

REGULATION COMMITTEE

Thursday 1 December 2022

2.00 pm Luttrell Room - County Hall,
Taunton – and virtual joining option for
non-committee members



To: The members of the Regulation Committee

Cllr T Lock (Chair), Cllr S Coles (Vice-Chair), Cllr J Baker, Cllr B Bolt, Cllr M Caswell, Cllr M Dunk, Cllr T Grimes, Cllr E Hobbs, Cllr M Martin, Cllr M Murphy, Cllr K Pearce, Cllr A Soughton and Cllr M Wale

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Monitoring Officer and Head of Governance and Democratic Services - 23 November 2022

For further information about the meeting, please contact Jamie Jackson on 01823 357628 or democraticservicesteam@somerset.gov.uk or Fiona Abbott on 01823 357628 or democraticservicesteam@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda. **In the light of the current situation, any members of the public who wish to attend the meeting / make representations to the Committee are encouraged to attend the meeting virtually.**

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?



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AGENDA

Item Regulation Committee - 2.00 pm Thursday 1 December 2022

**** Public Guidance notes contained in agenda annexe ****

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils can be viewed on the [Council Website](#)

The Statutory Register of Member's Interests can be inspected via request to the Democratic Service Team.

Any new or updated declarations of interest will be received.

3 **Accuracy of the Minutes of the meeting held on 3 November 2022** (Pages 9 - 14)

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chair will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Land at Comeytrove, Taunton, Somerset TA4 1FE - Application SCC/3938/2022** (Pages 15 - 68)

Regulation 3 Application for the erection of a new primary school & nursery, to include construction of sports pitches, parking area, new access onto spine road and incorporating Landscaping and infrastructure (Outline approval granted as part of wider Orchard Grove development (42/14/0069).

To consider this report.

Note – members of the Committee will be undertaking a site visit ahead of the meeting.

*The purpose of a Members' site visit is to view the site and its surroundings. The site visits are fact-finding exercises and **there will be no discussion of the merits***

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of the applications, nor will any decision be taken. Somerset County Council's Constitution states that "applicants, owners, agents, objectors and other interested parties are able to attend site visits and observe but ***there should be no lobbying of Committee members.***"

6 **Application for planning permission for discharge of s106 obligation at Delhorn Lane, Lympsham, Weston-Super-Mare, Somerset BS24 0EB (SCC/4005/2022)** (Pages 69 - 78)

S106A Application to Discharge of s106 obligation at Delhorn Lane Lympsham Grid ref 334176 153444 Bridleway AX22/11 & AX17/11

To consider this report.

Note – members of the Committee will be undertaking a site visit ahead of the meeting.

*The purpose of a Members' site visit is to view the site and its surroundings. The site visits are fact-finding exercises and ***there will be no discussion of the merits of the applications, nor will any decision be taken.*** Somerset County Council's Constitution states that "applicants, owners, agents, objectors and other interested parties are able to attend site visits and observe but ***there should be no lobbying of Committee members.***"*

7 **Any Other Business of Urgency**

The Chair may raise any items of urgent business.

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Regulation Committee General Guidance notes for the meeting

1. **Council Public Meetings**

The former regulations that enabled virtual committee meetings ended on 7 May 2021. Since then, all committee meetings need to return to face-to-face meetings. The requirement is for members of the Committee and key supporting officers to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

2. **Inspection of Papers**

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers.

3. **Members' Code of Conduct requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed on the council website at [Code of Conduct](#).

4. **Minutes of the Meeting**

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

5. **Public Question Time**

At the Chair's invitation you may ask questions and/or make statements or comments about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been considered. However, questions or statements about the matters on the agenda for this meeting will be taken at the time when that matter is considered and after

the Case officers have made their presentations.

The Chair will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chair may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chair will then invite local County Councillors to address the Committee on matters that relate to their electoral division.

If you wish to speak either in respect of Public Question Time business or another agenda item, you must inform the Committee Administrator by 5.00pm three clear working days before the meeting email democraticserviceteam@somerset.gov.uk or telephone 01823 357628. When registering to speak, you will need to provide your name, whether you are making supporting comments or objections and if you are representing a group / organisation e.g. Parish Council.

Statements/questions must be received in writing and by the PQT deadline which is three clear working days before the meeting.

Requests to speak after this deadline will only be accepted at the discretion of the Chair.

You must direct your questions and comments through the Chair. You may not take direct part in the debate.

Comments made to the Committee should focus on setting out the key issues and we would respectfully request that the same points are not repeated.

The use of presentational aids (e.g. PowerPoint) by the applicant/agent or anyone else wishing to make representations to the Committee will not be permitted at the meeting.

An issue will not be deferred just because you cannot be present for the meeting.

In line with the Council's procedural rules, if any member of the public interrupts a meeting the Chair will warn them accordingly.

If that person continues to interrupt or disrupt proceedings the Chair can ask the Democratic Services Officer to remove them as a participant from the meeting.

The Chair will decide when public participation is to finish. The Chair also has discretion to vary the public speaking procedures.

Remember that the amount of time you speak will be restricted, normally to three minutes only.

6. **Substitutions**

Committee members are able to appoint substitutes from the list of trained members if they are unable to attend the meeting.

7. **Late Papers**

It is important that members and officers have an adequate opportunity to consider all submissions and documents relating to the matters to be considered at the meeting and for these not to be tabled on the day of the meeting.

Therefore any late papers that are to be submitted for the consideration of the Regulation Committee, following the publication of the agenda/reports, should be sent to the Strategic Commissioning Manager via planning@somerset.gov.uk in respect of Planning and Town and Village Green items, and to the Senior Rights of Way Officer via planning@somerset.gov.uk in respect of Rights of Way items, and should be received **no less than 48 hours before the meeting**.

8. **Meeting Etiquette**

- Mute your microphone when you are not talking.
- Switch off video if you are not speaking.
- Only speak when invited to do so by the Chair.
- Speak clearly (if you are not using video then please state your name).
- If you're referring to a specific page, mention the page number.
- Switch off your video and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called

turn on live captions which provides subtitles on the screen.

9. **Recording of meetings**

The Council supports the principles of openness and transparency. It allows filming, recording, and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings. No filming or recording may take place when the press and public are excluded for that part of the meeting.

Please contact the Committee Administrator or Democratic Services on 01823 357628 or email democraticserviceteam@somerset.gov.uk if you have any questions or concerns.

REGULATION COMMITTEE

Minutes of a Meeting of the Regulation Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 3 November 2022 at 2.00 pm

Present: Cllr T Lock (Chair), Cllr S Coles (Vice-Chair), Cllr B Bolt, Cllr M Caswell, Cllr M Dunk (attended virtually), Cllr T Grimes, Cllr E Hobbs, Cllr H Hobhouse (substitute), Cllr M Martin, Cllr M Murphy, Cllr A Soughton and Cllr M Wale

Other Members present: Cllr M Lewis

Other members present virtually: Cllr A Kendall*, Cllr N Clark, Cllr S Dyke and Cllr S Collins
(*Reserve Committee member)

Apologies for absence: Cllr J Baker (substituted by Cllr H Hobhouse) and Cllr K Pearce

1 **Declarations of Interest** - Agenda Item 2

The following declarations of interest were made at the meeting: -

- (a) Cllr A Soughton – application 851M (agenda item 7 refers) – knows landowners who submitted a late submission – withdrew;
- (b) Councillors M Caswell, T Lock, A Soughton and S Coles – application SCC/3940/2022 (agenda item 8 refers) – had received email communications from objectors, which had not opened;
- (c) Cllr Hobhouse – application SCC/3940/2022 (agenda item 8 refers) - knows applicant – withdrew.

2 **Accuracy of the Minutes of the meeting held on 1 September 2022** - Agenda Item 3

The Minutes of the previous meeting held on 1 September 2022 were accepted as accurate.

3 **Public Question Time** - Agenda Item 4

3 members of the public and 2 applicant/agents registered to speak by the deadline and their statements / questions were considered as a part of agenda item 8, Application No SCC/3940/2022.

4 **Wildlife and Countryside Act 1981 Section 53 Schedule 14 Applications relating to Queen Camel and Sparkford, South Somerset - Applications 858M (northern section, A - C) and 859M** - Agenda Item 5

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee considered the Report by the Rights of Way Officer, concerning the applications from South Somerset Bridleways Association to upgrade parts of footpaths WN 23/40, WN 23/38 and WN 23/12 to bridleways and add sections of bridleway, from Babcary Road to the A303, Queen Camel, in the parish of Queen Camel, South Somerset - Applications 858M (northern section, A-C) and 859M.
2. The Rights of Way officer outlined the application by reference to the Report, supporting papers and the use of maps, plans and photographs and the report and the presentation covered – the application, supporting evidence, descriptions of the routes, relevant legislation, documentary evidence, evidence from landowners, consultations and other submissions, discussions of the documentary evidence, and summary, conclusions and recommendations.
3. The comments submitted by Ms Sarah Bucks, South Somerset Bridleways Association (supporter) were noted by the Committee.
4. The Local Division members, Councillor M Lewis and Councillor H Hobhouse addressed the Committee and queried aspects of the application, evidence presented and whether the application had been correctly processed.
5. On the basis of the information presented and the comments made the Committee decided by majority that the item be **DEFERRED** to seek reassurance that the full application process has taken place.

5 **Wildlife and Countryside Act 1981 Section 53 Schedule 14 Applications relating to Queen Camel and Sparkford, South Somerset - Application 858M (southern section)** - Agenda Item 6

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee received a Report by the Rights of Way officer, concerning the application from the South Somerset Bridleways Association to add a bridleway, from WN 23/38 to High Street, Sparkford, South Somerset – Application 858M (southern section).
2. The application is closely related to application 858M (northern section A – C) and 859M and the Committee agreed that the item be **DEFERRED**.

6 **Wildlife and Countryside Act 1981 Section 53 Schedule 14 Applications relating to Queen Camel and Sparkford, South Somerset - Application 851M** - Agenda Item 7

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee received a Report by the Rights of Way officer, concerning the application from the South Somerset Bridleways Association to upgrade footpath WN 27/4 and part of footpath WN 23/11 to bridleways from the A303 Queen Camel to Sparkford Hill, Sparkford, South Somerset – Application 851M.
2. The Committee had received a late paper submission from Mr and Mrs Hodder (objectors) which was circulated on 1 November 2022.
3. The application is closely related to applications 858M (northern section A – C) and 859M and to 858M (southern section), and the Committee agreed that the item be **DEFERRED**.

7 **Application for variation in planning condition at Blackford Hill Quarry, Blackford Hill, Yeovil, Somerset BA22 7EA (SCC/3940/2022) - Agenda Item 8**

Committee members had undertaken a site visit ahead of the meeting.

1. The Committee considered the report of the Service Manager – Planning & Development on this application. The application was submitted by Somerset Stone Supplies and requested variation of planning condition 2 (planning permission reference SCC/3777/2020) that limits lorry movements from Blackford Quarry, Blackford Hill, Yeovil, Somerset BA22 7EA (application SCC/3940/2022).

2. The Planning Officer, with reference to the report, presentation, and the use of maps, plans, and photographs, outlined the application which proposes to increase the number and vary the type of vehicles used to haul stone from the site to the processing facility at Tout Quarry. The main issues for consideration are – planning policy, the impact on highways and traffic, the impact on living conditions of neighbours, environmental impact and matters raised in response to publicity and included a summary, conclusions and recommendations which were set out in full in paragraphs 9 and 10 on Pages 369 – 379 of the submitted report.

3. The Committee had received written submissions and heard from the following, with their comments / views summarised as shown below:

Ian Tibbitt – objector – application is flawed; photographs only recently posted on website and had submitted comments before this received; tractor limit untrue; failure to analyse extraction data; exceeded limits by 65% or more, what confidence have in numbers presented; not all stone removed from site has gone to the processing site.

Roger Martin – objector – inappropriate transport options, all options will increase scale of the operation and the amount of stone extracted; unacceptable huge increase in vehicle movements; increased hazards and road safety risks; disingenuous application based on misinformation; not technically credible.

Sylvia Hartnell-Beavis – objector – unsuitability of the Haul Road and access / no run off to the A303; visibility at the site access is sub-standard and potentially dangerous; increased loading on the causeway; Blackford is a conservation village; additional or heavier vehicles are not feasible or workable propositions.

Zac England – applicant – Somerset Stone Supplies – explained why application made and want to achieve permitted output limit.

Nick Dunn – Agent – Land & Mineral Management - has been highways assessment of proposals and does not consider up to 8 vehicle movements in a week to be onerous in highway terms, are compliant with planning policy; no justifiable material reason why planning permission should not be granted.

5.The Chair advised that a late submission had been received from Jane Monk, Chair Blackford & Compton Pouncefoot Parish (objector), circulated on 1 November 2022 and a further late submission had been received from Sarah Martin, Blackford Quarry Action Group (objector), circulated on 2 November 2022. These had been circulated to the Committee ahead of the meeting.

6.The Local Division member Cllr N Clark addressed the Committee and raised the following matters – constraints of roads around site and length of causeway; risk of damage to road if used by more larger vehicles; issues re A303 north of site and the junction; consider reality of impact of additional movements; in conservation area.

6.The Local Division member, Councillor S Dyke addressed the Committee and raised the following matters – strength of feeling from residents on issue, pleased that members did site visit – important aspect; mentioned Bill currently going through parliament; size of hauling tractor and trailer – received pictures quite late from applicant – make clear they are not ordinary sized vehicles but industrial vehicles which are inappropriate to go down narrow county lanes; figures presented do not stack up and need independent verification of figures; the characteristics of stone from the quarry were known about; this application will be over industrialisation of rural community; if minded to approve – ask to approve in principle pending independent verification of need.

7.The Planning Officer responded to the points raised – transport assessment was submitted with the application and was independently assessed, raised no objection, referred to NPF 11 and no grounds to base highways objections to and comments are set out in the report.

8.The Committee proceeded to debate the matter during which members raised matters including: the need for warning signs near quarry entrance and ahead of site; clarification on weight limit of vehicles; need assurances that keeping to agreed traffic movements and vehicles used; clarification that any or all options to be used, within annual limit with maximum of 8 HGVs per week.

8.Cllr T Grimes, seconded by Cllr M Caswell, moved the recommendation in paragraph 9 of the submitted report, that planning permission be GRANTED subject to conditions.

9. Accordingly the Committee RESOLVED: -

1. To agree to variation of planning condition 2 (planning permission reference SCC/3777/2020), subject to the conditions set out in section 9 of the submitted report, and as amended below: -
 - (a) Delete informative 7 (reason – this informative is not relevant to application);
 - (b) Add condition to limit the number of load movements and the gross vehicle weight of the trucks, to provide clarity in terms of the size and weight of vehicles permitted to use the site;
 - (c) Add condition for the applicant to provide details and plan showing proposed location of signs near to the Quarry entrance and road, in the interest of road safety, to be implemented within 6 months once details are agreed.
2. That authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning and Development, Enforcement and Compliance.

8 **Any Other Business of Urgency** - Agenda Item 9

There were no additional items of business raised at the meeting.

(The meeting ended at 4.30 pm)

CHAIR

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Somerset County Council

Regulation Committee – 1st December 2022

Report by Service Manager - Planning & Development, Enforcement & Compliance:

Application Number: SCC/3938/2022

Date Registered: 5th May 2022

Parish: Trull

District: Somerset West and Taunton

Member Division: Comeytrove and Trull

Local Member: Councillor Habib Farbahi & Councillor Dawn Johnson

Case Officer: Colin Arnold

Contact Details: colin.arnold@somerset.gov.uk

Description of Application: Erection of a new primary school & nursery, to include construction of sports pitches, parking area, new access onto spine road and incorporating Landscaping and infrastructure (Outline approval has been granted as part of wider Orchard Grove development: 42/14/0069).

