. It should also be demonstrated that in an exceedance event, surface water flows are appropriately managed, and the development remains safe for all occupants and neighbouring property.</p> <p>conducted to confirm the suitability of the site for soakaway drainage and subsequently inform the size of the details of the infiltration features. Source Protection Zones and groundwater vulnerability</p>	
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	<p>at the site should also be assessed when considering the suitability of soakaway drainage.</p> <p>Details should be included regarding how the applicant plans to keep the surface water and foul water systems separate. This should include details of mitigation measures to be put in place in the case of accidental mixing of the systems. This is to ensure that untreated pollutants are not discharged through the surface water drainage system.</p> <p>Somerset County Council as the LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:</p> <p>It is noted that the FRA states the applicant plans to utilise soakaway drainage via french drains to discharge surface water collected on the site; should this be the case, infiltration testing in accordance with BRE 365 Digest Soakaway Design should be • Details for the proposed drainage strategy, including:</p> <ul style="list-style-type: none"> <li>o Existing and proposed catchment plan</li> <li>o Detailed drainage</li> </ul>	
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	<p>plans showing location of all foul and surface water drainage features.</p> <ul style="list-style-type: none"> <li>o Detailed calculations on the sizing of drainage features</li> <li>o An operation and maintenance plan</li> <li>o If utilising soakaway drainage, infiltration testing in accordance with BRE 365 Digest Soakaway Design</li> </ul> <ul style="list-style-type: none"> <li>• Demonstrate that in an exceedance event surface water flows are appropriately managed, and the development remains safe for all occupants and neighbouring property.</li> <li>• Details on how the applicant plans to keep the surface water and foul water systems separate, including mitigation measures in the event of mixing of the systems.</li> </ul>	
ENVIRONMENT AGENCY	<p>The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions which meet the following requirements.</p> <p>CONDITION:</p> <p>No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be</p>	

	<p>completed in accordance with the approved plans before the development is brought into use.</p> <p>REASON:</p> <p>To prevent pollution of the water environment.</p> <p>The following informatives and recommendations should be included in the Decision Notice.</p> <p>As the total number of poultry is 50000, the installation will require an Environment Permit from the Agency under the Pollution Prevention and Control Regulations (PPC). Any unpermitted unit would be operating illegally and would be liable to prosecution.</p>	
LANDSCAPE	No comments received	
WESSEX WATER	No comments received	Their network is unaffected

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
Phosphates Team	Condition can prevent pollution to the ground	Condition provided
ENVIRONMENTAL HEALTH	<p>The Planning Statement with the application does refer to a number of issues that could affect residential amenity in the area, including odours, dust, noise and flies. It states that “subject to good management, odours from the development should not present any identifiable nuisance” and refers to guidance produced by Defra. The Statement also outlines procedures to manage vermin, flies and mortalities. Regarding noise, one source identified is from feed being blown into the bulk</p>	

	<p>bins “which might occasionally be heard” and it is stated that there are no mechanical fans on the buildings as they are naturally ventilated.</p> <p>There is no specific odour or noise assessment with the application. However, there are three similar size poultry sheds at the farm, and the Environmental Health team at the Council have not received any complaints about odours, dust or noise from these units.</p> <p>I note that both the Planning Statement and the comments from the Environment Agency state that the new shed would increase in the number of birds to the above the threshold that will require a Permit from the Environment Agency under the Pollution Prevention and Control Regulations. These permits require the whole premises (including the existing units) to have procedures in place to manage the business, including odour, dust, waste and noise.</p> <p>With the new unit the premises will be subject to inspections and regulation by the Environment Agency, which will impose a more stringent oversight of the business than has been in place up until now, where the only means of control re odour or noise would be for the Council to investigate complaints as a potential statutory nuisance.</p> <p>Therefore, there is no evidence that would lead Environmental Health to be</p>	
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	able to object to this application.	
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## 8.7 Local representations

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

7 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Proximity to school	500 metres away and EHO does not object
Proximity to residential buildings	EHO does not object
Detrimental to children	EHO does not object
Strong odour	EHO does not object
Frequent smoke	Burning is not allowed and would be monitored by EA if approved
Noise pollution	EHO does not object
High levels of ammonia	EHO does not object - would be monitored by EA
Increase in commercial vehicles	Very small number of commercial movements for feed, delivery and dispatch
Narrow road not fit for more vehicles	No objection from SCC
Avian flu	Farm must comply with EA permit in any event
Harm to environment	No objections from EHO or EA
Light pollution	Can be controlled by condition
Waste	Controlled by EA permit and planning condition
Issues with alleged wood chipping business	Separate planning issue

## **9. Relevant planning policies and guidance**

- 9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended (the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The site lies in the former Taunton Deane area. The Development Plan 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).
- 9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day
- 9.3 Relevant policies of the Development Plan in the assessment of this application are listed below:
- CP8 - Environment,
  - SD1 - Presumption in favour of sustainable development,
  - CP1 - Climate change,
  - DM1 - General requirements,
  - DM2 - Development in the countryside,
  - DM4 - Design,
  - SP1 - Sustainable development locations,
  - ENV1 - Protection of trees, woodland, orchards and hedgerows,
  - ENV2 - Tree planting within new developments,
- 9.4 Supplementary Planning Documents
- District Wide Design Guide adopted in December 2021
- 9.5 Other relevant policy documents:
- Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).
- 9.6 Neighbourhood plans:
- There is no made Neighbourhood Plan in this area.

## **10. Material Planning Considerations**

10.1 The main planning issues relevant in the assessment of this application are as follows:

- The principle of development
- The impact on residential amenity
- Design and Landscape Impact
- The impact on highways
- Noise
- The impact on the Somerset Levels and Moors Ramsar site

These are considered in the sections below

### **11. The principle of development**

- 11.1 The application site is located in open countryside as defined by Site Allocations and Development Management Policy SB1. As such relevant local policies which shall be applied are DM2, DM1, CP8 and CP1. These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, as long as the natural environment is not harmed and usual development management requirements are met. The rural farming economy is an important part of the local area and the need to update and improve farming facilities is supported by national and local planning policy.
- 11.2 It is considered that the expansion of an existing poultry business within an existing agricultural holding is appropriate in a rural setting. As such, in principle the erection of a poultry building is acceptable by virtue of according with Policy DM2 and SD1 of the Development Plan. Whether the proposal is acceptable in terms of environmental, residential amenity, landscape and access factors is considered below.

### **12. Residential amenity**

- 12.1 In terms of residential amenity, the proposed building would be approximately 250 metres from the nearest residential property in the village of Appley and these homes generally back onto paddocks and farmland that descend a gentle gradient to the application site. The proposed buildings are relatively low in the landscape from this direction and there are hedgerows in between. The relationship between the proposals and the nearest neighbours is relatively distant and there is a low visual amenity impact.
- 12.2 The SWT Environmental Health Officer has assessed the application and concludes that odour, ammonia, light, dust and noise impact will be acceptable. No complaints have been recorded to them for the current operation, notwithstanding the local objections to this application. During the case officer site visits, the existing buildings were emitting very low levels of



odour whilst working at full capacity. It is likely to be the clear out period at the end of the bird cycle when any odours may be noticeable and these will not amount to a level and frequency of nuisance which would sustain an objection on planning policy grounds.

- 12.3 An important material factor when considering this proposal is that the extra poultry capacity will result in the farm falling under the EA Permit scheme. This will result in greater and speedier expert resolutions to any environmental amenity issues with the EA officers able to strongly enforce any breaches, for example at changeover times.
- 12.4 Many of the objections from neighbouring properties relate to wood chipping noise and bonfires. The applicant states that the farm does not routinely burn manure or other farm waste and has historically chipped wood on occasion for bedding. These operations occur in a separate building with longstanding permission of its own and many of the objections refer to this, but this is not part of the current application. The same goes for sawmilling and timber operations which are to be dealt with in a separate application. The applicant has stressed that they have continuously tried to improve timber operations on the land to respect the amenity of those living in Appley.

### **13. Design and Landscape Impact**

- 13.1 The proposed poultry shed exactly mimics its 3 existing neighbours which are all in a relatively discreet part of the wider landscape. The barn is low and very long at nearly 100 metres. Being low, the landscape impact is minimised and the topography assists in this regard, as does the setting of the existing farm. There are limited local public viewpoints of the farm, with glimpses on rural roads the other side of Greenham and from a permissive bridleway to the north, but the views are distant, through trees and hedges and in the context of the 3 existing buildings, the landscape and visual impact is considered low to negligible.
- 13.2 It is noted that the 3 existing buildings have light grey roofs that are quite visible in the landscape. Further details will be required by planning condition for the roofing materials of this proposal, that will give the opportunity to agree a darker, less prominent tone. A landscaping condition for planting around the building is also required to soften the building's appearance over time.
- 13.3 As a whole, the landscape and visual impact of the proposal building is considered to accord with planning policies DM1 and DM2 of the Development Plan.

