

<b>Application Details</b>	
Application Reference Number:	43/23/0056
Application Type:	Outline Application with all matters reserved except Access
Statutory Start Date:	16 June 2023
Expiry Date:	15 September 2023
Extension of Time:	31 May 2024
Description	Outline application with all matters reserved, except for access, for a mixed use development of up to 200 No. dwellings, employment land (Use Classes E & F), an internal spine road to facilitate a rail halt/station, public open space, drainage & associated infrastructure on land north of Taunton Road, Longforth Park, Wellington (Departure from the Local Plan)
Site Address:	Land to the North of Taunton Road, Wellington, TA21 8RS
Parish:	Wellington Town Council
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:simon.fox@somerset.gov.uk">simon.fox@somerset.gov.uk</a>
Agent:	Carney Sweeney
Applicant:	West of England Developments (Taunton) Ltd
Reason for reporting application to Members:	This application is referred to committee in consultation with the Head of Planning given the policy status of the land, the significance of the scheme and the public interest.

## 1. Recommendation

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

- a) approval of the sHRA on receipt of a Reservation Notice confirming that the required number of P-Credits have been reserved for the development; and
- b) completion of the S106 Agreement (Heads of Terms listed at Appendix 1); and
- c) the conditions listed at Appendix 2.

Delegated to the Head of Planning.

## **2. Executive Summary of key reasons for recommendation**

- 2.1 This revised application seeks outline planning permission with all matters (landscaping, scale, appearance and layout) reserved for future consideration except access, which is fully detailed in this application.
- 2.2 The application represents a departure from the Development Plan, however, after consideration of all representations and consultations, the applicable planning policy and intentions behind the allocation and material considerations including the planning history, the benefits to Wellington and the scope of the application, the application is considered appropriate to be recommended for approval on its own merits subject to the prior completion of a Section 106 agreement, the approval of the Shadow Habitat Regulations Assessment and the conditions listed at Appendix 1 to this report.
- 2.3 The application does not explicitly apply for but is intrinsically linked to the delivery of the new railway station for Wellington, due to the inclusion of the road from Nynehead Road which will serve the station in the future and the transfer of land to deliver the car park. This is evidenced by the original submission actually including the station car park. The car park was omitted during the course of the assessment of the application.
- 2.4 The delivery of the new railway station for Wellington is of corporate importance and is intended to be, along with its car park, subject to a separate application by Network Rail (NR). A further separate full application by NR for site preparation works including haul roads and compounds is due imminently.

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

### **3.1 Obligations (See Appendix 1 - s106 Heads of Terms, for a fuller description)**

An obligation will secure:

- 1) A financial contribution of £573,000 towards Education
- 2) A financial contribution of £89,336 towards Healthcare
- 3) Highway Works
- 4) Spine Road step in rights
- 5) Travel Plan

- 6) A financial contribution of £573,620 towards Active Travel to provide walking and cycling connections to the development
- 7) Delivery of the Station Square, capped at £305,000
- 8) Provision of Community, Public Open Space, Play and Recreation facilities
- 9) Safeguarding Ecology
- 10) Safeguarding future Access to neighbouring land
- 11) A financial contribution of £50,000 towards The Grand Western Greenway Project
- 12) Local Labour Agreement
- 13) Delivery of employment land

### 3.2 Conditions (see Appendix 2 for full wording)

- 1) Submission of the Reserved Matters
- 2) Timescale for the Submission of the Reserved Matters
- 3) Drawing Schedule
- 4) Nutrient Neutrality
- 5) Retail floor space restriction
- 6) Materials and finishes
- 7) Finished floor levels
- 8) Public Art
- 9) Surface water drainage strategy
- 10) Surface water drainage management and responsibilities
- 11) Foul drainage strategy
- 12) Estate roads details
- 13) Highway condition survey
- 14) No surface water disposal to the highway
- 15) CEMP – Highways and pollution control
- 16) Badger survey
- 17) GCN licence
- 18) Dormice licence
- 19) CEMP – Biodiversity
- 20) Hedgebank creation
- 21) Bat mitigation planting
- 22) Ecology field linkage prohibition
- 23) TPO replacements
- 24) Landscape and Ecological Management Plan (LEMP)
- 25) Lighting strategy
- 26) Ecological enhancements

- 27) Roads to be constructed to base course
- 28) Future Homes Standard equivalent
- 29) Water consumption
- 30) EV charging
- 31) Archaeology – WCI
- 32) Archaeology – Post-excavation analysis
- 33) Noise Mitigation
- 34) Noise Mitigation
- 35) Noise Mitigation
- 36) Odour Impact Assessment
- 37) Fencing to railway
- 38) Glare assessment

### 3.3 Informatives (see Appendix 2 for full wording)

- 1) Statement of positive working
- 2) Encouragement to achieve Secured by Design accreditation
- 3) Network Rail liaison during design process
- 4) Badgers
- 5) LLFA advice
- 6) LLFA advice
- 7) Highway drainage
- 8) EV and road adoption
- 9) Rights of Way advice

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

### Details of proposal

- 4.1 The site is allocated in the Core Strategy, under Policy SS3 'Wellington Longforth'. The allocation plan indicates the built area of the application site as wholly employment. Part of the application red line also proposes public open space within the Green Wedge. Access to that employment area was to be gained via Nynehead Road. The wider allocation sought to deliver 900 homes. A full review of Policy SS3 is provided later in this report at Paragraph 12.7.

- 4.2 This revised application seeks outline planning permission with all matters (landscaping, scale, appearance and layout) reserved for future consideration except access, which is fully detailed in this application.
- 4.3 The proposal seeks planning permission for:
- a) Detailed plan for access off Nynehead Road,
  - b) Up to 200 dwellings,
  - c) 0.8ha (2 acres) of employment land (Use Classes E and F),
  - d) Station Square Public Realm,
  - e) Spine road from Nynehead Road to proposed car park (by others),
  - f) Public open space and drainage infrastructure, and
  - g) Woodland mitigation (for ecology purposes) to the north of the railway line.
- 4.4 Matters b) – g) to be detailed by the future submission of the Reserved Matters.
- 4.5 The application does not explicitly apply for but is intrinsically linked to the delivery of the new railway station for Wellington, due to the inclusion of the road from Nynehead Road which will serve the station in the future and the transfer of land to deliver the car park, as such it is referenced throughout this report.
- 4.6 The railway station (platforms, footbridge and car park etc) will be subject to a separate application by Network Rail. At this time there is an indication that NR will seek approval via Part 18 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). As such reference to any future ‘application’ for the railway station is in this context.

#### Site and surroundings

- 4.7 The application site, as amended, is located between the B3187 Taunton Road immediately to the south, the Exeter-Bristol Railway Line immediately to the north and Nynehead Road and a small area of third-party land immediately to the east. To the west is a field retained for ecological benefit as part of a green wedge and further west is a recently completed development ‘Longforth Park’, served from Lillebonne Way.

- 4.8 The site itself measures 11.07ha and comprises three arable fields bound by hedgerows and several mature trees, some of which are protected.
- 4.9 One field is the other half of a once larger field recently developed for a supermarket. The supermarket is currently served off the first section of spine road which will serve this wider development with a new junction with Nynehead Road.
- 4.10 One of the other fields will similarly be split with one half, to the north-west, being earmarked for the railway station car park. It is not envisaged the car park will require all of this land and so there is the prospect of a further application for commercial/residential development on this parcel of land.
- 4.11 A further field to the west sits between the application site and the first Longforth Phase by Bloor Homes and to the north of Lillebonne Way and the site secured as allotments in connection with Phase 1. This field has been referred to as the 'Ecology Field' due to the presence of a significant tree bat roost and is referred to as such throughout this report. It is proposed to partition the field into two halves through a new robust native hedge, one half containing the bat roost tree will be fenced to prevent public access, will receive tree planting and will be managed for biodiversity and the other half will receive tree planting and be available for low impact informal open space and be accessible via the new development.
- 4.12 The site is not near a Conservation Area but only a very short distance to the north of the site and railway line is Nynehead Court Grade II\* Registered Park and Garden. The historic carriage access, marked by Grade II C19 stone piers is found adjacent the smallest section of existing field on the northeast and continues northwards, divided by the railway line with main access found in the village of Nynehead. The railway line crosses the historic carriage access via a bridge constructed by Brunel, with attached formally occupied Lodge. Close to this can be found the former aqueduct and Nynehead boat lift for the former Grand Western Canal, now indicated by a strip of woodland.

## **5. Relevant Planning History**

- 5.1 There is no planning history on the application site itself. However, it forms part of the larger 'Wellington Longforth' mixed use allocation for 900 homes,

primary school and employment under Policy SS3 of the adopted Core Strategy. The western side of the allocation has been developed by Bloor Homes accessed from Lillebonne Way and its roundabout junction with Taunton Road (B3187). In addition, the recent completion of a supermarket to the south-eastern corner is material to the determination of this application.

5.2 The key planning permissions bordering the site are set out below:

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
43/11/0105	Construction of the first section of the Wellington Northern Relief Road with access junction with Taunton Road, Landscaping, Planting, and Drainage Infrastructure at Longforth Farm, Wellington	Approved	26 March 2012
43/11/0104	Outline application for the demolition of agricultural barns, felling of 3 no. Category R protected trees and development of land for up to 503 no. Residential units with ancillary infrastructure comprising of new junction with Taunton road, part of the wellington relief road, sports pitches, a changing facility with car park, a primary school, allotments, children's play area, informal open space, balancing ponds, landscape planting, diversion of public footpath wg17/17 and creation of new public footpath at land on Longforth Farm, Wellington.	Approved	18 January 2013
43/13/0013	Reserved matters application following outline approval 43/11/0104 for Phase 1, erection of 177 dwellings with associated access, appearance, landscaping and layout at Longforth Farm, Wellington.	Approved	25 April 2013
43/15/0143	Application for approval of reserved matters following outline application 43/11/0104 in relation to Phase 2 for the erection of 134 no dwellings with associated access, appearance,	Approved	23 March 2016

	landscaping and layout at Longforth Farm, Wellington.		
43/17/0110	Application for approval of reserved matters following outline application 43/11/0104 for the erection of 119 No. Dwellings with associated access, scale, appearance and layout at Phase 3 on land at Longforth Farm, Wellington.	Approved	1 February 2018
43/19/0030	Erection of a 2 form entry primary and nursery school comprising of a two storey teaching block with sports hall, hard/soft landscaping with playing field , associated car park, cycle parking and pedestrian access points with vehicular access and secure line fencing on land at Longforth Farm, Longforth, Wellington.	Approved	15 July 2019
43/20/0086	Erection of a Class E(a) foodstore with associated parking, landscaping and access works on land north west of the Nynehead Road/Taunton Road/Torres Vedras Drive Roundabout, Wellington	Approved	22 April 2022

## 6. Environmental Impact Assessment

- 6.1 In this case the development falls within Category 10b (Urban Development Projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 6.2 The applicant submitted an Environmental Impact Assessment Screening Opinion in August 2022 and the Council concluded the proposal would not have any significant environmental effects and a further environmental statement was not required.

## 7. Habitat Regulations Assessment

- 7.1 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.

- 7.2 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).
- 7.3 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”.
- 7.4 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”.
- 7.5 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 the SSSI Condition Change Briefing Note for the Somerset Levels and Moors dated May 2021 the overall condition across all Somerset Levels and Moors SSSI’s is ‘Unfavourable Declining’ due to evidence of failing water quality, most notably high Phosphate levels.
- 7.6 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.

- 7.7 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.
- 7.8 The applicant has submitted a shadow Habitats Regulation Assessment (sHRA) and a Nutrient Neutrality Assessment (NNAMS). A calculation has been undertaken to ascertain the amount of phosphate the development is likely to create after the treatment plant process and has offered mitigation by effectively stopping the equivalent amount being released elsewhere in the catchment. In this case via an overarching scheme with WCI which seeks to prevent phosphates being released in watercourses via the upgrading of domestic septic tanks. The applicant is proposing to purchase P-Credits from this upgrading scheme. Due to the fact the applicant has not purchased the credits, they are currently reserved, the Council is not formally able to confirm that a Likely Significant Effect on Somerset Levels and Moors Ramsar will not occur but will likely be able to form that conclusion once the Reservation Certificate is produced (upon payment of the deposit) and the sHRA and NNAMS are updated to reflect this accordingly.
- 7.9 The Council is content there is a coherent plan of action in place that will deliver nutrient neutrality and the comments of the Phosphate Team are noted in the consultations section of this report. 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 200 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.
- 7.10 The recommendation reflects this position and seeks to approve the application and delegate to the Head of Planning upon receipt of a valid Reservation Certificate and updated suitable sHRA and NNAMS.

## **8. Consultation and Representations**

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

Date of Consultations: 19/06, 05/07 and 20/10 and latterly 13/14 March 2024.

The application was advertised as a departure due to the allocation policy stating the site was to be used for employment uses.

## 8.1 Statutory Consultees

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

8.1.2 A summary of comments is made, the Council's website should be viewed to see the full representation.

<b>Statutory consultee</b>	<b>Consultee Comments and Officer Comment</b>
<b>Wellington Town Council</b>	<p>Comments on the initial proposal –  <i>“It was RESOLVED to support the application in principle; in addition, Councillors made the following comments.</i></p> <ul style="list-style-type: none"> <li>• <i>There was concern about the inclusion of four storey buildings which was felt would be dominating on the surroundings.</i></li> <li>• <i>There is no mention of CIL payments, therefore the Section 106 agreements will have to be very carefully monitored.</i></li> <li>• <i>Points raised by the Integrated Care Board were widely agreed with, however, it was noted that not just extra building space will be required at the Doctors Surgeries, but more importantly the employment of more GPs.</i></li> <li>• <i>There was disappointment in the lack of comments from the Highways team”.</i></li> </ul> <p>Comments on amended submission,            Support reaffirmed although concern raised regarding the prospect of viability reducing planning obligations</p>
<p><b>Officer comment:</b>            Four storey buildings have been removed.            This development is not CIL liable.</p>	
<b>Nynehead Parish Council (Adjacent Parish)</b>	<p>Comments on the initial proposal –            Concerns relating to highway access and flooding.  <i>“As a result of the recent construction of the Lidl supermarket and the existing presence of a sizeable caravan park, traffic using the short distance between the Taunton Road roundabout and the turnoff to Poole has increased noticeably since the opening of Lidl. The proximity of the Lidl access to the traffic island on Taunton</i></p>

Road has led to several complaints from Nynehead residents about the dangers of shoppers pulling out into Nynehead Road without taking note of through traffic from the island. (A motorist indicating left to join the Nynehead Road from Taunton Road may still have automatically-cancelling indicators working which could be wrongly interpreted as meaning the driver intends to turn into Lidl!).

“The shortness and narrowness of the section of Nynehead Road between the Taunton Road roundabout and the sole vehicular access to the site could be expected to lead to queuing traffic, delays and dangers to both motorists and pedestrians”.

Due to flooding in Nynehead Road [but north of the proposed access] flood warning signs should be a mandatory condition for approval.

“The Council recognises that the new development itself is beyond its jurisdiction, and it welcomes the increase in travel options which the new railway station may provide. But it has serious concern about complications and potential dangers from the current plans for the sole roadway to and from the site. Councillors remain open to further discussions with the SC and in particular the Highways Department on how these matters could be resolved”.

Comments on amended submission,

“The various amendments do not address the issues raised in our Council's original submission posted on 2 August 2023, with the possible exception that the slightly smaller number of homes to be built may somewhat reduce traffic pressure on Nynehead Road”.

Previous comments regarding the access and flooding are reiterated.

“We are also concerned that there are no planning details available for a key element of the site area, the construction of a railway halt and access related to it. Our concerns in this respect are the amount of further traffic on an already malfunctioning junction (which would be better moved further away from the roundabout) and the amount of vehicle parking to be provided for rail users. The Council is concerned that inadequate parking facilities close to the station would mean motorists may park haphazardly on the narrow roadways surrounding the site, adding to the risks of accidents”.

**Officer comment:** See comments from the Highway Authority and LLFA.

It is not considered necessary or appropriate for this development to fund flood warning signs.

The railway station is subject to a separate application.

<p><b>West Buckland Parish Council (Adjacent Parish)</b></p>	<p>No comments received.</p>
<p><b>Highway Authority</b></p>	<p>Comments on amended submission,  <b>“Overview:</b>  <i>This response follows on from our initial observations where we raised a number of points which needed to be addressed by the applicant. We have subsequently received further information through a Transport Assessment Addendum as well as through meeting with the applicant. The following response will look to address these points and provide a final recommendation.</i></p> <p><b>Detailed Response:</b>  <i>Further to the Highway Authority’s initial comments whereby we raised a number of points which needed to be addressed by the applicant’s highways consultant. In response the applicant has provided a Transport Assessment Addendum which has looked to address these points.</i></p> <p><i>With regards to the first element and the status of the care home element it is understood that through further discussions with the applicant that this part of the scheme has now been removed from the proposal. Consequently, no additional modelling work will be required over what has been provided.</i></p> <p><i>Turning to the delivery of the spine road the Highway Authority previously requested further information in the form of 'General in Accordance' drawings so that we could assess the suitability of the road design. Since this request was made further dialogue has occurred between the Highway Authority and the applicant. This has centred on the multi-purpose use of the completed road i.e. serving both the development as well as the train station site. Consequently, it has been agreed that the applicant will look to secure and deliver the road through the Section 106 agreement this will also allow the road to be dedicated as adopted highway once the works have been completed. Given the aforementioned strategic nature of the scheme, the Highway Authority will be looking to include a step-in rights clause(s) within the Section 106 agreement. This will allow the Highway Authority to step into deliver the road if timescales are such that the applicant is not able to deliver the scheme in time for the station opening.</i></p>

*Regarding the junction onto Nynehead Road and the existing section of carriageway which currently serves the food store. The Transport Addendum has provided further details of the proposed visibility splays in relation to the junction. However, its noted that the applicant has still retained the existing T junction design which was delivered by the LIDL food store. The Highway Authority only ever foresaw this arrangement as being temporary until the junction can be reprofiled to give priority to the new development rather than Nynehead Road. This was worked out through the pre application process but was not included as the preferred option in the planning application.*

*The Highway Authority is of the opinion that the revised junction would be the preferred layout considering the increase in use of the junction. It is understood from dialogue with the applicant that their position on this relates to not being able to secure the required land for the visibility splay back to the Taunton Road roundabout as it crosses third party land. In light of this concern and considering the strategic nature of this scheme the Highway Authority has looked to engage with the third party with a view to have this land dedicated as adopted highway. By securing this it will allow the revised junction design to be brought forward. As such, although the T junction must be considered as part of this application there will be scope through the Reserved Matters applications and technical approval process to amend the junction to be inline with the Highway Authority's preferred option. Ideally the Highway Authority would have preferred the applicant to be delivering the revised scheme but by securing this dedication we are satisfied that it provides the flexibility that either junction arrangement can be delivered.*

*Moving onto the next point, it is noted that the applicant has provided a Road Safety Audit (RSA) 1 within the Transport Addendum. This has been passed to our audit team for review and the conclusions will be passed back to the applicant in due course to help inform the technical design. With regard to the offsite contributions, the Highway Authority has had further dialogue on this matter with the applicant and set out our vision for Active Travel connections for east Wellington. In light of this the applicant has proposed a contribution which will look to secure a series of Active Travel measures which will tie into this vision. The Highway Authority has reviewed and costed the package of works. This*

contribution has been agreed with the applicant and will need to be secured through the Section 106 agreement.

In terms of the Travel Plan, the original submission was supported by a Travel Plan. This has been reviewed by our Travel Plan Team and there were a number of elements which required further information. In light of this the Highway Authority has met with the applicant's highway's consultant to look to agree a revised Travel Plan, this will be submitted and secured through the Section 106. The applicant has updated Flood Risk Assessment and Drainage Strategy the Highway Authority has reviewed the document and it is broadly considered to be acceptable. Although the applicant will need to provide further clarification on the following points. Firstly, does Ditch 1 need to be culverted under the access road to accommodate upstream flows? Secondly the Drainage Strategy plan indicates that the food store development forms part of the Basin 1 catchment, but it is not clear as to how this site connects to the proposed surface water drainage infrastructure on the application site.

The applicant has updated the master plan and parameter plans, this includes a movement plan that shows the key routes for non-car users which aligns with the active travel corridors the authority is promoting. In terms of the master plan, we accept at this stage that no details of the residential parcels have been included. However, we would like to take the opportunity to highlight that any internal layout will need to be designed in line with the Council's Place Making principals as well as the Streets in Residential Development – Design Guidance Notes. Specific thought will need to be given to the street hierarchy as well as materials and Electric Vehicle charging points.

