

SWT Planning Committee

Thursday, 5th January, 2023,
1.00 pm

The logo for Somerset West and Taunton, featuring the text "Somerset West and Taunton" in white on a teal background with a white curved line at the bottom right.

The John Meikle Room - The Deane
House

[SWT MEETING WEBCAST LINK](#)

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

Agenda

1. Apologies

To receive any apologies for absence.

2. Minutes of the previous meeting of the Planning Committee (to follow)

3. Declarations of Interest or Lobbying

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests or lobbying in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

4. Public Participation

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

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5. **3/21/22/105 - Erection of ground mounted solar panels Avondale, Martlet Road, Minehead, TA24 5QD** (Pages 5 - 14)
6. **42/22/0043 - Variation of Condition No. 2 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton** (Pages 15 - 114)
7. **3/37/21/012 - Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for up to 136 dwellings with the creation of vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways, and open recreation space. Also, partial re-alignment of public highway (Cleeve Hill, Watchet) (Resubmission of 3/37/18/015)** (Pages 115 - 296)
8. **42/22/0054 - Erection of a care home (use Class C2) comprising of 68 No. bedrooms with associated staff facilities, access, landscaping, parking and associated works on land at Comeytrove, Taunton** (Pages 297 - 336)
9. **01/22/0013 - Removal of Condition No. 7 (agricultural occupancy condition) of application 01/89/0006 at Burrow View, Ashbrittle** (Pages 337 - 344)
10. **Latest appeals and decisions received (to be added to the update sheet)**
11. **Next Committee Date**
The next Committee date is Thursday 19 January 23 at 10am
12. **Town and Country Planning Act 1990 and Other Matters (Enforcement)**
To consider the reports on the plans deposited in accordance with the Town and Country Planning Act 1990 and other matters (separate report). All recommendations take account of existing legislation (including the Human Rights Act) Government Circulars, Somerset and Exmoor National Park Joint Structure Review, The Somerset West and Taunton Local Plan, all current planning policy documents and Sustainability and Crime and Disorder issues.

13. Access to information -Exclusion of the Press and Public

During discussion of the following items, it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 13 13.02(e) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. Planning will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommend that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next items of business on the ground that they involve the likely disclosure of exempt information as defined in paragraph 3 & 7 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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| 14. Enforcement action | (Pages 345 - 348) |
| 15. Enforcement action | (Pages 349 - 356) |
| 16. Enforcement Action | (Pages 357 - 364) |
| 17. Performance Indicator - For information only | (Pages 365 - 366) |



**ANDREW PRITCHARD
CHIEF EXECUTIVE**

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

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

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Application Details	
Application Reference Number:	3/21/22/105
Application Type:	Full Planning Permission
Earliest decision date:	07 November 2022
Expiry Date	02 December 2022
Extension of Time Date	16 December 2022
Decision Level	Planning Committee
Description:	Erection of ground mounted solar panels
Site Address:	Avondale, Martlet Road, Minehead, TA24 5QD
Parish:	21
Conservation Area:	Wellington Square Minehead
Somerset Levels and Moors RAMSAR Catchment Area:	No
AONB:	No
Case Officer:	Sarah Wilsher
Agent:	Architectural Studio SW Ltd
Applicant:	Mr Benet Allen
Committee Date:	05 January 2023
Reason for reporting application to Committee	The applicant is a District Councillor for the Periton and Woodcombe Ward

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

The proposal is for the erection of ground mounted solar panels.

The application is recommended to be granted subject to conditions as it will not harm the setting of the conservation area or the appearance and character of the locality and will not impact on the character and appearance of the host dwelling, thereby complying with policies NH1 and NH2c. It is in keeping with the national and local climate emergency agenda to reduce carbon emissions and provide renewable energy thereby complying with policy CC1. There will also be no harm to residential amenity from its installation.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

3.3.1 Standard time limit of 3 years

3.3.2 Approved plans

3.3.3 Glint and glare assessment

3.3.4 Removal of standalone solar equipment when no longer needed for electricity production.

3.2 Informatives (full text in appendix 1)

3.2.1 Proactive Statement

3.2.2 Nesting birds

4. Proposed development, site and surroundings

4.1 Details of proposal

It is proposed to erect a standalone solar panel array in order to produce renewable energy. The array will consist of three rows of five panels on a metal framework. The height of the panels including the frame will be 3.1m. The width of the array is 9m and the depth is 3m. The panels will be dark blue/black.

4.2 Sites and surroundings

Avondale is a semi-detached rendered five-bed dwelling under plain clay tiled roofs with Tudor detailing within the apex of the gable on the front elevation and timber fenestration. It is believed to have been constructed in the early 20th Century in the Edwardian era. The site for the solar panels is at the bottom of the garden with a wall/hedge to the north-west and neighbouring single-storey buildings to the north-east and south-east. Avondale is located close to the centre of Minehead and the dwelling is within the Wellington Square Conservation Area, whilst the site for the standalone ground mounted solar array is outside the Conservation Area.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/21/20/013	Demolition of flat roof extension and erection of a painted metal verandah with associated railings.	Grant	18 May 2020
NMA/21/21/004	Non-material amendment to planning permission 3/32/20/013 to change the photovoltaic glazing on the roof of the verandah to a plain glass roof.	Grant	30 April 2021.

6. Environmental Impact Assessment

Not applicable.

7. Habitats Regulations Assessment

The application site is outside the catchment area for the Somerset Levels and Moors Ramsar site.

8. Consultation and Representations

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

8.1 Date of consultation: 07 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 13 October 2022

8.4 Site Notice Date: 17 October 2022

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
<u>Minehead Town Council</u>	The Committee can see no material planning reason to refuse this application but ask that officers consider the position in a Conservation Area is balanced against climate emergency considerations.	Addressed under 10.2.
<u>Highways Development Control</u>	No observations.	
<u>SCC - Ecologist</u>	No comments received.	Addressed under 10.1.7.

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Arboricultural Officer	The house is within the Conservation Area, but some of the garden including the application site isn't. The applicant has no intention of pollarding the tree or significantly reducing it. I do not think it merits protection by TPO and being outside the Conservation Area no permission would be needed to prune the tree. It is not a tree of particular merit, it being a youngish sycamore with a double stemmed trunk which may	Addressed under 10.1.6.

	be an issue as the tree grows, so I think it will need to be kept at a smaller size to prevent the two trunks splitting apart. I have suggested a minor crown-lift (removal of lowest branches) which might suffice for now.	
Conservation Officer	As the solar array will not be visible from a public viewpoint there will be no harm to the setting of the Conservation Area and the existing character and appearance of the Conservation Area will be preserved (verbal comments).	Addressed under 10.2.