Applicant: Mrs D Charlesworth, BAM Construct UK Ltd (On behalf of Somerset Council Council)

Location: Land at Comeytrove, Taunton, Somerset

Grid Reference: Easting - 320682, **Northing** - 123030

1. Summary of Key Issues and Recommendation(s)

1.1 The proposed development is for the creation of a new school with associated sports facilities, parking and infrastructure. The key issues for Members to consider are: -

- Whether the principle of the development is acceptable;
- Site Layout / Design;

- Impact on residential amenity;
- Flood Risk;
- Ecological Impacts; and
- Highway Impacts / safety

1.2 It is recommended that planning permission be **GRANTED** subject to the imposition of the conditions set out in section 10 of this report, and that authority to undertake any minor nonmaterial editing which may be necessary to the wording of those conditions be delegated to the Service Manager – Planning & Development, Enforcement & Compliance.

2. Description of the Site

2.1 The application site occupies approximately 23,000 square metres of former agricultural land and is located within the wider Orchard Grove development site, which was granted Outline Approval by Somerset West & Taunton Council on the 8th August 2019 (Application Reference: 42/14/0069).

2.2 The site lies approximately 2.5km to the south west of Taunton Town Centre, between Comeytowe and Trull. North and East of the site, is predominantly residential / suburban land, and to the South and West of the Site, is a mixture of rural / development land, which is due to be developed in the near future. The Galmington Stream lies approximately 71 meters away to the west of the development site, at it's closest point.

3. The Proposal

3.1 The proposal is for the construction of a 420-place primary school (2 form entry (2FE)), to serve the wider development. The primary school will be a two storey building, comprising of 14 classrooms and a 52-place nursery together with school hall, kitchen facilities, staff and head teacher rooms, group rooms and library.

3.2 The proposed school will have associated landscaping, including hard and soft play spaces, car parking, cycle storage and secure site boundary treatments.

3.3 For the purposes of the planning application the description of development as written on the planning application form is:

3.4 *Erection of new primary school & nursery, to include construction of sports pitches, parking area, new access onto spine road, incorporating landscaping and infrastructure. (Outline approval granted as part of wider Orchard Grove development: 42/14/0069).*

3.5 In order to 'future-proof' the proposed school building, there is an area highlighted for an additional 1FE – this is sized to include 7 classrooms and associated accommodation. This would represent a final capacity of the school of 630 pupils and 52 place nursery. This future expansion would be subject to a separate planning application as and when the need arises.

3.6 Outline Planning Permission (OPP) (with all matters reserved except all points of access) was granted for a residential and mixed use urban extension at Comeytrowe/Trull for up to 2000 dwellings, 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space 'Park and Bus' facility on Land at Comeytrowe/Trull in August 2019 (reference: 42/14/0069). This application is for the primary school/nursery element of the scheme.

4. Background

4.1 Outline permission 42/14/0069 was granted on 8th August 2019 for a residential and mixed use urban extension at Comeytrowe / Trull to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space 'park and bus' facility.

4.2 The outline scheme indicated that the primary school could be located in one of two locations, one to the east (Option 1) of the site and the other to the west (Option 2); it is this eastern location, Option 1 that has been chosen for the location of the primary school, and thus is the area subject to this planning application.

4.3 Additionally, the proposed site does not have any planning history with the County Planning Authority.

5. The Application

5.1 Documents submitted with the planning application:

- Planning Application Form (PP-Reference: 11174081)
- Design and Access Statement (Dated: 06/04/2022)
- Certificate B Form (Dated: 05/05/2022)
- Ecological Appraisal (Dated: 12/02/2021)
- Biodiversity Net Gain Assessment (Dated: 11/04/2022) - **Superseded by Revision 1.1 (Dated: 04/05/2022)**
- Geotechnical and Geo-Environmental Assessment Part 1 (Report No: 12895)
- Geotechnical and Geo-Environmental Assessment Part 2 (Report No: 12895)
- Geotechnical and Geo-Environmental Assessment Part 3 (Report No: 12895)
- Statement of Community Involvement (Dated: 06/04/2022)
- Statement of need for the school (Reference: 154306)
- Flood Risk Assessment & Drainage Strategy (Report No: B05543-CLK-XX-XX-RP-FH-1001) - **Superseded by Revision P1 (Dated: 05/09/2022) and again by Revision P2 (Dated: 13/10/2022)**
- Construction Environmental Management Plan (CEMP) (Reference: BMSOCN-220743553-96-00) - **Superseded by Revision 01 (Dated: 29/06/2022)**
- External Lighting Statement (Reference: 17114-HYD-XX-XX-RP-ME-0003)
- Energy Strategy and Part L Report (Reference: CPS-HYD-ZZ-XX-RP-ME-0001)

- Hydrock Overheating Risk Assessment (Reference: CPS-HYD-ZZ-XX-RP-ME-0003)
- Hydrock Daylighting Analysis Design Note (Reference: CPS-HYD-ZZ-XX-RP-ME-0004)
- Hydrock Fire Safety Strategy (Reference: 23109-HYD-XX-XX-RP-FE-0001)
- Air Quality Assessment (Reference: J0487/1/F1)
- Tree Survey (Reference: 2102155837)
- Tree Constraints Plan (Reference: Tree Protection Plan R1)
- Outline Noise Impact Assessment (Reference: L1438.1-V1)
- Acoustic Design Assessment (Reference: R1438.1-V1)
- Topography Plan (Reference: B20323-2D-USX)
- TP Logs (Dated: 05/05/2022)
- Landowner Notification Letter (Reference: CD-JP-154306)
- Transport Statement (Dated: May 2022)
- School Travel Plan (Dated: May 2022) - **Superseded by Revision B (Dated: 12/10/2022) and again by Revision C (Dated: 11/11/22)**
- Comeytrowe Design Review Comments Tracker v4 (Dated: 30 June 2022) - **Superseded by Revision v5 (Dated: 08 September 2022)**
- Clarkbond Technical Note (Reference: B06004-CLK-XX-XX-TN-1001)

5.2 Plans & Drawings submitted with the planning application:

- Site Location Plan (Drawing No: CPS-STL-XX-XX-DR-L-09001-P17) - **Superseded by Revision P18 (Dated: 03/05/2022)**
- Site Access Plan (Drawing No: CPS-STL-XX-XX-DR-L-09003-P17) - **Superseded by Revision P18 (Dated: 03/05/2022) and again by Revision P26 (Dated: 18/07/2022)**
- External Services Plan (Drawing No: CPS-HYD-ZZ-ZZ-DR-ME-9100-P02)
- Landscape General Arrangement Plan (Drawing No: CPS-STL-XX-XX-DR-L-09000-P17) - **Superseded by Revision P18 (Dated: 03/05/2022), P26 (Dated: 18/07/2022) and again by Revision P31 (Dated: 18/11/22)**
- Boundary Treatment Plan (Drawing No: CPS-STL-XX-XX-DR-L-09004-P17) - **Superseded by Revision P18 (Dated: 03/05/2022) and again by Revision P26 (Dated: 18/07/2022)**
- External Finishes Plan (Drawing No: CPS-STL-XX-XX-DR-L-09007-P17)
- Tree Protection, Removal and Retention Plan (Drawing No: CPS-STL-XX-XX-DR-L-09101-P17) - **Superseded by Revision P18 (Dated: 03/05/2022)**
- Soft Landscape Plan (Drawing No: CPS-STL-XX-XX-DR-L-09140-P17) - **Superseded by Revision P18 (Dated: 03/05/2022) and again by Revision P26 (Dated: 18/07/2022)**
- Site Section Plan (Drawing No: CPS-STL-XX-XX-DR-L-09301-P17)
- Cycle Shelter Detail Plan (Drawing No: CPS-STL-XX-XX-DR-L-09401-P17) - **Superseded by Revision P26 (Dated: 18/07/2022)**
- Fence & Enclosure Details Plan (Drawing No: CPS-STL-XX-XX-DR-L-09410-P17)
- Tree Pit Detail Plan (Drawing No: CPS-STL-XX-XX-DR-L-09420-P17)

- Soil Profile Details (Drawing No: CPS-STL-XX-XX-DR-L-09425-P17)
- Proposed Ground Floor Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0101-P08)
- Proposed First Floor Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0102)
- Proposed Roof Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0103-P08)
- Proposed Elevations Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0201-P08)
- Proposed Sections Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0301-P08)
- Materials to Elevations Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0401-P08)
- Proposed 3D Visuals – Sheet 1 of 2 Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0601-P08)
- Proposed 3D Visuals – Sheet 2 of 2 Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0602-P08)
- Figure 6.1 Site Baseline Plan (Dated: 05/05/2022)
- Figure 6.2 Retained and Created Habitats (Dated: 05/05/2022)
- TP Plan Overlay WIP - Exploratory Hole Location Plan V2 (Drawing No: 12895)
- TP Plan – Exploratory Hole Location Plan V2 (Drawing No: 12895)
- External Elevations General Arrangement Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-2101-P13)
- External Signage Plan and Details (Drawing No: CPS-STL-ZZ-ZZ-DR-A-4601-P13)
- Floor Finishes Plans – Ground and First Floor (Drawing No: CPS-STL-ZZ-ZZ-DR-A-5401-P13)

6. Environmental Impact Assessment (EIA)

6.1 No such Environmental Impact Assessment (EIA) was necessary in relation to this application.

7. Somerset West & Taunton Quality Review Panel Report Summary Dated April 2022

The panel considers the new Orchard Grove Primary School to have great potential to serve the future community of the Comeytrowe Garden Community. However, the panel has several concerns about the current design, and questions the contribution the building will make, as a key civic building, to the emerging community. The arrangement of the frontage, which is dominated by car parking, and the arrival experience to the entrance and hall, serve to isolate the school from the community and diminish the experience of children and visitors. The panel feels that the need to accommodate the school's future expansion has further hindered the delivery of the best possible learning environment. The panel is therefore not convinced that the site has the capacity to accommodate further expansion. The current proposal, including the way it sits within its plot, has emerged in isolation from the wider garden town, and the panel questions how the school will connect to the early phases within the Western Neighbourhood. The panel is concerned by the location of the car park in front of the school's entrance and nursery and reception classrooms, and asks that it

is reconsidered. Further thinking is needed on how sustainable journeys to school can be encouraged. To ensure the design aspirations for the garden town are met, and a key building for the community is delivered, the panel asks that several other aspects of the proposal are reconsidered. These include the arrival experience, the overall form and appearance, and the quality of the internal circulation. An alternative design approach could help the school not only to be more welcoming and friendly for students, but also more reflective of the context. These comments are expanded below.

Site layout

- The panel recognises the considerations that have influenced the arrangement of the school building and sports pitches. However, the panel has concerns about the siting of the building and car parking, the future expansion strategy, and the landscape design of the whole frontage area.
- Together, the amount and location of car parking and the option to expand are creating major constraints on delivering both the best possible learning environment for the initial cohort of 420 pupils, and an important civic building for the emerging community. The panel therefore questions whether the site has sufficient capacity to accommodate a larger student population.
- If the main school building were to be moved towards the north-west of the plot, closer to the future Horts Bridge Park, better connections to the school could be realised, encouraging walking and cycling to and from the Western Neighbourhood. Potentially the building could be moved to bring the entrance and hall into a more positive relationship with the park.

Connectivity

- Given some students may need to travel up to one kilometre across a masterplan midway through construction, it is critical that safe and sustainable transport routes are provided for pedestrians and cyclists. Otherwise, families will default to using the car for their journeys to school.
- The panel encourages the team to work with the council to revisit parking requirements on site and, if possible, to reduce the extent of parking provided. This will help the site feel less dominated by cars and provide a nudge towards more sustainable transport.
- The panel welcomes the location of the cycle parking area and its proximity to the front entrance, which will help to support sustainable travel.

Entrance experience

- The panel is concerned by the dominance of the car park, in front of the main school building. This arrangement does little to create a welcoming environment for students, who need to walk through the car park to reach the

school's main entrance, and its location should be revisited. The panel asks the team to consider moving the car parking to the side of the building, away from the main entrance.

- Furthermore, the panel considers that the proximity of the car park to the nursery and reception classrooms is inappropriate, given the considerable amount of time this age group spends engaged in outdoor learning.
- The area in front of these classrooms also feels very exposed. The panel suggests more landscaping could be introduced in this area to provide a buffer and extra privacy for the school's youngest students.
- The panel also suggests that the entrance canopy should project further from the building, to help improve the overall arrival experience. This change would create more of a sense of arrival, as well as protection in inclement weather.

Design approach

- While the panel supports the adoption of Passivhaus principles and understands that these are guiding the design of the school it feels that rigid adherence to an unarticulated rectangular form does little to respond to the surrounding rural context. The panel also notes that the building will be visually prominent before and after completion of the surrounding housing.
- The panel also feels that the current building form is more akin to a building on a business park than a school, and that this could be intimidating for primary school children. The yellow trim around the entrance and windows does not do enough to make the building feel friendly and welcoming for its young students. This is another reason the overall design approach should be reconsidered.
- Furthermore, Somerset West and Taunton Council's design aspirations are clearly set out in the adopted Districtwide Design Guide Supplementary Planning Document. The panel encourages the team to review this document to ensure the new school responds to its local context, and contributes to the ambitions to lift the quality of design for the local area.
- One way to do this would be to reimagine the building form as a tithe barn, enabling the school to reference its agricultural surroundings. A building with overarching eaves could also help to reduce the scale, provide shading and manage overheating.
- The roof form could also be broken up, with two smaller steeper pitches to allow some controlled sunlight into the depth of the building, which the current design struggles to achieve.

Elevational treatment

- The panel appreciates the need for airtightness so the building can meet Passivhaus standards. However, it feels that some changes to the elevational treatment could help to break down the impression of long, unrelieved façades, especially along the north-east elevation.
- Reducing the area of cladding and extending the masonry up to the upper windowsill level, could help to soften the building's appearance. Changing colour or materials at key points along the building, such as around the hall on the south-west elevation, could also help.
- The panel also encourages the team to explore opportunities for different window configurations, grouping windows either vertically or horizontally – for example creating a continuous ribbon of windows and cladding for the upper level, held between an extended masonry base and an overhanging eaves.
- The long canopy for the nursery and reception classrooms along the south-west elevation is welcomed, but the design team must ensure its support posts do not cross any windows along this elevation. The canopy must also provide sufficient shading for this area.

Internal layout

- The panel questions the size of the ground floor entrance and secure lobby space, which it feels is too constrained. The quality and overall experience in these spaces would improve if more generous spaces were provided. If the plan was amended, the lobby and entrance would move to the west side of the building, closer to Horts Bridge Park, to improve connectivity.
- Changes to the layout could be enabled if the plot reserved for expansion could be released, freeing space to improve internal spaces.
- Further thought is also needed on whether an outdoor space, linked to the ground floor hall, could be provided to ensure quality play time can be provided throughout the year.
- The panel considers that the size of the circulation space and the 1.8 metre width of corridors is too constrained, and will make movement through the building feel uncomfortable. The main corridor also appears monotonous, with little relief or moments of joy for students. The panel suggests both these areas are revisited.
- Some relief, such as pockets of space along the circulation space could help to improve this experience. At a minimum, the team could consider locating doors and glazing opposite one another to help address this concern.
- The panel also questions whether there is a sufficient zone provided around the platform lift to allow circulation.
- Given the form of the building, the panel worries about the amount of the daylight reaching the library and group work space. The panel encourages the

design team to refer to the Department for Education's Output Specification 21, to ensure these important spaces receive sufficient daylight and ventilation and that the best possible learning environment is delivered.

Community use

- There is strong potential for the new primary school, as a key civic building, to serve as the heart of the new community at Orchard Grove. Thought should be given to how this can be enabled and encouraged.
- While it is not a requirement for the new school, and its facilities, to be accessible for the wider community outside school hours, the panel encourages the applicant team to consider how the design can enable this access.

Next steps

- The panel suggests that the applicant addresses its comments in discussion with Somerset County Council officers.

8. Consultation Responses Received

External Consultees

8.2 Somerset West & Taunton Council - No Objection (Advice Provided):

"Thank you for your consultation on this application received 5 May 2022 and subsequent information received 11 May 2022. This response comprises the formal response on behalf of the Local Planning Authority dealing with the wider Comeytrowe Garden Community (known as Orchard Grove).

