

Application Details	
Application Reference Number:	42/22/0043
Application Type:	Section 73 – Variation of Condition
Description	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton
Site Address:	Orchard Grove, Land off Comeytrove Lane, Taunton
Parish:	Trull
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk
Agent:	Boyer Planning
Applicant:	TAYLOR WIMPEY UK LTD, VISTRY WESTERN, SUMMERFIELD DEVELOPMENTS
Reason for reporting application to Members:	Each stage of the Comeytrove Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

UPDATE TO REPORT -

The original report which follows this update was presented to the Planning Committee on 13 October 2022. It was resolved to defer determining the application pending a site visit. A site visit was held on 03 November 2022. Since the Planning Committee meeting the applicant has responded by amending the proposed Offsite Signs and Lines Plan (now Revision D) and has put this forward for consideration alongside the other proposed plans listed in Condition 02.

In addition, the applicant has provided an alternative footway/cycleway scheme plan as requested by Councillors with comparison review statement setting out why the applicant feels the original scheme is still the preferable option. This is appended as **Appendix 4**.

The Highway Authority has reviewed this material and has commented:

“Further to your e-mail below and the attached drawings and designers’ response from AWP. As we discussed yesterday I have spoken with our audit team on this matter and we have the following comments to make.

Firstly, in terms of the AWP response and the current proposed scheme the Highway Authority is satisfied that this is still in accordance with the design that we had agreed with the developer. As such there is no further comment to make at this time. As we have discussed previously, consideration on the removal of any additional signage can be looked reviewed at the technical approval stage.

In relation to the alternative scheme which you provided, are audit team have reviewed this scheme and have the following observations:

- 1. The direct crossing of Comeytrowe Lane is maintained but could be staggered. The southern section could be moved further away from Honeysuckle Cottage to improve visibility. Cyclists are then less likely to cross Comeytrowe Lane at speed reducing the potential for collisions with pedestrians.*
- 2. The improved vertical alignment would not require staggered barriers to slow cyclists.*

Obviously should this scheme come forward, this would need to be subject to a safety and technical audit to provide more detailed comments. The original recommendation still stands”.

Given the view of the Highway Authority that the original scheme remains acceptable in highway safety terms it is not felt necessary to change the original officer’s recommendation (save for the amended plan DrNo 1083/03-J-GA-1051 RevD Offsite Signs and Lines Plan) and the amendments made to Condition 06 via the Update Sheet to the previous meeting, attached as **Appendix 5**.

The agent wishes the Planning Committee to be aware that from the Consortium’s point of view the approval of this revised turning head application is critical to allowing Comeytrowe Lane to be closed to traffic; and therefore allow the Consortium to provide the spine road and access to the new primary school (which was approved by Somerset County Council on 01 Dec 2022).

The presence of an alternative does not absolve the Planning Committee or the Case Officer of their duty to consider the application in front of them. As the alternative scheme is not an amended plan there was no need for public consultation, but the plans and statement were added to the public file. The proposed changes to signage are considered minor and not central to the objectors’ arguments and as such there is no requirement for public consultation.

The minutes of the previous meeting are attached as **Appendix 6**.

ORIGINAL REPORT -

1. Recommendation

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

2. Executive Summary of key reasons for recommendation

- 2.1 The application seeks permission for alterations to an approved scheme for utility infrastructure to support the Comeytrowe Garden Community. After consideration of all representations, planning policy and material considerations including the planning history, the scope of the application and the knock-on benefits of the scheme the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

3. Planning Obligations, conditions and informatives

3.1 Obligations

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

3.2 Conditions (see Appendix 1 for full wording)

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

3.3 Informatives (see Appendix 1 for full wording)

- 1) Statement of positive working

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 The application seeks to vary Condition 02 of planning consent 42/20/0042 to allow for the inclusion of a turning head at the entrance to the approved utility infrastructure compound
- 4.2 Planning Permission 42/20/0042 was granted on 8 April 2021 for the: "Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2,000 dwellings under outline application 42/14/0069 on land at Comeytrowe/Trull". This followed extensive consideration at Planning Committee.

- 4.3 The development approved by 42/20/0042 started on 21/12/2021 and is ongoing. The effect of this new varied application being approved will be the granting of separate consent to that previously (42/20/0042). As such the applicant will need to formally switch to implement this consent. Albeit unlikely the applicant could choose to continue and complete the development in accordance with 42/20/0442. All conditions relating to 42/20/0042 have been discharged which means all relevant conditions imposed or details thereby agreed for 42/20/0042 will be reimposed on this consent.
- 4.4 The need for the variation of the approved plans has been prompted by the fact Comeytrove Lane is to be closed to through vehicular traffic via a Traffic Regulation Order (TRO) because it is to be dissected by the new development spine road in the near future. As part of the TRO process the need for vehicles to turn at what will become a dead-end for motorised vehicles became apparent. A smaller turning head/access had been already approved under application 42/20/0042 but this needed to be increased in size once the scope of the TRO was understood. This has also impacted on a planned cycle route which will now receive a dedicated space within the development instead of the previously approved shared arrangement.
- 4.5 In addition to the turning head changes and cycle way modifications a new surface water attenuation basin has been provided to drain the new areas of hardstanding plus the adopted highway aiding a locally known issue with flooding.
- 4.6 The applicant also sets out two minor changes to the utility compounds –
- Increase permitter fencing area to sewerage pumping station, and
 - The Gas Governor has been rotated to accommodate the segregated cycle path meaning the parking/access area for this has also moved.
- 4.7 Whilst the previous application attracted significant objection and public interest, this application, by definition, has a narrower focus, to consider whether the specified changes are acceptable or not. The principle of the utility infrastructure development has been accepted and refusing this application will not affect whether the sewerage pumping station, gas governor and water booster goes ahead or not, albeit a different approach to delivering a turning head will need to be found. This may delay the closure of Comeytrove Lane, the completion of the Spine Road and future access to the completed Primary School.

Site and surroundings

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

- 4.9 This section of field is bound by the Galmington Stream to the east, Comeytrove Lane to the west and residential development along the northern boundary and northwest corner. One outlier property, Honeysuckle House is located off Comeytrove Lane adjacent to the existing field gate from where access to this parcel of land is derived. To the south is currently agricultural land, due to form part of the wider garden community in time.
- 4.10 The host field was in agricultural use until works pursuant to 42/20/0042 were implemented. Contours are such that the land rises by nearly 2m from the application site area to the southern boundary of the field.
- 4.11 There is currently no public right of access over the land, the Galmington Stream supports a group Tree Preservation Order and parts of the field are in Flood Zones 2 and 3 although the site of the three elements are within Flood Zone 1. The site is not near any Conservation Area and the nearest listed building is located approx. 115m to the north/north-west, Comeytrove Manor.

5. Relevant Planning History

Reference	Description	Decision	Date
42/22/0026	Application for a Non-Material Amendment to application 42/20/0042 to introduce a turning head at the entrance to the approved pumping station compound and associated delivery of designated cycle lane through the site on land at Comeytrove Rise, Trull	Refused on procedural grounds – not an NMA	21 April 2022
42/20/0024	Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrove/Trull	Withdrawn on procedural grounds – not a Reserved Matters	10 August 2021
42/20/0042	Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull	Approved	08 April 2021
42/19/0053	Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic	Approved	18 March 2020

	infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrove/Trull		
42/14/0069	Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility	Approved	8 August 2019
Members will be aware of a number of Reserved Matters applications approved for housing on the wider site.			

6. Environmental Impact Assessment

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.
- 6.2 Then the Council must consider if the application is:
- (i) a subsequent application in relation to Schedule 1 or Schedule 2 development
 - (ii) has not been subject to a screening opinion and
 - (iii) is not accompanied by an ES (under Reg 9 of the EIA regulations).
- 6.3 In this case the Garden Community development fell within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and was accompanied by an ES so this application is a subsequent application under (i), but is not subject to its own a screening opinion and not accompanied by its own ES under (ii) and (iii).
- 6.4 The Council therefore has to assess whether the information it has within the outline ES is sufficient to determine the application now before it. The Council was of the view that based on the information submitted with and subsequently acquired in connection with the previous application 42/20/0042 was adequate to form the view that application would not have any further environmental effects. As such no formal request under Reg 25 of the EIA regulations has been necessary.

6.5 This application under section 73 raise far fewer environmental impacts than the previous application, demonstrated by the key issue being highway safety.

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

7. Habitats Regulations Assessment

7.1 The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposal will not increase nutrient loadings at the catchment's waste water treatment works.

7.2 This was also the view taken on the previous application because the Council is satisfied that as the development does not actually produce the waste and is merely a conduit from housing that itself is subject the HRA assessment, that a HRA for this application is not required as it is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

7.3 It remains the case that future Reserved Matters housing application will need to show phosphate neutrality.

8. Consultation and Representations

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

Date of Consultation: 01 July 2022

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

8.1 Statutory Consultees

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

Statutory consultee	Comments	Officer comments
Trull Parish Council	<i>Trull Parish Council would like to register its objection to the application 42/22/0043 for the following reasons: 1) The premise of creating a turning head across a cycleway/footway is flawed. If a new turning head is needed due to the formation of a cul-de-sac then the cycleway/footway needs to be rerouted</i>	1) Refer to Highway comments in this table and assessment at Paragraph 12.3 onwards.

	<p><i>around Honeysuckle Cottage to join the cycleway on the south west side of the house.</i></p> <p>2) <i>The applicants' state that they have taken the opportunity to increase the 'perimeter' of the compound; how do they intend to increase it? This is unclear from the plans.</i></p> <p>3) <i>In addition, the name of the Officer giving pre-application advice is not available as required.</i></p>	<p>2)The fence is to be set out further.</p> <p>3)The case officer and report author gave advice.</p>
Comeytrove PC (Neighbouring Parish)	Continue to OBJECT and recommend refusal on the grounds of safety of other road users.	Refer to Highway comments in this table and assessment at Paragraph 12.3 onwards.
Bishops Hull Parish Council (Neighbouring Parish)	<i>No comments to make.</i>	No action necessary.
Highway Authority - SCC	<p>On the receipt of additional information – No objections. The comments of the Highway Authority are attached as Appendix 2.</p> <p>On the original plans - <i>No Objections.</i> "Summary: <i>Highways Development Management is in receipt of the above planning application submission, for which we have reviewed the highways and transportation aspects of the proposal and have the following observations to make.</i> <i>A summary of the highway comments is as follows:</i></p> <ul style="list-style-type: none"> • <i>The principle of the access to the pumping station site was agreed as part of planning application 42/20/0042, which was approved on 8th April 2001 having been considered at Planning Committee. The highway authority raised no objection to that proposal and the principle of the access remains acceptable.</i> • <i>The submission includes a revised arrangement for the Comeytrove Lane turning head and the pedestrian / cycle crossing, and this now segregates non-motorised users from the pumping station vehicular access. This is considered to be</i> 	No action necessary.

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

8.2 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
SWT Green Infrastructure Officer	Comments relating to surface treatments, bollards and encouragement for more trees.	Noted, the number and alignment of

		bollards has been revised.
SWT Environmental Health	Ensure previous conditions are re-imposed.	All previous conditions are carried forward.
Taunton Area Cycling Campaign (TACC)	<p>1) <i>SCC refer to the use of staggered barriers. This seems to be against the spirit on Gear Change and may make access difficult for some types of bikes. Sustrans are actively removing barriers on their routes. Barriers often don't achieve what the designers intention, as most people go around them. It seems odd that a few turning vehicles has priority over what could be a strategic active travel route. Surely the priorities should be reversed?</i></p> <p>2) <i>I see on the detailed plan that the pink paths are designated as footways. Surely this should say cycle and path?</i></p> <p>3) <i>It is good to see how the linkage to Lloyd Close will be provided. Is there now a planned date for opening this?</i></p> <p>4) <i>Comeytrowe Lane is a really usefully low traffic route towards W Buckland for people walking and cycling. Hopefully there is a crossing of the spine road to enable its safe use?</i></p> <p>5) <i>There are issues with the geometry where the 4 paths meet.</i></p>	<p>1) The staggered barriers have been included to appease local concerns. They can be removed from the plan should Councillors wish.</p> <p>2) The path is shared.</p> <p>3) It should be completed in tandem with the turning head.</p> <p>4) Application 42/19/0053 did not contain a crossing.</p> <p>5) This has already been approved via application 42/19/0053.</p>
SCC Ecologist	<p>The changes do not implicate on the effectiveness of the previously imposed conditions.</p> <p><i>“Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out”.</i></p>	All previous conditions are carried forward.
SWT Tree Officer	No objections.	No action necessary.

