

SWT Planning Committee

Thursday, 13th October, 2022,
1.00 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](#)

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. Minutes of the previous meeting of the Planning Committee

To approve the minutes of the previous meeting of the Committee.

3. Declarations of Interest or Lobbying

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

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

4. Public Participation

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

For those members of the public who have 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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|--|-------------------|
| 5. 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 | (Pages 5 - 22) |
| 6. 49/21/0030 - SIMONS HOLT FARM RETAINED LAND, WHITEFILED, WIVELISCOMBE, TA4 2UU (deferred from 23 June 2022) | (Pages 23 - 44) |
| 7. 46/22/0005 - Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0023) | (Pages 45 - 64) |
| 8. 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 | (Pages 65 - 140) |
| 9. 16/22/0003 - Installation of solar panels, extension of patio area and implementation of water treatment plant at Warrs Farm, Glastonbury Road, Durston (retention of part works already undertaken) (resubmission of 16/22/0002) | (Pages 141 - 152) |
| 10. 38/21/0463 - Demolition of public house and garages and erection of 8 No. zero carbon dwellings for council owned affordable accommodation with formation of landscaping and access at The Oxford Inn, Outer Circle, Taunton | (Pages 153 - 170) |
| 11. Latest appeals and decisions received | (Pages 171 - 176) |



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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Application Details	
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:

Consultee	Comment	Officer Comment
<u>Highways Development Control</u>	No Observations	With no further comments it is considered the proposal is acceptable from a highway safety perspective
Consultee	Comment	Officer Comment
<u>Conservation Officer</u>	No comments received	With no further comments it is considered the proposal is acceptable from a heritage perspective
Consultee	Comment	Officer Comment
<u>SCC - Ecologist</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))
Consultee	Comment	Officer Comment
<u>Tree Officer</u>	No comments received	With no further comments it is

		<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>
Consultee	Comment	Officer Comment
<u>Landscape</u>	<p>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:</p> <p>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</p> <p>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;</p> <p>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.</p> <p>JUSTIFICATION</p>	No objection subject to the inclusion of planning conditions

	<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"> <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> <i>and</i> <i>o meet the highest standards of design, respond positively to its neighbours and the local context...</i> 	
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	<p><i>However:</i></p> <ul style="list-style-type: none"> <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> <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> <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> <i>o when viewed from the northwest and southwest, the site is seen against a treed backdrop;</i> <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> <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> <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>	
Consultee	Comment	Officer Comment
<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))
Consultee	Comment	Officer Comment
<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"> <i>• A soakaway must be 2.5 meters from the boundary.</i> <p><i>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></p> <ul style="list-style-type: none"> <i>• A soakaway should be at least 5 metres from a house, but this depends on the calculated size of the soakaway.</i> <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.

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:	13/10/2022
Reason for reporting application to Committee	Recommendation is contrary views of Ward Member and over 4 individuals

1. Recommendation

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

2. Introduction

The Planning Committee held on 23 June 2022 resolved to defer this application so that further information could be obtained regarding a noise assessment, phosphates issues, limiting the number of livestock in the building and management of slurry. The information was submitted by the applicant and a further report taken to Committee on the 21 July 2022. Members deferred the item again to enable the applicant to provide evidence of livestock levels within the unit and the effect on phosphate loading. The previous reports to the Committee are appended to this report.

3. Additional Information

3.1 The applicant has provided further information on the number of calves that have been brought into the catchment of the Somerset Levels and Moors Ramsar since 2020. The number of calves brought into the catchment is documented within the submitted "CTS Online" document. The number of calves brought into the catchment was 2866 calves, between August 2021 and July 2022 this number was closer to 3000. This is a fairly steady number of animals brought in and whilst figures vary due to changes in birth patterns and twin births the proposal does not result in a significant expansion of the herd. 3.2 Since the last Committee photographic proof has been also been submitted by both the applicant and an interested party showing the calves and mobile calving huts on site. The application site is clearly identifiable in the photographs which were taken in August 2022.

3.3 Following discussions with both Somerset Ecology Service and the SWT Phosphate Team the erection of the barn is not considered to have an adverse impact upon the Somerset Levels and Moors Ramsar site. This is because there is evidence that the calves have already been housed within the field. Details submitted by the applicant show the number of calves brought into the catchment since 2020. The erection of the barn is not going to expand the herd size but allow for the continuation in the number of calves currently being brought into the catchment. 3.4 For clarity, the proposal is to enable the applicant to move animals from one holding to another without significantly increasing the number of cows within the catchment. The erection of the barn will provide a more permanent solution to the use of the mobile calving units; the latter are temporary structures that do not require planning permission under Schedule 2, Part 4, Class A of the General Permitted Development Order 2015.

3.5 As mentioned in the supporting information submitted by the applicant, the manure from the cows is spread on a nearby farmer's field, increasing the nutrients and productivity of the soil. The waste from the calves in the barn is to be straw bedding which will be collected and spread in the same way. As previously mentioned, the number of calves currently being brought into the catchment area would not increase as a result of this proposal and therefore the spreading of the manure from this holding is not likely to increase phosphate levels.

3.6 An additional representation has also been received supporting the proposal. It states:

- Management practices by the applicant have resulted in no perceptible odour and rare noise (less than 5 times a year) from the animals;
- The barn is effectively screened so as near neighbours we rarely think about it or the activities on site; and
- There has been no perceptible increase in insects related to activities on the site- any increase appears to be associated with horses on other nearby fields.

4. Conclusion

The Committee is referred to the report contained within the agenda for the meeting

held on 23rd June 2022 and the 21st July 2022 attached to this report. Having taken into account the additional information which confirms the nature of the use of the site and the number of animals in the catchment , and for the reasons set out in the previous reports, the application is recommended for **approval**, subject to imposition of the previously recommended conditions plus an additional condition (Condition 4) which is set out below, restricting the number of animals to be housed in the barn at any given time.

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. Prior to the construction of the building samples of the materials to be used in the construction of the roof 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 area.

4. The number of calves housed within the agricultural building hereby permitted 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 on biodiversity in accordance with Policies CP8 (Environment) and DM1c (General Requirements) of the adopted Taunton Deane Core Strategy and paragraphs 180-182 of the NPPF.

Notes to applicant.

- . In accordance with paragraph 38 of the National Planning Policy Framework July 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

Appendix 1 - Addendum to Committee report heard at
Committee on the 21st July 2022

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 30m² holding 12 calves at a stocking density of 2.4m², Red Tractor stocking densities for calves to 200kg is 2.4m². 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.

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:	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 30m² holding 12 calves at a stocking density of 2.4m². Red tractor stocking density for calves to 200kg is 2.4m². 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 anthracite 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.

Application Details	
Application Reference Number:	<u>46/22/0005</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	03 June 2022
Expiry Date	<u>30 June 2022</u>
Extension of time	23/09/2022
Decision Level	Committee
Description:	Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0023)
Site Address:	<u>LLANTARNAM, NURSERY LANE,</u> <u>CHELSTON, WELLINGTON, TA21 9PH</u>
Parish:	46
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/A
Case Officer:	<u>Denise Todd</u>
Agent:	Tetra Tech Planning
Applicant:	MR A HALE
Committee Date:	15 September 2022
Reason for reporting application to Committee	The proposal fails to comply with policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan

1. Recommendation

1.1 That permission be REFUSED

2. Executive Summary of key reasons for recommendation

The proposal fails to comply with policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan due to its unsustainable location. Confirmation is also awaited regarding whether a satisfactory solution to ensuring phosphate neutrality has been provided.

3. Planning Obligations and conditions and informatives

3.1 Refusal (full text in appendix 1)

- The site is located outside of any defined settlement boundary in a countryside location

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations - N/A

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is for the erection of 1 No. 3 bedroom detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0023)

4.2 Sites and surroundings

The site is situated on a parcel of land which is bounded by the A38 to the north-west and Nursery Lane to the south-east. Wellington is located approximately 2 miles to the west. The site is located outside of any defined settlement boundary.

There are existing mature trees that border the north-western and south-western boundaries of the site. Hedgerows border the remaining boundaries. Chelston Nurseries is situated immediately to the north-east of Llantarnam and there are existing dwellings (known as 'Ivy Cottages') situated to the south-west of the site. The site is accessed from Nursery Lane.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
46/20/0023	Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0001)	Refused	22/10/2021
46/20/0001	Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston	Withdrawn	11/03/2020

6. Environmental Impact Assessment - N/A

7. Impact on the Somerset Levels and Moors Ramsar Site

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 .

As the site is within the catchment area the advice from Natural England apply that 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.

At the time of preparing this report a shadow Habitats Regulations Assessment (sHRA) has been produced by the phosphate team who have agreed *"that any such impacts will be fully mitigated taking into account the measures proposed and that, as a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended)"*.

The sHRA was passed to Natural England for their consideration on 29th September 2022. There is a 21 days consultation period for Natural England to submit their comments therefore these should be received no later than 20 October 2022.

If Natural England also find the sHRA acceptable a Unilateral Undertaken would be required to secure the PTP management plan.

8. Consultation and Representations

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

8.1 Date of consultation: 11 May 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: 13 May 2022

8.4 Site Notice Date: 24 May 2022

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

Consultee	Comment	Officer comment
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WEST BUCKLAND PARISH COUNCIL	Supports the granting of approval for this application (No further information given)	See para 10.1.1
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	see paragraph 10.1.4
SCC - ECOLOGY	No Objection subject to conditions/informatives	10.1.8
WESSEX WATER	No objection subject to a note to applicant regarding new drainage and water supply connections	
TREE OFFICER	<p>Suggest pulling the proposed dwelling somewhat further away from the main road if possible. This would avoid any potential damage to the roadside trees (from root damage). This is suggested as the trees provide screening, both looking from the road but also for the residents of the house, with reduced traffic noise, head-lights etc.</p> <p>Request a planning condition that requires a 'detailed arboricultural method statement', and the standard condition to protect existing trees during construction.</p>	See paragraph 10.1.7
LANDSCAPE	No relevant comments	See paragraph 10.1.7

8.7 Local representations

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

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

Material Planning Considerations	
Objections	Officer Comment
Nil received	
Support	Officer comment
Welcome development to tidy up an overgrown and neglected area and would only improve and enhance surroundings	See paragraph 10.1.11.
With all the major development at Westpark and Jurston Fields we cannot see any issues or problems with an infill	See paragraph 10.1.11.

site	
More residents and business would lead to more pressure on the Highway Authority to create a footpath to Westpark Shop and Services	See paragraph 10.1.11.
The hedgerow and bank outside, lacks the attention that any future occupant would afford it.	See paragraph 10.1.11.
We are a small group of neighbours, and would welcome a new family to our little group.	See paragraph 8.2.7
We have no opposition to the development, as it looks to have "kerbside" appeal.	See paragraph 8.2.7
The proposed development will be built sympathetically to the environment.	See paragraph 10.1.11.
Certainly minimal impact in contrast to the developments going on locally	See paragraph 10.1.11.
A bungalow will allow for potential occupation by older generation and those with additional needs, which is lacking from the nearby major development	See paragraph 10.1.11.
Developing this overgrown and empty infill land parcel can only improve this local area socially, to hopefully bring new neighbours to enjoy the beautiful views and amenity's the surrounding area has to offer	See paragraph 10.1.11.
Design and materials blend with existing dwellings	See paragraph 10.1.11.
Solar panels provide sustainability	See paragraph 10.1.11.
Proposal includes good visibility splays which would upgrade the road which is currently narrowing and becoming overgrown due to lack of maintenance from highways	See paragraph 10.1.11.
Increase in traffic movement will be negligible	See paragraph 10.1.11.
Works undertaken at Llantarnam have been done with care and attention and further development to the remaining over grown garden area would only continue to uplift the look of the area and the view for neighbours.	See paragraph 8.2.7
The additional of a 3 bedroom dwelling would provide potential for an increase for neighbouring business without the new occupants having to travel	See paragraph 10.1.11.
Greenacres Caravan Site cut the grass to create an informal footpath along the verge for my guests and walkers to other business in Haywards	See paragraph 10.1.11.

Lane	
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8.7.1 Summary of objections - non planning matters
Nil received

8.7.2 Summary of support - non planning matters

- Residents of Nursery Lane would 'welcome' a new family
- Proposed development has 'Kerbside appeal'.
- Works undertaken at Llantarnam have been done with care and attention.

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 2011-2028 (September 2012)

SD1 - Presumption in favour of sustainable development

SP1 - Sustainable development locations

DM1 - General requirements

DM2 - Development in the Countryside

CP1 - Climate change

CP4 - Housing

CP6 - Transport and accessibility

CP8 - Environment

Taunton Deane adopted Site Allocations and Development Management Plan (December 2016)

A1 - Parking Requirements

A5 - Accessibility of development

D7 - Design Quality

D8 - Safety

D10 - Dwelling Sizes

D12 - Amenity space
SB1 - Settlement Boundaries
I4 - Water Infrastructure

Supplementary Planning Documents
District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Councils Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency and Ecology Emergency (March 2022)

Neighbourhood plans: There is no Neighbourhood Plan for this location

9.1 National Planning Policy Framework

The presumption in favour of sustainable development - paragraphs 8,11, 12, 80, 126, 174 and 197.

10. Material Planning Considerations

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

- The principle of the development
- Design
- Housing land supply
- Access, highway safety and parking
- Impact on character and appearance
- Neighbour amenity
- Impact on trees
- Impact on ecology, biodiversity and Somerset Levels and Mors Ramsar Site

10.1.1. The principle of development

The proposal relates to a site outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and therefore the principle of development will be subject to the proposed development successfully addressing Policy SB1 of the Site Allocations and Development Management Plan (SADMP), which requires further assessment against policies CP1, CP8, SP4 and DM2 of the Core Strategy.

Policy SP1 defines sustainable development locations and clearly states that '*outside of the settlements identified above, proposal will be treated as being within Open Countryside*'. The location for this proposal is not identified within SP1 as a major or minor rural centre, nor it is one of the villages listed that retain settlement boundaries and have no further allocations made though the Site Allocations and Development Management (SADMP) DPD, but some scope for small scale proposals. The proposal is therefore considered to be in the open countryside and not within a sustainable location.

In the submitted planning statement the agent refers to Planning Appeal APP/G1630/W/14/3001706 (Bagley Road), dated July 2015 for a residential housing development of 58 dwellings, access, landscaping, SUDs drainage, public open

space and services and proposed community car park. As the application under consideration is for one open market dwelling with no wider community benefit, it is considered that the appeal site is not a fair comparison and does not change the view of this local planning authority that the proposed development does not comply with policy SP1 due to its countryside location.