### **14. Highways**

- 14.1 Access to the site is occasional by HGVs on roads that are considered acceptable to the Highway Authority, with relatively good access to the A38. The farm access is large and clear with good lateral visibility and plenty of room for vehicles to wait beyond the carriageway before entering through the access gate. No further changes are required to the highway access.

- 14.2 The proposal is in accordance with Policy CP1, as it is expanding an existing poultry farm, as opposed to starting a new poultry business elsewhere that would require new traffic movements and new associated poultry farming paraphernalia. The poultry farm only requires occasional lorry movements to deliver and take away birds, deliver feed and remove waste. These movements amount to only around one vehicle movement a day and often less than this. Whilst there is a school and pre school nearby, local roads are rural and occasional lorry and tractor movements are commonplace in farming areas and will not unduly impact local living conditions to such a point that they would amount to a reason for refusal.
- 14.3 The Highway Authority do not object to the proposals providing Standing Advice requirements can be applied. The access arrangements meet the Standing Advice.

## **15. Noise**

- 15.1 The noise increase from the new chicken shed would be negligible as the buildings effectively run silently unless accessed by vehicles or at clear out times. Occasional feed deliveries are potentially noticeable, but do not create adverse noise levels. The proposed shed is a considerable distance from the nearest property and the school, therefore it is considered that the farm operations would cause minimal disturbance. Environmental Health raise no objections on grounds of noise.

## **16. Impact on the Somerset Levels and Moors Ramsar Site**

- 16.1 The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a project level appropriate assessment where a likely significant effect cannot be ruled out. Natural England have identified certain forms of development affected including the intensification of agricultural use.
- 16.2 The application site is very close to the upper reaches of the River Tone and within its catchment. Therefore, the advice from Natural England applies i.e. any new development that would not achieve nutrient neutrality and would result in further phosphate reaching the ground and the watercourse is likely to be unacceptable because it would affect the integrity of the Somerset Levels and Moors Ramsar Site. Any proposal for new development that could impact on this ecology site must be subject to a project level Appropriate Assessment to establish if there would be a likely significant effect in combination with other plans and projects if the proposed development were to proceed.
- 16.3 Poultry farming produces large volumes of manure waste which is rich in phosphate, indeed this already occurs in three poultry sheds on the farm. This waste would normally be used as organic fertilizer on surrounding arable farms. Whilst this may already occur in the current farming set up, to permit

the operator to do the same with the proposed shed would result in an additional impact on the Ramsar Site and so would not comply with the requirements of the Habitat Regulations for any development to be nutrient neutral.

- 16.4 The proposed shed has a sealed floor and it does not drain liquid from inside the building to the ground. Waste is collected at the end of the bird-rearing cycle and can be moved to a sealed waste vehicle without going to the ground. This waste can then be taken for disposal, normally as organic fertilizer outside the nutrient sensitive river catchments. Such processing would ensure that there would not be an impact on the Somerset Levels and Moors.

- 16.5 To ensure this process happens a planning condition that meets the normal tests for planning conditions is proposed as follows:

*The clear out process for the poultry shed hereby approved shall ensure that no manure or other bird waste emanating from the use of the said building goes to ground when the waste is transferred and transported from the application site. No such manure or waste shall be stored outside the poultry shed or elsewhere on the farm (as outlined in blue on the approved Site Location Plan) or spread on the surrounding land at any time. The manure/waste shall be transported and disposed of outside of any water catchment that is in unfavourable status due to excess nutrients and is subject to nutrient neutrality advice from Natural England. A log book record of all such manure/waste movements shall be kept by the operator of the poultry shed for a minimum of 5 years after every clear out. These log book records shall be made available for inspection by the Local Planning Authority at any time they are requested.*

*Reason - To ensure nutrients do not further pollute the River Tone and harm the Somerset Moors and Levels Ramsar Site.*

This condition has been authorised by SWT legal advisors, agreed with the applicant and is subject to an Appropriate Assessment under the Habitat Regulations.

## **17. Other Matters**

- 17.1 The application site is an area of mowed grassland close to the existing sheds with no significant vegetation. As such there are no tree, hedge or ecology issues to consider in detail.

- 17.2 The proposed building at 1200 square metres has a particularly large roof area. The Lead Local Flood Authority have been consulted and they are happy for development to proceed providing an adequate surface water drainage scheme is developed. This is likely to involve very large soakaway arrangements which ensure that foul waste does not come into contact with rainwater soaking into the ground. With a sealed internal waste system in place this will be easily achieved, but a condition is required so that the drainage design can be authorised to LLFA requirements.

- 17.3 With regards neighbour objections, detailed consideration has been given to the points raised and the site has been visited with those objections in mind. It is agreed that plans not showing local village houses was not helpful, but ultimately those living close to Appley Orchard Farm already understand how close they are. The planning case officer has visited the nearest residential neighbours to experience the relationship. Parts of the farm are visible from Appley, but the neighbours are located 250 to 500 metres from the application site. Like any farm or field activity, there will inevitably be times when animals are audible or there are odours in the air, but this will not automatically equate to unacceptable nuisance to local residents. The SWT Environmental Health advice is clear that approval of this poultry shed will not amount to a harm to local residential amenity and the expansion of the poultry operations will put the farm inside the EA Permit scheme which will improve the applicants' response to any amenity issues they might cause.
- 17.4 For clarity, there is some overlap in the objections with regards to timber and wood chipping operations at the farm. Both those other operations are covered by separate consents and the applicants are aware of concerns about timber operation noise objections, which has led them to look at putting such works further from the village. Planning consideration for the timber operations will be covered by a separate planning application.

## **18. Local Finance Considerations**

- 18.1 Community Infrastructure Levy is not applicable to this development

## **19. Planning balance and conclusion**

- 19.1 The proposals for a further 12,000 bird poultry unit at Appley Orchard Farm are an expansion of current operations at the farm. The principle of farm expansion is supported by planning policy and the landscape, highway, amenity and are considered acceptable in planning policy terms. Subject to any comments from Natural England on the project level appropriate assessment and mitigation measures which show that nutrient neutrality can be achieved the Council as competent authority accepts that there will be no adverse impact on the Somerset Levels and Moors Ramsar site and that this can be achieved in perpetuity by way of a condition. When applying the planning balance, the concerns of neighbours are taken into consideration in the light of the advice of the Environmental Health Officer and the Environment Agency who both do not object to the proposals. The same is true of the highway impact where both SWT officers and SCC are content that the access arrangements meet standing advice and the additional traffic impact is acceptable.
- 19.2 The proposed development accords with National and adopted Development Plan policy and should be approved unless material planning considerations indicate otherwise. The proposal will provide clear agricultural economic benefits and there are no overriding considerations which would lead to a conclusion that planning permission should not be granted. Any impacts arising from the development can be controlled by planning condition.

19.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions and the completion of a successful Appropriate Assessment under the Habitat Regulations.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## **Appendix 1 – Planning conditions and Informatives**

### **Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A1) DrNo 200\_02 Proposed Site Location and Block Plan  
(A1) DrNo 200\_03 OS Data Including Topographical Survey  
(A1) DrNo 200\_05 Drainage Plan  
(A2) DrNo 200\_04 Rev B Proposed Plan and Elevations

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

3. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to development being implemented.

(i) The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Development Plan.

4. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area in

accordance with Policy DM1 of the Development Plan.

5. Prior to occupation, an external lighting scheme design shall be submitted to and approved by the Local Planning Authority. 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 night time landscape and in the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment

6. The clear out process for the poultry shed hereby approved shall ensure that no manure or other bird waste emanating from the use of the said building goes to ground when the waste is transferred and transported from the application site. No such manure or waste shall be stored outside the poultry shed or elsewhere on the farm (as outlined in blue on the approved Site Location Plan) or spread on the surrounding land at any time. The manure/waste shall be transported and disposed of outside of any water catchment that is in unfavourable status due to excess nutrients and is subject to nutrient neutrality advice from Natural England. A log book record of all such manure/waste movements shall be kept by the operator of the poultry shed for a minimum of 5 years after every clear out. These log book records shall be made available for inspection by the Local Planning Authority at any time they are requested.

Reason - To ensure nutrients do not further pollute the River Tone and harm the Somerset Moors and Levels Ramsar Site.

7. No development approved by this permission shall be commenced until a scheme for the disposal of surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

REASON: To prevent pollution of the water environment and to provide adequate rainwater drainage.