8.3 Local representation

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

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

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

<p><i>Even when it is less-restricted, post-development, it will become a crossing-point, for strategic pedestrian and cyclists' routes to and from the Urban Extension, and into Horts Park. The developers conveniently fail to provide a single plan showing the pedestrian and cycle links through this crossroads, across the compound, and out to east and west, overlaid with the tracking details of the longest HGV permitted site-access. On the diagrams, that length is restricted to 10m - is that truly representative of all the HGV's required for construction, maintenance, and emergency-vehicles ? The Applicants blithely assert that "The updated cycle way proposals are very much a betterment for cyclists". Cyclists, pedestrians, and unaccompanied HGV drivers, misled by their satnav's, may beg to differ. HGV's attending either the gas- or water-pumps will, apparently, block vehicular access to the sewage-pumping equipment".</i></p>	<p>assessed from Paragraph 12.3 onwards.</p>
<p><i>"I am writing to you as I consider this is not really a planning matter but a serious breach of Highway Safety if it is allowed in its present form, and way beyond the nuances of a planning matter. The companies responsible have an obligation under the Health and Safety Regulation (CDM Regulations) to design out such risks".</i></p>	<p>Noted.</p>
<p><i>"Unlike the approach from the west there is no physical barrier preventing cyclists or pedestrians emerging from the east, i.e. the planned Horts Bridge Park, and then unwittingly coming into contact with an HGV refuse or service vehicle reversing across the turning head. The mitigation measures shown in the new diagrams fail to address the risk of conflict at the centre of this application site. The various mitigation measures proposed will not make the junction safe. They might enable some to avoid responsibility for accidents - although in the case of children harmed whilst attempting to cycle and walk from their homes to the new primary school, we are not so sure".</i></p>	<p>Advanced signage, markings and bollards, plus forward visibility all mitigate the risk. The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.</p>
<p><i>"This application is at odds with the Manual for Streets which states: -</i></p>	<p>See Paragraph 12.9.</p>

<p><i>6.8.8 Reversing causes a disproportionately large number of vehicle accidents in the waste/recycling industry. Injuries to collection workers or members of the general public are invariably severe or fatal.</i></p> <p><i>7.10.3 Routing for waste vehicles should be determined at the concept masterplan or scheme design stage. Wherever possible routing should be configured so that the refuse collection can be made without the need for the vehicle having to reverse, as turning heads may be obstructed by parked vehicles and reversing refuse vehicles create a risk to other street users.” The new documents show the application does not follow this national guidance”.</i></p>	<p>The implications of the proposed changes on highway safety are assessed from Paragraph 12.3 onwards.</p>
<p><i>The turning head will be used by sewage, gas, water and park service vehicles, visitors to the park dropping people off, visitors to Honeysuckle House and parents dropping off their children so they walk to the primary school.</i></p>	<p>Double yellow lines are to be employed, droppable bollards provide access for maintenance vehicles.</p>
<p>Surface Water Drainage</p>	
<p><i>“The Applicants make passing reference to their new, unapproved, surface-water drainage arrangements. They do mention that they have eliminated the 3 on-site attenuation-basins (previously approved); they fail to mention their new, larger, open pond, now straddling the north-east plot-boundary. This will be fed by 3 new highway drains, each piped under the Lane, dog-legging through the site, to discharge into the pond. Another unremarked change is that the existing open ditch on the west side of the Lane, will now be culverted under the Lane, into a field drain which by-passes the new pond, but joins the drain exiting the proposed pond, to flow directly, into the Galmington Stream. There are no details whatsoever of pipe-diameters, the pond-capacity, or the relevant levels. These latest plans continue to show exceedance-paths across the compound, and on its dedicated footpaths. Local residents who long ago, submitted vivid evidence of flooding blocking the Lane, and ponding of the Stream, will seek further reassurance that this proposal is, as claimed, an improvement, and that it is acceptable to SCC Highways and the LLFA”.</i></p>	<p>The 3 depressions previously approved have been replaced by a more formal attenuation basin, that not only takes water from the new hardstanding areas but also the adopted highway, which the writer explains has flooded in the past. Water will be held before being discharge into the Galmington Stream.</p> <p>The Highway Authority and the LLFA have no objections.</p>

General comments	
The entire pumping station infrastructure was an afterthought, not part of the masterplan and will be ugly. The facilities could have been located elsewhere.	This comment was made extensively in objection to the previous application, which was then approved and that approval is material to this application.
Concern over plan labelling.	See Paragraph 12.24.
The history of the site through the eyes of an objector is given.	All decisions are made democratically, no other comments to make.

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

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

8.3.4 There were no specific letters of support received.

9. Relevant planning policies and Guidance

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

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

The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

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

Core Strategy 2012

SD1 - Presumption in favour of sustainable development
CP7 - Infrastructure
CP8 - Environment
DM1 - General requirements

Site Allocations and Development Management Plan 2016

ENV1 - Protection of trees, woodland, orchards and hedgerows
ENV2 - Tree planting within new developments
ENV5 - Development in vicinity of rivers and canals
D9 - A Co-Ordinated Approach to Dev and Highway Plan,

Other relevant policy documents

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

Neighbourhood Plans

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

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

The National Planning Policy Framework

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

Relevant Chapters of the NPPF include:

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

10. Local Finance Considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

11. Material Planning Considerations

- 11.1 The main planning issues relevant in the assessment of this application are as follows:
- The principle of development
 - Highway Safety
 - Surface Water Drainage
 - Visual Amenity

Principle of Development

- 11.2 The previous approval of application 42/20/0042 followed extensive scrutiny by the public and by planning committee members in February 2021. The planning committee followed a Members Briefing with Wessex Water. Post decision a complaint from a member of the public to the Local Government Ombudsman triggered a robust investigation by the LGO which found no fault in the way the Officer had assessed the application and the manner in which the Council had reached its decision.
- 11.3 That approval has been implemented, conditions have been discharged and work continues on site. This application seeks a very specific minor, but material, alterations to the approved plans. These changes are set out in Section 4 but to repeat the primary change is to enlarge and realign the approved access to create an adoptable turning head with associated changes to drainage, plus to enlarge the area of approved permitter fencing area to the sewerage pumping station, and rotate the approved Gas Governor to accommodate a segregated cycle path meaning the parking area for this has also moved.
- 11.4 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 11.5 The relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. This project relates to a previous approval to support a housing allocation with outline consent and various parcels with detailed permission. The challenge is to ensure sustainable development is secured, within the established legal framework to maintain momentum in housing delivery.

- 11.6 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

Highway Implications

- 11.7 The need for the enlarged turning head originates from discussions with the Highway Authority about a Traffic Regulation Order to close Comeytrove Lane at a point southwest of the access point to vehicular traffic due to the impending severance of Comeytrove Lane by the spine road linking the A38 to Honiton Road, a detail that was omitted from the outline consent.
- 11.8 An access come turning head was actually approved via the previous application but it was not large enough to cater for all vehicles that may need to turn once Comeytrove Lane is closed to vehicular traffic just to the southwest of the site. To utilise this access as a larger turning head saves excavating elsewhere as the land rises to form high banks as Comeytrove Lane passes what will become the last accessible dwelling, Honeysuckle House.
- 11.9 The enlarged turning head/access will be used for the weekly/fortnightly/three weekly refuse/recycling collections, delivery drivers, visitors to nearby residential dwellings that don't have on-site parking and turning and any other vehicle which doesn't yield the 'no through road/dead-end' advanced signage. The previous application approved the access for use by service vehicles associated with the utility infrastructure and those associated with the ongoing maintenance of the planned Horts Bridge Park, which will be infrequent. It should be remembered the access already existed as a field gate to the agricultural parcel of land which will now cease use as such.
- 11.10 In addition to the closure of Comeytrove Lane and the through traffic which will now be directed via the A38 onto the spine road to then turn back onto Comeytrove Lane on the south side of the spine road, the traffic environment has already changed significantly in this area by the closure of the Industrial Estate. In time, the traffic volume at this point of Comeytrove Lane will be significantly less than before.
- 11.11 The considered view of the Highway Authority, mindful of this context is that there is no objection. The Highway Authority has been provided with and commented on specific detailed representations from two local residents.
- 11.12 The concern expressed by local residents regarding their perceived conflict of the cycle path with vehicles, especially HGVs using the turning head is understood. However suitable visibility exists and advanced signage to warn cyclists and pedestrians will form part of the approved plans and requirements

of the Highway Authority through the interlinked, but separate, Technical Approval process that all new roads and highway interventions go through. The view of TACC is noted with respect to priorities and the use of staggered barriers.

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

Surface Water Drainage

- 11.19 In seeking the provision of an adoptable turning head the Highway Authority has also required the developer to provide a raised table at the juncture with Comeytrowe Lane. As this will interrupt surface water flows on the highway (from rain falling on Comeytrowe Lane to the southwest and running downhill) a drain has been provided which takes this water via a pipe under the proposed turning head to a new attenuation basin. This basin replaces three previously approved depressions that would have captured run-off from new areas of hardstanding. The surface water flow on the highway would have otherwise pooled at the lowest point around the former Industrial Estate

access, and so this seeks to help resolve the severity of those situations. The basin will hold the water and then release slowly into the Galmington Stream.

- 11.20 The Highway Authority have no objections and a final query from the LLFA is being resolved; an update on which will be given.
- 11.21 Due to the detail now contained in this application the previously imposed condition relating to surface water drainage is no longer required.
- 11.22 The development is considered to accord with CS Policies CP7, CP8 and DM1 and NP Policy F1.

Visual and Residential Amenity

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

Other Matters

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

one. As such conditions will be imposed to maintain all the controls imposed previously.

12. Planning Balance and Conclusion

- 12.1. The principle of development has been established. The issues raised by the proposed variation have been assessed and addressed in this report. It is considered the proposal accords with the Development Plan when viewed as a whole. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the stated conditions set out in full in Appendix 1.
- 12.2. In preparing this report the Case Officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and informatives

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
DrNo BRL_PL007 Rev J Landscape Proposals, as amended by the email 05/02/2021
DrNo BRL_PL008 RevD Site Location Plan
DrNo 1083/02-SK-2012 RevC Layout, as amended by the email 05/02/2021
DrNo 1083/02-SK-2013 RevB Tracking Sheet
DrNo 1083/02-SK-2015 RevC Surface Water and Overland Flow Path
DrNo 1083/03-J-DR-1001 RevF Offsite Drainage Plan
DrNo GTC-AFV/MPLP/PRT/10810-AS Kiosk Base Details & Specification
Planning Statement – Pumping Station Application (Ref: 42/20/0042), received 04/02/2021
DrNo 1083-03-J-GA-1001 RevE Offsite General Arrangement Plan-
Comeytrove Lane Turning Head and Cycleway Link
DrNo 1083/03-J-GA-1051 RevC Offsite Signs and Lines Plan
DrNo 1083/03-J-HW-1051 RevC Offsite Visibility Plan
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby approved shall be carried out in accordance with the AWP – Construction Environment Management Plan (Construction Method Statement, Comeytrove, Taunton – Pump Station, Project 1083, Revision C 11/02/2022 (inclusive of a Groundfix CEMP dated 1903/2021) and the Email from Lawrence Turner, Boyer Planning, 17/12/2021.
This agreed Construction Environmental Management Plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. Where there is any conflict or contradiction between the AWP CEMP and the Groundfix CEMP the AWP CEMP shall take precedence.

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

4. The development hereby approved shall be carried out in accordance with the EDP – Construction Environment Management Plan (CEMP) Biodiversity – Foul Pumping Station, edp782_r073a, dated 13/10/2021. This approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

7. The development shall not be brought into use until the access and highway works shown on drawings DrNo 1083/02-SK-2012 RevC and DrNo BRL_PL007 Rev J has been provided, in accordance with details approved in writing by the Local Planning Authority (in consultation with Somerset County Council). There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter. Thereon the vehicular access shall only be used by service vehicles in connection with the Sewerage Pumping Station, Water

Booster, Gas Reducing Station, Horts Bridge Park or the continued use of the field for agricultural purposes only (as well as cycles and pedestrians) and shall be retained and controlled as such at all times by means of lockable bollards as shown on drawing DrNo 1083/02-SK-2012 RevC.

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

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

Reason: To safeguard the residential amenity of adjacent residential properties to accord with the aims and objectives of the National Planning Policy Framework.

Notes

1. In accordance with the National Planning Policy Framework the Council and relevant statutory consultees have worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.