**Conclusion & Recommendation:**

To conclude, the Highway Authority is satisfied that the Transport Assessment Addendum has addressed the points which had been raised as part of our initial response. With regard to the spine road, we are satisfied that through dialogue with the applicant we have agreed a way forward as well as securing certainty over its delivery with step in rights being secured through the Section 106 agreement. Regarding the junction with Nynehead Road, it is acknowledged that the junction proposed is not what the Highway Authority had agreed through the pre application process. Through dialogue with the applicant, we have been able to ascertain the reasoning for this amendment. Consequently, the Highway Authority

	<p><i>is working to secure the required land to be dedicated as adopted highway. This will allow the original access to be delivered either through a Reserve Matters application or via the technical approval process. In terms of the sustainable travel elements, both the Travel Plan and Active Travel contributions have been agreed and therefore will need to be secured through the Section 106 agreement.</i></p> <p><i>Consequently, considering the above the Highway Authority raises no objection to this scheme and should the Local Planning Authority grant consent the following would need to be secured.</i></p> <p><i>Section 106 Agreement: Highway Works (spine road) and step in rights, Active Travel contribution and Travel Plan obligations”.</i></p> <p><i>Conditions proposed.</i></p>
<p><b>Officer comment:</b></p> <p>Noted, see s106 HoT and recommended conditions.</p> <p>Some suggested conditions (EV charging and cycle parking) are not required at this outline stage and will be matters for future determination via Reserved Matters.</p>	
<p><b>Natural England</b></p>	<p>No comments received.</p> <p><i>Note- NE has advised our Phosphates Team on the nutrient neutrality plan</i></p>
<p><b>Public Rights of Way - SCC</b></p>	<p>Comments on amended submission,</p> <p><i>“No Objection subject to conditions and/or S106 obligations detailed below”</i></p> <p><i>“I can confirm that there are no public right of way (PROW) recorded on the Definitive Map that run through or abut proposed site at the present time”.</i></p> <p><i>Whilst the development is providing public open space, it is offering no convenient links for active travel modes to rural public rights of way to the north. The rail line and Nynehead Road bounding the site to the north and east are not helpful. The Grand Western Canal public footpath will be a significant attractor, which based on the current proposal will necessitate walkers most likely using Nynehead Road which is without any footway and has blind bends. A s106 contribution is sought to help explore and facilitate off road active travel links to the north.</i></p> <p><i>It is noted that the applicant has control of the land to the north of the rail line, and as and when the train station application (and any application to the north) comes forward there will be a clear desire line for walking and cycling to be facilitated by the likely overbridge that would be provided as part of the station development. For the</i></p>



	<p><i>applicant's awareness it will be in the public's interest to negotiate walking and cycling access to the station not only from the south, but also from the north".</i></p> <p>Informative note proposed.</p> <p>Additional note regarding the Ash 2 Level Crossing; the new path came into existence upon confirmation of the order, which has already happened. Minor works needs to extinguish the level crossing to issue the final certificate.</p>
<p><b>Officer comment:</b> Monies are sought towards the Grand Western Greenway Project which will explore the feasibility of greater walking and cycling connectivity from the south to the north of the railway line.</p>	
<p><b>EA</b></p>	<p>No comments to make.</p>
<p><b>Lead Local Flood Authority (LLFA)</b></p>	<p>The applicant is advised to carry out infiltration tests at the detailed design stage.</p> <p>Calculations and drawings should be provided at the detailed design stage.</p> <p>Rain gardens and water butts are expected at the detailed design stage.</p> <p>Further details at the detailed design stage are required to demonstrate a viable connection can be made.</p> <p>A final maintenance strategy is required at the detailed design stage.</p> <p>Comments on amended submission,  <i>"Thank you for the email, we will be expecting the discharge rate to be set to 2l/s/ha based on the impermeable area as this site is within the catchment of the River Tone, however should the applicant be aware of this requirement and the LPA satisfied that this can be provided at reserved matters stage we would request the following conditions applied to secure this.</i></p> <p><i>We would also advise that National Rail are consulted on the proposal due to the proximity to their assets and discharge location".</i></p> <p>Further comment upon receipt of a FRA Technical Note -  <i>"Following on from the Technical Note Rev 1 submitted by the applicant following the meeting held on the 11<sup>th</sup> April 2024. The applicant has provided a rationale on why 2 l/s/ha cannot be achieved, however have restricted discharge rates lower than the 1 in 1 year event and proposed to include water butts for the</i></p>

	<p><i>development. At the next planning stage consideration should be given to restricting discharge rates further (if possible) and including a 300mm freeboard.</i></p> <p><i>As such, on the basis of the information provided, in this instance we have no objection to application in principle and should the LPA be minded to grant permission the following conditions and informatives should be applied.....”</i></p>
<p><b>Officer comment:</b> Conditions recommended</p>	
<p><b>Historic England</b></p>	<p>Comments on the initial proposal –</p> <p><i>Assesses the significance of Nynehead Court and Park and Garden and the impact of the proposal and policy context.</i></p> <p><i>“Historic England has concerns regarding the application on heritage grounds. Those concerns relate to whether the impact of the proposed development on the significance of the designated heritage assets potentially affected has been satisfactorily assessed in the submitted documentation. Your authority should ensure you are satisfied that the potential impacts on this aspect of Nynehead Court’s significance have been sufficiently addressed prior to making your determination, guided by the advice of your conservation, archaeological and placemaking specialists. If harm is identified then opportunities should be taken to avoid and minimise the identified harm. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 195, 199 and 200 of the NPPF”.</i></p> <p>Comments on amended submission -</p> <p><i>“The revised information includes a review of the original heritage statement and an additional addendum to establish the impacts of the proposed outline application on the setting of the historic core of Nynehead Court including the grade II* listed house of the same name, the grade I listed Church of All Saints as well as the grade II* registered park and garden.</i></p> <p><i>The report has concluded that the proposed development will have no change on the highly designated grouping of assets, due to the intervening woodland which will screen both the house and the development site in views from the historic core of the parkland.</i></p> <p><i>From a review of the information submitted and our knowledge of the site, Historic England considers that it might be possible that the development would not be visible in the views from the main</i></p>

	<p><i>historic core or make a particular contribution to the significance of the designed landscape. Consequently, we consider that it could be possible to accommodate some form of development on the site, without causing harm to the experience of Nynehead Court’s special historic interest.</i></p> <p><i>However, your authority will need to ensure you are satisfied with the outcome of the additional information submitted and be guided by the advice of your own heritage and landscape specialists. Furthermore, consideration should be given as to whether there are opportunities through the detailed design phase to avoid or minimise any potential impacts. The council will need to utilise their own knowledge and experience of the site, as well as their own heritage specialists to advise with respect to any final scheme. Recommendation Historic England previously indicated that we had concerns regarding the application on heritage grounds. Those concerns related to whether the impact of the proposed development on the experience of the designed sequence of ornamental features, scenes and views which is gained from particular locations and when moving around the estate had been satisfactorily assessed in the submitted documentation. In view of the additional information submitted, we therefore recommend that your authority consult your heritage and landscape officers and ensure you are satisfied that the potential impacts on this aspect of Nynehead Court’s significance have been sufficiently assessed prior to making your determination to address the requirements of paragraphs 201, 205 and 206 of the NPPF. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess”.</i></p>
	<p><b>Officer comment:</b> An addendum to the heritage statement was submitted to specifically assess Nynehead Court views, concluding there were none. See Conservation and Landscape Officer’s comments concluding no harm, and Paragraph 12.96 onwards.</p> <p>New woodland proposed for bat mitigation and future consideration at the detailed design stage will further safeguard heritage assets.</p>
<p><b>The Garden Trust</b></p>	<p>Comments on the initial proposal – No objections or concerns raised.</p> <p><i>“We appreciate that the precise heights, layout, landscaping and density etc will all need to be agreed in due course under a further</i></p>

	<p><i>'detailed reserved matters (sic) application' (PS 4.2.3) and the GT/SGT will be carefully scrutinising this to ensure that suitable mitigation is put in place to minimise or eliminate if possible any impacts upon the RPG".</i></p> <p>Comments reiterated on amended proposal.</p>
<p><b>Officer comment:</b> No further action, to be considered further at the Reserved Matters stage.</p>	
<b>National Highways</b>	<p>Comments on amended submission -</p> <p><i>"We have reviewed the additional transport information submitted by Richard White Transport as set out in the attached email dated 4 April 2024. Based on this information I confirm National Highways has no objections to the proposed amendments to application 43/23/0056".</i></p>
<b>Network Rail</b>	<p>Comments on the initial proposal -</p> <p><i>"Network Rail has no objection in principle to the above proposal on the provision that the closure for Ash 2 level crossing goes ahead. Due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission".</i></p> <p>Comments relating to safety, drainage, fencing, ground levels, foundations, ground disturbance, site layout, excavations/earthworks, plant/scaffolding and cranes, landscaping, lighting and noise.</p> <p>Further comments were made regarding the likely increase in noise from the planned railway station and any dwellings within 90m should be constructed to provide the necessary sound insulation as mitigation.</p> <p>Subsequent comments were made raising no objections as the order has now been made to close and divert Ash level crossing.</p>
<p><b>Officer comment:</b> Conditions recommended</p>	
<b>Office of Road and Rail</b>	<p>Any building adjacent to the railway needs agreement with NR.</p> <p>A glare assessment will be needed to ensure new structures adjacent to the railway do not pose risk to the operational railway.</p> <p>No drainage systems within 5m of NR operational land and all drainage must drain away from operational land.</p>

	<p>Boundary fencing will need to be installed by the site to ensure that trespassing, pre, post and during works is not possible.</p> <p>Advice regarding tree planting.</p> <p>The ORR would expect the applicant to reach out to Network Rail ASPRO team for comment on the proposal and to engage with the team at Network Rail during the planning and construction process.</p>
<p><b>Officer comment:</b> See Network Rail comments, conditions recommended and several matters will be revisited via the Reserved Matters.</p>	
<p><b>Active Travel England</b></p>	<p><i>“Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response”.</i></p> <p>An assessment of current infrastructure, the policy context and the proposal is set out.</p> <p><i>“For these opportunities to be realised, ATE considers that improvements to infrastructure will be required in order to enhance this development in line with current government policy and design guidance and will meet those expectations for more ambitious walking, wheeling, and cycling targets to be met than is currently proposed in the submitted Transport Assessment and Travel Plan”.</i></p>
<p><b>Officer comment:</b> The Council recognises the necessity to secure off-site active travel linkages. It is considered the most efficient way of doing this is to seek a financial contribution and pool this with other monies to deliver more significant and value for money improvements. See s106 Heads of Terms.</p> <p>On-site linkages is a matter reserved for future determination.</p>	

## 8.2 Non-Statutory Consultees

Non-Statutory consultee	Consultee Comments and Officer Comment
<p><b>Planning Policy</b></p>	<p>Comments on amended submission,</p> <p><b><i>“Principle of development</i></b></p> <p><i>The proposal submitted is for a residential development on a site allocated for employment use and contrary to the current adopted Taunton Deane Core Strategy (2011-2028).</i></p> <p><b><i>The Taunton Deane Adopted Core Strategy (2011-2028)</i></b></p> <p><i>allocates Longforth Farm for the development of an urban extension as part of Policy SS3, in order to deliver around 900 new homes, a new local centre and 11 hectares of employment land for general industrial, storage and distribution. The policy sets out a</i></p>

*series of principles for the layout and form of the development, along with requirements for developer contributions.*

*The employment allocation to the east of the site was reserved specifically for the relocation of the two biggest employers in Wellington, Swallowfield and Relyon. The release of this land occupied by Swallowfield and Relyon was intended to facilitate “mixed use development including part of the new local centre, re-opening of Wellington railway station, new homes and small business start-up units along the railway line”.*

*Both companies have confirmed that they do not have the intention to relocate, indicating that relocation is either not financially tenable or presents significant practical and logistical challenges that they are unable to overcome within the plan period. The result is that there is a shortfall in delivering the 900 homes planned for in this wider urban extension.*

*The proposal to deliver homes, alongside employment uses, is supportive of the Core Strategy objective set out in Policy SP3, for the wider urban extension to deliver approximately 900 homes. The homes identified in this proposal will contribute to delivering this objective and as such is acceptable in principle.*

*While the employment space has decreased from 11 hectares to 0.77 hectares, this allocation was for strategic relocation of businesses, which Swallowfield and Relyon no longer view as a viable option. As some time has now passed since the adoption of the Core Strategy, and the intended purpose of this allocation is no longer required, consideration needs to be given to the place-making guidance set out in the Wellington Place Plan to ensure that growth in this location happens in a sustainable way that supports the aspirations of the town”.*

Comments relating to the Wellington Place Plan, the Council’s 5-yr housing land supply, and policy SS3, phosphates and BNG are captured in the policy and Officers assessment section of this report.

“Conclusion

*In conclusion, the principle of this mixed-use development is supported”.*

**Officer comment:** Assessment against the development plan is provided at Paragraph 12.1 onwards.

**Nutrient  
Neutrality  
Officer**

*“On the basis of the information submitted, we understand that the proposed development would generate 25.72kg/year of additional phosphates. The applicant has completed their Phosphate Budget Calculations on the basis of ‘Post AMP7’ limits, taking into account confirmed upgrades to Wellington Wastewater Treatment Works (WwTW) by Wessex Water which will be in place by January 2025. This is acceptable, subject to a condition being attached to any grant of planning consent limiting occupation of the proposed dwellings until 1 January 2025 i.e. after the improvements to the WwTW have taken place. A suggested condition is provided later in this response.*

*The NNAMS submitted suggests that the applicant is seeking to utilise third-party Phosphate Credits (P-credits) to mitigate the 25.72 kg/year of phosphates that would be generated from the proposed development.*

*In the case of third-party P-credits, Somerset Council, as competent authority under the Conservation of Habitats and Species Regulations (2017) ‘The Habitats Regulations’, requires applicants to submit proof that third-party P-credits have been reserved for their proposed development, or that third-party P-credits have already been assigned or ‘allocated’ to their proposed development. This is because in order to complete a Habitats Regulations Assessment (HRA) of the proposed development, the Council needs to be certain ‘beyond reasonable scientific doubt’ that phosphate mitigation is secured prior to any planning permission being granted. The submission of a ‘Reservation Notice’ or ‘Allocation Certificate’ allows us to favourably conclude an HRA.*

*The NNAMS does not specify the P-credits that the applicant is seeking to acquire, however through subsequent discussion with the Case Officer, and review of P-credit Purchase Agreement submitted, we understand that the applicant is seeking to use third-party P-credits provided by WCI Group Ltd. (WCI).*

*Somerset Council has what is known as an ‘overarching’ legal agreement in place with WCI and as such, in principle, we are able to accept P-credits arising from this third-party scheme as phosphate mitigation. This legal agreement was signed on the 22 March 2024. The Council is currently awaiting additional information from the P-credit provider in line with the terms of the Agreement to allow Somerset Council to accept ‘Reservation Notices’ and ‘Allocation Certificates’ associated with the scheme.*

	<p><i>We have reviewed the P-credit Purchase Agreement provided by the applicant; however this does not reflect the form of document required by the overarching legal agreement. It does not include evidence that 25.72 P-credits, required to mitigate the proposed development, have been ‘reserved’ for planning application 43/23/0056, thus allowing a formal ‘Reservation Notice’ from the P-credit provider to be submitted to the Local Planning Authority (LPA) by the applicant.</i></p> <p><i>In the absence of the Reservation Notice we are not able to conclude a favourable HRA for the proposed development. In addition, in order for an HRA to be completed by the LPA we would require an updated NNAMS to set out clearly that WCI is the applicant’s chosen P-credit scheme.</i></p> <p><u><i>Conclusion</i></u></p> <p><i>In light of the above, our advice is that planning permission should not be issued until a Reservation Notice and updated NNAMS is submitted. The receipt of these documents will allow Somerset Council to carry out an HRA for the proposed development, or the applicant may choose to submit a Shadow HRA of the proposed development for Somerset Council to formally adopt as the HRA for the proposed development.</i></p> <p><i>Should planning permission be granted, prior to the commencement of development, Somerset Council will require the submission of an ‘Allocation Certificate’ to confirm that the 25.72 P-credits reserved by the applicant have been fully acquired. We understand that any planning permission for this proposed development would be subject to a Section 106 Agreement, and this requirement could be included as part of this agreement. Given that the applicant has calculated their phosphate mitigation requirement based on post-AMP7 limits we also recommend the following planning condition is attached to any grant of consent, or this requirement could be incorporated into the Section 106 Agreement”.</i></p>
<p><b>Officer comment:</b></p>	<p>The recommendation will be ‘subject to’ the receipt of the Reservation Notice and the completion of the HRA and NNAMS process. The suggested condition also features in the recommendation</p>
<p><b>Ecologist</b></p>	<p>Comments on amended submission, No objection raised.</p> <p>“Natural England decided against designating/protecting the tree”.</p> <p><b>Barbastelle bat maternity roost</b></p>



*The application site contains a Barbastelle maternity roost, thought to be focused on a single tree. As noted in the Somerset Bat Group's comments, the protection of the roost and associated habitat for commuting and foraging has been the subject of previous discussion with the Council's ecologist. We assume that this was one reason for the inclusion of the 'green wedge' identified in the local plan allocation.*

*While the roost is potentially of national significance and should be considered for notification as a Site of Special Scientific Interest, Natural England does not intend to pursue that course of action in this case. Nevertheless, Barbastelles are one of the UK's rarest bat species and are afforded a high level of protection in policy and law. Your Authority will need to be satisfied that any planning approval will maintain the 'Favourable Conservation Status' of Barbastelle bats.*

*Based on information available, Natural England considers that you will need further information to understand how Barbastelle bats are using the area and how an effective avoidance and mitigation strategy might be put in place. Means by which issues such as public access around the roost can be limited, for example through grazing and/or creation of a nature reserve, and connectivity to the wider landscape might be improved through reconfiguring some aspects of the masterplan, should be explored. The applicant's ecological report states that further work is needed, and it is not clear that any further assessment or survey is being carried out in the current season.*

*Although it may be argued more information is required on barbastelle activity in and around the site.*

*There has been significant time (years) to undertake extensive survey effort in order to determine barbastelle activity around the site and further afield.*

*Significant avoidance, mitigation, compensation and enhancement measures have been planned and are being put in place for the longevity of the barbastelle roost.*

*A significant area of land to the north west of the rail line has been designated for the creation of broadleaf woodland habitat (managed under BNG agreement) to enhance connectivity to the wider landscape and habitats for the Barbastelles.*

*Around £300,000 - 500,000 provision has been made to secure habitats, mitigation, compensation and enhancements for the Barbastelle Roost.*

*Public access around the roost was under the management of the residential homes to the immediate west and has not been enforced*

- *Number of barbastelle have gone down over the years when the site was managed by other consultants*
- *Both the new residential housing and new school have proceeded with no objection*
- *The LPA have undertaken a meeting with Paul Kennedy from the Somerset Bat group to request the bat groups input into the scheme.*
- *The 125m 'no works' and 200m 'restricted works' are not legally defined, however development has and is planning to honour and enhance in order to help protect the ecological importance as stated above.*
- *Railway surveys still ongoing SNC-Lavalin/Atkins (Matthew Peden) and not part of the Longforth development, separate (but contextually joined)*

***The Rising water main: See Longforth Wellington new rising main addition to the CEMP condition 03 attached***

*The conditions additional with the main CEMP (condition 03) for the site are provided in order to localise the works for the rising main located to the east of the barbastelle tree via measures including fencing, exclusion, toolbox talks, timing (working hours etc, no lighting).*

*NOTE: currently the entire field is open to the public, including up to the tree, which was supposed to be controlled by Bloor homes development to the west”.*

***Proposed Conditions***

*“Conditions made and reviewed in agreement with Ecological Impact Assessment (EcIA) undertaken by Halpin Robbins”.*

***Comments regarding understanding the Barbastelle roost***

*Historic data (UK Bat Mitigation Guidelines – September 2023 – Case study 39) for the Barbastelle bat roost has shown a decrease in the numbers of Barbastelle bats from 2015 – 2022. Mitigation in the form of a 125m no-works buffer zone and 200m restriction clause (October – March) was implemented in 2011/2012 in order to help, with additional monitoring.*

*The Ecological Impact Assessment (EcIA) undertaken by Halpin Robbins indicates that the main receptors for the Barbastelle Bats within the site include:*

- *The roost (identified to the west of the site boundary, within a tree in the westernmost field);*
- *Foraging and commuting habitats (wooded areas and hedgerows)*

*As a result of the construction and post-construction activities proposed, these habitat features could be impacted adversely:*

- *“The known barbastelle maternity roost beyond the site boundary to the west may also be impacted by construction and post-construction activities. This would result in a major adverse impact at a regional level.”*
- *“Construction activities to facilitate development have potential to damage retained hedgerows and trees which form foraging and commuting routes for bats.”*
- *“Increases in artificial illumination both during the construction and operational phases of the development will also impact bat species and have the potential to disturb dark flight corridors thereby affecting the ecological functionality of the retained hedgerows and trees. These impacts are anticipated to result in a major adverse impact at a local level.”*

*The EcIA (January 2023) indicated walked transect and static surveys in undertaken in 2021 showed that hedgerows (see figure 12) around the site were heavily utilized by the Barbastelle bats for commuting. It was determined the proposed development would impact in the following ways:*

- *Damage to retained roosts during construction and postconstruction activities.*
- *Disturbance to retained roosts through artificial illumination and post construction activities.*
- *Loss of foraging and commuting habitat.*
- *Damage of retained foraging and commuting habitat during construction.*
- *Increases in artificial illumination of foraging and commuting habitat.*

*Therefore, in order to mitigate these impacts the following methods will be necessary:*

- *CEMP produced and following during construction.*
- *LEMP produced, detailing future management.*

	<ul style="list-style-type: none"> <li>• <i>Heras fencing and buffer zones to protect roosts during construction.</i></li> <li>• <i>Tree planting and permanent fencing to protect barbastelle roost, creating 200m buffer.</i></li> <li>• <i>Sensitive timing of all works with 200m of barbastelle tree roost.</i></li> <li>• <i>Sensitive lighting strategy/plan.</i></li> <li>• <i>Heras fencing to protect retained habitats during construction.</i></li> <li>• <i>Species rich grassland creation as compensation for loss of neutral grassland.</i></li> <li>• <i>Roosting opportunities to be provided as enhancement.</i></li> </ul> <p><i>Additionally, land north of the rail line (See figure 17) has been included within the planning strategy to be made into a dark corridor with woodland planting to allow the Barbastelle bats both additional commuting and foraging habitat (stepping stone) into woodland habitat (long Copse). It is intended that this area (around 5ha) will be planted for a diverse mix of tree species to accommodate the Barbastelles but also a number of other species. It is additionally intended for these measures to result in an increase in the number of Barbastelle bats using the existing roost by providing interconnectivity to the wider landscape. Continued monitoring will be essential to ensure this occurs”.</i></p>
<p><b>Officer comment:</b> This is a significant issue and these extensive comments show why.</p> <p>Comments from Natural England are relevant as are the representations from Somerset Bat Group.</p> <p>The extensive conditions and obligations within the s106 HoTs results in no objections being raised by the Council’s Ecologist, see Paragraph 12.82 onwards.</p>	
<p><b>Affordable Housing</b></p>	<p>On amended proposal –</p> <p><i>“Policy CP4 Housing in the Taunton Deane Core Strategy 2011 – 2028, the Affordable Housing Supplementary Planning Document May 2014 and TDBC Decision June 2016 aim to ensure that affordable housing is provided as part of all development schemes which provide eleven or more net additional dwellings. 25% of the new housing should be in the form of affordable homes, with a tenure split of 25% First Homes, 60% social rented and 15% intermediate housing in the form of shared ownership”.</i></p> <p><i>“Affordability of the First Homes tenure is a concern given the rising house prices within the location of this scheme therefore flexibility of the 25% First Homes to change to Shared Ownership</i></p>

would be considered to provide a more affordable low-cost home ownership option”.