Application Details	
Application Reference Number:	<u>16/22/0001</u>
Application Type:	<u>Retention of Building/Works etc.</u>
Earliest decision date:	20 May 2022
Expiry Date	<u>15 June 2022</u>
Extension of time	
Decision Level	Committee
Description:	Conversion and change of use of barn into ancillary accommodation at Warrs Farm, Glastonbury Road, Durston (retention of part works already undertaken)
Site Address:	<u>WARRS FARM, GLASTONBURY ROAD, DURSTON, TAUNTON, TA3 5AG</u>
Parish:	16
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Within the catchment area
AONB:	<b>N/a</b>
Case Officer:	<u>Richard Boyt</u>
Agent:	Swain Architecture
Applicant:	MR D FOSTER
Committee Date:	15th September 2022
Reason for reporting application to Committee	Letters of objection and Parish Council objections

## 1. Recommendation

1.1 That permission be GRANTED subject to conditions

## 2. Executive Summary of key reasons for recommendation

2.1 The proposals are for the conversion of an existing historic domestic outbuilding/barn to ancillary accommodation. The barn structure is sound, suitable for conversion and the proposals make best use of existing development land. The conversion accords with Development Plan policy guidance in DM2 for the conversion of rural buildings, does not create greater risks to highway safety, is adequately serviced by parking at Warrs Farm more widely and is considered sustainable development because it is the optimum reuse of the existing historic building.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

1. Time limit
2. Plans
3. Remain ancillary to Warrs Farm
4. Timber windows and doors
5. Bird nesting protection
6. External lighting details
7. Securing Biodiversity Net Gain

### 3.2 Informatives (bullet point only)

Proactive Statement

Bat informative

Badger informative

## 4. **Proposed development, site and surroundings**

### Details of proposal

4.1 The proposal is for the conversion of a two and one storey barn to the rear of Warrs Farmhouse in Durston. The barn conversion is proposed to be a three bedroom granny annex subservient to the main house and the applicants intend to house their parents therein. Some of the conversion works have already commenced internally and only minor works to windows and doors are proposed to the external envelope. The northern end of the barn is designed to house connection plant for a small solar PV array proposed in a different location and separate planning application reference 16/22/0003.

4.2 In terms of layout, the annex conversion would be accessed via an existing door on the southern elevation facing the main house, with an alternative route through the north of the building via a plant and utility room. The ground floor would contain two ensuite bedrooms and a hallway and in the single storey range to the north there would be a utility room, plant room and log store, as well as an existing store which remains the same. On the first floor there would be a kitchen dining room, a lounge and a small third ensuite bedroom. An elevator and stairs connect the two floors.

4.3 In terms of elevations, the annex is not proposed to have any new openings, however one west elevation door is to be reduced to a window and two first floor 'doors' in the east elevation will become windows. Doors in the single storey range are proposed to be repaired and in the case of the utility room fixed shut.

### Sites and surroundings

4.4 The application site is an existing two storey barn/domestic outbuilding to the rear of Warrs Farmhouse (in this application referred to as Warrs Farm), overlooking the gardens and tennis court of the main house to the west and a shared drive to the east which serves two older barn conversions of the original farm.

4.5 Durston is not an identified sustainable settlement, but is nonetheless a small village located on the A361 with bus routes and good road access to Taunton, Bridgwater and the M5, all just a few miles away.

4.6 Warrs Farm (or Farmhouse) is a detached mid-17th Century dwelling that is an integral part of Durston, which is a relatively linear settlement on the A361. Warrs Farm is a non-designated heritage asset as a whole, where this Authority will encourage the retention and protection of special historic buildings and features. The barn is possibly early 19th Century, made of stone and later brick, with plenty of windows and openings and a single storey range to the north. The barn is positioned just a few metres north of the main house and heavily encloses and overbears upon it.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
16/88/0003	2 barn conversions (neighbouring units)	refusal	5/12/88
16/88/0005	1 barn conversion and two garages (current application barn)	conditional approval	13/04/89
16/89/0001	2 barn conversions (neighbouring units)	condition approval with legal obligations	28/02/90
16/21/0001/ENQ	Pre app for dormers, balconies, windows, etc	support	21/10/22
16/22/0002	COU to equestrian field, Solar PV, Stables and Patio	withdrawn	1/07/22
E/0152/16/22	Enforcement - touring caravan	closed	6/06/22
E/0232/16/21	Enforcement - change of use	application submitted	21/12/21

## 6. Environmental Impact Assessment

Due to the scale, nature and location of the development, the proposals do not require EIA.

## 7. Impact on the Somerset Levels and Moors Ramsar Site

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is an annex to an existing dwelling, it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 25 April 2022

8.2 Date of revised consultation (if applicable): n/a

8.3 Press Date: n/a

8.4 Site Notice Date: 29 April 2022

## 8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
DURSTON PARISH COUNCIL	Objections on following issues: Road identification errors, Lack of foul water details, Flood risk on A361 Further ecology studies required Phosphates Access safety Loss of parking	The misnumbering of the A361 is noted, but it is not prejudicial to the consideration.  Other issues are discussed in the main considerations below.
SCC - ECOLOGY	Further details required A PRA was submitted and SCC Ecology do not object providing conditions protecting bats, birds and promoting biodiversity net gain are applied	Ecology conditions are recommended to be applied
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice	
WESSEX WATER	No objections	
LANDSCAPE	No observations	
PLANNING ENFORCEMENT	No comments received	

## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

7 letters have been received making the following comments (summarised):

### Material Planning Considerations

Objections	Officer Comment
Site address issues	Not prejudicial
Ecology report deficiencies	See below
Foul water capacity	See below
Car parking	See below
Size of annex	See below
Noise and disturbance from annex	Not likely to amount to a reason for refusal
Overlooking/privacy	See below
Highway safety	See below
Archaeology	No substantial groundworks proposed
Design	See below
Surface water to the A361	See below
Not ancillary	See below
Quality Review Panel	QRP review larger proposals
Building Control	Separate legislation
Phosphates	See above - not caught by phosphates
Disabled access	Disabled access is improved

<b>Comments</b>	<b>Officer comment</b>
Lack of local sewer system	Understood
Land ownership disputes	Planning cannot consider land disputes, the red line is correct for determining purposes and all parties are aware of the proposals

## **9. Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan 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 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below:

### **Taunton Deane Core Strategy**

CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
SP1 - Sustainable development locations,  
SD1 - Presumption in favour of sustainable development,

### **Taunton Deane Site Allocations and Development Management Document**

ENV4 - Archaeology,  
A1 - Parking Requirements,  
A5 - Accessibility of development,  
D6 - Ancillary accommodation,  
D7 - Design quality,  
I4 - Water infrastructure,

### **Supplementary Planning Documents**

District Wide Design Guide, December 2021

## **Other relevant policy documents:**

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

### **National Planning Policy Framework**

Para 80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

1. The Principle of Development
2. Parking and Highway Safety
3. Residential Amenity
4. Design and Heritage Impact
5. Ecology
6. Drainage and Phosphates

### **The Principle of Development**

10.1 The proposals are for the refurbishment and reuse of an existing stone barn as two storey family annex accommodation at Warrs Farm, subservient to the main house.

10.2 The background to the barn is that this is effectively one of three barns that formed a farmyard to the north of the farmhouse for many decades, probably centuries. In 1989, planning permission was granted for the application barn for conversion to a single dwelling with garages and in 1990 permission was granted to the two other barns subject to a legal agreement securing better visibility for traffic turning onto the A361 outside. The 1990 permission appears to have been implemented, but it is unknown whether the 1989 permission was enacted but as no one is claiming it has, it is assumed it was not commenced and the permission lapsed.

10.3 Rather than being sold off as a separate dwelling, the barn subject of this application was maintained as part of Warrs Farm (Farmhouse) and the entire property was sold last year to a new owner having been in single ownership for some time.

10.4 Pre application enquiries were made to SWT in 2021 with regards the house and in the autumn of 2021 internal improvement works were carried out in the barn. Enforcement complaints followed and SWT officers invited a planning application for change of use for conversion of the barn to a family annex, which is the application under consideration here.

10.5 Firstly, the stone and brick barn is clearly of substantial and sound structural condition and suitable for conversion. Secondly, both the farmhouse and barns are of substantial age well in excess of two hundred years old and are both considered non-designated heritage assets (NDHA). Local and national policy strongly encourage the reuse and preservation of heritage buildings in the countryside where appropriate reuse of such buildings can be found. Thirdly, it is very material that Taunton Deane Borough Council considered the barn to be suitable for residential conversion in the past (1989), albeit under a slightly earlier policy regime.

10.6 Although Durston is a Parish and settlement of some size, the village is not identified in the Development Plan as a sustainable settlement where new residential development will be encouraged. However, it is of note that the A361 passes through the village with a bus service and access to Taunton, Street and the M5 are all straightforward providing one has access to a private car. Nonetheless, it is not a settlement where the Council would normally be supporting standalone new dwellings.

10.7 Being a rural area, Policy DM2 of the Core Strategy applies and in Section 7 a sequential approach is laid out for building conversions. The first preference is for community uses which would be inappropriate and unneighbourly in this barn. The second preference would be business uses which again would be unneighbourly and create access and parking issues. Employment or tourism accommodation might be possible in this location, but this is not an optimum location for either as it is not a particularly popular tourism area or a building that lends itself to employment purposes due to its close proximity to the house.

10.8 The final preferences for conversion are affordable or bespoke domestic uses and the barn is very well suited to use as an older person's annex. The barn is exceptionally close to the rear of Warrs Farm (Farmhouse), so close that it overbears on the rear outlook of the house. In this respect the proposals closely accord with Policy D6 of the Site Allocations and Development Management Policies document which states that conversions of appropriate buildings within the curtilage of a dwelling for ancillary accommodation will be permitted where it would be close enough to the main dwelling to maintain a functional relationship. The proposal barn is close enough to the main house to maintain a functional relationship.