Appendix 2 - Highway Authority comments dated 23 September 2022

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

Appendix 4 - Additional Information supplied by the Applicant

- **DrNo 1083-03-J-GA-1051 RevD Offsite Signs and Lines Plan**
- **DrNo 1083-03-J-SK-1001 RevA Alternative Comeytrowe Lane Turning Head and Cycleway Link Arrangement**
- **AWP Technical Note— Utility compound access, Comeytrowe Lane Alternative Footway/Cycleway Comparison Review Statement, Project 1083 RevA**

Appendix 5 - Update Sheet from October's Planning Committee Meeting

Appendix 6 - Minutes from October's Planning Committee Meeting

Somerset County Council Highways

RESPONSE TO DEVELOPMENT MANAGEMENT CONSULTATION REQUEST

Application number: 42/22/0043

Our reference:

Application Title and location:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION FOR VARIATION OF CONDITION NO. 02 (APPROVED PLANS), FOR THE INCLUSION OF A TURNING HEAD AT THE ENTRANCE OF THE APPROVED PUMPING STATION COMPOUND, OF APPLICATION 42/20/0042 AT ORCHARD GROVE NEW COMMUNITY, COMEYTROWE RISE, TAUNTON

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

Summary:

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

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

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

Full comments:

The following comments are associated with the following drawings:

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

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

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

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

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

Conclusion & Recommendation:

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

Name: Jon Fellingham

Date: 23/9/22

42/20/0042

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

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

Location: STREET RECORD, COMEYTROWE RISE, TAUNTON

Grid Reference: 320507.123255

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes to Applicant

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

Proposal

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

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

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

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

What is a Pumping Station?

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

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

What is a Water Booster Station?

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

What is a Gas Pressure Reducing Station?

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

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

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

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

Site Description

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

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

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

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

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

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

Relevant Planning History

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

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

Comeytrove Garden Community planning history:

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

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

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

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

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

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

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

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

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

Consultation Responses

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

TRULL PARISH COUNCIL – Objection:

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

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

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

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

Further objections to consider are;

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

COMEYTROWE PARISH COUNCIL (Adjoining PC) – Objection

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

Further comments:

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

BISHOPS HULL (Adjoining PC) – Objection

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

ENVIRONMENT AGENCY – No objection.

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

Further comments received:

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

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

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

3) Please consult your Environment Health Officer concerning odour.

4) No objection to this location.

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

LEAD LOCAL FLOOD AUTHORITY – No objections

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

WESSEX WATER – No objections:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To elaborate:

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL HEALTH – No Objections:

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

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

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

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

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

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

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

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

Comment

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

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

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

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

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

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

Previous memo of 17-December 2020:

"Discharge to the Galmington Stream.

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

Noise.

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

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

Odour

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

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

Comment

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

Health and safety issues

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

Additional information

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

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

SCC - TRANSPORT DEVELOPMENT GROUP – No objections:

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

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

traffic movements on Comeytrowe Lane.

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

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

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

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

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

Conditions proposed concerning Construction Management Plan and Highway Access Works.

LANDSCAPE – Comments.

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

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

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

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

ECOLOGIST – No objections

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

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

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

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

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

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

SOMERSET WILDLIFE TRUST – Objection.

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

SOUTH WEST HERITAGE TRUST – No archeological implications.

Representations Received

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

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

The comments made can be summarised as follows:-

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

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

The following comments have been received from local councillors:

Cllr Hunt -

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

Cllr Farbahi

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

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

Cllr Nicholls

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

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

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

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

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

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

Cllr Hill

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

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

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

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

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

The Final Green Wedge Assessment, 2015

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

Local finance considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

Determining issues and considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

Then the Council must consider if the application is:

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

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

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

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

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

- *Landscape and Visual Amenity*

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

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

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

- *Ecology and Nature Conservation*

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

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

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

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

- *Transport and Access*

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

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

- *Air Quality*

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

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

- *Noise and Vibration*

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

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

- *Water Resources and Flood Risk*

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

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

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

- *Cultural Heritage*

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

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

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

- *Ground Conditions and Contamination*

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

- *Socio Economics*

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

- *Agricultural Land*

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

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

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

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

Councillor Briefing _

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

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

Highways Access

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

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

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

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

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

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

Visual Amenity and Landscape Considerations

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

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

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

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

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

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

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

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

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

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

Flooding

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

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

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

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

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

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

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

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

Water Pollution – Galmington Stream

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

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

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

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

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

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

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

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

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

Residential Amenity – Sewerage Pumping Station

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

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

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

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

It states:

Policy I4: Water infrastructure

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

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

The supporting text explains:

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

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

Policy DM1 of the SADMP states (extract):

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

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

Policy I3: Water management

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

The supporting text explains:

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

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

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

So where does 15m come from as a threshold?

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

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity – Water Booster

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

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

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

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

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

Residential Amenity/Health and Safety – Gas Reduction Station

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

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

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

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

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

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

other legislation.

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

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

Comments they also make regarding another site –

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

Ecology _

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

Impact of Heritage Assets _

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

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

Other Matters

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

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

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

The Requisition Process and Permitted Development

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

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

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

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

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

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

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

Habitats Regulation Assessment

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

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

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

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

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

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

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

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

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

Conclusion and planning balance

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

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

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

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

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

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

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

Contact Officer: Simon Fox

Appendix A

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

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

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

PLANNING COMMITTEE AMENDMENT SHEET

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

Amended Conditions:

Amend Condition 01

Include an omitted plan

GTC-AFV/MPLP/PRT/10810-AS

Kiosk Base Details & Specification

New Condition 10

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

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

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

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

Amended/Additional Consultation Responses:

SWT Environmental Health - Additional Comments

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

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

Condition re noise

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

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

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

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

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

Trull Parish Council – Additional comments

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

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

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

Amended/Additional Representations Received:

R. Walsh – Concerns

Impact on Galmington Stream and the local wider environment

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

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

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

A. Kent – Observations

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

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

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

D Owen – Objection

Agrees with Mr Smith rep of 14 Feb.

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

J.Freeman – Question

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

W.Crosse - Objection

Pollution potential to the stream.

The application site floods.

The access roads are narrow and unsuitable for heavy traffic.

T.Smith - Objection

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

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

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

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

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

Commentary and opinion of the Councillor Briefing session.

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

Commentary on the Pumping Station Note from the agent.

Observations on the comments from Environmental Health

Commentary on the consultation from Wessex Water.

R.Beckinsale – Objection

Unquantified discharge of raw sewerage into the Galmington Stream.

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

How often is the present system in Taunton overwhelmed?

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

General updates and considerations

Further updates may be given at the planning committee meeting.

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

Planning

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

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Application No: 42/20/0042
Proposal: Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull

Application Type: Full Planning Permission
Grid Reference: 320507.123255

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

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

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

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

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

(A1) `DrNo BRL_PL007 Rev F	Landscape Proposals, as amended by the email 05/02/2021
(A3) DrNo BRL_PL008 Rev D	Site Location Plan
(A1) DrNo 46006/2014/SK12 Rev J	Layout, as amended by the email 05/02/2021
(A1) DrNo 46006/2014/SK13 Rev F	Tracking Sheet 1
(A2) DrNo 46006/2014/SK14 Rev A	Tracking Sheet 2
(A1) DrNo 46006/2014/SK15	Surface Water and Overland Flow Path
(A3) DrNo GTC-AFV/MPLP/PRT/10810-AS	Kiosk Base Details & Specification Planning Statement – Pumping Station Application (Ref:

42/20/0042), received 04/02/2021

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deane Core Strategy.

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

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

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

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

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

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

NOTES TO APPLICANT

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

Rebecca Miller

REBECCA MILLER, PRINCIPAL PLANNING SPECIALIST

Date: 08 April 2021

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



Utility compound access, Comeytrove Lane

Alternative Footway/Cycleway Comparison Review Statement

Project No.	1083
Revision	A
Date	22 nd November 2022
Client	Brookbanks
Prepared	R Mackay
Checked	R Mackay
Authorised	P Matravers
File Ref.	1083-Pump Station-Alternative Footway/Cycleway Comparison Review Statement. PDF

- 1.1 An application for a minor amendment to the approved utility compound access was submitted to SWT on 28th June 2022. This application sought a minor amendment to the approved plans listed at condition 2 of Decision Notice 42/22/0042. To clarify, the Planning Committee approved the construction of the utilities compound; the cycleway crossing Comeytrove Lane; and the bellmouth access for vehicles off Comeytrove Lane on 8th April 2022.
- 1.2 The proposed amended plans differ by allowing for a slightly wider bellmouth to provide more space for vehicles to use the compound access as a turning head once Comeytrove Lane is closed as a through-route for motor vehicles.
- 1.3 Since the Planning Committee deferred the application for a site visit last month, we understand that a local objector (Mr. Smith) has circulated an idea for an alternative cycleway connection further south along Comeytrove Lane.
- 1.4 We would like to thank Mr. Smith for taking the time to share his latest sketch, as well as his detailed letters. To aid the Planning Committee we have considered the alternative location suggested and enclosed our own

plan (ref: 03-J-SK-1001 Rev A) based on the detailed survey and topographical information for the cycleway connection and crossing off Comeytrove Lane.

1.5 Unfortunately, the alternative location would require significant engineering works to excavate the land and install retaining walls, to deliver a safe and suitable footway/cycleway which would have a detrimental impact on the character and appearance of Comeytrove Lane. Even with these works, only 10 metres of visibility can be achieved for pedestrians and cyclists crossing Comeytrove Lane, given the proximity of the crossing to Honeysuckle House. This would be detrimental to highway safety as covered below.

1.6 We have set out a detailed comparison between the plans approved by the Planning Committee (which include the proposed amendment to increase the size of the access bellmouth) with the suggested alternative location.

	The approved plan (including the proposed amendment to increase the size of the bell mouth access for turning) (Refer to full pack of planning submitted drawings and updated drawing 1083-03-J-GA-1051-Rev D).	Alternative footway/cycleway option (Refer to alternative option sketch 03-J-SK-1001 rev A).
Horizontal Alignment	The current proposal provides the most direct footway/cycleway route from Manor Park to Horts Bridge Park and on into Taunton, crossing Comeytrove Lane north of Honeysuckle House. This route into Taunton is identified as a key route within condition 26 and a fundamental element of the sustainable transport strategy. The proposed footway/cycleway alignment from the north meanders to achieve an acceptable gradient down to Comeytrove Lane, whilst helping to reduce cycle speed on approach to the crossing. On the south side the footway/cycleway runs parallel with the pumpstation access	The alternative option shows the private footway/cycleway realigned crossing south of Honeysuckle House, with the proposed turning head remaining in the current proposed location. This alternative route would be approximately 95m longer than the submitted proposal traveling towards Taunton. Meaning it would be less attractive than the approved route. As this route circumnavigates Honeysuckle House it would not reflect the pedestrian desire line. This is likely to lead to instances of pedestrians taking a short cut down the bank, in the location of the currently