“Whilst no indication of unit mix and tenure has been proposed at this stage, on the basis of 200 dwellings, a 25% affordable housing planning obligation would equate to 50 affordable homes. Upon assessing the local housing need evidence (March-24) a suggested affordable housing mix is :-

**Social Rent**

4 x 1 bed house

3 x 1 bed fully adapted disabled bungalow or house

10 x 2 bed house

2 x 2 bed fully adapted disabled bungalow or house

6 x 3 bed house

1 x 3 bed fully adapted disabled bungalow or house

3 x 4 bed house

1 x 5 bed house

**Shared Ownership**

10 x 2 bed house

10 x 3 bed house”

“As the Affordable Housing Planning obligation includes 25 or more affordable homes, the scheme should provide 10% of the total affordable housing provision to be in the form of fully adapted disabled affordable homes in accordance with Part M4, Category 3: Wheelchair user dwellings of the Building Regulations 2010. We note the Design and access statement part 1 section 5.3.1 confirms the intent for a percentage of the affordable dwellings to ‘comply with part M(4)3 of the building regulations”.

“To reflect local housing need the requirement we have included in the mix is for 3 x 1bed, 2 x 2bed and 1 x 3bed social rented fully disable adapted dwellings to Part M4, Category 3: Wheelchair User dwellings of the Buildings Regulation 2010”.

Updated Comments following Viability study -

“Following a viability exercise it has been concluded that no affordable homes will be delivered on this site. There remains a significant need for affordable homes both within Wellington and across Somerset.

The scheme however will deliver aspects to support the advancement of the new railway station and includes £1,800,000 of other S106 Planning Contributions.

	<i>For completeness the last formal comments submitted for affordable housing are below and would have equated to up to 50 new affordable homes for the area”.</i>
<b>Officer comment:</b> See s106 HoTs, <b>Appendix 1</b> and the Development Viability section, Paragraph 12.63 onwards.	
<b>Environmental Health</b>	Assessment of noise from railway, roads and the supermarket plus odours from the sewerage treatment works – conditions proposed.
<b>Officer comment:</b> Conditions recommended.	
<b>Conservation Officer</b>	<p>Comments on amended submission, <i>“There are no heritage concerns regarding the access and principle of the development of this site is acceptable. Reducing the number of dwellings would be beneficial for the setting of Nynehead Court”.</i></p> <p>Initial comments recognised heritage assets in the vicinity, undertook an assessment of harm and concluded the proposals have the potential to cause less than substantial harm to the setting of Nynehead Court and the Nynehead Court Registered Park &amp; Garden.</p> <p>Mitigation by design will be needed to minimise this harm - layout, density, height and materials.</p>
<b>Officer comment:</b> These are matters reserved for future determination, no further action.	
<b>South West Heritage Trust - Archaeology</b>	<p><i>“Based on the amended plans I can confirm that as a majority of the site has been subject to earlier archaeological evaluation through geophysical survey and trial trenching (in 2010 and 2011) no further pre-determination investigation is required. The evaluation did show potential for archaeology relating to prehistoric activity and there is an area within the proposal site that has not been archaeologically assessed”.</i></p> <p><i>“The geophysical survey and trial trench across much of the site did produce some evidence of medieval archaeology so the condition would relate to all the site. It is likely that on the area already surveyed archaeological monitoring would be required in some areas, and the as of yet un-surveyed areas [the NR car park area] would need (probably) trenching and (based on results) maybe further monitoring/excavation. So the condition for a WSI would make sure both monitoring and survey take place on appropriate areas”.</i></p>
<b>Officer comment:</b> Conditions recommended.	
<b>Sustrans</b>	No comments received.

**Placemaking  
Officer**

*“With the masterplan as submitted there is a risk that the site will not be planned for in a holistic manner due to the fragmented land ownership situation; it is however recognised that is a difficult planning situation, particularly when the location of the station can only come forward in the proposed location. However it is imperative that the station square needs to act as the main focus for the development and show how all parts of the scheme relate to this central point and what should be a civic space. With the fragmented land ownership situation, I still remain concerned that by removing the station site and square from the masterplan that there is a lack of framework and certainty as to how the two sites would come forward and relate.*

*Other issues remain as follows:*

- The separation of the proposed scheme from the community to the west and the town centre – it is however recognised that the site is separated from the existing community by an important bat roost site/protected site.*
- The lack of direct cycle and walking links to the town centre to the west – it is however recognised that the site is separated from the existing community by an important bat roost site/protected site.*
- The issue of one long cul-de-sac road not linking to the wider Wellington – this is however near to the proposed station which will link well to the national rail network.*
- The cycle walking route to the western boundary would not have sufficient natural surveillance for ensuring safe movement*
- The main street is too semi-rural and lacks a distinct identity. It would be better to treat this more as an urban street with houses back edge of footpath and tree lined*
- Storey heights are poorly defined with ‘up to’ numbers giving no clarity*
- SUD’s appear as over large, engineered lacking informality and naturalised features. The linking stream will also act as a barrier to connectivity and movement. I would have thought it better to have a corridor of SUD’s, swales and raingardens all integrated; this also needs to be integrated with BNG.*
- Little on sustainability of buildings (apart from orientation).*
- Public art- the inclusion of the former top of Wellington Monument as a focus is welcomed, however some smaller pieces of public art around the site as part of the public realm would be welcomed*

	<ul style="list-style-type: none"> <li>• <i>Little information provided on the urban blocks, in particular parking strategy</i></li> <li>• <i>Street Sections – the width as shown for the shared space streets are far too wide and should be no more than 5m as set out in the Teal Book and Districtwide Design Guide. As such they should be reduced in width.</i></li> <li>• <i>The Urban Design Parameters Plan is unclear with the items shown on the key not clearly expressed on the plan. Character areas could also be shown.</i></li> <li>• <i>Framework Bursts – it would be helpful if these could be supported to show a 3D axon of the groupings</i></li> <li>• <i>Given the importance of this proposal, I'd strongly suggest that the scheme is reconsidered by the QRP to ensure that their previous concerns have been adequately addressed. This could be a Chairs Review”.</i></li> </ul>
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**Officer comment:** As is recognised some factors are prejudiced by the fragmentation of the applications and the constraints such as the Ecology Field however every effort has been made to ensure the development layout and its components ensure a good outcome for future residents. Some design points can be revisited at the Reserved Matters Stage. The previous QRP report is attached, overall it is considered the main points, mindful of the context and constraints have been met or can be achieved via other applications, and so a further referral with the cost and time this requires is not felt to be necessary at this stage, but will be required at reserved matters stage.

<p><b>Landscape Officer</b></p>	<p>On initial proposal –</p> <p><i>“In terms of support for the proposals:</i></p> <ol style="list-style-type: none"> <li><i>1. The site is allocated and there is no objection to the principle of developing the site.</i></li> <li><i>2. There are no concerns regarding impact on Nynehead Court, its Registered Park and Garden and the former entrance gate piers just to the north of the site entrance.</i></li> <li><i>3. It is considered that the proposals will have negligible impact on the wider, more elevated surrounding landscapes of the Quantock Hills and Blackdown Hills.</i></li> <li><i>4. The reasons for the general distribution of development and open space, although objected to at pre application stage on the grounds that the development would be better moved to the east in what is show in the proposals as public open space, are appreciated, and there is no objection to the general</i></li> </ol>
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*positioning of built development and open space on the. There is concern however that the detailed layout could be better.*

*5. Happy that the employment allocation has been repositioned to be closer to the station”.*

Concerns raised relating to the Place Plan aspiration for a transport hub – just a car park is shown, poor active travel connections, the character of the development could be improved, revised parameter plans and a design that responds to the topography.

On amended proposal (different officer) –

*“The principle of the development on this site is acceptable, however there are number of concerns remaining with this outline application, as detailed below. Some of them will be dealt with at RM stage, but others should be addressed sooner.*

*There are fundamental concerns about the train station being excluded from the site. This risks resulting in a disconnected design and a missed opportunity to create a cohesive landscaping strategy, public square and station-led intensification. It is understood that there are practical and programme issues relating to the separation of the site, however, every effort should be made to integrate the two proposals as they develop in tandem.*

*Given this, the provision of a square and mobility hub that abuts the land for the station is welcome. Careful design will be required at RM stage to ensure this is an attractive, people-centred space which facilitates active travel and a sense of place. This will include use of materials on buildings and paved surfaces; consideration of pedestrian desire lines; population of the square with landscaping and other amenity features such as benches. It is strongly recommended that the station entrance (albeit part of a separate application) be as close to this square as practicable. It is also strongly recommended that an accredited landscape architect and urban designer be employed in the design of the square and other public landscaping elements of the site.*

*There are no concerns with the proposed density and heights of buildings – this does have the potential to result positively in character areas, subject to thoughtful design at RM stage. It is recommended that the scheme to return to the QRP at the RM stage”.*

	<p>Opinion given that a connection should be made through the 'Ecology Field' to create a direct route to town.</p> <p>Comments made regarding the landscape design of the open space and opportunities to integrate green and blue infrastructure rather than rely on engineered attenuation basins.</p>
<p><b>Officer comment:</b> The proposed railway station car park has been omitted from this application to form a comprehensive application in the future to be submitted by Network Rail with the platforms/ footbridge etc. Significant effort has been expended to seek a holistic developed despite different applications and different applicants. The prospect of a 'as the crow flies' desire line connection through the 'Ecology Field' are extremely limited due to the ecology interests and the fact the route could not be lit resulting in safety concerns.</p> <p>The other comments made will be revisited at the Reserved Matters Stage.</p>	
<p><b>Tree Officer</b></p>	<p>Comments on the initial proposal –</p> <p><i>“I have no objection to this scheme in principle. Although the scheme appears to have been designed to accommodate and retain the main existing trees and hedgerows, it should be noted that drawing 1950 TPO Plan does omit a number of TPO trees, particularly to the west of the site, as well as the Hobby Pond copse and Lodge Copse between the site and the road to Nynehead. The relevant TPOs are attached, TPO TD830 and TD12. Many of these TPOs are within proposed open space areas. Those that are within the built environment must be given space in excess of the recommendations in BS5837 to grow without causing obstruction or nuisance and to avoid root damage. The existing boundary and internal hedgerows must be retained and protected, except where access points are required. The layout should be designed such that there is space for some larger specimen trees at key points. As many trees along the railway have been lost recently due to Network Rail policy, this scheme will provide an opportunity to restore some canopy cover to this part of Wellington”.</i></p> <p>Comments reiterated on amended proposal.</p>
<p><b>Officer comment:</b> The integration of trees, proposed and existing, is a matter for future determination. Suitable conditions will be imposed for tree protection and replacement of the to be felled TPO.</p>	
<p><b>Education Authority</b></p>	<p>Comments on the initial proposal –</p> <p>A proposal of 220 dwellings in this location will generate the following number of pupils for each education type:</p> <p>20 early years pupils</p> <p>71 Primary school pupils</p>

	<p>31 Secondary pupils 2 SEN pupils</p> <p><i>“The Isambard Kingdom Brunel (IKB) Primary school is the likely school that early years and primary aged children from this development will attend as it is within walking distance. However there are other facilities within the DfE standard 2 mile walking distance to this site which children may attend”.</i></p> <p><i>“Secondary contributions will also be required to expand Court fields Secondary facilities to cater for further children, as currently the required kitchen/dinning/toilets/hall etc do not have capacity for the number of children attending or any increases expected as a result of this development and others”.</i></p> <p><i>“Special education needs funding is required to support the project planned to build a new satellite facility linked to the Selworthy School in Taunton, which will also cater for the SEN children expected from this development”.</i></p> <p>Financial contributions are requested.</p>
<p><b>Officer comment:</b> See s106 Heads of Terms, <b>Appendix 1.</b></p>	
<p><b>NHS LPA Engagement</b></p>	<p>A request is made for a S106 contribution towards the cost mitigation of the pressures on a local healthcare facility.</p> <p>Total contribution £89,336 or £596 per dwelling.</p>
<p><b>Officer comment:</b> See s106 Heads of Terms, <b>Appendix 1.</b></p>	
<p><b>Economic Development</b></p>	<p>“It is encouraging to see an element of land near the station safeguarded for employment uses. The station will be a key economic driver for Wellington and to maximise benefit it is important that it is well integrated with other forms of transport. It is important that sufficient space within the development is given over as a ‘mobility hub’ of transport connections, including bus links, taxi rank, vehicle pick up/ drop off; cycle links and storage. Private vehicles should be included in the mix ensuring that the car park is large enough and has space for vehicle charging. Appropriate management of the car park is key to transport integration and encouragement of rail use. It is important that car users are able to park at a reasonable price – otherwise they are more likely to complete the entire journey in the car. Use of reduced parking charges with proof of a rail ticket could ensure that rail users are encouraged and services better integrated”.</p>
<p><b>Crime Prevention Officer</b></p>	<p>Comments and advice given with regards to layout of roads and footpaths, the orientation of dwellings, rear access footpaths, dwelling boundaries, gable end walls, climbing aids, vehicle parking, landscaping, play areas, street furniture, street lighting,</p>

	the railway station, the employment area, and the physical security of dwellings.
These are matters reserved for future determination, informative note recommended.	
<b>Somerset Waste Partnership</b>	No comments received.
<b>Wessex Water</b>	No objection – outlines assets on site and adjoining. Numerous easement requirements set out, this relates to the need for maintenance and may affect the Reserved Matters layout unless diversions take place.
<b>Officer comment:</b> Easements may present an issue to the final layout depending on the potential for diversions. The potential for tree planning and ground levels changes are compromised by easements. The asset needs to be accurately located first (only high level plans exist) in order to judge easements and the impact on the layout.	
<b>Somerset Wildlife Trust</b>	Comments on initial submission, <i>“We have noted the above mentioned Planning Application as well as the supporting Ecological Appraisal provided by Halpin Robbins. In general terms we would support the findings of that Appraisal. We would also fully support the recommendations of the County Ecologist. However we are very concerned by the comments from the Somerset Bat Group. Further work needs to be done on this particular issue and in the circumstances we are therefore submitting a Holding Objection at this time”.</i>
<b>Officer comment:</b> See Ecologists comments.	
<b>Devon and Somerset Fire and Rescue</b>	Comments relating to Building Regulations.
<b>Blackdown Hills ANOB Service</b>	No comments received.
<b>Quantock Hill AONB Service</b>	No comments received.
<b>Ramblers Association</b>	No comments received.

### 8.3 Local representation

8.3.1 In accordance with the Council’s Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties on 19 June 2023 and several site notices were

displayed on 22 June 2023. The final set of amended plans in March 2024 were also fully consulted upon.

8.3.2 Letters were received from 11 groups, business and/or individuals over the two rounds of public consultation. Comments reported below are on the initial submission unless otherwise stated. A summary of comments is provided in the table below.

<b>Comment</b>
<p>Somerset Bat Group –</p> <p><i>“I object to this application due to impacts on a Barbastelle Bat roost of national significance”.</i></p> <p><i>“As it stands the proposed development will likely destroy a unique maternity roost of Barbastelle Bats which are listed on Annex II of the Habitats Directive. As such the development, including future proposals for the new rail station, cannot be approved without the permanent loss of Barbastelles”.</i></p> <p><i>“The fragmentation of hedgerows and those that are retained to some extent within the development will lead to a net loss of dormouse habitat and a reduction in dormouse populations in the local area”.</i></p> <p>Follow Up comments on the amended submission –</p> <p><b><i>“IMPACTS ON BARBASTELLE BAT MATERNITY ROOST OF NATIONAL SIGNIFICANCE</i></b></p> <p><i>I object to the revised planning application. My previous comments still stand. There appears to be no further surveys to address any of the issues raised and some assumptions in the submitted EcIA have no basis or appropriate surveys and are therefore erroneous”.</i></p> <p><i>“Public Open Space - The land grab of almost half of the field in which the Barbastelle maternity roost sits makes a mockery of the mitigation put in place for the Bloors development. I must reiterate the case officers conclusions for the Bloors Longforth Farm development:</i></p> <p><i>There will be no public access to the field containing the maternity bat roost and substantial planting to prevent such access. The field will remain in agricultural use”.</i></p> <p><i>“Juvenile Barbastelles are likely to use the immediate surrounding habitats from the roost tree during their initial foraging upon weaning. The SAC guidance states that a Juvenile Sustenance Zone of 1km around the maternity woodland is required. Whilst the Longforth colony is not designated as a SAC or SSSI, in order to maintain the population at a Favourable Conservation Status no further development should be permitted within or around core areas. The site is already</i></p>

*highly fragmented, and a key area is to be converted to a football pitch immediately to the south, removing more rough grassland and scrub that may be vital to the colony.*

*It is proposed that the public open space will be turned into species rich grassland, which seems at odds with its proposed POS designation. Trampling, dog faeces and a short sward do not result in species rich grassland and only by excluding people and dogs can it be managed as such.*

*Nutrication from dog faeces, coupled with high footfall means that these areas generally have low biodiversity. There are no public open spaces within or around Wellington that people and dogs access that are species rich. Several important nature reserves of the Avalon Marshes complex have dog bans in place due to disturbance, including the killing of protected species by dogs, and fouling. Wellington Basins LNR is severely impacted by dog fouling and can be quite unpleasant to walk around at times.*

*Encroaching into the western field will almost certainly increase disturbance to the maternity colony”.*

Further detailed comments relating to bat surveys, the timing of works, roosts in trees, building heights, the mitigation planting and the proposed railway station.

