

## SWT Planning Committee

Thursday, 2nd March, 2023,  
1.00 pm



Somerset West  
and Taunton

The John Meikle Room - The Deane  
House

[SWT MEETING WEBCAST LINK](#)

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

### Agenda

**1. Apologies**

To receive any apologies for absence.

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

To approve the minutes of the previous meeting of the Committees on the 5<sup>th</sup> and 19<sup>th</sup> of January are available to view on Mod.Gov on your iPad. The minutes for the 2nd February are included within the agenda for the 23rd.

(Pages 5 - 10)

**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.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, but you can also access them on the [Somerset West and Taunton webcasting website](#).

5. **42/22/0062 - Application for the approval of Reserved Matters following Outline Application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 20 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 comprising Parcel H1f(i) on land west of Comeytrowe Lane, Taunton, Orchard Grove, Land at Comeytrowe/Trull, Taunton** (Pages 11 - 46)

6. **Appeals Decided** (Pages 47 - 52)

7. **Access to Information - Exclusion of the Press and Public - Agenda item 8**

During discussion of the following item (Agenda Item 8 it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12A (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. Executive will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business (Agenda Item 8 on the ground that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

8. **Enforcement Report** (Pages 53 - 58)

A handwritten signature in black ink, appearing to read 'A Pritchard', with a horizontal line underneath.

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

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

Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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

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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The meeting rooms, including the Council Chamber at The Deane House, are on the first floor and are fully accessible. Lift access to The John Meikle Room (Council Chamber), is available from the main ground floor entrance at The Deane House. The Council Chamber at West Somerset House is on the ground floor and is fully accessible via a public entrance door. Toilet facilities, with wheelchair access, are available across both locations. An induction loop operates at both The Deane House and West Somerset House to enhance sound for anyone wearing a hearing aid or using a transmitter.

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**SWT Planning Committee - 2 February 2023**

Present: Councillor Simon Coles (Chair)

Councillors Marcia Hill, Ian Aldridge, Roger Habgood, John Hassall, Mark Lithgow, Craig Palmer, Vivienne Stock-Williams, Ray Tully, Brenda Weston, Loretta Whetlor and Gwil Wren

Officers: Alison Blom-Cooper, Sarah Stevens, Martin Evans (Shape Legal Partnership), Kieran Reeves, Gareth Clifford, and Tracey Meadows

Also Present: Councillor Rigby

(The meeting commenced at 1.00 pm)

**100. Apologies**

No apologies were received from Councillors. Councillor Habgood arrived at 13:15.

**101. Minutes of the previous meeting of the Planning Committee - to follow**

Minutes of the previous meetings to follow.

**102. Declarations of Interest or Lobbying**

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

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr I Aldridge	All Items	Williton	Personal	Spoke and Voted
Cllr S Coles	All Items	SCC, Taunton Charter Trustee & Shadow Taunton Town	Personal	Spoke and Voted
Cllr Mrs Hill	All Items	Taunton Charter Trustee & Shadow Taunton Town	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr C Palmer	All Items	Minehead.	Personal	Spoke and Voted
	3/21/22/119	Further declaration added. Chair of		

		Minehead TC's Planning Committee. Did not speak or vote on the application.		
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee & Shadow Taunton Town	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet. Further declaration added. Correspondence received from a member of the public regarding application 3/21/22/119	Personal	Spoke and Voted
Cllr G Wren	All Items	SCC & Clerk to Milverton PC	Personal	Spoke and Voted

103. **Public Participation**

Application	Name	Position	Stance
3/39/22/007	Mr N Leaney	Agent	In favour
19/22/0021	P Fowler R Fowler J Marks	Local Resident Local Resident Applicant	Against Against In favour

104. **3/39/22/007 Installation of a battery energy storage facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure and equipment to include acoustic fence, security fence, CCTV and gates. Land adjacent to Gas Substation, Smithyard Lane, Williton**

**Comments from members of the public included;**  
(summarised)

- Previous highway concerns had been identified and discussed with the highways department and therefore within the construction traffic management plan it is proposed that traffic exiting the site would be routed north to the B3190 and then back to the roundabout at the A39 by the junction by Tropiquaria Wildlife Park;
- All points raised at the meeting where the application was deferred had been addressed;

**Comments from Members included;**

(summarised)

- Concerns with the proximity of the gas substation to this proposal;
- Safety concerns with the storage of the batteries;

Councillor Hill proposed and Councillor Aldridge seconded a motion for permission to be GRANTED subject to conditions.

The motion was carried.

105. **19/22/0021 Erection of 1 No. self build, sustainable, carbon neutral dwelling with associated works on land adjacent to The Meadows, Hatch Green, Hatch Beauchamp**

**Comments from members of the public included;**

(summarised)

- There was a brownfield site within the settlement boundary for residential development that the applicant could use;
- Concerns that the development would be built on productive agricultural land outside of the settlement boundary which last summer was growing wheat;
- The village was small with no infrastructure and was reliant on the private car;
- The development would not benefit the overall housing needs of the community;
- The development did not meet the affordable housing criteria;
- Visual amenity concerns;
- This development would set a precedent, building on agricultural land outside the village envelope;
- The term 'affordable' was to demonstrate the commitment that this dwelling would be lived in by the applicant in perpetuity and the dwelling would not be able to be sold for anywhere near the market value, removing any concerns that we would sell at a later date.
- The development would make the most of the natural resources for energy preservation and consumption, as well as utilising waste timber from my business to provide a clean and efficient method of heating, the dwelling;
- An Orchard has been included to provide landscape screening but also has the benefits of removing phosphates from the decades of fertiliser which had been applied to the ground;
- Concerns that there were no self-build policy for the area;
- Concerns that self-build policies were not understood by the District Council as CIL was exempt from this type of development;

**Comments from Members included;**

(summarised)

- Concerns that the development was outside of the village envelope and against numerous Local Plan Policies;
- Concerns on the statement that this development would be affordable or protected in some sort of perpetuity;
- Concerns that this was not a sustainable location for this development;
- An interesting design, just in the wrong place;
- Clarification sought on what constituted a 'self-build';
- What other features does this home have to make it sustainable/carbon neutral;

Councillor Hill proposed and Councillor Weston seconded a motion for the application to be REFUSED as per Officer recommendation.

The motion was carried.

106. **3/21/22/119 Erection of a detached garage, widening of vehicle access and repairs to boundary wall (retention of part works already undertaken) Barn Cottage, Combeland Road, Alcombe, Minehead, TA24 6BS**

**Comments from Members included;**  
(summarised)

- The development was in a Conservation area and seemed very tall;
- Further hedging needed to soften the impact;
- Concerns that this was a retrospective planning application in a Conservation area;
- Flooding concerns;
- Drainage issues;

Councillor Hill proposed and Councillor Whetlor seconded a motion for permission to be GRANTED subject to conditions.

The motion was carried.

At this point in the meeting a 10-minute break was proposed.

107. **Report on Somerset Council Statement of Community Involvement**

The report was introduced by Alison Blom-Cooper, Assistant Director, Strategy, Place and Planning, supported by Laura Higgins, Principal Planning Policy Officer.

The Planning Committee was asked to note the content of the report and feedback any comments on the draft SCI.

On the 18 January 2023, Somerset County Council Executive Committee approved a draft Statement of Community Involvement for public consultation. The draft SCI was produced collaboratively by all five Somerset authorities. The Consultation will take place between 1 February and 16 March 2023.



Following consultation, the intention is to then finalise the document to be formally adopted by Somerset Council as soon as possible following Vesting day.

Comments from the Committee included:-

- Stated that a list of development plan documents should be in appendix order so that you could reference it;
- Concerns were raised over the proposed public speaker arrangements proposed;
- Unitary concerns with planning applications not being heard by Councillors from the proposed area;
- What involvement will be there from Stakeholders. Will there be any involvement for them to have their say?;
- Pleased that acronyms in the document would be written clearly and concisely;
- Concerns that the current adopted plans would not remain adopted;

Resolved that the report be noted.

108. **Appeals Decided** – noted.

(The Meeting ended at 2.59 pm)



<b>Application Details</b>	
Application Reference Number:	42/22/0062
Application Type:	Approval of Reserved Matters
Description	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 20 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 comprising Parcel H1f(i) on land west of Comeytrove Lane, Taunton
Site Address:	Orchard Grove, Land at Comeytrove/Trull, Taunton
Parish:	Trull
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 12 noon on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	Boyer Planning
Applicant:	VISTRY
Reason for reporting application to Members:	Each stage of the Comeytrove Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

## 1. Recommendation

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

## 2. Executive Summary of key reasons for recommendation

- 2.1 This revised application seeks the approval of reserved matters for a further parcel of residential development (referred to as H1f(i)) at the Comeytrove Garden Community known as Orchard Grove. The layout, design and approach to this application follows previously approved applications for

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

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

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

#### **3.1 Obligations**

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

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

- 1) Drawing Schedule
- 2) Landscaping scheme compliance and protection
- 3) Finishing materials compliance
- 4) Energy Statement and EV Charging Plan compliance
- 5) Water efficiency requirements
- 6) Phosphate Mitigation Plan compliance
- 7) Arboricultural and Ecological Technical Note compliance
- 8) Pedestrian and cycle crossing points detail
- 9) Highways materials detail
- 10) Construction Environmental Management Plan (CEMP) and Wheelwash compliance
- 11) Management of construction stage drainage
- 12) Management responsibilities of SW infrastructure

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

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

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

#### **Details of proposal**

- 4.1 Reserved matters approval is sought, for the appearance, landscape, layout and scale of 20 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, incidental public open space and drainage with associated infrastructure and engineering works (Phase 1 - Parcel H1f(i) – Vistry).