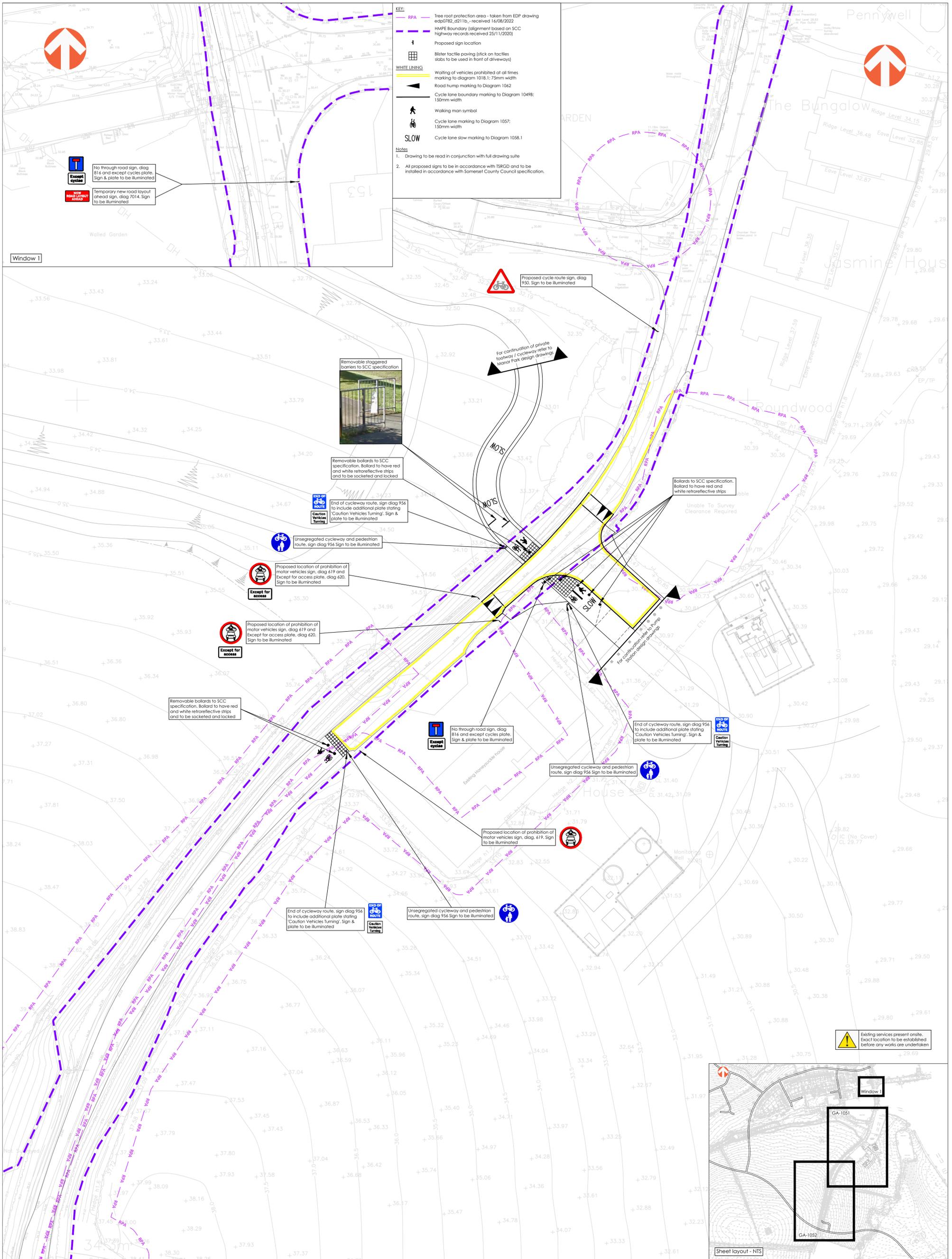
	<p>before having priority progressing through the park</p>	<p>proposed route, crossing in the vicinity of the proposed turning head and then proceeding along the pumpstation access, before continuing back on the footway/cycleway within Horts Bridge Park. Clearly short cuts down a steep embankment could present a safety hazard.</p>
Vertical Alignment	<p>The vertical alignment of the private shared footway/cycleway is proposed no steeper than 1:14 (based on minimum SCC guidance) with a 2.4m level area (1:40) at the point of crossing Comeytrove Lane.</p>	<p>The vertical alignment of the private shared footway/cycleway is shown no steeper than 1:14 (based on minimum SCC guidance) with a 2.4m level area (1:40) prior to intersecting Comeytrove Lane. To achieve an acceptable gradient the alternative option results in a significantly long route</p>
Earthworks	<p>Earthworks/banking is required at a maximum grade of 1:3 (self-supporting) to enable the proposed footway/cycleway to grade down to Comeytrove Lane. This is over an approximate length of 35m. The height of the existing sunken lane on the northern side of Comeytrove Lane is approximately 3.4m, with the lane being at level on the southern side, so not requiring any earthworks. This results in approximately 767m³ of excavated material.</p>	<p>Earthworks/banking is required at a maximum grade of 1:3 (self-supporting) to enable the proposed private shared footway/cycleway to grade down to Comeytrove Lane. This is over an approximate length of 80m. The height of the existing sunken lane at this location, on the northern side, is approximately 4.2m, and 1.4m on the southern side adjacent to honeysuckle house This results in approximately 2,001m³ of excavated material with the extents identified on the alternative sketch option.</p>
Street lighting	<p>There is no existing street lighting on Comeytrove Lane in this location. The nearest and last existing streetlight is 143m northeast at the junction with Queens Way. However, due to the proposed turning head, Pumpstation service access and footway/cycleway link all</p>	<p>Once again there is no existing street lighting on Comeytrove Lane in this location. The nearest and last existing streetlight is positioned 191m northeast at the junction with Queens Way. However, as this becomes a rural lane and the alternative option</p>

	coming together in one location, streetlighting in this single position is proposed.	separates the footway/cycleway from the proposed turning head, street lighting is not required or suitable given the established nature of the lane beyond Honeysuckle House.
Visibility	Proposed visibility has been reviewed in all directions for cyclists, pedestrians, and vehicles, and meets the requirements of SCC and Manual for Streets sight stopping distance. Full visibility is provided across the entire turning head meaning turning vehicle can see pedestrians/cyclist waiting to cross and vice versa.	On review of visibility required for the alternative footway/cycleway proposed by Mr Smith, it should be noted that full visibility cannot be achieved for pedestrians or cyclist waiting to emerge from the southern footway/cycleway onto Comeytrove Lane, due to the adjacent position of Honeysuckle House ownership boundary. This alternative option would therefore result in an increased risk of conflict between pedestrians and cyclists
Signing and lining	The proposed signing is in line with current national guidance (TSRGD and TSM) and is shown on the proposed supporting signing drawing 1083-03-J-GA-1051-Rev D. The proposed signs identify no through traffic accept access, prohibition of motorised vehicles, appropriate footway/cycleway signing for an uncontrolled crossing; as well as the addition of caution of vehicles turning and cycle warning signs.	Although the pedestrian/cycleway would be removed from the proposed turning head location, it is envisaged that many of the same signs would be required for the alternative option, similar to those currently proposed on the supporting signing drawing 1083-03-J-GA-1051-Rev D. However, as these areas are not required or proposed to be lit, illuminated signs would not be required.
Other Highway features	The turning head is proposed as a tabletop with ramps to reduce vehicle speed. Tactile paving is proposed at the footway/cycleway crossing of Comeytrove Lane again informing pedestrians & cyclist that vehicles on carriageway have priority. A series of bollards are proposed adjacent to the southern footway/cycleway	The proposed turning head is to remain in position as a tabletop with ramps to reduce vehicle speed. Although the alternative footway/cycleway is south of Honeysuckle House, tactile paving would still be required at the crossing of Comeytrove Lane. This is to inform pedestrians & cyclist to give way to those travelling

	<p>directly adjacent to the turning head, to act as a visual and physical barrier from any turning vehicles. On the northern side as the footway/cycleway grades down at 1:14 a staggered barrier is proposed to reduce the speed of cyclists approaching the crossing. In addition, a bollard is also proposed at this crossing protecting those waiting to cross should a vehicle be turning</p>	<p>along Comeytrove Lane. It is envisaged due to the proposed maximum footway/cycleway gradient of 1:14, staggered barriers would be required on both approaches to help reduce cycle speeds at the intersection/crossing with Comeytrove Lane.</p>
Other user interaction	<p>The submitted proposal utilises a single area to prohibit motorised vehicles and allow turning; a maintenance access to the pumpstation; and a footway/cycleway link across Comeytrove Lane. Due to the required TRO prohibiting motorised vehicles beyond Honeysuckle House, removing the through route requires a turning head to be provided. Once the TRO is in place the number and frequency of vehicles using this severed length of Comeytrove Lane is expected to reduce considerably. Only the occasional delivery vehicle and weekly bin lorry serving Honeysuckle house, along with the odd misdirected vehicle will use the turning head. Therefore, the likelihood of a cyclist or pedestrian needing to cross while a vehicle is turning would be extremely rare. However, on the rare occasion this may occur full visibility for all users is provided.</p>	<p>The alternative option would also require the turning head and pumpstation maintenance access in the same location. Therefore, the same substantially reduced number and frequency of vehicles is expected. As the location of the footway/cycleway is further southwest just past Honeysuckle House, in this location cyclists and pedestrians can be expected to travel between the new spine road and the turning head along Comeytrove Lane. Due to the extent of Honeysuckle House ownership, full visibility from the south approach cannot be achieved and could result in increased risk of conflict between pedestrians and cyclists.</p>
Amenity/sense of place	<p>The location of the current turning head and pumpstation maintenance access proposal is at the location of an existing field access, positioned at a break between properties and generally level. Although</p>	<p>Due to the existing topography, levels in the location of the alternative footway/cycleway are higher on both sides of Comeytrove Lane, with the alternative cycleway/footway requiring</p>

	<p>earthworks are required on the north side of Comeytrowe Lane to enable the proposed footway/cycleway to grade and bank down, the level difference is not as great as the alternative location therefore having a smaller impact. In this location approved hedge removal has already been completed based on the approved plan. Combining the turning head and footway/cycleway crossing at the same location this will naturally open up the area providing good visibility. This along with proposed street lighting, whilst being in a more visible location in view of existing dwellings natural surveillance will all add to a safer and more comfortable feel by all users. Sense of personal safety and security is critical in decision making when considering walking trips at night, particularly for women and children.</p>	<p>substantial earthworks to grade down to the existing lane. As a result, this will have a significant impact on the rural character and appearance of Comeytrowe Lane in this location. The extents of works would require further removal of established existing hedge rows identified within the root protection area (RPA). Although this alternative option would open the area of the footway/cycleway this would be below the surrounding ground levels not overlooked and would be undesirable to users due to its obscurity and detached location. This would be likely to impact the take up of walking and cycle trips. It should also be considered the further impact this alternative option could have on Honeysuckle House with access available for most part of entire perimeter of the property.</p>
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- 1.7 On review of the alternative option there are no advantages of highway safety, however this introduces risk due to compromised pedestrian and cyclist visibility. The alternative option potentially has significant disadvantages in terms of poor pedestrian experience likely to have a knock-on impact on the take up of sustainable modes of travel. As the current proposal has been through an extensive SCC highway technical and safety audit there is no highway reason for this application to be refused.



- KEY:**
- RPA Tree root protection area - taken from EDP drawing edp0782_d211b - received 16/08/2022
 - HMPE Boundary (alignment based on SCC highway records received 25/11/2020)
 - Proposed sign location
 - Blister tactile paving (stick on tactile paving slabs to be used in front of driveways)
- WHITE LINING**
- Waiting of vehicles prohibited at all times marking to diagram 1018.1: 75mm width
 - Road hump marking to Diagram 1062
 - Cycle lane boundary marking to Diagram 10498: 150mm width
- SLOW**
- Walking man symbol
 - Cycle lane marking to Diagram 1057: 150mm width
 - Cycle lane slow marking to Diagram 1058.1
- Notes**
- Drawing to be read in conjunction with full drawing suite
 - All proposed signs to be in accordance with TSRGD and to be installed in accordance with Somerset County Council specification.

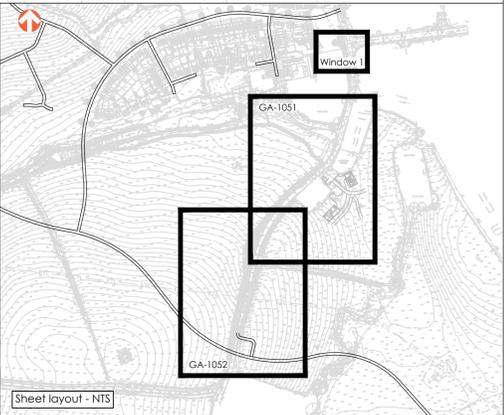
Window 1

No through road sign, diag 816 and except cycles plate. Sign & plate to be illuminated

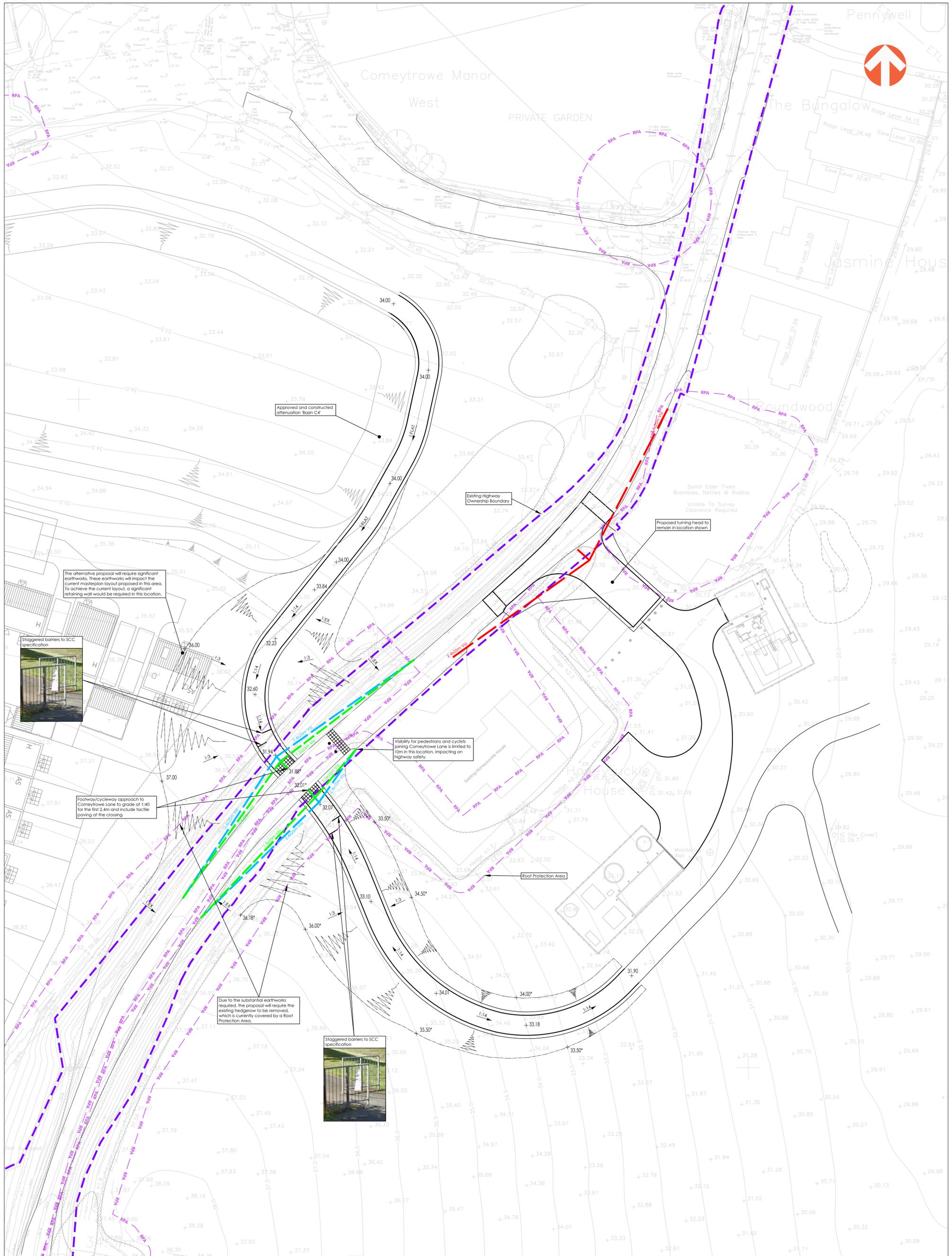
Temporary new road layout ahead sign, diag 7014. Sign to be illuminated