*“The bats are being squeezed into a smaller and smaller pocket of habitat around the tree and it cannot continue without permanent loss of the colony. It speaks volumes that they still use the tree despite the fragmentation of the surrounding landscape and suggests that suitable roosting opportunities in the area are not widely available.*

*‘Maternity colonies on average switch roosts every 3.5 days and therefore require several large trees that can form an expansive roosting network (Russo et al., 2005). Hence, large mature broadleaf woodlands are needed to support a large enough population to avoid inbreeding and loss of genetic diversity. Many native woodlands have been lost or replaced by plantation forests across Europe, and the remaining woodlands are fragmented and degraded (Estreguil et al., 2012). This situation is even more acute in Britain, where the proportion of native and ancient woodlands is particularly low due to historic losses (Reid et al., 2021)’.*

*From Razgour et al., cited above.*

*None of this development can proceed without severe impacts on the Barbastelle maternity roost and there cannot be an approval of this application without full assessment of the use of the area by radiotracking and systematic static detector deployments across all months of the year”.*

**Officer Comment** – The presence of bats has been discussed extensively with the Council’s Ecologist. Meetings have also taken place with the applicant; his Ecologist

and a meeting was held with the Somerset Bat Group. The matter is assessed in detail on the later section – ‘Ecology’.

Caravan and Motorhome Club on behalf of Cadeside Caravan and Motorhome Club Campsite on Nynehead Road –

*“The site allocation and vision for mixed use development in the area is acknowledged however as always, such future development must be balanced against the existing community. New development should not prejudice or prevent the operation of existing land uses and as such, the following comments are made:*

- 1. The proposed development offers a clear and direct route from Nynehead Road to the proposed train station. We understand that the new train station does not form part of this application however this new route offers an excellent opportunity for members of the Club to travel sustainably and visit the wider area. The proposed toucan crossing to Taunton Road is noted however the Club would welcome an additional crossing to allow our Club members safe access from Cadeside, across Nynehead Road and to the proposed development.*
- 2. The touring pitches would be the most sensitive to development as they are occupied by members and their vans. At their closest, these pitches are approximately 20 metres from the site’s eastern boundary and therefore in close proximity with the easternmost residential parcel of land. Although the highway serves as separation, at reserved matters stage we would expect robust planting and landscaped buffers along this boundary, which would increase separation distances as well as having ecological benefits.*
- 3. The Building Heights plan (drawing number 0740-V2-1007-3) shows indicative heights of the residential element closest to the Club site as up to 2.5 storey and up to 4 storey, with this area also being the greatest density. When considering appearance and articulation at reserved matters, we would request that openings be minimised to reduce harm to amenity for members of the Club and to avoid prejudicing any future development of our site”.*

**Officer Comment** – The desired continuous road access option provides a uncontrolled crossing point via dropped kerbs, see Highways section at Paragraph 12.27 onwards. If that doesn’t happen then the Caravan and Motorhome Club Campsite also shares a boundary with public highway where there is existing footway provision so a linkage could be made there if the operators wished to improve their pedestrian connectivity.

It is envisaged landscaping would occur along the Nynehead Road boundary. The previously proposed four storey element has now been withdrawn. Fenestration is matter for future determination.

Bramley Close Resident –

Railway station supported

Supports toucan crossing and cycle routes

Serious reservations concerning dwelling numbers and the impact on healthcare facilities.

A smaller scheme of affordable housing would be better.

**Officer Comment** – The availability of healthcare (appointments) is often a concern for local people when additional development is planned. The planning system cannot fund the hire of GPs and healthcare professional per se. In this case the ICB has sought financial contributions to aid the expansion of a local practice. It is not explained why a smaller number of affordable houses is regarded 'better'; the current waiting list in Somerset for an affordable home is in excess of 9500.

The field has archaeological interest and should be explored before the evidence is lost.

**Officer Comment** – Comments from the County Archaeologist are noted above.

Station Road Resident -

The Travel Plan is inaccurate insofar as the assessment existing cycle infrastructure. *"It is not safe and comes nowhere close to the recommendations of LTN 1/20"*.

It also asserts the National Cycle Link to the north provides safe access to a host of facilities *"To assert it is largely traffic free and safe for bicycle travel is simply not true and should not form a part of this plan"*.

*"To promote cycling facilities to this development, and to encourage sustainable travel between population centres, provision should be made for traffic free infrastructure into Wellington and Taunton. This plan does neither. The core design principles of LTN 1/20 are that routes should be coherent, direct, safe, comfortable and attractive. It proposes taking cyclists and mixing them with heavy traffic on the main approach road to the town protected only by red paint on the road. It proposes that narrow, country lanes frequently used by large agricultural machinery is the 'safe and attractive route to Taunton' where the only protection is a few signs on posts. I represent the Grand Western Greenways Association that seeks to establish a traffic free route along the Tone river valley from Wellington Station to Taunton Station. We plan to join this route with the Bridgwater to Taunton Canal to provide a traffic free connection from Bridgwater to Wellington. I also represent the Wellington Wheelers Cycling Club that has 200 members in the Wellington / Taunton area who know and understand the merits or otherwise of this type of plan"*.



**Officer Comment** – The application, via s106, will secure contributions towards active travel, see **Appendix 1**, s106 Heads of Terms.

*“Comments on behalf of Taunton Area Cycling campaign (TACC):*

- 1) There is already cycle/motor traffic conflict at Lidl access. This is proposed to be main access road into site. Safety measures/20mph (raised junction?) needed on Nynehead Road to manage conflict*
- 2) The ‘Movement’ map shows no link from the proposed rail halt connecting with housing to the west. This could be provided within the green space within the red area.*
- 3) A blue cycle/pedestrian cycle route shown running N-S from the halt is supported . The detailed design will need to provide a safe and convenient route across the car park . It needs to connect with housing to the south and the town centre. The 2 toucan crossings on Taunton Road are supported. The top of the ramp from Lidl needs to connect to this. There isn’t even a dropped kerb to enable cyclists to use this egress from Lidl.*
- 4) Connections to the proposed W2T route should be made more explicit. The current Strategic Business Case study should be reporting very soon, and it expected to show a preferred option”.*

**Officer Comment** – The application, via s106, will secure contributions towards active travel, see **Appendix 1**, s106 Heads of Terms.

Russet Close Resident -

*“I have concerns regarding the environmental impact of these planning proposals. The noise levels and congestion will add to the already overburdened A38. As a resident who lives near to the main road opposite the proposed site the noise level from traffic has already increased substantially since the opening of the new Lidl supermarket and the pollution levels are increasing noticeably. The Wellington infrastructure would certainly not cope with a further injection of people and traffic without the support of new doctors surgery's dentists and community officers Whilst new job opportunities are welcome it should at the cost of the environment”.*

**Officer Comment** – This site has been allocated for development, albeit for factories. The Highway Authority has not raised an issue with additional traffic on the A38, nor Highways England with the impact on the M5. The A38 corridor will be relieved from traffic as people use the railway station instead, to which this site facilitates access. Active Travel routes also give people another alternative to car use.

Commentary on healthcare is given elsewhere in this section.

Russet Close Resident -

*“The addition of more housing and new railway station will undoubtedly lead to an increase in the traffic on Wellington Road. My property backs onto the Wellington Road and the increase in noise and pollution has increased considerably since the development of the Lidl supermarket. My garden once peaceful is now a no go for sitting out because of the traffic noise and constant deceleration and acceleration of cars and buses from the 2 roundabouts. Cycle lanes will not have any effect on this the existing one is seldom used by cyclists who prefer to cause chaos by cycling on the road. I regularly queue to get to Chelton roundabout each morning and evening and can see this queue increasing with the 200 extra cars plus railway traffic. Chelston has always been a bottleneck it would make sense for any further developments to be placed outside of Wellington. I don't expect the already overburdened GP practices and dentists have been considered either. Please consider the impact on the existing homeowners who back onto the Wellington Road or now extension of the M5”.*

**Officer Comment** – This site has been allocated for development, albeit for factories. The Highway Authority has not raised an issue with additional traffic on the A38, nor Highways England with the impact on the M5. The A38 corridor will be relieved from traffic as people use the railway station instead, to which this site facilitates access. Active Travel routes also give people another alternative to car use.

Commentary on healthcare is given elsewhere in this section.

John Cole Close Resident –

*“I am a resident of Wellington and have been nearly all my life, I have seen the town grow considerably . I do not agree with this planning application and development . The town needs to have some green space, they have just built homes in this area and no more are needed. We need to leave our countryside towns looking like countryside towns and not turn them into small cities. Also the road infrastructure is not changing and cannot cope with any more traffic "have you seen the condition of the roads around Wellington ". More houses would destroy the community feel of wellington, and just turn it into a commuter town”.*

**Officer Comment** – This site has been allocated for development, albeit for factories. The Ecology field is not to be developed.

The Highway Authority comments regarding the A38 are noted.

Palmers Mead Resident –

*“In summary, we recognise there is a need for increased residential provision in the town. We are concerned that this does not take place at the expense of*

*attending to the health and well-being needs of local residents, the habitat of valued wildlife and the downgrading of an area of beauty and character. The developments as proposed show some sympathy to this if executed in the current form with retaining the field and associated area north of Lillebonne Way/Normandy Way to the Longforth roundabout where it junctions with the A38. Other considerations concern the possible unintended consequences of providing inadequate parking if a railway station is built and the unnecessary or inappropriate siting of high storey buildings on the proposed development. However, we feel care needs to be exercised in taking on the concerns which we have highlighted and that the current proposals do not become a platform for further intensive development which is suggested for the area”.*

**Officer Comment** – This site has been allocated for factories which arguably would have been less visually attractive and more impactful generally than a residential development. The Ecology field is not to be developed. Comments on railway station parking are noted.

Wiltshire Close Resident –

*“It has, or should have, been generally understood for many years that a town the size of Wellington (population around 14,000), whilst significant in size to some, is too small to achieve a high degree of self-containment. In other words, it is not sufficiently large to avoid a significant proportion of utility trips having to be made to destinations outside the town. Back in the 1990s, it was suggested that such a town needed to have a population of at least 25,000; i.e. almost double the size of Wellington”.*

Does having a station in Wellington make it sustainable?

*“..... probably around 5% of trips from a development at this location might be made by train, but the remaining 95% would be undertaken by other modes, and probably 80% of the total by private car. Many of these will be to Taunton along the already congested A38, or even further afield on the M5”.*

Given growth in recent times here should be a strict period of restraint on development in Wellington.

*“There should certainly not be a further 220 dwellings on another greenfield site on the edge of the town. Local environmental impact The site was not allocated for ‘general needs’ development in the 2011-2028 development plan, but only for the relocation of the existing land uses that occupy part of the former station site. Clearly, if the land is not kept available for such a purpose, then this is very likely to compromise (not facilitate, as the application suggests) the provision of a station for the town. There has been an unfortunate series of planning decisions in the Wellington area over the past 10-15 years which have compromised the character of the town and its local environment. The highway design aspects of the Cades*

*and Longforth developments, with roundabouts on the B3187, were completely inappropriate, using DMRB rather than a 'Manual for Streets' approach, and as well as the ugly and unnecessary roundabouts, did not even include extension of the 30 mph urban speed limit".*

*"The site is also quite close to the route of the Grand Western Canal and former canal lift at the one-time driveway to Nynehead Court. The rural qualities of this very important amenity have already been impacted, to some degree, by the housing development at Longforth Farm. A significant further loss of rurality could be expected if this development were to be permitted. It should also be noted that a railway station would require lighting, and other physical features such as a ramped footbridge or lifts, which would have a very significant urbanising effect. Appropriateness of the site for a railway station This is not an appropriate location for a railway station for Wellington, for a number of reasons: The site is about as remote from the centre of the town as you could get; indeed it will be almost completely cut off from the town proper by the proposed areas of open space. It is also very remote (at least 3km) from the western area of the town's development around Rockwell Green. In truth, it can hardly be considered as being within Wellington at all, and many potential users of a station here would effectively be forced to drive to get to the train".*

*"...a visitor to Wellington using a station on the original site could walk past the quite impressive Victorian villas in Station Road, and other characterful 19th century housing built mainly of Wellington Red bricks, a station on the site suggested would be located at the end of a residential cul-de-sac, affording travellers entering the town a lengthy walk through a combination of open space and/or 21st century spec-builder development. It would be faintly ridiculous".*

*"Conclusion The development of this land for housing is contrary to the adopted Local Plan, as is the suggestion that a station might be provided there. It would potentially risk the deliverability of a station at its historic site, the only one that appears to be suitable for the purpose. Major changes to the pattern of land use should not be being made as a result of developer pressure, i.e. through the submission of a planning application that is in conflict with the adopted Plan, but only by a review of the Plan itself, accompanied by an Examination or Public Inquiry open to third parties, at which the merits of any proposals can be adequately debated. Any suggestion that facilitating a station makes development here sustainable is an example of 'greenwash'; it will instead increase car travel on the A38 and M5, as well as further adding to traffic within the Blackdown Hills AONB. The development is not generally sustainable in location or form. Developing this site will further undermine the relationship between the urban area of Wellington and the surrounding countryside, which historically was a positive environmental feature of the town. There would specifically be a negative impact on the historic approach to Nynehead Court and the Grand Western Canal. Given*

*that the proposed station site lies at the end of the developer's cul-de-sac, there would seem to be nothing to prevent the development going ahead, and the station simply not happening (and Network Rail make no commitment to a station here in their letter). For these reasons, therefore, planning permission should be refused".*

**Officer Comment** – This site has been allocated for development, albeit for factories, as part of a 900 dwelling allocation that will only, for the foreseeable deliver 629 houses, unless the current factories relocate and those sites are used for residential development in the future.

Generally the Council has advocated for the railway station to ensure Wellington does become more sustainable, that people can train from Wellington as opposed to driving to Taunton for onward journeys. It will also attract visitors to Wellington. So most would consider it a good thing.

The comments of the Council's Conservation Officer are noted with regards the setting of nearby heritage assets, and the Council's Landscape Officer with regards landscape setting.

The benefits of the station (platforms, footbridge and car park etc) need to be balanced with any actual or perceived harm, a matter for that application not this. The merits of the location of the planned station is a matter for that application not this.

The delivery of the station is dependent on many things, planning permission, continued Government funding being two key ones. The station project is supported by the Wellington Place Plan.

Resident of Perry Close, Nynehead –

*"...I have noticed that when leaving Wellington at the ' Lidl ' roundabout to turn left to go along the Nynehead Rd our car and many others does not self cancel the left hand indicator until we are past the Lidl turning on the left unless we manually cancel it because of the proximity of the Lidl turning to the roundabout. The Lidl turning is too close to the roundabout and if that turning is to be used for extra amount of traffic for the proposed station etc it will be an increasing incident risk for those people who are not local who do not realise that they need to manually cancel their indicator before the Lidl turning on the left if they want to continue on the Nynehead Road".*

**Officer Comment** – Several letters along the same lines have been sent to the Highway Authority under the cover of the supermarket application reference. The Highway Authority's comments regarding the access design are noted. Attempts are being made to secure land from the supermarket to potentially create a different access arrangement in time and monies have been safeguarded for this.

8.3.3 Whilst some positive comments were made in some of the representations there were no specific outright letters of support received.

8.3.4 The Divisional Member (Cllr Wren) has also commented –  
*“I fully endorse the concerns of Nynhead Parish Council about the adequacy and safety of the junction onto the Nynhead Road. It is already a well used ‘rat run’ to the M5 which bypasses Wellington and there is a lack of thought about the consequences of extra vehicle movements from 220 houses, a station and employment land on top of the existing traffic accessing the Lidl site. I attended the Parish Council meeting to discuss this and it was clear that the existing use of the access is causing near misses (which are not picked up by highways) with signals traffic heading north as they exit the roundabout being misinterpreted by drivers exiting Lidl. Having driven along this road many times it is my personal view that the existing access onto this minor road cannot be made safe to carry this major increase in volume and variety of traffic and therefore an alternative needs to be considered. I also endorse the concerns of the Wildlife Trust about the potential impact on the nearby bat roost”.*

8.3.5 These comments have been made by others, see Highways section, Paragraph 12.27 onwards and Ecology section, Paragraph 12.82 onwards for assessment.

## **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 As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.
- 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
- SP3 - Realising the vision for Wellington
- SS3 - Wellington Longforth
- DM1 - General requirements
- DM4 - Design
- DM5 - Use of resources and sustainable design

Site Allocations and Development Management Plan 2016

- TC5 - Out-of-centre proposals
- C2 - Provision of recreational open space
- C5 - Provision of Community Halls
- A1 - Parking Requirements
- A2 - Travel Planning
- A3 - Cycle network
- A5 - Accessibility of development
- I3 - Water management
- I4 - Water infrastructure
- ENV1 - Protection of trees, woodland, orchards and hedgerows
- ENV2 - Tree planting within new developments
- ENV4 - Archaeology

D2 - Approach routes to Taunton and Wellington  
D7 - Design quality  
D8 - Safety  
D9 - A Co-Ordinated Approach to Dev and Highway Plan  
D10 - Dwelling Sizes  
D12 - Amenity space  
D13 - Public Art

#### 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

Wellington was designated as a Neighbourhood Plan Area in 2012 but a Neighbourhood Plan in name was not progressed to adoption, in favour of the Place Plan which has been adopted as a material planning consideration (see below).

#### Wellington Place Plan

The WPP was adopted on 28 March 2023, by Somerset West and Taunton Council's Full Council. The document is not a Supplementary Planning Document but has the status of a material consideration and will be referred to in determining planning applications and considering regeneration and conservation activities, to ensure decision protect and enhance the quality of place in Wellington.

The document sets out a vision for Wellington and references the planned station extensively as a priority, indeed on page 86 it states –  
*“The proposal and funding to re-establish a railway station in Wellington is a once in a generation opportunity to transform the town's connections; improve accessibility for residents and visitors; and attract businesses to the town. It is critical to realise the full positive potential of the station by setting out a sustainable strategic approach”.*

#### The National Planning Policy Framework 2023



The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Government's planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
4. Decision-Making
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

## **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 Furthermore the relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'. The enabling aspect of this application to deliver access to and land for a new railway station for Wellington is a material consideration to which weight can be attributed despite the station not forming part of the application. The assessment of the 'planning balance' means there will inevitably be aspects of this proposal that do not strictly meet policy objectives and so it for the decision-maker to weigh up the positives against any actual or perceived negatives to reach a recommendation/decision in the public interest.
- 10.3 In accordance with Paragraph 73 of the NPPF the Council is required to identify and update annually a supply of specific deliverable sites with an

appropriate buffer. The purpose of the 5-year housing land supply (5YHLS) is to provide an indication of whether there are sufficient sites available to meet the housing requirement. As the planning policy which covers the former Somerset West and Taunton Area is more than 5 years old the Local Housing Requirement is calculated based on the Standard Method with a buffer set by the Housing Delivery Test Measurement results.

- 10.4 Somerset Council sets out the 5YHLS by the former District Council Local Planning Authority areas. The latest 5YHLS position statement was published in the 2023 SHLAA for the Somerset West and Taunton Area in May 2023. The former Taunton Deane LPA area 5YHLS position is 5.16, and the former West Somerset LPA is 7.9.
- 10.5 While the next formal position statement is due in May 2024, an interim position was produced in December 2023 to support an appeal, taking into account monitoring data from April to October 2023, calculating a 5YHLS of 5.18 for the former Taunton Deane LPA area. This calculation was challenged at that appeal at Creech St Michael where the Inspector concluded, in allowing the appeal, the Council could not demonstrate a 5YHLS supply. Work since that time, in the preparation of the May 2024 statement indicates a shift in circumstances with more sites coming forward with phosphate mitigation and so the Council will be able to conclude that a 5YHLS has been restored.
- 10.6 Situations where presumption in favour of sustainable development applies include if an authority cannot demonstrate a 5YHLS, including any appropriate buffer, in which case the balance would be tilted in favour of the granting of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "clear reason for refusing the development proposed" or where the benefits of the proposed development are "significantly and demonstrably" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole. As at the date of this report, the Council cannot demonstrate a 5YHLS. However, given that any decision notice on this application will not be issued until after the forthcoming May statement (due to the need to resolve the sHRA issue and complete the s106) and given the May statement will conclude that a 5YHLS has been restored, it is considered that the tilted balance is not engaged on this occasion.
- 10.7 The application was advertised as a departure due to the allocation policy SS3 stating this part of the allocation should be reserved from employment uses, and more particularly, for the relocation of specific businesses. An application

for largely residential development departs from that policy. This same approach was taken for the supermarket application.

- 10.8 This report assesses policy compliance, reasons for non-accordance, the material planning considerations and the representations before reaching a conclusion on adherence with the development plan as a whole.

## **11. Local Finance Considerations**

### Community Infrastructure Levy

The creation of dwellings is CIL liable regardless of size.

This proposed development measures approximately 25,333 sqm.