- 4.2 The scope of the application has now been amended to pare back the red line of the application away from the Comeytrove Bus Gate, allowing that to be dealt with via a separate application. This also removes any overlapping of the former Industrial Estate. The questions and concerns raised concerning the Bus Gate and land contamination from the Industrial Estate risked delaying this application which has a time imperative in order to secure affordable housing.
- 4.3 This is the seventh reserved matters approval sought in relation to housing at this strategic site. Councillors will recall more recently considering application 42/21/0027 totalling 70 dwellings for Parcel H1e (Taylor Wimpey) with that resolution having been made in December 2022.
- 4.4 These residential schemes follow the approval, by committee, of reserved matters relating to strategic infrastructure (spine road, strategic drainage and public open spaces areas) for the western neighbourhood, ref 42/19/0053 and supporting utility infrastructure approved via application 42/20/0042.
- 4.5 The outline application, ref 42/14/0069, for this 2000 dwelling development was accompanied by a viability assessment, which made assumptions around the costs and timescales for delivery of this strategic site, with the delivery of affordable housing being agreed at 17.5%. Affordable Housing is being increased on these parcels through funding from Homes England.
- 4.6 The 20 dwellings proposed here in Parcel H1f(i) comprise 2, 3 and 4-bedroomed houses (15 market, 5 affordable = 25% split 1 rented and 4 shared ownership).
- 4.7 Parcel H1f(i) sits away from any external boundary shared with existing residential properties, mid-way down-up the slope between Highfield Crescent and the un-named tributary to the Galmington Stream that flows along the bottom of the valley.
- 4.8 The proposed dwellings are all two-storey houses save for two pairs of 2-and-a-half-storey buildings which have rooms in the roof served by dormer windows. Key buildings receive a render finish rather than brick in line with the Design Guide.
- 4.9 The proposed dwellings consist of a mixture of detached, semi-detached and terraced properties. The majority of dwellings are of a simple rectangular floorplan with pitched roofs. All dwellings have allocated parking as well as cycle storage in sheds or garages.
- 4.10 Landscaping is proposed within the parcel including trees on all streets, hedges and shrubs to provide boundaries, landscaping within parking areas and within rear gardens.

- 4.11 All properties are afforded an EV charging facility and an energy statement sets out better than Buildings Regulations carbon savings.
- 4.12 The application does include the discharge of various planning conditions imposed on the 'mother' outline consent 42/14/0069, these are to be considered separately.

Site and surroundings

- 4.13 Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use garden community at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site. The area submitted for approval with this application comprises parcel H1f(i) of the site and sits within the parish of Trull.
- 4.14 The site is generally characteristic by an undulating landscape. The area of the site south of Jeffreys Way slopes from the north to the south east to the un-named tributary of the Galmington Stream. That slope has now been cut into terraces in line with application 42/19/0053 to achieve road lines, development platforms and drainage basins.
- 4.15 The site is not near any Conservation Area and the nearest listed building is located approx. 100m to the east, Comeytrove Manor. An associated Mill sits between the parcel and the Manor.
- 4.16 The site is under construction, occupations commenced in April 2022 with currently circa 73 properties occupied at present. Approval of this application would take the number of dwellings consented with implementable Reserved Matters Approval to 521.

**5. Relevant Planning History**

Reference	Description	Decision	Date
42/14/0069	Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for	Approved	8 August 2019

	a primary school, a mixed use local centre and a 300 space 'park and bus' facility		
42/15/0042	Demolition of a section of wall on the western side of Honiton Road for creation of the access to the southwest Taunton Urban Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull	Approved	9 August 2019
42/19/0053	Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrowe/Trull	Approved	18 March 2020
42/20/0005/DM	Prior notification of proposed demolition of chicken coops on land south west of Taunton	No objection subject to conditions	21 February 2020
42/20/0006	Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrowe/Trull	Approved	22 July 2020
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
42/20/0031	Approval of reserved matters in respect of the appearance, landscape, layout and scale,	Approved	8 April 2021

	pursuant to planning permission reference (42/14/0069) for the erection of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1a on land at Comeytrove/Trull		
42/20/0042	Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull	Approved	08 April 2021
42/20/0043	Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull	Approved	19 October 2020
42/20/0056	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c(i) on land at Comeytrove/Trull	Approved	8 April 2021
42/21/0004	Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Parcel H1d on land at Comeytrove/Trull	Approved	3 February 2022



42/21/0020	Non-material amendment to application 42/20/0006 to allow for adjustments to highway alignments (Phase 1a and Parcel H1b) on land at Comeytrove/Trull	Approved	10 January 2022
42/21/0032	Erection and installation of an electricity sub-station on land falling within Phase H1C/H1F at Comeytrove/Trull	Approved	31 August 2021
42/21/0035	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 55 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Parcel H1c(ii) on land at Comeytrove/Trull (resubmission of 42/20/0056)	Approved	20 September 2022
42/21/0046	Application for approval of reserved matters following outline application 42/14/0069 for a local equipped play area (LEAP), landscaping, drainage and associated engineering operations, referred to as Garden Park, on land at Comeytrove/Trull	Approved	4 April 2022
42/21/0058	Re pointing of former kitchen garden wall (Building A) with removal of loose stones, removal of attached modern industrial shed along stable blocks northern wall and making good of gable end (Building B), and removal of stub wall (Building G) at the stable block associated with Comeytrove Manor, Manor Industrial Estate, Taunton	Pending	
42/21/0077	Application for a non-material amendment to application 42/14/0069 for realignment of the approved A38 roundabout on land south of the A38, Comeytrove	Approved	17 December 2021
42/21/0068	Conversion and change of use from commercial (Class E) to 1 No.	Pending	

	residential dwelling at The Stable Block, Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe		
42/21/0069	Conversion and change of use from commercial (Class E) to 1 No. residential dwelling at The Stable Block, Comeytrowe Manor West, Lipe Hill Lane, Comeytrowe	Pending	
42/22/0026	Application for a Non-Material Amendment to application 42/20/0042 to introduce a turning head at the entrance to the approved pumping station compound and associated delivery of designated cycle lane through the site on land at Comeytrowe Rise, Trull	Refused on procedural grounds – not an NMA	21 April 2022
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and infrastructure on land at Comeytrowe, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>	Approved	SWT Comments sent to SCC 26 May 2022, application approved by SCC December 2022
42/22/0043	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrowe Rise, Taunton	Pending	Deferred from October 2022 Planning Committee
42/22/0056	Application for Approval of Reserved Matters following Outline Application 42/14/0069 for the appearance, landscaping, layout and scale for the strategic infrastructure works, including associated green infrastructure and drainage, associated with the delivery of infrastructure roads WR02 and WR03 at Orchard Grove Community, Comeytrowe	Pending	
42/22/0054	Erection of a care home (Use Class C2) comprising of 68 No. bedrooms with associated staff	Approved	31 January 2023

	facilities, access, landscaping, parking and associated works on land at Comeytrove, Taunton		
42/22/0055	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, landscaping, layout and scale of the strategic infrastructure associated with the delivery of the employment zone including employment estate roads, green infrastructure, ecology mitigation, drainage, earth re-modelling works and hard landscaping associated with the local square at Orchard Grove Community Employment Zone, land adjacent A38, Taunton	Pending	
42/22/0056	Application for Approval of Reserved Matters following Outline Application 42/14/0069 for the appearance, landscaping, layout and scale for the strategic infrastructure works, including associated green infrastructure and drainage, associated with the delivery of infrastructure roads WR02 and WR03 at Orchard Grove Community, Comeytrove	Pending	
42/22/0063	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 51 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 comprising Parcel H1f(ii) together with additional details as required by Condition No's. 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on land west of Comeytrove Lane, Taunton	Pending	
42/22/0064	Variation of Condition No's. 02, approved plans, (for alterations to common infrastructure, including	Pending	

	drainage attenuation basins, retaining structures and earthworks, site remodelling, engineering works and landscape planting) and 04, landscaping details, of application 42/19/0053 on land at Comeytrove, Taunton		
42/22/0075/CB	Application to determine if prior approval is required for the proposed demolition (Class B) of former industrial buildings at Comeytrove Manor Industrial Estate, Lipe Hill Lane, Comeytrove	Prior Approval Required	18 January 2023
42/22/0076	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, layout and scale for the erection of a bat house and associated works at Orchard Grove Urban Extension at Comeytrove	Pending	

## 6. Environmental Impact Assessment

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.
- 6.2 Then the Council must consider if the application is:
- (i) a subsequent application in relation to Schedule 1 or Schedule 2 development
  - (ii) has not been subject to a screening opinion and
  - (iii) is not accompanied by an ES (under Reg 9 of the EIA regulations).
- 6.3 In this case the Garden Community development fell within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and the outline application was accompanied by a full Environment Statement.
- 6.4 The Council therefore must assess whether the information it has within the outline ES is sufficient to determine the application now before it.
- 6.5 The conclusions hereon are such that the Council considers the application as an application for reserved matters will not have any further significant environmental effects over and above those assessed at the outline stage and a further environmental statement is not required.