Window 1

Existing services present onsite. Exact location to be established before any works are undertaken



<table border="1"> <tr> <td>B</td> <td>11.03.2022</td> <td>DRAWING UPDATED TO SUIT SCC AUDIT COMMENTS RECEIVED 02/11/2021</td> <td>OJT</td> <td>RJM</td> <td>PDM</td> </tr> <tr> <td>A</td> <td>04.10.2021</td> <td>INITIAL ISSUE</td> <td>BJG</td> <td>RJM</td> <td>PDM</td> </tr> <tr> <td>REV</td> <td>DATE</td> <td>DESCRIPTION</td> <td>BY</td> <td>CHK</td> <td>APD</td> </tr> </table>		B	11.03.2022	DRAWING UPDATED TO SUIT SCC AUDIT COMMENTS RECEIVED 02/11/2021	OJT	RJM	PDM	A	04.10.2021	INITIAL ISSUE	BJG	RJM	PDM	REV	DATE	DESCRIPTION	BY	CHK	APD	<p>PROJECT: COMETROWE, TAUNTON</p> <p>TITLE: OFFSITE SIGNS & LINES PLAN - COMETROWE LANE TURNING HEAD</p> <p>PROJECT No: 1083</p> <p>DRAWING No: 03-J-GA-1051</p> <p>REV: D</p> <p>SCALE @ A1: 0 1:250 12.5 metres</p>		<p>DESIGN BY: awp awcockward partnership</p> <p>Awcock Ward Partnership, Ada House, Pynes Hill, Exeter, EX2 5TU Tel: 01392 499007 Web: www.awpartnership.com</p>	
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A	04.10.2021	INITIAL ISSUE	BJG	RJM	PDM																		
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<p>CLIENT: Vistry Group Taylor Wimpey</p> <p>DRAWING STATUS: FOR INFORMATION ONLY</p>		<table border="1"> <tr> <td>D</td> <td>21.11.2022</td> <td>ADDITIONAL BOLLARDS AND CYCLE WARNING PLATE SIGN ADDED STATING 'CAUTION VEHICLES TURNING' IN RESPONSE TO FURTHER PLANNING COMMENTS</td> <td>JBE</td> <td>RJM</td> <td>PDM</td> </tr> <tr> <td>C</td> <td>18.08.2022</td> <td>CYCLE PRIORITY CROSSING REMOVED AND UPDATED TO SUIT</td> <td>OJT</td> <td>RJM</td> <td>PDM</td> </tr> </table>		D	21.11.2022	ADDITIONAL BOLLARDS AND CYCLE WARNING PLATE SIGN ADDED STATING 'CAUTION VEHICLES TURNING' IN RESPONSE TO FURTHER PLANNING COMMENTS	JBE	RJM	PDM	C	18.08.2022	CYCLE PRIORITY CROSSING REMOVED AND UPDATED TO SUIT	OJT	RJM	PDM								
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VISIBILITY SPLAY KEY:

XX x XXm Vsi	Cycle visibility splay
XX x XXm Vsi	Vehicle visibility splay
XX x XXm Vsi	Pedestrian visibility splay

PROJECT:	COMETROWE, TAUNTON		
TITLE:	ALTERNATIVE COMETROWE LANE TURNING HEAD & CYCLEWAY LINK ARRANGEMENT		
PROJECT No:	1083	DRAWING No:	03-J-SK-1001
REV:	A	SCALE @ A1:	0 1:250 12.5 metres

DESIGN BY:	awcockward partnership		
AWCOCKWARD PARTNERSHIP	Awcock Ward Partnership, Ada House, Pynes Hill, Exeter, EX2 5TU Tel: 01392 49007 Web: www.awcockward.com		

CLIENT: **Vistry Group** **Taylor Wimpey**

DRAWING STATUS: FOR INFORMATION ONLY

REV	DATE	DESCRIPTION	OJT	RJM	PDM
A	21.11.2021	INITIAL ISSUE			
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PLANNING COMMITTEE AMENDMENT SHEET

Planning Committee Date. 13 October 2022
Agenda Item: 8
Application number: 42/22/0043 – Variation of Condition 02 of 42/20/0042
Amended Description: N/A
Amended Recommendation: N/A

Corrections to the report:

The Statutory Consultee table includes incorrect reference to certain paragraphs –
Trull PC section says 12.3, it should be 11.7
Comeytrowe PC section says 12.3, it should be 11.7

The Local Representation table includes incorrect reference to certain paragraphs –
Highway safety section says 12.3, it should be 11.7
The same section refers to 12.12, it should be 11.16
The same section refers to 12.9, it should be 11.13

Amended Site History: N/A

Amended Condition:

Amend proposed **Condition 06** – Underlined sections have been added -

The landscaping/planting scheme shown on the approved plans and agreed via this condition shall have been completely carried out by the end of the first available planting season after the commencement of the development hereby approved. Notwithstanding the approved plans the compound enclosures shall comprise 1.8m high black weldmesh fencing together with instant hedging as confirmed in the email from Boyer Planning received 5 February 2021. Details of the instant hedging shall have been agreed by the Local Planning Authority prior to planting. After the completion of the development, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority. Reason: To ensure that the proposal benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and the landscape character of the green wedge in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Additional Consultations: N/A

Additional Representations Received:

Mr Smith, further representation, attached.

General updates and considerations

Further updates may be given at the planning committee meeting.

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

Mr Smith - REVISED COMMENTS ON APPLICATION 42/22/0043

These comments follow my earlier comments on 2nd August and may be considered an update rather than additional because of the seven newly submitted drawings. I am a Chartered Civil Engineer myself with a 48 years career, although now retired.

SUMMARY

Because this proposal is so dangerous, I want to give the reader an inducement to read into the body of my comments. Its danger is obvious to anyone looking at a drawing and considering the reversing of lorries across a main cycleway/footway.

- It is against Health and Safety Executive (HSE) Advice and also HSE advice to waste operators
- The designers are contravening Construction Design and Management Regulations (CDM) - thereby putting themselves at risk of prosecution especially in the event of an accident. It is possible to design out and eliminate the risk.
- HSE will not get involved in spite of them being responsible for Construction Safety and being the experts in such matters, as the risk is to the public and not construction workers.
- It requires the refuse operators to go against the advice of HSE advice and designers to go against the Manual of Streets advice.
- In the comments to date the Road Safety specialist has made no comment. His Stage 2 Road Safety Audit is not included, and the public are not allowed to see it. It is apparently 'Not in the Public interest' for them to know what is being proposed re their Safety on the Cycleway/footpath.
- The public Interest disclosure refusal says allegedly commercial reasons of the developer and SCC over the public needing to know from a safety viewpoint. I know from seeing other such reports when working at SCC there is no commercial interest in them.
- This reason should not be a consideration where Safety is the primary concern, and can be 'practicably eliminated'
- The Request for Information request reply says the design is incomplete - even though it is before the planning committee
- The SCC Planning Liaison Officer is the only one expressing Highways views and he does not mention Reversing Lorries across a cycleway footpath at all.
- There are specific planning violations
- My sympathies are with the planning committee in needing to address a matter that in essence is not a planning matter but one of safety. I hope you will have the courage to say no in the real public interest in spite of the enormous pressure on you all to conform to this major developer's wishes. It is also possible that the requirements of the Health and Safety Act may also apply to you as councillors as a result of your determination. (See section 18 especially).
- Additionally, the developer has gone back on an undertaking he made to the planning officer regarding fencing and is also now proposing inadequate road surface over some publicly trafficked paving.

PERSONAL HISTORY

I hesitate to include this section; but have only included this as the planning committee were told previously for the pumping station application, I was not an expert in sewerage systems (which was the issue at the time). I hate the word 'expert' because no one really knows what it means. 'Specialist is much better.

However, in my 48-year career I started out with Redpath Dorman Long (RDL) and was concerned - along with design and construction, with the safety of projects which is so intrinsic to the whole process. [RDL were part of the consortium that built 1st Severn, 1st Forth and Humber bridges.] I was on the side lines and took an interest in some of the major disasters in the English-speaking world, (Milford Haven, Westgate Bridge Melbourne, Minneapolis bridge in the US to name a few) and have followed disasters and their causes all through my career. Fortunately, none have happened as my responsibility, although I have been close to some - including fatalities. However, the accidents that happen always have the seeds of them before hand with the benefit of hindsight.

This proposal of reversing across a cycleway/footway although not in the league of the accidents I have been concerned with (and followed) is an accident waiting to happen. As I have written elsewhere, if ordinary members of the public can see the dangers as well as myself why cannot developers' designers and council officers? The only reason must be pressure from the money men in the developers' organisation and the fear of legal expense in the appeal process.

1) Dangerous Proposal: HSE and CDM considerations

Even after the submission of seven extra drawings, this is STILL a very dangerous proposal in that HGV's are proposed to reverse across a main cycleway/footway (CWFP). It is the developers own house buyers and their children who will be most at risk as they will be the ones likely to be mostly using the cycleway/footpath. [It is on the most likely route to area schools from the estate].

The developers have added seven drawings to the submittal since the original proposal back in June, but nothing has changed in principle. It is not a case of adding more detail – the basic concept is wrong and dangerous.

The designers have not addressed this. They and SCC Highways seem to be mainly concerned with the interaction between the traffic along Comeytrowe Lane and the vehicles turning; not with the cycleway/footway. [The drawing of sightlines from the turning vehicles and pedestrians and cyclists and adding signs to notify of the restrictions and NOT dealing with the fundamentals of a reversing HGV across the cycleway/footway show this].

It would be a serious breach of Highway Safety if it is allowed in its present form, and way beyond the nuances of a planning matter. It should have been dealt with by HSE, but they have declined (see section 5 below). I see numerous other respondents have raised this same safety issue, many of whom are unknown to myself.

It is against the basic HSE guidance (apart from intuitive common sense) which reads:

“Reversing

What's the problem?

Nearly a quarter of all deaths involving vehicles at work occur during reversing. Many other reversing accidents do not result in injury but cause costly damage to vehicles, equipment and premises.

Most of these accidents can be avoided by taking simple precautions, such as those below.

Guidance

Remove the need for reversing altogether, by setting up one-way systems, for example drive-through loading and unloading positions. Where reversing is unavoidable, routes should be organised to minimise the need for reversing.”

The design companies responsible have an obligation under the Health and Safety Regulation (CDM Regulations) to design out such risks.

The actual rule is 9(2) and reads as follows: (2) *“When preparing or modifying a design the designer must take into account the general principles of prevention and any pre-construction information to eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person “*. Although not specifically mentioned, the clear implication is that the general public would be protected as well. Indeed, in any risk assessment I was involved with, the safety of the public was paramount alongside all concerned with the construction.

This elimination of a foreseeable risk they have clearly failed to do. Note this does not say ‘mitigate’ the risk but ‘eliminate so far as is reasonably practicable’. These extra drawings do not eliminate the risk – all they do is add extra detail but do nothing to dispel the basic danger that could be eliminated. They can be altered to avoid this as set out below in my Section 11.