10.9 In summary, the proposal for conversion of the barn to a granny annex is the optimum use in terms of providing much-needed family care at one property, maintaining the historic building and putting the barn to use as a new functional part of the wider dwelling at Warrs Farm. In these regards, the proposals strongly accord with the policies of the Development Plan and National Planning Policy.

## **Parking and Highway Safety**

10.10 Warrs Farm (Farmhouse) has five bedrooms in the main building and with this development in addition would total 8 bedrooms. With so many bedrooms and the rural location, it is almost inevitable that there will be a need for off street parking, with the A361 carriageway providing an unsuitable location for parked cars.

10.11 Neighbours have highlighted that previous occupiers of Warrs Farm (Farmhouse) have parked in the single storey northern range of the barn being proposed to be converted. This is no doubt true, however it should be noted that this garaging was probably informal and such garage space would have not met modern garage dimension expectations. Indeed, if such garaging had been developed in accordance with the 1989 permission, it may be that the entire barn is lawfully permitted as a standalone dwelling already. But this argument is not being pursued by any party.

10.12 A land dispute is ongoing between the neighbours regarding the shared access drive to the east of the application building. The planning system does not indulge in such matters, aside from noting that Warrs Farm (Farmhouse) appears to have vehicular access to the A361 from at least two different points and has extensive garden grounds to the side and rear of the house in which to park cars should they require it.

10.13 As the planning system is not troubled by land ownership (only that those with land interests are informed of the proposals), it is enough to note that Warrs Farm (Farmhouse) have multiple options for off street parking notwithstanding any contested land and the occupiers are highly likely to continue to provide off street parking in the future, because on street parking is so unattractive and impractical. For example, if the occupiers are prevented from parking and accessing to the east of the application barn, then no doubt they will access the A361 from the western entrance.

10.14 It is accepted that the applicant has not provided a formal parking layout or plan, but in the light of the land dispute that is obviously something they would not want to commit to. Similarly, this Authority should not be conditioning parking layouts that have no reasonable prospect of being delivered. It is enough to say that the increased parking pressure created by the development of the barn is likely to amount to the need for another parking space and Warrs Farm (Farmhouse) can accommodate that space using existing land and arrangements.

10.15 The proposals therefore do not create an unexceptional pressure on car parking over and above the existing position and any additional parking can be provided without the need for the Authority's control. For these reasons the proposals accord with the Policy A1 of the Development Plan and it is considered that there will not be increased pressure for car parking on the A361 beyond existing arrangements.

## **Residential Amenity**

10.16 The current barn has been used as part of a dwelling for many decades and already has first floor windows looking towards its neighbours at Long Briar and to a lesser extent Beech Fields at an angle (the two barn conversions). This arrangement of windows and privacy has already been approved and the policies and standards for overlooking have changed little over the last 30 years in planning policy.



10.17 With no new building mass being created in this conversion, there is no greater overshadowing or overbearing created. Noise and disturbance, although raised by neighbours, should not occur to such an extent that it is unneighbourly; indeed if the barn were used for farming or as a workshop, the proposals for domestic conversion will actually improve neighbour amenity with Long Briar and Beech Fields.

10.18 In terms of overlooking Long Briar, there is a 18 metre gap between the windows proposed and the space in between is a front garden and parking area with the shared drive running up the middle. Not much privacy should be expected in this space and the level of privacy between the windows in the proposed annex and Long Briar are considered acceptable.

## **Design and Heritage Impact**

10.19 Very little external design changes are proposed to the barn in question. All the existing openings are to be retained with one ground floor door on the western elevation being changed to a timber frame window. All of the proposed joinery is in timber and the alterations are considered sympathetic and in keeping with the older character of the barn.

10.20 It is considered that the conversion of the barn is a beneficial move to preserve and repair its historic fabric. The heritage significance of the barn is that it is part of the grouping with the other two barns around the historic farmyard. Although some of the conversion works on the other barns may not have been as sympathetic, converting and reusing the application barn as an annex ensures that this historic grouping is retained going into the future and their significance is preserved.

10.21 In these respects, the proposals are considered to have a positive design outcome and will conserve and enhance the special historic characteristics of the building going into the future.

## **Ecology**

10.22 The application was accompanied by a Preliminary Ecological Assessment (PEA) by a qualified ecologist. A Potential Roost Assessment for bats has been carried out which has concluded that no bats will be harmed by this development providing conditions controlling external lighting are applied and due diligence is applied when completing the development.

10.23 The PEA proposes biodiversity net gain measures which have been consulted on with the County Ecologist who in turn has proposed further measures. These measures are included in a recommended planning condition and include, bat, bird and insect boxes plus two bat tiles.

10.24 As a whole, the proposals respect protected species and habitats in accordance with Policy CP8 of the Core Strategy and provide the opportunity for significant biodiversity net gain. The concerns of neighbours, especially with regards to local bat populations, are noted and the ecology investigations address these issues appropriately and in accordance with best practice guidance.

## **Drainage and Phosphates**

10.25 Many of the neighbour objections have centred around the shared private and village drainage systems. Some objectors have been hoping for mains sewerage to be installed along the A361 for the wider village and Warrs Farm (Farmhouse) has recently installed a package treatment plant west of the main house. The development of the private foul package treatment plant is subject to another planning application, but it is understood the package plant is being looked upon favourably by planning officers.

10.26 To answer the concerns of neighbours, the proposed annex will be connected into the new package plant which will be shared with the main house. This will be a great improvement over previous septic tank arrangements, improving the ground water environment.

10.27 Surface water runoff will be effectively unchanged by the proposals that do not create any additional roof area of hard surface which might divert water to storm drains more quickly. However, the Parish Council and others have objected to the potential for greater surface water runoff. It is not considered that such increased flows will occur and there is no evidence that there would any greater pressure on highway drains on the A361.

10.28 In terms of phosphates, the SWT approach to annexes is that they are small-scale ancillary development to an existing household then they are not caught by nutrient controls. As such these proposals do not require Appropriate Assessment under the Habitat Regulations and do not present a phosphate issue to the protected wildlife site.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

This proposed development measures approximately 217 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £27,250.00. With index linking this increases to approximately £38,250.00.

## **12 Planning balance and conclusion**

12.1 The principle of converting the barn at Warrs Farm (Farmhouse) to an ancillary annex is considered acceptable and is the optimum reuse and preservation of the building when applying Policies DM2 and D6 of the Development Plan.

12.2 The barn has been previously permitted for conversion to a single dwelling by this authority over 30 years ago.

12.3 The proposed annex is large, with three ensuite bedrooms and an internal elevator, however this does not prejudice its use as an ancillary granny annex and would not amount to a reason for refusal. A condition will be applied to reiterate its ancillary status.

12.4 Several objections have been raised and a land dispute exists for the access way to the east. In terms of parking, the wider property benefits from two road accesses and various off street parking opportunities, notwithstanding the land dispute areas. As such the limited extra parking demand created by the annex and multiple parking options for servicing that demand are considered acceptable.

12.5 The annex is small scale development that does not require Appropriate Assessment for its impact on protected wildlife sites vulnerable to phosphates. The proposed design changes are minor and in keeping providing timber joinery is secured, local residential amenity is protected and suitable drainage is available.

12.6 There are clear sustainability benefits to reusing underused historic buildings and this weighs heavily in favour of the proposals. No other planning matter significantly weighs against the proposals and on balance the proposals are considered sustainable development in accordance with national and local planning policy.

12.7 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the conditions laid out above.

12.8 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## **Appendix 1 – Planning conditions and Informatives**

1. The development hereby permitted shall be completed within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 22.352 S02.04.1 Proposed Barn Elevations  
(A3) DrNo 22.352 S02.03.1 Proposed Barn Floor Plans  
(A3) DrNo 22.352 S02.01.1 Proposed Barn Location and Block Plan  
(A3) DrNo 22.352 S01.04 Existing Elevations  
(A2) DrNo 22.352 S01.03 Existing Floor Plans  
(A2) DrNo 22.352 S01.01 Existing Site Block Plan - Barn  
(A3) DrNo 22.352.S02.01.1 Location and Block Plan  
(A1) DrNo 22.252.S02.00 Town Location Plan

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

3. The outbuilding conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Warrs Farm (or Warrs Farmhouse).

Reason: To prevent the extension/building being occupied separately to the main dwelling contrary to Policy DM2 of the Development Plan.

4. All new windows or doors shall be made of timber only apart from handles, hinges and other furnishings thereon.

Reason: In the interests of maintaining the character of the outbuilding in accordance with Policy DM1 of the Development Plan.

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

Reason: In the interests of nesting wild birds and in accordance with Policy CP8 of the Adopted Taunton Deane Core Strategy.

6. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified potential bat commuting routes. 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 Adopted Taunton Deane Core Strategy.

7. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include all of the following:
  - a. A Habitatat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation
  - b. A Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation
  - c. A bee brick built into/onto the wall about 1 metre above ground level on the south or southeast elevation of the dwelling
  - d. Two bat adapted access tiles will be placed on the southern pitch of the converted barn, creating a crevice between the tiles and bitumen felt beneath. Where the bat adapted tile is installed, only type 1F bitumen felt should be used as weatherproof membrane.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.



Application Details	
Application Reference Number:	49/21/0030
Application Type:	Full Planning Permission
Earliest decision date:	01 July 2021
Expiry Date	14 July 2021
Extension of time	30 September 2022
Decision Level	Committee
Description:	Erection of an agricultural building for the rearing of calves on Simons Holt Farm retained land, Whitefield, Wiveliscombe
Site Address:	SIMONS HOLT FARM RETAINED LAND, WHITEFILED, WIVELISCOMBE, TA4 2UU
Parish:	Wiveliscombe
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	NA
Case Officer:	Briony Waterman
Agent:	NA
Applicant:	T & L CHERRY
Committee Date:	21/07/2022
Reason for reporting application to Committee	Ward member objection

## 1. Recommendation

1.1 That planning permission be GRANTED subject to conditions set out in the Planning Committee agenda, dated 23 June 2022 and an additional condition to limit the total number of animals on the site.

## 2. Introduction

2.1 The Planning Committee held on 23 June 2022 resolved to defer this application so that further information could be obtained. The original officers report is appended, and this addendum presents the additional information requested relating to the following matters:

1. A noise assessment;
2. Further clarification on the phosphates issue;
3. Whether a planning condition could be imposed to limit the number of livestock in the building; and
4. How slurry was going to be dealt with.

Each of these are dealt with below.

### **3 Additional Information**

#### **Noise assessment**

Following the Committee meeting further advice was sought from the Environmental Health team who have provided the following:

“I understand that queries were raised at the Planning Committee about the requirement for a noise report to accompany the application.

In my first email, I mentioned that when Environmental Health are asked to comment on noise this is normally because there is a noise assessment and so a more specialist comment is needed. However, many applications do not have, or require a noise report.

I am not aware of Environmental Health being asked to comment on a noise report for any agricultural buildings, other than much larger developments (such as large chicken sheds). It would be difficult to produce a noise assessment for this type of development as the source of noise would be so varied (depending on the number of animals, how often they make noise, the time of day etc).

I can also confirm that Environmental Health have not received any complaints about noise from this type of operation. As there are a number of agricultural buildings housing animals in the area, with some closer to residential properties than this application site, it indicates that the noise from this type of activity is not likely to have an unreasonable impact on any nearby properties.”:

The applicant has also provided additional information and stated:

“There is very little noise from our calf rearing operations and I have never received any complaints from neighbours. I have checked back through my previous planning applications for both calf rearing sheds at our Spring Grove site and note no objections relating to noise. Application 03/19/0001 was for a second identical barn at Spring Grove, submitted two years after the first barn had been built and utilised at full capacity for that time. Spring Grove residents are within 100 metres of these barns.

Noise assessments are not usually required for this type of development, and I have never been asked to provide one for my previous livestock barn applications 03/15/0005, 03/18/0006 and 03/19/0001. I have also noted that a similar application (3/24/21/003) for a stand-alone larger calf rearing barn within 100 metres of the village of Beggearn Huish was passed by the Planning Committee on 21st October 2021 without a noise assessment.

We also operate two rented calf rearing sites, one at Maundown 50 meters from the nearest residential house and 900 metres from the village of Langley Marsh. The other is in the centre of the village of Ford 50 metres from residential properties. Both sites hold around 100 calves and we have never had any complaints”

On the basis of the information provided by Environmental Health, together with the information supplied by the applicant it is considered that there are no grounds to require a noise assessment and to do so would be unreasonable.



### ***Phosphates issue***

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is to house cattle which can be located in the field the barn does not increase nutrient loadings at the catchment's waste water treatment works.

The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations 2017. The application has been therefore been screened out for needing phosphate mitigation as the livestock are already in the field. The erection of the barn would not intensify the use beyond what can be accommodated within the field, and a condition to limit the number of animals to the existing level is also proposed. The field is currently being used for calf rearing utilising a portable hutch system.

### ***Imposition of a planning condition***

The number of calves permitted in the barn is restricted by the size of the barn and legal stocking densities, information submitted by the applicant states that the proposed barn would have 8 pens of 30m<sup>2</sup> holding 12 calves at a stocking density of 2.4m<sup>2</sup>, Red Tractor stocking densities for calves to 200kg is 2.4m<sup>2</sup>. The remainder of the shed will be utilised by a feeding passage, handling area, isolation pen and feed bin, the proposal is within the legal baseline for stocking density for the size of the 4.6hectare site. However, a condition has been included restricting the number to 100 calves at any given point.

### ***Slurry***

As mentioned as part of the application and as part of the applicant's response it should be noted that there will be no slurry produced as the calves are bedded with straw daily. The manure is cleared out between batches and spread on local arable fields.

## **4 Conclusion**

The Committee is referred to the report contained within the agenda for the meeting held on 23 June 2022 which is attached to this report. Having taken into account the additional information, and for the reasons set out in the previous report the application is recommended for approval, subject to the imposition of an additional condition (Condition 4) which is set out below restricting the number of animals on the site.

## **Appendix 1 – Planning conditions and Informatives**

### Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Site Plan

(A3) DrNo PJA/SR/4161/001 North & South Elevations

(A4) Location Plan

(A3) DrNo PJASR4161002 East & West Elevations

(A3) DrNo PJA/SR/4161/003 Proposed Floor Plan

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

3. The roof of the barn is to be anthracite grey.

Reason: To ensure the proposal does not have a significant impact upon the wider landscape.

4. The number of calves housed within the barn should not exceed 100 at any given time.

Reason: To ensure the proposal does not result in over intensification of the use of the site and consequential adverse impacts.

### Notes to applicant.

- . In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.



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Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	NA
Case Officer:	Briony Waterman
Agent:	NA
Applicant:	T & L CHERRY
Committee Date:	23/06/2022
Reason for reporting application to Committee	Ward member objection

## 1. Recommendation

1.1 That planning permission be GRANTED subject to conditions

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is for a barn to house cattle, the size, scale and location are considered acceptable in principle.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

3.1.1 Time Limit

3.1.2 Drawing Numbers

3.1.3 Roof colour to be grey

3.1.4 Lighting for bats

3.1.5 Landscaping

### 3.2 Informatives (bullet point only) \_

3.2.1 Proactive Statement

- 3.2.2 Nesting bird
- 3.2.3 Badger

## **4. Proposed development, site and surroundings**

### **4.1 Details of proposal**

Erection of an agricultural building for the rearing of calves.

The building is to measure approximately 30.5m long by 15.2m with a ridge height of 6.4m

### **4.2 Sites and surroundings**

The barn is to be located to the south west of an agricultural field laid to pasture. There is an existing access to the east of the site. The field is bounded by hedging and is located to the north of Langely Marsh, surrounded by other agricultural fields.

## **5. Planning (and enforcement) history**

No relevant planning history.

## **6. Environmental Impact Assessment**

NA

## **7. Habitats Regulations Assessment**

The site is located within the catchment of the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the animals are on site and the barn would not lead to an intensification above the legal base line it therefore considered that the proposal would not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations 2017.

## **8. Consultation and Representations**

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 25/05/2021

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: 10 June 2021

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
WIVELISCOMBE TOWN COUNCIL	No concerns regarding the location and visual appearance of the barn. there are a number of mature trees to the south of the barn - retention of these is vital to screen noise and potential visual impact condition protecting tree and or additional planting scheme. applicant has stated there will be no slurry or liquid waste produced from a calf rearing using a straw bed system issue of phosphates leaking into the water. condition used for the proposed use only and that further consent would be required to change the use to house any other livestock or the system used for housing livestock.	conditions added
SCC - ECOLOGY	within catchment, any vegetation to be removed/lighting added?	condition added
SCC - TRANSPORT DEVELOPMENT GROUP	No observations	
WESSEX WATER	no comments received	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
Environmental Health - all Areas including Housing Standards	normally expect a noise and odour assessment however not aware the Council requires one for a building in this size and location, animals are not a type of noise source that is easy to assess note the nearest property is 200m away and there are other farms that are closer concerns over watercourse	

### 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

39 letters have been received making the following comments (summarised):