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Two letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
I do not believe the land where the panels are to be erected is outside the Conservation Area.	The site is just to the north-west of the Wellington Square Conservation Area.
The panels will be a blight to nearby properties which overlook the garden and will cause reflection issues by way of the angles of the panels.	A condition will be added to the permission if granted for a glint and glare assessment to be undertaken prior to the installation of the solar array.
This will set a precedent for similar applications.	Planning applications for similar proposals will be assessed on their individual merit.
Wildlife will be affected	The solar array will sit on an existing area of hardstanding and will be supported above the ground within an open frame and an informative in respect of the protection of nesting birds will be added to the permission.

The installation should be at least 5m from the boundary of the property.	This is one of the criteria for permitted development which the proposal does not meet, hence the need for planning permission.
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Comments have been received from the Ward Councillor for the North Ward of Minehead, as follows:

Whilst I appreciate this application lies close to the conservation area of North Hill and Wellington Square I would like to make the following comment - it is paramount that we do whatever we can to protect the environment from climate change at all times, but we must also protect and enhance this conservation area at the same time. This application must conform to all the policies of the local authority with regards to this conservation area.

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former West Somerset area. The Development Plan comprises comprise the Adopted West Somerset Local Plan to 2032, Somerset Mineral Local Plan (2015), and Somerset Waste Core Strategy (2013).

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

Relevant policies of the West Somerset Local Plan to 2032 in the assessment of this application are listed below:

CC1	Carbon reduction - small scale schemes
NH1	Historic Environment
NH2	Management of Heritage Assets
SD1	Presumption in favour of sustainable development
NC/1	Sites of Special Scientific Interest
CA/1	New Development and Conservation Areas

Neighbourhood Plans:

There is no neighbourhood plan for Minehead.

Supplementary Planning Documents:

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022)

9.1 National Planning Policy Framework

Chapter 14 paragraphs 152 and 158a). Chapter 16 Also paragraph 130a), b), c)

10. Material Planning Considerations

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

10.1.1 *The principle of development*

The proposal seeks to provide renewable energy. Policy CC1 of the West Somerset Local Plan to 2032, states that 'energy generating development proposals (other than those for wind turbines) will be supported ... where they respect the local natural environment in which they are located and the local historic environment and the significance of any designated and identified potential heritage assets within and neighbouring it'. Policy NH1 states that 'proposals will be supported where the historic environment and heritage assets and their settings are sustained and/or enhanced in line with their interest and significance' and policy NH2C states that 'Development proposals that affect a conservation area should preserve or enhance its character or appearance, especially those elements identified in any conservation area appraisal'.

It is considered that due to the low height, colour and discreet and secluded positioning of the PV panels within the rear garden, tucked between the stone and brick walls of neighbouring buildings and a stone boundary wall and vegetation, the proposal will respect the setting of the Conservation Area whilst providing a sustainable form of renewable energy which meets the local and national need for clean energy generating development proposals.

10.1.2 *Design of the proposal*

The array will cover an area of 27sqm, which in terms of the proportion of garden area covered is small, and due to the linear layout of the rear garden and the proposed siting of the array at the end of the garden, the solar array will not be easily visible from the dwelling. Although it will be just over 3m in height it will be enclosed to the north-east and south-east by elevations of neighbouring buildings and the stone boundary wall to the north-west so the bulk of it will be screened, particularly with the presence of the Sycamore tree and hedging to the north-west. The dark colour of the panels will also enable it to merge into the background of the roof tiles to the rear. It is therefore considered that it is acceptable in terms of scale, form, appearance and siting.

10.1.3 Access, Highway Safety and Parking Provision

There are no access, highway safety or parking implications as a result of the proposed development.

10.1.4 The impact on the character and appearance of the locality

Due to the siting of the proposal, the standalone array will not be visible from a highway or public footpath and will have no impact on the character and appearance of the locality.

10.1.5 The impact on neighbouring residential amenity

The array will be sited to the rear of a single storey building located to the north-east, which is within the curtilage of Stables Cottage. There are no windows in this building and the array will be largely screened from the occupiers of Stables Cottage by the building. Only a top section of the rear frame/panel will be visible in the top north-east corner, rising above the roof of the building, where the roof ridge at this point is at a lower level.

To the south-east lies the rear of a building on Blenheim Mews, which is currently being converted from a garage to a dwelling under planning application 3/21/22/041. The three approved rooflights in the rear elevation of the converted garage are in situ and there are rooflights in the rear elevation of the next dwelling further to the south-west along Blenheim Mews. These dwellings, together with Avondale and Dalkeith, the adjoining dwelling to Avondale, may be inconvenienced by glint and glare from the solar panels. To ensure this is minimised a pre-commencement condition will be added to the permission if granted for a glint and glare assessment to be undertaken and submitted in writing to the Local Planning Authority.

To the north-west lies the rear of Oak Lodge Crescent, a block of 14 apartments situated at an elevated level. There are rear windows and balconies along the curved south-east elevation of Oak Lodge Crescent, but due to the boundary wall, hedging and tree and the distance between the site and Oak Lodge Crescent, it is considered that the array will not be easily visible, perhaps the end of the array in the Autumn/winter season, but this will not have any harmful impact on the occupiers.

10.1.6 The impact on trees and landscaping

There is a sycamore tree to the north-west of the proposed array. This will not be affected by the construction of the array and as the applicant has no plans to remove the tree and only do any necessary works to maintain it, the tree will help to soften the visual impact of the structure, and, together with the hedge sited beyond the boundary wall, will help to screen the proposal from neighbours to the north-west.

10.1.7 *The impact on ecology and biodiversity*

The site for the solar array is an area of paved and gravelled hardstanding , with some flowering and vegetable beds. It is well cultivated and maintained as part of the domestic garden and it is considered unlikely that there will be any loss of habitat as a result of the proposed array which will be raised above the ground and supported within a metal frame and posts. However, due to its proximity to hedging and greenery an informative will be added to the permission if granted to protect nesting birds.

10.1.8 *Flood risk and energy efficiency*

The site is not within an area of flood risk. The panels will produce renewable and sustainable energy which is welcomed, as part of the national and local climate change agenda to reduce the UK's carbon footprint.

10.2 *Heritage impact*

The ground mounted solar panels will not be within the Conservation Area, but lie to the north-west and north-east of Wellington Square Conservation Area. Therefore it is necessary to assess the impact of the proposal on the setting of the Conservation Area. As such, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies, which states that where an area is designated a conservation area 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the area'.

The panels and frame will not be visible from any public viewpoint and as such there will be no harm to the setting of the Conservation Area, and the existing character and appearance of the Conservation Area will be preserved. To ensure this remains the case, a condition will be added to the permission for the stand-alone solar equipment to be removed within three months of being no longer needed for electricity production.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

CIL does not apply in the former West Somerset Council area.