Section 9(4) of the CDM regulations reads: *“(4) A designer must take all reasonable steps to provide, with the design, sufficient information about the design, construction or maintenance of the structure, to adequately assist the client, other **designers** [my bolding] and contractors to comply with their duties under these Regulations.”* The clear inference is that the proposed cycleway and reversing lorries path should be clearly shown as interfering with each other. Only the AWP tracking drawing shows the reversing vehicles crossing the cycleway/footpath.

Additionally, the CDM regulation Rule 8(1) reads as follows: (1) *“A designer (including a principal designer) or contractor (including a principal contractor) appointed to work on a project must have the skills, knowledge and experience, and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, **in a manner that secures the health and safety of ANY person affected by the project.**”* [My bolding and capitalisation]

Thus, the designers are to carry out the design in a manner that secures the health and safety of cycleway/footway users. This they have failed to do. This is also against the requirements of the basic Health and Safety Act 1974. I quote below from Section 3:

General duties of employers and self-employed to persons other than their employees.

(1) It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety.

Thus, the duty of care extends to cycleway/footway users, not only construction workers. This they have not fulfilled.

The personal involved are personally responsible for their designs and could in extremis face manslaughter charges in the event of an accident as well as company fines. I have raised this with Stantec and AWP and also SCC Highways to no avail on the 6th and 20th July by email and in my earlier submission to planning on 2nd August, but they have still not addressed the basic problem. I have also approached the two design engineers in charge of these designs directly to try to address the problem personally, but they have either not replied or referred me to the planning system.

I have had an email from SCC Highways project manager telling me about the more detailed drawings and that the design would be reviewed after 12 months operation. He also referred to the Stage 2 Safety audit which the public are not allowed to see as it is 'Not in the Public Interest'. [The response of SCC to my RFI request]. I would suggest the REAL public interest is served by it being seen by the public. It is too late to modify after 12 months operation.

(I have personal experience of this HGV reversing danger as Deputy Resident Engineer on the major Avonmouth Bridge construction site in 1995 where a worker was hospitalised as a result of such an arguably illegal move of uncontrolled HGV reversing. The young student surveyor injured was lucky to survive this accident, but it put him off the construction industry for life).

(Additionally, I spoke to a distant family member who is freight manager for a large haulage company, and he was appalled by the proposal, as he has to consider closely the rules regarding reversing when planning his operations).

2) Dangerous Proposal: Advice regarding Waste Recovery Vehicle Reversing

The discovery of particular advice to operating companies has caused me to incorporate this section as follows:

1) HSE advice regarding waste collection vehicles:

- *“Transport operations associated with collection activities (municipal and commercial) and at a range of waste management and recycling sites represent the most significant risk of serious or fatal accidents to workers and members of the public. ‘Struck by moving vehicle’ accounts for about only 4% of all reported accidents, however, over 40% of all fatalities fall within this category.*
- *Between 2001/02 and 2009/10 there were a total of 57 fatalities in the waste management and recycling industry caused by being hit by a moving vehicle. This means an average of 6 people (workers and members of the public) died each of those years due to coming into contact with a moving vehicle. At least 21 of those 57 fatalities were associated with the collection of municipal or commercial refuse.*
- *The main considerations for preventing transport-related accidents in pedestrian environments include:*
 - i) Carrying out a route risk assessment to highlights major hazards on the route(s) and indicate how they may be avoided, or the risks minimised,*
 - ii) **Safe reversing and use of reversing assistants.** [My bolding] *The risks associated with reversing vehicles can be reduced by:*
 - *eliminating or reducing reversing manoeuvres wherever possible;*
 - *devising and following safe systems of work;*
 - *using reversing aids such as mirrors, CCTV, detectors and alarms; using trained reversing assistants only when the risks cannot be adequately controlled by the above; and*
 - *monitoring work activities from time to time to ensure that the agreed system of work is being implemented.**
- *Although fewer in number the most serious accidents in terms of severity relate to being struck by a moving vehicle. In the last 6 years (2004/05 to 2009/10) there have been around 31 RIDDOR-reportable fatalities (including 9 members of the public) relating to municipal and domestic collections. 17 fatalities of which were attributable to household waste collections.*

Thus, it would seem that HSE is particularly concerned about waste vehicles generally, and them reversing in particular. The waste companies have not apparently been invited to comment on this application or have not responded. I have asked them privately to do that but have had no response.

2) Manual for Streets Advice: This is under a section advising designers about how to cope with Waste Collection vehicles

- *Section 6.8.4 **The need to provide suitable opportunities for the storage and collection of waste is a major consideration in the design of buildings, site layouts and individual streets.***

This might have been done for the new houses - but the designers have clearly failed to consider the implications for existing houses and streets affected by their development.

- 6.8.8 Reversing causes a disproportionately large number of moving vehicle accidents in the waste/recycling industry. Injuries to collection workers or members of the public by moving collection vehicles are invariably severe or fatal.

This further alarming evidence which should have been considered by the designers.

- 7.10.3 Routeing for waste vehicles should be determined at the concept masterplan or scheme design stage (see paragraph 6.8.4). Wherever possible, routing should be configured so that the refuse collection can be made without the need for the vehicle having to reverse, as turning heads may be obstructed by parked vehicles and reversing refuse vehicles create a risk to other street users.

This has clearly NOT been done in conjunction with the layout of the cycleway/footway but has been considered far too late resulting in this dangerous proposal.

These paragraphs would indicate that reversing waste vehicles are a bad idea and should have been eliminated at the concept stage. The Department of Transport (who produced Manual for Streets) and the HSE seem to be at one in their advice. They obviously don't consider reversing across a cycleway /footway as it is clearly beyond consideration it is so dangerous.

3) BS5906:2005 –Waste Management in Buildings - Code of Practice

Under section 4.1 the following comments are made: '*Designers should consider – easy and safe access for waste producers.*

Section 4.2 Under initial consultation it recommends: 'Waste Management issues can have a major impact on the layout of residential or non-residential development. - - - it is essential that liaison between the planning authorities and architects [developers in this case], as well as waste collection authorities takes place. The developer or his agent should reach agreement with all appropriate authorities, particularly on the following points- - b) - - and the means of access to them [i.e., waste storage areas – that is bins] for waste collection staff and vehicles.

Although this code is written for buildings, it is obvious that the same principles of consultation should have been followed here. There does not appear to have been consultation about this matter on the planning website as is the case for other consultees who have been invited to give comments.

3) Dangerous Proposal: Advice regarding Compound Maintenance Vehicles

The Sewers for Adoption (dated 10th March 2020) applicable as the standard for all water companies published by Water UK has the following advice regarding Pumping Stations:

Section D5.3 Site Layout para 2

*It should be noted that the local planning authority can determine the requirements for fencing, site layout, landscaping, etc., under the planning application but **due regard should be given to health and safety considerations**'.* [My bolding].

Like the 'Manual for Streets' and also CT1/20 entitled 'Cycle Infrastructure Design' both of them being published by the Department of Transport, there is no mention of reversing across a cycleway. Again, I am presuming it has not been considered in those documents because such an occurrence would be so far outside safe practice as to not be worthy of consideration by the authors.

However, it requires 'due regard to be given to health and safety considerations.' Again (as for the Waste Recovery Operators), is not clear that Wessex have been a consultee regarding the reversing of HGV's across the cycleway/footway – this application, even though they were consulted in detail about the foul Pumping Station and the Water Booster Stations. (That application 42/20/0042 was approved on 25th February 2021)

The tankers concerned are to have a minimum payload of 18tonnes (Sewers for Adoption) making them HGV's with a likely gross weight rating of 22tonnes minimum.

4) Dangerous Proposal: Consideration of Other vehicles Interacting at this point

There are inherent potential safety problems with this location regarding this turning head area which the proposal to allow reversing across a cycleway/footway makes far worse. These are some of them - there may be others:

- The locked compound which tempts maintenance vehicles who are there for a short time inspection/maintenance to park in the entrance to the compound thus obscuring the cycleway/footway

- The temptation of residents of the nearby new houses to use this whole area to park rather than go to Rumwell to gain vehicular access to their houses. This is not specific to the proposed turning head but is a particular place that would be used to park if not specifically deterred.
- Comeytrowe residents whose children gain a place in the new school will have no vehicular access to the school except via Rumwell, and therefore would be tempted to use the turning head and nearby areas as a drop off and pick-up point for children
- There will be a temptation for large vehicles that are not familiar with the new proposed layout of the area to find they have to use the turning head after discovering where the road is blocked and that there is no safe turning head beyond Honeysuckle house. Thus, the wall damage reported by Honeysuckle House residents already due to inappropriate turning round during a temporary closure of Comeytrowe lane could well continue permanently.
- Visitors to the park will be tempted to park – the turning head being a particular attractive location.

Whilst it is appreciated (but not shown on the drawings) that double yellow lines could be added - and additional warning signs displayed, the enforcement will be minimal in a semi - rural location like this. The turning head in its proposed location only exacerbates these dangers.

5) Involvement of Health and Safety Executive (HSE)

Because I believe this matter should be dealt with by the HSE - who are the experts in investigating issues in the Construction Industry and ensuring compliance, I have approached them and been told it is a matter for the local authority. I have been told on appealing this decision that the matter should be considered by planning. They did concede though that “theoretically CDM could apply”, but when I asked to publicise the whole of the email exchange on the planning website, they “kindly asked” that I did not do so. I have respected that even though the emails I received are mine to do what I want with.

I believe that the planning committee is not the correct forum to decide such a total disregard of the HSE advice, CDM regulations and the Health and Safety at Work Act as well as numerous other safety advice documents – detailed above. It seems to date that the advice of specialists in road safety has not been given to the planning committee - only a non-specialist liaison officer who has not even mentioned reversing of HGV's across a cycleway/footpath. (see below).

I am conscious that the planning committee are non-specialist busy people with little time to investigate the nuances of these Safety matters. The Planning Case Officer is only a specialist in planning matters.

6) Planning History of the Cycleway/footpath

The original outline planning application way back in 2014 (42/14/0069) did not have such detail, nor did the infrastructure submittal (42/19/0053). It was first shown in the controversial pumping station application 42/20/0042, but the refuse vehicle and maintenance tankers reversing were not seen then as the major issue in relation to the matter of general location. Thus, the submittal was passed without proper scrutiny of the interaction between the cycleway/footpath and the refuse vehicle and the tanker vehicles using the compound.

It was also not clear that the cycleway/footway was crossing the route of the reversing vehicle in that application as they were drawn on different sets of drawings. The reversing refuse lorry tracking plan was also a late addition to that application and has now been superseded by AWP's drawings in later applications.

The allegedly Non-Material Amendment 42/22/0026 was rejected by the planning officer on 21st April 2022 because it involved material amendments. This was only after public representations.

In this original pumping station application (42/20/0042) the Stantec drawings showed the cycleway finishing at Comeytrowe Lane, but now (in this 42/22/0043) it is clearly shown on AWP drawings as continuing northwards into the new development. The reversing manoeuvre shown in the Stantec drawing is dangerous, and the one in the AWP drawing is even more dangerous, because the cycles can travel unimpeded across Comeytrowe Lane where HGV's are reversing and should be avoided.

Turning heads are normally provided beyond the end of houses in new developments – not finishing them as a cul-de- sac alongside the last property - in this case Honeysuckle House.

It was not clear in the original June batch of drawings, which drawings were current. In the latest batch in August batch two are marked 'Not Technically Approved' and ALL are 'For Information only'. Therefore, what are the planning committee being asked to approve and what would be its status if they did?

There is no explanatory letter accompanying the latest submission. Does the lack of Technical Approval refer to the designers own internal system or to SCC Highways? However, the full approval system is initialled in the revision block for the designers' system approval, but the 'Not Technically Approved' note is added as revision C in both drawings, and there are later revisions after that. It is a mystery!

In my experience over my 48-year career, 'For Information only' were purely to inform outside bodies of the designers' ideas which were expected to be altered. It makes nonsense of the planning system if such drawings are approved by the planning committee.

7) Specific Planning Violations in this Submission 42/22/0043

1) SADMP Policy A3: Cycle Network

New development should not conflict with, and where relevant should provide for:
: B Traffic calming, traffic management and junction re-design to **benefit** cyclists.

The decision to have lorries reversing across a cycleway/footpath is clearly not to the **benefit** of cyclists. The decision in the latest batch of drawings to remove priority to cyclists (which is only referred to in a note in the revision blocks) exacerbates that. The conflict could be removed - see below, but it is slightly more expensive. Expense is not a factor in the CDM regulations *but says: 'eliminate, so far as is reasonably practicable, foreseeable risks to the health or safety of any person'*. Elimination is reasonably practicable.