## 7. Habitats Regulations Assessment

- 7.1 Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').
- 7.2 In a letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset Levels and Moors Ramsar Site ('the Ramsar Site') could not. The difference, NE state, is that whilst such increased nutrient deposition is "...*unlikely, either alone or in combination, to have a likely significant effect on the internationally important bird communities for which the site is designated*" as regards the SPA such a conclusion cannot be drawn in relation to the Ramsar Site.
- 7.3 The typical consequence of such excessive phosphate levels in lowland ditch systems is "*the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna*" NB: (Lemna refers to aquatic plants such as duckweed).
- 7.4 This excessive growth "*adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia (absence of oxygen)*" which in turn allows those species better able to cope with such conditions to dominate. The result is a decline in habitat quality and structure. NE state that "*The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive phosphate (P) and the resultant ecological response, or at risk from this process*".
- 7.5 NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works ('WWTWs')) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the Ramsar Site have a phosphate level classed as significantly less than 'Good' by reference to the Environment Agency's Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a "*Poor Ecological Status*".
- 7.6 At the time of the letter the issue in terms of the Ramsar Site was that the conservation status of the designated site was 'unfavourable' but in a recent SSSI Condition Change Briefing Note for the Somerset Levels and Moors dated May 2021 (uploaded to this applications' online case file) the overall condition across all Somerset level and Moors SSSI's is 'Unfavourable Declining' due to evidence of failing water quality, most notably high Phosphate levels.

- 7.7 NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.
- 7.8 The project being assessed here will result in a positive phosphate output and therefore the wastewater from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site ('the Ramsar Site'). The pathway is via the wastewater treatment works. Therefore, the surplus in the phosphate output would need to be mitigated in order to demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.
- 7.9 In response to this situation the Development Consortium acted quickly to ascertain the phosphate load to mitigate and the necessary solution, with help and assistance from the Council and Natural England. Natural England's advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites.
- 7.10 This has resulted in the submission of additional key supporting documents; a Phosphate Mitigation Strategy, a Fallow Land Management Plan, a Shadow HRA Assessment Report and Phosphate Strategy Composite Plan. These detailed documents are available on the planning case file (42/22/0062) on the Council's website.
- 7.11 When calculating the phosphate load from development and subtracting this from the phosphates produced from current land usage neutrality can be achieved whilst also applying all suitable buffers. The Shadow Habitats Regulations Assessment (sHRA) report concludes that in order to achieve phosphate neutrality for Parcel H1f(i) part of the site in the Eastern Neighbourhood will be fallowed. Given Parcel H1f(i) itself was to be fallowed to provide mitigation for previously approved parcels more land has been allocated for fallowing in the Eastern Neighbourhood to compensate.
- 7.12 The key design principle for fallowing is the cessation of arable farming and the application of fertilizer, beyond that the creation and maintenance of permanent vegetative cover (as opposed to bare ground) will provide soil stability and minimise the runoff of silt and/or phosphate from the land.
- 7.13 Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.
- 7.14 The proposed Phosphate Mitigation Strategy is an interim measure for the Parcel H1F(i) Reserved Matters application, a separate but similar approach has been taken with Parcels H1a, H1b, H1c(i), H1c(ii), H1d and H1e. As explained land is to be taken out of agricultural production prior to the first occupation.

- 7.15 In summary a Likely Significant Effect on Somerset Levels and Moors Ramsar has been identified as a result of water quality (phosphate) impacts, in isolation and in combination with other plans and projects. Mitigation in the form of land-use change and fallowing of agricultural land, secured through delivery of a Management Plan, would ensure that phosphates generated by this Reserved Matters Site would be mitigated. It is considered that the Council can conclude that there would be no adverse effect on the integrity of the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either in isolation or in combination.
- 7.16 Extensive discussion between the Consortium and Natural England has occurred over the course of the development so far resulting in the approach taken and the submitted documents.
- 7.17 Natural England has confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the reserved matters application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site. Somerset Ecology Services as the Council's/LPA's retained Ecologists have agreed that the sHRA can be adopted by the Council. The sHRA highlights the site is very close to exhausting its onsite fallowing credits.
- 7.18 The method of securing the specific mitigation measures in this situation has been discussed and in this instance a suitably worded condition is proposed as has been the case for all previous parcels.
- 7.19 The judgment whether a proposal will adversely affect the integrity of the designated site for the purposes of Regulation 63(5) of the Habitats Regulations is one for the LPA to make. In conclusion the LPA view 70 additional dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.
- 7.20 In the wider context recent Government announcements in the form of the recent Written Ministerial Statement and the Letter to Chief Planning Officers, are to be treated with cautious optimism. This is important in considering the continued development of this site.
- 7.21 The Written Ministerial Statement (WMS) issued on 20<sup>th</sup> July 2022, set out details of a national nutrient mitigation scheme to be funded by Defra/DHULC and implemented by Natural England. The DLUHC letter to Chief Planning Officers dated 21<sup>st</sup> July 2022 gives further details and states that the national nutrient mitigation scheme will enable LPA's to grant permission subject to conditions or obligations securing mitigation and phasing development if needed.
- 7.22 The WMS also states that there will be a new legal duty imposed upon water companies in England to upgrade wastewater treatment works in 'nutrient

neutrality' areas to the highest technically achievable limits by 2030 - the Government will be tabling an amendment to the Levelling Up and Regeneration Bill. The DLUHC letter states that, as a result of the new legal duty on water companies, the pollution levels after 2030 via wate water treatment works will be much reduced and so a lower level of mitigation will be required, thus reducing the overall mitigation burden on housing developments.

7.23 DLUHC state they will make clear in future planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force.

7.24 The Government will also be bringing forward proposals to 'reform' the Habitats Regulations.

7.25 However, none of the above has yet been translated into legislation or even planning guidance as yet. As such this scheme seeks to consume its own smoke, but as referenced above there may be the need, in the absence of the legislation and/or planning guidance coming into force swiftly, that this scheme will need to explore other longer-term solutions.

## 8. Consultation and Representations

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

Date of Consultation: 28 October 2022

Date of revised consultation: 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.

Statutory consultee	Comments	Officer comments
Trull Parish Council	<p><i>“Object -</i></p> <ol style="list-style-type: none"> <li><i>1. The main Boyer Application document states that a Prior Approval of demolition will be submitted in parallel but this has not yet been submitted.</i></li> <li><i>2. The Estate cannot be demolished before a full Contamination Assessment and Remediation Plan has been agreed.</i></li> <li><i>3. p.41 of the Boyer Application document states that a vehicular access will be provided through the</i></li> </ol>	<ol style="list-style-type: none"> <li>1. See application 42/22/0075/CB</li> <li>2. There is nothing to stop the (former industrial) estate being demolished if the prior approval process is met.</li> <li>3. No reference to this can be seen and no access is proposed.</li> </ol>



	<p><i>old industrial estate. This is not permitted. All accesses were agreed at Outline Permission and this was not put forward at that time.</i></p> <p>4. <i>There is no Updated Phosphate Strategy.</i></p> <p>5. <i>There is no detail about the two small park areas which have been included as part of this application even though one of them lies beyond H1fii”.</i></p>	<p>4. A phosphate mitigation plan has been submitted.</p> <p>5. These are covered by another application.</p>
<b>Comeytrove Parish Council (Neighbouring Parish)</b>	<p><i>“Object – strongly recommend refusal of this application on Highways grounds. The Parish Council believes there is insufficient width capacity for the bus to safely enter or exit the Orchard Grove development at the proposed bus gate. The road is too narrow, and lacking adequate visibility splay, this would cause safety concerns for all road users and pedestrians. On a separate note, in relation to this application the Parish Council strongly believes there is no viable case for a bus gate, and a separate bus service should be run from the A38 through the development along the spine road”.</i></p>	<p>The scope of the application has now been amended to pare back the application away from the Comeytrove Bus Gate, allowing that to be dealt with via a separate application.</p>
<b>Bishops Hull Parish Council (Neighbouring Parish)</b>	<p>No comments to make.</p>	<p>No further action.</p>
<b>Highway Authority - SCC</b>	<p>No objections raised.</p>	<p>No further action.</p>
<b>Natural England</b>	<p>After a meeting with the applicants Natural England confirmed they are happy with the approach and the current crop of applications, including this one, can be delivered through fallowing of land within the overall red line of Comeytrove. This agreement was reliant, as per previous phases, that the backstop measure that the fallowed land will be left to natural regeneration should alternative permanent measures not be found, was included.</p>	<p>The backstop referred to is contained within the Fallow Land Management Plan subject to proposed Condition 06.</p>
<b>Public Rights of Way - SCC</b>	<p>No PROW affected.</p>	<p>No further action.</p>
<b>Environment Agency</b>	<p>No objection subject to a land contamination condition.</p>	<p>This condition is now no longer required due</p>

		to the amended red line meaning the application no longer overlaps the former Industrial Estate.
<b>ICOSA WATER - Statutory water and sewerage undertaker - New Appointment &amp; Variation (NAV) via the Water Industry Act 1991</b>	No comments received.	No further action.
<b>Lead Local Flood Authority (LLFA) - SCC</b>	With regard to Conditions 12 and 13 of the outline consent – <i>“From our review, we are satisfied that the proposed drainage strategy for this phase is in line with the previously agreed strategy for the wider site and that adequate details have been provided to address these conditions”</i> . Conditions for this RM application requested to cover the construction stage drainage and a pre-occupation condition relating to the maintenance plan.	Conditions imposed.
<b>Historic England</b>	No comments received.	No further action.
<b>National Highways</b>	No comments received.	No further action.