- Impact on amenity of neighbouring properties
- Size is disproportionate to the pasture area
- Indication from the size that the building could house 200+ calves
- Application is thin end of the wedge, a home will be required for the carer's of the calves as it will be unsustainable for this amount of calves to be left alone from a security and welfare point of view.
- Site unsuitable and unnecessary for general storage
- Stand alone position unnecessarily spoils a piece of important rolling countryside for the community and is visible from the tourist attraction of the Wivey Way.
- No indicated clear economic or environmental benefits in the building to the parish, economic downside's are evident.
- No resident accommodation on the site to manage the operation.
- Increasing traffic flow.
- Size and scale of the application
- Noise and smell of so many livestock near to Langley Marsh will be an issue given the proximity.
- Contamination of the water course would be an ecological disaster
- Well within 400m curtilage of domestic curtilage
- Size of the cattle lorries required would be hazardous on small country lanes
- According to the Town and Country Planning (General Permitted Development) (England) Order 2015 (page 62 clause B.1 d), this construction should not be permitted as within 400m
- Concerns over air pollution
- No mention in the application on how the storage of slurry or sewage sludge will be managed to avoid contamination of the nearby stream
- A building of 6.4m high will present a degradation of the landscape
- Concerns over no observations from highways there will be an increase in heavy traffic on the difficult roads
- No consideration given to safety, site is constricted due to the width of the lane
- Other farm buildings in the area which could have been adapted
- No excuse to build on green field sites when existing alternatives exist
- Fail to see clear economic imperative for building a new shed
- If it is found permanent care for the animals a future dwelling might be proposed
- No plan for disposal of waste or slurry
- Light pollution and impact upon bats
- There have been no planning applications at the end of the 'new drive' why?
- Two thirds of all properties within Langley Marsh are within 400m of the site
- Water into the existing watercourse
- Farmer lives off site and might not be available if something goes wrong.
- Nutrient neutrality must be considered and mitigated
- Visual impact
- Detrimental to general wellbeing of the people who live nearby
- Detrimental to the environment
- Animal welfare
- Other places the barn could have gone
- Site notice not displayed correctly
- Too close to residents
- Impact upon the sale price of house
- Impact on wildlife
- Not against farming but needs to be sustainable and of a type suited to a location
- Intensive farming is not sustainable, location is a DEFRA priority for reducing the

damage

- An area for Countryside Stewardship Water Quality Priority Area (red), Surface water nitrate issues priority area (red), surface water pesticide issues priority area (red), fecal indicator organisms issues priority area (red), phosphate issues priority area (Red) and former catchment sensitive farming priority areas 2011-2015 (priority catchment).
- This area cannot sustain intensive livestock farming
- Support farming enterprises in general object to this one over concerns of lack of info
- Conflict with policy DM2 unit is 4.61 hectares
- Inappropriate and premature to determine the application without regard to the need for a dwelling
- 49/21/0008/AGN shows piecemeal development of the land and is to be avoided
- No odour management plan has been submitted
- Impact on the listed building
- Layout and density of the building, site is not part of a farm, no farm buildings
- 25m manure heap
- Applicant provides a good level of welfare for his animals

Cllr Mansell

- Concerns over the need for a worker dwelling
- New building would allow more intensive use of the land
- Impact on phosphates
- Potential for noise and odours from intensive calf rearing
- Impact on narrow roads, and no information submitted on expected vehicle movements.
- No farmhouse or dwelling associated with the site, important to establish where the workers would reside.

## **9. Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan 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 reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.



Relevant policies of the development plan in the assessment of this application are listed below:

DM2 - Development in the countryside,  
CP8 - Environment,

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

#### Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

### 9.1 National Planning Policy Framework

The proposal accords with the general principle of the NPPF.

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

- 10.2.1 Principle of development
- 10.2.2 Visual amenity
- 10.2.3 Highways
- 10.2.4 Noise and odour
- 10.2.5 Additional matters
- 10.2.6 Phosphates

### 10.2.1 The principle of development

The proposal is for a livestock barn within the open countryside, as such Policy DM2 is considered relevant. The policy states that "*new non residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit.*" may be considered acceptable. Within the Nutrient Neutrality Statement it is noted that the area for the application site is 3.2ha with the total area included within the blue line is 4.6ha with the total amount of land in the It is considered that the proposed barn is of a suitable size and scale for the holding and is considered acceptable in principle.

### 10.2.2 Visual amenity

The proposal is for a 15.24m x 30.48m barn to be constructed of concrete panels with wood space boarding above, the roof is to be fibre cement, a condition has been included to ensure that the colour is anthracite grey to minimise the long range impacts of the proposal. It is considered that the scale and materials are appropriate for the use and area. The barn is to be located in the south west corner of the site

which is well screened by existing hedging and trees which are in part coniferous, which would help screen the proposal all year round. The barn is to be located in the lowest point of the field. It is therefore considered that the proposal would not have a significant impact upon the visual amenity in that it is well screened and any glimpses would be of an agricultural barn which is an expected feature with the rural landscape. The proposal is considered to be acceptable in terms of scale, siting and design and therefore complies with Policy CP8.

#### 10.2.3 Highways

There are no alterations proposed to the access and the addition of a barn on the site is not considered to significantly exacerbate the existing vehicle movements to and from the site as the livestock are currently within the field. The proposal is therefore considered acceptable in terms of highway safety.

#### 10.2.4 Noise and Odour

Concerns have been raised about the noise and smell of the animals. Following discussions with Environmental Health who are "unaware of any noise assessments being required for a unit of this size, or how a noise assessment would fit with the type of operation as animals are not a type of noise source that is easy to assess" The comments go on to say historically there are some complaints relating to odour from slurry spreading however none have been bad enough to cause a statutory nuisance and no records of noise complaints from animals in agricultural premises." It is noted that the site is over 200m from the nearest residential premises and there are a number of other farms in the area, some of which are much closer to other properties.

Given the comments from the Environmental Health Team it is considered that the proposal would not have a significant impact from noise and odour on the neighbouring properties. The livestock currently occupy the field in an agricultural landscape.

#### 10.2.5 Additional matters

A number of comments received raised concerns over the future need for an agricultural workers dwelling to manage the herd, however the application must be determined on its own merits and speculation as to what may or may not occur in the future is not a material planning consideration.

A number of objectors raised that the development was contrary to the GPDO as the proposal was within 400m of a protected building. This is the case and due to the location of the barn it would not have been considered permitted development which is why a full application has been submitted.

Comments received from a neighbour stated that a site notice was not displayed correctly, a site notice was erected to the entrance to the site on the 10th June 2021.

In response to the comments raised the applicant has confirmed that To calculate stocking rate and N produced I have used standard tables published in the Red Tractor Farm Assurance Standards book. One calf to 6 months of age requires

0.005 hectares of land per month.

The proposed shed will have 8 pens of 30m<sup>2</sup> holding 12 calves at a stocking density of 2.4m<sup>2</sup>. Red tractor stocking density for calves to 200kg is 2.4m<sup>2</sup>. The remainder of the shed is utilised by a central feeding passage, handling area, sick/isolation pen and feed bin. Calves arrive on average 14 days of age and are sold at an average of 100 days (3 months rearing). There would be approximately one month between batches for cleaning and resting of the shed.

The proposed shed will therefore be within the legal baseline for stocking density for the size of the 4.6 hectare site.

#### 10.2.6 Phosphates

As mentioned above the proposal for the barn is not considered to exacerbate the existing situation and the barn is to house the stock currently on the field. The number of stock in the field will not increase with this proposal, which has been confirmed by correspondence with the applicant.

### 11 Local Finance Considerations

#### 11.1 Community Infrastructure Levy

Not applicable.

### 12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, it is considered that taking into consideration the number and nature of the objections raised and the policies within the Development Plan and within the NPPF that on balance the proposal is considered to be acceptable and it is recommended that planning permission be granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.



## **Appendix 1 – Planning conditions and Informatives**

### **Conditions**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Site Plan  
(A3) DrNo PJA/SR/4161/001 North & South Elevations  
(A4) Location Plan  
(A3) DrNo PJASR4161002 East & West Elevations  
(A3) DrNo PJA/SR/4161/003 Proposed Floor Plan

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

3. The fibre cement roof shall be antracite grey in colour. Any changes to the colour of the roof would need to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area.

4. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. Prior to the installation of any external lighting, a “lighting design for bats”,

following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment

Notes to applicant.

- . In accordance with paragraph 38 of the National Planning Policy Framework 2012 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.







<b>Application Details</b>	
Application Reference Number:	3/05/22/006
Application Type:	Variation of conditions
Earliest decision date:	09 June 2022
Expiry Date	20 June 2022
Decision Level	Planning Committee
Description:	Variation of Condition No. 02 (approved plans) of permission 3/05/20/004 to change the final height of the building as updated on drawings
Site Address:	The Paddock, Carhampton Road, Blue Anchor, TA24 6LB
Parish:	05
Conservation Area:	
Somerset Levels and Moors RAMSAR Catchment Area:	
AONB:	N/A
Case Officer:	Ben Gilpin
Agent:	Mr Bar,
Applicant:	Mr and Ms Mark and Anne Wilson
Committee Date:	
Reason for reporting application to Committee	Recommendation is contrary to representations of Parish Council and over 4 individuals

## 1. Recommendation

1.1 That permission be GRANTED subject to conditions

## 2. Executive Summary of key reasons for recommendation

2.1 The revision (as commenced on site) is marginally higher than that previously approved. The effect of the increase in height of 450mm of the ground floor (from 22.6m eaves of the ground floor (above sea level (ASL)) to 23.05m ASL) and 550mm of the first floor (from eaves at 25.3m ASL to 25.85m ASL) is not considered so injurious to neighbouring amenity as to support a recommendation of refusal.