2) Condition 26 of Outline application 42/14/0069 requires the following: *In the interests of sustainable development, none of the dwellings in the first phase (as will be agreed by condition 3 of this permission) shall be used or occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.*

The Case Officer reported in his Case report for 42/22/0035 (paragraph 4.18 page) approved on 14th September that: *'The site is under construction, occupations commenced in April 2022 with currently circa 40 properties are occupied at present. Approval of this application would take the number of dwellings consented with implementable Reserved Matters Approval to 431.*

Clearly the developer had violated the condition set down in 42/14/0069, in that NO significant footpaths or cycleways have been constructed. It is certainly not possible for residents to access Comeytrove by foot or cycle directly, the only access to Comeytrove being by car via the Rumwell roundabout.

HOWEVER, I have just discovered a discharge of Condition 26 in respect of the Western Neighbourhood only dated 28th April 2022. This is on the 42/14/0069 website rather than the 42/22/0043 that everyone is presently addressing. However, in that discharge the priority for the cycleway/footway which has now been changed to give vehicles priority. This I consider a very disingenuous device to avoid scrutiny in this application.

Numerous policy documents in the Adopted Core Strategy encourage 'modal shift' in the interests of sustainable development, and they have not yet been complied with here. If this cycleway/footway is approved unaltered it will be dangerous for the reasons set out above.

8) SCC Highways Response to Proposal and my rebuttal of that Response

8.1) Nowhere in the Highways response to the planning submittal (dated 20th July) are the words "reversing HGV or lorry" included which is very disingenuous considering that this is the issue combined with the words "across the public Cycleway/footpath (CWFP)" which is the issue the public including myself are concerned about, and thus gives very misleading information to the planning committee. The Stage 2 technical audit provided by the Road Safety auditor (not the Planning Liaison Officer) should have been included, which should have considered this fundamental question (but see below).

8.2) SCC Highways contend that the principle of access to the pumping station was agreed on 8th April 2001. (approval of 42/20/0042). The access was only partially shown then, and as explained above, it was not clear what was intended in terms of the cycleway crossing this access.

8.3) It is NOT true that the present proposal "segregates non-motorised users from the pumping station vehicular access", nor from the refuse vehicles. The AWP layout and tracking drawings and the superseded Stantec tracking drawing clearly show both kinds of vehicles reversing across the width of the cycleway.

8.4) There is only one residential property beyond the “proposed turning head” i.e., Honeysuckle House. In reality the proposed turning head is the entrance to the pumping station – not a turning head as usually envisaged.

8.5) The resident of Honeysuckle House already reports on the planning website damage to her wall during a temporary closure of Comeytrowe Lane due to inappropriate use of their driveway for turning round by a large vehicle. There is no reason to believe that there will be any different outcome with a permanent closure unless a proper turning head is created beyond Honeysuckle House in addition to suitable signing at the Queensway junction.

8.6) It appears SCC’s full comments section reiterates much of what is within the bulleted points. However, the station maintenance vehicles WOULD cross the cycleway as presently proposed, as well as the refuse lorries. It is NOT true that the provision of a reversing place in the entrance to the pumping station will reduce conflict with non-motorised users because the main cycleway will precisely cross the path of the reversing vehicles.

8.7) The Stage 2 technical audit which is referred to in the SCC response has NOT been made public, even though this is apparently the only technical justification for this dangerous and perverse design. It has been requested by me under a RFI but has been refused as ‘Not in the public Interest’. This is surely a document which IS in the REAL public interest to the public who will use this cycleway/footway, as compared to the interests of the developer and council who don’t want embarrassing cover ups published. There are no real commercial developer’s interests compromised, as I know from experience when working at SCC there is no commercial information contained in them.

8.8) SCC comment on Drawing 02-SK-2015 Rev C. This is prepared by AWP and is virtually the same as Rev A submitted and rejected under 42/22/0026 in respect of the cycleway/footpath. The drawing is particularly concerned with overland flow paths and shows the cycleway alongside the access road. Stantec’s superseded drawings 46006/2014/SK 12,13,14,15 (with the cycleway/footpath ON the main roadway where HGV’s run) are noted as superseded in the covering letter but are not marked as such.

8.9) The provision of the cycleway alongside the access road to the compound still has the HGV’s (both maintenance vehicle and refuse lorry), reversing across the cycleway. The cycleway is on the wrong side of the access road for both types of HGVs to avoid clashes, and the only proper way to deal with this is to move the cycleway off the compound access.

8.10) Condition 26 of 42/14/0069 required a network of cycleway/footpaths to be provided before any occupation of houses. This provision did not appear to have been done – and the agreement of where the routes are to go did not appear to have been publicised since the original 42/14/0069; but is partly shown under 42/20/0042. It did not show even then the whole of the Phase 1 area.
[However, my discovery on 20th September of the relaxation of this condition on 28th May 2022 - but buried away on the planning website 42/14/0069 rather than on this 42/22/0043, changes the non-occupation requirement, but gives priority to cyclists at this junction of stopped off Comeytrowe Lane with the cycleway.]
The latest batch of drawings alters this priority to give vehicles priority but that is extremely unclear on the drawings.

8.10) I have been told that the scheme has been designed to the Department of transport’s LTN1/20 entitled ‘Cycle Infrastructure Design’. This does not consider vehicles reversing across a cycleway. This is very surprising in view of the vulnerability of cyclists, unless it is considered by its authors to be such a dangerous idea that no one would be expected consider it in a design.

8.11) I approached Taunton Area Cyclists Campaign regarding this proposal, to ask them to comment on the website, and they are under the impression that the cyclists will have priority. As I have said below in section 10, the only hint of a change is in the drawings title blocks and in Dan Friel’s email of 19th August. I have approached them again to tell them the priority has changed.

9) SCC Stopping up Order and my Response

9.1) It is interesting to note that the Prohibition of Vehicles Order for Comeytrowe Lane was sealed by Somerset County Council in June 2022. A number of questions arise which are not clear in the order:

- When did they tell the affected residents in the countryside?
- When will this be enacted physically?
- Do those residents know they will have no vehicular access except via Rumwell, and then only when the spine road is complete as far as Comeytrowe Lane?

There is an exception in that order for emergency, building and demolition vehicles in relation to the road, but there is no physical junction to be provided for them to travel along to connect with the Spine Road as shown in the drawings. (See below)

9.2) I see Condition 28 of 42/14/0069 requires a 'bus gate' to be provided off Comeytrowe Lane near the intersection with Queensway. When they have decided how to provide the physical road as required for emergency building and demolition vehicles at the Lipps Hill/Comeytrowe Lane/Spine Road intersection, why not include the refuse lorries and Buses in a 'bus gate' allowance thus getting rid of the need for refuse vehicle reversing?

10) Refusal of Request for Information for Stage 2 Technical Audit

10.1) I applied for Road safety Audit Report Stage 2 on 1st August as an RFI, and received a negative response on 31st August, having asked two local councillors to chase it up on 29th August. It appears to be outside the required legal response time of 20 working days.

10.2) The reasons given are the Environmental Information Regulations and in spite of the positive factor in favour of 'Specific Local interest' they argued that

- The document is commercially sensitive until SCC adopt the road in respect of the council and the developer
- As the design of the element is incomplete it may misinform the public
- The developer wishes to retain confidentiality regarding the engineering solutions proposed.
- There is concern about damaging the relationship with SCC.
- There could be reduction in value for money for the taxpayer in S106 agreements.
- The stage 2 report identifies non-compliance with the submitted scheme and the developer makes commercial choices regarding resolution of these issues
- The integrity of the design process will be undermined by issuing information.

They thus argued that the greater public interest was best served by NOT providing the information at this time, weighing the providing information in the public interest, against the prejudice to the public interest from withholding the information.

I would make the following comments about this refusal:

- When SCC adopt the road, it is far too late to change anything
- It cannot be commercially sensitive as no figures are attached to the Road Safety Audit reports. They are purely statements about what the council requires of the developer in requirement of complying with technical requirements. [I know from working at the council having been involved in discussions regarding a number of road safety reports. There is also one on the planning website regarding other matters under the Outline application 42/14/0069. It had no commercial information.]
- So, their design isn't complete even though the planning committee are being asked to approve a set of drawings which will become the approved drawings if passed. So why has the design been submitted for planning if it's only a half-finished design? It's clearly gone through three gestations for one planning submittal already - including the change from the April 2022 idea.
- The public have a right to know and comment when a dangerous design is being perpetrated on them before it is a 'done deal'.
- If the developer is concerned about his relationship with SCC, the design should be agreed with SCC before it is submitted to planning rather than putting forward designs to planning that are not agreed.
- This bears out my comments in the detailed discussion of the drawings that they appear to be only 'ideas' drawings.
- There is an admission that the design is incomplete in point 4 of the RFI refusal. How can the planning committee approve an incomplete set of drawings that is so dangerous?

In view of the above admission of incompleteness I would strongly suggest that the developer withdraws his submission until he knows what he wants to have built.

There is no point appealing against the refusal decision as by the time I get a reply the matter will have come before the planning committee.

I also suggest AWP radically alters this element of their design to 'Eliminate' the risk as per CDM – not just 'mitigate' it a bit. It is entirely 'practicable' to do so.

CDM does not mention commercial interests. Safety should come ahead of commercial interests, especially where there is such a body of Safety opinion against reversing HGV's across cycleway/footways.

11) Alternatives to the Proposals

Whilst I realise that the planning committee are only allowed to consider what is before them, it is good if they know there are alternatives - if they are minded to reject this proposal.

I have recommended previously and in direct emails to many parties a number of modifications to eliminate the danger (but there could be other possible modifications) namely:

1) NOT stop off Comeytrowe Lane for refuse vehicles and buses; but create a bus gate and refuse vehicle access further along Comeytrowe Lane to the south west - returning via the new spine road and an agreed bus gate near the end of Queensway which would then allow refuse lorries and the number 7 bus to access the new estate and offer a much better service both refuse wise and for bus travel - with no reversing. This would be similar to other bus gate locations around the town.

In terms of physical work, it is a much cheaper solution for the developer whilst removing this hazardous juxtaposition of reversing refuse lorry with a main cycleway/footway.

[The stopping up order of Comeytrowe Lane presently allows construction and emergency vehicles - even though AWP's recent drawing 1083-03-J-HW-1051 Rev C apropos the intersection with the new spine road only allows for Cyclists and pedestrians.] This obviously is inconsistent and needs sorting out as to what is intended. (but see (5) below)

2) Additionally, would be the creation of a proper turning head to the south west of Honeysuckle House. [Honeysuckle House has already suffered damage to their wall as a result of inappropriate turning around on their private property when there was a temporary closure of the road - and a proper turning head beyond their house would eliminate that difficulty for the future. (This recorded on the planning website) [The land is part of the site owned by the developer - even though the topography would require some extra earthworks].

3) However, the REAL problem is that the public cycleway/footpath goes through the maintenance compound of the multi-function pumping station where HGV's mix with cyclists/pedestrians. This can be eliminated by moving the cycleway/footway to southwest of Honeysuckle House - beyond the proposed revised turning head or alternatively switching the maintenance compound vehicle entrance and the cycleway/footway around. [This latter would then remove the tanker HGV's crossing the cycleway/footway. The sewerage part of the compound is the one with HGV's - the water and gas maintenance are only likely to be accessed by transit vans.]

4) An alternative simple solution would be to terminate the cycleway at Comeytrowe Lane from the north. There is ALSO an additional problem with the cycleway where it exits onto Comeytrowe Road as it exits from the area behind the pumping station. Apart from sightline problems there, there is a flooding problem in that the hedgerow bottom is preventing flooding to the residents of Lloyd Close due to under provision of flooding capacity at Horts bridge. [I raised this during my 42/20/0042 submission and others have also raised this problem. The residents' houses were flooded in 2003 and a flooding report prepared. For the Building department of TDBC. I understand the developer is aware of that. The hedge bottom is the only thing preventing it happening again.]

5) On examination of the drawings discovered buried in 42/14/0069 mounted on 28th April 2022, I discovered that there is a whole network of cycleways proposed for the Horts Bridge Park area. Thus, the removal of the access through the pumping/booster station area would be an easy solution, possibly coupled with 3 above. It would not inconvenience cyclists very much and would remove this safety hazard. The whole of this compound area could then be fenced off to make sure it was, for maintenance vehicles only and a hazardous area. I note from drawing BRL-L-PL107 Western Neighbourhood Cycleway & Footpath Network (in the 42/14/0069 discovery) there is a proposal for 'future allowance' for a cycle/footway just across the Lane from Honeysuckle House, and this could be easily extended southwards to Comeytrowe Lane and around the west of Honeysuckle house as noted in 3 above.

6) I understand there has been discussions about creating a roundabout where the spine road meets Comeytrowe Lane/Lipps Lane at the top of the hill - as opposed to the T junction indicated on the approved drawings (ref 42/19/0053). This would be to facilitate emergency, waste and bus access from Comeytrowe Lane whilst keeping the restriction on unauthorised vehicles. However, the topography makes for a sharp gradient where Comeytrowe Lane meets the Spine road. However, by moving the spine road westwards slightly the gradient could be arranged to be no worse than other locations around Taunton - for example Claremont Drive, or Galmington Road where it meets Trull Road.

[There are also many many locations around the country where a steep gradient road intersects with a relatively flat junction. Whatever is decided, the present indicated junction is inconsistent with the Stopping Off order making the planning committee not knowing what they are approving drawing wise.]

12) Revision to Reversing Proposal in this 42/22/0043

It is difficult to know for certain – but it is presumed that the latest batch of drawings totally supersede the previous submission of drawings under this submission, as well as previous submissions. Three drawings of AWP have had their revision letter increased, and four AWP drawings are totally new to the submission. It is now noted that all the drawings from AWP have the designation 'For Information only'. So how can they be approved by planning committee anyway if they are not put forward as definitive 'to be built' drawings?

Thus, the Stantec drawings in the original submission under this number show out of date information according to the covering letter from the developer dated 1st June but mounted on 4th July. The only hint of current batch status is by consulting Dan Friel's email of 10th August mounted on the 14th who is the SCC Liaison Officer where he recommends a further submission.

The two drawing registers seem to be only partially relevant as they contain drawings not in the submission and their titles do not seem to describe the drawings they list. However:

12.1) The 3metre red tinted (CWFP) had been introduced in the first batch of drawings alongside the roadway access, as compared to the previous submittal (42/22/0026) where the CWFP was overlying the roadway. Although this separation is commendable, the CWFP is now shown as continuing across Comeytrove Lane directly into the new development, which is very dangerous as it crosses the path of reversing lorries. As stated above it would be better if they were switched with the cycleway footway to the east.

12.2) The SK2013 Rev B prepared by AWP in both submissions and the superseded 46006/2014/SK14 Rev A of Stantec both show that a refuse lorry turning vehicle and movement backing along Comeytrove Lane into a turning head of the entrance to the multi pumping station which crosses the cycleway/footway.

12.3) ADDITIONALLY, the SK2013 Rev B prepared by AWP and the superseded 46006/2014/SK13 Rev F of Stantec both show that a maintenance tanker vehicle crosses the revised CWFP whilst reversing.

13) Revision to Proposal in the latest batch of drawings

These comments are based on the presumption that the turning head continues to be where it has been drawn, although I vehemently oppose that for the reasons I have set out above. The principle is wrong - not the details of the mitigation.

Drawing 03-J-GA-1051RevC Offsite Lines and Signs Plan

- The Sign at the end of Queensway should also have 'Except for Access'
- There is no cycle barrier on the south side of the CWFP as on the north. The reversing refuse vehicle will be blind here. The cycleway needs to terminate south of where the maintenance vehicles turn.
- Why are the cycle barriers removeable? They are normally permanent.
- Are removeable barriers or a lockable gate provided at the entrance to the maintenance compound?
- The addition of ramps either side of the entrance to the maintenance compound imply that the priority is for vehicles. It is important that the ramps are clear of where the HGV's are reversing.

Drawing 03-J-HW-1051RevC Offsite Visibility Plan

- The brown reversing sightlines are inconsistent with the position of the driver. However, the important issue is what the driver can see from his HGV behind his vehicle which is not part of the normal sightlines exercise.
- The supplementary sightlines (where the Cycleway joins the Spine road) is inconsistent with the traffic regulation order as no provision has been made for emergency vehicles but only cyclists. [This topographical issue should have been addressed prior to submission of 42/19/0053 – the Infrastructure proposals].

Drawing 03-J-GA-1001RevE Offsite General Arrangement

- The drawing is 'Not technically approved' By whom? SCC or designers internal checking system
- The SCC lighting specification/Notes should have been on the Offsite Lines and Signs Plan. It is realised these are generic and cover theoretical situations and are not thus specific. From the position planned for the road signs there would not appear to be any light issues, but it would be anticipated that SCC consult with local residents.

Drawing 03-J-DR-1001RevF Offsite Drainage

- The drawing is 'Not technically approved' By whom? SCC or designers internal checking system
- The drawing reflects the change noted in the developers covering letter to the 1st batch of drawings, so that the Comeytrowe Lane drainage is piped to an attenuation pond behind the Booster station, then to Galmington Stream. It expands on SK 2015 where it appears the hard surfaces runoff is left to drain away into the ground alongside.

Revised SK drawings

- These have been upped by one revision letter and the title block says this is because the 'Cycle Priority Crossing has been removed and updated to suit'. This appears to be the only indication of the priority change. The only physical change to the drawing is the addition of the ramps referred to above. This idea seems to have originated in Dan Friel's email of 10th August (the Planning Liaison Officer from SCC).

14) Other Issues concerning Submission

14.1) Palisade Fence: Both the AWP drawing SK2012 and the original Stantec approved drawing 46006/2014/SK12 Rev J show a Palisade fence around the Booster Station compound.

14.1.1 However, condition 1 of the approval (setting out the approved drawings) says Drg 46006/2014/SK12 Rev J says, "Layout as amended by email 05/02/21". Referring to the Wessex Water standard conditions at para D5.3.2 The planning Officer says: "*Can we amend in writing the plans to show black 1.8m high weldmesh fencing rather than palisade please.*" Brooksbanks - the developers' engineer states in reply "*This can be completed and shouldn't be an issue*".

14.1.2) The comment on the plan of the new AWP drawing states a "green galvanised steel palisade fence." A green fence would be preferable aesthetically – but even better would be a timber close boarded fence – similar to household garden fences, as this would be more aesthetically pleasing and would absorb the sound from the booster station.

14.1.3) This is particularly important as it will also give better sound insulation when the booster station is operational which has been demonstrated by the neighbours (at their own expense) to be a problem during the multi pumping station planning approval. It is also likely to be cheaper for the developer than a steel palisade fence. The planning officer's rebuttal in his case report that the noise comparison with another site was not valid is totally incorrect. The comparison was written by noise specialists employed by the resident who are used to working with Water companies.

14.2) Private Pump Station Gravel Access Road Construction:

14.2.1) The drawing SK2012 prepared by AWP shows around 150mm of gravel above existing ground. The approved original 42/20/0042 application drawing 46006/2014/SK12 Rev J prepared by Stantec shows a much heavier construction of 300mm 'well graded' granular material overlying 150mm sub-base over a terram geotextile. Whilst this is a matter for Wessex as a mostly a private road the AWP construction is not suitable for HGV's - i.e., tankers.

14.2.2) As the areas of heavier bituminous construction have also been minimised and the Gravel Access Road Construction maximised in the AWP drawing, over time the council will find public areas used by cyclists/pedestrians – but crossed by Wessex HGV's will break up leading to possible claims for damage from the public as the break-up leads to damage to their cycles.

14.2.3) The proposed revised minimum specification is unfit for purpose for HGV's. The Wessex water standard requires '*Where HGV access is required, the hardstanding should be 200 mm thick reinforced concrete on 500 mm type 1 granular sub-base. For smaller vehicles, permeable hardstanding should be provided.*' [This is section D5.3 para 8 on page 77 of the document.]. As explained earlier the tankers using the compound would be 22 tonne HGV's.

14.2.4) The red tinted Cycleway construction will be something like 60mm of tarmac in two layers over around 150mm of sub-base/bedding material. This is clearly not adequate for 22tonne HGV's – contrasting hugely with the normal bituminous carriageway construction described above.

14.3) Surface Water Drainage:

14.3.1) It appears from the covering letter accompanying the submission that the AWP drawing 02-SK-2015 Rev C should take preference over Stantec's Drawing 46006/2014/SK15 Rev -. This superseded drawing is also included in this application. Thus, it would appear that the 3 attenuation basins have been superseded by direct run-off from the hard surfaces of the compound area into the Galmington stream.

14.3.2) From the accompanying letter and AWP's drawing, the local area of Comeytrowe Lane immediately adjacent to the entrance will be drained from gullies with surface water pipes across the pumping station site to a single attenuation pond east of the booster station whose outflow is then directed via pipework and an outflow chamber into Galmington stream.

There is a severe flooding problem in Comeytrowe Lane at times of heavy rainfall, and it is hoped this may help to relieve that, but it is not clear how the drainage will work with the raised table in the road which has been introduced.

14.3.3) Additionally, some local areas of the new development hard surfaces – the cycleway/footway north of Comeytrowe Lane are also directed from open land drains and flexi pipes into this drainage system. These hard surfaces, where the runoff is not captured by the attenuation ponds nor the tributary stream directly will run into this system.

14.3.4) It is known that the highest levels of the multi station site (by the entrance) are higher than those in the adjacent Comeytrowe Lane. The newly introduced gullies if blocked will lead to ponding in the road unless a comprehensive road re-levelling/re-surfacing is undertaken, and the new gullies are not allowed to block.

15) School Drop Off and pick up by Cars

15.1) The access to the Pumping Station compound, and the wall damage reported by Honeysuckle House residents already due to inappropriate turning round in Comeytrowe Lane, combines with the fact that Comeytrowe residents whose children gain a place in the new school will have no vehicular access to the school except via Rumwell.

15.2) This is mentioned in passing, but on reflection - since my earlier submission, is not a matter for the planning committee as it involves far more general discussion and agreement mainly within SCC departments. I have already raised it verbally and will raise this in writing through other channels.

Steve Smith
BSc (Eng) MICE Chartered Civil Engineer

23rd September 2022

Agenda item

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, Comeytrove Rise, Taunton

- [Meeting of SWT Planning Committee, Thursday, 13th October, 2022 1.00 pm \(Item 57.\)](#)

Minutes:

Comments/statements from members of the public included; (summarised)

- Concerns that this turning head was poorly planned and an unsafe space for pedestrians and cyclists;
- The turning head should be located elsewhere for safety reasons;
- The cycle route needs amending to come around the north west side of the Honeysuckle house to join the park on the other side;
- Walkers and cyclists safety would be compromise if this application was approved;
- The application sought to make some minor amendments to the vehicular entrance to the compound area and did not affect the operation or design of the permitted pumping station, water booster station or gas pressure reducing station facilities;
- The purpose of this Section 73 application is to vary the approved plans to allow for a larger vehicular turning head off Comeytrove Lane at the entrance to the Pumping Station. These amendments have been included at the request of the County Council; and its inclusion will enable vehicles sufficient space to manoeuvre and turn around at the end of Comeytrove Lane once the road is closed to through traffic;
- Since approval in 2021, further improvements to the site wide cycleway have also been requested to meet the County's latest guidance on cycleway specifications. For completeness, we have therefore identified the latest cycleway details on the revised pumping station compound drawings for which approval is sought. The updated cycleway proposals are very much a betterment for cyclists;
- The pumping station equipment and facilities remain unaltered with the increase of the perimeter of the compound enclosure to meet the very latest 'Design and Construction guidance'. The Gas Governor has also been rotated in orientation to better suit the proposed new width of the vehicle turning head and footway/cycleway;
- The proposal was detrimental to existing residents;
- Concerns with vehicles reversing over a cycle walkway;
- Further audits needed before the application is decided;
- The turning point needed to be sited elsewhere for the safety of residents and children using this route;
- Concerns with flooding in the area;
- The Parish Councils have registered their objections to the current proposals;

- The application needs to be deferred for the developers to come up with a safer option;

At this point in the meeting (4:20pm) an extension of 30 minutes was proposed and seconded.

Comments/statements from Members included:
(summarised)

- Concerns with the safety of the tactile part on the cycleway/walkway;
- This was an improvement and safer than the current lane;
- The developers have a blank canvas, so this is a perfect opportunity to reroute the cycleway;
- Concerns with the multi-use cross roads;
- Concerns with the loss of trees in the development;
- Alternative sites need to be considered;
- Cycle route needs re-routing with the turning head left in place;
- Concerns with the safety of the staggered barriers to slow cyclists down before they reach the bottom due to the gradient drop between the top of the site and the bottom of the road;
- The path needed to be generous to accommodate both cyclists and walkers. It also needs to be kept free from hedgerows/weeds;
- Concerns with the area being used for parking for leisure purposes;
- Google Maps would need to be informed that the road would be closed for satellite navigation systems;
- Accessibility needs needed to be met so that people using trikes ect can get through the gates;
- This application needs to be deferred for a site visit;

At this point in the meeting (4.50pm) the final 30-minute extension of time was proposed and seconded.

Councillor Coles proposed and Councillor Habgood seconded a motion for the application to be **DEFERRED** for a site visit.

The motion was carried.

At 4:55pm Councillor Mark Lithgow left the meeting.