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

## **12. Material Planning Considerations**

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

- The principle of development
- Negotiated amendments
- The scope of this application
- Access
- Highway Impacts
- Accessibility
- Design
- Station square
- Planning obligations and Development Viability
- Ecology
- Drainage and Flood Risk
- Heritage
- Employment Land uses
- Residential Amenity
- Play and Recreation

### Principle of Development

- 12.2 The Taunton Deane Adopted Core Strategy (2011-2028) allocates Longforth Farm for the development of an urban extension as part of Policy SS3, in order to deliver around 900 new homes, a new local centre and 11 hectares of employment land for general industrial, storage and distribution. The policy sets out a series of principles for the layout and form of the development, along with requirements for developer contributions.
- 12.3 This application site, the eastern part of the allocation, was specifically reserved as an employment site for the relocation of the two biggest employers in Wellington namely Swallowfield and Relyon. The release of the land occupied by Swallowfield and Relyon was intended to facilitate *“mixed use development including part of the new local centre, re-opening of Wellington railway station, new homes and small business start-up units along the railway line”*.
- 12.4 This is the reason this application has been advertised as a ‘Departure from the Local Plan’ because the residential element (and indeed the planned railway station) is contrary to the plan. It is therefore necessary to examine the specific intention set out by the plan to relocate two significant business to this site. It is unknown whether at the time of adopting the Local Plan there was a genuine chance and interest from each business to relocate or whether this was a plan-led aspiration to move HGV intensive businesses to the edge of town nearer the M5 and use the factory sites to reopen the closed railway station at Tonedale locate a mixed-use development alongside.
- 12.5 Since the start of the Local Plan in 2011 lots of circumstances have changed and those business have confirmed, in the last 6 months, in writing to the Council that they have no plans to move from their current sites.
- 12.6 If the factory sites formed the western part of the allocation and this application sites forms the eastern part of the allocation then the middle section was always intended for residential development. A development of 429 homes has been recently completed by Bloor Homes and the Council has delivered a new primary school.
- 12.7 In another departure from the plan the south-east corner was subject to a planning application by Lidl in 2020, which has been built and is now in operation.

12.8 This application deals with the remainder of the land identified for the urban extension in Policy SS3 and this table examines its criteria. As has been indicated the Core Strategy indicates the application site as employment predicated on a completely different policy intention to relocate several factories in the town to what was considered a better site. As such the policy was written for a different circumstance and envisaged a different outcome, but the spirit of the policy intention has been assessed here.

<p><b>Policy SS3 - Taunton Deane BC Adopted Core Strategy 2011-2028</b></p>	
<p><u>Wellington Longforth</u></p> <p>Within the area identified at Longforth, a new compact urban extension to the north of Wellington will be delivered including:</p>	
<p><b><i>Policy Criterion</i></b></p>	<p><b><i>Officer Assessment</i></b></p>
<p>Phased delivery of around 900 new homes at an overall average of 35-40 dwellings per hectare</p>	<p>The first and only phase of Longforth Farm so far (Phase 1 by Bloor) delivered 429 homes (503 were consented at outline) homes. This application seeks permission for up to 200 dwellings, the land budget for residential development in this 11.07ha site is 5.07ha, and so this will be built at an average of 40 dwellings per hectare, noting the likelihood for the inclusion of flats.</p> <p>If this scheme is permitted, then a total of 629 homes will have been consented/built from the 900 home allocation.</p> <p>This will be, in part, due to the factories at the Tonedale end of the allocation, on whose land further housing development was planned, not relocating.</p> <p>Although the land subject to this application was allocated for employment this was with the</p>

	<p>express intention of relocating said factories, allowing expansion and better road access.</p> <p>As such there has been a swap, whereby the factories stay put, because they don't want to move, and the land allocated for them gets used for residential development instead. The allocation still underperforms in terms of dwelling numbers but this application site will deliver as many homes as possible within the prescribed density range.</p> <p>As far as this site is concerned this policy criterion has therefore been met.</p>
<p>25% of new homes to be affordable homes in line with Policy CP4: Housing</p>	<p>Due to development viability the development will not be able to deliver the mix and type of affordable housing requested by the Housing Enabler, as further explained at Paragraph 12.63 onwards.</p> <p>The adjacent Bloor development delivered 10% affordable housing.</p> <p>This policy criterion will not be met.</p>
<p>A new local centre with associated social infrastructure including a single form entry primary school, GP surgery, community hall, places of worship, sheltered housing and local convenience shopping</p>	<p>It is not clear whether the policy requires the developer(s) to physically build a local centre or provide land as part of an obligation, or simply to secure a permission for such.</p> <p>In any case the local centre is shown at the Tonedale end of the allocation (along with a reopened railway station) but will not be delivered because the factories are not relocating.</p> <p>A primary school has been delivered as part of Phase 1.</p> <p>A supermarket has been delivered on the allocated employment land off Nynehead Road.</p> <p>This application will secure financial contributions towards increasing physical capacity at a local GP Surgery.</p> <p>The Use Classes proposed allow retail, commercial and community uses.</p>

	<p>Due to development viability the development will not be able to deliver the mix and type of affordable housing requested by the Housing Enabler, as further explained at Paragraph 12.63 onwards.</p> <p>As far as this site is concerned this policy criterion has therefore been met as far as it can be.</p>
<p>11 hectares of employment land for general industrial (B2) and storage and distribution (B8) at the eastern edge of the allocation. This area is designated for the relocation of the two biggest employers in Wellington</p>	<p>This policy criterion will not be met due to the intended employers not wishing to relocate (at all, or to this site).</p> <p>0.8ha of employment land (Use Classes E and F) is proposed.</p>
<p>Land released by the relocation of the two biggest employers to be used for mixed use development including part of the new local centre, re-opening of Wellington railway station, new homes and small business start-up units along the railway line</p>	<p>This policy criterion will not be met due to the intended employers not wishing to relocate at this time, see Planning Policy comments.</p>
<p>Developer contributions towards (a) studies to establish the engineering, operational and commercial feasibility of a railway station for Wellington and, (b) subject to approval by the rail industry, towards capital costs</p>	<p>The applicant has been party to discussions with Network Rail and the Council regarding the deliver of a new railway station for Wellington for many years.</p> <p>The applicant is proposing to transfer sufficient land to Network Rail for the construction of a car park.</p> <p>The applicant is also proposing to bring forward the construction of the access road through the site, out of sequence with typical phasing, to ensure the station can be served by an 'adoptable' standard road from Day One of its opening.</p> <p>The applicant, working with the Council, is also facilitating the delivery of Station Square, an area of public realm located adjacent to the station car park. See <b>Appendix 1</b> s106 HoTs.</p>

	<p>The applicant, and landowner is also aiding Network Rail by facilitating construction routes over land, and an area for a construction compound.</p> <p>It is considered this level of contribution is the wider sense meets the intention of the policy criterion.</p>
<p>Developer contributions for other infrastructure delivery in line with Policy CP7: Infrastructure</p>	<p>The application, via s106, will secure a host of other contributions towards infrastructure, see <b>Appendix 1, s106</b> Heads of Terms.</p>
<p>A Northern Relief Road in the initial phases of the development between Taunton Road and the existing employment area, alleviating HGV traffic in the town centre and residential areas</p>	<p>This policy criterion will not be met because the factories are not relocating. Some HGVs have been able to be diverted from Town Centre routing due to the road network in Phase 1 (Lillebonne Way), but there is no through route as intended.</p> <p>This application does not alter that position or stop it happening in the future if circumstances change.</p> <p>An additional consideration is that the new Somerset Council is shifting policy away from providing strategic new infrastructure to cater for increased pressures on highway capacity from new developments. The Council will instead expect developers to provide high quality active travel and public transport networks within and accessing new development areas, to ensure new development does not create significant additional congestion. The Council will expect developers to implement high-quality sustainable travel plans which include a wide range of measures and incentives to enable active travel.</p> <p>Reducing carbon emissions is a key priority for the Local Transport Plan, aligning with Somerset's Climate Emergency Strategy.</p> <p>Any contributions relating to travel or transport are therefore expected to relate to active travel which is evident in the s106 HoTs.</p>



<p>A local bus loop to provide public transport access to the residential areas and link with the town centre, railway station and inter-urban bus services between Wellington and Taunton</p>	<p>Due to the above non-delivery of the through route Lillebonne Way has developed as a large cul-de-sac and due to the layout of Phase 1 and the protected species interests of the 'Ecology Field' between Phase 1 and this application site, this site will be laid out as a cul-de-sac also. Cul-de-sacs are difficult for bus operators to serve due to journey time and likely patronage and so the main bus route is on Taunton Road. The nearest bus stops (town bound and Chelston bound) are by the supermarket and are both served by shelters. It is still unknown whether a bus service will enter the application site to serve the station as this will be led by market conditions and likely patronage. The internal layout of the application site will however be laid out to physically allow for a bus by reason of having to serve a rail replacement coach to and from the station.</p>
<p>A green wedge of 18 hectares between the residential area and the employment area</p>	<p>This application respects the indicated green wedge by locating only public open space within it and safeguarding other land for ecological interests. It is evident Phase 1 protruded into the green wedge with built form (access road and houses). NB - the station car park will be proposed in the green wedge.</p>
<p>The development form and layout for Longforth should provide;</p>	
<p>A new neighbourhood that reflects the existing landscape character and the opportunities and constraints provided by natural features to create new neighbourhoods that are distinctive and memorable places</p>	<p>The indicative masterplan informed by a set of parameters plans works with the natural topography and features of the site. Clearly the intended employment uses with large format factories would have posed a different proposition. The Reserved Matters of landscaping, scale, appearance and layout are reserved for future consideration, probably via assessment by the Quality Review Panel.</p>

<p>Easy access to the town centre and a connected street network which accommodates pedestrians, cyclists and vehicles and promotes a viable public transport system</p>	<p>Due to the above non-delivery of the through route Lillebonne Way has developed as a large cul-de-sac and due to the layout of Phase 1 and the protected species interests of the 'Ecology Field' between Phase 1 and this application site, this site will be laid out as a cul-de-sac also. The 'Ecology Field' has curtailed the level of connectivity this site could have otherwise delivered to Phase 1. The pedestrian/cycle connection onto Taunton Road near the Lillebonne Way Roundabout is a critical additional connection for town bound journeys.</p> <p>The Station Square will deliver a Mobility Hub, principally for the station, but will benefit local residents also, see <b>Appendix 1</b>, s106 Heads of Terms.</p> <p>A financial contribution will be secure via s106 towards active travel measures to ensure the site is as well connected as possible.</p> <p>Work also goes on town wide with a Mobility Study for Wellington.</p>
<p>Well-designed public open spaces (including playing fields, children's play, allotments, and associated community facilities such as changing facilities) which are enclosed and overlooked by new development, create a green necklace around the town, and promote a positive relationship between new housing and existing communities</p>	<p>Of the 11.07ha site area, some 4.5ha is designated for public open space, SUDs and the station square. The public open spaces will vary from more formal with the development to a less formally managed space with a partitioned part of the 'Ecology Field'. The more formal areas will have play opportunities. This application will secure financial contributions towards off-site allotments and playing fields/changing rooms.</p> <p>The other detailed requirements can only be met via the assessment of the Reserved Matters, but the Masterplan implies these design objectives can be positively met.</p>
<p>Development will be further guided by a masterplan and design code to ensure a coordinated approach to the delivery of this site.</p>	
<p><b>Officer Response -</b></p>	

As is evident with a number of other Core Strategy allocations that envisaged Masterplanning, this has not happened.

The uncertainty as to whether the factories would relocate and the subsequent submission of Phase 1 in 2011 so soon after the Core Strategy adoption has arguably hindered any process to seek a co-ordinated masterplan, with the matters left for consideration as part of individual applications.

- 12.8. As with all planning applications the starting point for assessment is the adopted development plan and then to consider whether material considerations indicate a departure is acceptable, when taking all other circumstances into consideration.
- 12.9. In March 2023, the Council adopted the Wellington Place Plan as a material consideration in the determination of planning applications and other development or conservation activities in the town. The Place Plan sets out a vision and spatial strategy for the town and sets out broad locations appropriate for growth in Wellington from a place-making perspective. Station-led intensification to the south of the railway line, in the area known as Longforth Farm, is considered Tier 1 and more suitable to development in making the most of the great opportunity the new station brings to the town. *“To realise the potential of this major infrastructure investment, a sustainable transport hub should be established, with modal interchange, work spaces, homes and community uses”*
- 12.10. Particular consideration would need to be given to access, coalescence with the town and landscape sensitivities associated with the green corridor and the Grade II Listed Gardens at Nynehead. This assessment has been made at Paragraph 12.96 with input from the Conservation Officer, Historic England and the Gardens Trust.
- 12.11. Any proposals coming forward will need to align with the vision and objectives set out in the Wellington Place Plan. Opportunities that need to be explored for development in this location include:
- Genuine mixed-use cluster by the railway station
  - Active travel links to/from the town centre
  - A new local centre that supports the 15-minute neighbourhood principles and meets people’s everyday needs
  - Higher densities around the station
  - Railway access
  - Edge conditions – protecting existing neighbourhoods, railway line and hedgerows

- Taking design cues from workers cottages and farmstead
- 12.12. Particular challenges, in need of addressing, related to station-led intensification identified for this potential area for growth include:
- Impacts on Nynehead
  - Residential access from the west
  - Sensitivities with being close to Grade II Listed Gardens at Nynehead
  - Maintenance of the green corridor
- 12.13. These matters have been addressed in the Masterplan and through the s106 Heads of Terms as far as an Outline application will allow with the application for the railway station to follow which will need to address its requirements from the Place Plan.
- 12.14. The Place Plan sets out a vision for the town, which encompasses the following themes:
- An accessible place
  - A town rooted in its setting
  - Celebrating our industrial and commercial heritage
  - A high bar for sustainability
  - A welcoming town and centre
  - A resilient town
- 12.15. The focus of the first theme, an accessible place, is to *“link existing and new neighbourhoods with the town centre, prioritising active travel and buses within a sustainable travel hierarchy. Making safe and easy connections to the railway station, community facilities, employment areas, surrounding landscape and settlements including Taunton”*. Specific projects identified in the Place Plan and relevant for this application include:
- Re-establish a railway station for Wellington as a transport hub, with strategic connections to Taunton and Bristol Airport, integrated sustainable transport modes and a mix of uses co-located with the station
  - Investment in the public realm, pavement widening and direct crossings to improve key walking routes in the town centre and to schools as well as considering those who travel on roller skates, skateboards and scooters
  - Establishing an integrated cycling network with direct routes, segregated paths where possible, clear signage with distances, infrastructure such as cycle parking and maintenance points. Ensure that these feel safe and are overlooked
  - Cycle hubs at key locations

- Direct pedestrian and cycle links to local amenities, the town centre, large employers and the station to be priorities during the strategic masterplanning stage of new neighbourhoods. These links must be well lit
- Cycle provision to be integrated into new home design, with convenient, safe parking and e-bike charging
- Off-road and on-road EV charging points

12.16. It is considered these matters have been addressed in the Masterplan and through the s106 Heads of Terms as far as an Outline application will allow with the application for the railway station to follow which will need to address its requirements from the Place Plan.

12.17. The Place Plan contains detailed guidance on the other themes, which planning applications are expected to meet in order to ensure a quality place in Wellington that is: ambitious in the approach to sustainability; economically and culturally vibrant; and celebrates its impressive landscape and historic setting. These are requirements that can be revisited at the Reserved Matters stage.

12.18. One such new circumstance which this application does not explicitly apply for but and is intrinsically linked to the delivery of the new railway station for Wellington which is widely referenced in the Wellington Place Plan, due to the inclusion of the road from Nynehead Road which will serve the station in the future and the transfer of land to deliver the car park, as such it is referenced throughout this report and is considered a material consideration to which, as the decision-maker, weight can be applied.

12.19. In conclusion, although the proposal is a departure from the Local Plan it is considered that the principle of the development is acceptable because the allocation policy intentions, insofar as the factory relocations, cannot be achieved and the site is otherwise within the settlement limits as defined by Policies SP1 and SB1 of the Site Allocations and Development Management Plan and so considered a suitable location for development. The benefits of the scheme, in delivering infrastructure to facilitate the future delivery of a railway station for Wellington is considered a material consideration to which great weight is applied.

#### Negotiated/Requested Amendments

12.20. In accordance with the NPPF, officers have worked proactively with the applicant to secure necessary improvements and additional information to

ensure the proposal complies with relevant legislation and policy. A number of design changes have been secured to the layout over the past 12 months.

- 12.21. The application was submitted in June 2023 in the full knowledge a phosphate mitigation/nutrient neutrality plan would be required to be able to determine the application positively but without such.
- 12.22. A plan to mitigate this was not submitted until February 2024. The necessary shadow Habitat Regulations Assessment was not submitted until 28 March 2024. As such the Council could not have considered approving the application until both of these documents was received, assessed and consulted upon. At the time of writing this report there has been no Reservation Notice submitted to the Council to illustrate the necessary phosphate credits have actually been secured but the credits have been 'reserved'. Section 7, paragraph 7.1 onwards explains how this impacts the recommendation the Council can make at this point in time.
- 12.23. An Ecological Mitigation plan was not submitted until 30 January 2024.
- 12.24. An evidenced viability issue was not raised until 25 March 2024 and detailed a significant shortfall in development viability requiring swift consideration by the Council as to the best approach to take, the conclusions to this are detailed at Paragraph 12.63 onwards.
- 12.25. The Council has worked at all times with the focus and aspiration to deliver this enabling application to achieve a new railway station for Wellington.

#### The Scope of this application

- 12.26. This revised application seeks outline planning permission with all matters (landscaping, scale, appearance and layout) reserved for future consideration except access, which is fully detailed in this application. The number of dwellings was reduced during the assessment of the application from 220 to 200.

#### Access

- 12.27. The application proposes one principal access for vehicles, via the newly created junction off Nynehead Road, which currently serves just the new supermarket.

- 12.28. There have been reported issues with the use of this junction relating to the distance between the junction and the roundabout meaning self-cancelling indicators are not cancelling in time the junction is approached causing misunderstandings and confusion for those pulling out of the junction, with several near misses reported. This is obviously an existing situation however the concern is that the proposed development will make this junction busier and the probability of a collision increased.
- 12.29. In response the applicant maintains the access is safe and fit for purpose in terms of serving the planned development. An alternative arrangement was proposed at the pre-application stage and this involved changing priority at the junction and making Nynehead Road from the north form a junction instead. The Highway Authority has commented that the alternative arrangement is favoured, however the current arrangement is not refusable.
- 12.30. There are also concerns as to how the current arrangement, which is barely 9 months old, facilitates active travel connections.
- 12.31. To address both issues there is the prospect of a junction redesign but this requires land from the supermarket. They have indicated that the redesign, referred to as the 'continuous road' option, is supported and a mechanism for securing the land is being pursued through our Estates Team. The applicant is aware that a potential ransom situation may be created and this in part has consolidated their position that the current arrangement should not prevent permission being granted.
- 12.32. Given the Highway Authority position but also given the opportunity to realise a better outcome, work with the supermarket will continue and monies (up to £281,306) for the continuous road option have been set aside if land was forthcoming. Time is tight to achieve this now given the need to secure an outline consent to progress reserved matters for the access road design in order for Network Rail to satisfy central government that the access road will be delivered. It is this which is driving this process, as such it is proposed that the current junction arrangement be approved but with the option to switch to the 'continuous road' option should land from the supermarket be secured.
- 12.33. In terms of access to the Railway Station the Council and the applicant have needed to constantly reassure Network Rail (who reassure Central Government holding the monies) that access to the station via the spine road will be

delivered in time for the station to open. This presented an issue insofar as the timescale for the station opening is likely to be before the completion of the residential development and importantly before the natural incremental phasing of the access road through it. Discussions took place regarding the Council taking a role in designing and constructing the road (and ancillaries) to 'guarantee' delivery, indeed the Council had committed to loaning CIL to pump prime the road delivery on a recovery basis, however the applicant was concerned that the Council's costs for design and construction would dwarf the cost to them in delivering it and would prejudice the then forecasted viability picture further. It was resolved that the applicant would act as developer to deliver the road, working closely with the Highway Authority over the technical design process to streamline delivery (design work has started and preliminary plans have been issued to the HA). The Council and the applicant, in still needing to reassure Network Rail (and Central Government) agreed that the section 106 agreement would include Step-in rights to provide the Council a fallback position in which to undertake the construction of the access road from Nynehead Road to the proposed Railway Station should the developer fail for whatever reason to by a particular date. Such rights are complex to set out in a legal sense and discussions are ongoing to inform the detail of the legal agreement, and to be clear may eventually be only on a best endeavours basis if the worst-case scenario played out, be that the applicant/landowner doesn't engage, or the applicant/contractor goes bust or a technical issue arises that cannot be overcome easily. In practical terms whilst the Council has reserved step-in rights, default by the applicant could cause delays, for instance the Council, depending on what progress had been made may have to work up the drawings, seek its own detailed planning permission to implement them and follow through its procurement processes. There is a good amount of time to deliver the road, we are reliant on the applicant at this time but the Council, as Highway Authority, and as CIL authority remains committed to assisting the applicant to ensure such rights would never be needed.

- 12.34. The frontloading of costs towards the delivery of the whole road in advance of when it would be needed by the residential development parcels will impact cash flow and will impact other s106 trigger points (they will be later than normal).