Policy SB1 seeks to *"maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

A It accords with a specific development plan policy or proposal: or

B Is necessary to meet a requirement of environmental or other legislation;

and

In all cases, is designed and sited to minimise landscape and other impacts".

The proposed open market dwelling and its associated development does not accord with A or B outlined above. Policy SB1 re-enforces the need to shape *"patterns of development to reduce the need to travel, reducing pollution and CO2 emissions."* By having defined settlement boundaries the local authority is seeking to apply strict control over development in the countryside to contribute towards meeting the wider aims of sustainability. Furthermore, policy SB1 states *"The designation of settlement limits or boundaries provide clarity for the application of these policies"*. The proposed development would contribute to urban sprawl without any wider community benefit, reduce the visual impact of the rural location and would not reduce the consequences of unsustainable development.

The proposed development is therefore considered not to have minimised the impacts on landscape as required by policy SB1 due to its unsustainable location.

Policy CP1 deals with Climate Change and requires that *'development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by:*

a 'Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses' and/or

h.' Impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal.'

The site is outside of a defined settlement boundary in a countryside location. The nearest railway station is Taunton approximately 10.3 miles to the north-east, whilst Tiverton Parkway railway station is 10.8 miles to the south-west. Wellington Town Centre is approximately 2 miles to the north and acts as a secondary focus for growth for the district. It is in Wellington, which is approximately a 23 minute walk, that local services, facilities and amenities can be found. The nearest bus stop is 'Chelston Terrace' which itself is approximately an 18 minute walk from the site. Nursery Lane has no street lighting or pedestrian footpath linking the development site with the nearest shop, Budgens at the Shell garage Westpark, which lies to the north. Occupiers of the dwelling would have to travel for everyday activities work, school, shops, doctors etc. The nearest primary schools are St Johns (approximately 1.4 miles), Isambard Kingdom Brunel or Wellesley Park, all of which again involve a walk along the A38 (West Buckland Road). The nearest secondary school is Wellington School (approximately 1.7 miles) which is an independent day

and boarding school, or Courtfields School which is further away. To access any of the schools by foot would require children to walk along the grass verge of the A38 (West Buckland Road). This lack of local services, facilities and amenities will increase both the use and reliance on the private motor vehicle for occupiers of the proposed dwelling who will be unable to shop, work, access education, eat out or participate in everyday activities without the use of a private motor vehicle which is contrary to policy. It is therefore considered that the proposed development has not demonstrated that it has addressed policy CP1.

Policy CP8 of the Core Strategy further reinforces this Authority's aims of protecting the environment from development in locations outside of settlement boundaries. Policy CP8 states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development outside of settlement boundaries will be permitted in limited circumstances subject to a number of criteria including *"be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and provide for any necessary mitigation measures."* The proposal is for an open market dwelling to be sited in the garden of an existing dwelling, in a countryside location. It is therefore considered not to conserve, protect or enhance the rural landscape. In addition the dwelling itself is large when compared to the established pattern of development for Nursery Lane. A planning condition regarding landscaping to mitigate the proposal could be considered however this is considered insufficient to overcome the proposed dwellings design, appearance and impact on the rural location. The proposed development, if approved, would require a condition for the retention of the existing northern boundary and the trees on site as requested by the Tree Officer, who also has suggested that the dwelling be moved further away from the northern boundary.

The proposed development is therefore considered to have failed to meet the criteria set out in Policy CP8 as it does not protect, conserve or enhance the rural setting.

DM2 offers no support for new build open market dwellings within a countryside location, however, that does not mean the proposed development should be automatically refused. This view is taken from the appeal decision APP/D3315/W/17/3179264 (Bagley Road) where the Planning Inspector concluded that if a use/development is not explicitly listed under Policy DM2, it does not follow that it should be refused. Each planning application is assessed on its own merits and in terms of policy DM2, new build open market, residential development in the countryside has no support. The proposed development would therefore need to be justified as a sustainable location.

Core Strategy policy SP4: Realising the vision for the Rural Area, directs development to the Major Rural Centres in the first instance and secondly to the Minor Rural Centres as defined in policy SP1. When the proposed development is assessed under policy SP1, see above, it was found to be contrary to policy. Consequently the proposed development is considered contrary to policy SP4.

West Buckland Parish Council have supported the approval of this proposed development, however they did not include any valid or relevant planning reasons for their support, which could be addressed within this report.

Given the above it is considered that the proposed development conflicts with policies CP1, CP8, SP4 and DM2 of the Core Strategy and SB1 of the SADMP

therefore the principle of the development is not supported.

10.1.2. Design

The proposed development is for a single storey dwelling, with a maximum roof height of 6m. The height of the eaves varies from 2.2m to 2.8m as the ground gently slopes upwards towards the A38. The proposed materials are a plinth of facing brickwork with render above and concrete interlocking tiles. The windows would be in uPVC with a composite door. It is proposed to install photovoltaic panels on the south-west roof. There is no objection to the proposed materials which reflects the surrounding development.

The single storey dwelling is approximately 14.1m x 7.4m with a forward projection of 6.3m x 10m that includes two bay windows. The roof has a hipped design including over the bay windows. Three bedrooms are proposed and the dwelling has been measured by the CIL Officer as being 185 sqm.

A detached double garage is proposed with a dual pitched roof. No windows or pedestrian doors are proposed. The garage would have one large garage door and be rendered to match the proposed dwelling. The garage would be sited to the north-east of the proposed dwelling in close proximity to the boundary with Llantarnam.

Policy D7 of the SADMP seeks to ensure a high design quality for new developments, as does the Districtwide Design Guide. The proposed development is considered to be acceptable in terms of its design.

Policy D8 of the SADMP addresses 'Safety' for new developments. The proposed dwelling has a legible main entrance and pedestrian/vehicle routes. The dwelling would be set back from the highway and well screened by existing hedgerows which would make 'passive surveillance' unlikely.

Paragraph 126 of the NPPF states that "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". The proposal developments design is not a cause of concern, however its unsustainable location is. In order to be sustainable, the proposed development should be located within a defined settlement boundary as required by planning policy SB1 and SP1.

The general design of the dwelling and garage is considered acceptable. If the dwelling was to be recommended for approval a condition would be required to restrict any additional floors in order to retain the character and appearance of the proposed dwelling, the existing level of screening and to protect the adjacent neighbour Llantarnam which is a single storey dwelling.

The design of the proposed development and the inclusion of a condition regarding additional floors, would not however be sufficient to overcome the objection on its unsustainable location.

10.1.3. 5 Year Housing Supply

Somerset West and Taunton published the 2022 Strategic Housing Employment Land Availability Assessment (SHELAA) in May 2022. The former Taunton Deane

Borough Council (TDBC) Local Planning Authority (LPA) area had a 4.04 Year Housing Land Supply (YHLS).

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.

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.

The agent has raised the issue of a 5YHLS however in view of the above it is considered that there is no absence of a 5YHLS within the former TDBC area. The presumption in favour of sustainable development is therefore not applied (National Planning Policy Framework July 2021 para 11).

10.1.4. Access, Highway Safety and Parking Provision

A 3 bedroom dwelling in this location will need to provide 3 parking spaces to accord with policy A1 of the SADMP. The garage is slightly below the 6m x 6m set for a double garage as its internal measurements are 5.9m x 5.8m however this may be due to distortion of scale from the scanning/uploading process. It would however be acceptable regardless as the internal measurements are only 10cm and 20cm less than that stated in policy A1 which is considered to be de minimis.

Policy A5 of the SADMP requires residential development to be within *"walking distance of, or should have access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities"*. As set out in the section 10.1.1 *The Principle of Development*

in respect of the location and ease of access to services etc, the proposal is not considered to comply with policy A5. This is due to the lack of a safe, secured, lit public footway, the walking distance to a bus stop being approximately 1/2 a mile rather than 400m as required, the nearest Primary School is 1.4 miles away rather than 600m and the nearest shop has no public footway linking it with the development site.

Occupants of the proposed dwelling who wish to cycle to Wellington or Jurston Farm development for work/school purposes, would have to use the busy A38 for part of their journey, which does not have a cycle lane.

Policy CP6 states that *"Development should contribute to reducing the need to travel, improve accessibility to jobs, services and community facilities, and mitigate and adapt to climate change"*.

As previously stated in the section 10.1.1 *The Principle of Development* and reiterated in the above paragraph regarding policy A5, the development is considered to increase the reliance on the private motor car for the occupiers of the proposed new dwelling due to its unsustainable location. It is noted that a path is created by mowing the grass verge from the junction with Nursery Lane with the A38 to Westpark, however this is not considered suitable for pedestrians. This 'mowed path' is provided by Greenacres Touring Park under 'goodwill' for their visitors, however it is considered insufficient to overcome the lack of a safe, secured and lit

pedestrian link from the proposed development side to either Westpark or to Wellington itself. It is therefore considered that the occupants of the proposed new dwelling would be reliant on the use of the private motor car to access facilities and amenities.

Whilst the proposed development can accord with policies A1 of the SADMP, it does not accord with policy A5 of the SADMP and policy CP6 of the Core Strategy.

The agent has referred to paragraph 85 of the NPPF which states that *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport"*. The proposed development is not one that would meet a local business or community need and therefore does not accord with paragraph 85 of the NPPF.

In addition to paragraph 85 the agent has also referred to paragraph 105 of the NPPF which relates to the promotion of sustainable transport and states *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes"*. The nearby development of Jurston Farm is a managed expansion of Wellington town, whereas the proposed development is for one open market dwelling located in the former garden of an adjacent dwelling. As such the proposed development would not *"help to reduce congestion and emissions, and improve air quality and public health"*. The proposed development does not include *"opportunities to maximise sustainable transport solutions"*. As such the proposed development is seen to be in conflict with paragraph 105 of the NPPF.

10.1.5. The impact on the character and appearance of the locality

The design of the proposed development is considered acceptable. As a single storey dwelling the impact would be minimal given the existing level of screening that the site enjoys.

The additional of three vehicles entering/exiting the site will result in an increase in traffic movements, however Nursery Lane has two junctions with the A38 therefore the increase is considered minimal.

The agent has referred to paragraph 80 of the NPPF which relates to the development of isolated homes in the countryside. The proposed open market development site is not considered to be 'isolated' in relation to neighbouring dwellings (of which there are 4 in Nursery Lane), but it is considered to be isolated in terms its access to everyday facilities, services and amenities.

Policy CP4: Housing, of the Core Strategy seeks to maintain a flexible supply of housing stock. This policy states that the delivery should be consistent and within the settlement hierarchy established by policy SP1. The design of the dwelling could be considered acceptable, however when assessed under policy SP1 in paragraph 10.2.1 it was found not to be policy compliant due to its unsustainable location.

It is considered that the proposed development will have minimal impact on the character and appearance of the locality.

The provision of one open market dwelling is however not considered sufficient to overcome the recommendation to refuse due to the open countryside location.

10.1.6. The impact on neighbouring residential amenity

The development site is the former garden of Llantarnam a single storey dwelling to the north-east which is a single storey dwelling sited within an adequate size plot. The neighbours to the west are a terrace of 2 cottages (Ivy Cottages). No. 2 Ivy Cottage has a shared boundary with the development site, however the dwelling itself is sufficient distance from the proposed dwelling so as to have minimal impact. There are a number of outbuildings within the amenity space of No.2 Ivy Cottage including a triple garage close to the boundary with the proposed development site. The erection of a dwelling would therefore result in an increase of domestic noise, however this is considered to be acceptable given its previous use.

Policy D10 of the Site Allocations and Development Management Plan set the minimum gross internal floorspace for new properties. A three bedroom, 6 person single storey dwelling should have a minimum internal floorspace of 95sqm. The proposed development exceeds this figure by 90%, therefore the proposed dwelling could be considered as being overly large. The size of the plot is slightly larger than the neighbouring plot and the proposed dwelling is also larger. The plot can accommodate the proposed open market dwelling and supply amenity space of an appropriate size to accord with policy D12. The proposed dwelling would however be the largest in the surrounding ribbon of development. The local planning authority is not satisfied that the erection of a single storey dwelling on the application site could be achieved without representing a visual intrusion into the character of the surrounding sporadic development and be out of keeping with the established pattern of development.

In view of the above if the recommendation was to approve the proposed development, a condition would be required to removed permitted development rights for additional floors, in order to protect the existing level of amenity. This would not however be sufficient to overcome the unsustainable location.

10.1.7. The impact on trees and landscaping

The supporting Planning Statement refers to paragraph 174 of the NPPF which addresses the need to conserve and enhance the natural environment. As the proposed development relates to an open market dwelling located within the former garden of the adjacent dwelling is it not clear how such a development would conserve or enhance the natural environment.

The Tree Officer requested additional plans to show how the proposed development would avoid damaging the roots of the existing trees, including the tree that is protected by a Tree Preservation Order.

On receipt of the plans the Tree Officer considered that the dwelling should be sited further away from the main highway (A38) to avoid any potential damage to the roadside trees from root damage. This was requested as it is considered necessary to retain the existing screening which would serve those within the development site by reducing traffic noise, headlights etc, and which would screen the development from the highway. If the recommendation was to approve the proposed development the Tree Officer requested conditions for a detail arboricultural method statement and for the protection of existing trees

10.1.8. The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

Somerset West and Taunton has accepted the submitted NNA and produced a sHRA, which has been passed to Natural England who are yet to confirmed their acceptance. It is however highly likely that Natural England will concur that the development has successfully addressed the phosphate matter. Natural England have 21 days in which to provide their comments, which should be submitted no later than 20 October 2022. As stated elsewhere in this report if successful unilateral undertaken will be required to secure the mitigation.

In terms of the sites impact upon ecology Somerset County Council as the county ecologist has requested conditions for the following matters, if the application was to be approved:-

- Lighting for bats
- Hedgerow enhancement method condition
- Nesting birds informative or Bird Box condition

There would be no objection to the inclusion of the above conditions which would be considered as necessary and reasonable, however the recommendation is to refuse the application due to the unsustainable location of the proposed development.

10.1.9. Waste/Recycling facilities

The plot size is large enough to provide waste/recycling facilities without impacting on neighbours or the highway. The recommendation is however to refuse the proposed development due to its unsustainable location.

10.1.10. Flood risk and energy efficiency

The site is outside of flood risk as it lies within in Flood Zone 1

The proposal does include photovoltaic panels 2m x 1.7m (3.4 sqm) on the south west elevation.