SWT has committed £7m of Community Infrastructure Levy (CIL) funds towards education provision in Taunton and to date has covered the costs associated with the purchase of the 2.2 hectare site from this CIL allocation. CIL is collected from the new houses built on the Comeytrowe site (and others in the town/district) payable by developers in order to pool monies towards community infrastructure.

As you know but to be clear to any members of the public reading this response and confused by the process; unlike all residential applications at the site to date this application for a primary school will be determined by SCC (as Education Authority) under Regulation 3, which allows SCC, to determine applications on their own land (that land having been transferred from developer to SCC). In this scenario therefore Somerset West and Taunton Council (hereon SWT) is a consultee.

SWT supports the delivery of a school at Comeytrowe. It is acknowledged that the early delivery of a school is beneficial to the sales rate (and therefore build-out rate) of the host development and helps foster a community. The school will be followed, in time, by a local centre, community hall, play and sports facilities and allotments, all as part of the 2000 home development.

The need for, and siting of, the school was established at the outline stage of the then proposed Comeytrove Urban Extension when planning permission was granted in August 2019. Over the last 12 months SWT has assisted SCC with the project planning for the delivery of the school with an expected opening in September 2023. To date there are a handful of occupations in the wider development.

We are grateful to the applicant team and the Orchard Grove Consortium for facilitating a visit to site for local parish councillors and SWT Ward Members on 15 March 2022, I know they found the visit very useful in understanding more about the school project and we hope further visits will be arranged during the build process.

We have encouraged the applicant team to present the proposal to our Quality Review Panel (hereon QRP). Several projects at the Comeytrove Garden Community have already been considered by this panel.

A QRP has been established to support the achievement of high quality, innovative and sustainable placemaking. The Panel of external architects, landscape architects and other technical specialists provides independent and objective advice during the development of planning policy and development strategies and advising on pre-application development proposals and planning applications. The Taunton Garden Town Vision and SWT Districtwide Design Guide set out the strategic development principles for design quality across the District and Taunton Garden Town. For more information please visit - www.somersetwestandtaunton.gov.uk/planning/quality-review-panel/

www.somersetwestandtaunton.gov.uk/planning-policy/districtwide-design-guide-spd/

We were encouraged that the applicant team presented this project via video conference to the QRP on 25 April 2022. Advice and feedback was given at the time and then followed up with a report sent to the applicant team, and SWT, on 10 May 2022. It is noted the application was submitted prior to receipt of the report. It will be for the planning officer to assess where the plans have responded positively to the QRP feedback and where the plans haven't. It is also a decision for SCC to decide whether to publish in full the report by uploading it to the online case file.

SWT asks that the following comments regarding site layout, entrance experience, design approach, elevational treatment and community use are considered:

- Concerns about the siting of the building and car parking, the future expansion strategy, and the landscape design of the whole frontage area.
- Together, the amount and location of car parking and the option to expand are creating major constraints on delivering both the best possible learning environment for the initial cohort of 420 pupils, and an important civic building for the emerging community.
- Could better connections be realised by associating the building (and entrance) more closely with the planned Horts Bridge Park? (Horts Bridge Park will be a new park centred on the Galmington Stream, inclusive of a Neighbourhood Play Area, open space and allotments. It will also provide linkages to and from the surrounding area).

- Concerns regarding the dominance of the car park, in front of the main school building. This arrangement does little to create a welcoming environment for students, who need to walk through the car park and traffic movements to reach the school's main entrance.
- The proximity of the car park to the nursery and reception classrooms is inappropriate, given the considerable amount of time this age group spends engaged in outdoor learning.
- The area in front of these classrooms also feels very exposed. More landscaping could be introduced in this area to provide a buffer and extra privacy for the school's youngest students. - The entrance canopy should project further from the building, to help improve the overall arrival experience. This change would introduce relief to an otherwise flat façade, create more of a sense of arrival, as well as protection in inclement weather.
- The prominence of the boundary fencing along the spine street could also be softened. One feature which worked well at the Kingfisher School in Yeovil was placing the boundary fencing behind a native hedge, this would also visually improve the vehicular access and presents a much softer edge along this key edge and looks less institutional. More trees would be welcome to create a strong feature and tie the site into its planned surrounds. Only three trees are planned to the whole frontage which is inadequate given the dominance of the car parking and only twelve more are proposed across the rest of the site, which seems meagre given the possibilities along boundaries. A much more substantive planting group could be established along the Comeytrove Road boundary for example to aid outdoor lessons.
- SWT supports the adoption of Passivhaus principles and understands that these are guiding the design of the school but a rigid adherence to an unarticulated rectangular form does little to respond to the surrounding rural context.
- The proposed building form is more akin to a building on a business park than a school and its predecessor in Somerton gives credence to this view. The yellow trim fails to provide sufficient visual interest to offset the utilitarian appearance and the lack of greenery to the frontage further exposes the repetitive full-frontal view of the wide fronted building and the dominance of the car park.
- SWT's design aspirations are clearly set out in the adopted Districtwide Design Guide Supplementary Planning Document. The panel encourages the team to review this document to ensure the new school responds to its local context and contribute to the ambitions to lift the quality of design for the local area.
- There is also a Design Guide for the Western Neighbourhood of the Orchard Grove site which has been forwarded and should be referenced and assessed in the Officer's Report.
- Reviewing the horizontal and vertical lines, the extent of cladding, general fenestration, eaves projection and roof pitches as well as taking a stronger design cue from more successful large span buildings could help.
- The alignment of the access point to the service area could be better as currently deliveries cross the main pedestrian route to the building.
- The bin store is poorly designed when located so prominently.

- One element that worked well at Primrose Lane School in Yeovil (also approved by SCC) was a name plate near the entrance, this provided legibility and visual interest against what was a simplistic form of a building. A curved sign like this at either vehicular or pedestrian access points is possible. At Primrose Lane School the foreground of that sign is now planted for more seasonal interest and could be lit for further interest.

I have deliberately avoided commenting on matters that the Highway Authority will comment on, but hope safeguards are in place for the development period regarding HGV routing to the site and wheelwashing. A specific plan for vehicle, pedestrian and cycle access during the ongoing development will be required as the school will be accessed through a working construction site for the foreseeable.

There is strong potential for the new primary school, as a key civic building, to serve as the heart of the new community at Orchard Grove. Thought should be given to how this can be enabled and encouraged. While it is not a requirement for the new school, and its facilities, to be accessible for the wider community outside school hours, SWT encourages the applicant team to consider how the design can enable this access now or in the future.

Consultation with the LLFA and ICOSA, the incumbent foul sewerage and water supply undertaker for development, will ensure the school plans for surface water and foul drainage fit with the site wide approach to such. The same should be said for Somerset Ecology Services who comment on the wider development.

I understand the applicant team has consulted the three immediately adjacent properties and I hope their concerns and aspirations have been considered. It is also hoped SCC's contractor maintains a dialogue with those residents during the works and minimises disruption to them.

I trust these comments are of assistance. We would be grateful to be kept up to date with any amendments to the scheme and the eventual committee meeting date, where SWT may wish to make further representations."

8.3 Trull Parish Council – Objections Raised:

"Whilst Trull Parish Council supports the need for a new school in the Urban Extension it does not support the current application for the following reasons:

This Application is EIA Development – it needs to be advertised and consulted on appropriately.

The Flood Risk Assessment & Drainage Strategy (FRADS) does not adequately address groundwater flooding and surface water issues. The site lies in an area that frequently floods causing road closures on the adjacent lane.

The FRADS needs to consider the Urban Extension.

SWaT's 'Climate Positive Planning Interim Guidance Statement on Planning for the Climate and Ecological Emergency' is not followed. There is no Climate Emergency Checklist, or Sustainability Checklist which should include an Energy Statement.

The Air Quality Assessment does not consider the Spine Road.

Only a Phase 1 ecological survey has been undertaken.

The site has no dropping off arrangements which will be unworkable at school opening and closing times as there is a 60 place nursery in addition to possibly several hundred older children being dropped off.

The pedestrian and cycling access runs unnecessarily right across the car park rather than at the side.

SCC states that there could be over 600 primary age children coming from the urban extension and this school must be built with the potential to expand in the future – how will this school be able to enlarge to accommodate 200 extra pupils?”

8.4 Comeytrove Parish Council - In Support (Advice Provided):

“Please find the Comeytrove PC response below:

SCC/3938/2022 - Erection of a new primary school & nursery, to include construction of sports pitches, parking area, new access onto spine road and incorporating Landscaping and infrastructure (Outline approval has been granted as part of wider Orchard Grove development: 42/14/0069). Land at Comeytrove, Taunton, Somerset - GRID REF 320682 123030

Resolved: To SUPPORT this application with the following comments:

1. To ensure the colour of the materials used are sympathetic to the environment
2. To ensure access for construction of the site is only via the haul lane or Spine Road not though the local residential roads”

8.5 Councillor Dawn Elaine Johnson (Liberal Democrat) - Concerns Raised:

“Whilst I support the application for a new carbon neutral primary school on the Orchard Grove site I consider the following points need addressing with regard to this current application;

1. Greater provision for safe cycling and walking access to the school. This to include when the site is still under development.
2. The siting of the car park and size of the car park to be reviewed.
3. The provision for safe parental drop off to be reviewed.
4. The water drainage provision to be reviewed as current arrangements do not adequately reflect the the propensity for flooding in the area.
5. The CEMP to require that a lorry wheel wash is put in place and that conditions are set for lorry traffic routes(particularly that all site works vehicles will only use the haul road for access to the site and that they will not use the Galmington Road/Trull Road en route to soil dumps).
6. Greater landscaping of the site to soften the austere design of the school buildings. More trees and greater use of hedging.

Please may I request that the Quality Review Panel findings are published on the application portal.

Please may I also stress the importance of liaison with all residents in the area throughout and prior to the build and request that once the build is under way resident concerns are listened to and addressed."

8.6 Councillor Habib Farbahi (Liberal Democrat) - Was consulted but raised no comments.

8.7 Somerset Wildlife Trust - Were consulted but raised no comments.

8.8 Natural England - No comments / Referred to Standing Advice:

"Thank you for your email concerning planning application SCC/3938/2022. Natural England has no detailed comments to make on this proposal.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not the proposals are consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of sites and the impacts of development proposals to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development."

8.9 Historic England (Archaeology) – No Objections:

"As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds."

8.10 Taunton Area Cycling Campaign - Concerns Raised:

"I haven't been able to read all the documents, but the following concerns are apparent:

1. Location

We believe that a key principle should be to enable and encourage the highest level of travel by sustainable modes, including car sharing. A primary school should be located at the heart of a development so that all houses are within a short walk. We would suggest that a more central location is found . There needs to be a plan showing how the school site relates to the entire active travel network for the urban extension. Without this, it is not possible to assess how well connected the school is. There is the obvious immediate barrier to access provided by the spine road.

2. Travel Plan

The 48% active travel target seems ridiculously under ambitious. The TP needs to gear up strongly to achieve a much higher level of walking and cycling. (As a parent in Bristol I was involved in a travel plan for our school, with a series of measures. Over 80% of pupils walked

and cycled to school). There should be a commitment for a network of walking buses, not just one. There should also be a commitment to at least one cycling train. There needs to be a budget and earmarked space for additional cycle and scooter parking in the future. There should be prizes and incentives for people regularly using active travel.

It is probable that some further away children will be driven. The TP needs to allow for a scheme to enable car sharing/lift giving (e.g. social events so that parents can meet each other before committing themselves).

The role of the coordinator seems passive, collecting surveys and 'engaging' with, rather than organising specific active travel schemes and making sure that things happen.

3. Layout issues

The provision of car parking at the front gives a car dominated aspect to the school and sends a poor message for active travel, as well as being poor from a public realm point of view. Can the building be at the front of the site with the car parking concealed?

There is no permeability from existing housing east of Comeytrowe Lane. Can the Lane be closed to through motor traffic with a lockable pedestrian and cycle access at the rear? This would allow a link to the existing cycle route that comes out at Lloyds close but prevent parents in cars clogging the lane.

Here is a real opportunity to establish an active travel culture at the outset when people are making their initial travel decisions. The travel plan reads like a routine document that fails to live up to the challenge. More commitment to imaginative implementation is needed."

8.11 Sports England - In Support (Advice Provided):

"The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications. <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website <http://www.sportengland.org/planningforsport>

By providing a new pitch and new sports facilities that could help address established demand and deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle.

Is the scale of the facility and support accommodation right? For good community use we recommend adequate storage with foyer/reception for community use, changing and toilet accommodation. Some showers in cubicles. Facilities for disabled people, provision for first aid, cleaners store. Ease of circulation space, no long narrow corridors.

For the proposed grass playing field / playing pitches Sport England recommends that a ground conditions assessment including topography is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport'

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/natural-turf-for-sport/>

The MUGA / hard sports area should be built in accordance with Sport England's technical guidance notes. Sport England would expect that the proposed MUGA is fenced, would use a porous MacAdam surface with non-slip coat and identifiable line markings for different pitch and court sizes in line with our guidance Comparative sizes of sports pitches and courts, September 2015 <https://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/artificial-sports-surfaces/> . SAPCA also has some useful technical guidance on MUGAs <http://www.sapca.org.uk/technical-guidance/multi-use-games-areas-mugas>

Will the MUGA have lights to aid community use and support a 'back to netball' type physical activity intervention?

The Main Hall – we assume that from the planning statement the main hall will cater for fitness classes / martial arts etc.

Parking (cars and cycle) / signage lighting to the community use entrance. Is the proposed acceptable or will it need to be improved? It is hard to make an assessment on the submitted information.

The Football Foundation, on behalf of The FA advise that although now outdated and in need of refresh the PPS (2017), which covers the former Taunton Deane local authority (now Somerset West and Taunton), found that there was sufficient grass pitch capacity in 2017; however not for projected population increase by 2028. Therefore, there is a need for these pitches to support local football based on the projected population increases.

In terms of demand the LFFP notes it is likely to increase as a result of three planned housing developments in the area located at the following urban extensions: Staplegrove, Comeytrowe/Trull Monkton Heathfield.

Three pitches are indicated; one of which is for under 13/14. The Football Foundation (Foundation) would ask for clarification on community access to ancillary facilities (changing facilities, kitchen/refreshments and toilets) for players and spectators. Consolidating these together within the build would help with community access and being able to part open the building when not in full use.

Regarding the reference to an all weather pitch the Foundation requests further information detailing the specification in terms of size, surface type etc.

If this application progresses, then from a technical perspective the Football Foundation would expect the following to be met or conditioned given that no specification is currently provided for the pitches:

Natural Turf Pitch

- Design - A qualified and suitably experienced sports turf consultant, agronomist, soil scientist or land drainage engineer must be employed to carry out a feasibility study, design and specification of the Natural Turf Pitches.
- Construction –The construction of Natural Turf Pitches should be project managed and/or signed off by the same registered agronomist or sports turf consultant that produced the design. The pitches should be constructed by a specialist pitch contractor and not a general civil engineering contractor.
- Quality – Pitches should pass a PQS assessment to a 'Good' standard for football as defined by the Grounds Management Association (GMA) Pitch Grading Framework before they are used. The assessment should be carried out, by the site owner/operator/maintainer via the Football Foundation's PitchPower app. The on-going quality of the pitch/es should then be tracked using the PitchPower app twice a year. Please follow this link to PitchPower <https://footballfoundation.org.uk/pitchpower/how-it-works>
- Maintenance - In order to keep the quality of the pitches, an appropriate maintenance programme is agreed in-line with the design consultant recommendations. A 12-month defect period which includes contractor led/priced maintenance should be included within the construction contract.
- Site maintenance staff/volunteer's qualifications - it is highly recommended that any individual involved with the maintenance of a site should become qualified through a recognised training provider such as the GMA, please follow this link to the courses available online - <https://www.thegma.org.uk/learning/training> Any individual groundsman could also sign up to the Groundskeeping Community: <https://footballfoundation.hivelearning.com/join>

The FA Recommended sizes should be met:

- Mini-Soccer U7 and U8 (5v5) 37m x 27m (43m x 33m including safety run-off area)
- Mini-Soccer U9 and U10 (7v7) 55m x 37m (61m x 43m including safety run-off area)
- Youth U11 and U12 (9v9) 73 x 46m (79 x 52m including safety run-off area)
- Youth U13 and U14 (11v11) 82m x 50m (88m x 56m including safety run-off area)
- Youth U15 and U16 (11v11) 91m x 55m (97m x 61m including safety run-off area)
- Youth U17 and U18 (11v11) 100m x 64m (106m x 70m including safety run-off area)
- Over 18 and Adult (11v11) 100m x 64m, (106m x 70m including safety run-off area)

Run-off:

- A minimum safety run-off of 3m must be provided from all perimeter lines.
- Where pitches adjoin each other an additional 2m Respect spectator area should be included, meaning 8 meters should be left between pitches.