#### Highway Impacts



- 12.35. As the Highway Authority confirms there are no issues with highways capacity, in terms of vehicle movements to and from the site through local junctions.
- 12.36. A Construction Environmental Management Plan (CEMP) will ensure construction activity impacts on the highway are minimised. This document will also determine the point of access for construction vehicles.
- 12.37. One matter the Council is considering is a site wide TRO to prevent unwanted roadside parking by users of the planned railway station. Parking at the station car park will likely be charged and therefore the availability of free roadside parking in adjacent residential areas may be attractive to some creating tension with new residents and potentially restricting access for emergency vehicles. It is considered this responsibility and cost falls to Network Rail as part of the railway station application.
- 12.38. Internal road design is a matter for the Reserved Matters, however the general intention is to ensure Placemaking principles are applied, and the road is suitable for refuse vehicles, to serve the employment area and for a rail replacement service coach to access the railway station. The employment area was initially proposed to contain B8 uses which is a storage and distribution use but given the context it was felt appropriate to omit this and therefore remove the likelihood of HGVs needing the access the site and the potential need for large warehouses.

#### Accessibility

- 12.39. Wider accessibility to the site will be via the Cades roundabout and then the main access and via a new footway/cycleway proposed between the Lillebonne Way and Cades Roundabouts adjacent (east) to the new allotment site. As such there is a need to assess the standard of accessibility for people accessing the proposed dwellings and the employment land, and visa versa with residents needing to access schools, leisure, employment and retail but also with one eye on the fact a railway station is to be proposed via a separate application which will attract passengers. The applicant has been keen to ensure that accessibility infrastructure is proportionate to his scheme and not carrying the greater requirements of the railway station.
- 12.40. In terms of active travel the Taunton Road corridor (Chelston to town centre) has some acceptable cycling infrastructure and some not so good infrastructure. The applicant had attempted to propose a localised scheme,

inclusive of a signalised crossing to align with the new footway/cycleway proposed between the Lillebonne Way and Cades Roundabouts adjacent (east) to the allotment site, but this was not seen as sufficient. The Council is also aware of other schemes that may materialise in the area and the need to take a holistic approach to this important corridor. As such it has been negotiated to secure a financial contribution from the applicant to pool with other funds to deliver, in phases, improvements to the Taunton Road corridor, see **Appendix 1**, s106 Heads of Terms. It will then be the Council's responsibility to undertake the works with the intention to deliver the first phase of improvements by the time the first houses are occupied.

- 12.41. The constraints that exist principally due to the railway line and the 'Ecology Field' mean accessibility, permeability and desire line options are severely restricted. However, Taunton Road does feature on route maps for the intended LCWIP (Walking and Cycling Plan for Wellington) and so there is an ongoing concerted effort to improve accessibility with regards cycling in the town which as stated will be boosted by the financial contribution from this development.
- 12.42. In terms of other cycling (and walking) routes the Council acknowledges the Grand Western Greenway project and several meetings have been held with its promoters. Mindful of the potential for development north of the railway line in the future and the desirability to access the countryside route beyond by walkers, there is a possible route utilising the former access road to Nynehead Court which goes under the railway line. This could link to Nynehead Road and the better link the town to the National Cycle Route 3 which runs to the north through Nynehead. The potential for this linkage is at feasibility stage but a financial contribution has been negotiated with the applicant to progress this feasibility and address barriers to this cycle route implementation, see **Appendix 1**, s106 Heads of Terms.
- 12.43. In terms of public transport it is not clear whether a service bus will access the site to serve the residential dwellings and employment land. This may change when the railway station is completed and opened. Bus stops exist on Taunton Road which are within a short distance, and also serve the supermarket.

#### Design

- 12.44. Given the application is in outline with all matters reserved except Access many detailed design matters are not in scope for this application. However, having some foresight to those future matters is always worthwhile and is

necessary in part to ensure the correct parameters and composition is tested through the Masterplan. This is to ensure at a high level we allow for sufficient open space, adequate mitigation for biodiversity and landscape considerations, adequate drainage and still allow enough space for a quantum of housing that will pay for all of the above and more.

12.45. Due to the fact that thought has gone into it the Masterplan will be an approved plan to guide the submission of future reserved matters.

12.46. Earlier versions of the Masterplan were presented to the then SWT Quality Review Panel in September 2021 and later (via Chair's Review comprising 2 people), in November 2022.

12.47. In November 2022 Officers asked for the panel's views on:

- integration of the new neighbourhood with the town centre
- the development layout and vehicular and pedestrian routes through the site
- the provision of a local centre
- how successfully the scheme achieves sustainable and low carbon design any aspects of the scheme where the panel recommends further work.

12.48. The QRP report from November 2022 is attached as **Appendix 3**. By and large, within the scope of an outline consent the comments made by the panel have been considered and addressed. The suggestion to reconsider the need for a green wedge was rejected, for several reasons, notably the ecological constraints.

12.49. It is also worth noting that this application is not applying for the railway station and as such may of the QRP comments actually relate to Network Rail and will be pertinent to their separate application.

12.50. In addition, reference to the need for a Design Code is made. It is felt a scheme of 200 dwellings does not command need for such, instead investment of time on quality pre-application discussions with the Council and referral to the Quality Review Panel is requested so the actual Reserved Matters applications can be shaped prior to formal submission.

12.51. Finally comments relating to Sustainability are made. Sustainability can be viewed in several ways other than just energy production.

- 12.52. The site will be connected via active travel routes, public transport and of course likely by a railway station. There is a supermarket adjoining the site limiting need for car travel for such provisions. IKB Primary School is within walking distance located in Phase 1. There will also be play, sport and recreation facilities on site and within Phase 1. Employment opportunities will hopefully exist on site and in the Chelston area, a short walk or cycle to the east.
- 12.53. The site delivers a good quantum of green space and play opportunities, or financial sums to improve existing or planned facilities locally. The site will accommodate a super-NEAP. Wellington TC has resolved to manage the public open space and play area, whether this is via a traditional adoption model or via operating a Management Company is still to be confirmed through ongoing dialogue.
- 12.54. Future applications for Reserved Matters allow assessment of matters such as dwelling orientation for solar gain, cycle storage, car parking standards, biodiversity enhancements, the quality of green spaces and sustainable drainage systems and the extent of tree planting.
- 12.55. Improved Building Regulations already require better energy performance (demand and emissions) and the need for domestic EV charging points and water efficiency measures, matters also commented on by the Inspector at the recent Creech St Michael appeal.
- 12.56. The applicant has stated clearly this application will accord with Future Homes Standard but will not aspire to Passivhaus standards, despite the Quality Review Panels encouragement to do so. It is worth noting that this site will likely be sold to a developer whom may take a different view. Either way the commitment to FHS will be conditioned along with performance monitoring as required by Policy DM5.

#### Station Square

- 12.57. Discussions regarding this application and that of the planned railway station have occurred in parallel given the mutual landowner and the connectivity requirements. This application originally contained the station car park but not the works planned on Network Rail operational land (platforms, footbridge etc). During the application period it was clear it would be better that the

'station' comprised one application and the residential /commercial proposal as a separate one, as such the car park is now omitted to falls to Network Rail to apply for. Nonetheless whomever was providing it the Council wished to influence its design and its function beyond that of just a car park. The provision of a railway station offered the opportunity to explore a mobility hub which would offer other modes of transport and encourage active travel.

12.58. Concerns were also raised about emerging designs for the car park not providing the sense of welcome to Wellington that the Council and Town Council wanted to ensure is delivered. Those designs also saw those mobility hub aspirations increasingly marginalised and not hitting the mark. As such it was decided that Network Rail were likely unable to deliver these aspirations and so attention diverted to delivering a Station Square on the application site to sit alongside the Network Rail car park. This would be an area of public realm, probably paved and landscaped to create a welcoming area to arrive and depart from Wellington. It would also contain the elements comprising a mobility hub such as cycle storage/lockers, and space for future electric bike/scooter docking, bike repair, parcel collection point and onward travel information.

12.59. From a public realm perspective Station Square could also provide seating, shelter, branding, public information, pop-up power points (for events and activities), defibrillator, WiFi and Public Art.

12.60. It is proposed Station Square is built out to a certain specification by the developer and then transferred to Wellington Town Council. Indeed, WTC resolved on 8 April to adopt the Station Square and work with the Council and the applicant on its design. Monies have also been set aside by WTC towards the Station Square and Station enhancements. In terms of public art a working plan is to present the reclaimed Pyramidion from the refurbished Wellington Monument at or adjacent to Station Square. It is currently in storage, and it is felt this would be a good place to display it.

12.61. The Railway Station is not planned to provide any WC or refreshment facilities. It is felt this would be too onerous a requirement to place on this applicant. As part of the Employment Land area there is a desire to see a small café provided on the ground floor of the commercial building addressing Station Square which would serve passengers and also the employment area and this facility may contain a WC for public use. However, this would be a development led by the market on a commercial basis. The Town Council may also choose to provide such a facility themselves. The

Station Square Design would also allow for pop-up temporary catering opportunities, coffee/food trucks or similar.

12.62. The cost of providing land for the railway station car park and Station Square and the cost of delivering Station Square to a certain specification will be covered by this development as a development cost see **Appendix 1**, s106 Heads of Terms.

*Development Viability and Planning Obligations*

12.63. A series of planning obligations have been requested to mitigate the impacts of the increased population.

12.64. These are imperative to understand now to grant outline consent and to form the binding legal agreement.

12.65. Development viability is crucial to ensure the scheme can be delivered and provide a suitable return to the landowner and developer. In this case there is an added incentive, over just housing delivery, as to why this scheme must be delivered and that is to provide the road access to the planned Wellington Station. The fact this site is the chosen site for the new station does bring additional costs and requirements that other sites, even Phase 1, do not need to carry.

12.66. The ongoing economic climate means like most government bodies and Council's making the book balance is increasingly difficult, this modestly sized development of just 200 homes will only create so much income through sales and that income has to be greater than all the costs in order for any developer to commence a development.

12.67. The applicant and the Council jointly instructed a Viability Consultant to ascertain whether the development as proposed was viable given the section 106 requirements, the sales values in Wellington, the costs of materials and finance and the need to facilitate certain aspects due to the planned railway station.

12.68. The outcome was that the scheme was not viable to the extent of not being able to afford any affordable housing or education contributions.

12.69. Affordable Housing was sought in accordance with Policy CP4 Housing in the Taunton Deane Core Strategy 2011 – 2028 and the Affordable Housing Supplementary Planning Document May 2014 and TDBC Decision June 2016. The policy seeks 25% of the new housing should be in the form of affordable homes, with a tenure split of 60% social rented and 40% intermediate housing in the form of shared ownership. An indicative mix was given as:

Social Rent

4 x 1 bed house

3 x 1 bed fully adapted disabled bungalow or house

10 x 2 bed house

2 x 2 bed fully adapted disabled bungalow or house

6 x 3 bed house

1 x 3 bed fully adapted disabled bungalow or house

3 x 4 bed house

1 x 5 bed house

Shared Ownership

10 x 2 bed house

10 x 3 bed house

12.70. When costed this affordable housing provision would cost the developer circa £8m.

12.71. In terms of Education to ask to provide school places equalled £2.765m broken down accordingly

20 Early Years places at £385,236

71 Primary school places at £1,367,589

31 Secondary school places at £829,105, and

2 Special Educational Needs places at £184,029

12.72. The Council made observations and queried certain aspects of the appraisal and sought further information to help justify and explain the position it had reached.

12.73. As a result, some monies were 'recovered' and allocated towards education (to what age group will be decided by the Education Authority based on most need, but likely to be secondary places). For transparency the final report is attached as **Appendix 4**.

12.74. It should be noted that sales values have been labelled as optimistic and the land values squeezed to create a viable and deliverable scheme. The developer return, which is normally around 15-20% has been set at 4% and

this is extremely unusual but a profit is a profit and the applicants are content to continue on this basis.

- 12.75. Contributions and costs allocated towards on-site and off-site public open space, play and recreation were safeguarded as were the smaller sums requested for local GP surgery capacity and an off-site active travel project.
- 12.76. In terms of Health care, an issue for local people, a financial contribution has been requested by the Integrated Care Board, see **Appendix 1**, s106 Heads of Terms. At the recent Creech St Michael appeal the Inspector acknowledged, in allowing the appeal for up to 100 dwellings, that this was a national issue (not one that would lead to refusal of an application unless local GP surgeries couldn't be enhanced).
- 12.77. Other elements recommended to be secured by the legal agreement include a Local Labour Agreement to promote opportunities for local employment, upskilling and to support the local economy.
- 12.78. Where a scheme has an evident viability issue the process can be likened to apportioning a cake. The size of the cake is determined by the number and value of the houses to be sold. There is only so much cake to go around, you can give a big slice to someone but that leaves less for everybody else and if you have a lot of hungry people to feed then sadly somebody may miss out and this is evidenced in this application. The Case Officer has discussed internally with colleagues and is recommending an apportionment that is considered the best way to secure delivery of this site, however Members may take a different view. The NPPF states, "*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force*".
- 12.79. The local plan is of an age, the economic situation is turbulent, everything costs more and development is being increasingly asked to contribute to more and more things. The overwhelming view is that despite no affordable housing and a reduced sum to education the scheme still works, will still create a good place to live and will deliver the station which has town wide benefits.
- 12.80. The final set of recommended planning obligations that the scheme can afford to deliver is set out at **Appendix 1**, s106 Heads of Terms.



### Other Considerations

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

### Ecology

12.82. Ecology emerged as a significant issue impacting the progression of this application, with the potential for this development to impact adversely on a significant bat roost located in a field adjacent to the site, now referred to as the 'Ecology Field'.

12.83. This bat roost had been detected as part of the Phase 1 Bloor site and must have been known about by the landowner, however the application as submitted made no reference to it, meaning there was an immediate issue with a lack of information.

12.84. The presence of the roost and bats generally has been discussed extensively with the Council's Ecologist. Meetings have also taken place with the applicant; his Ecologist and a meeting was held with the Somerset Bat Group and the Ecologists for the Bloor scheme Clarkson Woods.

12.85. The plans have been informally amended several times in order to agree the correct approach. It should be noted that the Somerset Bat Group does not agree the negotiated position and their comments are summarised in the representations section of this report. The proposed plan is however fully supported by the Council's Ecologist.

12.86. The approach to maintaining the favourable conservation status of the bats extends back to the time the neighbouring Longforth Farm Phase 1 scheme by Bloor was approved. In gaining that approval an undertaking was made, via their Ecologists report (by Michael Woods Associates, now Clarkson Woods) that the field would be secured, and no public access would be available. A buffer zone restricting the proximity of dwellings to the tree was set. However the 'Ecology Field' was not in the control of Bloor and never has been, so as soon as dwellings were occupied there was recreational pressure put on the field as a dog walking loop. This was not stopped, despite it was technically trespassing, and after the undertaking by Bloor, the advice of their Ecologists or seemingly the actual landowner. It is opined that this activity has impacted on the roost already.

- 12.87. The 'Ecology Field' does form part of this application as the applicant has control of it and through discussions has proposed that a part is made available for general recreation. It will not be managed like a playing field, more akin to a Country Park. A new native hedge on a bank will be planted to partition the public open space and additional trees will be planted to create extra habitat and provide some protection from light and noise from surrounding areas.
- 12.88. A significant area (4.4ha) of additional woodland is also proposed on the north side of the railway line to enhance bat habitat and create a visual linkage to the existing 'Hobby Copse', a stand of trees located adjacent to the north side of the 'Ecology Field'. This additional land requirement and the planting is proposed at significant cost to the development.
- 12.89. As of 12 February 2024 Biodiversity Net Gain (BNG) is a statutory requirement for the granting of planning permissions. This measure ensures that development leaves the natural environment in a measurably better state than it was beforehand. This will be achieved through a requirement to deliver at least 10% net gain in biodiversity over the pre-development biodiversity value of a site, secured for at least a 30 year period. One of the main criteria for mandatory BNG is that it applies to applications submitted after 12 February, and so there has been no BNG calculation undertaken, however a host of planting conditions coupled with the green spaces to be created will provide enhancement opportunities.

#### Drainage and Flood Risk

- 12.90. The site is not within a fluvial flood risk area and is generally at very low risk from surface water flooding.
- 12.91. 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 site slopes gently north and so two basins will be located on this boundary controlling release via a hydrobrake to an existing culvert under the railway line.
- 12.92. The surface water drainage network will be designed for up to and including the 1 in 100 year event plus 45% allowance for climate change in accordance with EA guidance with an additional allowance of 10% for Urban Creep.

- 12.93. The recommend requirements specifically related to a surface water drainage strategy are to seek opportunities to reduce the volume and rate of run off to lessen flooding severity elsewhere.
- 12.94. The LLFA has agreed the strategy insofar as this outline consent is concerned but commented that due to the high flood risk in the wider area that the greenfield run-off rate of 2 litres per second is imperative. A planning condition is recommended to require a detailed scheme at the future reserved matters stage.
- 12.95. This strategy has been selected because infiltration rates on the site do not appear to allow use of soakaways. Other parts of the strategy include the use of existing ditches as conveyancing swales which provide more capacity. Surface water is also importantly kept separate from foul discharges.
- 12.96. It is considered the requirement of SADMP Policy I4 are met for this outline consent.
- 12.1. With regards to foul drainage due to the topography of the land there is need for a foul sewerage pumping station at the lowest point of the site, this is located on the Masterplan more than 15m away from the nearest residential property within the employment area so will likely not impact residential amenity, subject to detailed assessment at the Reserved Matters stage. This accords with SADMP Policy I3.
- 12.97. The infrastructure is typically sited underground with just a fence and some cabinets sited above ground so this will not impact visual amenity.

#### Impact of Heritage Assets

- 12.98. The site is within sight of the Grade II\* listed Registered Park and Garden and the assets surrounding the interchange of the former Grand Western Canal and the Exeter to Bristol railway line with the carriage trackway to Nynehead Court. There are listed gate piers at the head of this trackway adjacent to Nynehead Road.
- 12.99. The Authority is required (under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The case of R (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin) ("Forge Field") has made it clear where there is harm to a listed

building or a conservation area the decision maker "must give that harm considerable importance and weight."

- 12.100. Section 16 of the national guidance within the National Planning Policy Framework (NPPF) 2023 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 12.101. Paragraph 207 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 208 further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 12.102. The Conservation Officer identifies and describes the significance of several assets including the Registered Park & Garden of Nynehead Court, Nynehead Court, Nynehead Conservation Area, Nynehead Court Features and the railway & canal Features.
- 12.103. Additional information regarding the setting of Nynehead Court was sought during the application process.
- 12.104. In assessing harm the Conservation Officer opines "*the principle of the development in this location is acceptable. However, the initial outline*

*proposals have the potential to cause less than substantial harm to the setting of Nynehead Court and the Nynehead Court Registered Park & Garden. Mitigation by design will need to be utilised to minimise this harm - the layout, density, height and materials of any forthcoming full application will need to take the following recommendations into account to be acceptable on heritage grounds”.*

- 12.105. The recommendations given can be incorporated into the design considerations at the Reserved Matters stage.
- 12.106. Comments made by Historic England and the Gardens Trust do not lead to a different conclusion.
- 12.107. It is worth noting once more that the site is allocated for factories via the Development Plan (Core Strategy) and was done so in the knowledge of these heritage assets. With less opportunity to perhaps mitigate in the way suggested by the Conservation Officer.
- 12.108. The first phase of the Longforth Farm site has also been built out and the way it has been developed (good and bad elements) has informed this masterplan, additionally with the retention of the hedgerows and incorporation of landscaping to break up the built form, a ceiling on storey heights and future control on the material palette to be recessive. The railway embankment also acts as an initial buffer plus planting to be undertaken for bat mitigation will also reinforce local character and screen views. The other assets are very much in their own setting and not affected materially by this development.
- 12.109. Given the assessment by the Conservation Officer there is no reason to withhold outline approval, where various matters are reserved, on the basis of any impact on heritage assets. Overall it is considered the proposal accords with the relevant policies of the NPPF, Core Strategy and SADMP.

#### Employment Land Use Classes

- 12.110. The general intention with this provision is to secure some additional employment opportunities in Wellington. The edge of town location adjacent to a new railway station will be attractive to some business looking for new premises. The Use Classes Order has changed to broaden uses that can be

changed to flexibility without the need for planning permission. The proposed use classes are E and F, and this is in part to also satisfy Policy SS3.