10.1.11. Any other matters

Seven letters of support have been received.

Residents would welcome the proposed development as it would tidy up an overgrown and neglected area including a hedgerow, however the maintenance of the site is not dependant on the area being developed. It is unclear as to why developing the overgrown area would improve Nursery Lane socially as no evidence of anti-social behaviour has been submitted.

Several of the letters of support have referred to the development under construction at Jurston Farm, which is a planned urban extension to Wellington, and cannot see any problems with the proposed development. The Jurston Farm development site however offers wider community benefit in terms of a Local Centre, primary school, affordable housing and areas of public open space. A cycle/public footway from the Jurston Farm development adjacent to the A38 was included in the outline application 43/14/0130 however this is yet to be delivered. It would however be located on the opposite side of the A38 from the Nursery Lane junction and therefore would not provide a public footpath from the development site to Westpark which is where the traffic island/crossing point is located.

One letter has stated the proposed development will be built sympathetically to the environment, however it is unclear what this means, as this application has not been described as an 'Eco home'. Another letter states that the design and materials blend with the existing dwelling, which is considered to be a reasonable comment based on the submitted plans for the proposed development

The use of a single storey design has been welcomed as being inclusive for those with mobility/additional needs, which is lacking from other nearby developments. The local planning authority would agree with this view and if, the proposed development was being recommended for approval, would have included a planning condition to remove permitted development rights for additional floors. This would ensure the development would remain as a single storey dwelling and to address loss of amenity/overlooking concerns for the adjacent single storey dwelling Llantarnam.

It is not clear why developing the site is acceptable, just because it would allow new neighbours to enjoy the *'beautiful views and amenity's the surrounding area has to offer'*. This statement would seem to suggest that more development in such locations should be allowed, which would be contrary to planning policy.

The comments regarding solar panels aiding sustainability is accepted, however it is not considered sufficient to overcome the unsustainable location.

The visibility splays are provided on land within the ownership of the site, therefore it is unclear why they would 'upgrade' the road, especially as it would result in an additional access on a narrow lane. It is a matter for owners/occupiers to maintain their boundaries, as Somerset County Council is only liable for hedgerows etc on their own land.

It is considered that the increase in traffic movements is minimal, however the dwelling will have to provide parking for 3 vehicles. Three vehicles entering/exiting the site at various times of day is considered to be a minimal increase in traffic movements rather than negligible one.

There is a hairdressers adjacent to the site, however it would be a matter for the occupier(s) of the new dwelling to choose to use this service.

It has been noted that Greenacres Caravan Site cuts the grass of the verge adjacent to the A38 and to the south of the caravan to create an informal path for their guest and others to walk, however these routes are informal and therefore not considered a safe access route. Furthermore neither has the benefit of street lighting.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwelling is CIL liable and the proposed development measures approx. 185sqm.

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 £23,250.00. With index linking this increases to approximately

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 The NPPF in paragraph 197 identifies the following three points that local planning authorities should take into account when determining planning applications:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Points a) and b) above are not relevant to this application as they relate to heritage assets, however c) relates to the "*desirability of new development to make a positive contribution to the local character and distinctiveness*". The proposed developments design is considered to reflect the surrounding development which has a mixture of design types and plot sizes, however the main issue is one of an unsustainable location, which this planning application has failed to overcome.

12.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused due to the development sites unsustainable location as identified in planning policy as outlined above.

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/ Reason/s for refusal

- 1 The proposed development is outside the defined settlement limit of Wellington, within open countryside. The site is located in an unsustainable location with no bus service and limited facilities nearby. Occupiers of the proposed development will be reliant on private cars to access services, facilities and amenities that are not available within safe walking distance of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Application Details	
Application Reference Number:	42/22/0043
Application Type:	Section 73 – Variation of Condition
Description	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
Site Address:	Orchard Grove, Land off Comeytrowe Lane, 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 s.fox@somersetwestandtaunton.gov.uk 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: planning@somersetwestandtaunton.gov.uk
Agent:	Boyer Planning
Applicant:	TAYLOR WIMPEY UK LTD, VISTRY WESTERN, SUMMERFIELD DEVELOPMENTS
Reason for reporting application to Members:	Each stage of the Comeytrowe 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 The application seeks permission for alterations to an approved scheme for utility infrastructure to support the Comeytrowe Garden Community. After consideration of all representations, planning policy and material considerations including the planning history, the scope of the application and the knock-on benefits of the scheme 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

None, the outline consent for the Comeytrove Garden Community (Orchard Grove) is subject to a site wide s106 agreement.

3.2 Conditions (see Appendix 1 for full wording)

- 1) Time Limit
- 2) Drawing numbers
- 3) Construction Environmental Management Plan (Traffic) compliance
- 4) Construction Environmental Management Plan (Biodiversity) compliance
- 5) Lighting Details compliance
- 6) Landscaping plan compliance and protection
- 7) Access and Highway Works implementation
- 8) Odour and Noise Monitoring Plan compliance
- 9) Prevention of Galmington Stream connection
- 10) Noise emission restrictions

3.3 Informatives (see Appendix 1 for full wording)

- 1) Statement of positive working

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

Details of proposal

- 4.1 The application seeks to vary Condition 02 of planning consent 42/20/0042 to allow for the inclusion of a turning head at the entrance to the approved utility infrastructure compound
- 4.2 Planning Permission 42/20/0042 was granted on 8 April 2021 for the: "Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2,000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull". This followed extensive consideration at Planning Committee.
- 4.3 The development approved by 42/20/0042 started on 21/12/2021 and is ongoing. The effect of this new varied application being approved will be the granting of separate consent to that previously (42/20/0042). As such the applicant will need to formally switch to implement this consent. Albeit unlikely the applicant could choose to continue and complete the development in accordance with 42/20/0442. All conditions relating to 42/20/0042 have been discharged which means all relevant conditions imposed or details thereby agreed for 42/20/0042 will be reimposed on this consent.

- 4.4 The need for the variation of the approved plans has been prompted by the fact Comeytrowe Lane is to be closed to through vehicular traffic via a Traffic Regulation Order (TRO) because it is to be dissected by the new development spine road in the near future. As part of the TRO process the need for vehicles to turn at what will become a dead-end for motorised vehicles became apparent. A smaller turning head/access had been already approved under application 42/20/0042 but this needed to be increased in size once the scope of the TRO was understood. This has also impacted on a planned cycle route which will now receive a dedicated space within the development instead of the previously approved shared arrangement.
- 4.5 In addition to the turning head changes and cycle way modifications a new surface water attenuation basin has been provided to drain the new areas of hardstanding plus the adopted highway aiding a locally known issue with flooding.
- 4.6 The applicant also sets out two minor changes to the utility compounds –
- Increase permitter fencing area to sewerage pumping station, and
 - The Gas Governor has been rotated to accommodate the segregated cycle path meaning the parking/access area for this has also moved.
- 4.7 Whilst the previous application attracted significant objection and public interest, this application, by definition, has a narrower focus, to consider whether the specified changes are acceptable or not. The principle of the utility infrastructure development has been accepted and refusing this application will not affect whether the sewerage pumping station, gas governor and water booster goes ahead or not, albeit a different approach to delivering a turning head will need to be found. This may delay the closure of Comeytrowe Lane, the completion of the Spine Road and future access to the completed Primary School.

Site and surroundings

- 4.8 Outline consent with reserved matters approval exists for the use of the host field as Public Open Space and the siting of a NEAP (neighbourhood equipped area of play), known as Horts Bridge Park, as part of the Comeytrowe Garden Community.
- 4.9 This section of field is bound by the Galmington Stream to the east, Comeytrowe Lane to the west and residential development along the northern boundary and northwest corner. One outlier property, Honeysuckle House is located off Comeytrowe Lane adjacent to the existing field gate from where access to this parcel of land is derived. To the south is currently agricultural land, due to form part of the wider garden community in time.

- 4.10 The host field was in agricultural use until works pursuant to 42/20/0042 were implemented. Contours are such that the land rises by nearly 2m from the application site area to the southern boundary of the field.
- 4.11 There is currently no public right of access over the land, the Galmington Stream supports a group Tree Preservation Order and parts of the field are in Flood Zones 2 and 3 although the site of the three elements are within Flood Zone 1. The site is not near any Conservation Area and the nearest listed building is located approx. 115m to the north/north-west, Comeytrowe Manor.

5. Relevant Planning History

Reference	Description	Decision	Date
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
42/20/0024	Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrowe/Trull	Withdrawn on procedural grounds – not a Reserved Matters	10 August 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 Comeytrowe/Trull	Approved	08 April 2021
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

42/14/0069	Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility	Approved	8 August 2019
Members will be aware of a number of Reserved Matters applications approved for housing on the wider site.			

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 was accompanied by an ES so this application is a subsequent application under (i), but is not subject to its own a screening opinion and not accompanied by its own ES under (ii) and (iii).
- 6.4 The Council therefore has to assess whether the information it has within the outline ES is sufficient to determine the application now before it. The Council was of the view that based on the information submitted with and subsequently acquired in connection with the previous application 42/20/0042 was adequate to form the view that application would not have any further environmental effects. As such no formal request under Reg 25 of the EIA regulations has been necessary.
- 6.5 This application under section 73 raise far fewer environmental impacts than the previous application, demonstrated by the key issue being highway safety.
- 6.6 The conclusions hereon are such that the Council considers the application will not have significant environmental effects as a result of the change to the overall development and a further environmental statement is not required.

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 proposal will not increase nutrient loadings at the catchment's waste water treatment works.
- 7.2 This was also the view taken on the previous application because the Council is satisfied that as the development does not actually produce the waste and is merely a conduit from housing that itself is subject the HRA assessment, that a HRA for this application is not required as it is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.
- 7.3 It remains the case that future Reserved Matters housing application will need to show phosphate neutrality.

8. Consultation and Representations

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

Date of Consultation: 01 July 2022

Date of revised consultation (if applicable): N/A

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. The following statutory consultees were consulted on this application:

Statutory consultee	Comments	Officer comments
Trull Parish Council	<p><i>Trull Parish Council would like to register its objection to the application 42/22/0043 for the following reasons:</i></p> <p><i>1) The premise of creating a turning head across a cycleway/footway is flawed. If a new turning head is needed due to the formation of a cul-de-sac then the cycleway/footway needs to be rerouted around Honeysuckle Cottage to join the cycleway on the south west side of the house.</i></p> <p><i>2) The applicants' state that they have taken the opportunity to increase the 'perimeter' of the compound; how do they intend to increase it? This is unclear from the plans.</i></p>	<p>1) Refer to Highway comments in this table and assessment at Paragraph 12.3 onwards.</p> <p>2)The fence is to be set out further.</p> <p>3)The case officer and report author gave advice.</p>

	3) <i>In addition, the name of the Officer giving pre-application advice is not available as required.</i>	
Comeytrowe PC (Neighbouring Parish)	Continue to OBJECT and recommend refusal on the grounds of safety of other road users.	Refer to Highway comments in this table and assessment at Paragraph 12.3 onwards.
Bishops Hull Parish Council (Neighbouring Parish)	<i>No comments to make.</i>	No action necessary.
Highway Authority - SCC	<p>On the receipt of additional information – No objections. The comments of the Highway Authority are attached as Appendix 2.</p> <p>On the original plans - <i>No Objections.</i> <i>“Summary:</i> <i>Highways Development Management is in receipt of the above planning application submission, for which we have reviewed the highways and transportation aspects of the proposal and have the following observations to make.</i> <i>A summary of the highway comments is as follows:</i></p> <ul style="list-style-type: none"> <i>• The principle of the access to the pumping station site was agreed as part of planning application 42/20/0042, which was approved on 8th April 2001 having been considered at Planning Committee. The highway authority raised no objection to that proposal and the principle of the access remains acceptable.</i> <i>• The submission includes a revised arrangement for the Comeytrowe Lane turning head and the pedestrian / cycle crossing, and this now segregates non-motorised users from the pumping station vehicular access. This is considered to be an overall improvement as compared with the approved layout.</i> <i>• Vehicles serving the pumping station would be expected to turn within the site itself. The proposed turning head would only be used by vehicles serving the adjacent residential dwellings. The principle of closing Comeytrowe Lane to</i> 	No action necessary.

	<p><i>motorised traffic has been agreed, and a Prohibition of Vehicles Order for Comeytrowe Lane was sealed by Somerset County Council in June 2022.</i></p> <ul style="list-style-type: none"> <i>The highway authority has undertaken a full technical audit review of the revised proposals, and this has included the submission of a Stage 2 Road Safety Audit. Subject to some minor clarifications, it is anticipated that the audit will be approved in the near future.</i> <p><i>Having reviewed the proposals, the highway authority raises no objection to the variation of the planning condition".</i></p> <p><i>A set of full comments are available online.</i></p>	
Environment Agency	No comments to make.	No further action.
Lead Local Flood Authority (LLFA) - SCC	<p><i>"From our review of these drawings we are satisfied that the proposed amendments to the scheme manage overland flow routing in the same way as the original scheme. The proposal is for the surface water runoff from this area to be conveyed to an attenuation basin and then discharged to the nearby watercourse. This is acceptable in principle but no details have been submitted to confirm that the new arrangement and the associated area of impermeable surfacing can be accommodated in the proposed attenuation basin. Subject to confirmation of these details, and based on the available information, the proposal is acceptable to the LLFA and constitutes no fundamental change to the previously approved scheme".</i></p>	Discussions with the LLFA are ongoing, a written/verbal update will be given.

8.2 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
SWT Green Infrastructure Officer	Comments relating to surface treatments, bollards and encouragement for more trees.	Noted, the number and alignment of bollards has been revised.
SWT Environmental Health	Ensure previous conditions are re-imposed.	All previous conditions are carried forward.
Taunton Area Cycling	1) <i>SCC refer to the use of staggered barriers. This seems to be against the spirit on Gear Change and may make</i>	1) The staggered barriers have been included to

Campaign (TACC)	<p><i>access difficult for some types of bikes. Sustrans are actively removing barriers on their routes. Barriers often don't achieve what the designers intention, as most people go around them. It seems odd that a few turning vehicles has priority over what could be a strategic active travel route. Surely the priorities should be reversed?</i></p> <p><i>2) I see on the detailed plan that the pink paths are designated as footways. Surely this should say cycle and path?</i></p> <p><i>3) It is good to see how the linkage to Lloyd Close will be provided. Is there now a planned date for opening this?</i></p> <p><i>4) Comeytrowe Lane is a really usefully low traffic route towards W Buckland for people walking and cycling. Hopefully there is a crossing of the spine road to enable its safe use?</i></p> <p><i>5) There are issues with the geometry where the 4 paths meet.</i></p>	<p>appease local concerns. They can be removed from the plan should Councillors wish.</p> <p>2) The path is shared.</p> <p>3) It should be completed in tandem with the turning head.</p> <p>4) Application 42/19/0053 did not contain a crossing.</p> <p>5) This has already been approved via application 42/19/0053.</p>
SCC Ecologist	<p>The changes do not implicate on the effectiveness of the previously imposed conditions.</p> <p><i>"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".</i></p>	<p>All previous conditions are carried forward.</p>
SWT Tree Officer	<p>No objections.</p>	<p>No action necessary.</p>

8.3 Local representation

8.3.1 This application was publicised by 131 letters of notification to neighbouring properties and a site notice was displayed at the site entrance onto Comeytrowe Lane on 11 July 2022.