2.2 The overall design in terms of layout, scale and external design remains the same as previously approved and complies with the Design Guide. The increase in height is not considered to detract from the design.

## 3. Planning Obligations and conditions and informatives

3.1 Conditions (bullet point only full text in appendix 1)

1. Standard Time Limits

2. Plans
3. Materials (as previously approved)
4. Lighting for Bats (as previously approved)
5. Vegetation Clearance
6. Removal of Trees; Hedgerows; Shrubs
7. Windows (as previously approved)
8. Tree Protection (as previously approved (in part) and sections ii and iii)
9. Notwithstanding detailed finish, the scheme needs to extend the first-floor timber cladding to the full height of the building, so removing the visually conspicuous white trim at the top, in the manner that has already been partially built, as opposed to what is shown in the submitted elevations.

### 3.2 Informatives (bullet point only)

#### 3.2.1 Proactive Statement

3.2.2 Works to be in accordance with the Conservation and Habitat Regulations 2017.

### 3.3 Obligations

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

Variation of Condition No. 02 (approved plans) of permission 3/05/20/004 to change the final height of the building as updated on drawings. The elevations to the North East and South West introduce no new fenestration or other apertures to that approved in the original planning application - they are as approved, albeit 550mm higher (as are the South East and North West elevations).

### 4.2 Sites and surroundings

Detached part completed 'cubist' style two storey dwelling, on a plot that forms part of the linear development along the adopted highway to Blue Anchor (to the north), with existing highways access setback from the road and mature hedgerow and trees to front boundary.

The site is visually well enclosed when seen from the highway.

The direction of foul water flow, and requisite degrees (angle) have necessitated the slight increase in height of the building (0.55m) to accommodate such infrastructure.

The site has no statutory designation constraints.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
NMA/05/22/002	Application for a non-material amendment to application	Withdrawn by Applicant	07.04.2022

	3/05/20/004 for adjustments to the set-out datum		
3/05/20/004	Replacement of bungalow and garage outbuildings with 1 No. dwelling	Approved	17.12.2020

## 6. Environmental Impact Assessment

N/A

## 7. Habitats Regulations Assessment

N/A - principal planning permission has been implemented and site is beyond the Phosphate Catchment Area.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 27 April 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 29.04.2022

8.4 Site Notice Date: 19.05.2022

8.5 Statutory Consultees the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Highways Development Control</u>	<i>No Observations</i>	<i>With no further comments it is considered the proposal is acceptable from a highway safety perspective</i>
<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Conservation Officer</u>	<i>No comments received</i>	<i>With no further comments it is considered the proposal is acceptable from a heritage perspective</i>
<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>SCC - Ecologist</u>	<i>No comments received</i>	<i>With no further comments it is considered appropriate to apply previous planning conditions (where they have not yet been discharged (and reference works needed where they have been discharged))</i>
<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Tree Officer</u>	<i>No comments received</i>	<i>With no further comments it is</i>

		<i>considered appropriate to apply previous planning conditions (where they have not yet been discharged (and reference works needed where they have been discharged))</i>
<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Landscape</u>	<p><i>No objection, subject to conditions as set out below Increasing the height of the approved building will draw attention to its inconsistency with the form and appearance of neighbouring development. However, the increase in height is small, and although the development will be more visible from the coast path, there is scope to reduce the visual prominence of the building by requiring minor changes to the finishes of the elevations and the introduction of screen planting. Subject to conditions that set out the requirement to:</i></p> <p><i>o extend the first-floor timber cladding to the full height of the building, so removing the visually conspicuous white trim at the top, in the manner that has already been partially built, as opposed to what is shown in the submitted elevations; and</i></p> <p><i>o provide landscape proposals, that require tree and shrub planting so as to partially screen the building and to break up the roofline when seen from the wider landscape to the northwest and southwest;</i></p> <p><i>it is considered that the landscape harm will be negligible, and that the proposed development will not conflict with local plan policies NH5 and NH13.</i></p> <p><b>JUSTIFICATION</b></p>	<i>No objection subject to the inclusion of planning conditions</i>

	<p><i>The application is to increase the height of a two-storey approved building by 0.55 m.</i></p> <p><i>The approved dwelling has a "modern" form and appearance: having a horizontal emphasis, flat roof, large window openings, and timber cladding to the upper elevations. Its overall character is in contrast to the early 20th century Arts and Craft style houses with pitched roofs that form the immediate context.</i></p> <p><i>Increasing the height of the building will increase its presence and expose its inconsistency with the context, especially when viewed from the coast path public right of way that lies over 300m away to the northwest and Grove Road to the southwest. It is noted that, a path that runs from the field access between the properties of Ker Moor and Hazel Lea on the B3191 and the coast path, is understood to be used by local walkers and provides a close vantage point from which to see the site, however, the route is not a public right of way or permissive path.</i></p> <p><i>The changes that would arise from the proposed development risks conflicting with local plan policies NH5 and NH13 which set out that development should:</i></p> <ul style="list-style-type: none"> <li><i>o be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area;</i></li> <li><i>and</i></li> <li><i>o meet the highest standards of design, respond positively to its neighbours and the local context...</i></li> </ul>	
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	<p><i>However:</i></p> <ul style="list-style-type: none"> <li><i>o the increase in height is small, such that the height of the proposed development would remain only marginally higher than the eaves height of the neighbouring property;</i></li> <li><i>o the elevations of the proposed development would appear as bold blocks of largely recessive materials (includes timber that will fade) that would help to visually break up and, in time, help camouflage the building;</i></li> <li><i>o the development is set within an existing garden which includes trees and shrubs which screen and assimilate the building from the highway to the southeast; and</i></li> <li><i>o when viewed from the northwest and southwest, the site is seen against a treed backdrop;</i></li> <li><i>o although the site lies in an attractive part of the West Somerset landscape, it lies in a part that is at a low elevation, on relatively flat land, and so is less susceptible to the increase in presence of built development, than other more elevated sloping parts of the landscape; and</i></li> <li><i>o there is scope to minimise the visual presence of the development by making changes to the details of the elevational finishes and planting vegetation on the western side to screen, soften and breakup the building's roofline.</i></li> </ul> <p><i>With the above considerations in mind, it is judged that, subject to the conditions set out below, that the landscape harm will be negligible, and that the proposed development will</i></p>	
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	<p><i>not conflict with local plan policies NH5 and NH13.</i></p> <p><i>Recommended conditions:</i></p> <p><i>o extend the first-floor timber cladding to the full height of the building, so removing the visually conspicuous white trim at the top, in the manner that has already been partially built, as opposed to what is shown in the submitted elevations; and</i></p> <p><i>o provide landscape proposals, that require tree and shrub planting so as to partially screen the building and to break up the roofline when seen from the wider landscape to the northwest and southwest.</i></p> <p><i>Suitable planting would take the form of a mixed evergreen hedge along the western boundary with the addition of tree planting, including species such as: holly, Arbutus unedo, small flowering cherries (such as Prunus x subhirtella), Pinus pinea, and Prunus domestica</i></p>	
<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Wessex Water Authority</u>	No comments received	With no further comments it is considered appropriate to apply previous planning conditions (where they have not yet been discharged (and reference works needed where they have been discharged))
<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
<u>Carhampton Parish Council</u>	<p>The Parish Council wish to object to this application for the following reasons:</p> <p>1. We understand from the amended Planning Statement dated 25.04.2022 the height of the building had to be changed because of the -“change in set-out datum of the building due to the</p>	With regards Point 1 from the PC, the reason why the applicant's private survey did or did not identify the issue in 2020, that has resulted in the apparent subsequent need to raise the height of the building 550mm, is a matter for the applicant, Wessex Water and Building Control.