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Affordable Housing</b>	<i>“For Phase H1F-i the 5 affordable homes proposed is 25% of the total 20 homes. 4 will be in accordance with the S106 agreement and 1 will be as additional affordable home. The additional affordable home is welcomed to meet the high level of affordable housing demand in Taunton”</i> .	No further action.

<b>Crime Prevention Officer</b>	On original plans - No objections, commentary given on layout, orientation, boundaries, POS and car parking. The applicant is referred to Secured by Design 2019 guidance.	Informative note imposed referring to SBD.
<b>SWT Conservation Officer</b>	<p><u>“Application Details</u>  <i>The application site is part of the wider urban expansion scheme for Comeytrove/Trull approved under outline ref. 42/14/0069, located at the east end of the development site. The site is located c. 400m to the north-west of the Grade II Listed Comeytrove Manor (National Heritage List for England (NHLE) List Entry Ref. 1344532, Nov 1987) and the curtilage listed stable block, walled garden and mill and c. 400m to the south-west of the Grade II Listed Rumwell Park (NHLE 1060545).</i></p> <p><u>Significance</u>  <i>An assessment of the sites archaeology and heritage value can be found Section 13 of the Environmental Statement submitted in support of Outline Planning Permission 42/14/0069.</i></p> <p><u>Assessment of harm</u>  <i>The development of this plot will be located within the wider setting of Runwell Hall, Comeytrove Manor and its associated features. However, the principal elements of their significance, in their architectural interest and the immediate setting of the hall and buildings associated with Comeytrove Manor, will remain unaltered. There will be intervening distance and vegetation between the site and the heritage assets, limiting intervisibility. Therefore, the appreciation of the heritage assets will also be unaltered.</i>  <i>Recommend approval”.</i></p>	No further action.
<b>South West Heritage Trust - Archaeology</b>	No comments received.	There are no archaeological interests in this area. No further action.
<b>SWT Placemaking Officer</b>	No comments received.	No further action.

<b>SWT Green Infrastructure Officer</b>	Comments on street dimensions, street trees, the Manor Park crossing points and drainage/attenuation.	The Manor Park crossing point is an issue needing attention and a condition is proposed.
<b>SCC Ecologist</b>	<p>Condition 18 (Updated LEMP and ECMS) - Needs updated surveys to inform</p> <p>Condition 19 (Ecological Management Plan) Can be discharged</p> <p>Condition 20 (Updated Surveys) – Updated surveys required.</p> <p>Condition 21 (Lighting for Bats) A lighting plan for this parcel is required.</p> <p>sHRA – <i>“SES are satisfied that the current applications can be realistically delivered and fulfilled through the fallowing of land which is within the overall redline boundary of Comeytrove (specifically concerning the wider Outline consent). Similarly, to the arrangements agreed with previous approved phases will be subject to including the current ‘interim’ measure as a permanent measure concerning the the fallowed land (i.e. leaving the land to naturally regenerate) if a permanent measure(s) cannot be found in the medium to long term”.</i></p>	The outline consent contains 4 conditions (18-21) that provide a framework to assess ecological impacts and provide mitigation and enhancement. The approval of these conditions is a separate matter and will not affect the layout and so this application can be approved.
<b>SWT Tree Officer</b>	<p>The Arb Technical Note (condition 15) is agreed.</p> <p>Concerns about the use of narrow columnar trees, few opportunities for tree planting due to density.</p>	See Para 12.12.
<b>SWT Environmental Health</b>	No objection subject to a land contamination condition.	This condition is now no longer required due to the amended red line meaning the application no longer overlaps the former Industrial Estate.
<b>Somerset Waste Partnership</b>	No comments received.	No further action.
<b>Devon and Somerset Fire and Rescue</b>	On original plans - Comments relating of means of escape, and the availability of fire hydrants.	These matters are covered by Building Regulations; no further action.

<b>Blackdown Hills ANOB</b>	No comments received.	No further action.
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### 8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties on 28 October 2022 and several site notices were displayed in streets surrounding the site on 08 December 2022.

8.3.2 3 letters were received. A summary of comments is provided in the table below.

<b>Comment</b>	<b>Officer comment</b>
<p><b>A resident from Comeytrove Rise (located off Comeytrove Lane to the east of the site)</b> Comeytrove Lane is used as a rat run and is not of a suitable standard to safely cope with this situation. Another bus gate should be installed on Comeytrove Lane south of Comeytrove Rise to direct cars onto the Orchard Grove spine road.</p>	<p>The scope of the application has now been amended to pare back the application away from the Comeytrove Bus Gate, allowing that to be dealt with via a separate application. There are no plans afoot to close Comeytrove Lane in the location described or install a bus gate to restrict traffic flow on Comeytrove Lane itself.</p>
<p><b>Another resident from Comeytrove Rise</b> Traffic increase on Comeytrove Lane in the winter and will increase further with the arrival of the new school. The lane is not fit for purpose. <i>“We would like to see the Lane physically blocked off for through traffic below Comeytrove Rise, excepting cycles, motability vehicles and pedestrians, and for signage deterring potential through traffic placed in Wellington Rd both ways - something like ‘No Through Road. No access to Orchard Grove and Trull’. We appreciate the existing bus route would be affected, but the new estate begs a revision of bus routes in any case. We can’t see that blocking Comeytrove Lane as suggested above will impair emergency access to Orchard Grove”.</i></p>	<p>As above.</p>
<p><i>“We are told that the industrial estate is contaminated with both Chemicals in the ground and Asbestos in the buildings and ground. It is in any case, an eyesore and devalues the whole area, including the new development surrounding it, as well as</i></p>	<p>The scope of the application has now been amended to pare back the application away from the former Industrial Estate, allowing that to be dealt with via a separate application.</p>

<p><i>offering a potential hazard for adventurous youngsters. We strongly urge that the buildings are demolished and the area made inaccessible as a matter of priority”.</i></p>	<p>Incidentally a Phase 1 Preliminary Risk Assessment and Phase 2 Geo-environmental and Geotechnical Site Investigation report has been submitted and is being reviewed by Environmental Health.</p>
<p><b>A resident from Trull</b> Objection based solely with the known contamination on the old Industrial Estate and the failure of the applicant to submit or gain approval for a pre-commencement remediation plan.</p>	<p>As above.</p>

8.3.3 There were no specific letters of support received.

## 9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

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

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

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

### Core Strategy 2012

SD1 - Presumption in favour of sustainable development

CP1 - Climate change

CP4 - Housing  
CP5 - Inclusive communities  
CP6 - Transport and accessibility,  
CP7 - Infrastructure  
CP8 - Environment  
SP2 - Realising the vision for Taunton  
SS7 - Comeytrove / Trull - Broad Location for Growth  
DM1 - General requirements  
DM4 - Design  
DM5 - Use of resources and sustainable design

#### Site Allocations and Development Management Plan 2016

A1 - Parking Requirements  
A2 - Travel Planning  
A3 - Cycle network  
A5 - Accessibility of development  
ENV1 - Protection of trees, woodland, orchards and hedgerows  
ENV2 - Tree planting within new developments  
ENV3 - Special Landscape Features  
I3&4 - Water infrastructure  
D7 - Design quality  
D8 - Safety,  
D9 - A Co-Ordinated Approach to Dev and Highway Plan,  
D10 - Dwelling Sizes  
D12 - Amenity space  
Site allocation policy TAU1 - Comeytrove / Trull

#### Other relevant policy documents

Somerset West and Taunton Design Guide  
Taunton: The Vision for our Garden Town and the Taunton Design Charter and Checklist  
Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency  
The Somerset County Council Parking Strategy (2013) supports the provision of EV charging points in new residential developments.