12 Planning balance and conclusion

12.1 The proposed development complies with policies CC1, NH1 and NH2 within the West Somerset Local Plan to 2032 in respect of providing a renewable energy source which meets the local and national climate emergency agenda, whilst preserving the setting of the Conservation Area and causing no loss of amenity to neighbouring dwellings.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions

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

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal Recommended Conditions

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

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

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

(A1) DrNo 2064.1/200 Proposed Plans & Elevations

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

- 3 Prior to the installation of the ground mounted solar panels a glint and glare assessment shall be undertaken and submitted in writing for approval by the Local Planning Authority.

Reason: To minimise disturbance to neighbouring dwellings.

- 4 The stand-alone solar equipment hereby permitted shall be removed within three months of when it ceases to be needed for energy production.

Reason: In the interests of the character and appearance of the area.

Notes to applicant.

- 1 In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.
- 2 The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or that advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

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

UPDATE TO REPORT -

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

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

The Highway Authority has reviewed this material and has commented:

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

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

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

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

Obviously should this scheme come forward, this would need to be subject to a safety and technical audit to provide more detailed comments.

The original recommendation still stands”.

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

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

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

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

ORIGINAL REPORT -

1. Recommendation

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

2. Executive Summary of key reasons for recommendation

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

3. Planning Obligations, conditions and informatives

3.1 Obligations

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

3.2 Conditions (see Appendix 1 for full wording)

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

3.3 Informatives (see Appendix 1 for full wording)

- 1) Statement of positive working

4. Proposed development, Site and Surroundings

Details of proposal

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

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

Site and surroundings

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

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

5. Relevant Planning History

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

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

6. Environmental Impact Assessment

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

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

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

7. Habitats Regulations Assessment

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

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

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

8. Consultation and Representations

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

Date of Consultation: 01 July 2022

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

8.1 Statutory Consultees

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

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

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

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

8.2 Non-Statutory Consultees

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

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

8.3 Local representation

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

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

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

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

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

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

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

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

8.3.4 There were no specific letters of support received.

9. Relevant planning policies and Guidance

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

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

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

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

Core Strategy 2012

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

Site Allocations and Development Management Plan 2016

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

Other relevant policy documents

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

Neighbourhood Plans

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

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

The National Planning Policy Framework

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

Relevant Chapters of the NPPF include:

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

10. Local Finance Considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

11. Material Planning Considerations

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

Principle of Development

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

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

Highway Implications

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

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

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

Surface Water Drainage

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

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

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

Visual and Residential Amenity

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

Other Matters

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

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

12. Planning Balance and Conclusion

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

Appendix 1 – Planning conditions and informatives

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes

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

Appendix 2 - Highway Authority comments dated 23 September 2022

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

Appendix 4 - Additional Information supplied by the Applicant

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

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

Appendix 6 - Minutes from October's Planning Committee Meeting

Somerset County Council Highways

RESPONSE TO DEVELOPMENT MANAGEMENT CONSULTATION REQUEST

Application number: 42/22/0043

Our reference:

Application Title and location:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR VARIATION OF CONDITION NO. 02 (APPROVED PLANS), FOR THE
INCLUSION OF A TURNING HEAD AT THE ENTRANCE OF THE APPROVED PUMPING
STATION COMPOUND, OF APPLICATION 42/20/0042 AT ORCHARD GROVE NEW
COMMUNITY, COMEYTROWE RISE, TAUNTON**

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

Summary:

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

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

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

Full comments:

The following comments are associated with the following drawings:

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

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

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

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

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

Conclusion & Recommendation:

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

Name: Jon Fellingham

Date: 23/9/22

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

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

Location: STREET RECORD, COMEYTROWE RISE, TAUNTON

Grid Reference: 320507.123255

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

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

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

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

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

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

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

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

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

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

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

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

5. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the commencement of the development hereby approved.

After the completion of the development, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

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

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

Notes to Applicant

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

Proposal

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

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

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

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

What is a Pumping Station?

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

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

What is a Water Booster Station?

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

What is a Gas Pressure Reducing Station?

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

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

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

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

Site Description

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

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

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

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

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

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

Relevant Planning History

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

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

Comeytrowe Garden Community planning history:

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

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

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

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

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

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

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

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

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

Consultation Responses

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

TRULL PARISH COUNCIL – Objection:

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

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

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

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

Further objections to consider are;

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

COMEYTROWE PARISH COUNCIL (Adjoining PC) – Objection

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

Further comments:

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

BISHOPS HULL (Adjoining PC) – Objection

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

ENVIRONMENT AGENCY – No objection.

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

Further comments received:

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

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

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

3) Please consult your Environment Health Officer concerning odour.

4) No objection to this location.

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

LEAD LOCAL FLOOD AUTHORITY – No objections

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

WESSEX WATER – No objections:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To elaborate:

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

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL HEALTH – No Objections:

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

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

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

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

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

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

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

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

Comment

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

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

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

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

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

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

Previous memo of 17-December 2020:

"Discharge to the Galmington Stream.

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

Noise.

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

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

Odour

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

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

Comment

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

Health and safety issues

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

Additional information

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

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

SCC - TRANSPORT DEVELOPMENT GROUP – No objections:

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

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

traffic movements on Comeytrowe Lane.

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

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

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

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

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

Conditions proposed concerning Construction Management Plan and Highway Access Works.

LANDSCAPE – Comments.

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

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

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

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

ECOLOGIST – No objections

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

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

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

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

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

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

SOMERSET WILDLIFE TRUST – Objection.

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

SOUTH WEST HERITAGE TRUST – No archeological implications.

Representations Received

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

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

The comments made can be summarised as follows:-

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

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

The following comments have been received from local councillors:

Cllr Hunt -

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

Cllr Farbahi

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

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

Cllr Nicholls

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

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

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

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

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

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

Cllr Hill

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

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

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

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

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

The Final Green Wedge Assessment, 2015

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

Local finance considerations

Community Infrastructure Levy

There is no CIL liability related to this development.

Determining issues and considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

Then the Council must consider if the application is:

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

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

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

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

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

- *Landscape and Visual Amenity*

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

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

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

- *Ecology and Nature Conservation*

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

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

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

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

- *Transport and Access*

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

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

- *Air Quality*

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

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

- *Noise and Vibration*

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

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

- *Water Resources and Flood Risk*

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

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

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

- *Cultural Heritage*

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

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

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

- *Ground Conditions and Contamination*

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

- *Socio Economics*

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

- *Agricultural Land*

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

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

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

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

Councillor Briefing _

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

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

Highways Access

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

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

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

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

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

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

Visual Amenity and Landscape Considerations

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

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

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

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

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

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

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

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

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

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

Flooding

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

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

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

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

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

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

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

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

Water Pollution – Galmington Stream

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

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

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

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

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

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

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

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

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

Residential Amenity – Sewerage Pumping Station

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

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

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

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

It states:

Policy I4: Water infrastructure

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

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

The supporting text explains:

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

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

Policy DM1 of the SADMP states (extract):

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

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

Policy I3: Water management

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

The supporting text explains:

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

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

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

So where does 15m come from as a threshold?