- Run off areas must be free from obstructions and be of the same surface as the playing area.
- The site operator must undertake a risk assessment to ensure the run-off area is safe and does not pose a risk of harm to a player or spectator. This would also be the case for any built structure that is located outside of the 3m safety run-off area that could cause harm to any player.

The Foundation would also support a Community Use Agreement being conditioned for this project.

Consultation with The Somerset County FA indicates that there would be clubs in the local area that could use this facility as a base. For example, Galmington Dragons FC are a large local youth club that are currently spread out across the town.

The Foundation would query whether car parking provision is adequate, including the potential for overspill parking at peak times as advised through a traffic assessment survey. It is noted that there could be six teams on site at any one time.

The Football Foundation, on behalf of The FA, is supportive of this project but would like the applicant to consider the recommendations set out relation to pitch specifications and community use agreement. It would be happy to provide further comments once a more detailed pitch specification is developed.

Community Use

Making better use of existing resources contributes to sustainable development objectives by reducing the need for additional facilities and the potential loss of scarce resources such as open space. The practice of making school sports facilities available to wider community use is already well established and has been government policy for many years, but there are further opportunities to extend this principle within the education sector through programmes such as Academies and to other privately owned sports facilities, to help meet the growing demand for more and better places for sport in convenient locations.

Sport England promotes the wider use of existing and new sports facilities to serve more than one group of users. Sport England will encourage potential providers to consider opportunities for joint provision and dual use of facilities in appropriate locations.

Sports facilities provided at school sites are an important resource, not just for the school through the delivery of the national curriculum and extra-curricular sport, but potentially for the wider community. There are also direct benefits to young people, particularly in strengthening the links between their involvement in sport during school time and continued participation in their own time. Many children will be more willing to continue in sport if opportunities to participate are offered on the school site in familiar surroundings. Many schools are already well located in terms of access on foot or by public transport to the local community and so greater use of the sports facilities outside normal school hours should not add significantly to the number of trips generated by private car.

Use Our School is a resource to support schools in opening their facilities to the community and keeping them open. It provides tried and tested solutions, real life practice, tips from

people making it happen, and a range of downloadable resources.
<https://www.sportengland.org/facilities-planning/use-our-school/>

Conclusion

Sport England recommends, based on our assessment, that there a number of issues to address to ensure the proposal is fit for purpose in relation to sport and in particular community sport.

If the Council is minded to approve the application, the following planning conditions should be used:

Condition x

(a) No development shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

Condition y

No development shall commence until [or other acceptable timescale] a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use before development (or agreed timescale) and to accord with Development Plan Policy **.

Informative: Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

Condition z

Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding."

8.12 Wessex Water – Referred LPA to ICOSA:

"Comeytrowe is now an Inset with ICOSA. Subsequent to agreement with OFWAT ICOSA are the now the incumbent sewerage and water undertaker serving the planning application site area. This means that future residents of the site will be customers of ICOSA with Wessex Water supplying bulk services at the boundary of the wider site. As such any planning application consultations need to be directed to ICOSA."

8.13 RSPB South West - Were consulted but raised no comments.

8.14 The Environment Agency - Were consulted but raised no comments.

8.15 HSE (Health & Safety Executive) Land Use Planning – No Comments:

"This application does not fall within any HSE consultation zones. There is therefore no need to consult the HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make."

8.16 ICOSA Water – No Comments:

"No comments".

Internal Consultees

8.17 Somerset Ecology Services – No Objection:

Somerset Ecology Services have raised no objections to the development at Comeytrowe subject to the implementation of the following conditions:

Construction Environmental Management Plan:

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

1. Risk assessment of potentially damaging construction activities.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat measures, badgers buffer zones, precautionary measures for bats and dormice, reasonable avoidance measures concerning nearby nature reserves and local wildlife sites, protective measures for hedgerows and tree's, hedgehogs etc.
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person ;
8. Use of protective fences, exclusion barriers and warning signs.
9. *Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works*

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

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

Lighting Design for Bats:

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans

illustrating Lux levels. Lux levels should be below 0.5 Lux on the potential bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

Ecological / Biodiversity Enhancement Measures:

The following biodiversity enhancement measures should be incorporated into the site, in accordance with Section 4.2 (opportunities for Ecological Enhancement) of the JH Ecology Ecological Appraisal dated 12/02/2021.

- The inclusion of any trees and shrubs on site should be in accordance with the trees listed in table 4.2 of the JH Ecology Ecological Appraisal.
- The inclusion of a habitat pile in accordance with table 4.2 of the JH Ecology Ecological Appraisal.
- The installation of a bee brick built into an external wall c. 1m above ground level on the south-east or south-west facing elevation of the new building.

A Landscape Masterplan shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of development, which shall demonstrate how JH's enhancement proposals as outlined in Section 4.2 will be incorporated into the scheme. Photographs of the installed features will also be submitted to the Local Planning Authority prior to completion.

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.

Landscape and Ecological Management Plan (LEMP):

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

3. Description and evaluation of features to be managed.
4. Ecological trends and constraints on site that might influence management.
5. Aims and objectives of management.
6. Appropriate management options for achieving aims and objectives.
7. Prescriptions for management actions.
8. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

9. Details of the body or organization responsible for implementation of the plan.
10. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan 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 plan 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 – Environment of the Taunton Deane Adopted Core Strategy.

8.18 Somerset Rights of Way - No Comments:

"Thank-you for consulting us on this planning application. We have no comments to make for the application."

8.19 Public Health Somerset – Concerns Raised:

"I have a few observations on the application, specifically around active travel and transport issues.

1. The travel plan target of 48% of internal pupil trips 5 years after occupation is based on the figure for all internal trips for the whole development. I would argue that this is not appropriate. We know that behaviour change is best achieved at key life points such as a house move. As nearly all the pupils attending this school are expected to be residents of the new development which will have a comprehensive walking and cycling network, this appears to me to be a very low target lacking in ambition. In my view the travel plan needs to be far more ambitious with a target of at least 75% at baseline, with the school and developer setting an expectation that pupils will arrive on foot, cycle or scooter from their first day. It is not appropriate in my view to set a low baseline and aim for small incremental improvements over the next five years for new developments such as this. The time to achieve the change is at first occupation.
2. If significant numbers do cycle or scoot the parking provision proposed will be inadequate as it only provides for 11% to cycle, for example. We know from surveys in Somerset that around 30% of pupils would choose to cycle to school, so given potentially ideal conditions with segregated cycle tracks, it is not unreasonable to suppose more parking may be required. Would some of the car parking space be sacrificed to achieve this if needed or should space be identified for additional provision?

3. While it will not be appropriate for the spine road to be closed to motor traffic at drop off and pick up times in line with school streets principles (as included in LibDem manifesto by the way), those principles could nevertheless be achieved to some extent by restricting parking within a few hundred meters of the school entrance at drop off and pick up times, to avoid motor congestion, road safety and air quality issues.
4. I find it disappointing that car parking is so dominant at the frontage of the site, sending the wrong message about transport priorities.
5. Connectivity to existing residential areas. It is not proposed to connect the school site to existing residential areas, but while most pupils will undoubtedly come from the new development, it is foreseeable that parents of other children in the locality may well wish to send their children to this school. It is therefore essential that the proposed walking and cycling connections between the urban extension and Comeytrove are in place for first occupation of the school, so these children can attend without a long road journey.

I'm conscious that some of these comments require actions by others beyond the strict scope of the planning application and the site itself, so I've copied in Mike Keal. (Mike – we have an active travel behaviour change group and a behavioural science team, which would be delighted to work with the developers and Trust with the aim of achieving high active travel modal share from first occupation. Kate Anderson is the contact.)

Finally, I cannot see any mention of a school food growing area which is now a standard part of the offer to Trusts, and something we in public health would wish to see as part of the development."

8.20 Somerset Highways – No Objection:

8.20.2 Revised Comments – 07/10/2022:

"Following the Highway Authority's previous comments dated 31st May 2022 and following detailed discussions with the applicant the Highway Authority is in receipt of additional information to address these concerns. A summary of these is set out below.

- The applicant was asked to consider access to the school and how this will evolve over time. The applicant has been in dialogue with the developer and our confident that the spine road to the site will be delivered by Spring 2024. If it is not, then the applicant has the ability to extend the use of the host school site which will come online in Sept 2023.
- Car parking has been reduced to be in line with SCC standards.
- Revised Travel Plan is still to be submitted for consideration. The applicant is urged to submit this document for review.
- No revised Construction Environmental Management Plan (CEMP) has been submitted. Ideally, we would like to see this addressed now but considering timings we can look to condition a revised CEMP should consent be granted.

Full comments:

The Highway Authority made initial comments on this proposed in May and although the Highway Authority has no objection in principle further information was required before we would make our final recommendation. Following discussions with the applicant this additional information has now been submitted and having reviewed it we have the following comments to make.

Access:

As you are aware the Highway Authority had raised concerns over access to the school site and what provisions would be put in place for not only vehicular access but also pedestrian and cycle connectivity. The applicant has highlighted that if the site is not available from September 2023, then a host site will be made available with transport provided for pupils. This will likely be in place until the spring of 2024 by such time it is anticipated that the spine road would have been constructed. However, if this is not the case then the use of the host school can be extended. Regarding access to the south should this be occupied before the southern section of the spine road is completed then the applicant will provide transport to ensure safe access to the school.

Based on the above the Highway Authority is satisfied that our concerns over vehicular access have been addressed.

With regard to pedestrian and cycle connectivity, as we set out in our previous observations the Highway Authority is satisfied that appropriate access can be provided. However, there were concerns over how this was to be achieved for the period of when the school is opened, and the surrounding hasn't been completed. Part of this has been addressed through the operation of the host school as it will give time for the spine road to be delivered which will provide a off-carriageway segregated cycle link. With regards to the eastern neighbourhood, this is currently being discussed with the developers of the wider Comeytrove development this will include connectivity to the school.

Consequently, given the above the Highway Authority is satisfied with the additional information which has been provided by the applicant, whilst the Highway Authority will work with the wider developer of the site to make sure the requirements of Condition 26 of the outline consent are adhered to and delivered.

Parking:

To address the Highway Authority's previous concerns the applicant has reviewed and confirmed the staffing numbers. They have reduced the level of parking to a total of 33 spaces (29 standard spaces and 4 accessible spaces). This now accords with Somerset County Council's Parking Strategy. Furthermore, the applicant has stated that 4 of these spaces will be enabled to allow for EV charging, which is considered acceptable.

It is noted that the applicant refers to amending the parking layout. It doesn't appear that this plan has been submitted as such please could the applicant provide it.

Travel Plan:

No updated Travel Plan has been submitted to address the points raised in the audit which was attached to our previous comments. Please could the applicant submit the updated document for review by our Travel Plan Team.

Construction Environmental Management Plan (CEMP):

As set out in our previous comments the current CEMP does not consider the transport and access aspects of the scheme. Ideally, we would prefer to see this addressed as part of the application process. However, the Highway Authority would be happy to condition that a revised document is submitted should the Planning Authority grant consent.

Conclusion & Recommendation:

As set out above there were a number of points which required further information to be submitted. Having reviewed the details provided the Highway Authority is satisfied that the majority of these have now been addressed and subject to a revised Travel Plan being submitted and considered acceptable the Highway Authority raises no objection to this proposal and should consent be granted the following conditions would need to be attached.

- Before the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site were deemed necessary shall be laid out, constructed, and drained in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, once constructed they shall remain in perpetuity.
- The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number SK01, and shall be available for use prior to commencement/first occupation/first use (including show homes etc.). Once constructed the access shall be maintained thereafter in that condition in perpetuity.
- Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.
- There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained in perpetuity.
- Before the development is occupied or utilised the electric vehicle charging points and parking bays shown on the submitted plans must have been constructed. Thereafter, they must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.
- 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 prior to development above damp-proof course level and thereafter maintained in perpetuity.

NOTE: 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.

- No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
 - 24-hour emergency contact number;
 - Hours of operation.
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste, and construction materials.
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses."

8.20.2 Original Comments – 31/05/2022:

"Object/Scope for revision. See full comments below:

Summary:

Highways Development Management is in receipt of the above planning application submission, for which we have reviewed the highways and transportation aspects of the proposal and have the following observations to make. A summary of the initial highway comments is as follows:

- There is no highway objection to the principle of the primary school at this location.
- The school will be delivered in advance of surrounding pedestrian and cycle infrastructure. The submission needs to consider how access to the site will change over time, and whether these facilities will be suitable throughout the phases of the surrounding development.
- The proposed access arrangements will need to be agreed, although it is also noted that the connecting highway access route is not yet provided. It should be clarified how this will be secured.

- Comments relating to the proposed car parking levels need to be reviewed, with the levels fully justified by the applicant.
- The attached Travel Plan review comments need to be addressed.
- The Construction & Environmental Management Plan needs to be updated before that document can be approved.

It is recommended that further information is requested from the applicant at this time.

Full comments:

Highways Development Management is in receipt of the above planning application submission, for which we have reviewed the highways and transportation aspects of the proposal and have the following observations to make.

The application considers the detail of the primary school, and the wider highway and transport impacts of the scheme have been fully considered when the outline planning application (see 42/14/0069) was determined by Somerset West & Taunton Council. The highway authority comments at this stage relate to school access from the surrounding development site, internal layout, Travel Plan and the parking that will serve the proposed school. The highway authority has previously provided pre-application advice relating to the primary school proposals, and the scope of the Transport Statement submission was also reviewed.

Scheme Principle

There is no objection to the principle of the school at this site. There is a clear need for a primary school to serve the wider development, and this will help to reduce the possibility of car journeys to other schools in the Taunton area. Once all of the Orchard Grove development is complete, the school will be relatively central within the site layout, however, there will be a period of time when the school is fairly isolated from the occupied residential part of the site. In addition, for a number of years following the opening of the school the development spine road that runs past the site boundary will remain the sole construction traffic route. The highway authority has previously requested that these issues are considered within any planning submission, and this level of detail does appear to be missing.

Pedestrian and Cycle Access

The application demonstrates that the only pedestrian access to the school would be taken direct from the proposed spine road route. This corridor will be provided with a segregated pedestrian and cycle route along its length, and this will connect with the proposed residential communities to the north and south of the site. Eventually this will also link with connections to destinations beyond the site.

The delivery of the pedestrian and cycle connections across the wider Orchard Grove site have been secured by Condition 26 of the earlier outline planning permission (see application 42/14/0069, as consented by Somerset West & Taunton Council). The detail of these routes throughout the "western neighbourhood" part of the site have been reviewed and agreed, although the elements for the "eastern neighbourhood" have not yet been submitted by the development consortium. It is understood that this will be submitted to Somerset West &

Taunton Council in the near future. The highway authority is content that an appropriate pedestrian and cycle network across the site can be delivered, however, as stated in the earlier pre-application discussions, there will be a period of time when the school has opened and the comprehensive network will not yet be fully constructed. The completion of the final network could take several years to finalise, and it is important to ensure that this interim period is supported by the appropriate walking and cycling infrastructure. It has already been requested that this be provided, and this detail should be reviewed before a final consultation response can be given.

Vehicular Access

The submission demonstrates that all access to the site would be taken from within the Orchard Grove development site, and there would be no access direct from Comeytrove Road. This includes no access for any construction vehicles through that phase of the development.