#### Neighbourhood Plans

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

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

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

#### The National Planning Policy Framework

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

Relevant Chapters of the NPPF include:

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

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

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

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.2 The relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. This project relates to a historic allocation, a 2014 application and 2019 outline approval informed by a viability assessment. Importantly also pre-Garden Town allocation. The Urban



Extensions of Comeytrove and Staplegrove were therefore brought forward, allocated, financially assessed and master planned in a different policy context to that which exists today. The challenge is to ensure sustainable development is secured, within the established legal framework to maintain momentum in housing delivery.

- 10.3 Indeed, SWT published the Strategic Housing and Employment Land Availability Assessment (SHELAA) in May 2022. The former TDBC LPA area had a 4.04 Year Housing Land Supply (YHLS).
- 10.4 As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.
- 10.5 The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that *Presumption* would not apply.
- 10.6 Clearly the sites in the supply need to come forward and this scheme of 20 further units at Comeytrove with a phosphate solution is part of a site which underpins and contributes significantly to the Council's five-year housing land supply.
- 10.7 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

## **11. Local Finance Considerations**

Community Infrastructure Levy  
Creation of dwellings is CIL liable.

Amended scheme development measures approx. 2172 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £152,250.00. With index linking, this increases to approximately £203,750.00.

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

## **12. Material Planning Considerations**

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

- Issues raised through the consultation process

#### Principle of Development

- 12.1. The principle of developing this site to provide a new sustainable neighbourhood has been established by the outline approval. This reserved matters application seeks approval for detailed matters in relation to layout, scale, appearance and landscaping and as explained above consideration is limited to these issues.
- 12.2. A full and detailed Environmental Statement was submitted with the Outline application. It was not required to be updated to support this application.
- 12.3. However, as Members will be aware the issue arising from the intervention of Natural England pertaining the phosphorus levels on the Somerset Levels and Moor has required the submission of a Shadow Habitats Regulations Assessment. This matter is described and discussed following this section of the report.

#### Negotiated Amendments

- 12.4. In accordance with the NPPF, officers have worked proactively with the applicants to secure improvements to the proposal. A number of design changes have been secured to the layout over the past 12 months, prior to submission.
- 12.5. These can be summarised as improvements to dwelling design and streetscape, revised boundary treatments, landscaping changes and improvements and increased justification for certain design approaches.

#### The Scope of this application

- 12.6. The outline application accompanied by an Environmental Statement was approved on the basis that reserved matters would subsequently be sought for layout, scale, appearance and landscaping. Access was approved as part of the outline application and three Highways related plans for 2 roundabouts on the A38 and Honiton Rd and the secondary 'bus only' access off Comeytrowe Lane were approved and listed in Condition 02 accordingly.
- 12.7. Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that the reserved matters should encompass some or all of the outstanding details of the outline application proposal, including:
  - landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
  - layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
  - scale - includes information on the size of the development, including the

- height, width and length of each proposed building
- appearance - aspects of a building or place which affect the way it looks, including the exterior of the development

- 12.8. Condition 02 of the outline consent stated the development was to be carried out in accordance with 5 parameter plans. These plans had been formulated through consultation and through the conclusions of the Environmental Statement. For example the Environment Statement concluded that there would be policy compliance and no environmental harm caused if the development was developed in line with the guidelines set out on the parameter plans, i.e.: development of a certain height, distribution and density, accessed in the manner set out and with the quantum, distribution and general characteristics of green infrastructure. In many ways the parameter plans established at outline stage form the bones of the skeleton to which the Reserved Matters now represent the flesh.
- 12.9. Applications for Reserved Matters are not full planning applications in the normal sense where all matters are on the table but are instead a matter of assessing compliance with all the matters agreed at the outline stage and via outline conditions. Only the matters of layout, scale, appearance and landscaping are those reserved (or deferred) to this latter stage and they must be guided by the parameter plans set at the outline stage and any conditions attached to the permission.
- 12.10. It should be noted that the Reserved Matters do overlap to an extent and are inextricably linked insofar as changes to one aspect will invariably impact on another.
- 12.11. Access -The Access and Movement Parameter Plan stated in Condition 02 is Plan No. 9603 Rev H. It shows the access points around the periphery of the development for vehicles (incl. bus), cycle and pedestrian. This Reserved Matters application accords with this approved plan. An assessment of the internal movement and access is to be found at Para 12.41.
- 12.12. Landscaping - The Green Infrastructure Parameter Plan stated in Condition 02 is Plan No. 9604 Rev L. It shows the strategic public open spaces to serve the development, the approx. locations of LEAPs and the NEAP, allotments and playing fields, plus proposed structural landscaping and retained/removed hedgerows/trees. This Reserved Matters application accords with this high-level parameter plan.
- 12.13. Areas of public open space with extensive tree planting adjoin the red line and were approved by the already approved detailed application for strategic infrastructure and public open space (app ref 42/19/0053). This application is itself now subject to proposed revision via a recently submitted s73 application revising elements of the 2019 Infrastructure application. Without wishing to pre-empt the determination of that application before it has been reported to the Planning Committee it is felt that whilst the POS areas adjoining this parcel will likely change it is not felt that should hold this application from

progressing. Safeguarding conditions will be imposed to secure certain details.

- 12.14. Additional landscaping to that retained is provided for in the form of street trees, front gardens, parking areas and within incidental public open space areas. The quantum, distribution and species choice is considered acceptable and follows that approved on previous parcels.
- 12.15. Layout - The Land Use Parameter Plan stated in Condition 02 is Plan No. 9600 Rev L. It shows the area covered by this reserved matters application as being 'residential development' which can include play areas, allotments, drainage basins and incidental landscaping. This parcel does not contain drainage basins, play areas or allotments as they are located elsewhere in line with the approved masterplan. This Reserved Matters application therefore accords with this approved plan.
- 12.16. Condition 04 of the outline consent required the submission of a Neighbourhood Design Guide. This was submitted and approved by the LPA. Within this document an indicative layout was set out. This Reserved Matters accords with the layout shown.
- 12.17. The infrastructure Reserved Matters application, ref 42/19/0053, also showed some internal estate roads and the location of the more strategic public open space areas which this application also accords with.
- 12.18. The layout provides a suitable quantum of parking spaces, largely on plot, to accord with policy.
- 12.19. A later section of this report assesses the '*Standard of amenity for proposed dwellings*'.
- 12.20. Scale - The Scale Parameter Plan stated in Condition 02 is Plan No.9602 Rev K. It shows the area covered by this reserved matters application as being 'Up to 12.5m' 3-3.5 storey high development. This Reserved Matters application therefore accords with this approved plan.
- 12.21. Density - An integral part of scale and layout is density. The approved Density Parameter Plan stated in Condition 02 is Plan No.9601 Rev I. It shows the area covered by this reserved matters application as being 'Medium to Higher Density' inclusive of predominantly semi-detached units, some detached and some terraced units at a density of 30-50 dwellings per hectare (dph).
- 12.22. This Reserved Matters application shows an averaged density across the whole parcel at 37.3dph.
- 12.23. The plan continues the pattern established by previous Parcels where larger detached units face open spaces.
- 12.24. Appearance - Appearance is probably the Reserved Matter most concentrated on as the most visible and relatable aspect as it's what you see. Indeed, in

assessing the 'appearance' reserved matter it is inevitable that matters of scale and density are referenced as it is not always possible to keep them separate.

- 12.25. Core Strategy Policy DM4 Design, Site Allocations & Development Management Plan (SADMP) Policy D7 Design Quality and Section 12 (Achieving well designed places), together with Chapter 12 of the NPPF are material considerations. The Garden Town Vision Charter and Checklist and the Somerset West and Taunton Design Guide are also material considerations albeit with limited weight given the existence of the outline approval.
- 12.26. Given the strategic nature of this site, this design process has taken place over a number of years, with broader considerations around the site context and structure being considered in principle as part of the Outline application, with the approval of the parameter plans previous discussed.
- 12.27. A condition (4) on the Outline application required the submission of a Site-specific Neighbourhood Masterplan and Design Guide. This document is intended to build on the approved parameter plans and provide a more detailed framework against which mid-level matters of design such as the proposed arrangement of development blocks, streets and spaces can be assessed. A Neighbourhood Design Guide for the Western Neighbourhood (Neighbourhood Design Guide) was agreed in March 2020 after several months of negotiations.
- 12.28. An Appearance Palette is also required by Outline condition (5) for each parcel. This in turn builds on the Neighbourhood Design Guide and provides a framework to assess narrower design considerations such as building design, building materials, surface materials, street furniture and tree species.
- 12.29. These plans and documents further inform how the reserved matters should be considered. This application is accompanied by a Compliance Statement setting out how the applicant believes the proposal accords with the parameter plans, Neighbourhood Design Guide and Appearance Palette.
- 12.30. The Comeytrove Garden Community will deliver a comprehensive landscape and green infrastructure scheme, with substantial areas of open space and tree planting in line with the Garden Town Vision. Much of this green infrastructure has already been designed and approved under application 42/19/0053. This application also approved the strategic Sustainable Urban Drainage Systems (SuDS) and earthworks to create level building plots. This is the work presently occurring across the site.
- 12.31. The SWT Design Guide states that the creation of a design concept, to identify key groupings, focal points/features, character areas, and street and space hierarchy is a very important stage in the design process. The Neighbourhood Design Guide sets out a framework regarding the creation of character areas and nodes, key frontages and groupings development of principles on development blocks, density and height ranges, development

block structure, and street and space hierarchy for the Western Neighbourhood.