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

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

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

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

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

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

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

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

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

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

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

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

Residential Amenity – Water Booster

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

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

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

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

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

Residential Amenity/Health and Safety – Gas Reduction Station

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

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

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

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

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

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

other legislation.

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

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

Comments they also make regarding another site –

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

Ecology _

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

Impact of Heritage Assets _

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

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

Other Matters

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

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

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

The Requisition Process and Permitted Development

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

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

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

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

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

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

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

Habitats Regulation Assessment

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

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

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

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

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

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

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

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

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

Conclusion and planning balance

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

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

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

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

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

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

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

Contact Officer: Simon Fox

Appendix A

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

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

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

PLANNING COMMITTEE AMENDMENT SHEET

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

Amended Conditions:

Amend Condition 01

Include an omitted plan

GTC-AFV/MPLP/PRT/10810-AS

Kiosk Base Details & Specification

New Condition 10

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

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

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

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

Amended/Additional Consultation Responses:

SWT Environmental Health - Additional Comments

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

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

Condition re noise

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

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

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

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

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

Trull Parish Council – Additional comments

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

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

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

Amended/Additional Representations Received:

R. Walsh – Concerns

Impact on Galmington Stream and the local wider environment

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

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

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

A. Kent – Observations

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

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

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

D Owen – Objection

Agrees with Mr Smith rep of 14 Feb.

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

J.Freeman – Question

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

W.Crosse - Objection

Pollution potential to the stream.

The application site floods.

The access roads are narrow and unsuitable for heavy traffic.

T.Smith - Objection

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

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

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

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

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

Commentary and opinion of the Councillor Briefing session.

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

Commentary on the Pumping Station Note from the agent.

Observations on the comments from Environmental Health

Commentary on the consultation from Wessex Water.

R.Beckinsale – Objection

Unquantified discharge of raw sewerage into the Galmington Stream.

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

How often is the present system in Taunton overwhelmed?

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

General updates and considerations

Further updates may be given at the planning committee meeting.

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

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BS1 6PU

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

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

Application Type: Full Planning Permission
Grid Reference: 320507.123255

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Deane Core Strategy.

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

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

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

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

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

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

NOTES TO APPLICANT

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



REBECCA MILLER, PRINCIPAL PLANNING SPECIALIST

Date: 08 April 2021

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



Utility compound access, Comeytrowe Lane

Alternative Footway/Cycleway Comparison Review Statement

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

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

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

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

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

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

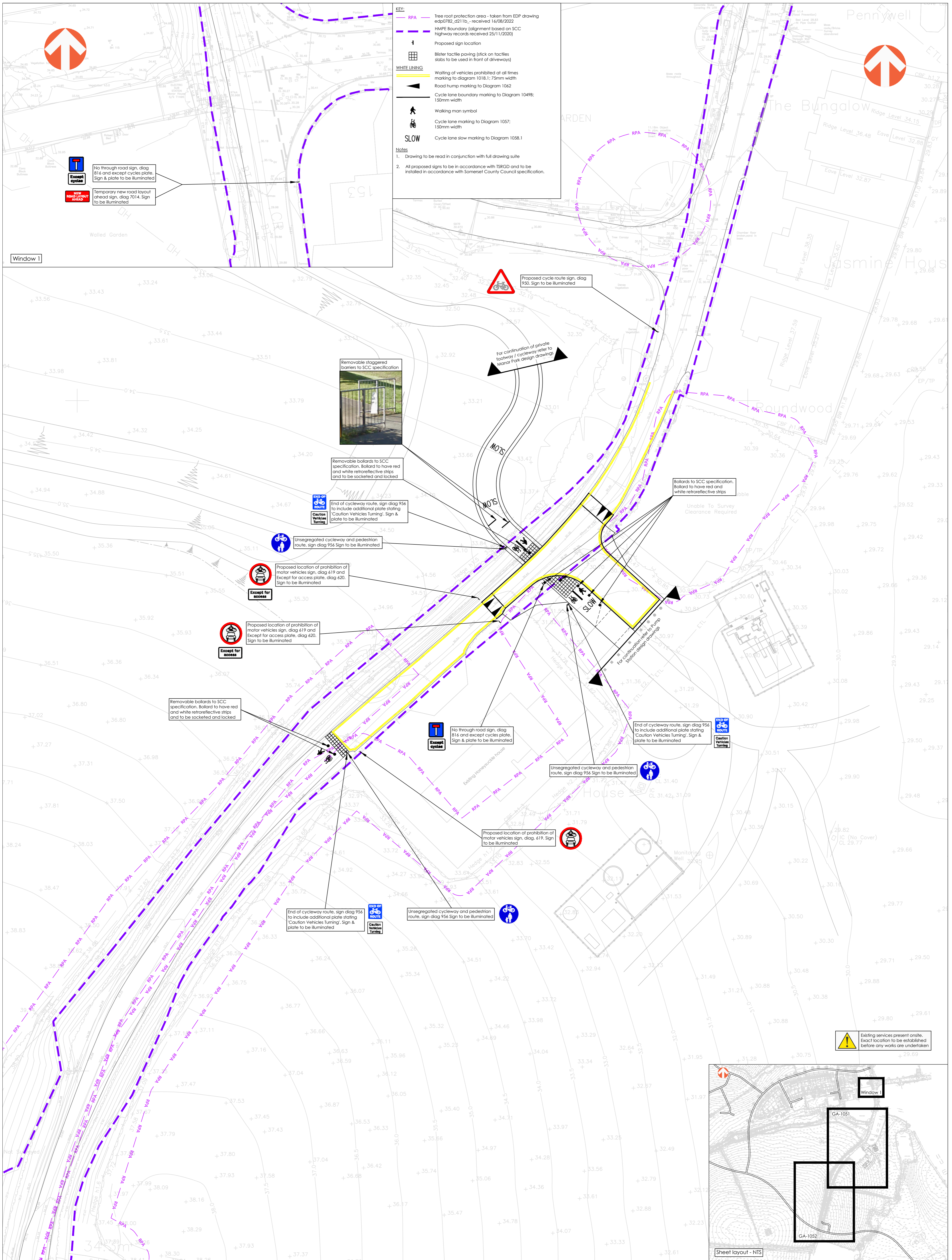
	<p>before having priority progressing through the park</p>	<p>proposed route, crossing in the vicinity of the proposed turning head and then proceeding along the pumpstation access, before continuing back on the footway/cycleway within Horts Bridge Park. Clearly short cuts down a steep embankment could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