8.3.2 9 individuals/households have raised objection. Some multiple times.

Comment	Officer comment
Highway Safety	
<i>"Varying Condition 02 in the way proposed will put existing and future residents of the entire area at an unacceptable risk of injury and death for the foreseeable future. It will create exactly the type of development that so many people argued should not be permitted when 42/20/0042 was considered".</i>	The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.
<i>"Permitting a turning head that will allow HGVs to reverse turn over a 4-way cycling and pedestrian interchange will lead to totally avoidable accidents".</i>	The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.
<i>"The proposed turning head will be used by a wide variety of users other than the refuse services including the daily pick-up and drop-off of school children by parents in cars".</i>	This specific point is addressed at Paragraph 12.12; double yellow lines are proposed.
<i>"I live in Honeysuckle House, my driveway is positioned closer to where the road will be closed than the proposed turning head. No consideration seems to have been made for the fact that my driveway WILL be used as a turning head as it is closer to the closed road than the proposed turning head at the entrance of the pumping station. This is a fact, our driveway WILL be used as THE turning head, UNLESS the turning head is positioned closer to where the road is being closed than our driveway".</i>	The Highway Authority has deemed the position of the bollards to be appropriate. This specific comment is equally applicable to the TRO process and has been forwarded to the Highway Authority for review. Signage is proposed to indicate a no-through road.
<i>"As a parent of two children who will make use of the footpath/cyclepath I am fearful of their safety around reversing refuse trucks. Surely the safety of pedestrians and cyclists, especially children, should be paramount when planning any new walking/cycling routes".</i>	The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.
<i>"It would be difficult to imagine a more-perverse location for this turning-head. Here, the lane is narrow, and without pavements. Even when it is less-restricted, post-development, it will become a crossing-point, for strategic pedestrian and cyclists' routes to and from the Urban Extension, and into Horts Park. The developers conveniently fail to provide a single plan showing the pedestrian and cycle links through this crossroads, across the compound, and out to east and west, overlaid with the tracking details of the</i>	The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.

<p><i>longest HGV permitted site-access. On the diagrams, that length is restricted to 10m - is that truly representative of all the HGV's required for construction, maintenance, and emergency-vehicles ? The Applicants blithely assert that "The updated cycle way proposals are very much a betterment for cyclists". Cyclists, pedestrians, and unaccompanied HGV drivers, misled by their satnav's, may beg to differ. HGV's attending either the gas- or water-pumps will, apparently, block vehicular access to the sewage-pumping equipment".</i></p>	
<p><i>"I am writing to you as I consider this is not really a planning matter but a serious breach of Highway Safety if it is allowed in its present form, and way beyond the nuances of a planning matter. The companies responsible have an obligation under the Health and Safety Regulation (CDM Regulations) to design out such risks".</i></p>	<p>Noted.</p>
<p><i>"Unlike the approach from the west there is no physical barrier preventing cyclists or pedestrians emerging from the east, i.e. the planned Horts Bridge Park, and then unwittingly coming into contact with an HGV refuse or service vehicle reversing across the turning head. The mitigation measures shown in the new diagrams fail to address the risk of conflict at the centre of this application site. The various mitigation measures proposed will not make the junction safe. They might enable some to avoid responsibility for accidents - although in the case of children harmed whilst attempting to cycle and walk from their homes to the new primary school, we are not so sure".</i></p>	<p>Advanced signage, markings and bollards, plus forward visibility all mitigate the risk. The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.</p>
<p><i>"This application is at odds with the Manual for Streets which states: - 6.8.8 Reversing causes a disproportionately large number of vehicle accidents in the waste/recycling industry. Injuries to collection workers or members of the general public are invariably severe or fatal. 7.10.3 Routing for waste vehicles should be determined at the concept masterplan or scheme design stage. Wherever possible routing should be configured so that the refuse collection can be made without the</i></p>	<p>See Paragraph 12.9. The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.</p>

<i>need for the vehicle having to reverse, as turning heads may be obstructed by parked vehicles and reversing refuse vehicles create a risk to other street users.” The new documents show the application does not follow this national guidance”.</i>	
<i>The turning head will be used by sewage, gas, water and park service vehicles, visitors to the park dropping people off, visitors to Honeysuckle House and parents dropping off their children so they walk to the primary school.</i>	Double yellow lines are to be employed, droppable bollards provide access for maintenance vehicles.
Surface Water Drainage	
<i>“The Applicants make passing reference to their new, unapproved, surface-water drainage arrangements. They do mention that they have eliminated the 3 on-site attenuation-basins (previously approved); they fail to mention their new, larger, open pond, now straddling the north-east plot-boundary. This will be fed by 3 new highway drains, each piped under the Lane, dog-legging through the site, to discharge into the pond. Another unremarked change is that the existing open ditch on the west side of the Lane, will now be culverted under the Lane, into a field drain which by-passes the new pond, but joins the drain exiting the proposed pond, to flow directly, into the Galmington Stream. There are no details whatsoever of pipe-diameters, the pond-capacity, or the relevant levels. These latest plans continue to show exceedance-paths across the compound, and on its dedicated footpaths. Local residents who long ago, submitted vivid evidence of flooding blocking the Lane, and ponding of the Stream, will seek further reassurance that this proposal is, as claimed, an improvement, and that it is acceptable to SCC Highways and the LLFA”.</i>	The 3 depressions previously approved have been replaced by a more formal attenuation basin, that not only takes water from the new hardstanding areas but also the adopted highway, which the writer explains has flooded in the past. Water will be held before being discharge into the Galmington Stream. The Highway Authority and the LLFA have no objections.
General comments	
The entire pumping station infrastructure was an afterthought, not part of the masterplan and will be ugly. The facilities could have been located elsewhere.	This comment was made extensively in objection to the previous application, which was then approved and that approval is material to this application.
Concern over plan labelling.	See Paragraph 12.24.
The history of the site through the eyes of an objector is given.	All decisions are made democratically, no other comments to make.

- 8.3.3 One letter from a ward councillor (Cllr Farbahi) was received (commenting on the original plans):

"I am really concerned about the current plans for this turning head in the proposed location, it is unsafe and a potential accident spot, with complications of a cycle and footway crossing including the reversing lorries, this must be a serious Highway and safety concerns and rejected outright. Our nearby residents have already gone through an unbelievable anxiety over the last 2 years and a little care and understanding in-order to come up with a better and safer plan must be a priority. The consortiums have ownership of the whole development site and an alternative can be found slightly further up the current proposed site. Please reject the current application and request a safer turning point. Public safety should not be compromised".

- 8.3.4 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 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.

Core Strategy 2012

SD1 - Presumption in favour of sustainable development

CP7 - Infrastructure

CP8 - Environment
DM1 - General requirements

Site Allocations and Development Management Plan 2016

ENV1 - Protection of trees, woodland, orchards and hedgerows

ENV2 - Tree planting within new developments

ENV5 - Development in vicinity of rivers and canals

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

Other relevant policy documents

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

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. Those relevant to this application:

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

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
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

10. Local Finance Considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

11. Material Planning Considerations

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

- The principle of development
- Highway Safety
- Surface Water Drainage
- Visual Amenity

Principle of Development

- 11.2 The previous approval of application 42/20/0042 followed extensive scrutiny by the public and by planning committee members in February 2021. The planning committee followed a Members Briefing with Wessex Water. Post decision a complaint from a member of the public to the Local Government Ombudsman triggered a robust investigation by the LGO which found no fault in the way the Officer had assessed the application and the manner in which the Council had reached its decision.
- 11.3 That approval has been implemented, conditions have been discharged and work continues on site. This application seeks a very specific minor, but material, alterations to the approved plans. These changes are set out in Section 4 but to repeat the primary change is to enlarge and realign the approved access to create an adoptable turning head with associated changes to drainage, plus to enlarge the area of approved permitter fencing area to the sewerage pumping station, and rotate the approved Gas Governor to accommodate a segregated cycle path meaning the parking area for this has also moved.
- 11.4 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.
- 11.5 The relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. This project relates to a previous approval to support a housing allocation with outline consent and various parcels with detailed permission. The challenge is to ensure sustainable development is secured, within the established legal framework to maintain momentum in housing delivery.
- 11.6 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

Highway Implications

- 11.7 The need for the enlarged turning head originates from discussions with the Highway Authority about a Traffic Regulation Order to close Comeytrowe

Lane at a point southwest of the access point to vehicular traffic due to the impending severance of Comeytrowe Lane by the spine road linking the A38 to Honiton Road, a detail that was omitted from the outline consent.

- 11.8 An access come turning head was actually approved via the previous application but it was not large enough to cater for all vehicles that may need to turn once Comeytrowe Lane is closed to vehicular traffic just to the southwest of the site. To utilise this access as a larger turning head saves excavating elsewhere as the land rises to form high banks as Comeytrowe Lane passes what will become the last accessible dwelling, Honeysuckle House.
- 11.9 The enlarged turning head/access will be used for the weekly/fortnightly/three weekly refuse/recycling collections, delivery drivers, visitors to nearby residential dwellings that don't have on-site parking and turning and any other vehicle which doesn't yield the 'no through road/dead-end' advanced signage. The previous application approved the access for use by service vehicles associated with the utility infrastructure and those associated with the ongoing maintenance of the planned Horts Bridge Park, which will be infrequent. It should be remembered the access already existed as a field gate to the agricultural parcel of land which will now cease use as such.
- 11.10 In addition to the closure of Comeytrowe Lane and the through traffic which will now be directed via the A38 onto the spine road to then turn back onto Comeytrowe Lane on the south side of the spine road, the traffic environment has already changed significantly in this area by the closure of the Industrial Estate. In time, the traffic volume at this point of Comeytrowe Lane will be significantly less than before.
- 11.11 The considered view of the Highway Authority, mindful of this context is that there is no objection. The Highway Authority has been provided with and commented on specific detailed representations from two local residents.
- 11.12 The concern expressed by local residents regarding their perceived conflict of the cycle path with vehicles, especially HGVs using the turning head is understood. However suitable visibility exists and advanced signage to warn cyclists and pedestrians will form part of the approved plans and requirements of the Highway Authority through the interlinked, but separate, Technical Approval process that all new roads and highway interventions go through. The view of TACC is noted with respect to priorities and the use of staggered barriers.
- 11.13 Consultation with the Somerset Waste Partnership indicates when their vehicles reverse, they are guided by a reversing assistant. The assistant checks the area is safe to perform the manoeuvre before the vehicle starts reversing.

- 11.14 In seeking the provision of an adoptable turning head the Highway Authority has also required the developer to provide a raised table at the juncture with Comeytrowe Lane. This will aid the reduction of traffic speed and heighten awareness at this juncture.
- 11.15 It is also material that the cycle path within the Manor Park area to the north, exiting onto Comeytrowe Lane and the access from Comeytrowe Lane through Horts Bridge Park, where the utility infrastructure will be sited, is already approved. The cycle path will go through Horts Bridge Park and will cross Comeytrowe Road to meet Lloyd Close and onwards along the Galmington Stream towards the town centre, crossing the non-signalised and arguable much busier roads of Queensway and Claremont Drive.
- 11.16 Other concerns such as use of the turning head as parking will be managed by the Highway Authority/Police in the same way any other turning head in the county is managed; the plans show double yellow lines will be employed.
- 11.17 Policy ENV5 encourages public access to, along and from the waterway. The promotion of cycling and walking is a key objective in the fight against Climate Change.
- 11.18 The development is considered to accord with CS Policy DM1 and SADMP Policies D9 and ENV5.

Surface Water Drainage

- 11.19 In seeking the provision of an adoptable turning head the Highway Authority has also required the developer to provide a raised table at the juncture with Comeytrowe Lane. As this will interrupt surface water flows on the highway (from rain falling on Comeytrowe Lane to the southwest and running downhill) a drain has been provided which takes this water via a pipe under the proposed turning head to a new attenuation basin. This basin replaces three previously approved depressions that would have captured run-off from new areas of hardstanding. The surface water flow on the highway would have otherwise pooled at the lowest point around the former Industrial Estate access, and so this seeks to help resolve the severity of those situations. The basin will hold the water and then release slowly into the Galmington Stream.
- 11.20 The Highway Authority have no objections and a final query from the LLFA is being resolved; an update on which will be given.
- 11.21 Due to the detail now contained in this application the previously imposed condition relating to surface water drainage is no longer required.

- 11.22 The development is considered to accord with CS Policies CP7, CP8 and DM1 and NP Policy F1.

Visual and Residential Amenity

- 11.23 The proposed changes do not change the view taken previously that this development will, in time, assimilate into the approved Horts Bridge Park, aided by landscaping.
- 11.24 In terms of residential amenity, which was thoroughly assessed previously the changes proposed do not bring about any greater concerns. The Gas Governor is an equal or greater distance from Honeysuckle House than as approved, and the reorientation of the unit and the parking area will have little additional impact.
- 11.25 Additional tree planting was previously secured to accord with SADMP Policy ENV2. This also accords with NP Policy E2.
- 11.26 The development is considered to accord with CS Policies CP8 and DM1.

Other Matters

- 11.27 This application is not assessed to give rise to any other impacts on matters such as ecology, pollution and heritage over and above that considered as part of the previous application.
- 11.28 A specific concern has been raised about the labelling of certain plans as 'Not Technically Approved' implying the detail is in some way not valid to assess. In response, this annotation is on those plans that have been submitted to the Highway Authority through the TRO process and were not obviously technically approved at the time of submission, the label does not make them unable to comprise approved plans for planning purposes are in all other respects are to scale and are accurate, so this is regarded as a red herring.
- 11.29 This application is made under section 73 of the Town and Country Planning Act to vary conditions to application 42/20/0042. The effect of approving this application would be to issue a new but parallel permission to that original one. As such conditions will be imposed to maintain all the controls imposed previously.