- 12.32. Within Phase 1, Parcels H1a, H1b, H1c(i) and H1c(ii), H1d, H1e H1f(i) and H1f(ii) all form part of Northern Slopes character area. A term used to set out different design characteristics across the site. Phase 2 is known as Hilltop Gardens and the Local Centre is similarly in a separate character area. What this means is that the parcels within each character area should more-or-less appear/look the same. The contrast is provided between character areas and should be subtle, akin to the use of a different palette of materials, different planting types, height, density, modern design over traditional design or urban design changes. The key is subtlety to make one area distinct from another to aid wayfinding and legibility.
- 12.33. As such the approach to parcel H1f(i) has been both informed by reference to the suite of design documents but also importantly the Planning Committee's interpretation of them in already resolving to approve the Reserved Matters applications for H1b, H1a, H1c(ii), H1d, H1c(ii) and most recently H1e despite several design facets remaining problematic to officers and councillors alike. It was apparent the committee, as the decision-maker, attributed weight to a wide range of issues in making a decision based on the planning balance which it was perfectly entitled to do. The appearance of the Northern Slopes character area which impacts the whole of phase 1 has therefore in part been influenced by the committee decisions on these previous parcels.
- 12.34. Numerous amendments have been made to the Reserved Matters submission to both align with those parcels already approved but to also respond to new settings such as the public open space/countryside edge and to improve and clarify movement within the parcel and how it connects to other parts of the site.
- 12.35. The comments of the GI Officer and Tree Officer are noted; green infrastructure has been considered, species choices made, street trees and on-plot trees included and there is a comprehensive approved landscaping scheme within the public open spaces areas.
- 12.36. Overall it is considered the proposal accords with the relevant policies of the Core Strategy and SADMP.

#### Residential Amenity - Impacts on Neighbours

- 12.37. The application area does not share a boundary with any existing adjacent property and hence the level of public interest and comment has been significantly less than with other previously approved parcels. As such the assessment has focused on the internal relationship of the new houses with each other, and there are no concerns evident.
- 12.38. Overall it is considered the proposal accords with the relevant policies of the NPPF, Core Strategy and SADMP.

### Other Considerations

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

#### *Ecology*

- 12.40. The outline application is subject to numerous ecologically related conditions that require consideration at each Reserved Matters stage. The Council's Ecologist confirms there is some clarification required relating to street lighting in areas where bats may be present, informed by updated surveys. This is currently being actioned by the applicant and isn't a reason, given the safeguards of the Outline conditions, to decline to approve this application.

#### *Internal Access and Movement*

- 12.41. The Western Neighbourhood Design Guide and Masterplan set out a hierarchy of roads and streets which this application accords with. Condition 26 of the outline also required an internal network of cycle paths to be created and plans for this in the Western Neighbourhood have also been agreed, which this application respects.

#### *Drainage and Flood Risk*

- 12.42. The site is not within a Flood Risk area. The approach to surface water drainage follows that established via the Infrastructure application in 2019 when the majority of attenuation basins and the way they were to drain the Western Neighbourhood was approved. It is therefore not possible to completely change the approach at this stage as has been advocated for some time by the GI Officer and Placemaking Specialist. The LLFA have sought extra conditions which will be imposed. The matter will be examined via the submission for condition 13 of the outline consent. The strategy works on the basis of surface water being captured and held in attenuation basins and then released slowly, at a rate the same or better than would have been the case had the rain fallen on a green field. This strategy has been selected because infiltration rates on the site do not allow use of soakaways. Other parts of the strategy include the use of water butts, permeable paving and depressions. Surface water is also importantly kept separate from foul discharges.

#### *Impact of Heritage Assets*

- 12.43. The outline application contained an assessment on the likely impacts to heritage assets. Now we have the precise detail within a Reserved Matters application we can compare the judgments and assumptions made then to the proposal as is now.
- 12.44. The primary areas of interest within the Environment Statement accompanying the outline application was Rumwell Park and the Trull Conservation Area.
- 12.45. Parcel H1f(i) is not within the perceived setting of Rumwell Park which is located further to the north west and is distant from the Trull Conservation Area.

12.46. However Comeytrowe Manor (Grade 2) is located approx. 100m to the east, and there is intervisibility between its setting and the parcel in question.

12.47. The Listed Buildings and Conservation Areas Act 1990 is relevant in order to assess the impact on heritage assets. Given the Reserved Matters is broadly in compliance with the parameter plans and given the inherent measures within the application (design and landscape) and the setting, it is considered there are no additional mitigation measures needed. The situation has been assessed by the SWT Conservation Officer and there is no reason to withhold reserved matters approval on the basis of any impact on heritage assets.

#### *Sustainability*

12.48. This application for reserved matters is supported by an Energy and Sustainability Statement. The outline application did not secure additionality in terms of the sustainable construction specification over Building Regulations.

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

12.50. The submitted Energy and Sustainability Statement, which mirrors that already approved for parcels H1b, H1a, H1c(ii), H1d, H1c(ii) and H1e sets out a fabric first approach to demand reduction which will in turn delivers a level of energy performance beyond the current Building Regulation standards whilst addressing a range of additional sustainable design considerations. It also states how water saving measures have been incorporated into the design in order to deliver a calculated water use per person which far exceeds Building Regulations requirements. The Council's now standard Condition on water efficiency is also proposed.

12.51. Councillors will also be keen to learn that in order to support the transition to electric vehicles all units are to be provided with infrastructure to allow the future installation of electric vehicle charging points.

#### *Standard of amenity for proposed dwellings*

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

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

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

#### *Refuse and Recycling*



12.55. Hardstanding for bin storage is provided to the rear of all units. Where collection cannot be made from the immediate frontage of properties designated collection points are provided a short distance from properties. Some steps will be needed but accordance with Building Regulations will be required.

*Parking and cycle storage*

12.56. Parking is provided largely in the form of on-plot parking (to the side or front of the dwelling). Visitor parking is also provided. The level of car parking, and size of garages, is adequate to meet the requirements for Parcel H1F(i) and is in line with the parking standards in Appendix E of the Site Allocations and Development Management Plan.

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

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

13.1. The continued delivery of the Garden Community will make a significant contribution towards meeting 'transformational housing growth' in Taunton and the wider council area whilst contributing to the Council's 5-year land supply of housing land and the provision of much needed affordable housing.

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

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

13.4. It is considered the application accords with the Development Plan when taken as a whole and any impacts are either already mitigated by legal agreement or conditions under the outline or via additional conditions proposed here.

13.5. It is considered that with regard to the planning balance the benefits of the scheme significantly outweigh the impacts. Overall, within the parameters set by the outline consent, the proposal represents sustainable development.

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

## Appendix 1 – Planning conditions and informatives

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

(A1) DrNo PL-VI-31 Rev F Site Location Plan (all plans hereon showing a red-line are superceded by this plan)

(A0) DrNo PL-VI-33 Rev X Planning Layout- Parcel H1f-i

(A1) DrNo PL-VI-33 Rev X Planning Layout H1f-i (Coloured)

(A1) DrNo PL-VI-34 Rev F Parcel H1f Vistry Material Plan

(A1) DrNo PL-VI-35 Rev F Parcel H1f-i Vistry Boundary Treatments Plan

(A3) DrNo PL-VI-35.1 Rev B Parcel H1f-i Vistry Boundary Treatments

(A0) DrNo PL-VI-16 Rev B Parcel H1f-i Vistry Presentation Layout

(A0) DrNo PL-VI-36 Rev B Parcel H1f-i Vistry Presentation Layout

(A0) DrNo PL-VI-36 Rev B Parcel H1f-i Vistry Presentation Layout (Coloured)

(A1) DrNo PL-VI-38 Rev F Parcel H1f-i Vistry Visitor Parking Plan

(A1) DrNo SS-VI-32 Rev F Parcel H1f-i Vistry Street Scenes

(A1) DrNo DP-VI-31 Rev C Parcel H1f-i Vistry Density Plan

(A1) DrNo SRS-VI-31 Rev F Parcel H1f-i Vistry Steps & Railings Study

(A3) DrNo HT-H1f-S-X306-01 Housetype Planning Drawing Secondary Frontage - X306

(A3) DrNo HT-H1f-S-X308-01 Rev B Housetype Planning Drawing Secondary Frontage - X308

(A3) DrNo HT-H1f-S-X309-01 Rev B Housetype Planning Drawing Secondary Frontage - X309

(A3) DrNo HT-H1f-SF-X413C-01 Rev B Housetype Planning Drawing Secondary Frontage - X413C