- 12.111. Class E covers retail, financial and professional services, café or restaurant (which previously would have been A1) plus office, R&D and any industrial process that can be carried out in a residential area (which previously would have been B1) plus clinics, health centres, creches, day nurseries and day centres (which previously would have been D1) plus gymnasiums and indoor recreation (which previously would have been D2).
- 12.112. Class F covers schools, education and training centres, museums, public libraries, public halls, places of worship for example (which previously would have been D1) plus a hall or meeting place (which previously would have been D2).
- 12.113. During the course of the application a proposed use of B8 – storage and distribution – was negotiated out of the scheme and therefore removed the likelihood of HGVs needing to access the site and the potential need for large warehouses.
- 12.114. With a broad range of uses available the employment land will be as attractive to end users as it can be in this context. However, the proposed retail and other high street uses triggers SADMP Policy TC5 which seeks to protect the high street from out-of-town high street/retail, an argument at the centre of the recent decision to grant a new supermarket adjacent to this site.
- 12.115. The employment area is proposed at 0.828ha and in theory this could all be retail floorspace unless some parameters are put in place through planning condition.
- 12.116. There is a desire to see a small café open here (with WC) addressing Station Square to serve passengers and also the employment area. A planning condition restricting wider retail and high street uses to 500m<sup>2</sup> is therefore proposed. On this basis it is considered there is no sequentially preferable site available (adjacent to a railway station to serve passengers), the proposal would not have a significant adverse impact on the vitality, viability and diversity of an existing or allocated centre including local consumer choice and trade in the centre and taking into account the cumulative impact of recently completed developments such as the supermarket, planning permissions and development plan allocations, nor impact on existing,

committed or planned investment within the centre. Given the potential location fronting Station Square the proposal would also benefit from the accessibility provided by the Mobility Hub.

- 12.117. It should be noted that the applicant and future developer will not be obligated to build any of the employment buildings, just safeguard, service and market the site for further inward investment. Ultimately the market, and local promotion by the Council, Town Council and developer will dictate what is provided here.

*Residential Amenity - Impacts on Existing and Future Residents*

- 12.118. The application area does not share a boundary with any existing adjacent residential property other than the Lodge site to the east which contains three lodges. That site is well treed and it is not envisaged that when complete the development would have any impact on these residents. A Construction Environmental Management Plan (CEMP) will ensure construction activity impacts are minimised.
- 12.119. The application site will adjoin the supermarket and two roads and so the potential for noise disturbance from refrigeration and air handling units and vehicles on future residents has been assessed.
- 12.120. There will also be proposed residential properties close to proposed employment uses and so caution will also need to extend to this internal impact.
- 12.121. It is possible with noise measures and/or detailed design (proximity/ orientation) to mitigate against unacceptable living conditions, this may require some changes to the layout at the detailed stage, compared to the Masterplan, as each phase of residential and employment development will need to be accompanied by a noise survey assessing that particular layout, orientation, window placement, boundary treatment etc.
- 12.122. A sewerage pumping station is now proposed, this is located on the Masterplan more than 15m away from the nearest residential property within the employment area so will likely not impact residential amenity, subject to detailed assessment at the Reserved Matters stage. This accords with SADMP Policy I3.

### Play, Recreation and Leisure

- 12.123. The development will deliver a NEAP on site. Of the 11.07ha site area, some 4.5ha is designated for public open space, SUDs and the station square. The public open spaces will vary from more formal with the development to a less formally managed space with a partitioned part of the 'Ecology Field'. The more formal areas will have play opportunities.
- 12.124. This application will secure financial contributions towards off-site allotments and playing fields/changing rooms, see **Appendix 1**, s106 Heads of Terms. This money will be targeted to existing projects in the area.
- 12.125. The other detailed requirements can only be met via the assessment of the Reserved Matters, but the Masterplan implies all policy/design objectives can be positively met.

### Other Matters

- 12.126. Matters such as the standard of amenity for proposed dwellings, refuse and recycling storage and parking levels and cycle storage will be considered at the Reserved Matters stage.

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

- 13.1. The continued delivery of housing will contribute to the Council's 5-year land supply of housing land. The principle of development has been established by the Local Plan, albeit for factories, but given the location, is also acceptable for residential development. A residential development that also importantly provides a road connection and land to facilitate a planned new railway station for the town and its surrounding villages.
- 13.2. The scheme is subject to viability challenges and officers have sought to test the appraisal to ensure the best outcome is secured. Ultimately the development can only deliver so much section 106 contribution and the recommended position seeks to ensure the development is as sustainable as possible and a nice place to live, delivers the road and land for a railway station for the benefit of the town, delivers a station square as the gateway to Wellington for train passengers, delivers monies for active travel whilst also contributing to an off-site sport project and allotment provision. All alongside



ensuring the scheme works from a technical point of view in terms of ecology, drainage, highways and heritage.

- 13.3. The application is a departure from the Development Plan insofar as the site is allocated for the relocation of specific businesses which have stated they are now not looking to relocate, the site does not provide any affordable housing and only provides a reduced education contribution due to the economic viability of the scheme. However there are many benefits. On balance it is considered the proposal does not accord with the Development Plan when taken as a whole but there are strong material considerations referred to in this report which indicate permission should be granted.
- 13.4. Indeed the development delivers far more than it doesn't and is deliverable. It is considered that with regard to the planning balance the benefits of the scheme significantly outweigh any actual or perceived impacts. There are no residual matters that cannot be covered by planning conditions, the legal agreement, the submission of future Reserved Matters and indeed the future planning application for the station.
- 13.5. 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 – Section 106 Agreement (s106) Heads of Terms

<b>Section 106 Agreement (s106) Heads of Terms</b>	
** all triggers to be agreed through further negotiation with the applicant	
A financial contribution towards Education school places	<ul style="list-style-type: none"> <li>£573,000</li> </ul> Suggested trigger 110 occupations
A financial contribution towards Heath	<ul style="list-style-type: none"> <li>£89,336 of £596 per dwelling pro rata to extend a local GP surgery or surgeries.</li> </ul> Suggested trigger 50% on commencement of housing (foundations), 50% at 110 occupations.
Highway Works	<ul style="list-style-type: none"> <li>Delivery of spine road between Nynehead Road to Wellington Railway Station site, to be subject to a s38 agreement (for adoption allowing public access)</li> </ul> Suggested trigger Prior to occupation <ul style="list-style-type: none"> <li>Completion of pedestrian and cycle link from Taunton Road to Wellington Train Station site. (Topping out the Haul Road).</li> </ul> Suggested trigger Prior to opening of the station unless it is not practicable to do so and agreed in writing. <ul style="list-style-type: none"> <li>Realignment of access to Lidl from Nynehead Road - To revert to a continuous road option upon control of necessary land from the supermarket within a timescale to be agreed with the Council or at least by 180 occupations or monies to be passed to the Highway Authority to undertake the work alongside active travel works.</li> </ul>
Spine Road step in rights	Spine Road Step-in rights – This is to provide the Council a fallback position in which to undertake the construction of the access road from Nynehead Road to the proposed Railway Station should the developer fail to by a particular date.
Travel Plan	<ul style="list-style-type: none"> <li>Full Travel Plan</li> <li>TP Fee £5000</li> <li>TP Coordinator Fee £tbc</li> <li>Travel Vouchers £tbc</li> </ul>

	<p>Safeguard sum                    £72,650</p> <p>Management budget            £tbc</p> <p>Suggested trigger Prior to commencement</p>
A financial contribution towards off-site active travel works	<ul style="list-style-type: none"> <li>• £573,620 for off-site active travel (cycling and walking) works to be undertaken by the Council.</li> </ul> <p>Suggested trigger Prior to commencement</p>
Station Square	<p>Station Square, incorporating the Mobility Hub, marked orange 'Station Square' Plan 0740-V4-1006 Land Areas Plan-A0L attached.</p> <p>To design, agree (via an RM submission) and construct alongside the access road and then transfer the land to Wellington Town Council.</p> <p>Suggested trigger – Prior to any occupation.</p> <p>Based on a specification -</p> <ul style="list-style-type: none"> <li>• covered and secure cycle parking and lockers</li> <li>• bike repair and pump</li> <li>• space for 10 scooters, space for electric bike docking (8 cycles) (with power) and 2 cargo bike(s)</li> <li>• WTC notice board for travel/tourist information (taxi info, map to local landmarks etc)</li> <li>• utility provision for real time travel</li> <li>• Station Square branding</li> <li>• surfacing</li> <li>• tree Planting</li> <li>• drainage</li> <li>• street furniture – benches and bins</li> <li>• pop-up power points</li> <li>• lighting</li> <li>• wayfinding</li> <li>• public art</li> <li>• CCTV</li> <li>• WiFi</li> <li>• mobile device charging</li> <li>• public defibrillator</li> <li>• space for the future provision of a parcel locker</li> </ul> <p>A financial cap of £305,000 to be applied.</p> <p>Trapdoor clause should Wellington TC not adopt, to review specification, costings and maintenance by private Management Company or another third party.</p>

<p>Community, Public Open Space, Play and Recreation</p>	<ul style="list-style-type: none"> <li>• Play Areas Trim trail features 1 Super-NEAP</li> <li>• Public Open Space 3.77 ha, excluding SUDs Transfer to and managed by Wellington Town Council, with the trapdoor option of a Man Co.</li> <li>• POS Phasing Plan Suggested triggers - NEAP by 110 occupations, Play on the Way via POS Phasing plan.</li> <li>• Playing Pitches and Changing Rooms £124,714 or 624 per dwelling pro rata to provide and/or enhance playing pitch and changing room provision in Wellington Suggested trigger Prior to any commencement of housing (foundations).</li> <li>• Allotments £10,000 to provide and/or enhance allotment provision in Wellington Suggested trigger 110 occupations</li> </ul>
<p>Ecology</p>	<ul style="list-style-type: none"> <li>• Fence off and secure the ecology field. Land to be retained and managed by landowner.</li> <li>• Off-site wildlife mitigation woodland planting and ecological enhancement, marked red 'Woodland North of Railway' Plan 0740-V4-1006 Land Areas Plan-A0L No less than 4.4ha. Suggested triggers - Planting scheme to be submitted to and approved and the scheme implemented all prior to commencement. Ecology and Wildlife Management Plan to be submitted to and agreed prior to commencement of the mitigation scheme. Land to be retained and managed by landowner.</li> <li>• Off-site bat mitigation tree planting in the ecology field, shown in the blue line land adjacent to the part field marked light green 'Additional Open Space-Western Field' Plan 0740-V4-1006 Land Areas Plan-A0L attached. This POS area is to be fenced off from the larger field, the planting scheme to be submitted to and approved and the scheme implemented all prior to commencement. Ecology and Wildlife Management Plan to be submitted to</li> </ul>

	and agreed prior to commencement of the mitigation scheme.
Future Access to neighbouring land	Future access to adjacent land. To not stymie (ransom) potential future access opportunities along the boundary to the east (Lodge Copse also known as The Lodge) for the purposes of future access by public or private highway and/or pedestrian and cycle access. Plan to be attached to agreement.
The Grand Western Greenway Project	In addition to the off-site Active travel contribution above – <ul style="list-style-type: none"> <li>£50,000 to carry feasibility and contribute towards an identified Active Travel route – the Grand Western Greenway, but only where it is to provide a connection to this site</li> </ul> Suggested trigger Prior to commencement
Local Labour Agreement	To promote opportunity for local employment, upskilling and to support the local economy. Limited to 5% local workforce where available.
Nutrient Neutrality	To demonstrate the use of P-credits.
Delivery of employment land	Delivery of employment land - Third party sale by 75% occupations or commencement of construction by the developer of a unit larger than 2000 sqft. Serviced land by when served by the access road. Submission of a marketing strategy prior to any commencement of housing (foundations).
<p>General Provisions –</p> <p>If any s106 provision (and specific development costs identified in the Viability Appraisal Cost Plan, tbc) is underspent, not pursued or replaced by third party funding then monies would be diverted toward education provision or towards affordable housing (monies to be spent on or off-site).</p>	

## Appendix 2 – Planning conditions and informatives

1. Details of the appearance, landscaping, layout, internal access roads and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) 0740-101-1 RevD	Location Plan (OS)
(A0) 0740-V4-1005 RevG	Illustrative Masterplan
(A0) 0740-V4-1006 RevD	Land Budget Plan
(A0) 0740-V4-1006-1	Land Areas Plan
(A3) 20017 SK02	Proposed Access Arrangement Option A – Consented Junction with Nynehead Road
(A3) 20017 SK05	Proposed Taunton Road Toucan Crossing and Footway Cycleway Improvements

Reserved matters details shall comprise no more than 200 dwellings.
4. The development hereby approved shall not be occupied before 1 January 2025, unless otherwise agreed in writing with the Local Planning Authority on production of written evidence that the Asset Management Plan 7 (AMP7) planned upgrades to the Wellington Waste Water Treatment Works by Wessex Water to provide additional treatment capacity and improve nutrient capture have been completed and that the increase in phosphorus arising from occupation of the Development will accordingly be no more than 25.72 kilograms per year  
Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with Paragraphs 180 and 186 to 188 of the National Planning Policy Framework (July 2021) and to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).
5. The use of any commercial building for the purposes of Class E retail shall be limited to a total net sales area of 500sqm gross. Reason: To protect the vitality and viability of Wellington town centre in accordance with Policy CP3 of the TD Core Strategy.

6. The application(s) for approval of the reserved matters shall indicate:
  - a) materials to be used for the external walls and roofs;
  - b) materials to be used for rainwater goods;
  - c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses;
  - d) details of eaves/verges;
  - e) location and design details of all vents, flues and meter boxes;
  - f) details of all internal and external boundary treatments; and
  - g) the surfacing materials (and drainage details thereof) of all areas of hardstanding incl. driveways.

Reason: To maintain the character and appearance of the area to accord with Policy D7 of the TD Site Allocations and Development Plan.

7. The application(s) for approval of the reserved matters shall include details of the finished floor levels and resulting ridge heights of the buildings to be erected on the site. Reason: In the interests of the visual and residential amenity of the area to accord with Policy D7 of the TD Site Allocations and Development Plan.

8. A scheme for public art and its delivery shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the first dwelling. The public art shall be provided in accordance with the approved scheme prior to occupation of more than 80% of the approved dwellings and thereafter retained. Reason: To create a high-quality public realm to accord with Policies D7 and D13 of the TD Site Allocations and Development Plan.

9. No development shall be commenced until details of the sustainable surface water drainage scheme (SuDs) for the site, has been submitted to and approved in writing by the Local Planning Authority. Such scheme should aim to meet the four pillars of SuDs (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (December 2023) and the Flood and Water Management Act 2010. The development shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority. The submitted scheme shall include but not be limited to:
  - a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes,

attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.

- i. Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
  - ii. Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
  - iii. Where relevant, calculations should consider the use of surcharged outfall conditions.
  - iv. Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.
  - v. Results should be provided as a summary for each return period (as opposed to each individual storm event).
  - vi. Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.
- a) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
  - b) Details for provision of temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
  - c) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.

Reason: To ensure the development is properly drained in accordance with the National Planning Policy Framework, in particular paragraphs 173 and 175.

10. Prior to first occupation of any part of the development, information relating to the management responsibilities of the various components of the proposed surface water drainage network including private systems shall be submitted to and approved in writing by the Local Planning Authority. The information shall include typical maintenance schedules for all the proposed components and



details of how each party will be advised of their responsibility and maintenance obligations (including private systems). The development shall thereafter be carried out in accordance with the approved information. Reason: To prevent the increased risk of flooding to accord with the aims and objectives of the National Planning Policy Framework, in particular paragraphs 173 and 175.

11. No foundations of any building shall be laid until a foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include arrangements for the agreed points of connection to serve the proposed development. The approved scheme shall be implemented such that each dwelling and employment building is served by the approved scheme prior to occupation of that dwelling and shall thereafter be retained as such. Reason: To ensure the site is properly drained to accord with the aims and objectives of the National Planning Policy Framework.
  
12. No development shall commence on the elements listed below until the following details have been submitted to and approved in writing by the Local Planning Authority. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction, and a timetable for implementation, shall be submitted to the Local Planning Authority for the:
  - a) estate roads
  - b) footways
  - c) tactile paving
  - d) cycleways
  - e) sewers
  - f) retaining walls
  - g) service routes
  - h) vehicle overhang margins
  - i) embankments
  - j) visibility splays
  - k) carriageway gradients
  - l) drive gradients
  - m) car, motorcycle and cycle parking
  - n) electric vehicle charging points
  - o) hard and soft structural landscape areas
  - p) pedestrian and cycle routes and associated vehicular accesses and crossings
  - q) means of enclosure and boundary treatment
  - r) street lighting and street furniture
  - s) all new roundabouts and junctions

- t) proposed levels
- u) bus stops and lay-bys or alternative facilities
- v) highway drainage
- w) swept path analysis for a vehicle of 10.4m (3-axle) length
- x) central pedestrian reserves, bollards and lighting
- y) service corridors

No building or use hereby permitted shall be occupied or the use commenced until the elements of the development listed above have been constructed in accordance with the approved details and timetable for implementation and retained in perpetuity thereafter.

Reason: To ensure a co-ordinated approach to development and highway planning, and in the interests of highway safety to accord with Policy D9 of the TD Site Allocations and Development Plan and the aims and objectives of the National Planning Policy Framework.

13. No development shall commence (including investigation work, demolition, siting of site compound/welfare facilities) until a survey of the condition of the adopted highway attributed to construction traffic related to the approved development has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Highways Authority prior to the survey being undertaken. The survey must consist of:

- a) A plan to a scale of 1:1000 showing the location of all defects identified;
- b) A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

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

14. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed in accordance with the approved details prior to construction of any building above damp-proof course level and thereafter maintained in perpetuity.

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

15. No development shall commence, including any demolition works, until a construction management plan or construction method statement (CEMP: Highways and Pollution Control) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP: Highways and Pollution Control shall be adhered to throughout the construction period and shall provide for:

- a) A construction programme including phasing of works
- b) 24-hour emergency contact number
- c) Hours of operation
- d) Expected number and type of vehicles accessing the site:
  - i. Deliveries, waste, cranes, equipment, plant, works, visitors
  - ii. Size of construction vehicles
- iii. The use of a consolidation operation or scheme for the delivery of materials and goods
- e) Means by which a reduction in the number of movements by construction workers can be achieved through travel planning and encouraging the use of public transport, active travel, car sharing, and the provision of on-site parking and welfare facilities for staff and visitors
- f) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on the local highway network
- g) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site
- h) Locations for storage of plant/waste/construction materials
- i) Arrangements for the turning of vehicles within the site
- j) Arrangements to receive abnormal loads or unusually large vehicles
- k) Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available
- l) Any necessary temporary traffic management measures
- m) Measures to protect vulnerable road users (cyclists and pedestrians)
- n) Method of preventing mud being carried onto the highway - The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site,
- o) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

16. Prior to the commencement of development an updated badger survey (conducted no more than six months prior to the planned commencement of development) shall be submitted to and approved by the Local Planning Authority. The survey shall be submitted to the Local Planning Authority and any recommendations shall be subject to a scheme of mitigation which the development shall be carried out in accordance with. Reason: In the interests of the strict protection of European protected species and in accordance with Policy CP8 of the TD Core Strategy as badgers periodically create new sett entrances within territories.

17. No works to any buildings shall commence unless the Local Planning Authority has been provided with either:

- a) a copy of a European protected species licence in the form of a district level licence for great crested newts (GCN), issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed bat ecologist to the effect that they do not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy CP8 of the TD Core Strategy and to fulfil the legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 and the Crime and Disorder Act 1998.

18. No works shall commence unless the Local Planning Authority has been provided with either:

- a) a copy of a European protected species licence for Dormice issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed bat ecologist to the effect that they do not consider that the specified development will require a licence.

In the event that a European protected species licence from Natural England is required for the hedgerow section removal works, all the reserved matters must first be approved and the Method Statement which forms part of the licence application must detail measures to mitigate potential harm to dormice and provide compensatory habitat (e.g. new hedgerow planting/ enhancement of existing hedgerows/ installation of dormouse nest boxes). Suggested mitigation has been provided within the BMEP, Figure 17, Appendix A Halpin Robbins report (01/027/001/03\_EcIA) (30<sup>th</sup> January 2023).

Reason: In the interests of the strict protection of European protected species and in accordance with policy CP8 of the TD Core Strategy and to fulfil the legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 and the Crime and Disorder Act 1998.

19. No development shall commence (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones". both physical measures and sensitive working practices to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, badgers buffer zones etc.
    - i. Mature trees along site boundaries which have potential to be impacted by construction activities will be demarcated with suitable root protection zones in accordance with British Standard BS5837 (2012).
    - ii. Any brash/log/rubble piles will be dismantled by hand and any common or widespread amphibians found will be left to disperse of their own accord. In the unlikely event that a great crested newt is found, works must cease immediately, and a competent ecologist will need to be contacted for further advice.
    - iii. A reptile translocation will be undertaken to relocate the population of slow worms and grass snake from the works area to a suitable receptor site. Land to the west of the site (measuring c.5.6ha), which currently forms a buffer around the identified barbastelle roost, comprises suitable habitat for the population of reptiles identified within the surveyed site, if the appropriate permissions can be sought.
    - iv. Works which have potential to impact nesting birds (i.e. hedgerow section removal) must be undertaken outside of the main bird nesting season (i.e. avoiding the period March to mid-September). If works cannot be timed sensitively, a check by an ecologist for nesting birds the day before works are due to commence will be required. Any active bird nests identified will be left in situ until the young have fully fledged.
    - v. Measures to protect the bat roost within T3 from disturbance during construction will be undertaken. This must include the installation of an appropriate buffer zone surrounding the tree and the retained hedgerows leading from the tree. If plans alter to include the removal/management which could result in of high levels of disturbance to this

tree, a European Protected Species Licence (EPSL) from Natural England would be required to allow the works to be undertaken lawfully.