12. Planning Balance and Conclusion

- 12.1. The principle of development has been established. The issues raised by the proposed variation have been assessed and addressed in this report. It is considered the proposal accords with the Development Plan when viewed as a whole. 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.

- 12.2. In preparing this report the Case 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 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 and documents:
DrNo BRL_PL007 Rev J Landscape Proposals, as amended by the email 05/02/2021
DrNo BRL_PL008 RevD Site Location Plan
DrNo 1083/02-SK-2012 RevC Layout, as amended by the email 05/02/2021
DrNo 1083/02-SK-2013 RevB Tracking Sheet
DrNo 1083/02-SK-2015 RevC Surface Water and Overland Flow Path
DrNo 1083/03-J-DR-1001 RevF Offsite Drainage Plan
DrNo GTC-AFV/MPLP/PRT/10810-AS Kiosk Base Details & Specification
Planning Statement – Pumping Station Application (Ref: 42/20/0042), received 04/02/2021
DrNo 1083-03-J-GA-1001 RevE Offsite General Arrangement Plan- Comeytrowe Lane Turning Head and Cycleway Link
DrNo 1083/03-J-GA-1051 RevC Offsite Signs and Lines Plan
DrNo 1083/03-J-HW-1051 RevC Offsite Visibility Plan
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby approved shall be carried out in accordance with the AWP – Construction Environment Management Plan (Construction Method Statement, Comeytrowe, Taunton – Pump Station, Project 1083, Revision C 11/02/2022 (inclusive of a Groundfix CEMP dated 1903/2021) and the Email from Lawrence Turner, Boyer Planning, 17/12/2021.
This agreed Construction Environmental Management Plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. Where there is any conflict or contradiction between the AWP CEMP and the Groundfix CEMP the AWP CEMP shall take precedence.
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.
4. The development hereby approved shall be carried out in accordance with the EDP – Construction Environment Management Plan (CEMP) Biodiversity – Foul Pumping Station, edp782_r073a, dated 13/10/2021. This 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 listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policies CP8 and DM1 of the Taunton Deane Core Strategy.

5. No additional lighting other than that specified in the Email from Lawrence Turner, Boyer Planning dated 02/12/2021 inclusive of Email from David Nottingham dated 02/12/2021 (explaining the circumstances for use of lighting) and attaching Kingfisher Lighting Datasheet Extract, Issue D Submission 05 November 2021. The external lighting hereby approved shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained in accordance thereafter. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

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

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

7. The development shall not be brought into use until the access and highway works shown on drawings DrNo 1083/02-SK-2012 RevC and DrNo BRL_PL007 Rev J has been provided, in accordance with details approved in writing by the Local Planning Authority (in consultation with Somerset County Council). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter. Thereon the vehicular access shall only be used by service vehicles in connection with the Sewerage Pumping Station, Water Booster, Gas Reducing Station, Horts Bridge Park or the continued use of the field for agricultural purposes only (as well as cycles and pedestrians) and shall be retained and controlled as such at all times by means of lockable bollards as shown on drawing DrNo 1083/02-SK-2012 RevC.

Reason: To ensure that the development is served by an adequate means of access and in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy. The access off Comeytrowe Lane has not been applied for and assessed for use by all types of traffic, but it is accepted that access by cycles and pedestrians is allowed by the outline

application 42/14/0069 and this application seeks access only for service vehicles in connection with the Sewerage Pumping Station, Water Booster, Gas Reducing Station, Horts Bridge Park or agricultural vehicles in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The development shall be subject to the review mechanisms approved under application 42/20/0042 namely the Brookbanks – Comeytrowe Noise Mitigation Strategy – Document Ref 10603NMS01 Rev2, dated 03/12/2021 and the Brookbanks – Comeytrowe Odour Monitoring Strategy – Document Ref 10603ONMS01 Rev2, dated 03/12/2021. Unless otherwise agreed in writing by the Local Planning Authority the review mechanism shall include noise and odour surveys at 50, 250, 750 and 2000 occupations at the Comeytrowe Garden Community and also an operational health-check of the sewerage pumping station if operated by a NAV (New Appointments and Variations). The assessments shall be carried out in accordance with British Standard BS4142:2014 (+A1 2019). If the survey results show non-compliance with British Standard BS4142:2014 (+A1 2019) then suitable mitigation shall be submitted to and agreed by the Local Planning Authority along with a timescale for that remediation to take place. The remediation shall thereafter be carried out in full accordance within the agreed timescale.
Reason: In the interests of residential amenity and the safe, pleasant and efficient use of Horts Bridge Park in accordance with Policy CP8 of the Taunton Deane Core Strategy.
9. There shall be no physical piped connection directly or indirectly between the sewerage pumping station and the Galmington Stream.
Reason: In the interests of pollution control and environmental protection in accordance with Policy CP8 of the Taunton Deane Core Strategy.
10. Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at any point on the boundary of a residential premises. Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above. For the purposes of this permission background levels shall be those levels of noise which occur at the time of the readings in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 15 minutes, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To safeguard the residential amenity of adjacent residential properties to accord with the aims and objectives of the National Planning Policy Framework.

Notes

1. In accordance with the National Planning Policy Framework the Council and relevant statutory consultees have worked in a constructive and creative way

with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.

Appendix 2 - Highway Authority comments dated 23 September 2022.

Appendix 3 - Officer Report, Committee Update sheet and Decision Notice on previous application 42/20/0042

Somerset County Council Highways

RESPONSE TO DEVELOPMENT MANAGEMENT CONSULTATION REQUEST

Application number: 42/22/0043

Our reference:

Application Title and location:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR 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

No Objection / comments	x
No Objection subject to conditions and/or S106 obligations detailed below	
Object/Recommend refusal. See full comments below	
Scope for revision. See full comments	

Summary:

Highways Development Management is in receipt of the above application and has been asked to provide comment on the amended plans which have been submitted by the applicant in response to the previous observations which have been provided by the statutory consultees. Below is a summary of the Highway Authority's comments thus far.

- The principle of the access to the pumping station site was agreed as part of planning application 42/20/0042, which was approved on 8th April 2021 having been considered at Planning Committee. The highway authority raised no objection to that proposal and the principle of the access remains acceptable.
- The submission includes a revised arrangement for the Comeytrowe Lane turning head and the pedestrian / cycle crossing, and this now segregates non-motorised users from the pumping station vehicular access. This is considered to be an overall improvement as compared with the approved layout.
- Vehicles serving the pumping station would be expected to turn within the site itself. The proposed turning head would only be used by vehicles serving the adjacent residential dwellings. The principle of closing Comeytrowe Lane to motorised traffic has been agreed, and a Prohibition of Vehicles Order for Comeytrowe Lane was sealed by Somerset County Council in June 2022.
- The highway authority has undertaken a full technical audit review of the revised proposals, and this has included the submission of a Stage 2 Road Safety Audit. Subject to some minor clarifications, it is anticipated that the audit will be approved in the near future.
- No objection was raised to the scheme on the 20th of July whilst an additional response on the 8th of August provided further clarification to the Local Planning Authority.

Having reviewed the package of amended plans the Highway Authority maintains its position of no objection and its reasoning is set out below.

Full comments:

The following comments are associated with the following drawings:

1083-J-DR-1001-F
1083-02-SK-2012-C
1083-02-SK-2013-B
1083-02-SK-2015-C
1083-03-J-GA-1001-E
1083-03-J-GA-1051-C
1083-03-J-HW-1051-C

The above drawings are the result of the full technical audit undertaken by the Highway Authority and having reviewed them we are satisfied that all the elements which have previously been outstanding have now been addressed as a consequence these drawings are considered to be acceptable in highways terms.

Having reviewed the online portal I note that there are a number of objections raised by local residents of the location of the turning head. The Highway Authority note's these concerns, however the position of the turning head has been done in conjunction with the recently permitted Traffic Regulation Order for the prohibition of motor vehicles. The turning head itself is required for those which have looked to use Comeytrowe Lane and found that it is no longer possible for motor vehicles and to minimise the distance a vehicle would need to reverse should they be required to do so.

Regarding the concerns related to the Traffic Regulation Order (TRO) making no reference to the wider planning history which has been associated with the pumping station compound. It should be noted that the TRO comes under separate legislation and processes to that of the planning system, consequently although the TRO would have been associated with the planning consent it does not need to include the history associated with it.

Finally, the Highway Authority understands that there were previous concerns over the change in priority for pedestrians and cyclists who would be crossing Comeytrowe Lane. Drawing 1083-03-J-GA-1051 Rev C provides details of the on and off carriageway signage which will be provided when the scheme is implemented whilst staggered barriers have been put in place to slow cyclists as they approach the crossing point.

Conclusion & Recommendation:

To conclude, the Highway Authority notes that there has been a number of concerns raised by local residents, however as set out about the requirement and position of the turning head is needed to work in conjunction with the TRO which is to be implemented. This is on safety grounds to stop reversing over excessive distances in a location where there will be both pedestrians and cyclists using the new cycle link. With regards to the additional plans which have been submitted these having considered the Highway Authority's requirements from the technical audit process and are therefore considered acceptable. As a consequence, we maintain our no objection to this application.

Name: Jon Fellingham

Date: 23/9/22

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

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

Location: STREET RECORD, COMEYTROWE RISE, TAUNTON

Grid Reference: 320507.123255

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes to Applicant

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

Proposal

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

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

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

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

What is a Pumping Station?

A Pumping Station consists of a large tank constructed beneath the ground, known as a Wet Well, which receives the sewage from homes in the locality. The sewage is conveyed

by gravity to the wet well and underground storage. From there it is pumped via a rising main to a point where it enters the main sewer. All this process takes place underground.

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

What is a Water Booster Station?

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

What is a Gas Pressure Reducing Station?

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

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

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

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

Site Description

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

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

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

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

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

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

Relevant Planning History

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

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

Comeytrowe Garden Community planning history:

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

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

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

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

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

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

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

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

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

Consultation Responses

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

TRULL PARISH COUNCIL – Objection:

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

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

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

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

Further objections to consider are;

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

COMEYTROWE PARISH COUNCIL (Adjoining PC) – Objection

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

Further comments:

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

BISHOPS HULL (Adjoining PC) – Objection

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

ENVIRONMENT AGENCY – No objection.

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

Further comments received:

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

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

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

3) Please consult your Environment Health Officer concerning odour.

4) No objection to this location.

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

LEAD LOCAL FLOOD AUTHORITY – No objections

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

WESSEX WATER – No objections:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To elaborate:

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL HEALTH – No Objections:

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

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

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

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

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

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

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

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

Comment

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

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

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

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

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

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

Previous memo of 17-December 2020:

"Discharge to the Galmington Stream.

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

Noise.

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

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

Odour

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

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

Comment

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

Health and safety issues

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

Additional information

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

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

SCC - TRANSPORT DEVELOPMENT GROUP – No objections:

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

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

traffic movements on Comeytrowe Lane.

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

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

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

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

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

Conditions proposed concerning Construction Management Plan and Highway Access Works.

LANDSCAPE – Comments.

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

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

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

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

ECOLOGIST – No objections

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

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

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

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

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

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

SOMERSET WILDLIFE TRUST – Objection.

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

SOUTH WEST HERITAGE TRUST – No archeological implications.

Representations Received

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

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

The comments made can be summarised as follows:-

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

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

The following comments have been received from local councillors:

Cllr Hunt -

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

Cllr Farbahi

Over the last 8 months our community have had to endure an enormous amount of anxiety and concern about the potential of building multi station in flood zone 3 with risk of pollutions to the nearby Galmington Stream. Up to very recently the communications with residents have been minimal.

There are still a lot of concerns about the location of the current multi station. I am pleased that some amendments have been made to move the stations away from the flood zone 3, however I am still concerned that it is next to another property namely Honeysuckle and nearby Lloyds Close.

Therefore the new proposal is not designed with the people living nearby in mind. I understand that the pumping station will connect to the existing foul sewer and is sealed with no physical connection between the foul pumping station and Galmington Stream, but the existing foul sewers can and will leak into the Galmington Stream in high seasons.

I am yet to receive a Habitats Regulations assessment report as this site falls within the catchment draining into the protected Moors Ramsar area of Somerset levels, without which this application cannot be determined. I will be interested to obtain details and the measures being proposed by the Wessex Waters to control the amount of phosphate being discharged in to watercourse including any mitigation plans.

I object to the current proposal as it stands. I strongly request that the planning committee looks at positioning the multistation some 50 meters away from the current proposed site and nearby residents' homes and seek to minimise any contamination into nearby Galmington Stream. It is important to note that if the

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

Cllr Nicholls

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

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

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

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

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

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

Cllr Hill

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

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

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

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

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

The Final Green Wedge Assessment, 2015

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

Local finance considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

Determining issues and considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

Then the Council must consider if the application is:

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

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

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

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

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

- *Landscape and Visual Amenity*

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

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

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

- *Ecology and Nature Conservation*

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

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

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

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

- *Transport and Access*

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

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

- *Air Quality*

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

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

- *Noise and Vibration*

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

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

- *Water Resources and Flood Risk*

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

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

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

- *Cultural Heritage*

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

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

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

- *Ground Conditions and Contamination*

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

- *Socio Economics*

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

- *Agricultural Land*

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

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

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

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

Councillor Briefing _

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

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

Highways Access

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

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

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

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

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

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

Visual Amenity and Landscape Considerations

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

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

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

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

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

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

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

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

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

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

Flooding

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

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

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

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

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

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

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

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

Water Pollution – Galmington Stream

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

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

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

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

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

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

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

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

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

Residential Amenity – Sewerage Pumping Station

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

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

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

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

It states:

Policy I4: Water infrastructure

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

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

The supporting text explains:

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

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

Policy DM1 of the SADMP states (extract):

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

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

Policy I3: Water management

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

The supporting text explains:

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

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

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

So where does 15m come from as a threshold?

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

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity – Water Booster

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

Wessex Water has commented on the matter of noise from the Booster Station:

“The internal noise in any building or kiosk shall not exceed 80 dbA (that means inside the booster station). A target < 70 dbA shall be set – The

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

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

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

Residential Amenity/Health and Safety – Gas Reduction Station

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

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

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

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

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

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

other legislation.