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

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

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



KEY:

- RPA: Tree root protection area - taken from EDP drawing edp0782_d211b - received 16/08/2022
- HMPE Boundary (alignment based on SCC highway records received 25/11/2020)
- Proposed sign location
- Blister tactile paving (stick on tactile paving slabs to be used in front of driveways)

WHITE LINING

- Waiting of vehicles prohibited at all times marking to diagram 1018.1: 75mm width
- Road hump marking to Diagram 1062
- Cycle lane boundary marking to Diagram 10498: 150mm width
- Walking man symbol
- Cycle lane marking to Diagram 1057: 150mm width
- Cycle lane slow marking to Diagram 1058.1

SLOW

Notes

- Drawing to be read in conjunction with full drawing suite
- All proposed signs to be in accordance with TSRGD and to be installed in accordance with Somerset County Council specification.

Except for access
No through road sign, diag 816 and except cycles plate, sign & plate to be illuminated

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

Window 1



Removable bollards to SCC specification. Bollard to have red and white retroreflective strips and to be socketed and locked

End of cycleway route, sign diag 956 to include additional plate stating 'Caution Vehicles Turning'. Sign & plate to be illuminated

Unsegregated cycleway and pedestrian route, sign diag 956 sign to be illuminated

Proposed location of prohibition of motor vehicles sign, diag 619 and Except for access plate, diag 620. Sign to be illuminated

Proposed location of prohibition of motor vehicles sign, diag 619 and Except for access plate, diag 620. Sign to be illuminated

Removable bollards to SCC specification. Bollard to have red and white retroreflective strips and to be socketed and locked

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

End of cycleway route, sign diag 956 to include additional plate stating 'Caution Vehicles Turning'. Sign & plate to be illuminated

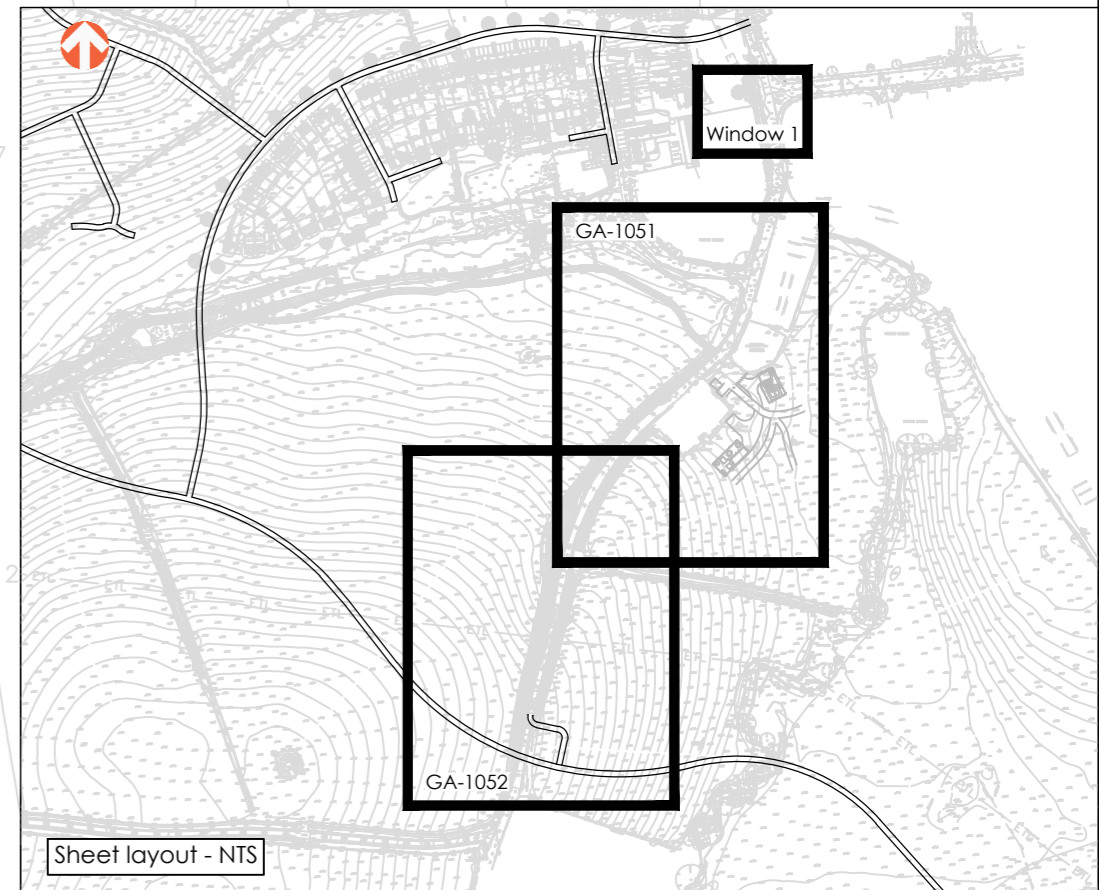
Unsegregated cycleway and pedestrian route, sign diag 956 sign to be illuminated

Proposed location of prohibition of motor vehicles sign, diag 619. Sign to be illuminated

End of cycleway route, sign diag 956 to include additional plate stating 'Caution Vehicles Turning'. Sign & plate to be illuminated

Unsegregated cycleway and pedestrian route, sign diag 956 sign to be illuminated

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



REV	DATE	DESCRIPTION	BY	CHK	APD
B	11.03.2022	DRAWING UPDATED TO SUIT SCC AUDIT COMMENTS RECEIVED 02/11/2021	OJT	RJM	PDM
A	04.10.2021	INITIAL ISSUE	BJG	RJM	PDM
C	18.08.2022	ADDITIONAL BOLLARDS AND CYCLE WARNING PLATE SIGN ADDED STATING 'CAUTION VEHICLES TURNING' IN RESPONSE TO FURTHER PLANNING COMMENTS	JBE	RJM	PDM
D	21.11.2022	ADDITIONAL BOLLARDS AND CYCLE WARNING PLATE SIGN ADDED STATING 'CAUTION VEHICLES TURNING' IN RESPONSE TO FURTHER PLANNING COMMENTS	JBE	RJM	PDM
C	18.08.2022	CYCLE PRIORITY CROSSING REMOVED AND UPDATED TO SUIT	OJT	RJM	PDM