(A3) DrNo HT-H1f-S-X414-01 Rev B Housetype Planning Drawing Secondary Frontage - X414

(A3) DrNo HT-H1f-S-A24L-01 Rev B Housetype Planning Drawing Secondary Frontage - A24L

(A3) DrNo HT-H1f-SA30L-01 Housetype Planning Drawing Secondary Frontage - A30L

(A3) DrNo HT-H1f-GE-X308-02 Rev C Housetype Planning Drawing Green Edge Frontage -X308

(A3) DrNo HT-H1f-GE-X309-02 Rev C Housetype Planning Drawing Green Edge Frontage- X309

(A3) DrNo HT-VI-SGAR-31 Housetype Planning Drawing Vistry-Single Garage

(A3) DrNo HT-VI-GAR-32 Housetype Planning Drawing Vistry- Double Garage Double Owner

(A0) DrNo BR-L-N1-PL226 Rev H Landscape Proposals, Planting Plan, Layout Sheet

(A0) DrNo BR-L-N1-PL216 Rev G Landscape Proposals, Planting Plan, Sheet1

(A2) DrNo BR-L-N1-PL330 Landscape Details Soft Landscape Tree Pit

(A2) DrNo BR-L-N1-PL331 Landscape Details Soft Landscape Multistem Tree Pit

(A1) DrNo 1033-02-ATR-7001 Rev I Fire Tender Tracking Plan

(A1) DrNo 1033-02-ATR-7101 Rev I Refuse Vehicle Tracking Plan  
 (A1) DrNo 1033-02-GA-7002 Rev K Preliminary Highway Levels Plan  
 (A1) DrNo 1033-02-GA-7101 Rev I Preliminary Proposed Adoption Plan  
 (A1) DrNo 1033-02-GA-7201 Rev I Preliminary Junction Visibility Plan  
 (A1) DrNo 1033-02-RP-7001 Rev B Preliminary Road Profile Plan  
 (A1) DrNo 1033-02-RP-7002 Rev A Preliminary Road Profile Plan  
 Drainage Statement 1033 RevD awp, 18 July 2022  
 (A1) DrNo 02-DR-7101 Rev A H1f-i Construction Stage Drainage Plan  
 (A1) DrNo 02-DR-7001 Rev H Parcel H1f Preliminary Drainage Layout  
 1033 – Parcel H1f-i Drainage Maintenance Plan  
 DCS A02, July 2022, H1f(i) Design Compliance Statement  
 Energy and Sustainability Statement H1f(i), AES Sustainability Consultants Ltd,  
 January 2023  
 Arboricultural and Ecological Technical Note – Parcel H1f Prepared by: The  
 Environmental Dimension Partnership Ltd, September 2021, Report Reference  
 edp0782\_r070  
 Addendum Ecological Technical Note – Parcel H1f Prepared by: The  
 Environmental Dimension Partnership Ltd, October 2022, Report Reference  
 edp0782\_r083  
 Shadow Habitats Regulations Assessment Report,  
 220816\_P1136\_sHRA\_H1C\_H1F, 28 July 2022, ead ecology

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

2. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the final occupation within Phase H1f(i).  
 For a period of ten years after the completion of Phase H1f(i) the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.  
 Reason: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
3. Notwithstanding Condition 02 the development hereby approved shall be carried out and maintained in accordance with drawing (A1) DrNo PL-VI-34 Rev F (Materials Plan), (A1) DrNo PL-VI-35 Rev F (Boundary Treatments Plan) and DrNo PL-TW-35.1 RevB (Boundary Treatments Details) unless any variation in writing is first agreed with the Local Planning Authority.  
 Reason: To accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.
4. Each individual dwelling hereby approved shall only be occupied following it's individual compliance with the Energy and Sustainability Statement H1f(i), AES Sustainability Consultants Ltd, January 2023 and the agreed scheme of electric vehicle charging infrastructure as outlined on drawing no. PL-VI-33 RevX and letter dated from Boyer Planning dated 04/08/2022 (received in connection with

application 42/21/0035).

Reason: To support the Council in its declaration of a Climate Emergency and to accord with para 110 of the National Planning Policy Framework and Policies PM2 and PP2 of the adopted SCC Parking Standards (2013).

5. No individual dwelling hereby approved shall be occupied until:
  - (i) the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
  - (ii) a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8, the Supplemental Planning Document - Districtwide Deign Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework.

6. Prior to occupation of development to implement the Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220816\_P1136\_sHRA\_H1C\_H1F, 28 July 2022, ead ecology in so far as they relate to the development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow Habitats Regulations Assessment Report, 220816\_P1136\_sHRA\_H1C\_H1F, 28 July 2022, ead ecology shall be implemented and maintained in perpetuity.

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

7. In accordance with the submitted Arboricultural and Ecological Technical Note, September 2021, Report Reference edp0782\_r070 all protective hedge and tree fencing shall be erected prior to any works within the parcel.

Notwithstanding the document, all fencing shall be the fixed type of fencing shown at Annex EDP 2. No trenches shall be dug within the RPAs of trees or hedges for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority.

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

8. Notwithstanding the approved plans revised details of the secondary avenue between the parcel (plot 204) and the spine road shall be submitted to and approved in writing by the Local Planning Authority. Such details shall provide for tree planting in the roadside verge, and a scheme for the Manor Park crossing point for pedestrians and cyclists. Prior to the first occupation such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority. Reason: To facilitate the safe passage of pedestrians and cyclists throughout the site to accord with Policy A3 of the SADMP and to ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
9. Notwithstanding the approved plans details of the surfacing materials for the cul-de-sac and private drive hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation such agreed details shall have been fully implemented unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure consistency with the treatment of other parcels in the interests of visual amenity to accord with Policy DM4 of the Taunton Deane Core Strategy and Policy D7 of the SADMP.
10. The development shall be carried out in accordance with the submitted Construction Environmental Management Plan (CEMP) Rev1 06/01/2023. The wheel-wash facility as shown on DrNo 10603-SK-18 RevC shall be in situ and fully operational from the commencement of works until the completion of works unless otherwise agreed in writing. Reason: In the interests of residential amenity and highway safety.
11. Prior to the commencement of works information relating to the management of construction stage drainage shall be submitted to and approved in writing by the Local Planning Authority. The information shall confirm specific measures for this part of the site particularly to confirm whether there is a risk of flooding off site and, if so, how that would specifically be managed and mitigated. The development shall thereafter be carried out in accordance with the approved details. Reason: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.
12. Prior to first occupation information relating to the management responsibilities of the various components of the proposed surface water drainage network including private systems shall be submitted to and approved in writing by the Local Planning Authority. The information shall include typical maintenance schedules for all the proposed components and details of how each party will be advised of their responsibility and maintenance obligations (including private systems). The development shall thereafter be carried out in accordance with the approved details. Reason: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework.

#### Notes to Applicant

1. Your attention is drawn to the original conditions on permission 42/14/0069 which still need to be complied with.
2. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
3. In accordance with the National Planning Policy Framework the Council has 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.

## APPEAL DECISIONS –

**Site: Lower Hayne Road, Honiton Road, Corfe, Taunton, TA3 7DA**

**Proposal: Application number: 12/21/0008**

### **Reason for refusal:**

1. The erection of the new buildings and associated works for annex accommodation and triple garage by virtue of their size, scale, location and design will have a significant visual impact on the landscape and within the Blackdown Hills Area of Outstanding Natural Beauty. The proposal therefore does not comply with Policies DM1(d) and CP8 of the Core Strategy and policy PD2 of the Blackdown Hills Management Plan.
2. The proposed annex would be damaging to the character of the dwelling and its surroundings by reason of its scale and location and it is not clear alternative options have been thoroughly explored and as such it would be contrary to policy D6A of Site Allocations and Development Management Plan.
3. There is no report from a qualified ecologist and thus insufficient information has been submitted to satisfy the Local Planning Authority that the ecology impacts from the development have been sufficiently taken into account and, as such, satisfactory mitigation or enhancement measures have not been provided, in line with policy CP8 of the Taunton Deane Core Strategy 2011 - 2028 and paragraph 180 of the NPPF.

### **Appeal Decision**

#### Decision

1. The appeal is allowed and planning permission is granted for erection of annex and garage (Demolition of existing garage) and alterations to existing access at Lower Hayne, Corfe, Taunton TA3 7DA in accordance with the terms of the application, Ref 12/21/0008, dated 24 October 2021, subject to the conditions set out in the Annex attached to this decision.

#### Preliminary Matters

2. I note that the appellant's appeal form indicates that the description of the development changed from that stated on the application form. However, I have used the description provided on the application form in the banner above as this adequately describes the development.
3. Following the decision of the Council, the appellant has submitted additional amended plans incorporating ecology mitigation. The appellant suggest that this information should be considered in the appeal decision to address the Council's reasons for refusal.

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4. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles, the degree of engagement of all parties and the interests of fairness. Noting the limited concerns of third parties in respect of the matters and the opportunity for the Council to fully respond, I do not consider that any party will be prejudiced if I take the information into account. I have subsequently referred to them in reaching my decision.