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

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

Comments they also make regarding another site –

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

Ecology _

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

Impact of Heritage Assets _

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

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

Other Matters

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

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

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

The Requisition Process and Permitted Development

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

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

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

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

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

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

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

Habitats Regulation Assessment

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

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

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

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

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

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

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

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

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

Conclusion and planning balance

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

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

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

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

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

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

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

Contact Officer: Simon Fox

Appendix A

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

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

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

PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date. 25 February 2021
Agenda Item: 5
Application number: 42/20/0042 – Utility Infrastructure
Amended Description: N/A
Amended Site History: N/A
Amended Recommendation: N/A

Amended Conditions:

Amend Condition 01

Include an omitted plan

GTC-AFV/MPLP/PRT/10810-AS

Kiosk Base Details & Specification

New Condition 10

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at any point on the boundary of a residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur at the time of the readings in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 15 minutes, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the residential amenity of adjacent residential properties.

Amended/Additional Consultation Responses:

SWT Environmental Health - Additional Comments

"I refer to my two previous memos regarding the above development and our recent discussion about the application. I note that the applicant has not submitted a noise assessment or additional information about the noise levels or mitigation of noise from the proposed plant.

In addition to the suggestion of a condition requiring the developer to carry out a noise assessment and any required mitigation, it may be possible to use a planning condition to put a limit on the level of noise that could come from the site. I attach a condition that is similar to one that has been used on other applications for sites with plant/equipment close to residential premises. This would mean that the applicant would have to design and install the plant to meet the requirements of this condition.

Condition re noise

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at any point on the boundary of a residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level,

measured at an appropriate time of day and for a suitable period of not less than 15 minutes.

Note that some noise assessment make recommendations for noise levels at the façade of noise sensitive premises. However, as it would not be practical for the site operator to monitor noise on another premises (to ensure they are complying with the condition) it is suggested that the level is monitored at the boundary of the residential property. If there were concerns raised with the Local Planning Authority and they wanted to carry out noise monitoring, it would be hoped that they would be able to get access to monitor noise at the site boundary, either just inside on the residential side, or on the site itself”.

Trull Parish Council – Additional comments

- 1. This Application is incompatible with several of the Plans and documents agreed at the Outline stage. The land governed by 42/20/0042 has already been allocated for other, agreed purposes (open green space), so permitting this full Application, would invalidate the Outline permission for the Urban Extension.*
- 2. This application requires an updated EIA.*
- 3. The Planning Committee has never been given the opportunity to scrutinise an Application for all this critical infrastructure, in the context of the whole Urban Extension.*
- 4. Recent submitted evidence shows flooding in and around the access to this area that would prohibit necessary vehicles attending at times when were most needed.*
- 5. This Application requires its access to be shared by service- and emergency-vehicles, a public footpath, and a designated cycle route, into public open space to the East of the site.*
- 6. Comeytrowe Lane is wholly unsuitable for HGV access to the site; the Applicants have already revised their “swept-path” analysis for such vehicles, and even now, their analysis is questionable.*
- 7. There has never been a justification for co-siting the vital equipment here (or anywhere else in the Urban Extension).*
- 8. The Applicants have never supplied documents detailing the inlet and outlet pipe-runs they propose to serve this site. The latest proposal for its outlet sewer no-longer runs alongside the Galmington Stream, but takes a lengthy alternative route to Queensway, of which most Comeytrowe residents will not yet be aware.*
- 9. Wessex Water have yet to suggest comparable local sites which Councillors might visit, to make their own minds up on the suitability of the proposed site.*
- 10. The Applicants have failed to provide any information on the noise-emission to be expected from the proposed gas, and water infrastructure. Nor have they established a representative base-case for ambient noise at this site, under normal traffic-conditions. They claim that design details will only become available later, after this permission is granted.*
- 11. The Application-site is as close to existing properties as it could possibly be, for no demonstrated civil-engineering reason. In the absence of detailed specification of the equipment, sections, and plans, no proper estimation of odour, noise, vibration or light-emission can be made or scrutinised.*
- 12. Determination has been prejudiced by the premature destruction of mature hedgerow along Comeytrowe Lane.*
- 13. Wessex Water have given no assurances that all the requirements of Water UK’s Design and Construction Guidance Version 2.0 (10th March 2020) will be met. They have yet to justify their designation of this sewage pumping-station as Type 3 (rather than Type 4). That Guidance states, in D5.1 2, “The pumping*

station should not be located where it might be susceptible to flooding at a frequency of more than 1:30 years. All electrical control equipment should be water resistant or sited above the 1:200 year flood level.” And, in D5.1 3, “Pumping stations should be located so that they are accessible and visible to the sewerage company at all times for use”.

- 14. D5.2 1 states “A safe and reasonable vehicular access should be provided to the pumping station at all hours for the purpose of repair and maintenance”. D5.2 3 states “Provision should be made for access by a tanker to empty the wet well and any storage in the event of failure”. That wet well storage is, currently, 340 cubic meters. The next paragraph makes clear that the tanker (note the singular) must “completely empty the wet well....and any resulting upstream in-sewer storage...”. No such tanker could comply with the swept-path analysis provided.*
- 15. That Guidance states, in D5.3 14, “The last access point on the gravity sewer system upstream of the wet well should be within the site compound adjacent to the wet well, and be designed to allow for overpumping”. The Guidance makes clear that, although the design must incorporate a standby-pump, provision must also be made for an alternative power-supply connection, to accommodate an emergency, on-site generator. It is impossible to reconcile all these detailed requirements with the assurances from Wessex Water and the Applicants, that the potential adverse impacts will not exceed acceptable thresholds, or that all the equipment, and vehicles, can be accommodated on this cramped site.*
- 16. Responses from critical statutory consultees have not yet been received, so neither Councillors nor the public can make a fully-informed, objective determination.*
- 17. The whole strategy needs clarification as whilst it is suggested that this will serve the whole development there is also the possibility mooted in the document from Feb 2nd that there will need to be an extra pumping station in the Eastern Neighbourhood – is this the case?*

Amended/Additional Representations Received:

R. Walsh – Concerns

Impact on Galmington Stream and the local wider environment

Why is there no environmental impact assessment and no noise assessment for this application?

Are there other similar examples to this proposal near housing and waterways? If not, why is this now seen as acceptable.

There are many examples of supposedly sealed sewage pumping stations leaking. Can the developers guarantee the sewage pumping station or tank will not leak?

A. Kent – Observations

The developer has admitted that the most recent version of the surface water and draining strategy for the whole site did not take the unique behaviour of the Galmington Stream into account and has agreed to walk the stream together with local residents to discuss the implications. This could impact on the flood level within which the proposed pumping station is located.

Recognising that the site does flood, the Local Flooding Agency has recommended that an assessment of the flooding mechanisms should be undertaken to determine if the site can be operated and accessed under flood conditions. This important statement does not appear in the Planning Officer’s report, so it is not clear if this has been carried out. The Planning Officer’s report and information from the developer’s agents indicate that a second pumping station may be needed

elsewhere on the development with foul water being pumped to the top of the hill and allowed to gravitate down to the pumping station that forms part of this planning application. There has been no mention of this in the planning application let alone confirmation that the pumping station for which planning permission is sought under planning application will have sufficient capacity to handle the increased volume.

D Owen – Objection

Agrees with Mr Smith rep of 14 Feb.

The pumping station will damage the environment and it will be costly for the Council to put right.

J.Freeman – Question

What assurances can you give the neighbourhood that our wildlife will not be affected by this application? How sure are you that this will not leak into Galmington Stream?

W.Crosse - Objection

Pollution potential to the stream.

The application site floods.

The access roads are narrow and unsuitable for heavy traffic.

T.Smith - Objection

Comments relating to the email correspondence between the Case Officer and Wessex Water.

Reference to comments made by S.Smith regarding procedural and technical objections, including whether it is necessary to have all three sets of equipment sited together.

Reference to comments made by Mr and Mrs Stainthorpe regarding discharge from another pumping station downstream.

Acknowledgement and commentary on amended plans and comments of the EA.

Commentary on the comments from Environmental Health not objecting to the application.

Commentary and opinion of the Councillor Briefing session.

Acknowledgment of the agent stating there may be a need for another sewage-pumping station, for the Eastern Development.

Commentary on the Pumping Station Note from the agent.

Observations on the comments from Environmental Health

Commentary on the consultation from Wessex Water.

R.Beckinsale – Objection

Unquantified discharge of raw sewerage into the Galmington Stream.

Objects to the proposed siting of the wet well and storage tank.

How often is the present system in Taunton overwhelmed?

All objections from the previous application should be brought forward to this application.

General updates and considerations

Further updates may be given at the planning committee meeting.

CONTACT OFFICER: Simon Fox (s.fox@somersetwestandtaunton.gov.uk)

Planning

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MR L TURNER
BARTON WILLMORE PARTNERSHIP
101 VICTORIA STREET
BRISTOL
BS1 6PU

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Application No: 42/20/0042

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

Application Type: Full Planning Permission

Grid Reference: 320507.123255

Somerset West and Taunton under the above Act hereby GRANT PERMISSION for the above development.

The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council and is only valid subject to compliance with the following condition(s):

- 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 BRL_PL007 Rev F

Landscape Proposals, as amended by the email 05/02/2021

(A3) DrNo BRL_PL008 Rev D

Site Location Plan

(A1) DrNo 46006/2014/SK12 Rev J

Layout, as amended by the email 05/02/2021

(A1) DrNo 46006/2014/SK13 Rev F

Tracking Sheet 1

(A2) DrNo 46006/2014/SK14 Rev A

Tracking Sheet 2

(A1) DrNo 46006/2014/SK15

Surface Water and Overland Flow Path

(A3) DrNo GTC-AFV/MPLP/PRT/10810-AS Kiosk Base Details & Specification
Planning Statement – Pumping Station Application (Ref:

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

- 3 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. In discharging this condition the following information shall be supplied:
- a) Locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of that phase or sub phase;
 - b) Construction vehicle routes to and from site including any off site routes for the disposal of excavated material;
 - c) Construction delivery hours;
 - d) Expected number of construction vehicles per day;
 - e) Car parking for contractors;
 - f) A scheme to encourage the use of Public Transport amongst contractors; and
 - g) Measures to avoid traffic congestion impacting upon the Strategic Road network.
 - h) Details of all bunds, fences and other physical protective measures to be placed on the site including the time periods for placing and retaining such measures;
 - i) The control and removal of spoil and wastes;
 - j) Measures to prevent the pollution of surface and ground water arising from the storage of plant and materials and other construction activities;
 - k) The proposed hours of operation of construction activities;
 - l) The frequency, duration and means of operation involving demolitions, excavations, drilling, piling, and any concrete production;
 - m) Sound attenuation measures incorporated to reduce noise at source;
 - n) Details of measures to be taken to reduce the generation of dust; and
 - o) Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice

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

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

- 4 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works

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

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

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

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

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

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

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

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

- 8 The development shall not be brought into use until the access and highway works shown on drawings DrNo 46006/2014/SK12 RevJ and DrNo BRL_PL007 Rev F has been provided, in accordance with details approved in writing by the Local Planning Authority (in consultation with Somerset County Council). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter. Thereon the vehicular access shall only be used by service vehicles in connection with the Sewerage Pumping Station, Water Booster, Gas Reducing Station, Horts Bridge Park or the continued use of the field for agricultural purposes only (as well as cycles and pedestrains) and shall be retained and controlled as such at all times by means of lockable bollards as shown on drawing DrNo 46006/2014/SK12 RevJ.

Reason: To ensure that the development is served by an adequate means of access and in the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy. The access off Comeytrowe Lane has not been applied for and assessed for use by all types of traffic, but it is accepted that access by cycles and pedestrians is allowed by the outline application 42/14/0069 and this application seeks access only for service vehicles in connection with the Sewerage Pumping Station, Water Booster, Gas Reducing Station, Horts Bridge Park or agricultural vehicles in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 9 Within 3 months of a commencement of works on the development hereby approved a review mechanism for independently assessing noise and odour from the sewerage pumping station, water booster and gas reduction station over the lifetime of the Comeytrowe Garden Community build process shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the review mechanism shall include noise and odour surveys at 50, 250, 750 and 2000 occupations at the Comeytrowe Garden Community and also an operational health-check of the sewerage pumping station if operated by a NAV (New Appointments and Variations). The assessments shall be carried out in accordance with British Standard BS4142:2014 (+A1 2019). If the survey results show non-compliance with British Standard BS4142:2014 (+A1 2019) then suitable mitigation shall be submitted to and agreed by the Local Planning Authority along with a timescale for that remediation to take place. The remediation shall thereafter be carried out in full accordance within the agreed timescale.

Reason: In the interests of residential amenity and the safe, pleasant and efficient use of Horts Bridge Park in accordance with Policy CP8 of the Taunton

Deane Core Strategy.

- 10 There shall be no physical piped connection directly or indirectly between the sewerage pumping station and the Galmington Stream.

Reason: In the interests of pollution control and environmental protection in accordance with Policy CP8 of the Taunton Deane Core Strategy.

- 11 Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 15 Min Leq, at any time when measured at any point on the boundary of a residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur at the time of the readings in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 15 minutes, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the residential amenity of adjacent residential properties in accordance with Policy CP8 of the Taunton Deane Core Strategy.

NOTES TO APPLICANT

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



REBECCA MILLER, PRINCIPAL PLANNING SPECIALIST

Date: 08 April 2021

N.B. Notes of the applicant's rights are overleaf.

Application Details	
Application Reference Number:	16/22/0003
Application Type:	Retention of Building/Works etc.
Earliest decision date:	05 August 2022
Expiry Date	09 September 2022
Extension of time	31 October 2022
Decision Level	Committee
Description:	Installation of solar panels, extension of patio area and implementation of water treatment plant at Warrs Farm, Glastonbury Road, Durston (retention of part works already undertaken) (resubmission of 16/22/0002)
Site Address:	WARRS FARM, GLASTONBURY ROAD, DURSTON, TAUNTON, TA3 5AG
Parish:	16
Conservation Area:	
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	MR D FOSTER
Committee Date:	
Reason for reporting application to Committee	Objections received from Parish Council and over four comments received contrary to officer recommendation.

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The use of land for the siting of solar panels is considered acceptable and not to harm the landscape or amenity of the area, nor does the treatment plant in the garden while the provision of a patio is considered permitted development. The proposal is considered to comply with policies CP1, CP8 and DM1.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time limit

In accordance with approved plans

Reptile mitigation

Log pile
Landscaping
Hedge protection
Track details

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations

None

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

4.1 Details of proposal

The proposal is to install an area of ground mounted photo-voltaic panels (6 rows of ten) to provide energy for the domestic property at Warrs Farmhouse, together with the formation of a garden patio and retention of an installed treatment plant. A change of use of the field to equestrian use was originally proposed but has been deleted from the application.