Vistry Group **Taylor Wimpey**

DRAWING STATUS: FOR INFORMATION ONLY
Page 97

PROJECT: COMESTROW, TAUNTON

TITLE: OFFSITE SIGNS & LINES PLAN - COMESTROW LANE TURNING HEAD

PROJECT No: 1083

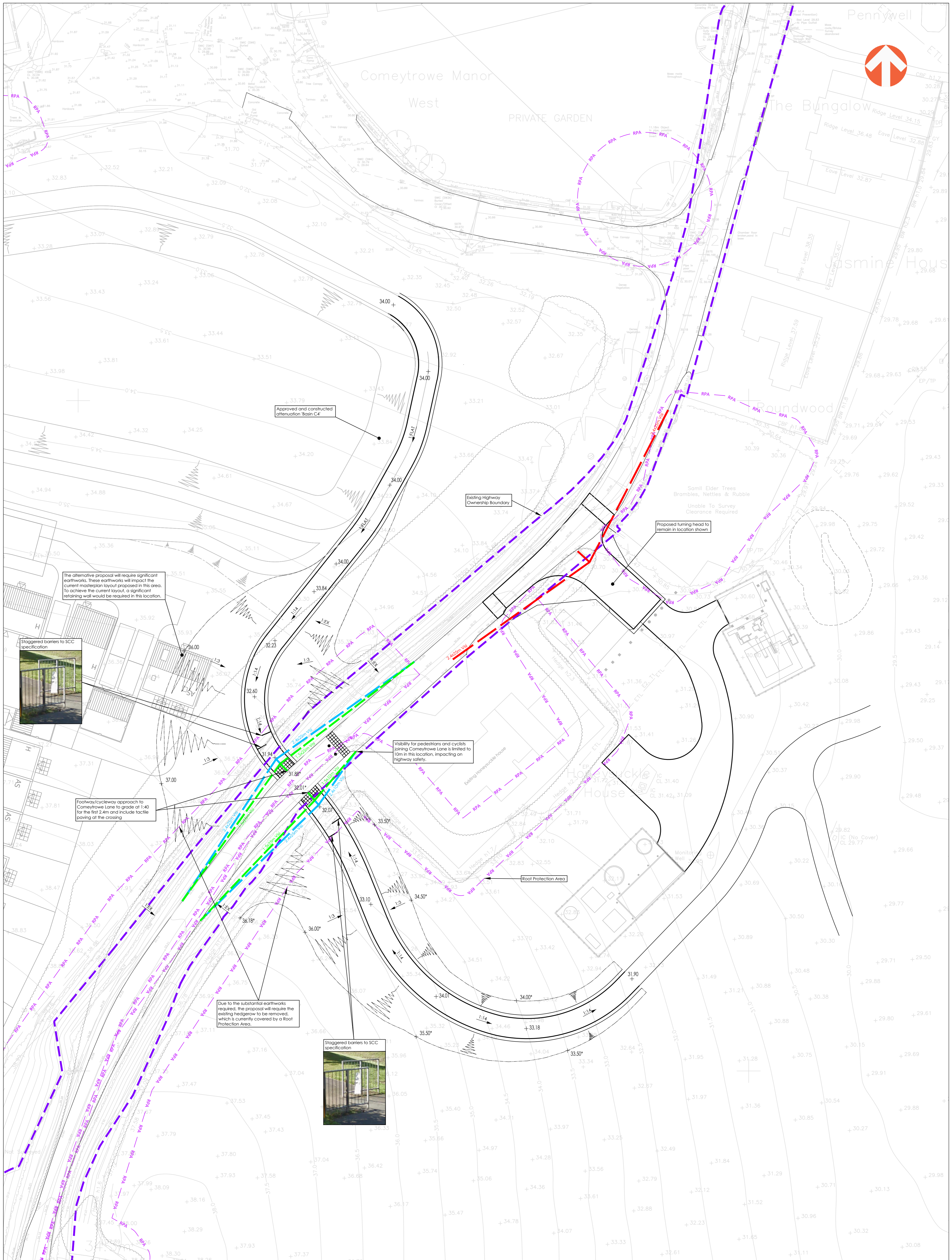
DRAWING No: 03-J-GA-1051

REV: D

SCALE @ A1: 0 1:250 12.5 metres

DESIGN BY: **awp** awcockward partnership

Awcock Ward Partnership, Ada House, Pynes Hill, Exeter, EX2 5TU
Tel: 01392 49007 Web: www.awpartnership.com



VISIBILITY SPLAY KEY:

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

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

DESIGN BY:	awcockward partnership		
AWCOCKWARD PARTNERSHIP	awcockward partnership		
Awcock Ward Partnership, Ada House, Pynes Hill, Exeter, EX2 5TU Tel: 01392 409007 Web: www.awcockward.com			

PLANNING COMMITTEE AMENDMENT SHEET

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

Corrections to the report:

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

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

Amended Site History: N/A

Amended Condition:

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

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

Additional Consultations: N/A

Additional Representations Received:

Mr Smith, further representation, attached.

General updates and considerations

Further updates may be given at the planning committee meeting.

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

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

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

SUMMARY

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

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

PERSONAL HISTORY

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

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

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

1) Dangerous Proposal: HSE and CDM considerations

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

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

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

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

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

“Reversing

What's the problem?

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

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

Guidance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2) Dangerous Proposal: Advice regarding Waste Recovery Vehicle Reversing

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

1) HSE advice regarding waste collection vehicles:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3) Dangerous Proposal: Advice regarding Compound Maintenance Vehicles

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

Section D5.3 Site Layout para 2

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

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

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

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

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

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

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

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

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

5) Involvement of Health and Safety Executive (HSE)

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

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

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

6) Planning History of the Cycleway/footpath

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

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

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

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

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

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

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

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

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

1) SADMP Policy A3: Cycle Network

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9) SCC Stopping up Order and my Response

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

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

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

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

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

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

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

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

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

I would make the following comments about this refusal:

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

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

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

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

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

11) Alternatives to the Proposals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13) Revision to Proposal in the latest batch of drawings

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

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

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

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

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

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

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

Drawing 03-J-DR-1001RevF Offsite Drainage

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

Revised SK drawings

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

14) Other Issues concerning Submission

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

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

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

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

14.2) Private Pump Station Gravel Access Road Construction:

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

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

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

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

14.3) Surface Water Drainage:

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

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

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

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

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

15) School Drop Off and pick up by Cars

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

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

Steve Smith
BSc (Eng) MICE Chartered Civil Engineer

23rd September 2022

Agenda item

42/22/0043- Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton

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

Minutes:

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

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

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

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

Comments/statements from Members included:
(summarised)

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

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

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

The motion was carried.