A preliminary drawing of the site access arrangements has been provided, see Drawing 2012-004-SK01, and attached to the Transport Statement document. The vehicular access design will need to be subject to a technical review by the highway authority, and this would need to be secured by an appropriately worded planning condition. At present, the technical audit for the connecting spine road has not been agreed with the Orchard Grove consortium, and construction / adoption of the spine road will not be completed for some time. Given this, there is a dependency on others to provide a safe route between the school site and the existing highway network, and it is also noted that the site red line boundary on the submitted Location Plan only extends to the spine road (which does not currently exist). It would need to be considered how this access route to the existing highway network can be secured as part of any planning permission.

Parking

The cycle parking requirements of the school has been assessed against the adopted parking standards, and a total of 48 secure and covered spaces would be available. Over time, there is potential for there to be a need for further provision, however, there is space within the site and the Travel Plan process can ensure that this can be catered for as necessary.

The total number of car parking spaces to be provided has been developed from the "operational" requirements of the school. It is noted that the parking spaces would be available for staff and visitors to the school, and that the spaces would not be available for parents to drop off and pick up children.

A total of 46 car parking spaces are proposed, with two motorcycle spaces also provided. The level of car parking has not been assessed against the requirements of the adopted 2013 Somerset County Council parking standards. The standards required that 0.5 spaces per one full time equivalent staff member, plus two visitor spaces, are provided, and therefore the number promoted is above the level presented within the adopted standards. The applicant therefore needs to justify why there is a need for spaces in excess of the numbers required by the standards.

The number of disabled access parking bays is considered to be acceptable, and the provision of electric vehicle charging spaces is welcomed.

The proposed layout of the car parking spills both sides of the proposed pedestrian access into the school site. The highway authority is aware that this arrangement is under review, and that there is an option to only provide the parking on the northern side of the pedestrian access. This is supported, as would the widening of the pedestrian access. It is understood that bollards could be used to protect the pedestrian crossing from any traffic movements, although these could be removed to allow access for service vehicles. The highway authority will review this alternative arrangement should a further submission be made.

It is noted that a further parking area is safeguarded for a potential future phase. The merits and requirements for this parking would only be assessed should another planning application be submitted, however, the reservation of this space does appear sensible.

The provision of any gates needs to ensure that vehicles would not block pedestrian or cycle routes whilst motorists wait for gates to open.

Public Transport

As part of the wider Orchard Grove development, there will be a range of public transport improvements, including the introduction of new services funded by the development consortium. There will also be a new bus only link that will provide a route through the development to the north of the school. However, these will take time to be introduced, and in the short term there will be a reliance on the existing services routed along the A38 corridor. A bus stop will be located on the dedicated loop adjacent to the new site access roundabout, and this will be served by buses running in both directions. Although this stop is some distance from the school site, any reliance should only be for a short period of time and additional services will be provided as soon as the funding can be used.

Travel Plan

The submitted Travel Plan has been reviewed by colleagues, and the full comments are attached to this consultation response. Each of the comments will need to be reviewed by the applicant team, and a response is requested. Further discussions can be held with that team as necessary, and it may also be possible to secure the required Travel Plan as part of an appropriately worded planning condition. In particular, the proposed modal share targets must reflect the benefits of the site location, the travel distance for the students, and also how the school will grow over time with the surrounding development.

Servicing

The proposed site servicing arrangements are presented within the Design & Access Statement, and swept path analysis is also provided within the submitted Transport Statement. There are no significant concerns relating to the proposed arrangements, however, there will be a need to ensure that service vehicles only access the site at times when children are not arriving or departing from school. It is assumed that this can be reasonably managed by the staff, and there are no significant concerns relating to this arrangement.

Construction Access

All access for construction vehicles must be from the existing haul road that links the site with the recently completed roundabout on the A38 corridor. There should be no access to the site from either Comeytrowe Lane (apart from where the haul road traffic crosses) or Comeytrowe Road. A Construction Environmental Management Plan has been submitted as part of the application and this seeks to ensure that any construction impacts could be adequately mitigated. However, the submitted Plan does not appear to consider the transport and access aspects of the submitted scheme, and this clearly needs to be addressed. The Plan needs to be updated now, or the requirement could be conditioned as part of any planning permission.

Summary

It is requested that the applicant team reviews the above highway comments and that further clarifications and additional information is submitted in response to the points raised.

Conditions/Reasons for refusal:

Final response to be provided following receipt of further information, and planning conditions to be recommended at that time.

8.21 Somerset Lead Local Flood Authority - Concerns Raised:

"We understand that this is an application for full planning approval following the outline permission that covered a wider area.

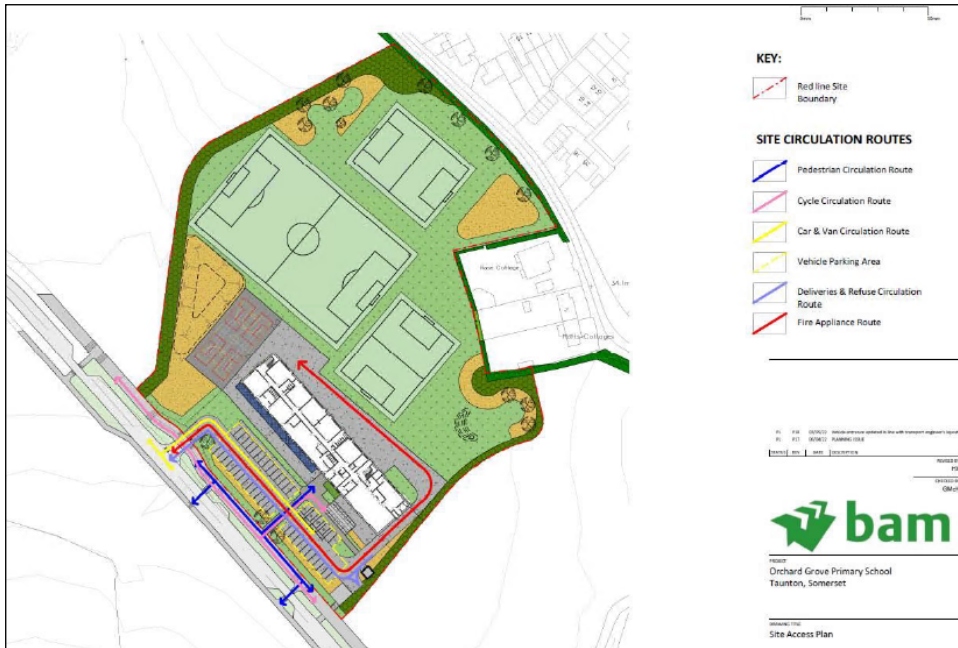
We have reviewed the following documents:

-Flood Risk Assessment and Drainage Strategy ref B05543-CLK-XX-XX-RP-FH-1001 dated 3/3/21

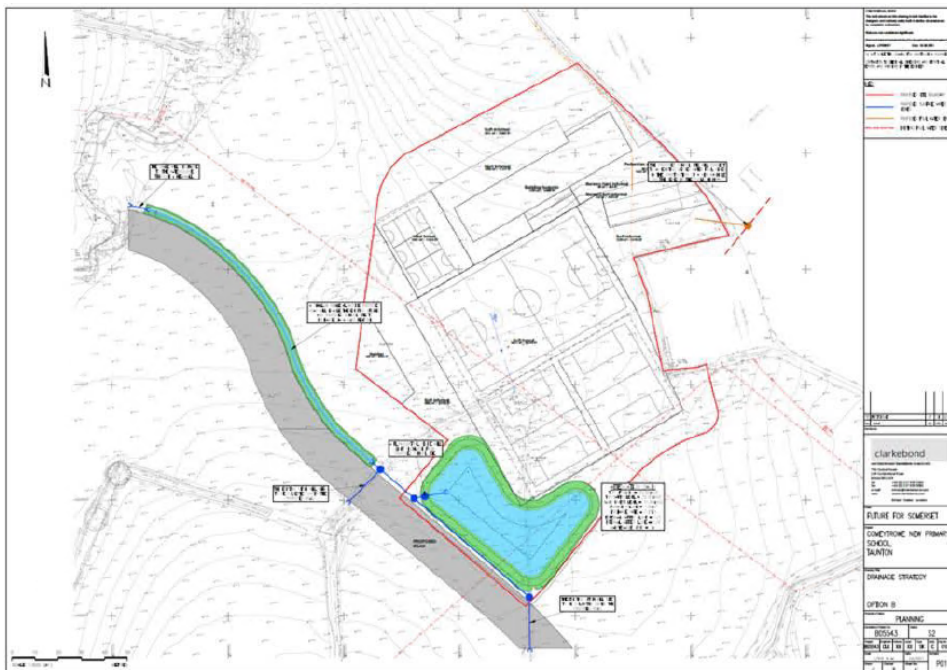
-Site Access Plan ref CPS-STL-XX-XX-DR-L-09003 Rev P18 dated 3/5/22

From comparing the site access plan and the surface water drainage strategy drawing in the FRA it is apparent that the FRA has been produced for a previous site layout. The more recent site access plan has a very different layout for the school building and sports pitches and there appears to be a car park in the location of the proposed attenuation pond. For clarity, this is shown in the images below.

Current site access plan:



SW Drainage strategy in FRA:



Please can the Applicant confirm the current drainage strategy for the proposed development.

Also, please note that the level of detail in the FRA produced in 2021 is not adequate for a full planning application. Full design details including calculations, detailed drawings and design rationale must be provided (the current FRA has a Quick Storage estimate which is not adequate). The strategy is for discharge to a watercourse which is located some distance from the site- details of the proposed connection form the site to the watercourse must be confirmed including any third party approvals. Consideration of other SuDS must be provided- such as green roofs, rain gardens, rainwater harvesting etc with justification given for the final strategy. Also the FRA has outlined the existing surface water regime with ponds, ditches and

overland flow routes across the site; a plan should be provided to confirm where the existing ditches, ponds and flow routes are and how these are being managed as part of the proposed development. If overland flows from off site are conveyed into the proposed site drainage strategy and attenuation features then details must be provided of how the attenuation/conveyance features have been sized to accommodate this or otherwise manage it. Full details of the exceedance event management are also required.”

8.22 Somerset Childrens Services – Additional Details Provided:

“As promised, please find below some additional detail for the planning application comments.

Issue – Spine road from the North delivered later than the opening date of the school.

Mitigation – Pupils are anticipated to start at Orchard Grove in Sept 2023, but will be educated on a host site for a period of time. These host arrangements could be extended should access to the school be delayed.

Issue – Development commences in the South prior to spine road being delivered to the school site.

Mitigation – If required school transport would be provided to ensure safe passage for pupils from that side of the Orchard Grove Development, until the spine road was connected.

Developers are making good progress with the spine road and are planning delivery by Spring 2021. This is 12 months in advance of potential school opening.”

8.23 Somerset Highways Travel Planning Team – No Objection:

8.23.1 Revised Comments – 18/11/2022:

“The proposed Travel Plan by Travel Planning Associates has responded to the remaining points raised in the previous audit, and is acceptable. It should be stressed that the Travel Plan obligations, including financial contributions, must be secured by the appropriate legal agreement to be enforceable, otherwise defeating the purpose of the Travel Plan.”

8.23.2 Revised Comments – 14/10/2022:

“The proposed Travel Plan by Travel Planning Associates has responded to the majority of points raised in the previous audit, however there are still significant aspects that need attention. These include:

1. Stating the number of TPC days dedicated to implementing the Travel Plan throughout its duration. This can be variable in accordance with pupil numbers or the average in a typical year.
2. Action Plan to include TPC undertaking three events a year from 80% occupation onwards.
3. Monitoring strategy and modal shift targets need to be re-considered.
4. To consider visibility of users entering shared path from school via gated pedestrian entrance due to revised boundary treatment.

Please see the audit comments below for further details. As stated below, please track changes or highlight amendments in any forthcoming submission to help to ensure a prompt response.”

8.23.2 Original Comments – 27/05/2022:

“Given that this planning application triggers requirements for a Travel Plan Statement, a revised Travel Plan is recommended to obtain approval prior to determination to satisfy the tests of paragraph 110 of the NPPF as amendments may pose implications upon the planning application. The Local Planning Authority should be made aware of this if wish to approve the application. Please find a summary of the comments below:

The proposed Travel Plan by Travel Planning Associates is commendable with regards to parking provision including bicycles, scooters and electric vehicle charging. However, several areas need attention that make the Travel Plan unacceptable in its current form. Areas to address include:

1. Lacks consideration of the immediate context that the proposed development needs to tie into that could be addressed by a suitable drawing.
2. Further consideration of the traffic impacts and resultant travel planning requirements of the school such as pick up/drop off arrangements.
3. Commitment to payment of Travel Plan Fee £700 and safeguard sum of £49,320. Both should be secured via a suitable legal agreement unless agreed otherwise.
4. Action Plan lacks timescales, lead person(s) and duration/repetition.
5. Concerns that the Traffic Management Organisation may dilute the role of the TPC creating issues regarding accountability for monitoring purposes.
6. TPC days and timescales need to reflect first occupation of school through until 80% occupation to trigger five years thereafter. A staggered approach of TPC time is suitable to achieve this.
7. TPC should have relevant experience of such a role as this would undermine the delivery of the Travel Plan and often relies heavily on input from SCC.
8. Monitoring strategy and modal shift targets need to be re-considered.

Please see the audit comments below for further details.”

Public Consultation

8.22 The County Planning Authority has received two letter of objection in respect of the proposed development. A summary of the Objection(s) is provided below:

- Somerset County Council being both the Applicant & the Determining Authority for the proposal
- The Redaction of Planning Application Documents
- Impacts on visual amenity of the area
- Ecological Impacts
- Increase in Traffic / Associated HGV Impacts on a Conservation Area
- Inconsistencies within planning documents and plans
- Flood Risk / Drainage Impacts

- Lack of Security Fencing
- Lack of Footpath & Cycle Route Provisions

9. Comments of the Service Manager – Planning Control, Enforcement & Compliance

9.1 The key issues for Members to consider are:-

- Whether the principle of the development is acceptable;
- Site Layout / Design;
- Impact on residential amenity;
- Flood Risk;
- Ecological Impacts; and
- Highway Impacts / safety

Whether the principle of the development is acceptable:

9.3 The following statement for the need of the school development has been supplied by Mr. Reece Lippolis – Project Manager Major Projects, Corporate Property Group, Economic and Community Infrastructure: Somerset County Council:

9.4 *“As part of the Council's Capital Investment Programme 2018/19 officers have received authority to deliver another school project associated with those programmes.*

9.5 *The Council has a statutory duty to supply sufficient good quality places within statutory walking distance of a pupil's home address. The Orchard Grove housing development will eventually provide 2000 new homes in the south west of Taunton. Existing schools in the South of Taunton cannot be expanded to meet the demand. As a rule of thumb 2000 new homes could yield an additional 640 pupils. However, in the first instance it is proposed that a 14 class primary school with a 60 place nursery is built with potential to expand at a later date should demand require it. A site for the new school is already allocated within the development.*

9.6 *No alternative options were considered because the neighbouring schools are full and cannot be expanded to meet the demand for places from a development of 2000 new homes in the south west of Taunton. Doing nothing in response to the delivery of a housing development of this size would likely result in the LA failing to meet its statutory duty of providing sufficient school spaces. The risks and implications arising from this failure are too significant to ignore and so this option has been discounted. Also discounted is the option to transport pupils to other schools as the volume of places that this development would generate could not be met elsewhere.*

9.7 *The requirement for a new primary school at Comeytrowe is referenced in the Council's School Place Planning Infrastructure Growth Plan for Somerset*

9.8 (www.somerset.gov.uk/EducationIGP) and has been discussed with Somerset West & Taunton Council and the housing developers regularly since the submission of the outline planning application in 2015.”

9.9 It is the case officer's opinion that the above statement adequately supports the principle of the development.

Site Layout / Design:

9.10 The sitting of the proposed school buildings – There have been various concerns raised by consultees and the Quality review panel relating to the sitting of the proposed school building. However, no changes have since been proposed for the following reasons:

9.11 Various options were considered during the design development process and the current design / layout submitted as part of this application enabled the requirements of the school to be accommodated on site considering the site characteristics and complexities. The proposed layout best accommodates the N/S orientation required for Passivhaus Standard, accommodates the sports fields and outdoor space in a logical manner within an area easily contained with the secure boundary line. Finally, the future extension area is located within an area that causes least disruption to school facilities should the extension ever be required.