4.2 Sites and surroundings

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 Council will encourage the retention and protection of special historic buildings and features. Durston is not identified as a 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. The site of the solar panels is a corner of a grass field sited to the north of the farmhouse and curtilage. Access is via a shared drive to the east which serves two older barn conversions of the original farm.

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

Reference	Description	Decision	Date
16/88/0005	CONVERSION OF BARN TO DWELLING AND TWO DOUBLE GARAGES ADJACENT TO WARRS FARMHOUSE, DURSTON	CA	13/4/89
16/22/0002	COU to equestrian field, Solar PV, Stables and Patio	WD	1/7/22
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 an EIA.

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. The development does not increase the number of dwellings and the solar panels have no phosphate implications. As competent authority it is considered 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 development 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: 15 July 2022

8.2 Date of revised consultation (if applicable): 12 August 2022

8.3 Press Date:

8.4 Site Notice Date: 22 July 2022

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

Consultee	Comment	Officer Comment
DURSTON PARISH COUNCIL	Objects Parking on shared drive Impact of solar panel units Impact on aircraft safety Use of shipping container and boundary disputes	See 10.2.3 See 10.2.4 See 10.2.1 See 10.2.8
SCC - ECOLOGY	Recommend conditions re protection of hedgerows, reptile mitigation, log pile and landscape condition to include willflower planting	See 10.2.6
SCC - RIGHTS OF WAY	No comment	
SCC - TRANSPORT DEVELOPMENT GROUP	None of the works now proposed will lead to any	See 10.2.3

	intensification in the use of the existing access post construction and nor will they impact on the existing parking, turning and access arrangements for the applicant's property or neighbouring properties. For the above reasons the Highway Authority has no objection or further recommendations to make in regard to this amended scheme.	
WESSEX WATER	No comment received	
LANDSCAPE	No objection, subject to conditions that require the submission of landscape proposals in regard to the hedge details.	See 10.2.1
PLANNING ENFORCEMENT	No comment	

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

Consultee	Comment	Officer comment

8.7 Local representations

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

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

Material Planning Considerations	
Objections	Officer Comment
Traffic/road safety due to equestrian use and acreage insufficient to keep horses	Use deleted from submission
Siting of panels away from house	See para 10.2.1
Precedent	See para 10.2.8
Increase in traffic	See para 10.2.3
Query over suitability of the ecology assessment	See 10.2.6
	See 10.2.8

Caravan, storage container and summer house on agricultural land.	
Support	Officer comment

8.7.1 Summary of objections - non planning matters

Land ownership dispute

Concern for culverts under road

Name of the property

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:

CP1 - Climate change,

CP8 - Environment,

DM1 - General requirements,

DM2 - Development in the countryside,

A1 - Parking Requirements,

ENV1 - Protection of trees, woodland, orchards and hedgerows,

ENV2 - Tree planting within new developments,

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 (March 2022).

Neighbourhood plans:

None

9.1 National Planning Policy Framework

Sections 4, 14 and 15

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 main issue is the impact of the small scale solar panel array on the landscape character of the area. The principle is accepted under Climate Change policy CP1 which supports such schemes provided their impacts can be assimilated into the landscape. Concern has been raised that the solar panels should be nearer the house. However the site has been selected as a northern corner of the existing field so the 6 rows of ten panels can be suitably screened and do not cause undue impact on the character of the area and are considered to comply with policy DM1. The scale of the site is not such that it has to be consulted on and it is not considered to have an impact on aircraft safety. The proposed site is supported by the Landscape Officer subject to a condition regarding the new hedging which is part of the recommendation.

10.2.2 Design of the proposal

The other elements of the submission include a treatment plant and a patio. The latter would extend from the house into the side garden and is considered to be permitted development while the treatment plant is already installed underground, serving the existing dwelling and links to an existing outflow, all of which is governed by separate legislation.

10.2.3 Access, Highway Safety and Parking Provision

The development proposes no changes to the access or parking/turning area and the change of use to equestrian has been deleted from the proposal and it is not therefore considered the development would impact on traffic using the site. In light of the Highway Authority comments there is no objection to the proposal from a Highways viewpoint. The concern over parking on a shared drive is a civil matter and not something that can be controlled from a planning perspective.

10.2.4 The impact on the character and appearance of the locality

The proposed site of the solar panels is in a discrete corner of the existing field and will be screened by a new hedge. A maintenance track will be provided and this can take the form of two tyre tracks running around the boundary of the field. A condition to control the nature of the surfacing and material is proposed and the impact of the scheme on the character of the area is considered limited, in accordance with policy DM1 and is acceptable. The new treatment plant is already within the garden and underground and is not considered to impact on the character and appearance of the property. The works are not considered to harm the setting of the non designated heritage asset.

10.2.5 The impact on neighbouring residential amenity

The proposed development is not considered to have an adverse impact on the residential amenity of neighbours given the nature and siting of the works and proposed conditions.

10.2.6 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site

The development will not adversely impact on any trees or shrubs and a preliminary ecological appraisal has been carried out. The County Ecologist has recommended conditions to safeguard wildlife in accordance with policy CP8 and as well as securing enhancements to biodiversity on site, through planting and a wood pile and these elements are conditioned as part of the recommendation. The new treatment plant serves the existing dwelling and is not considered to increase phosphate impacts within the catchment and can be screened out from needing an Appropriate Assessment.

10.2.7 Flood risk and energy efficiency

The site does not lie in a flood risk area and the treatment plant relates to an existing dwelling and will not increase outflows from the site and is governed by other legislation. The development will provide additional sustainable electricity to the site thus improving energy efficiency.

10.2.8 Any other matters

The provision of the development is not considered to give rise to precedent for other development given that each application has to be considered on its merits. There is a land ownership dispute in respect of the site, however this is a civil matter and does not have a bearing on the principle of the works proposed which are within the applicant's ownership. The name of the property is the responsibility of the owner and is not a planning matter. The application area has been clearly identified. The shipping container is to be retained for storage and is not considered to be detrimental to the area nor is the summerhouse and caravan on the land identified as curtilage. The road culverts are not considered to be impacted by the development as any outflow from the site will not increase as a result.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

N/a

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. The provision of solar panels as proposed is considered to comply with policy, not to harm amenity and there are considered to be no adverse impacts which would outweigh these considerations. The same can be said for the treatment plant and patio.

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/ Reason/s for refusal

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:

(A3) DrNo 22 352 S01 05 Existing Site Sections
(A3) DrNo 22 352 S01 02 Existing Site Location Plan
(A2) DrNo 22 352 S02 01 Rev A Proposed Location Plan
(A2) DrNo 22 352 S03 01 Rev B Proposed Location Plan Solar
(A3) DrNo 22 352 S03 02 Rev A Proposed Solar & Patio Block Plan
(A3) DrNo 22 352 S03 03 Proposed Solar Elevations

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

3. No works, including vegetative clearance and ground works in association with the solar panel installation, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed reptile mitigation strategy. The detailed reptile mitigation strategy shall include details of:

- a) the proposed construction working practices to avoid harming reptiles
- b) details of proposed Location, to accommodate any reptiles discovered during works
- c) the timing of works to minimise the impact on reptiles

The development shall thereafter be carried out in accordance with the approved mitigation strategy and shall be permanently retained in accordance with the approved details.

Reason: This pre-commencement condition must be a pre-commencement condition because an agreed scheme and programme of mitigation needs to be in place before any works start on site given the presence of legally protected species.

4. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first electricity production:
- 1x log pile as a resting place for reptiles and or amphibians

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.

5. 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 hedge and wildflower planting with 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.

- 6.
- i) Before solar panel development commences (including site clearance and any other preparatory works) a scheme for the protection of hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
 - 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 hedges and natural features during the construction phase.

Reason for pre-commencement: To ensure wildlife protection during development.

7. Details of the maintenance track materials and surfacing area and cable runs shall be submitted to and approved by the Local Planning Authority prior to their being laid.

Reason: In the interests of the amenity of the area.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Application Details	
Application Reference Number:	38/21/0463
Application Type:	Full Planning Permission
Earliest decision date:	17 March 2022
Expiry Date	03 February 2022
Extension of time	30 September 2022
Decision Level	
Description:	Demolition of public house and garages and erection of 8 No. zero carbon dwellings for council owned affordable accommodation with formation of landscaping and access at The Oxford Inn, Outer Circle, Taunton
Site Address:	THE OXFORD INN, ROMAN ROAD, TAUNTON, TA1 2BN
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mr G Clifford
Agent:	
Applicant:	SOMERSET WEST AND TAUNTON
Committee Date:	

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposal is considered to safeguard residential amenity and to be reflective of the character of the area and will provide low energy affordable homes in compliance with policies CP1 and CP4.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

Time limit

Approved plans

Materials

Lighting details

Bird protection

Biodiversity enhancement

Water consumption
Affordable housing provision
Flats demolition prior to occupation
Visibility
Disposal of surface water
Obscure glazing
Balcony screen detail
Boundary wall

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement, bat and badger informatives and highway licence.

3.3 Obligations

None

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

4.1 Details of proposal

The proposal is to demolish the disused Oxford Inn pub and adjacent garage block and erect a pair of semi-detached properties as well as a three storey block of flats providing 4 x 1 bed and 2 x 2 bed units. Parking bin and bicycle storage is provided and the submission includes an ecological assessment and a phosphate mitigation strategy. The Design and Access Statement also includes a viability assessment of the existing public house.

4.2 Sites and surroundings

The site currently consists of a disused public house that is L-shaped and a two storey brick structure on the corner of Outer Circle and Roman Road. There is a single storey addition to the eastern side and a block of single garages to the east with the surroundings largely hard surfaced. The site lies within a residential area with dwellings adjacent to the east and north.

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

Reference	Description	Decision	Date
None			

6. **Environmental Impact Assessment**

Not required

7. **Habitats Regulations Assessment**

The site lies within the catchment of the Somerset Levels and Moors Ramsar site. Natural England has advised the Council that, in determining 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.

While the site lies within the Somerset Levels and Moors catchment area and will drain to the existing foul sewer, the intention is to demolish existing flats elsewhere in town and so the development can be considered nutrient neutral, subject to a suitable grampian condition. This approach has been agreed by Natural England.

8. Consultation and Representations

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

8.1 Date of consultation: 10 December 2021

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 18 January 2022

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

Consultee	Comment	Officer comment
SCC - ECOLOGY	To comply with policy and legislation please add conditions re bat lighting, bird protection, biodiversity enhancement and notes re bats, badgers	See para 10.2.7
Consultee	Comment	Officer comment
SCC - RIGHTS OF WAY	No comment	
Consultee	Comment	Officer comment
SCC - TRANSPORT DEVELOPMENT GROUP	No objection although concern raised over loss of parking and suggested conditions re visibility, parking, disposal of surface water, covered cycle and EV charging points. Note re highway licence.	See para 10.2.4
Consultee	Comment	Officer comment
WESSEX WATER	No objection - there must be no surface water connections to the foul sewer.	
Consultee	Comment	Officer comment

LANDSCAPE	The landscape proposals are comprehensive and suitable	See para 10.2.7
Consultee	Comment	Officer comment
POLICE ARCHITECTURAL LIAISON OFFICER	No objection - concern over location of cycle/mobility stores	See para 10.2.2
Consultee	Comment	Officer comment
CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE	Means of escape in case of fire should comply with the Building Regulations 2000 and access and facilities should comply with provisions contained within ADB, Part 5 of the Building Regulations 2000.	Compliance with the Building Regulations is not a planning issue.
Consultee	Comment	Officer comment
SOUTH WESTERN AMBULANCE SERVICE	No comment received	
Consultee	Comment	Officer comment
SOMERSET WASTE PARTNERSHIP	No comment received	
Consultee	Comment	Officer comment
TREE OFFICER	No objection	
Consultee	Comment	Officer comment
HOUSING ENABLING	<p>This site is delivering 100% net zero carbon affordable housing and has been designed to meet the requirements of Building Regulations Part M, Category 2: Accessible and adaptable dwellings.</p> <p>Taunton has a significant housing need across all house sizes, tenures and type. The proposed unit mix of 4 x 1bed 2 person flats, 2 x 2bed 3 person flats and 2 x 2bed 4 person houses for Affordable Rent will meet the demonstrated need of the area.</p>	See para 10.2.10
Consultee	Comment	Officer comment

NATURAL ENGLAND, CONSULTATION SERVICE	The mitigation proposed in the submitted <i>Updated Phosphate Mitigation Strategy (15/08/2022)</i> will be sufficient to achieve nutrient neutrality for the proposed development. The Strategy provides a firm basis for the LPA to assess the implications of the application in view of the conservation objectives for the Ramsar Site, and we would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site.	See para 10.2.7

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

Consultee	Comment	Officer comment

8.7 Local representations

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

One letter has been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Concern over boundary treatment amenity impact	see para 10.2.6
overlooking/loss of privacy	10.2.6
Support	Officer comment

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:

- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- CP1 - Climate change,
- CP4 - Housing,
- CP8 - Environment,
- DM1 - General requirements,
- DM4 - Design,
- DM5 - Use of resources and sustainable design,
- A1 - Parking Requirements,
- D10 - Dwelling Sizes,
- D12 - Amenity space,
- D7 - Design quality,
- D8 - Safety,
- ENV2 - Tree planting within new developments,
- I4 - Water infrastructure,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Neighbourhood plans:

N/a

9.1 National Planning Policy Framework

Sections 2, 4, 5, 8, 11, 12, 14 and 15

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 proposal involves a redevelopment of a brownfield site within the built up area of the town, a sustainable location in accordance with Policy SP1, and in principle is considered acceptable subject to compliance with other plan policies.

10.2.2 *Design of the proposal*

The proposal is for a pair of semi-detached properties and a block of 3 storey flats on the corner with Roman Road and Outer Circle. The flats are proposed in brick with a flat roof enabling solar panel provision on the roof and the semis also have a modified hipped roof to enable solar panels. While the three storey flat roof form is at odds with the semi-detached properties in the vicinity, it reflects the overall scale of the nearby buildings and addresses this corner site while maintaining the vertical emphasis of building form. This is reflective of the recently adopted Design Guide and a condition is proposed to ensure the final materials reflect the character of the area. The cycle and bin storage is designed into the scheme and for the flats this utilises an existing garage space to reduce demolition and enable reuse of materials rather than new build. This means the site is outside the private garden of the flats and while the Crime Design Adviser raises concern over this it is considered secure and is considered an acceptable alternative given the zero carbon ambitions of the scheme.