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

Application Details	
Application Reference Number:	3/37/21/012
Application Type:	Full Application
Description	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for up to 136 dwellings with the creation of vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial re-alignment of public highway (Cleeve Hill) (Resubmission of 3/37/18/015)
Site Address:	Land At Cleeve Hill, Watchet, TA23 0BN
Parish:	Watchet
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Simon Fox, Major Projects Officer (Planning) 07392 316159 s.fox@somersetwestandtaunton.gov.uk Should you wish to discuss the contents of this report item please use the contact details above by 5pm on the day before the meeting, or if no direct contact can be made please email: planning@somersetwestandtaunton.gov.uk
Agent:	Mr P Grubb, Lighthouse Development Consulting
Applicant:	Cleeve Hill Development
Reason for reporting application to Members:	In the public interest given the level of representations received in objection to the scheme, the receipt of a Town Council objection and the previous consideration, and refusal, by the Planning Committee, of application 3/37/18/015.

1. Recommendation

That planning permission be **REFUSED** for the following reasons:

1. The application does not provide 35% affordable housing as stipulated in the adopted WSC Local Plan to 2032 Policy SC4.2 'Affordable Housing'.
2. The proposed realignment of the B3191 involves development within or in close proximity to land known to be unstable, and therefore the development is not in compliance with adopted WSC Local Plan to 2032 Policy NH9 'Pollution, contaminated land and land instability' without inclusion of the stabilisation and coastal defences required to protect the road over its design life as set out in the Somerset County

Council (SCC) commissioned B3191 Watchet to Blue Anchor Option Assessment Report, February 2020 by WSP.

3. The application includes development adjacent to properties at Lorna Doone. an area where the land may be unstable, or in close proximity to land known to be unstable and therefore the development is not in compliance with adopted WSC Local Plan to 2032 Policy NH9 'Pollution, contaminated land and land instability'.
4. The application has failed to demonstrate that there will be adequate, attractive, safe and accessible pedestrian access to and from the site and fails to adequately improve linkages from the town centre to facilities and amenities, including the Primary School, south of the railway. As such the application is not in compliance with the adopted policies of the WSC Local Plan to 2032 namely Policy TR1 'Access to and From West Somerset', TR2 'Reliance on the Private Motor Car', WA1 'Watchet Development' and NH13 'Securing High Standards of Design'.
5. The proposed Illustrative Masterplan fails to conserve or enhance the setting of Daws Castle and associated heritage assets, the Conservation Area nor the historic landscape character of Watchet. As such the application is not in compliance with the adopted policies of the WSC Local Plan to 2032 namely LT1 'Post 2026 Key Strategic Development Sites', WA1 'Watchet Development', NH1 'Historic Character', NH2 'Management of Heritage Assets', NH5 'Landscape Character Protection', NH7 'Green Infrastructure, NH13 'Securing High Standards of Design', and NH14 'Nationally Designated Landscape Areas' or the National Planning Policy Framework in particular paragraphs 130, 134, 176, 199, 200 and 202. In line with para. 202 of NPPF, it has not been sufficiently demonstrated that the harm to the heritage assets will be outweighed by the public benefit of the scheme.
6. The application has failed to analyse and respond to the numerous constraints and opportunities of the site and its surroundings to inform the principles of design that ensures the development may respond positively to its neighbours and rich local context. There is no suggestion from the Illustrative Masterplan that the development would make a positive contribution to the local environment and create a place with a welcomed distinctive character. As such the application is not in compliance with the adopted WSC Local Plan to 2032 Policy NH13 'Securing High Standards of Design'.
7. It has not been suitably demonstrated that the development can accommodate the number of dwellings proposed which in turn could prejudice the ability to deliver the realigned B3191 and provide sufficient financial planning obligations to mitigate the impacts of the development which could individually or collectively result in unsustainable development and prejudice the rationale for allocating the site contrary to adopted WSC Local Plan to 2032 Policy LT1 'Post

2026 Key Strategic Development Sites', Policy ID1 'Infrastructure Delivery' and Section 2 of the National Planning Policy Framework.

8. It has not been suitably demonstrated that the development can be suitably drained which may have an adverse impact on areas at risk of flooding by surface water run-off contrary to adopted Local Plan to 2032 Policy CC6 'Water Management' and Paragraph 169 of the National Planning Policy Framework, by the incorporation of sustainable drainage systems.
9. It has not been suitably demonstrated that the development promotes measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change from an integral part of the design solutions. As such the application is not in compliance with the adopted WSC Local Plan to 2032 Policy NH13 'Securing High Standards of Design'.

2. Executive Summary of key reasons for recommendation

- 2.1 The application seeks residential development of an allocated site. A previous application, ref 3/37/18/015, was refused by the Council in August 2020. This resubmission does not overcome the reasons stated by the Council in refusing application 3/37/18/015 which is a material consideration given significant weight in the decision-making process.

3. Planning Obligations, conditions and informatives

- 3.1 No obligation, conditions or informatives required.

4. Proposed development, Site and Surroundings

Details of proposal

- 4.1 Outline planning permission is sought for the development of up to 136 dwellings on 5.7 hectares (14.1 acres) of agricultural land to the west of Watchet. All matters are reserved, except for access, which is shown at two points off the B3191 (Cleeve Hill), and will provide the opportunity to realign the road through the site.
- 4.2 The application is accompanied with an Illustrative Masterplan, to indicate how the site may be laid out. In the event that outline planning permission is granted, a reserved matters application or applications providing details of appearance, landscaping, layout and scale would be required.
- 4.3 The Illustrative Masterplan shows new housing built either side of the re-routed B3191 road, although most of it is shown located to the east, to the rear of properties at Saxon Ridge and Lorna Doone. A large cul-de-sac, with spurs off it and shared surfaces, is shown leading to the centre and eastern parts of the site. This would be built at a higher density, mostly comprising flats and small terraced houses. A smaller 'oval' shaped area is shown to the

west of the realigned road. It would accommodate approximately 30 dwellings, mostly large detached houses with rear gardens abutting a 'wildlife buffer'.