#### Main Issues

5. The main issues are:

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<https://www.gov.uk/planning-inspectorate> 2

- The effect of the proposed development on the character and appearance of the area, having regard to the site's location within the Blackdown Hills Area of Outstanding Natural Beauty (AONB); and
- the effect of the proposed development on ecology.

#### Reasons

##### Character and appearance

6. Lower Hayne is a large 2 ½ storey dwelling with a steep tiled pitch roof and stone elevations contributing to its attractive traditional appearance. The dwelling is set in large gardens within a countryside location and within the AONB. Within the gardens are an existing detached two storey rendered garage building as well as further single-story timber clad workshop and storage buildings. The topography of the appeal site rises markedly from the B3170 highway to the west, towards the house, and upwards towards the garden beyond.

7. The existing garage building is located to the front, and lower than the main house, and despite mature tree planting along the northeast and northwest boundaries, due to the rising topography both the garage and main house are prominent from the highway, particularly from the driveway entrance.

8. The surrounding area features rolling wooded and pasture hillside, with occasional single, and small groups of dwellings and farmsteads of traditional appearance and materials which contribute to the character of the area.

9. As the appeal proposal is located within the AONB, I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended). The Blackdown Hills Management Plan and the National Planning Policy Framework (Framework) also seek to protect such designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.

10. Policy D6 of the Taunton Deane Adopted Site Allocations and Development Management Plan (SADMP) relates to ancillary accommodation and supports the erection of a new building subject to various criteria, including at (A) that the



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proposal would be less damaging to the character of the main dwelling or the surrounding than an extension or conversion which meets the need.

11. The appeal scheme would remove the existing garage structure, and introduce an annexe building, a further detached flat roof open front garage with decking above, and alterations to the entrance. The annexe building would be located in a similar area to the existing garage building, although further to the north away from the main house. Although the annexe will be a single storey building, due to the topography, the northwest elevation will be raised above the falling ground level. Native landscaping has been proposed to the southwest elevation which will soften the lower parts of the building when seen from public vantagepoints on the highway.

12. The annexe design incorporating steep pitch roofs, and natural materials of similar appearance to the main house, will sit comfortably in views into the site Appeal Decision APP/W3330/W/22/3299543 <https://www.gov.uk/planning-inspectorate> 3 alongside the main dwelling, and would appear subservient to, whilst also maintaining a strong visual and function relationship with the main dwelling. Furthermore, the ridge height of the proposed annexe would be significantly below that of the existing garage building, which currently due to its height and render finish appears visually prominent in the site.

13. The 'L' shaped floorplan of the annexe and its spatial relationship with the dwelling will also create a courtyard character which I noted elsewhere in the wider area. I observed that the proposed site of the annexe is a location where the ground levels and topography would allow level access to the building, without requiring significant excavation. Even if other flat areas within the site could facilitate a building of this size, these areas would be further away from the house, thereby diminishing the visual and functional relationship.

14. The proposed garage building, located to the west of the house, would be cut into the hillside, with the flat roof being utilised as a raised terrace area. The excavation works required to achieve the proposed levels would not be insignificant, however the resulting building, utilising stone and timber, would be unobtrusive alongside the main dwelling. Furthermore, while the roof terrace would utilise a hard surface, due to the topography rising from public viewpoints on the highway, this would be inconspicuous in the wider landscape.

15. The Council have not raised any objection to the proposed access alterations in terms of highway safety and I have no reason to disagree. Furthermore, the widened entrance, and use of a low stone wall will not visually harm the area and maintains the character of the residential entrance and driveway.

16. Consequently, I conclude that the proposed development would not adversely affect the character and appearance of the area. As such, it would accord with policies DM1 and CP8 of the Taunton Deane Core Strategy 2011-2028 (CS) and SADMP Policy D6 which, amongst other things, seek development to be appropriate in terms of scale, siting and design, and protect, conserve or enhance landscape character. I have had regard to the Blackdown Hills Management Plan and find no conflict with Policy PD2 which requires, amongst other things, development to

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respect the local character of the built environment of the AONB and be sensitively sited and of appropriate scale.

#### Ecology

17. An ecology survey was submitted following the decision of the Council. A small number of bat droppings were found within the attic space of the garage building and a single active swallow nest. CS Policy CP8 seeks to ensure that all developments enhance and protect the countryside and biodiversity resources including habitats and species.

18. All bat species and their roosts are legally protected from damage or destruction whether occupied or not. Emergence surveys have been carried out which noted a number of bats emerging from the adjacent house. Although no bats were seen to emerge from the garage, the survey indicates it is likely the building is used occasionally during the spring and summer seasons by bats associated with the nearby roost within the house.

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19. The surveys also conclude that the garage attic had been used as a day roost by a low number of brown long-eared bats and further states that the proposed demolition of the garage would cause the loss of a roost for a low number of bats. However, it is stated this will equate to a low scale impact on a roost of low conservation significance, with a Natural England mitigation licence being required. Such a License requires various precautions to be taken out during a development in order to minimise impacts to the protected species.

20. No evidence of reptiles was found at the site, although the survey indicates the garden is likely to contain slow worm. Cotoneaster was also found within the site, and certain species of cotoneaster are listed as an invasive species, although whether the species found at the site is invasive, or location within the site isn't specified. Notwithstanding, given the lack of certainty of the presence of either following the survey, and the protection and requirements afforded under the Wildlife and Countryside Act 1981 (as amended), I see no reason why the proposed development would result in harm to the ecological receptors.

21. The Council have had the opportunity to respond to the submitted ecology survey, and have suggested ecology conditions, in the event of the appeal being allowed aligning with the findings of the survey.

22. Consequently, given the evidence before me, noting the low scale impact and requirement for a license and subject to the imposition of appropriate mitigation and enhancement conditions, the proposal would protect and enhance ecology including habitats and protected species. As such, the proposed development would accord with CS Policy CP8 which seeks, amongst other things to protect habitats and species, and conserve and expand biodiversity. There would also be no conflict with the provisions of the Framework in relation to habitats and biodiversity.

#### Conditions

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23. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. As well as the statutory time limit condition, a plans condition would be required to provide certainty. A further condition would be necessary to ensure that the annexe building is occupied ancillary to Lower Hayne given the countryside location away from services and facilities in order to ensure a sustainable approach to development.

24. In the interest of ecology, conditions are needed to ensure that the works take place outside of the bird nesting season, appropriate roofing membranes are utilised, and, in order to provide biodiversity gain, details of bat boxes, bird nesting, bee and hedgehog measures are also required.

25. The Council has also suggested conditions preventing commencement of the development until the appellant provides the Council with details of a European Protected Species Licence (EPSL) or Bat Mitigation Class License, as well as a further condition requiring a bat ecologist provide a toolbox talk to the contractor. The ecology survey has confirmed that a Natural England Bat Mitigation License will be required. It would not be reasonable or necessary to impose a condition preventing development until details of the license, or lack of need of a license has been provided to the Council as this is a requirement

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under differing legislation. In respect of a toolbox talk, such a condition is imprecise and unnecessary given the requirements of a licence.

Conclusion

26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Harrington

S Harrington

INSPECTOR

Annex

Conditions

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

2) The development hereby permitted shall be carried out in accordance with the following plans: E100 Rev A; P100 Rev D; P200 Rev A; P201 Rev B; P300 Rev E; P350.

3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwellinghouse within the site currently known as Lower Hayne, Honiton Road, Corfe.

4) No vegetation removal works within the site required to enable the development hereby permitted shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a detailed check of the trees, shrubs

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and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed 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.

5) Only 'bat safe' roofing membranes/underfelt must be used in roofs to which bats have access. These comprise:

- Traditional hessian re-inforced bitumen 1F felt.
- Non-bitumen-coated roofing membranes that are accompanied by a certificate proving the membrane has passed a snagging propensity test.

6) At least one Habitat 001 bat box (or similar) should be built into the west gable wall of the new building. The bat box should be situated under the eaves and at a minimum height of 3-4m, away from potential sources of

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disturbance and light pollution such as windows, doorways and external lighting.

7) Prior to the commencement of the approved works 2 No. Schwegler 1FF or 2 FN bat box (or similar) shall be hung on the existing dwelling or a suitable tree at a minimum height of 4 metres. Any such box will be maintained in-situ thereafter. Photographs showing installation will be submitted to the Local Planning Authority.

8) A sparrow terrace shall be erected directly under the eaves and away from windows on the north or east elevation of the annex or dwelling within 6 months of the first occupation of the annex hereby permitted and maintained thereafter.

9) Prior to the first use of the development hereby permitted, a hedgehog house should be provided within the site, and retained thereafter.

10) Prior to first use of the development hereby permitted, a bee brick shall be built into the wall approximately 1 metre above ground level on the south or east elevation of the development, or alternatively, a bee or insect hotel shall be erected in the garden and retained thereafter.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Agenda Item 8

Document is Restricted