- vi. The storage of materials/waste will be restricted to areas of hard standing or bare ground. Waste should be stored in skips or removed off site as soon as possible and away from suitable retained or off-site habitat to avoid creating refuges which could be colonised by newts. Any mounds of soil should be compacted around the base to avoid creating refuges which newts could occupy.
- c) The location and timing of sensitive works to avoid harm to biodiversity features.
- i. A sensitive lighting plan must be incorporated into the construction and operational phases of the development to ensure there is a dark corridor within/ around the site that can be utilised by commuting barn owl. The BMEP, Figure 17, Appendix A shows the location of the proposed dark corridor.
  - ii. A sensitive lighting strategy will be implemented into the construction and operational phases of the development to avoid impacts to roosting bats arising from increases in artificial illumination. The strategy will include:
    - a. No illumination of tree T3 which comprises a bat roost.
    - b. No illumination of any bat roost provision within the development (i.e. bat boxes/tubes on buildings or trees, see Section 5 for further details).
    - c. No illumination above the current lux levels or above 0.5lux to all retained hedgerows and trees to provide dark corridors through and around the site.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [to include regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer every 3 months during construction phases];
- i. All hedgerow works will be supervised by a suitably licensed ecologist, who will present a Toolbox Talk to all contractors at the start of works and undertake fingertip searches for dormouse nests within the hedgerow section to be impacted in accordance with the licence.

- ii. Prior to the commencement of the reptile translocation period, reptile barrier fencing will be erected along the entire perimeter of the site boundary by a suitably experienced contractor and under the supervision of an ECoW. This will prevent the relocated slow worms from re-entering the “works area” prior to and during site clearance.
  - iii. Practical measure period of translocation will be undertaken at a suitable time of year (i.e. April to October) and during suitable weather conditions (i.e. hazy sunshine, no heavy rain, daytime temperatures 10-20°C) for reptiles to be active and basking. Any reptiles found will be moved to the reptile receptor site to the west of the barrier fencing by a suitably experienced ecologist. Site visits to complete the translocation must continue until there are five consecutive visits with no reptiles found.
  - iv. On completion of the reptile translocation, remaining habitat suitable for reptiles within the site (i.e. grassland, hedgerows and scrub) that is to be removed as part of the works will be cut in two stages by hand and comprise a single cut to 200mm height followed by a second cut to ground level. An ECoW will be present to move any remaining reptiles found to the receptor site to the west.
- g) Use of protective fences, exclusion barriers and warning signs.
- i. Mature trees along site boundaries which have potential to be impacted by construction activities will be demarcated with suitable root protection zones in accordance with British Standard BS5837 (2012).
  - ii. Retained ponds must be protected during construction works with the use of Heras fencing.
  - iii. During construction works, any trenches (e.g. foundations or utility trenches) left exposed overnight should be provided with a means of escape, such as a shallow sloped edge or angled board (minimum 30cm width), positioned at a maximum angle of 30degrees.
  - iv. Heras fencing protecting hedgerows bordering the site should allow badgers to pass through. A gap of at least 25cm should be left between the ground and the base of fencing to allow access for badgers. Alternatively, holes of at least 30cm wide and 25cm high could be cut into the bottom sections of Heras panels at 20m intervals. If this option is chosen, then efforts to ensure no sharp edges are protruding from ends of cut mesh must be taken to ensure that mammals cannot be harmed.
  - v. Measures to protect the bat roost within T3 from damage during construction will be undertaken. This must include the installation of

Heras fencing demarcating the tree's root protection zone in accordance with British Standard guidance BS5837.

- vi. Measures to protect the bat roost within the tree to the west of the site boundary from disturbance during construction will be undertaken. A buffer of 125m will be established where no construction works will occur to minimise disturbance to bats unless otherwise agreed with the Local Planning Authority. Landscape planting is proposed in close proximity (i.e. <100m) to the tree roost; however, this will be scheduled over the winter period (prior to re-occupation of the roost). Once complete, the landscaped area will be fenced off with protection fencing along the western and southern boundaries to prevent public access into this area.
- vii. All work within a 125m – 200m buffer of the barbastelle roost will only be carried out between November and April when bats are absent from the roost. If works must commence outside of the winter months, then a suitably licenced ecologist will check the tree for bats presence prior to the commencement of works. Work further than 200m from the barbastelle roost will not be restricted.
- viii. Retained hedgerows must be protected during construction works with the use of Heras fencing. The fencing should be installed 3m from the centre of hedge/hedge banks.
  - a. Heras fencing will be installed 3m from the edge of retained hedgerows in order to protect dormouse habitat from damage during construction.
  - b. Retained hedgerows and ponds must be protected during construction works with the use of Heras fencing, which will also protect associated ground flora species. The fencing should be installed 3m from the centre of hedge/hedge banks/ponds edges. Retained hedgerows will be planted with native species, to fill any existing gaps and increase species diversity to improve habitat corridors within the Church Fields Park LNR. Species should include field maple, hazel, oak and guelder rose as well as climbing species such as dog rose and honeysuckle.
  - c. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works
  - d. Sensitive and phased clearance of vegetation will be undertaken under the presence of an Ecological Clerk of Works (ECoW). A first cut of vegetation will be made to a height of c.200mm with all arisings removed; 48hrs later the remaining



vegetation will be cut to ground level will all arising removed. This will be maintained up to the point of groundworks. In order to be effective vegetation clearance should be undertaken during the active season for newts, typically February to October inclusive when temperatures are >5°C degrees centigrade and should avoid prolonged periods of hot dry weather when newt activity is reduced.

- e. An ECoW will be present to move any remaining reptiles found to the receptor site to the west.
- h) Evidence (written statement and or photos) of meetings, toolbox talks, protection measures etc will be required upon completion of works ;
- i) Works relating to the new rising main/new hedgerow bank will remain localised and a site plan showing working areas submitted to the LPA for approval prior to works commencing in order to ensure compliance.
  - i. Construction operatives to be inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the toolbox talk
  - ii. No development, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved construction method statement. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
  - iii. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

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

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

20. The new hedgebank as indicated on Drawing No. 0740-1013 and forming the new western boundary to the Public Open Space area as indicated on the Framework Masterplan, Drawing No. 0740-V4-1005 RevG, shall be fully completed within 3 months of the commencement of development with the hedge planting to be completed within the first available planting season. For a period of ten years after the completion of the development the said hedgerow shall be protected and maintained and if any plants cease to grow, are removed or otherwise damaged, they shall be replaced by replacements of similar size and species or other appropriate hedging material as may be approved in writing by the Local Planning Authority. Reason: In the interests of safeguarding European protected species and in accordance with Policy CP8 of the TD Core Strategy.
  
21. Notwithstanding the Parameter Plan-Movement, Drawing No. 0740-V4-1011-1 RevD and Principles Plan-Routes and Movement, Drawing No. 0740-V4-1007-1 RevD there shall be no linkage created between the application site via the allotments to Lillebonne Way via the Public Open Space area. Reason: The route would bring pressure for lighting to maintain public safety. Lighting in this area is not desirable in the interests of safeguarding European protected species and in accordance with Policy CP8 of the TD Core Strategy.
  
22. Prior to the submission of the first reserved matters application for residential development a scheme shall be submitted detailing the replacement of T28 Oak (TDBC TPO 1999) on a ratio of 3 new trees for each felled tree. This should detail the species, size (minimum 14-16), planting specification, protection measures (permanent fencing), watering regime, predicted root protection zone for the tree at maturity and a timetable for planting. Should it prove impossible to retain T27 Oak (TDBC TPO 1999) then a similar replacement scheme for that tree shall be submitted. For a period of ten years after the completion of the development the replacement trees shall be protected and maintained and any trees cease to grow, it/they shall be replaced by a tree of similar size and species or other appropriate tree as may be approved in writing by the Local Planning Authority. Reason: The application seeks to fell a protect tree and so appropriate mitigation should be secured to ensure that the scheme maintains its ecological and landscape character in accordance with Policy CP8 of the TD Core Strategy and Policy ENV2 of the TD Site Allocations and Development Plan.

23. Prior to commencement of the development (or specified phase of development) a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed:

- i. The westernmost field within the site, proposed as public open space within the plans, involves the planting of trees, species rich grassland and a new hedgerow. Beyond the site boundary to the west and north of the site it is also proposed to plant trees to enhance the wider area for wildlife. The planting of trees and hedgerows will provide additional habitat, similar to that which is lost from the local wildlife site and provide a new buffer habitat to the retained local wildlife site. The westernmost field within the site, proposed as public open space within the plans, involves the planting of trees, species rich grassland and a new hedgerow. Beyond the site boundary to the west and north of the site it is also proposed to plant trees to enhance the wider area for wildlife. The planting of trees and hedgerows will provide nesting opportunities for birds. The westernmost field within the site, proposed as public open space within the plans, involves the planting of trees, species rich grassland and a new hedgerow. Beyond the site boundary to the west and north of the site it is also proposed to plant trees to enhance the wider area for bats.
  - ii. A reptile refuge/hibernaculum will be constructed in two locations; within the land to the west of the development and one around the northern drainage ponds. The refuge/hibernaculum will comprise stone/ rock/ clean brick rubble (without cement residues), and split logs which can be placed in a pile, loosely filled with topsoil and covered with turf. See BMEP, Figure 17, Appendix A for locations. An example is shown at Appendix H.
  - iii. Permanent boundary fencing will be installed at the edge of proposed gardens which border the retained hedgerows at the boundaries of the site to discourage inappropriate future management, clearance and damage.
  - iv. Additional woodland planting will be created in the field to the west of the development, this will provide additional habitat for the dormice to breed, forage and commute through.
  - v. All garden boundary fencing installed within the site will allow hedgehogs to pass through by creating a gap at the base of each fence elevation measuring 150mm x 150mm to allow hedgehogs to navigate through the site and forage within new property gardens.
- b) Ecological trends and constraints on site that might influence management
  - c) Aims and objectives of management
  - d) Appropriate management options for achieving aims and objectives
  - e) Prescriptions for management actions

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures
  - vi. The reptile receptor site will be managed sensitively for reptiles long-term, and its management must be adopted by any future owners of the site. Grassland cutting must be undertaken at a time of year when reptiles are least likely to be killed, during the winter period of inactivity (November to February).
  - vii. Retained hedgerows will be managed sensitively to avoid harm to dormice and enhance the existing habitat used by this species. Hedgerows will be trimmed only every three years and should be maintained at a height of at least 3-4m above the bank. Where sections of hedgerows become 'gappy', the hedgerow should be laid to encourage a dense hedgerow structure.
  - viii. Evidence (written statement and or photos) of meetings, toolbox talks, protection measures etc will be required upon completion of works;

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP will be implemented in accordance with the approved details. Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy CP8 of the TD Core Strategy.

24. Each application for Reserved Matters shall be accompanied by a Lighting Strategy. Such a strategy shall relate to the lighting of all public and private areas (courtyards) for public safety while safeguarding the landscape and evident biodiversity and be designed so as not to interfere with the operational railway. In terms of biodiversity the Lighting Strategy shall:
- a) identify those areas/features of the site within that phase or sub-phase that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it

can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, and;

- c) the design should accord with Step 5 of Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux and shields and other methods of reducing light spill will be used where necessary to achieve the required light levels.

Unless otherwise agreed in writing by the Local Planning Authority all external lighting shall be installed in accordance with the specifications and locations set out in the approved Lighting Strategy and shall be maintained thereafter in accordance with the said strategy with no additional lighting installed other than within the curtilages of individual private dwellings without the prior written consent of the Local Planning Authority.

Reason: To ensure public and private place are appropriately lit but safeguard ecological interests and so as not to interfere with the operational railway to accord with Policy CP8 of the TD Core Strategy and the operational comments of Network Rail.

25. Each application for Reserved Matters shall incorporate the following features into the site proposals with photographs of the installed features submitted to the Local Planning Authority prior to first occupation of any building:

- a) Enhancement measures should include planting of a diverse mix of native tree, shrub and other floral species as part of any proposed landscaping scheme.
- b) Bat roosting opportunities should be provided within a proportion of the buildings to be constructed. Bat roost boxes should be integrated into building elevations to provide permanent roosting spaces.
- c) A barn owl nest box should be installed on a suitable tree bordering the site to provide enhanced habitat for barn owl, a species of conservation concern.
- d) Bird nesting opportunities should be provided within a proportion of the buildings to be constructed. Bird boxes should be integrated into building elevations to provide permanent nesting opportunities as an enhancement.
- e) Woodland to the west of the site should be managed appropriately for wildlife to retain its functionality as part of the Ecological Network of

the local area. This woodland has potential to support suitable habitat for rare species including dormice and barbastelle bats.

- f) Measures to enhance the site and local area for biodiversity should include creating a green link between ecologically important areas that border the site and woodland to the north of the railway.
- g) A badger underpass should be constructed to allow badgers to continue to access foraging areas either side of the road.
- h) Bee bricks should be incorporated into buildings within the site, as an ecological enhancement.

A Biodiversity Mitigation and Enhancement Plan has also been produced showing the required measures, see Figure 17, Appendix A Halpin Robbins report (01/027/001/03\_EcIA) (30<sup>th</sup> January 2023).

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.

26. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety.

27. If at the time of commencement of any phase the Future Home Standard (FHS) has not been fully adopted and implemented, then a strategy, to the equivalent FHS standards as existed at the time of determination, to improve the energy efficiency of the homes in that phase shall be submitted to and approved by the Local Planning Authority and that phase shall be constructed in accordance with the approved strategy.

Reason: To improve the sustainability of the dwellings in accordance with the Policies DM5 and CP8 of the TD Core Strategy, the Supplemental Planning Document - Districtwide Design Guide and the aims and objectives of the National Planning Policy Framework. Costings for this have also been set aside in the financial viability appraisal.

28. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the Building Regulations 2010 and the aims and objectives of the National Planning Policy Framework.

29. A scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision and specification of electric vehicle charging points for each dwelling. Each dwelling shall thereafter only be occupied following its individual compliance with the agreed scheme. The submitted scheme shall also detail provision of electric vehicle charging points for visitor parking spaces and set out where and why it has not been possible to supply a particular dwelling, apartment or parking area with an electric vehicle charging point.

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 TD Site Allocations and Development Plan.

30. Prior to commencement of the development a programme of archaeological work shall be implemented in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Local Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved WSI.

Reason: To accord with paragraph 200 of the National Planning Policy Framework.

31. No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with approved Written Scheme of Investigation approved under Condition 30 and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: To accord with paragraph 200 of the National Planning Policy Framework.

32. No development works shall commence unless a suitably qualified acoustics consultant has been appointed with a remit to examine the site and assess noise impacts to residential properties and other land and make appropriate recommendations for mitigating noise impacts. A report, detailing all measurements taken and results obtained, together with any sound reduction scheme and the calculations and reasoning upon which any scheme is based

shall be submitted to and approved in writing by the Local Planning Authority. Reference shall be made to any relevant guidance and Codes of Practice including BS 8233:2014 and the Professional Practice Guidance (ProPG) Planning and Noise-New Residential Development and BS4142:2014. Any approved scheme shall be implemented and maintained as part of the development. Reason: To prevent unacceptable harm from noise to public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment in accordance with Policy DM1 of the TD Core Strategy and I3 of the TD Site Allocations and Development Plan.

33. No dwelling hereby permitted shall be occupied unless a scheme to mitigate against rail and traffic noise and noise from the proposed railway station (Noise Mitigation Scheme), has been submitted to, and approved in writing by, the Local Planning Authority that demonstrates how the internal and external living spaces will not exceed the following maximum noise criteria:

Location	07.00 - 23.00		23.00 - 07.00
	Preferred	Upper Limit	
<b>Living Room</b>	n/a	35 dB $L_{Aeq,16hr}$	
<b>Dining Room/Area</b>	n/a	40 dB $L_{Aeq,16hr}$	
<b>Bedroom</b>	n/a	35 dB $L_{Aeq,16hr}$	30 dB $L_{Aeq,8hr}$ < 10 events >45 dB $L_{Amax,F}$
<b>Private Amenity Areas and Gardens</b>	50dB $L_{Aeq,16hr}$	55 dB $L_{Aeq,16hr}$	
<b>Living Room</b>	n/a	35 dB $L_{Aeq,16hr}$	



<b>Dining Room/Area</b>	n/a	40 dB $L_{Aeq,16hr}$	
<b>Bedroom</b>	n/a	35 dB $L_{Aeq,16hr}$	30 dB $L_{Aeq,8hr}$ < 10 events >45 dB $L_{Amax,F}$

The Noise Mitigation Scheme shall detail the necessary elements of the mitigation including: bunding, fencing, site layout, floor plan layout, building envelope construction, glazing and ventilation. The Noise Mitigation Scheme shall include calculations showing the source noise levels, the attenuation characteristics of the building element or barrier and the resultant noise levels in the relevant internal and external spaces. Sufficient details of the construction of bunds or fences on bunds shall be provided to demonstrate the

technical feasibility of the structure. The approved Noise Mitigation Scheme shall be implemented in full prior to occupation of any dwelling and the measures contained therein shall thereafter be retained in perpetuity.

Reason: To prevent unacceptable harm from noise to public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment in accordance with Policy DM1 of the TD Core Strategy.

34. In addition to the requirements of Conditions 32 and 33 any dwellings (measured from the nearest point of their curtilage) located within 90m of the fenced boundary to the railway shall be constructed so as to provide sound insulation against noise from the operational railway and the future railway station. Details of the said sound insulation and the evidenced need for the level of mitigation proposed shall be submitted to and approved by the Local Planning Authority prior to the laying of foundations for qualifying residential dwellings.

Reason: To prevent unacceptable harm from noise to public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment in accordance with Policy DM1 of the TD Core Strategy.

35. With regards to the proposed foul pumping station - no foundations of any residential buildings shall be laid until:

- a) An Odour Impact Assessment has been undertaken by a suitably qualified person, with particular reference to the impact on neighbouring residential properties has been submitted to and approved in writing by the Local Planning Authority.
- b) If the Odour Impact Assessment identifies that an Odour Management Plan is required then such plan, alongside the Odour Impact Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The Odour Management Plan shall provide details of any mitigation methods to reduce the likely impact on the proposed residential property of odour also.

The development shall thereafter be carried out in accordance with the approved Odour Management Plan and the said mitigation measures retained in perpetuity.

Reason: To prevent unacceptable harm from odour to public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment in accordance with Policy DM1 and Policy CP1 of the TD Core Strategy and I3 of the TD Site Allocations and Development Plan.

36. Prior to commencement of any works, details of the fencing to be installed along the operational railway boundary to ensure that trespassing (before, during and after works) is not possible shall be submitted to and approved by the Local Planning Authority [in consultation with Network Rail]. The approved fencing shall be installed in accordance with the agreed details prior to the commencement of any works and maintained in perpetuity thereafter.

Reason: In the interests of public safety as required by Network Rail.

37. Application(s) for approval of the reserved matters within the employment area shall be accompanied by a glare assessment to ensure that any new structures do not pose a risk to the operational railway.

Reason: To safeguard the operation of the railway as required by Network Rail.

#### 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. 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 and the bespoke comments made by Avon and Somerset Police dated 10 July 2023. active
3. Reserved Matters proposals or the discharge of certain conditions for proposals in the vicinity of the operational railway should be informed with liaison with Network Rail and mindful of the comments received 10 July 2023. Construction work in the vicinity of the operational railway needs to be undertaken following engagement with NR Asset Protection to determine the interface with NR assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the developer should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk)
4. If evidence of a badger sett becomes available at any stage in the works, an ecologist should be contacted for advice.
5. To inform Condition 09 the applicant is reminded of the advice from the LLFA dated 07 July 2023 and
6. To inform Condition 10, with regards to maintenance, the following information will be required
  - Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory

undertaker (such a water company through an agreed S104 application) or management company.

- A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

7. Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

8. Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.
9. Retrospectively seeking to address Electric Vehicle Charging Strategy requirements may impact upon the approved site layout making it unsuitable for adoption purposes. In cases that the proposed EVCP is on or adjacent to an area of highway or footway that is intended to become adopted, or where Advance Payment Code is applicable, to scale drawings are recommended to show the location of the EVCP in situ and specification details of the proposed range of EVCP options.
10. 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.

### **Appendix 3 – Quality Review Panel Report November 2022**

### **Appendix 4 – Viability Appraisal.**