9.12 The possibility for future expansion – Questions have been raised as to whether the site has the capacity to accommodate a larger student population at a later date. However, the applicant has expressed that future expansion plans have been considered since the early stages of the design processes for the school and that expansion is critical to the delivery of the school for SCC. Future expansion is possible and has been indicated on numerous plans submitted by the applicant.

9.13 Landscape Design to frontage – In response to the concerns raised over the lack of landscaping towards the front of the proposed school buildings the applicant has revised their plans which now incorporate additional landscaping towards the front of the buildings in the form of hedgerows in front of the nursery and carpark.

9.14 Location, Proximity & Capacity of Carparking Spaces – In response to the quality review panel asking for the number of carparking spaces to be reduced to help with improved landscaping and the overall appearance to the front of the school, the applicant has reduced the number of proposed carparking spaces following a review of staff numbers.

9.15 The number of spaces have been reduced down to a total of 33 spaces (29 standard parking bays and 4 Accessible parking bays), of which 4 are electric charging bays and 1 is an accessible electric parking bay.

9.16 Additionally, due to the reduction in parking numbers, the layout of carparking has been amended to avoid locating car parking both sides of the footpath entrance to the school.

9.17 Together with the additional hedgerow planting and the reduced car parking numbers, this has contributed to the improved landscaping and softer appearance to the front of the school which subsequently will help to create a more welcoming environment for pupils.

9.18 Dominance of Carparking – It is considered that the removal of car parking from the right hand side of the pedestrian entrance path and replacement of this parking with soft landscaping will now create a more welcoming experience for pupils.

9.19 In addition, to ensure the grassed soft landscape area to the right of the path is not used inappropriately for parking, it is proposed that a removable bollard will be located at the end of the parking area on the raised walkway. The bollard can then be removed outside of pick up/ drop off times to enable delivery drivers to access the rear of the building and kitchen area. As shown on amended landscape plans.

9.20 Entrance Features – The Quality Review Panel originally raised concerns that the entrance ‘canopy’ should project further from the building to improve the overall arrival experience at the school and provide protection from rainy weather. However, after discussions have been had, the applicant has decided that there will be no change to this feature as it is not intended to act as a ‘canopy’ and is intended to be a simple feature to highlight and easily locate the entrance to the school.

9.21 The quality review panel have since welcomed the above comments by the applicant so long as the support posts do not cross any proposed windows, which the applicant has noted.

9.22 Connection with rural environment – It is considered by the project architect and the case-officer for this planning application that the building does reflect it’s setting as it is of a simple form. It is also important to note that at present the site is rural, however, in time the site will be surrounded by houses and will not be entirely rural.

9.23 Additionally, the window and cladding surrounds have been considered to provide architectural rigour and interest whilst the masonry to the lower floor and metal clad upper floors will reflect many rural agricultural buildings in the area.

9.24 Building form – There has been a level of contention regarding the aesthetic of the school building by the quality review panel who stated that the designs resemble a building on a business park rather than that of a school, which could be intimidating. However, the applicant has responded to state that the recently opened Somerton school feedback from school users have not reported the building feeling like a

business park, or that the design is intimidating in any way and that the Somerton school is of a very similar design to that proposed within the Comeytrove expansion.

It is considered that due to its location and largely blank canvas on which the primary school is being built on (an agricultural field) this innovative design can be considered acceptable it is also important factor regarding the Passivehuas design which is a highly sustainable modern form of development.

9.25 Local Context and Design Quality – It is considered that the District Wide Design Guide Supplementary Planning Document has been considered and referred to within the PDAS stating where the developers have tried to respond to the neighbourhood guide.

9.26 In Addition, the design of the building was discussed at pre-app stage which resulted in the colour palette for the development being changed in a way that is not only sympathetic to; but will also lift the design quality, of the surrounding environment.

9.27 Facades and cladding - The proposed different coloured cladding and window alignment has been specifically designed to break up the mass of the facades and to provide relief and vertical rhythm to the building's aesthetic.

9.28 Although a reduction in cladding and an increase of masonry has been suggested by the quality review panel, no changes have been proposed due to the applicant's budget, program, and buildability constraints.

9.29 Window Configurations – The quality review panel originally suggested that the applicant explores different window configurations and that windows should be grouped either vertically or horizontally. The design options for windows have been considered and the chosen option was vertical alignment.

9.30 Ground floor entrance and secure lobby – In response to the quality review panels comments regarding the ground floor entrance and secure lobby being too constrained and suggestion to consider moving the entrance / lobby to the west side of the building so it can relate to Horts Bridge Park, to improve connectivity, the school have been consulted and no changes to the ground floor entrance and secure lobby have been proposed. The school have confirmed that their preference for internal circulation is reflected in the final design.

9.31 Ground Floor Hall – The question of whether outdoor space could be linked to the ground floor hall for better play has been raised by the quality review panel however no changes have been proposed as the hall does have cater for some play space towards the front of the hall.

9.32 In addition, the location of this space to the front of the hall allows for the hall to be used for functions without allowing access to the wider school site, this ensuring the wider school be kept secure.

9.33 Circulation Space – The proposed corridors and areas surrounding the platform lifts meet the DfE guidance and as such it is felt that no change to corridor widths or areas surrounding platform lifts are required as suggested by the quality review panel.

9.34 Additionally, classroom doors will be grouped and proposed changes to floor finishes will break up circulation and aid wayfinding into classrooms.

Impacts on Residential Amenity:

9.35 Community use - The school has been designed in a way that will accommodate community usage as the school will be a key civic building in the heart of the new community of which the school trust will determine the extent of community usage as pointed out by the applicant. Should the school Trust decide to open facilities to the public for hire, the school building and external areas have been designed to allow the internal school area to be 'locked down' and made secure whilst allowing access to the hall, and likewise the external areas are fenced and gated in such a way that only access to the playing pitches can be allowed whilst keeping the remaining external areas of the school secure.

In terms of impacts on the existing three properties to the north of the site a new hedge is to be provided which will act as a sound barrier and form a defence from possible strays balls from the soccer pitches. The other nearby properties are separated by Comeytrove Road and are a far distance from the main proposed school itself.

Flood Risk:

At current, the County Planning Authority is awaiting an update response from their internal flooding authority (LLFA), which hopefully will be received prior to the regulations committee on the 1st December and if so will be added as a late paper to the agenda.

Ecological Impacts:

9.36 Somerset Ecology Services have confirmed that they are satisfied with the details submitted regarding the Ecological Appraisal carried out by JH Ecology (Dated: February 2021) and that overall, they are happy to support the application for the new school development, subject to the implementation of four ecological conditions relating to: A Biodiversity - Construction Environmental Management Plan, A Lighting Design for Bats, Detailed Ecological / Biodiversity Enhancement Measures and a Landscape / Ecological Management Plan, of which are outlined in section 10 of this report.

Highways Impacts / Safety:

9.37 Although Somerset Highways Department did not raise any objection in principle regarding the new primary school at Comeytrove, several points were raised regarding; pedestrian, cycle and vehicular access to the school, parking provision at the school, public transport, travel plans, servicing arrangements and construction Access. However, following the Highways Authorities original comments and following detailed discussions with the applicant, the highways authority is in receipt of additional information to address these concerns of which are detailed below:

9.38 Access - The applicant has highlighted that if the site is not available from September 2023, then a host site will be made available with transport provided for pupils. This will likely be in place until the spring of 2024 by such time it is anticipated that the spine road would have been constructed. However, if this is not the case then the use of the host school can be extended. Regarding access to the south should this be occupied before the southern section of the spine road is completed then the applicant will provide transport to ensure safe access to the school. Based on the above the Highway Authority is satisfied that our concerns over vehicular access have been addressed.

9.39 With regard to pedestrian and cycle connectivity, as set out in Somerset Highways original observations the Highway Authority is satisfied that appropriate access can be provided. However, there were concerns over how this was to be achieved for the period of when the school is opened, and the surrounding hasn't been completed. Part of this has been addressed through the operation of the host school as it will give time for the spine road to be delivered which will provide an off-carriageway segregated cycle link. With regards to the eastern neighbourhood, this is currently being discussed with the developers of the wider Comeytrove development this will include connectivity to the school.

9.40 Consequently, given the above the Highway Authority is satisfied with the additional information which has been provided by the applicant, whilst the Highway Authority will work with the wider developer of the site to make sure the requirements of Condition 26 of the outline consent are adhered to and delivered.

9.41 Parking - To address the Highway Authority's previous concerns the applicant has reviewed and confirmed the staffing numbers. They have reduced the level of parking to a total of 33 spaces (29 standard spaces and 4 accessible spaces). This now accords with Somerset County Council's Parking Strategy. Furthermore, the applicant has stated that 4 of these spaces will be enabled to allow for EV charging, which is considered acceptable.

9.42 It is noted that the applicant refers to amending the parking layout. It doesn't appear that this plan has been submitted as such please could the applicant provide it.

9.43 Travel Plan – Revision C of the Transport Planning Associates School Travel Plan Statement (Dated: October 2022) has adequately responded to the concerns raised by Somerset's Travel Planning team in their previous responses. As a result, the Travel Planning Team deem that Revision C is acceptable. This being said, the Travel Planning Team have stressed that the Travel Plan obligations, including financial contributions, must be secured by the appropriate legal agreement to be enforceable, otherwise defeating the purpose of the Travel Plan.

The Travel Planning Team have summarised that the key amendments included in revision C of the Travel Plan include the following:

1. TPC time stated as an average of 12 days a year. Whilst this is a concern, given the extent of measures stated in the Action Plan and that the remainder of the Travel Plan is acceptable, provisions such as the safeguard sum that would be secured via the legal agreement would be utilised if the Travel Plan was not being implemented successfully.
2. TPC undertaking three events a year from 80% occupation onwards.
3. Monitoring strategy and modal shift targets have been revised including year on year pupil and staff modal shift targets.
4. Pedestrian access detail has been amended in light of visibility concerns

Full audit comments are available within the Travel Planning Teams official response (Dated: 21/11/2022).

9.44 Construction Environmental Management Plan (CEMP) – As set out in Somerset Highways previous comments, the current CEMP does not consider the transport and access aspects of the scheme. However, the Highway Authority would be happy to condition that a revised document is submitted should the Planning Authority grant consent.

9.45 The submitted CEMP would need to be submitted to the LPA prior to any developments taking place on site including any demolition works, and must outline that all access for construction vehicles must be from the existing haul road that links the site with the recently completed roundabout on the A38 corridor. There should be no access to the site from either Comeytrowe Lane (apart from where the haul road traffic crosses) or Comeytrowe Road.

9.46 The submitted CEMP must also provide details of;

- A 24-hour emergency contact number;
- Operation Hours;

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Locations for loading/unloading and storage of plant, waste, and construction materials.
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

9.47 The Development Plan:

9.48 Regard is to be had to the development plan for the purpose of the determination of this planning application, which must be made in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the area comprises:

- Taunton Deane Borough Council Adopted Core Strategy to 2028, adopted in 2011.

9.49 Material Considerations

9.50 Other material considerations for the area comprise:

- The Western Design Guide (Mar 2020); and
- The Planning Practice Guidance (PPG)

9.51 Also to be considered is the National Planning Policy Framework (2021) of particular relevance is paragraph 95 (amongst other related paragraphs) which reads as follows:

9.52 'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

Conclusion

10. Recommendation

10.1 It is recommended that planning permission be GRANTED subject to the following conditions and informatives set out below and the comments of the Lead Local Flood Authority:

Conditions

1 Time Limit (3 Year Implementation):

The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 Completion in accordance with the approved details:

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications as outlined below, and with any scheme, working programme or other details submitted for the approval of the County Planning Authority in pursuance of any condition attached to this permission, unless prior written approval is obtained from the County Planning Authority to any variation: Planning Application Form (PP-Reference: 11174081)

- Design and Access Statement (Dated: 06/04/2022)
- Certificate B Form (Dated: 05/05/2022)
- Ecological Appraisal (Dated: 12/02/2021)
- Biodiversity Net Gain Assessment (Dated: 04/05/2022)
- Geotechnical and Geo-Environmental Assessment Part 1 (Report No: 12895)
- Geotechnical and Geo-Environmental Assessment Part 2 (Report No: 12895)
- Geotechnical and Geo-Environmental Assessment Part 3 (Report No: 12895)
- Statement of Community Involvement (Dated: 06/04/2022)
- Statement of need for the school (Reference: 154306)
- Flood Risk Assessment & Drainage Strategy (Report No: B05543-CLK-XX-XX-RP-FH-1001 Revision P2) (Dated: 13/10/2022)
- Construction Environmental Management Plan (CEMP) (Reference: BMSCOCN-220743553-96-00 Revision 01 (Dated: 29/06/2022)
- External Lighting Statement (Reference: 17114-HYD-XX-XX-RP-ME-0003)
- Energy Strategy and Part L Report (Reference: CPS-HYD-ZZ-XX-RP-ME-0001)
- Hydrock Overheating Risk Assessment (Reference: CPS-HYD-ZZ-XX-RP-ME-0003)
- Hydrock Daylighting Analysis Design Note (Reference: CPS-HYD-ZZ-XX-RP-ME-0004)
- Hydrock Fire Safety Strategy (Reference: 23109-HYD-XX-XX-RP-FE-0001)
- Air Quality Assessment (Reference: J0487/1/F1)

- Tree Survey (Reference: 2102155837)
- Tree Constraints Plan (Reference: Tree Protection Plan R1)
- Outline Noise Impact Assessment (Reference: L1438.1-V1)
- Acoustic Design Assessment (Reference: R1438.1-V1)
- Topography Plan (Reference: B20323-2D-USX)
- TP Logs (Dated: 05/05/2022)
- Landowner Notification Letter (Reference: CD-JP-154306)
- Transport Statement (Dated: May 2022)
- School Travel Plan Revision C (Dated: 11/11/22)
- Comeytrowe Design Review Comments Tracker v5 (Dated: 08 September 2022)
- Clarkbond Technical Note (Reference: B06004-CLK-XX-XX-TN-1001)
- Site Location Plan (Drawing No: CPS-STL-XX-XX-DR-L-09001-P18 (Dated: 03/05/2022)
- Site Access Plan (Drawing No: CPS-STL-XX-XX-DR-L-09003-P26 (Dated: 18/07/2022)
- External Services Plan (Drawing No: CPS-HYD-ZZ-ZZ-DR-ME-9100-P02)
- Landscape General Arrangement Plan (Drawing No: CPS-STL-XX-XX-DR-L-09000-P31 (Dated: 18/11/22)
- Boundary Treatment Plan (Drawing No: CPS-STL-XX-XX-DR-L-09004-P26 (Dated: 18/07/2022)
- External Finishes Plan (Drawing No: CPS-STL-XX-XX-DR-L-09007-P17)
- Tree Protection, Removal and Retention Plan (Drawing No: CPS-STL-XX-XX-DR-L-09101-P18 (Dated: 03/05/2022)
- Soft Landscape Plan (Drawing No: CPS-STL-XX-XX-DR-L-09140-P26) (Dated: 18/07/2022)
- Site Section Plan (Drawing No: CPS-STL-XX-XX-DR-L-09301-P17)
- Cycle Shelter Detail Plan (Drawing No: CPS-STL-XX-XX-DR-L-09401-P26) (Dated: 18/07/2022)
- Fence & Enclosure Details Plan (Drawing No: CPS-STL-XX-XX-DR-L-09410-P17)
- Tree Pit Detail Plan (Drawing No: CPS-STL-XX-XX-DR-L-09420-P17)
- Soil Profile Details (Drawing No: CPS-STL-XX-XX-DR-L-09425-P17)
- Proposed Ground Floor Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0101-P08)
- Proposed First Floor Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0102)
- Proposed Roof Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0103-P08)
- Proposed Elevations Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0201-P08)
- Proposed Sections Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0301-P08)
- Materials to Elevations Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0401-P08)
- Proposed 3D Visuals – Sheet 1 of 2 Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0601-P08)
- Proposed 3D Visuals – Sheet 2 of 2 Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-0602-P08)
- Figure 6.1 Site Baseline Plan (Dated: 05/05/2022)
- Figure 6.2 Retained and Created Habitats (Dated: 05/05/2022)

- TP Plan Overlay WIP - Exploratory Hole Location Plan V2 (Drawing No: 12895)
- TP Plan – Exploratory Hole Location Plan V2 (Drawing No: 12895)
- External Elevations General Arrangement Plan (Drawing No: CPS-STL-ZZ-ZZ-DR-A-2101-P13)
- External Signage Plan and Details (Drawing No: CPS-STL-ZZ-ZZ-DR-A-4601-P13)
- Floor Finishes Plans – Ground and First Floor (Drawing No: CPS-STL-ZZ-ZZ-DR-A-5401-P13)

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

3 Ground Conditions for Sport:

Prior to the first occupation of the school until the following documents have been submitted to and approved in writing by the County Planning Authority after consultation with Sport England:

- A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policies DM1 and C4 of the Taunton Deane Core Strategy

4 Playing Field Drainage:

No development shall commence until [or other acceptable timescale] a scheme for the management and maintenance of playing field drainage, including a management and maintenance implementation programme, shall be submitted to and approved in writing by the County Planning Authority [after consultation with Sport England]. The playing fields shall thereafter be managed and maintained in accordance with the approved scheme.

Reason: To ensure the quality of pitches is satisfactory and that they are available for use before development (or agreed timescale) and to accord with Development Plan Policies DM1 and C4 of the Taunton Deane Core Strategy.

5 Community Usage:

Use of the development shall not commence [or no development shall commence or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the County Planning Authority, and a copy of the completed approved agreement has been provided to the County Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement."

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy CP5 (Inclusive Communities) of the Taunton Deane Borough Council Adopted Core Strategy.

6 Construction Environmental Management Plan (Ecology):

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the County Planning Authority. The CEMP (Biodiversity) shall include the following:

1. Risk assessment of potentially damaging construction activities.
2. Identification of "biodiversity protection zones".
3. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat measures, badgers buffer zones, precautionary measures for bats and dormice, reasonable avoidance measures concerning nearby nature reserves and local wildlife sites, protective measures for hedgerows and tree's, hedgehogs etc.
4. The location and timing of sensitive works to avoid harm to biodiversity features.
5. The times during construction when specialist ecologists need to be present on site to oversee works.
6. Responsible persons, lines of communication and written notifications of operations to the County Planning Authority
7. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person ;

8. Use of protective fences, exclusion barriers and warning signs.
9. *Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the County 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 the Taunton Deane Adopted Core Strategy - Policy CP8 Environment.

7 Lighting Design for Bats:

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

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

8 Ecological / Biodiversity Enhancement Measures:

The following biodiversity enhancement measures should be incorporated into the site, in accordance with Section 4.2 (opportunities for Ecological Enhancement) of the JH Ecology Ecological Appraisal dated 12/02/2021.

- The inclusion of any trees and shrubs on site should be in accordance with the trees listed in table 4.2 of the JH Ecology Ecological Appraisal.
- The inclusion of a habitat pile in accordance with table 4.2 of the JH Ecology Ecological Appraisal.
- The installation of a bee brick built into an external wall c. 1m above ground level on the south-east or south-west facing elevation of the new building.

A Landscape Masterplan shall be submitted to, and be approved in writing by, the County Planning Authority prior to commencement of development, which shall demonstrate how JH's enhancement proposals as outlined in Section 4.2 will be incorporated into the scheme. Photographs of the installed features will also be submitted to the County Planning Authority prior to completion.

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.

9 Landscape and Ecological Management Plan (LEMP):

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the County Planning Authority prior to the commencement of the development . The content of the LEMP shall include the following:

1. Description and evaluation of features to be managed.
2. Ecological trends and constraints on site that might influence management.
3. Aims and objectives of management.
4. Appropriate management options for achieving aims and objectives.
5. Prescriptions for management actions.
6. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
7. Details of the body or organization responsible for implementation of the plan.
8. On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan 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 plan 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 – Environment of the Taunton Deane Adopted Core Strategy.

9 Pedestrian & Cycle Access:

Before the new development is brought into use, the new pedestrian and cycle arrangements to include cycling and walking accesses through the boundary of the site were deemed necessary shall be laid out, constructed, and drained in accordance

with a detailed scheme to be submitted to and approved in writing by the County Planning Authority, once constructed they shall remain in perpetuity.

Reason: In the interests of sustainable development and in accordance with Policy CP6 of the Taunton Deane Adopted Core Strategy

10 Access:

The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number SK01, and shall be available for use prior to commencement (including show homes etc.). Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: In the interests of highway safety and to accord with Policy CP6 of the Taunton Deane Adopted Core Strategy

11 Cycle Parking Facilities:

Before the development is occupied or utilised the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of sustainable development and in accordance with Policy CP6 of the Taunton Deane Adopted Corer Strategy

12 Visibility Splays:

There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained in perpetuity.

Reason: In the interests of sustainable development and in accordance with Policy CP6 of the Taunton Deane Adopted Corer Strategy

13 Electric Vehicle Charging Points:

Before the development is occupied or utilised the electric vehicle charging points and parking bays shown on the submitted plans must have been constructed. Thereafter, they must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: In the interests of sustainable development and in accordance with Policy CP6 of the Taunton Deane Adopted Corer Strategy

14 Surface Water Prevention onto the Highway:

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 County Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.

NOTE: 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.

Reason: In the interests of sustainable development and in accordance with Policy CP6 of the Taunton Deane Adopted Corer Strategy

15 Construction Environmental Management Plan (Highways)

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the County Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- 24-hour emergency contact number;
- Hours of operation.
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste, and construction materials.
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses."

Reason: In the interests of sustainable development and in accordance with Policy CP6 of the Taunton Deane Adopted Corer Strategy

Informatives

1 Sport England – Drainage Assessment and Improvement/Management Scheme:

Sport England recommend that the drainage assessment and improvement/management scheme is undertaken by a specialist turf consultant.

11. Relevant Development Plan Policies

11.1 The following is a summary of the reasons for the County Council’s decision to grant planning permission.

11.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 this decision has been taken with due regard to the development plan unless material considerations indicate otherwise. The decision has been taken having regard to:

- Western Neighbourhood Design Guide (March 2020)
- Taunton Deane Borough Council Adopted Core Strategy to 208, adopted in 2011.

11.3 The proposal is in accordance with this development plan and in particular the following policies:

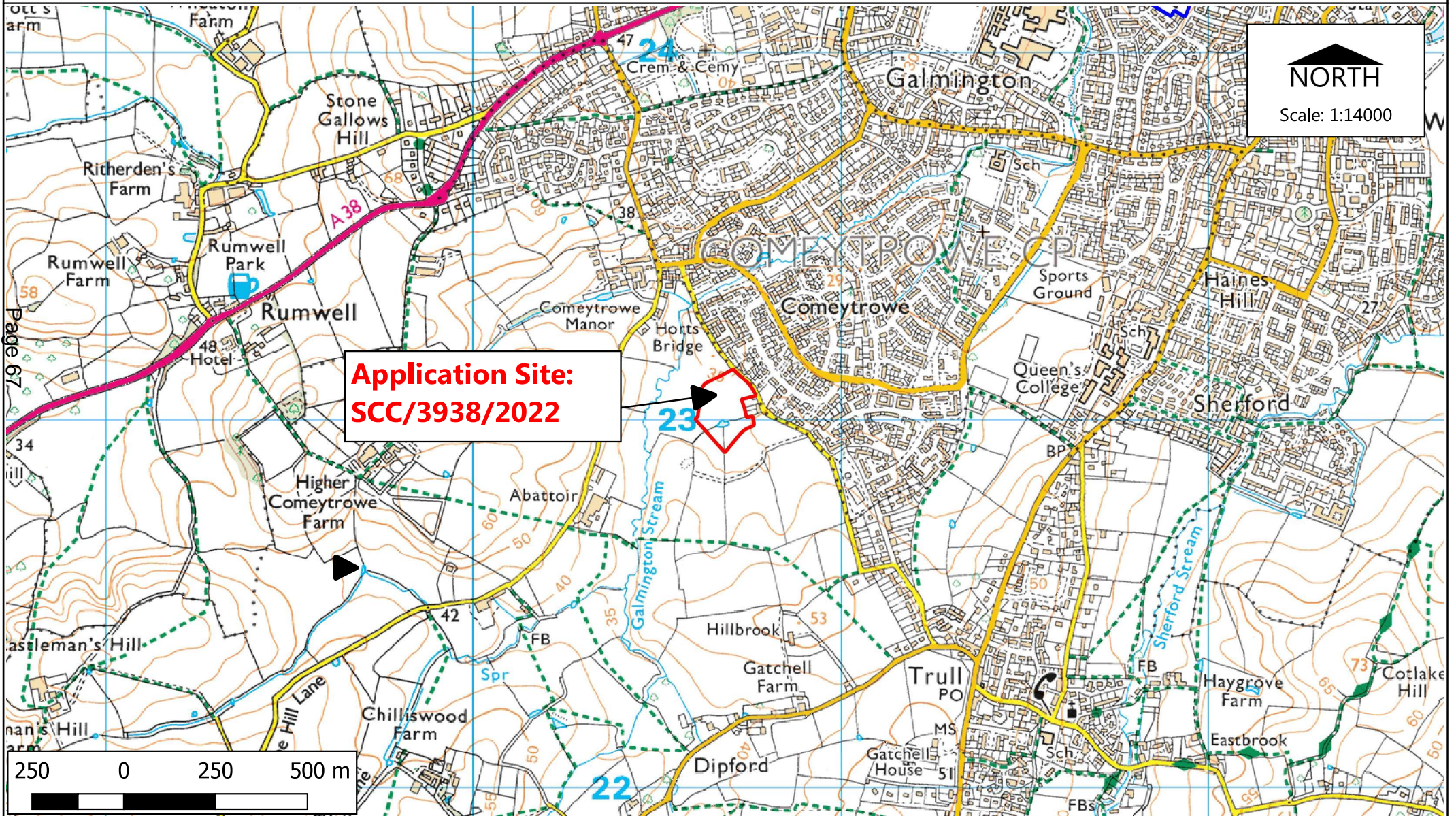
Policy:	Description:	Policy Consideration:
SD1	Presumption in Favour of Sustainable Development	In Accordance.
CP1	Climate Change	In Accordance.
CP3	Town and Other Centres	In Accordance.
CP5	Inclusive Communities	In Accordance.
CP6	Transport and Accessibility	In Accordance.
CP7	Infrastructure	In Accordance.
CP8	Environment	In Accordance.
SP1	Sustainable Development Locations	In Accordance.
SP2	Realising the Vision for Taunton	In Accordance.
SS7	Comeytrove / Trull – Broad Location for Growth	In Accordance.
DM1	General Requirements	In Accordance.
DM4	Design	In Accordance.

DM5	Use of Resources and Sustainable Design	In Accordance.
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11.4 The County Planning Authority has also had regard to all other material considerations.

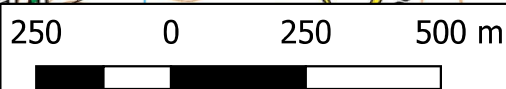
11.5 Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015:

11.6 In dealing with this planning application, the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this - service. This proposal has been assessed against the National Planning Policy Framework, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.



**Application Site:
SCC/3938/2022**

NORTH
Scale: 1:14000



SOMERSET
County Council

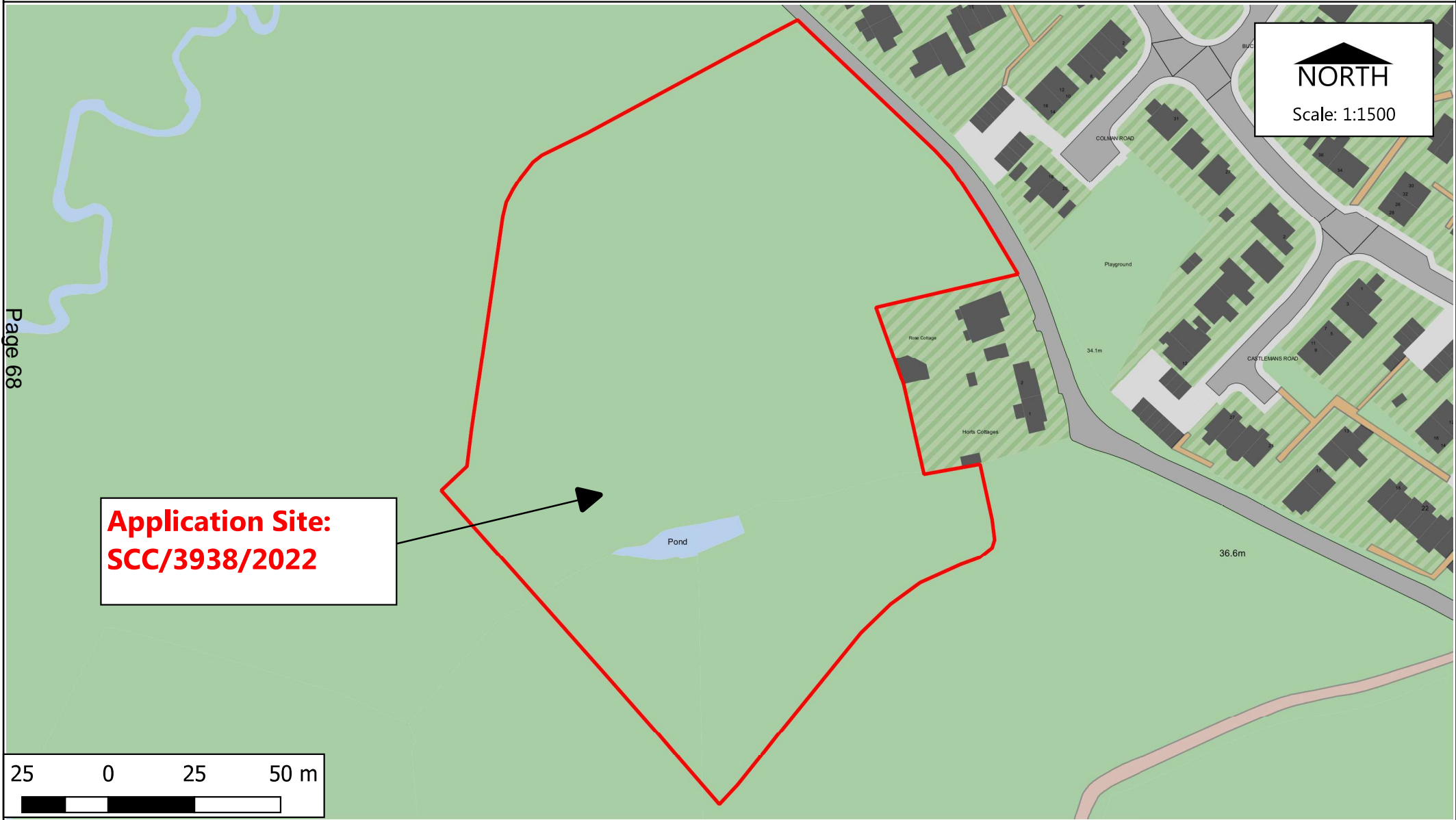
Paul Hickson,
Strategic Commissioning Manager
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Somerset County Council
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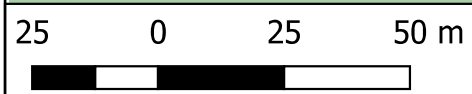
Planning Control
Drawn by: K Squire

Location Plan

Dated: 18/11/2022



**Application Site:
SCC/3938/2022**



Paul Hickson,
Strategic Commissioning Manager
Community & Environmental Services
Somerset County Council
County Hall, Taunton, TA1 4DY

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Site Plan

Dated: 18/11/2022

Somerset County Council

Regulation Committee – 1 December 2022

**Report by Service Manager - Planning & Development, Enforcement
& Compliance:**

Application Number: SCC/4005/2022

Date Registered: 18 August 2022

Parish: East Brent Parish Council, Lympsham Parish Council

District: Sedgemoor District Council,

Member Division: Brent,

Local Member: Councillor Bob Filmer

Case Officer: Ruth Amundson

Contact Details:

Description of Application: Discharge of s106 obligation

Grid Reference: Easting - 334325, **Northing** - 153427

Applicant: Yvonne and John Hopkins,

Location: Delhorn Lane Lympsham Grid ref 334176 153444

Bridleway AX22/11 & AX17/11

1. Summary of Key Issues and Recommendation(s)

The application seeks to discharge the requirements of a section 106 agreement entered into between the applicant and Somerset CC in 2016. The section 106 agreement secured, inter alia, the payment of financial contributions to SCC for vegetation clearance and repairs to the surface of a bridleway which the application was seeking to divert in order to carry out a development.

The key issue is whether or not the section 106 agreement still serves a useful purpose

It is recommended that the requirements of the agreement should remain in force and the application for discharge be refused.

2. Description of the Site

2.1 The application site is located just outside the village of Lympsham, approximately 5.8 kilometres south of Weston-Super-Mare and 5.7 kilometres north-east of Burnham on Sea. The site is surrounded by agricultural fields and a holiday park lies to the east.

3. The Proposal

3.1 The application seeks to discharge the requirements of the section 106 agreement. In support of the request, the applicant states:

“SCC should not have used a retrospective s106 as leverage to try and prevent a legal process of diversion of path. S36 of the HA states that a path created or diverted under s247 is maintainable at public expense.

A legal process should not be used against a member of the public in order to create barriers for a legitimate application in which it fulfilled the criteria. Complete lack of parity in service provision. SCC canvassed and pressured other consultees to uphold objection

The Ramblers and Sedgemoor DC were told what to do. Ramblers retracted objection no other objectors however SCC went to Axe Brue drainage board who did not object initially telling them a PROW could not go against a water course which we know is not fact.

This s106 has been used to extract money from me for the whole length of the path maintenance where they had never spent 1p. The s106 is a negotiated document used in the right way. This was a weapon, I never had explanation as to why I was funding all the path maintenance not just the increased length of between 50-70 metres they refused to answer any of my questions not a professional stance.”

4. Background

4.1 Permission was granted by Sedgemoor District Council in 2013, reference 24/13/00013, for a new agricultural barn on the site. The barn affected public rights of way AX 22/11/12, AX 22/11/1 and AX 17/11/1, obstructing the statutory PROW.

4.2 The applicant applied to Sedgemoor District Council for the diversion of the bridleway away from the agricultural barn to a route along the applicant’s field boundary and adjacent to a drainage ditch. The proposed route was longer and in the council’s view likely to give rise to additional maintenance costs.

4.3 Consequently a diversion order was made in 2016 and a legal agreement signed between the applicant and SCC providing, inter alia, for the applicant to make a payment of £4,000 for vegetation clearance for the new bridleway and a payment of £3,000, which has since been repaid, to be used by the County Council for repairs or reinstatement of the surface of the bridleway arising within 5 years of the date provided, in addition to a payment to cover the legal costs of the council in drawing up the order. The legal agreement allowed the county

Council and Sedgemoor District Council to withdraw objections to the diversion order which in turn enabled the approved development to be carried out.

5. The Application

5.1 Documents submitted with the application:

Application form and certificate

Copy of legal agreement

5.2 The application seeks to discharge the requirements of a section 106 agreement entered into between Somerset County Council and Mr J and Mrs Y Hopkins in 2013.

6. Environmental Impact Assessment (EIA)

No new development is proposed, and EIA is not relevant in this case

7. Consultation Responses Received

External Consultees

7.1 None required

Internal Consultees

7.8 SCC PROW

The money that was secured for future maintenance (of only the diverted section of path) is still required for the purpose it was secured – keeping the surface free of vegetation. This was an additional cost to the Council that arose from the development related diversion order and that is why it was secured. In that regard, we cannot agree to the variation of the s106.

Publicity

7.10 The application was advertised by means of a notice posted on the site and a notice published in a newspaper circulating in the locality. No response was received.

8. Comments of the Service Manager – Planning Control, Enforcement & Compliance

8.1 Section 106A(6) TCPA 1990 provides that where an application is made to an authority under subsection (3) to discharge a planning obligation, the authority may determine—

- (a) that the planning obligation shall continue to have effect without modification; or
- (b) if the obligation no longer serves a useful purpose, that it shall be discharged.

The essential questions to be considered in relation to an application to discharge the obligation are:

- i. What is the current obligation?
- ii. What purpose does it fulfil?
- iii. Is it a useful purpose?

Case law has established that in considering whether the purpose served is a useful purpose there is no need to address that question solely in the planning context. There is no need to revisit development plan policies, although these are set out below for context and to demonstrate that the original decision was appropriate.

8.2 The Development Plan

Sedgemoor Local Plan 2011-2032 adopted February 2019

Policy D29 Protection and Enhancement of Existing Green Infrastructure Resources

Green Infrastructure (GI) will be safeguarded, maintained, improved, enhanced and added to, as appropriate. Development proposals which compromise the integrity of the Green Infrastructure network will be resisted. The impact of new development on existing Green Infrastructure should be properly considered. Any new development which is likely to increase usage of existing green infrastructure should recognise that increased usage may result in degradation of the existing standard of provision. In addition, maintenance costs for those who own and maintain the infrastructure may increase, and any such costs or improvements necessary should be borne by the development. Master-planning of Strategic Site Allocations on greenfield sites should make provision for a network of green spaces linking the site to the wider Green Infrastructure network.

8.3 Material Considerations

National Planning Policy Framework 2021

Paragraph 100

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails

Analysis

Agreements under section 106 of the town and Country Planning Act 1990 are obligations entered into to mitigate adverse impacts of a development proposal where it is not possible to mitigate the impacts through planning conditions. Such an agreement can make a proposal acceptable in planning terms, whereas it would otherwise be refused. They must meet the tests of being necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development.

The Section 106 agreement in this case was entered into following the grant of planning permission. The planning permission could not grant approval for the diversion of the bridleway or make it the subject of a planning condition as the diversion was the subject of separate statutory process. The section 106 agreement was agreed as part of that other statutory process.

Where the obligation is more than five years old an application may be made to change the obligation where it no longer serves a useful purpose or would continue to serve a useful purpose in a modified manner.

Local planning authorities are expected to use all of the funding received as a result of the obligation as set out in the agreement.

In this case, Somerset County Council could not have supported the diversion order without provision to meet the additional costs incurred. The obligation was, therefore, necessary to make the agricultural building development acceptable and was directly related to the proposed development that obstructed the existing PROW.

Policy D29 in the Sedgemoor Local Plan requires the authority to have regard to the impact of any new development on green infrastructure, including public rights of way, and to ensure that where maintenance costs increase, those costs are met by the development. The obligation is in accord with that policy.

Paragraph 50 of the National Planning Policy Framework advises that planning decisions should protect and enhance public rights of way. Without the diversion order, enabled by the section 106 agreement, there would have been a detrimental effect on the PROW network.

The planning obligation sought financial provision to cover reasonable costs arising from the seasonal vegetation clearance of the diverted section of headland bridleway. Since 2017 the monies have provided for up to three cuts a year along the 238-metre diverted section of path. Therefore, the total cost for the calendar years 2018 – 2022 is £616.42. The requirements of the obligation are, therefore, fairly and reasonably related in scale and kind to the development.

The application does not provide any evidence to justify the discharge of the agreement but points to perceived shortcomings in the process. However, as described above the diversion order was required as a result of a development proposal by the applicant and the obligation sought to recover additional costs incurred by the county council as a result.

Conclusion

The financial provision that was secured through the section 106 agreement for future maintenance (of only the diverted section of path) is still required to keep the surface free of vegetation. This is an additional cost to the Council arising from the diversion order, as a consequence of a development proposal for an agricultural building which obstructed an existing PROW.

The planning obligation continues to serve a useful purpose and no evidence has been presented that justifies its discharge.

9. Recommendation

9.1 It is recommended that the application to discharge the section 106 agreement and refund the amount paid be refused.

Reason: The planning obligation continues to serve a useful purpose and no evidence has been presented that justifies its discharge.

10. Relevant Development Plan Policies

1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in: -

Sedgemoor Local Plan 2011-2032 adopted February 2019

The policies in the development plan particularly relevant to the proposed development are: -

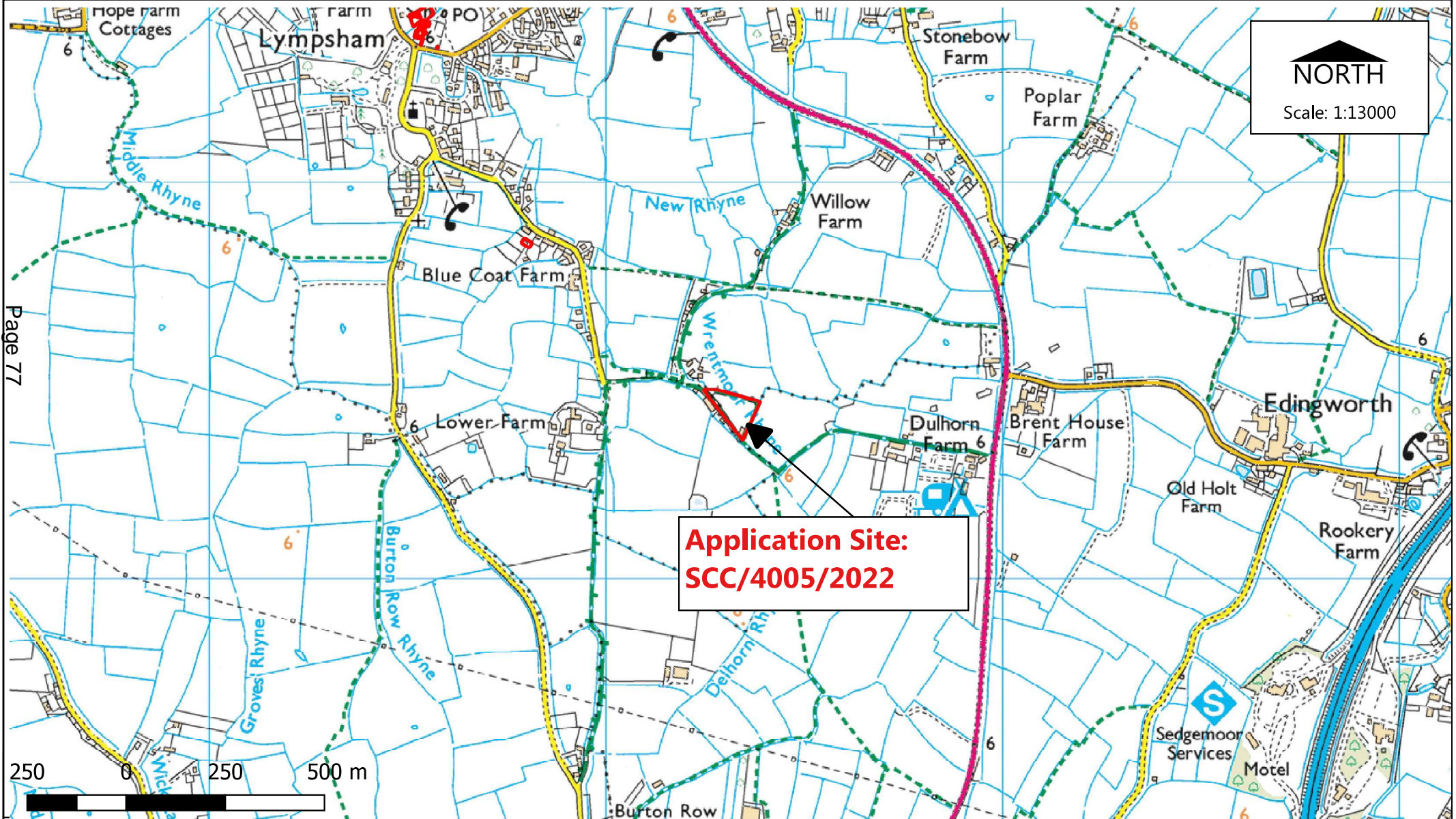
Policy D29 Protection and Enhancement of Existing Green Infrastructure Resources

3 The County Planning Authority has also had regard to all other material considerations.

4 Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre- application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, Minerals Local Plan and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary.

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Application Site:
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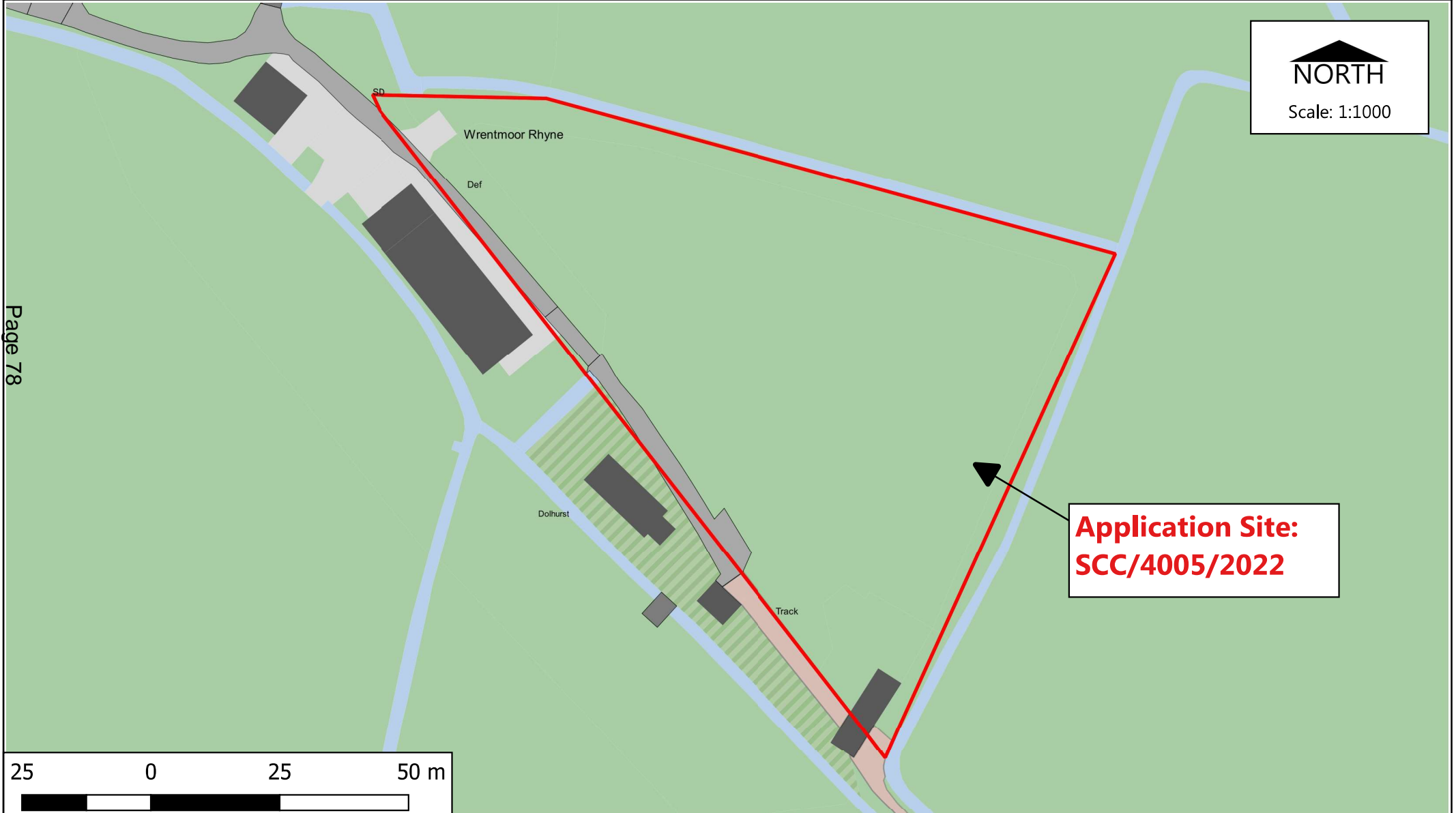
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Location Plan

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