10.2.3 *Quality of Accommodation*

The accommodation meets the minimum standard requirements of policy D10 and the two storey dwellings provide two bedrooms and a bathroom upstairs and a living/dining room, toilet, kitchen, hall and storage space, including cycle store within the porch downstairs. Externally there is private garden space, bin storage and parking space and the provisions are considered to comply with the requirements of policy D12 concerning amenity space. The flats also meet the required space standards and have access to private balconies and external shared garden space to comply with policy.

10.2.4 *Access, Highway Safety and Parking Provision*

The proposal provides an off road parking space for each dwelling plus 3 parking spaces, mobility scooter store and cycle storage for the flats. The scheme results in the loss of 5 garage spaces and while there is a net loss, this is considered in line with on road availability and the character and nature of the area given the accessibility of the site and to be in compliance with the policy requirements set out in A1 of the Site Allocations and Development Management Plan. The Highway Authority has raised no objection to the scheme but has recommended a number of conditions. It is proposed to condition visibility and disposal of surface water to prevent discharge to the highway as these are beneficial to highway safety. The provision of the car and cycle parking are designed into the scheme and so it is not considered necessary to condition, while the provision of EV charging points is now a requirement of Building Regulations and so it is not considered necessary to secure by condition. A note with regard to requiring a highway licence is proposed as requested.

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

The scheme provides a residential development largely in keeping with the scale, form and character of the area. The development is considered to comply with policies CP1, CP4, DM1, DM4 and DM5 of the Core Strategy in providing zero carbon energy efficient homes in a sustainable location. The height of the scheme reflects the height of existing dwellings, although the roofs are modified to allow for photo voltaic (pv) panels on the roofs to ensure energy efficiency.

10.2.6 *The impact on neighbouring residential amenity*

The proposal provides a pair of new dwellings and a three storey block of flats. The new dwellings retain window to window distances and are not considered to harm privacy or amenity of existing dwellings. 1 letter of concern has been raised in respect of the impact on amenity and privacy as a result of the flats. To address this it is proposed to retain the existing wall boundary of the garages to be demolished which will retain the amenity, privacy and safety of the neighbour to the east. In addition the windows at second floor level are to be obscure glazed and limited opening to prevent overlooking and this will be conditioned as will an obscure screen to the side of the balcony.

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

There are no trees on the site affected by the development and no adverse ecology impact identified as a result of the demolition. The new scheme will provide a comprehensive landscaping scheme which will be an enhancement as will the biodiversity gains recommended by the ecologist and conditioned as part of the proposal. This includes bat and bird boxes, a swift box and bee bricks. This is considered in line with policies CP8 and ENV2. The development will drain to existing sewers and the revised phosphate mitigation strategy to secure a nutrient neutral scheme proposes demolition of flats elsewhere in the town to compensate for the new build here. This can be secured through a grampian condition and Natural England are supportive of this approach.

10.2.8 *Waste/Recycling facilities*

The provision for waste storage is provided for in bespoke storage areas at the front of the two dwellings and within a specific store area to the east of the flats.

10.2.9 *Flood risk and energy efficiency*

The site lies within flood zone 1 and the development will not increase the flood risk in the area. The development is one of a number of schemes on Council land designed to address the climate emergency. The zero carbon affordable housing project was established to address the commitment set out in the Carbon Neutrality and Climate Resilience Plan Framework Document. The development will attempt to keep embodied carbon levels to a minimum by using recycled materials where possible and plan for disassembly at end of life. Zero carbon design relies on passive solar design, air tightness and improved insulation standards. Mechanical ventilation and heat recovery will allow occupants to maintain internal comfort and clean air while reducing the need to waste energy on space heating. The proposal aims to provide 100% of energy demand on site through renewable means; roof mounted pv panels in this instance thus meeting the requirements of policy DM5.

10.2.10 *Any other matters*

The proposal involves the demolition of the existing pub which in this instance is not recognised as a community asset. An assessment has been made in terms of the cost of refurbishing the building and to the future viability of it being retained as a public house. However given the current economic climate it is not considered to be viable and this together with the availability of other facilities, it is considered that the best option is provision for needed affordable housing. The latter is supported by the Housing Enabling Officer and a condition is imposed to secure this.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 595sqm.

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 £41,750.00. With index linking this increases to approximately £59,250.00.

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. The scheme will provide needed new affordable home in a sustainable location and will provide jobs in the construction process. The development is considered to meet the policy requirements of the development plan and the provision of conditions can address the local concern raised in terms of amenity impacts and the benefits of the scheme are considered to outweigh any limited negatives.

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/ Reason/s for refusal

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: 154511-STL-06-XX-SH-A-XXXX-07601 Rev PL_PL01

Accommodation Schedule

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-02602 Rev PL_PL03 Site Elevations

(A0) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-02611 Rev PL_PL04 Flat Elevations

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03601 Rev PL_PL01 House Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03602 Rev PL_PL03 Site Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-03611 Rev PL_PL01 Flat Sections

(A1) DrNo: 154511-STL-06-ZZ-DR-A-XXXX-06601 Rev PL_PL03 3D Visualisations

(A1) DrNo: 142926-C.02 Rev P4 Engineering Layout

(A1) DrNo STL-06-00-DR-A-XXXX-00602 Rev PL_PL03 GA Roof Plan

(A1) DrNo STL-06-00-DR-A-XXXX-01601 Rev PL_PL03 Ground Floor Plan - Flats

(A1) DrNo STL-06-00-DR-A-XXXX-D1601 Rev PL_PL03 Demolition Plan

(A1) DrNo STL-06-00-DR-A-E0601 Rev PL_PL02 Site Location Plan

(A1) DrNo STL-06-00-DR-A-E1601 Rev PL_PL02 Existing Site Plan

(A1) DrNo STL-06-01-DR-A-01605 Rev PL_PL02 First Floor Plan - Houses

(A1) DrNo STL-06-XX-DR-A-XXX-03621 Rev PL_PL03 Bike

Storage/Recycling and Retained Garage

(A1) DrNo STL-06-ZZ-DR-A-XXXX-00601 Rev PL_PL03 GA Site Plan

(A1) DrNo STL-06-ZZ-DR-A-XXXX-01602 Rev PL_PL03 Upper Floor Plan - Flats

(A1) DrNo STL-06-ZZ-DR-A-02601 Rev PL_PL02 House Elevations

(A1) DrNo STL-XX-XX-DR-A-00701 Rev PL_PL02 2B4P (A) House Type Plan & Elevations

(A1) DrNo STL-XX-ZZ-DR-A-00705 Rev PL_PL02 Bin Store Elevations

(A3) DrNo M16-0002 PSMN-2_LHH_PLS+FB_EU Unit Dimensions
(A3) DrNo M16-0002 PSMN-2_LHH_PLS+FB_EU Foundation Pads
(A3) DrNo M16-0002 PSMN-2_LHH_PLS+FB_EU Foundation Slab

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

3. Prior to the construction of the buildings above dpc and notwithstanding the submitted plans, 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.

4. Prior to occupation, 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. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. 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

5. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures 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 or works to or demolition of building structures 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 Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

6. The following will be integrated into the design of the proposal
- A) 2x Habitat 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 and maintained thereafter.
 - B) 4x Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of the building or onto trees and maintained thereafter.
 - C) 5x bee bricks will be built into the wall about 1 metre above ground level on the south or southeast elevation of the building and maintained thereafter.
 - D) A 3x Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation and maintained thereafter.

Plans and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation.

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.

7. 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][West Somerset: Local Plan to 2032 Policy CC5 and NH6] [the Supplemental Planning Document - Districtwide Design Guide] and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

8. The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i. the numbers, type, and location on the site of the affordable housing provision to be made;
 - ii. the timing of the construction of the affordable housing;
 - iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.
- The affordable housing thereby approved shall meet the definition of affordable housing in the National Planning Policy Framework 2021 or any future guidance that replaces it, in perpetuity.

Reason: To ensure that the scheme is built as 100% affordable housing to ensure it meets the housing need in the area.

9. No occupation of the new buildings hereby approved shall take place until the demolition of the flats identified in the Phosphate Mitigation strategy takes place.

Reason: To safeguard phosphate levels in the Somerset Levels and Moors Ramsar site and protect habitat as required under policy CP8 of the Taunton Deane Core Strategy.

10. With the exception of the bin stores there shall be no obstruction to visibility greater than 600mm above the adjoining carriageway level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the development is first brought into use and shall thereafter be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

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

Reason: In the interests of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the second floor windows to be installed in the east elevation of the flats shall be obscured glazed and limited opening. The type of obscure glazing and details of the limited opening shall be submitted to and agreed in writing by the Local Planning Authority prior to the windows installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents.

13. Details of an obscure screen to a minimum height of 1.7m on the east side of the eastern most balconies shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out and retained as agreed.

Reason: To protect the amenities of adjoining residents.

14. The boundary wall to the east of the site with the neighbour shall be retained as existing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and security of the area.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions 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.
3. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means

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

4. The applicant will be required to secure an appropriate licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

APPEAL DECISIONS – 13 October 2022

Site: 50 DOWELL CLOSE, TAUNTON, TA2 6BA

Proposal: Erection of a double garage at 50 Dowell Close, Taunton

Application number: 38/22/0015

Reason for refusal: The proposed double garage is a large structure that would be located within the existing front garden area of the dwelling. In this position, the garage would appear cramped and also be visually obtrusive in the street scene to the detriment of the appearance and character of the existing surrounding street scene. As such it would be contrary to policy DM1 (General Requirements) of the Adopted Taunton Deane Core Strategy 2011 - 2028.

1)  The Planning Inspectorate

Appeal Decision

Site visit made on 16 August 2022

by J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W3330/D/22/3301552

50 Dowell Close, Taunton TA2 6BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr I Moore against the decision of Somerset West and Taunton Council.
 - The application Ref 38/22/0015, dated 13 January 2022, was refused by notice dated 11 May 2022.
 - The development proposed is the erection of a double garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The Council refused the original application with regard to the impact of the garage upon the character and appearance of the area. However, within the officer report concerns have been raised as regard the impact of the garage upon the occupiers of the neighbouring property 2 The Orchard (No 2). As the appellant's appeal case includes an assessment

of the garage upon the living conditions of the occupiers of No 2, I have considered this matter as a main issue.

3. Thus, the main issues in this case, are firstly the effect of the garage upon the character and appearance of the area; and secondly, the effect upon the living conditions of nearby residents, having particular regard to daylight, sunlight, and outlook.

Reasons

Character and Appearance

4. Positioned within a residential estate that comprises similar ages and styles of dwellings, 50 Dowell Close (No 50) is a two storey house constructed of brick under a tiled roof. The house is within a residential cul-de-sac around which there are mostly similar styled, sizes and forms of dwellings that are set back from the road behind front gardens, thereby creating a distinct visual cohesion. The presence of paired driveways leading to the integral garages of the houses and the open nature of the front gardens gives a harmoniously spacious appearance.

5. The proposed garage would be positioned close to the shared boundary of No 50 with No 2, near to two silver birch trees. Although the garage would be set back from the drive, it would occupy much of the breadth of the front garden of No 50. Even with a pitched roof and the use of materials to match the house, the size and height of the garage along with its position close to the public highway, would combine to make the building unduly prominent within an area that is characterised by the open nature of the front gardens.
6. Moreover, the garage would appear as an incongruously isolated building within the cul-de-sac that would be at harmful odds with the spacious, open nature of the surrounding gardens. There is a detached double garage at 46 Dowell Close, but the separation that exists between this house and the garage is much deeper than that which is proposed at the appeal property. Furthermore, this garage has been positioned close to the neighbouring house and it continues the building line that exists with 44 and 42 Dowell Close. Because of this relationship it does not appear as an isolated building, but one that respects the context of the neighbouring houses. Given these differences, the presence of this garage does not form a binding precedent for approving the appeal scheme.
7. It is not the appellant's intention to harm the silver birch trees, considering that they would conceal the garage. Notwithstanding this, the trees could not be relied upon to screen the development in perpetuity. This concern is particularly relevant as the trees would be very close to the garage and in addition the driveway would be extended. The development would not only necessitate works within the root protection areas of the trees but the crowns themselves would also have to be reduced. Having regard to the combination of these works, it cannot be assumed, nor has it been demonstrated with regard to those trees affected, that their long-term health and vitality would be ensured following the construction of the garage, even with the use of such measures as piling and raft foundations.
8. For these reasons, the garage would unacceptably harm the character and appearance of the area, and the nature of the proposal is such that the suggested conditions would not ameliorate this substantial harm. As such the proposal would fail to accord with Policy DM1 of the Taunton Deane Core Strategy (2012) (CS), which seeks amongst other things, that development would not unacceptably harm the appearance and character of an area, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

Living Conditions

9. The garage would be positioned close to the tall fence that delineates the front garden of the appeal property from that of No 2. The garage would be close to the front elevation of No 2, and although it would be to one side of this property, and have a pitched roof, it would

nevertheless have an overbearing impact upon the outlook of the occupiers of No 2. The occupiers of this property already look out onto the flank wall of 48 Dowell Close, and as the garage would be much closer it would unacceptably enclose the available outlook.

10. Furthermore, the height and position of the garage would be such that there would also be a loss of light experienced by the occupiers of No 2. Despite the pitched roof, the height and size of the garage and its position in relation to No 2 would be such that it would impact upon light levels, particularly as it would shade the property in the afternoons and evenings when the sun was low in the sky.
11. The current occupiers of No 2 have not objected to the proposal. Notwithstanding this, the Framework requires a high standard of amenity for existing and future users, and the nature of the proposal is such that the suggested conditions would not ameliorate this harm. Having regard to my findings, the garage would fail to accord with the Framework and CS Policy DM1, which seeks amongst other things, that development would not unacceptably harm the amenity of individual dwellings.

Other Matters

12. The garage and associated drive extension would be within the front garden of No 50, and the appellant considers any manoeuvring would be contained within the appeal property. However, it has not been demonstrated that this would be the case, but as I am dismissing the appeal for other reasons I have no need to consider this matter further.
13. Finally, concerns regarding the Council's handling of the application, including inconsistency of decision making, relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Conclusion

14. The proposed garage would cause significant harm to the character and appearance of the area, and would also unacceptably impact upon the living conditions of nearby residents. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

Site:

Proposal:

Application number:

Reason for refusal:

