

<b>Application Details</b>	
Application Reference Number:	42/22/0054
Application Type:	Full Application
Description	Erection of a care home (Use Class C2) comprising of 68 No. bedrooms with associated staff facilities, access, landscaping, parking and associated works on land at Comeytrove, Taunton
Site Address:	Orchard Grove, Land at Comeytrove/Trull, Taunton
Parish:	Bishops Hull
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 <a href="mailto:s.fox@somersetwestandtaunton.gov.uk">s.fox@somersetwestandtaunton.gov.uk</a>  Should you wish to discuss the contents of this report item please use the contact details above by 12 noon on the day before the meeting, or if no direct contact can be made please email: <a href="mailto:planning@somersetwestandtaunton.gov.uk">planning@somersetwestandtaunton.gov.uk</a>
Agent:	Boyer Planning
Applicant:	Mercian Developments Ltd
Reason for reporting application to Members:	Each stage of the Comeytrove Garden Community, known as Orchard Grove, has been subject to Planning Committee scrutiny given the significance of the scheme and the public interest.

## 1. Recommendation

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

## 2. Executive Summary of key reasons for recommendation

- 2.1 This revised application seeks planning permission for a 68-bedroom care home at the Comeytrove Garden Community known as Orchard Grove.
- 2.2 After consideration of all representations and consultations, planning policy and material considerations including the planning history, the application is considered appropriate to be recommended for approval subject to the conditions listed at Appendix 1 to this report.

## 3. Planning Obligations, conditions and informatives

### 3.1 Obligations

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

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

- 1) 3yr time limit for implementation
- 2) Drawing schedule
- 3) Finishing materials details to be agreed
- 4) Access road details to be agreed
- 5) Landscaping scheme compliance and protection
- 6) Energy Statement compliance
- 7) PV array details to be agreed
- 8) EV charging details to be agreed
- 9) Phosphate Mitigation Plan compliance
- 10) Arboricultural Note compliance
- 11) Travel Plan requirement
- 12) Public Art requirement
- 13) Parking and turning space provision
- 14) Cycle parking provision
- 15) Surface water disposal to prevent discharge onto the highway
- 16) Rooftop and ground-based plant, machinery and equipment restriction
- 17) Lighting scheme to safeguard bats requirement
- 18) Ecological enhancement scheme compliance
- 19) Construction Environmental Management Plan (CEMP) compliance
- 20) Surface water drainage scheme required

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

- 1) Statement of positive working
- 2) Reminder of Public Rights of Way responsibilities
- 3) Encouragement to achieve Secured by Design accreditation
- 4) Linked note to Condition 16 – The need for planning permission
- 5) Badger protection advice
- 6) Bat protection advice
- 7) LLFA advice

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

**Details of proposal**

- 4.1 This full application seeks planning approval for a 68-bedroom care home, Use Class C2. The specialist care home will be operated by Amica Care Trust and will include staff facilities, access, landscaping, parking and associated works.
- 4.2 Since submission a number of amendments to the plans have been sought and submitted. In summary this includes the complete reorientation of the building and adjustment to landscaping, boundary treatment, car parking and an improved specification for the cycle store.

**Site and surroundings**

- 4.3 Outline consent with all matters reserved (except points of access) has been granted for a residential and mixed use garden community at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility (application ref. 42/14/0069). The site area for the outline application was approx. 118ha and was bounded by the A38 Wellington Road to the north-west, the suburb and parish of Comeytrove to the east and the farmland of Higher Comeytrove Farm to the south. The Blackdown Hills AONB is located approximately 2.5 miles to the south of the site.
- 4.4 The Care Home site is situated within Orchard Grove's Western Neighbourhood, within the employment zone to the south of the Park and Bus facility alongside the A38. The Care Home will sit on the eastern edge of the employment zone adjacent to Taylor Wimpey's residential parcel H1b to the east; and the new 'local square' and spine road (named Egremont Road) immediately to the north. Access for the Care Home is proposed on its western boundary, via a new vehicular and pedestrian access onto the proposed employment road, which leads on to Egremont Road and the new A38 roundabout to the west.
- 4.5 The site is not near any Conservation Area and the nearest listed buildings are located approx. 200m to the west, Rumwell Hall, 200m to the north, Rumwell Park and 400m to the south, Higher Comeytrove Farm.
- 4.6 This application site sits on the periphery of the Stonegallows Ridge Special Landscape Feature. Other parts of the employment zone and the Park and Bus site sit within this designation.
- 4.7 The wider site is under construction, occupations commenced in April 2022 with currently circa 52 residential properties occupied at present (as of October).

## 5. Relevant Planning History

Reference	Description	Decision	Date
42/14/0069	Outline planning permission with all matters reserved (except access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2,000 dwellings, up to 5.25ha of employment land, 2.2ha of land for a primary school, a mixed use local centre and a 300 space 'park and bus' facility	Approved	8 August 2019
42/15/0042	Demolition of a section of wall on the western side of Honiton Road for creation of the access to the south west Taunton Urban	Approved	9 August 2019

	Extension (Under Planning Application No. 42/14/0069) on Honiton Road, Trull		
42/19/0053	Application for approval of reserved matters following outline application 42/14/0069 for construction of the strategic infrastructure associated with the Western Neighbourhood, including the spine road and infrastructure roads; green infrastructure and ecological mitigation; strategic drainage, earth re-modelling works and associated retaining walls on land at Comeytrowe/Trull	Approved	18 March 2020
42/20/0005/DM	Prior notification of proposed demolition of chicken coops on land south west of Taunton	No objection subject to conditions	21 February 2020
42/20/0006	Application for approval of reserved matters following Outline Application 42/14/0069 for the appearance, landscape, layout and scale for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works (Phase H1b) on land at Comeytrowe/Trull	Approved	22 July 2020
42/20/0024	Application for approval of reserved matters following outline application 42/14/0069 for the erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings on land at Comeytrowe/Trull	Withdrawn on procedural grounds – not a Reserved Matters	10 August 2021
42/20/0031	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 76 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and	Approved	8 April 2021

	drainage with associated infrastructure and engineering works at Phase H1a on land at Comeytrove/Trull		
42/20/0042	Erection of a foul pumping station, water booster station and gas pressure reducing station to serve the permitted 2000 dwellings under outline application 42/14/0069 on land at Comeytrove/Trull	Approved	08 April 2021
42/20/0043	Non-material amendment to application 42/19/0053 for the relocation of the approved sub-station on land at Comeytrove/Trull	Approved	19 October 2020
42/20/0056	Approval of reserved matters in respect of the appearance, landscape, layout and scale, pursuant to planning permission reference (42/14/0069) for the erection of 64 dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1c(i) on land at Comeytrove/Trull	Approved	8 April 2021
42/21/0004	Application for approval of reserved matters following outline application 42/14/0069 in respect of the appearance, landscape, layout and scale for the erection of 166 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Parcel H1d on land at Comeytrove/Trull	Approved	3 February 2022
42/21/0020	Non-material amendment to application 42/20/0006 to allow for adjustments to highway alignments (Phase 1a and Parcel H1b) on land at Comeytrove/Trull	Approved	10 January 2022
42/21/0032	Erection and installation of an electricity sub-station on land	Approved	31 August 2021

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

	Block, Comeytrove Manor West, Lipe Hill Lane, Comeytrove		
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
42/22/0027	Application for Approval of Reserved Matters in respect of the appearance, landscape, layout and scale, following Outline Approval 42/14/0069 for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1e, on land west of Comeytrove Lane, Taunton	Pending	
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and infrastructure on land at Comeytrove, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>	Resolution to Grant 01/12/22	Comments sent to SCC 26 May 2022
42/22/0043	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton	Pending	Deferred from October 2022 Planning Committee
42/22/0055	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, landscaping, layout and scale of the strategic infrastructure associated with the	Pending	

	delivery of the employment zone including employment estate roads, green infrastructure, ecology mitigation, drainage, earth re-modelling works and hard landscaping associated with the local square at Orchard Grove Community Employment Zone, land adjacent A38, Taunton		
42/22/0056	Application for Approval of Reserved Matters following Outline Application 42/14/0069 for the appearance, landscaping, layout and scale for the strategic infrastructure works, including associated green infrastructure and drainage, associated with the delivery of infrastructure roads WR02 and WR03 at Orchard Grove Community, Comeytrove	Pending	
42/22/0062	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 20 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works comprising Parcel H1f(i) on land west of Comeytrove Lane, Taunton	Pending	
42/22/0063	Application for the approval of reserved matters following outline application 42/14/0069 for the appearance, landscaping, layout and scale for the erection of 51 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works comprising Parcel H1f(ii) together with additional details as required by Condition No's. 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 23 on	Pending	

	land west of Comeytrowe Lane, Taunton		
42/22/0064	Variation of Condition No's. 02, approved plans, (for alterations to common infrastructure, including drainage attenuation basins, retaining structures and earthworks, site remodelling, engineering works and landscape planting) and 04, landscaping details, of application 42/19/0053 on land at Comeytrowe, Taunton	Pending	

## 6. Environmental Impact Assessment

- 6.1 Upon receipt of an application the Council has to consider if the development falls into Schedule 1 or 2 of the Environment Impact Assessment Regulations. The Council concludes it falls into neither.
- 6.2 As the application site measures 0.75 hectares it falls below the parameters identified under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Specifically, the development does not include more than 1 hectare of urban development which is not dwelling house development, the development does not include more than 150 dwellings and the overall area of the development does not exceed 5 hectares. The scale and nature of the proposal for a care home does not, therefore, warrant an Environmental Impact Assessment (EIA).
- 6.3 A detailed EIA was undertaken for the Orchard Grove Outline Planning Application (Ref. 42/14/0069) with subsequent technical updates being provided as part of this full planning application.
- 6.4 The conclusions hereon are such that the Council considers the application will not have any further significant environmental effects over and above those assessed at the outline stage and a further environmental statement is not required.

## 7. Habitats Regulations Assessment

- 7.1 Since the granting of outline planning permission in August 2019 there has been a material change in circumstances which has required the Council, as the competent authority, to reassess a matter in relation to the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations') and the lawful approach to the determination of planning applications in light of recent advice from Natural England ('NE').
- 7.2 In a letter, dated 17 August 2020, NE advised the Council that whilst the Somerset Levels and Moors Special Protection Area ('SPA') could accommodate increased nutrient loading arising from new development within its hydrological catchment that the Somerset Levels and Moors Ramsar Site

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

- 7.3 The typical consequence of such excessive phosphate levels in lowland ditch systems is “the excessive growth of filamentous algae forming large mats on the water surface and massive proliferation of certain species of Lemna” NB: (Lemna refers to aquatic plants such as duckweed).
- 7.4 This excessive growth “adversely affects the ditch invertebrate and plant communities through... shading, smothering and anoxia (absence of oxygen)” which in turn allows those species better able to cope with such conditions to dominate. The result is a decline in habitat quality and structure. NE state that “The vast majority of the ditches within the Ramsar Site and the underpinning SSSIs are classified as being in an unfavourable condition due to excessive phosphate (P) and the resultant ecological response, or at risk from this process”.
- 7.5 NE identify the sources of the excessive phosphates as diffuse water pollution (agricultural leaching) and point discharges (including from Waste Water Treatment Works (‘WWTWs’)) within the catchment noting that P levels are often 2-3 times higher than the total P target set out in the conservation objectives underpinning the Ramsar Site. In addition NE note that many of the water bodies within the Ramsar Site have a phosphate level classed as significantly less than ‘Good’ by reference to the Environment Agency’s Water Framework Directive and that the river catchments within the wider Somerset Levels are classed as having a “Poor Ecological Status”.
- 7.6 At the time of the letter the issue in terms of the Ramsar Site was that the conservation status of the designated site was ‘unfavourable’ but in a recent SSSI Condition Change Briefing Note for the Somerset Levels and Moors dated May 2021 (uploaded to this applications’ online case file) the overall condition across all Somerset level and Moors SSSI’s is ‘Unfavourable Declining’ due to evidence of failing water quality, most notably high Phosphate levels.
- 7.7 NE have advised the Council that in determining planning applications which may give rise to additional phosphates within the catchment they must, as competent authorities, undertake a Habitats Regulations assessment and undertake an appropriate assessment where a likely significant effect cannot be ruled out. NE identify certain forms of development affected including residential development, commercial development, infrastructure supporting the intensification of agricultural use and anaerobic digesters.
- 7.8 The project being assessed here will result in a positive phosphate output and therefore the wastewater from the development will add to the phosphate levels within the Somerset Levels and Moors Ramsar Site (‘the Ramsar Site’). The pathway is via the wastewater treatment works. Therefore, the surplus in

the phosphate output would need to be mitigated in order to demonstrate phosphate neutrality and ensure no significant adverse impact on the affected designated area.

- 7.9 In response to this situation the Development Consortium acted quickly to ascertain the phosphate load to mitigate and the necessary solution, with help and assistance from the Council and Natural England. Natural England's advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites.
- 7.10 This has resulted in the submission of additional key supporting documents; a Phosphate Mitigation Strategy, a Fallow Land Management Plan, a Shadow HRA Assessment Report and Phosphate Strategy Composite Plan. These detailed documents are available on the planning case file (42/22/0054) on the Council's website.
- 7.11 When calculating the phosphate load from development and subtracting this from the phosphates produced from current land usage neutrality can be achieved whilst also applying all suitable buffers. The Shadow Habitats Regulations Assessment (sHRA) report concludes that in order to achieve phosphate neutrality for the Care Home part of the site in the Eastern Neighbourhood will be fallowed.
- 7.12 The key design principle for fallowing is the cessation of arable farming and the application of fertilizer, beyond that the creation and maintenance of permanent vegetative cover (as opposed to bare ground) will provide soil stability and minimise the runoff of silt and/or phosphate from the land.
- 7.13 Management of the Fallow Land will be undertaken in accordance with the submitted Fallow Land Management Plan.
- 7.14 The proposed Phosphate Mitigation Strategy is an interim measure for this Care Home full application, a separate but similar approach has been taken with Parcels H1a, H1b, H1c(i), H1c(ii), H1d and H1e. As explained land is to be taken out of agricultural production prior to the first occupation.
- 7.15 In summary a Likely Significant Effect on Somerset Levels and Moors Ramsar has been identified as a result of water quality (phosphate) impacts, in isolation and in combination with other plans and projects. Mitigation in the form of land-use change and fallowing of agricultural land, secured through delivery of a Management Plan, would ensure that phosphates generated by this Reserved Matters Site would be mitigated. It is considered that the Council can conclude that there would be no adverse effect on the integrity of the Conservation Objectives of the Somerset Levels and Moors Ramsar Site, either in in-isolation or in combination.
- 7.16 Extensive discussion between the Consortium and Natural England has occurred over the course of the development so far resulting in the approach taken and the submitted documents.

- 7.17 Natural England has confirmed that the submitted sHRA provides a firm basis for the LPA to assess the implications of the reserved matters application in view of the conservation objectives for the Somerset Levels & Moors Ramsar Site, and they would anticipate the LPA being able to reach a conclusion of no adverse effect on the integrity of the site. Somerset Ecology Services as the Council's/LPA's retained Ecologists have agreed that the sHRA can be adopted by the Council. The sHRA highlights the site is very close to exhausting its onsite following credits.
- 7.18 The method of securing the specific mitigation measures in this situation has been discussed and in this instance a suitably worded condition is proposed as has been the case for all previous parcels.
- 7.19 The judgment whether a proposal will adversely affect the integrity of the designated site for the purposes of Regulation 63(5) of the Habitats Regulations is one for the LPA to make. In conclusion the LPA view 70 additional dwellings are deliverable whilst maintaining phosphate neutrality and therefore ensuring no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site.
- 7.20 In the wider context recent Government announcements in the form of the recent Written Ministerial Statement and the Letter to Chief Planning Officers, are to be treated with cautious optimism. This is important in considering the continued development of this site.
- 7.21 The Written Ministerial Statement (WMS) issued on 20<sup>th</sup> July 2022, set out details of a national nutrient mitigation scheme to be funded by Defra/DHULC and implemented by Natural England. The DLUHC letter to Chief Planning Officers dated 21<sup>st</sup> July 2022 gives further details and states that the national nutrient mitigation scheme will enable LPA's to grant permission subject to conditions or obligations securing mitigation and phasing development if needed.
- 7.22 The WMS also states that there will be a new legal duty imposed upon water companies in England to upgrade wastewater treatment works in 'nutrient neutrality' areas to the highest technically achievable limits by 2030 - the Government will be tabling an amendment to the Levelling Up and Regeneration Bill. The DLUHC letter states that, as a result of the new legal duty on water companies, the pollution levels after 2030 via wate water treatment works will be much reduced and so a lower level of mitigation will be required, thus reducing the overall mitigation burden on housing developments.
- 7.23 DLUHC state they will make clear in future planning guidance that judgements on deliverability of sites should take account of strategic mitigation schemes and the accelerated timescale for the Natural England's mitigation schemes and immediate benefits on mitigation burdens once legislation requiring water treatment upgrades comes into force.

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

## 8. Consultation and Representations

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

Date of Consultation: 04 April 2022

Date of revised consultation: 21 September 2022 (neighbours and selected consults only) and November 2022 (selected consults only).

### 8.1 Statutory Consultees

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

Statutory consultee	Comments	Officer comments
<b>Trull Parish Council</b>	Trull Parish Council is in support of this application, but does have some concerns regarding the privacy of the neighbouring properties	The impact on adjacent neighbours is considered at Paragraph 12.25 onwards.
<b>Comeytrove Parish Council (Neighbouring Parish)</b>	Support 'Recommend Approval'	No further action.
<b>Bishops Hull Parish Council (Neighbouring Parish)</b>	Support	No further action.
<b>Highway Authority - SCC</b>	Final comments - <i>“Firstly, in terms of the Travel Plan I note the comments from the applicant. However, we would prefer to have the Travel Plan secured through a S106 agreement, if this is not possible or required by the LPA then we will accept a condition to secure the Travel Plan. But what is not clear is whether they will be providing a Travel Plan now for us to</i>	No outstanding issues; the Travel Plan will be conditioned to be submitted prior to occupation. See Paragraph 12.34.

	<p><i>review. I presume that this is the case, but they will need to confirm.</i></p> <p><i>Turning to the parking numbers, I note both the comments from the agent as well as the attached letter from the applicant. I appreciate what they are saying, however the site is in a sustainable location it has and will have good pedestrian and cycle connectivity, whilst it is in walking distance of the Park and Bus site which will be served by a consistent service throughout the day. As such I do not believe there is a justification as to why the level of parking needs to be retained. I appreciate that as this is a care home there will be staff on a 24/7 shift patten as such it is acknowledged that there will be staff working outside the standard working patterns. But you would expect that the car park would have capacity at these times. Furthermore, this is where the Travel Plan should provide details on how the car park could be managed i.e., staff could be provided with allocated spaces on certain days or alternatively they could car share. But there is scope to manage to the car parking accordingly.</i></p> <p><i>Finally, in terms of the cycle store the applicant has provided drawing 5161-PL114A which details that the store will be enclosed and contain five Sheffield Stands which is sufficient space for ten bikes. As such this is acceptable.</i></p> <p><i>Therefore, to conclude, we will need the Travel Plan to be submitted for our consideration prior to any decision being made on this proposal. Regarding the internal arrangements, the cycle store is acceptable in terms of design. However, there are still concerns over the level of proposed parking. It is the Highway Authority's view that the level should still be reduced. The comments of the applicant are noted but suitable management procedures could be included within the Travel Plan".</i></p>	
<p><b>Natural England</b></p>	<p>After a meeting with the applicants Natural England confirmed they are happy with the approach and the current crop of applications, including this one, can be</p>	<p>The backstop referred to is contained within the Fallow Land</p>

	delivered through fallowing of land within the overall red line of Comeytrove. This agreement was reliant, as per previous phases, that the backstop measure that the fallowed land will be left to natural regeneration should alternative permanent measures not be found, was included.	Management Plan subject to proposed Condition 09.
<b>Public Rights of Way - SCC</b>	Confirmation of T29/11 which abuts the site. Any proposed works must not encroach onto the width of the PROW. An Informative Note is suggested.	Informative note imposed.
<b>ICOSA - NAV</b>	No comments received.	No further action.
<b>Lead Local Flood Authority (LLFA) - SCC</b>	Initial concern expressed - on receipt of additional information: <i>“Since our response in October 2022 the applicant has provided further drainage information requested by the LLFA. The phase 2 Ground Conditions Report demonstrates the site is unviable for infiltration. The applicant provides an overland flow routing and flood exceedance plan to demonstrate the post development exceedance routing. The applicant has also submitted a maintenance regime plan for the proposed drainage features. We have previously requested calculations to demonstrate the performance of proposed surface water drainage system for the care home, however the applicant has only provided calculations of downstream employment area drainage system. Perforated pipes should be included beneath the proposed permeable paving to capture attenuated runoff and direct it towards the proposed drainage as infiltration has been ruled out. Overall, the LLFA is content with the information provided and recommends the development be conditioned... [condition and note suggested]”.</i>	

## 8.2 Non-Statutory Consultees

<b>Non-Statutory consultee</b>	<b>Comments</b>	<b>Officer comments</b>
<b>Crime Prevention Officer</b>	No objection subject to comments – positive aspects are highlighted. Comments are made to consider -	The applicant has reviewed these comments and made amendments.

	<ul style="list-style-type: none"><li>• <i>“An appropriate form of access control could be installed at the main vehicular entrance to deter unfettered access e.g., gate, rising barrier or similar which can be secured at night.</i></li><li>• <i>I have some concerns regarding the type of construction of the two cycle stores, which the DAS states are covered, secure and well overlooked. The stores are of open galvanised steel and polycarbonate roof construction with steel cycle stands. Although covered, I do not agree that they are secure as cycles can be easily accessed and stolen. I recommend enclosed, lockable cycle stores be provided for use by staff and visitors.</i></li><li>• <i>The building incorporates a flat roof and balconies, so any potential climbing aids should be avoided or designed out. In addition, garden furniture, fixtures and equipment should be of substantial construction and securely fixed to prevent theft, misuse, or use as climbing aids.</i></li><li>• <i>CCTV – is not a universal solution to security issues, however, it can deter crime and ASB and assist in the identification of offenders when a crime has been committed, reduce the fear of crime, and assist in the management of premises. The DAS states that cctv may be considered to protect the main entrance and car park. I recommend this and would encourage extending the system to monitor other potentially vulnerable external and internal communal areas.</i></li><li>• <i>Secured by Design (SBD) – the applicant, in Section 04 of the DAS, indicates that they may follow SBD guidelines and consider the above recommendations. If planning permission is granted, I strongly</i></li></ul>	
--	---	--

	<p><i>recommend that the applicant refers to the 'SBD Homes 2019' design guide available on the Secured by Design website – <a href="http://www.securedbydesign.com">www.securedbydesign.com</a> – which provides further comprehensive guidance regarding designing out crime and the physical security of buildings”.</i></p>	
<p><b>SWT Conservation Officer</b></p>	<p><i>“Assessment of harm - The construction of the care home incorporates a landscaping scheme to soften the boundaries of the site within the wider landscape, which will help to minimise potential visual intrusion upon the setting of the listed buildings. The position of the care home is not located within the immediate, primary setting of any of the listed buildings. Although its position will remove a small part of the wider farmland setting of High Comeytrowe Farm, the primary focus of the setting of the heritage asset remains intact and tangible. Therefore, the proposed care home will not directly impact upon any of the listed buildings, or the primary focus of their settings. <b>Recommend approval due to the preservation of the setting of the listed buildings”.</b></i></p>	<p>No further action.</p>
<p><b>South West Heritage Trust - Archaeology</b></p>	<p><i>“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds”.</i></p>	<p>No further action.</p>
<p><b>SWT Placemaking Officer</b></p>	<p><i>“In Placemaking terms, little has changed with this proposal. The principles are unacceptable and do not accord with the approved Masterplan and Design Guide for the Western Neighbourhood and do not fully address the concerns raised by the Quality Review Panel. The Masterplan and Design Guide for the Western Neighbourhood show this space as:</i></p> <ul style="list-style-type: none"> <li><i>• A key grouping and key building in the western neighbourhood – Yet the</i></li> </ul>	<p>An assessment of these comments and of the design generally can be seen from Paragraph 12.16 onwards.</p>

	<p><i>proposed building would not be of a design quality that would achieve a key group or key building in townscape terms. The proposed building is of a mediocre quality of 'anywhere' design and has a series of flat roofs which do not create a landmark building that is needed in this gateway location to emphasise legibility and wayfinding. The building would have undue horizontal emphasis and would not function as a pivotal corner addressing both the square and the access road.</i></p> <ul style="list-style-type: none"> <li>• <i>The key design principles as set out in the Masterplan and Design Guide are not met. This states that any proposal should have – a continuous edge to the entire length of the square, development abutting and fronting the square, active frontage fronting the square. The design principles state 'ground floor café or community use with spilling out area' onto the square.</i></li> <li>• <i>A formal square addressing the gateway into the Western Neighbourhood – Yet the proposed square is random in its design, lacking the grandeur of the civic space shown in the design guide. The proposed building and square lack integration through the enclosure of the space, active uses and spilling out. There is little sense of interconnectivity and both the building and the square are isolated and separated. The building with its tall railings and gated entrance acts like a fortress between the public square. There is also inadequate connectivity between the square and the proposed bus stop on the opposite side of the street.</i></li> </ul> <p><i>Regarding the Quality Review Panels (QRP) comments, the QRP mentioned</i></p>	
--	---	--

	<p><i>the following issues which have not been adequately addressed:</i></p> <ul style="list-style-type: none"><li><i>• The proposal satisfactorily engage with its surroundings, with a design that meets the townscape design and community engagement aspirations for this site, as set out in the Masterplan and Design Guide.</i></li><li><i>• Relationship to the 'Local Square' - the QRP mentioned that the Masterplan and Design Guide sets out a requirement for a building on this site to front onto the 'Local Square'; to create a more positive relationship between the care home and 'Local Square'</i></li><li><i>• Design approach – the QRP questioned the design approach for the scheme which is very commercial in appearance and suggested that the care home should have a more domestic appearance; it questioned the bulky form of the roof structure over the first-floor terrace, as well as the use of grey cladding; it suggested the use of more domestic material palette, and more elegant detailing; the panel encourages the applicant to revisit the height of the building and explore the feasibility of delivering a three-storey care home - the extra storey was seen as helping to reduce the building's foot print, offer more flexibility for the building's position on the site, allow for more quality open space, and facilitate a better frontage and relationship to the 'Local Square'.</i></li><li><i>• Sustainability - The panel suggested the applicant reviews its sustainability strategy to ensure the scheme is aligned with SWT's Carbon Neutrality and Climate Resilience Action Plan, and recommends that the scheme is designed to meet the requirements of the Future Homes Standards, which will come into operation by 2025.</i></li></ul>	
--	---	--

	<p><i>As such this proposal does not adequately meet the principles set out in the approved Masterplan and Design Guide for the Western Neighbourhood and do not fully address the concerns raised by the Quality Review Panel. This in turn does not conform to the design principles set out in the Districtwide Design Guide SPD (2021) or the standards expected for new garden town communities set out in the Taunton Garden Vision or Taunton Garden Town Charter and Checklist”.</i></p> <p>Further comments are made in response to the applicant’s agent rebuttal of the above comments. Whilst it is recognised some improvement has been made following the QRP there are still several of the stated issues above that remain at issue.</p>	
<b>SWT Green Infrastructure Officer</b>	<p><i>“Generally, I think that the building's new alignment has a better interface with the adjacent 'Local Square'. However, I think that the proposal needs to meet the Masterplan and Design Guide requirement for a community facility fronting the square.</i></p> <p><i>I am still not sure that the outdoor space provision adequately addresses the residents' needs. The open spaces need to have a greater variety of areas for outdoor activity and sufficient seating areas.</i></p> <p><i>Few of the outdoor open space paths have a right angle, which might be difficult for residents in wheelchairs or walking frames. I suggest widening the paths and creating more organic shapes at these locations.</i></p> <p><i>I haven't seen a drainage plan to understand whether the new design collects rainwater within site and maximizes the potential of SuDS and rain gardens”.</i></p>	An assessment of these comments and of the design generally can be seen from Paragraph 12.16 onwards.
<b>SCC Ecologist</b>	Conditions and Informatives discussed at Ecology Surgery on 30/11/2022 – lighting and enhancement conditions and bat and badger informative.	Condition and Informatives imposed.

	<p>sHRA – “SES are satisfied that the current applications can be realistically delivered and fulfilled through the fallowing of land which is within the overall redline boundary of Comeytrowe (specifically concerning the wider Outline consent). Similarly, to the arrangements agreed with previous approved phases will be subject to including the current ‘interim’ measure as a permanent measure concerning the the fallowed land (i.e. leaving the land to naturally regenerate) if a permanent measure(s) cannot be found in the medium to long term”.</p>	
<p><b>Somerset Wildlife Trust</b></p>	<p>“We have noted the above mentioned Planning Application as well as the supporting Ecological Appraisal provided by EDP. All the recommendations in Section 4 of the Appraisal must be included in the Planning Conditions if it is decided to grant Planning Permission”.</p>	<p>Noted, the recommendations are secured by condition.</p>
<p><b>Devon and Somerset Fire and Rescue</b></p>	<p>Comments relating of means of escape, and the availability of fire hydrants.</p>	<p>These matters are covered by Building Regulations; no further action.</p>

### 8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties and a site notice was displayed on 17 October 2022.

8.3.2 2 letters were received. This application site is in proximity to newly occupied houses within Orchard Grove and the two letters are from new residents. One stated no objection. The full text of the other is provided in the table below.

Comment	Officer comment
<p>15 Egremont Road -  <i>“We are not impressed that the plans have changed since we have moved in in April, we was told that there was shops, park and ride and a pub in the area across the way from our house and then to get a letter for application for a 2 story 68 room care home right opposite our house. we feel also we have been mislead into buying this home</i></p>	<p>The status of the land in question at the outline stage and within the Design Guide/Masterplan is assessed at Paragraph 12.4 onwards.</p> <p>There is a designated Local Centre for shops etc further into the site yet to be built.</p>

*with nice views and shops will be in place in good time but a carehome seems to be more of a need when there is a growing number of familys moving into the area with no appropriate shops to hand. we was aware that this is a big site and will go on for may year but not a care home was mentioned which really has put us of this area thinking it was going to be a great community for young families. we are not against the care home but the placement of where it will be located. I have worked as a HCA for 16years and is fully aware of how the system works, and I am a great believer in keeping the elderly in their own home as long as possible and we are in need something for the youth to keep them of the streets. We have grown up in Taunton and have noticed a massive crime increase so therefore we have moved to this new site but something needs to be done for the youth of today as we have a young boy ourself and wants the best for him. that space would really befit for young growing family of all backgrounds to build a great community hall or youth centre not a care home”.*

It is not for this planning application to judge how the elderly should be cared for (at home or in care homes).

There are recreational and community facilities planned as part of the development to be delivered in later phases. The Local Centre include provision for a Community Hall which could offer youth services.

## 9. Relevant planning policies and Guidance

- 9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).
- 9.2 Listed Buildings and Conservation Areas Act 1990 section 66 and 72 is relevant in order to assess the impact on heritage assets.
- 9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed

with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

Core Strategy 2012

SD1 - Presumption in favour of sustainable development  
CP1 - Climate change  
CP2 - Economy  
CP4 - Housing  
CP5 - Inclusive communities  
CP6 - Transport and accessibility,  
CP7 - Infrastructure  
CP8 - Environment  
SP1 - Sustainable Development Locations  
SP2 - Realising the vision for Taunton  
SS7 - Comeytrove / Trull - Broad Location for Growth  
DM1 - General requirements  
DM4 - Design  
DM5 - Use of resources and sustainable design

Site Allocations and Development Management Plan 2016

EC1 - Other uses in employment areas  
A1 - Parking Requirements  
A2 - Travel Planning  
A3 - Cycle network  
A5 - Accessibility of development  
I3&4 - Water infrastructure  
ENV1 - Protection of trees, woodland, orchards and hedgerows  
ENV2 - Tree planting within new developments  
ENV3 - Special Landscape Features  
ENV4 - Archaeology  
D2 - Approach routes to Taunton and Wellington  
D7 - Design quality  
D8 - Safety  
D9 - A Co-Ordinated Approach to Dev and Highway Plan  
D13 - Public Art  
Site allocation policy TAU1 - Comeytrove / Trull

Other relevant policy documents

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

### Neighbourhood Plans

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

- Policy F1 Reducing Flood Risk requires proposals to include an acceptable SuDS system and manage surface water in a way that adds value, these principles have been established at outline stage with details being provided in this application to satisfy the Local Lead Flood Authority.
- E2 Woodland, Trees and Hedgerows, supporting broadleaved tree planting and hedgerow enhancement. New trees and retained hedges feature in this development.
- H2 Housing 'in keeping' requires housing to demonstrate appropriate compliance with urban design principles. Housing should be 'in keeping' with neighbours however this it is acknowledged that this is most relevant for housing within existing settlements.
- H5 External Space requires developments to provide storage space for waste and recycling bins, this has been provided in the form of areas of hard standing for each plot.
- EE4 Residential Institutions - The provision of residential institutions to include new care homes, extra care housing 121 and sheltered housing, medical centres, nursing homes, nurseries and pre-schools, boarding schools, residential colleges and training centres will be supported, subject to proposals demonstrating consideration of local character and residential amenity.

### The National Planning Policy Framework

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

Relevant Chapters of the NPPF include:

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

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

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

- 10.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.
- 10.2 The relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. This project relates to a historic allocation, a 2014 application and 2019 outline approval informed by a viability assessment. Importantly also pre-Garden Town allocation. The Urban Extensions of Comeytrove and Staplegrove were therefore brought forward, allocated, financially assessed and master planned in a different policy context to that which exists today. The challenge is to ensure sustainable development is secured, within the established legal framework to maintain momentum in housing delivery.
- 10.3 Indeed, SWT published the Strategic Housing and Employment Land Availability Assessment (SHELAA) in May 2022. The former TDBC LPA area had a 4.04 Year Housing Land Supply (YHLS).
- 10.4 As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.
- 10.5 The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that *Presumption* would not apply.
- 10.6 Clearly the sites in the supply need to come forward and this Care Home comprising 68 bedrooms with a phosphate solution is part of a site which underpins and contributes significantly to the Council's five-year housing land supply. As a Care Home was not envisaged at the outline stage its contribution is a considered a bonus over and above the 2000 homes.
- 10.7 This report assesses the material planning considerations and representations before reaching a conclusion on adherence with the development plan as a whole.

## **11. Local Finance Considerations**

### Community Infrastructure Levy

The creation of a care home is not CIL liable.

NB – Employment floorspace is also not CIL liable.

## 12. Material Planning Considerations

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

- The principle of development
- The scope of this application
- Issues raised through the consultation process

### Principle of Development

- 12.1. The principle of developing this site as part of a new sustainable neighbourhood has been established by the outline approval for the development known as Orchard Grove.
- 12.2. A full and detailed Environmental Statement was submitted with the Outline application. It was not required to be updated to support this application.
- 12.3. However, as Members will be aware the issue arising from the intervention of Natural England pertaining the phosphorus levels on the Somerset Levels and Moor has required the submission of a Shadow Habitats Regulations Assessment. This matter is described and discussed in section 7 of this report.

### Compliance with the Outline Consent and Design Guide/Masterplan, Principle and Need

- 12.4. The outline consent description of development included 'up to 5.25 hectares of employment land' and Condition 2 approved a Land Use Parameter Plan (DrNo9600RevL) showing the application site and surrounding land as being allocated for Employment use. The application form stated Uses B1 (Office/Light Industrial/R&D), B2 (General Industry) and B8 (Storage and Distribution) were being applied for.
- 12.5. Another Condition imposed on the outline consent sought approval of a Neighbourhood Masterplan and Design Guide (Condition 04). A Western Neighbourhood Masterplan and Design Guide, dated March 2020, was subsequently produced and approved by the Council. The Masterplan builds on the parameter plan which shows specific zoned areas for employment, the Park and Bus facility, the Local Centre, sports pitches and areas of open space and the Primary School. Given the employment land is located within the Western Neighbourhood there are design principles laid out. The employment land also adjoins the Local Square which itself features in the Design Guide. The Local Square is described in the Design Guide as *"an entrance transition place marking the gateway between different character areas and frontages. In this instance, the transition between the A38 Gateway and the gateway to the Western Neighbourhood, Northern Slopes and Employment Character Area. The Local Square will be immediately overlooked by employment buildings and residential dwellings. It is to be enjoyed by both residents, users of the Park and Bus facility, and by employees. A continuous and active frontage will define the space, aiding*

*wayfinding and natural surveillance. An increase in building massing along the southern edge will further aid legibility and contribute towards creating a welcome to the new development. This will be further enhanced through the provision of active frontages with spill out areas from employment buildings that will result in a vibrant and sociable place. Key buildings will be visible along key sight lines and will be defined by an increase in scale and / or change in materials. Car parking will be mainly to the rear of buildings within appropriately landscaped car parks behind key frontages”.*

- 12.6. Several images are presented showing how the space and its surrounds may be laid out to meet the above aspirations. The confusion that has been caused, and this is captured in the comments from the Placemaking Officer and comments from a new resident, is that the Design Guide shows ground floor cafes/community uses on the ground floor of a building within the employment area which adjoins the principal boundary with the Local Square. The reference to community uses and cafes is unhelpful insofar as the planning consent envisaged B1, B2, and B8 uses which community uses and cafes do not fall into. Secondly it is noted that provision is already made for a community hall and Local Centre some 450m further east along Egremont Road (the spine road). As such there would be a risk of diluting the effectiveness of the Local Centre by detaching uses and locating them by this Local Square, which isn't supposed to be the main focus of the site in the same way as the Local Centre is earmarked to be.
- 12.7. The planning permission allows a B1, B2 or B8 use on the application site. A Care Home does not fall into these uses either hence the full planning application rather than an application for reserved matters. The outline consent did not provide for any dedicated older persons housing for care home. There is no specific policy in the CS or SADMP relating to the provision of care homes, however Policy CP5 supports proposals that reinforce inclusive communities, including a range of housing options, including those for the elderly and in need of care.
- 12.8. Policy EC1 of the SADMP recognises that other employment activities that generate an appropriate employment alternative can under certain circumstances be permitted. These include other relevant development plan policies being satisfied, the proposal being in a location accessible by means of a range of transport modes including public transport and the proposal must not undermine the operational capabilities of Use Class B; in future proposals for such.
- 12.9. The proposal would likely generate circa 100 jobs and this would appear to compare favourably with the site alternatively be used for a Use Class B use. This would also comply with Policy CP2 of the CS which states *“Proposals which lead to the loss of existing or identified business, industrial or warehousing land to other uses, including retail, will not be permitted unless the overall benefit of the proposal outweighs the disadvantages of the loss of employment or potential employment on the site”.*

- 12.10. Employment land on sites such as Orchard Grove are often slow to deliver any meaningful employment uses. The employment site at Phase 1 of Monkton Heathfield demonstrates this. Given this is a genuine application backed by an end user that will deliver jobs and deliver accommodation for a section of the population not catered for on the site all seem to be matters in favour of an approval. The site will be located adjacent to the Park and Bus site and will be connected via the site wide cycle infrastructure. The relationship to future adjacent B class uses can be safeguarded. As such in principle there is high level policy support for this provision.
- 12.11. Given the comments of the Placemaking Officer one would need to consider the possible future scenarios should Members feel the application should be refused because it does not provide the community/café and spill out uses the Design Guide shows. There is the prospect this prominent site remains empty, there is the prospect an even less compatible use comes forward – say a compliant use like a B1 or B2 workshop or B8 warehouse which wouldn't meet the design objectives but is permitted by the parameter plan and planning permission, or a B1 block of offices could come forward but one has to think how many offices are built on sites like these? The Care Home is a real proposal on the table right now, everything else is a vision.
- 12.12. The Care Home presents a strong frontage to the Local Square, providing the enclosure envisaged by the Design Guide, it will promote activity by the 68 residents, visitors and staff and is a use that will add to the sense of community perhaps more so than that a building of offices. Community facilities, retail and café uses are earmarked a short distance away elsewhere on the wider site and so no opportunities are lost. Pragmatically for all the reasons above the use of this site as a Care Home is supported. The Trull Neighbourhood Plan also supports the provision of nursing homes.
- 12.13. During pre-application discussions the Clinical Commissioning Group through the NHS LPA Engagement Team raised a concern about the need for such a development. The concern raised was based on there being no specific need (in the opinion of the CCG) for such a care facility to cater for Taunton residents and therefore the care home was going to draw in people from further afield, with care needs, that would create strain on existing local services. Attempts were made to facilitate a discussion between the CCG and the end user (who already operate a facility in Trull), but the CCG were not able to oblige. The application was then submitted and the Integrated Commissioning Board (ICB) who replaced the CCG have chosen not to object.
- 12.14. The applicant clearly takes a different view to the CCG's original concern with regard to need and has produced a Desktop Market Analysis report to support the application. The report states there is a need for a new build home at this location given the favourable demographics and mixed nature of existing supply. The report evaluates the population dynamics of the area, defines the catchment as a 5km radius and profiles competitors that fall within this distance. They acknowledge the applicant Mercian Developments are in dialogue with Amica Care Trust, a not for profit care operator who already

have a presence in Trull. Projecting forward, the reports age analysis forecasts a growth of 27.9% of 65+ residents over the next 10 years period, underpinning the future need for care home beds in the local market. They calculate a current demand for 630 beds, which is forecasted to grow to 718 beds by 2027 and 861 beds by 2032. Additional demand is also observed through their dementia diagnosis analysis which showed above average diagnosis rates in Taunton Deane and the surrounding constituencies. Finally, the report states existing provision within the 5km catchment is made up of 14 homes, nine are deemed to be future fit with 80% en-suite provision or above. Although the majority of existing provision is within purpose-built units, they note there is a distinct lack of a latest generation new build home (PB4) servicing the local market. Furthermore, their review of wet room provision in the catchment revealed that only five homes had full wet room facilities.

- 12.15. There is no information to counter this commentary and given the ICB has not objected nor asked for any financial contribution to mitigate impacts then it is not suggested Members withhold permission for this reason.

#### Design and Layout

- 12.16. The care home will accommodate specialist care for those with dementia. To this end, the building's operation needs to meet the requirements of the Care Quality Commission to best cater for the needs, health and safety of its users and this does influence the design proposed.
- 12.17. In addition to objecting to the proposed use, the Placemaking Officer has objected to the design of the building on the grounds the building would not be of a Design Quality that would achieve a key group or key building in townscape terms. She opines "*The proposed building is of a mediocre quality of 'anywhere' design and has a series of flat roofs which do not create a landmark building that is needed in this gateway location to emphasise legibility and wayfinding. The building would have undue horizontal emphasis and would not function as a pivotal corner addressing both the square and the access road.....[the Design Guide]..... states that any proposal should have – a continuous edge to the entire length of the square, development abutting and fronting the square, active frontage fronting the square*". At all times the applicant reminded QRP of the specialist needs of the occupants and the CQC requirements.
- 12.18. As part of the pre-application submission the proposal was presented to the QRP for review on 03/03/2022. During the QRP session, several elements of the proposed care home's design were discussed, including:
- Relationship to the 'Local Square';
  - Building Form and Layout;
  - Design and Approach; and
  - Residential Outdoor Space.
- Since the QRP, the Applicant has made further changes to evolve the design of the proposed care home to respond to the QRP's advice.

- 12.19. During the QRP, it was commented that the proposed care home did not relate to the Local Square and as such did not engage with its surroundings, nor contribute to the transition between them. As such, it was suggested that the north building frontage extend the whole length of the Local Square. In response to this, the care home was reoriented and redesigned to create a positive relationship with the Local Square. In addition, the north wing of the building was lengthened and extended closer to the boundary. To aid in the transition between the care home and Local Square, secure private gardens are provided as part of an operational requirement for the care home, which propose planting on either side of the boundary wall to soften the transition.
- 12.20. The building, as reorientated faces the Local Square and presents a strong continuous frontage to the Local Square behind boundary treatment of walls and railings with landscaping. A boundary treatment and set back is required given the use of the building where security and external circulation are significant factors. There are eleven ground floor individual private bedrooms, a multipurpose communal room, a café and an activity room all with doors to the external area abutting the Local Square. The ground floor bedrooms have a small patio area outside their external doors. There is a gated entrance/exit from the site onto the Local Square but for security reasons this will be controlled, with the principal pedestrian access from the rear.
- 12.21. At the first floor there are a further eleven individual private bedrooms overlooking the Local Square, along with two lounges and two dining rooms with access to external terraces that also overlook the Local Square. As such the elevation fronting the Local Square cannot be considered one that will not have activity associated with it.
- 12.22. The building has flat roofs (with parapets) as these areas will receive solar photovoltaic panels.
- 12.23. Comments made by the Crime Prevention Officer have been considered and this has resulted in a change to the design of the cycle store and the inclusion of motorcycle parking spaces.
- 12.24. Design is a subjective matter and so whilst the Placemaking Officers opinion is respected, it cannot be a binary matter and Members will form their own opinion based on the advice of Officers. It is considered the proposal forms the best outcome possible in the circumstances and it isn't recommended to members to pursue design as a reason to refuse this application.

#### Residential Amenity - Impacts on Neighbours

- 12.25. The application sites southern boundary will border the remaining employment area and as such the impact of future B-Class uses on the care home residents is a consideration.
- 12.26. The layout of the site places the car parking, substation, bin store and plant areas on the southern boundary which can act as a buffer, adjacent to a 1.8m high fence. In addition, within the main building no bedrooms close to the

southern boundary look south and other uses such as a plant room, laundry, kitchen and staff room also act to keep bedrooms as far away from this boundary as possible. The future use of the plot to the south will need to consider the presence of a care home and this may require some more mitigation in the form of boundary treatment or orientation of the building and openings and/or restrictions on external uses and operation hours.

- 12.27. It is not considered the operation of the Care Home will impact on new houses within the development. The construction period will be managed via the submitted CEMP.
- 12.28. Trull PC has concerns regarding the privacy of the neighbouring properties. It has been assumed this refers to overlooking. The nearest new houses are located to the east, separated by a road, public right of way, an established hedgerow and the grounds of the care home. The proposal is just two-storey which matches the new houses. Overall whilst there will be private bedrooms facing east it is not considered that fact or the relationship would warrant withholding permission.
- 12.29. Overall it is considered the proposal accords with the relevant policies of the NPPF, Core Strategy and SADMP.

#### Transport and Highways

- 12.30. The site will be accessed off a new road serving the employment area which itself is accessed off the main spine road, named Egremont Road, which connects the wider development to the new A38 roundabout. There are no issues in terms of car or service vehicle access.
- 12.31. The Western Neighbourhood Design Guide and Masterplan set out a hierarchy of roads and streets which this application accords with. Condition 26 of the outline also required an internal network of cycle paths to be created and plans for this in the Western Neighbourhood have also been agreed, which this application respects.
- 12.32. 24 car parking spaces are proposed. The Highways Authority query the number of car parking spaces provided. The Highway Authority's Parking Strategy requires a ratio of 1 space per 8 bedrooms, whereas the proposal accommodates 1 space per 3 bedrooms. The Highway Authority view therefore is that there are 9 spaces too many. The applicant has forwarded a letter from the proposed end user to support the parking levels put forward. To summarise:
- The proposal will generate approximately 120 staff, some of which will have no option but to use private vehicles to travel to work;
  - The care home will accommodate 68 residents, most of which will have family and friends visiting;
  - Healthcare professionals will be visiting daily, in addition to staff and visitors;
  - Public transport is not always in operation around the shift times of staff at the care home (early hours of the morning/late at night);

- Safety of staff members travelling to and from public transport services during the early hours of the morning/late at night (the majority of which are women) is a great concern; and
- The Operator does encourage staff to lift share and offer a cycle to work scheme, however it must be understood that these options are not always viable/feasible.

The applicant is also concerned that if parking numbers are reduced, staff/visitors travelling by car will arrive to no parking spaces available and as such will have no option but to park on the employment road, leading to potential hazards and accidents given the nature of nature that may be using that road. Given the above the applicant has chosen not to amend the application to reduce parking spaces.

- 12.33. The Highway Authority point to the excellent location of the proposed care home to good pedestrian and cycle links, in addition to the Park and Bus site providing frequent bus services. There is merit in what the applicant is saying also. A deciding factor is also the fact that at the pre-app stage when the proposals were presented to the Parish Council and two neighbouring councils they all said it was important sufficient parking was provided to avoid parking on the employment land road. The proposal has met with support from all three councils when consulted on this application (which hasn't been the case on the Comeytrove applications to date).
- 12.34. The Highway Authority are seeking a Travel Plan to be agreed prior to this application being determined. It is felt this is onerous and will be conditioned to be produced and agreed prior to first occupation.
- 12.35. A covered and secure cycle store is also to be provided.

### Other Considerations

#### *Ecology*

- 12.36. The Orchard Grove outline application is subject to numerous ecologically related conditions that require consideration at each Reserved Matters stage. Given this is a Full application a slightly different approach is required. However the Council's Ecologist has considered the submitted Ecological Appraisal and has recommended conditions relating to external lighting to safeguard bats foraging along the adjacent hedgerow, to seek the enhancements stated in the appraisal to be implemented along with informatives relating to bats and badgers. It is concluded therefore that ecological matters are appropriately dealt with.

#### *Drainage and Flood Risk*

- 12.37. The site is not within a Flood Risk area. The approach to surface water drainage follows that established via the outline and then the infrastructure application in 2019 when the majority of attenuation basins and the way they were to drain the Western Neighbourhood was approved. The strategy works on the basis of surface water being captured and held in attenuation basins and then released slowly, at a rate the same or better than would have been the case had the rain fallen on a green field. The LLFA have reviewed the

application and the requested additional information and has concluded the application can be supported with the imposition of a condition.

*Impact on Heritage Assets and Landscape Designation*

- 12.38. The outline application contained an assessment on the likely impacts to heritage assets. The primary areas of interest within the Environment Statement accompanying the outline application was Rumwell Park and the Trull Conservation Area.
- 12.39. The Listed Buildings and Conservation Areas Act 1990 is relevant in order to assess the impact on heritage assets. The application has been assessed by the SWT Conservation Officer who considers the position of the care home is not located within the immediate, primary setting of any of the listed buildings and therefore will not directly impact upon any of the listed buildings, or the primary focus of their settings.
- 12.40. The location of the Stonegallows Ridge Special Landscape Feature is acknowledged. The site has received outline planning permission with parameters set and a Masterplan agreed mindful of this designation. It is not considered this application prejudices any parameters set or assumptions made with regard to the designation.

*Sustainability*

- 12.41. This application is supported by a Sustainability Statement, Energy Strategy Report and a response to the Council's requirements for a Climate Emergency Checklist, which states: *"The scheme will significantly exceed building regulations standards by adopting a hierarchical approach to energy use and carbon emissions. Building materials will be used to improve thermal performance and air permeability. Energy efficient heating, domestic hot water, cooling, ventilation, and lighting systems will be used throughout. In addition to the energy efficient measures referenced above, the proposed energy strategy include a combined heat and power unit and a photovoltaic array to maximise renewable energy potential and reduce the carbon emissions of the proposed development. Based on these measures the care home has been assessed as saving of 35.8 tonnes of carbon dioxide per year which equates to an overall 29% on-site reduction in the calculated carbon dioxide building emissions"*.
- 12.42. The application was also amended with updated reports to demonstrate compliance with the new Part L2: 2021 regulations and planning policies. Compliance with Part L2:2021 provides a circa 27% reduction over the Part L2A:2013 regulations. To achieve compliance with the new regulations air source heat pumps have been included to serve the heating and hot water, a more efficient MEP specification which includes power factor correction, out of range monitoring and more efficient lighting. Also included in the strategy was a 200m<sup>2</sup> PV array which was originally proposed for the scheme.
- 12.43. The outline consent and Western Neighbourhood Design Guide focused on other important but often forgotten measures of sustainability such as walkable neighbourhoods, cycling infrastructure, public transport and travel

planning, open space inclusive of allotments, surface water management and biodiversity enhancement.

- 12.44. The applicant intends to support the transition to electric vehicles by installing electric vehicle charging points.

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

- 13.1. The principle of the wider development of a neighbourhood at Orchard Grove on this site, inclusive of employment opportunities, together with access connection to the existing road network and principle drainage issues, was agreed with the outline planning permission. The care home proposal contributes, in a small way, to the comprehensive landscape and green infrastructure scheme for the Comeytrove site. The wider site is delivering substantial areas of open space, including new parks and gardens, allotments, playing fields and tree planting in line with the garden town vision approved by Reserved Matters 42/19/0053.
- 13.2. There has been engagement by the applicant and their agent, whilst officers have added value by seeking amendments to plans during the application stage.
- 13.3. There are questions posed by colleagues as to the design of the building and the parking levels however it is considered the application can be regarded as according with the Development Plan when taken as a whole and any impacts are either already mitigated by the legal agreement or conditions under the outline or via additional conditions proposed here. When considering the planning balance, the benefits of the scheme outweigh any perceived harm from a subjective view on design.
- 13.4. In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

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

1. The development hereby permitted shall be 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 LP01 Rev A Site Location Plan
  - (A2) DrNo PL100 Rev A Existing Site Plan
  - (A2) DrNo PL101 Rev G Proposed Site Plan
  - (A2) DrNo PL102 Proposed Ground Floor Plan
  - (A2) DrNo PL103 Proposed First Floor Plan
  - (A2) DrNo PL104 Proposed Roof Plan
  - (A1) DrNo PL105 Rev A Proposed Elevations - Sheet 1

(A1) DrNo PL106 Rev A Proposed Elevations - Sheet 2  
 (A1) DrNo PL107 Rev A Proposed Sectional Elevations  
 (A1) DrNo PL108 Proposed 3D Visual - View 1  
 (A1) DrNo PL109 Proposed 3D Visual - View 2  
 (A1) DrNo PL110 Proposed 3D Visual - View 2 - Translucent Trees  
 (A0) DrNo PL116 Proposed Street Scene - West  
 (A0) DrNo PL117 Proposed Street Scene - North  
 (A2) DrNo PL111 Rev C Boundary Treatment Plan  
 (A1) DrNo 02-ATR-1001 Rev D Care Home Vehicle Tracking & Visibility Plan  
 (A1) DrNo 02-DR-1001 Rev E Care Home Preliminary Drainage Layout Plan  
 (A1) DrNo 02-SK-1001 Rev D Care Home Boundary Plan  
 (A2) DrNo 101 Rev I Landscape Strategy  
 (A2) DrNo 102 Rev A Landscape Layout  
 (A1) DrNo 201 Rev A Landscape Layout  
 (A4) DrNo PL113 Proposed Refuse Store  
 (A4) DrNo PL114 Rev A Proposed Cycle Store  
 (A4) DrNo PL115 Rev A Proposed Smoking Shelter  
 (A3) DrNo 02-SK-1101 Rev A Temporary Wheel Wash Facility  
 Design and Access Statement, August 2022 Rev G, KWL Architects  
 Planning Statement, 21.9000, Boyer, August 2022 Issue 2  
 Transport Statement, 1248 Rev D, awp, 08 August 2022  
 Construction Environment Management Plan, 1248 Rev A, awp, 26/01/2022  
 Sustainability Statement, Envision, December 2022, Version 7  
 Energy Strategy Report, Harniss Consulting, 06/12/2022, RevE  
 Flood Risk and Drainage Technical Note, 1248 Rev D, awp, 08 August 2022  
 Arboriculture Technical Note, Prepared by: The Environmental Dimension  
 Partnership Ltd, March 2022, Report Reference edp0782\_r076a  
 Ecological Appraisal, Prepared by: The Environmental Dimension Partnership  
 Ltd, March 2022, Report Reference edp0782\_r075a  
 Shadow Habitats Regulations Assessment Report,  
 220818\_P1136\_sHRA\_Care Home, 18 August 2022, ead ecology  
 Landscape Management Plan, August 2022, TPM Landscape Ltd  
 Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the approved plans full details of all external finishing materials shall be submitted to and approved by the Local Planning Authority prior to their use in the development hereby approved. Details shall include manufacturers details with the provision of samples. Once agreed, any subsequent variation to the approved details shall only be achieved via agreement in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to reflect flexibility in the current/future availability of materials.

4. Notwithstanding the approved plans full details of the employment road specification, including cycle and pedestrian routes and crossovers, streetlighting, signs and lines and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall have been fully implemented prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision of cycle and pedestrian facilities and

appropriately landscaped infrastructure serving the employment zone.

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 first occupation of the approved Care Home. For a period of ten years after the completion of the Care Home the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.  
Reason: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
6. The development hereby approved shall only be first occupied following its compliance with the Sustainability Statement (Envision, December 2022, Version 7) and Energy Strategy Report (Harniss Consulting, 06/12/2022, RevE).  
Reason: To accord with CP1 of the Core Strategy and Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency.
7. A scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of a roofed mounted PV array based on the PV proposal at Para 8.1 of the Harniss Consulting Energy Strategy Report, RevD 04/08/2022. Prior to the first occupation the agreed scheme shall have been fully implemented and be operational and retained thereafter.  
Reason: To accord with CP1 of the Core Strategy and Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency.
8. A scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of electric vehicle charging points. Prior to the first occupation the agreed scheme shall have been fully implemented and be operational and retained thereafter.  
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.
9. Prior to occupation of development to implement the Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220818\_P1136\_sHRA\_Care Home, 18 August 2022, and ecology in so far as they relate to the development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in

future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow Habitats Regulations Assessment Report, 220816\_P1136\_sHRA\_H1e, 16 August 2022, ead ecology shall be implemented and maintained in perpetuity. Reason: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

10. In accordance with the submitted Arboriculture Technical Note, March 2022 ref edp0782\_r076a all protective hedgerow fencing shall be erected prior to any works within the plot. No trenches shall be dug within the RPA of the retained hedgerow for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority. Reason: To safeguard an existing hedgerow to accord with Policy ENV1 of the SADMP.
11. Prior to occupation a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. Reason: To promote sustainable modes of transport to accord with Policy A2 of the SADMP.
12. Prior to first occupation a strategy for Public Art shall have been submitted to and approved by the Local Planning Authority. The strategy shall set out how Public Art is being considered on this application site or as part of the wider Orchard Grove site and timescales for provision. Reason: To ensure Public Art is integrated into developments to promote placemaking as a key component of a Garden Community.
13. Prior to first occupation, the parking spaces, including disabled parking, and facilities for loading, unloading, circulation and manoeuvring shall have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses. Reason: To ensure the development is afforded suitable provision.
14. Prior to first occupation the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified. Reason: To promote cycling in the interests of sustainable development.
15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Details

shall have been agreed prior to development above damp-proof course and the agreed details shall have been implemented prior to first use of the development hereby approved and the scheme shall always thereafter be maintained.

Reason: To ensure the highway is not inundated with surface water for the safety and convenient of all road users.

16. Other than the PV Array detailed as part of Condition 07 prior to its installation the specification of any ground-based, wall-mounted or rooftop plant, machinery and equipment shall be submitted to and approved in writing by the Local Planning Authority. Such a specification shall also include provisions for screening, colour treatments, methods for abating noise or odour concerns or other ways of reducing its visual impact.

Reason: In the interests of visual amenity.

17. Prior to the installation of any external lighting, a lighting design for bats, following Guidance Note 08/18 Bats and Artificial Lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species

18. The development shall be carried out in accordance with the recommendations made in the submitted Ecological Appraisal at Para 4.7 which stipulated 2 no. bat bricks and 3 no. swift bricks would be integrated into the walls on the eastern elevation of the development hereby approved. Photographs of the installed features will also be submitted to the Local Planning Authority prior to first occupation of any part of the development and such provision shall be maintained thereafter.

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

19. The development shall be carried out in accordance with the submitted Construction Environmental Management Plan (CEMP) 1248 Rev A, awp, 26/01/2022 and the email received 06/12/2022 detailing provision of and location of a wheelwash facility. The facility as shown on DrNo 02-SK-1101 RevA shall be in situ and fully operational from the commencement of works until the completion of works unless otherwise agreed in writing.

Reason: In the interests of residential amenity and highway safety.

20. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall also indicate the attenuation basin which will receive surface water from this development which shall be completed and be operational prior to the building reaching damp-proof course unless otherwise agreed in writing.  
Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

#### Notes to Applicant

1. In accordance with the National Planning Policy Framework the Council has worked in a constructive and creative way with the applicant to find solutions to problems in order to reach a positive recommendation and to enable the grant of planning permission.
2. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. Potential surface improvements to the path T29/10 can be technically approved under a s38 adoption agreement. In the event that there is not an agreement, then a separate s278 agreement will be required. The applicant will need to demonstrate that the crossing point of T 29/11 over the proposed access road, is safe for the public to use and constructed appropriately through the technical approval process as part of a relevant legal agreement.
3. The applicant is advised to refer to the 'SBD Homes 2019' design guide available on the Secured by Design website – [www.securedbydesign.com](http://www.securedbydesign.com) – which provides further comprehensive guidance regarding designing out crime and the physical security of dwellings.
4. With regard to Condition 11, the Local Planning Authority reserves the right to confirm such plant and equipment installations require full planning permission. Such installations include those for renewable energy purposes, air handing for heating/cooling, odour control, IT and security.
5. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
6. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that

works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

7. The following advice is given by the LLFA to aid the discharge of Condition 20:

- Calculations to demonstrate that the proposed surface water drainage system for the Care Home has been designed to prevent surcharging in all events up to and including the 1 in 2 annual probability storm event, prevent any flooding of the site in all events up to and including the 1 in 30 annual probability storm event, and demonstrate that surface water runoff up to the 1 in 100 year event plus climate change will be controlled within the site boundary without causing harm to people or properties.
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas. A Simple Index Assessment can be undertaken.
- Detailed drawings of proposed SuDS feature such as permeable paving.
- The LLFA would welcome more information be provided with the detailed design/ as built information of the downstream drainage and detention basin. This will aid in discharge of condition