	<p>requirement of the building to be connected to the existing mains sewer line with the invert level on site being higher”.</p> <p>However we note that in Wessex Water’s correspondence dated 3rd November 2020 they state “Your contractor must undertake private survey to determine the precise location of the existing 225mm public foul sewer which crosses the site” Therefore we would very much like to know why was this issue not dealt with in 2020 by their contractor prior to commencement of the build?</p> <p>2. The plans submitted do not show clearly the increased height in relation to the neighbouring dwellings, only a side view [drawing 2003-404]. The visual impact study photos [2003-500] do not show the “viewing gallery” or its impact on neighbours.</p> <p>We would refer you to Mr A.C. Potter’s letter page 9 - photograph Figure 4 which clearly shows the impact. We would be grateful if you could further consider the impact on privacy and overlooking.</p> <p>3. Further we cannot see any reference to the siting of a soakaway. Again we would refer you to Wessex Water’s correspondence date 3rd November 2020 which clearly states:</p> <p>“One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase</p>	<p>The result of what may or may not have been deciphered in 2020 appears to have resulted in the construction of the building in the same location as that approved, but 550mm higher.</p> <p>The implications and effect of that increase in height (of 0.55m) is a material matter for consideration in this instance.</p> <p>In relation to Point 2 from the PC, they appear to have referenced a visual impact study area submitted with the 2020 application. They also appear to have identified a 'viewing platform' that has not been detailed on the plans submitted with the 2022 planning application. What is evident is the building lines of that previously approved have remained in position, with the identifiable change to the development being the increase in height of the building by 550mm. Irrespective, amenity (including overlooking and privacy) will be a material consideration in deliberations.</p> <p>With just an increase in height for consideration, and all other elements remain as permitted, soakaways remain as previously approved.</p>
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	<p><i>the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via soakaway and the main sewer. The planning authority will need to be satisfied that soakaways will work here. Soakaways will be subject to Building Regulations”</i></p> <p><i>Building Regulations make it clear where the sewers should be situated, i.e.,</i></p> <ul style="list-style-type: none"> <li><i>• A soakaway must be 2.5 meters from the boundary. The soakaway must not be in an area of unstable ground or where the lowest point of the soakaway meets the water table at any point of the year. The soakaway must not be near any other soakaway or drainage field, as this would compromise the absorption of the ground.</i></li> <li><i>• A soakaway should be at least 5 metres from a house, but this depends on the calculated size of the soakaway.</i></li> </ul> <p><i>2 The parish council cannot see the proposed siting of a soakaway on any plan submitted.</i></p> <p><i>The Parish Council’s held its planning meeting on 19th May having been given an extension of time due to the Unitary elections. At this meeting residents raised a concern about the Site Notice as it was only put up that day. It is our understanding that when a planning application is received by the local authority the site notice must remain in place for at least 5 weeks from the date of receipt of the planning application which was 6th April 2022. As the Site Notice is dated 19th May we assume this planning application will</i></p>	
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	<i>need to be held over for a further 21 days to allow objections. Yours sincerely</i>	
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#### 8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
N/A		

#### 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

12 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Privacy (loss of from increased height)	<p>The position on site of the dwelling does not change from that previously permitted, only the height.</p> <p>With no new fenestration to the dwelling from that approved previously it is considered levels of amenity would not be harmed to such an extent as to support a recommendation of refusal (there would be no loss of privacy over or above that which could be currently experienced).</p>
Visual Impact	Comments received from the SWaT Landscape Officer have found that the increase in the height of the building above ground level is not harmful to the landscape, character or appearance of the area, subject to planning conditions
Out of Character	With regards the concerns that the scheme is out of character, it needs to be understood that the design of the scheme has been established by virtue of the sites planning history, and the appearance of the building (which has not changed in this application – only its height above ground has changed) is

	subsequently not considered out of character
Support	Officer comment
N/A	

#### 8.7.1 Summary of objections - non planning matters

1. Why issues between contractors and applicant were not 'dealt with' in 2020: this is a matter that is beyond the control of planning

#### 8.7.2 Summary of support - non planning matters

N/A

### 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below (West Somerset Local Plan to 2032 (adopted 2016)):

SC1	Hierarchy of settlements
NH13	Securing high standards of design
OC1	Open Countryside development
NH5	Landscape character protection
NH6	Nature conservation & biodiversity protection & enhancement

Supplementary Planning Documents  
District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

## 9.1 National Planning Policy Framework

### **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

#### **10.2.1 The principle of development**

The principle of development has been established at the site, as evidenced by the sites' planning history.

#### **10.2.2 Design of the proposal**

The design of the proposal, including dimensions, windows, doors and external finishes do not change as a result of the proposed variation of condition 2 of 3/05/20/004.

A number of the objections have stated that the proposal is, from a design perspective, an 'eyesore' and 'carbuncle'.

The comments detailed in the objections are noted, but it needs to be understood that the design 'as is' has been determined as acceptable in this location by virtue of that approved in 3/05/20/004 (this permission having been implemented so is extant).

The proposed increase to the height of the building would not alter the overall design to a degree that causes harm to the character and appearance of the area.

#### **10.2.3 Quality of Accommodation**

The quality of accommodation is considered acceptable.

#### **10.2.4 Access, Highway Safety and Parking Provision**

The amended scheme does not seek revision to access to the site. The Statutory Consultee has not objected to the proposal. Access, Highway Safety and Parking Provision are considered acceptable.

#### **10.2.5 The impact on the character and appearance of the locality**

A number of the objections received have cited the design of the building, and its increased height have had a detrimental impact on the character and appearance of the locality.

In this instance, consideration of the areas character has been undertaken by the Landscape Officer who has stated that, subject to a planning condition re: extension of cladding, the scheme would have no significant effect on the character or appearance of the locality.

Knowing the above, subject to the inclusion of the planning condition, the scheme is not one that would be detrimental to the character of the area.

#### **10.2.6 The impact on neighbouring residential amenity**

A number of objections have stated that the increase in height of the dwelling, by 550mm, would have a negative impact on neighbouring amenity.

In this instance, the design (and positioning of windows principally on the SW or NE facing elevations (those that are parallel to neighbouring properties)) would not change from that previously approved.

In this respect there could be no greater loss of amenity (through overlooking) than that which could result from the scheme previously approved.

Any effect on overlooking of the land to the east, between the site boundary and agricultural land further to the east, would be minimal and as this area of land is not considered to be 'private outdoor amenity space' any perceived loss is not considered sufficient to warrant a recommendation of refusal in this instance.

#### **10.2.7 The impact on trees and landscaping**

There would be no impact to trees over or above that which could be carried out under the extant permission.

Comments received from the Landscape Officer have stated that they have no objections to the revised scheme, subject to an additional planning condition (increasing the height of cladding to remove white element at the top of the building).

Subject to the inclusion of the above planning condition, the proposal is considered one that would have a benign effect on the character of the wider area.

#### **10.2.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.**

The scheme is outside the Phosphates Catchment Area so would have a benign effect on the Somerset Levels and Moors Ramsar site.

The scheme would have no greater effect on ecology / biodiversity than that previously approved.

#### **10.2.9 Waste/Recycling facilities**

The plans submitted identify an area for bins / recycling receptacles on site.

Provision for waste / recycling facilities is considered acceptable.

#### **10.2.10 Flood risk and energy efficiency**

The proposal seeks no changes to that previously approved. The scheme would have no greater impact on flood risk than that already permitted in the extant permission.

With no changes to the permitted design (bar its slight increase in overall height by 550mm) the scheme would not deliver any additional energy efficiency elements over or above that previously permitted (the previously approved scheme, through its design was considered to have good energy conservation features and use a modern heating system so would promote sustainability).

#### **10.2.11 Any other matters**

N/A

### **11 Local Finance Considerations**

#### **11.1 Community Infrastructure Levy**

West Somerset DC does not have an adopted CIL schedule so CIL is not applicable in this instance.

### **12 Planning balance and conclusion**

12.1 The application is just for the increase in final height (0.55m) and the principle of the development, together with its design and position on site have previously been approved. The proposed changes comply with adopted policies of the Local Plan as well as the Design Guide and are therefore considered to be acceptable. No harm to the character and appearance of the area, or living conditions is identified that would justify refusal and here the application.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

## **Appendix 1 – Planning conditions and Informatives Recommended Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 3/05/20/004 dated 17.12.2020.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

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

(A3) DrNo 2003\_101 Location Plan  
(A3) DrNo 2003\_102 Proposed Site Plan  
(A3) DrNo 2003\_103 Proposed Block Plan  
(A3) DrNo 2003\_401\_A Proposed Elevation SE  
(A3) DrNo 2003\_402 Proposed Elevation NW  
(A3) DrNo 2003\_403 Proposed Elevation SW  
(A3) DrNo 2003\_404 Proposed Elevation NE

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

- 3 The development hereby permitted shall be completed in accordance with those details submitted for Condition 3 of 3/05/20/004 on 02 December 2021, as approved in writing by the Local Planning Authority on the 8th December 2021.

The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

- 4 The development hereby approved shall be implemented and completed in accordance with the previously approved “lighting design for bats”, as detailed in the submissions to the Local Planning Authority on the 2nd December 2021 for Condition 4 of 3/05/20/004 (approved in writing on the 7th April 2022 by the LPA). West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 5 Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing hedgehogs and or any reptiles and or

amphibians that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with policy NH6 of the West Somerset Local Plan

- 6 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy NH6 of the West Somerset Local Plan

- 7 The development hereby permitted shall be completed in accordance with those details submitted for Condition 7 of 3/05/20/004 on 02 December 2021, as approved in writing by the Local Planning Authority on the 1st February 2022.

The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of priority bird species listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with policy NH6 of the West Somerset Local Plan

- 8 i) The development hereby permitted shall be completed in accordance with those details submitted for Condition 8 (i) of 3/05/20/004 on 15th February 2021, as approved in writing by the Local Planning Authority on the 16th February 2021.

ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.

iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

- 9 Notwithstanding the plans as approved, the first-floor timber cladding shall be extended to the full height of the building, so removing the visually conspicuous



white trim at the top of the first floor walls.

Such a material finish shall be completed prior to occupation, and thereafter retained in perpetuity.

Reason: In the interests of minimising effects on the character of the wider area.

- 1 In accordance with the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- 2 The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