- 4.4 The Illustrative Masterplan shows the B3191 road re-routed to the south east of its current route away from the cliff. The existing route to the north would be retained with its carriageway providing a pedestrian link and access to Daws Castle, historic monument. Pedestrian linkages to existing public rights of way WL 30/1, to the east, and WL 30/2, to the south are proposed.
- 4.5 The application is substantially a resubmission of ref.3/37/18/015, but with additional information about land stability, pedestrian linkages and viability provided.
- 4.6 The application is accompanied by a suite of supporting documents:-
- Design and Access Statement (DAS)
 - Phase 1 Preliminary Contamination Assessment Report prepared by Ruddlesden Geotechnical
 - Transport Assessment undertaken by Hydrock October 2019
 - Residential Travel Plan (RTP) prepared by Hydrock
 - Development Viability Report, Prepared by Vickery Holman (Property Consultants) 15/04/2020
 - Landscape & Visual Capacity Appraisal undertaken By Swan Paul Partnership Feb. 2016
 - Updated Ecological Appraisal undertaken by South West Ecology Sept. 2020
 - Health Impact Assessment prepared by Martin Lee Associates, Sept. 2021
- 4.7 The applicant undertook community engagement prior to the submission of the first application (ref. 3/37/18/015)

Site and surroundings

- 4.8 The application site is an irregularly shaped piece of agricultural land, approximately 5.7 hectares (14.1 acres) in size, located near the coast to the north west of Watchet. The site at its widest in the west adjoins Daws Castle, a Scheduled Ancient Monument (SAM), and the remains of old lime kilns which are Grade II listed only separated physically by the narrow B3191 (a historic turnpike road). Within the site the Somerset Historic Environment Record indicates two sites where a Minster and further lime kilns may be found. In the east the site tapers to a 'pinch point', behind residential development in Cooper Beaches, Saxon Ridge, before widening out to the rear of newish development of terraced houses at Lorna Doone. The site has been used as pasture. There's a difference in levels of nearly 30m between highest part in the west and the lowest in east. It contains no buildings of note, there are a few corrugated iron sheds/stables at the western end.

- 4.9 The wider area reflects its' edge of town location. Established residential development, fronting West Street/Cleeve Hill, runs along most of the northern boundary. Its' on lower ground, with the site occupying the ridge above. The B3191 currently runs very close to the cliff edge hence the proposal for re-alignment. Currently a field entrance to the site is provided off this road.
- 4.10 The site abuts open countryside to the west and south. Levels fall steeply away into the valley of the Washford River to the south. It is separated from the former Papermill site in the south by the West Somerset Heritage Railway line and a local wildlife site. The rolling topography makes the site prominent within the landscape when viewed from these directions.
- 4.11 Two public rights of way (PROW) are located within the immediate proximity of the site: WL 30/1, which runs from West Street to Whitehall and touches the site at its eastern extremity; and WL 30/2, which runs west from a more westerly point at Whitehall parallel with the site's southern boundary towards Daws Castle. In addition, the England Coast Path National Trail runs adjacent to the north western site boundary.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
3/37/18/015	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).	Refused	06/08/2020
<p>The reasons for refusal were:</p> <ol style="list-style-type: none"> 1) The application does not provide 35% affordable housing as stipulated in the adopted WSC Local Plan to 2032 policy SC4.2 'Affordable Housing'. 2) The applicant has not provided a Land Stability report including intrusive ground surveys to demonstrate that the land is suitable for development and the application is not in compliance with adopted WSC Local Plan to 2032 policy NH9 'Pollution, contaminated land and land instability'. 3) The applicants have failed to demonstrate that there will be adequate pedestrian access to and from the site, and the application is not in compliance with the adopted WSC Local Plan to 2032 policy TR1 'Access to and From West Somerset' <p>The committee report and minutes for this application is attached as Appendix 3.</p> <p>One other application has been extensively referenced by local residents in their representations, and this is the application at the former Wansborough Paper Mill, located in the valley below.</p>			

3/37/19/021	Outline Planning Application with all matters reserved for the erection of up to 350 no. dwellings (C3 use), up to 80 sheltered and assisted living apartments (C2 use); local centre including aparthotel with associated leisure facilities (up to 2650 square metres), business units within use classes B1 and B2 (up to 5000 square metres), visitor interpretation centre/community building, public car park and all associated road, footpath, drainage and engineering works (including an accompanying Environmental Impact Assessment)	Pending	
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6. Environmental Impact Assessment

By reason of the previous determination it was not considered this development comprised EIA development, more commentary is given at Paragraphs 12.54 and 12.60.

7. Habitats Regulations Assessment

The site does not lie within the catchment area for the Somerset Moors and Levels Ramsar site. As such no HRA is required.

8. Consultation and Representations

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

Date of initial consultation: 12 April 2021.

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

Statutory consultee	Comments	Officer comments
Watchet Town Council	The Town Council has objected to the scheme. Several representations have been received which due to their size are attached as Appendix 1. This also includes a Highways report by Entran, commissioned by the Town Council. Another rep dated 21 April 2022 detailed the land slippage at the West Street allotments. In this rep the TC state: <i>“Watchet Town Council would like to submit this as further</i>	See Appendix 1.

	<i>additional evidence of the unsuitability of the Cleeve Hill land adjacent to this area for further housing development due to this type of instability, and in support of the Town Councils objection to application 3/37/21/012.”</i>	
Highway Authority - SCC	The comments of the Highway Authority are extracted and attached as Appendix 2.	
Historic England	<p>Extracts taken from the letter dated 29 April 2021 -</p> <p><i>“Recommendation - Historic England has concerns regarding the application on heritage grounds. These concerns relate to the provision of sufficient information to enable your authority to ensure that development on this site is delivered in accordance with both the relevant policies of the Local Plan and national legislation, policy and guidance. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193 and 194 of the NPPF. However, we recommend that your authority discuss and are guided by your own conservation advisors in relation to how such safeguards can be robustly implemented, to ensure that you are able to deliver a sensitive and sustainable approach to development on this allocated site within close proximity to the nationally important scheduled monument of Daw’s Castle. In determining this application you should also bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and under section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise”.</i></p> <p><i>“We note that the site was included in the adopted West Somerset Local Plan and draw attention to the requirements under policy LT1 in relation to the unique historic environment of Watchet including the</i></p>	Heritage impacts are assessed at Paragraph 12.98 onwards.

nationally important scheduled monument of Daw's Castle". "Our advice continues to focus on the impact of development on the significance of Daw's Castle a fortified site of Saxon date and high status (as demonstrated by its possession of a mint) prominently located on the cliff edge above Warren Bay in the Severn Estuary. The fortification survives as a curvilinear earthen bank which represents the line of the Saxon defences. The north side of the site is now defined by the cliff edge as part of the defensive earthwork has been lost to coastal erosion and landslips. The monument has extensive inland views towards the Quantock Hills to the east. The character of the landscape surrounding the scheduled monument contributes positively to the significance the scheduled monument derives from its setting. This current undeveloped character, providing a sense of separation between the monument and the encroachment of development to the west of Watchet, retains the clear and open views which are recognised by the Heritage Assessment as fundamental to its defensive function". "We welcome careful consideration by your authority of the issues surrounding land stability and coastal erosion since these will affect Daw's Castle in addition to the local highway. The implications for the proposed layout of the allocated site resulting from the adjustment in the alignment of the B3191 will need to be considered. We advise that you will need to be satisfied that the green landscape buffer, included to assist in minimising impact on views from within the scheduled monument, will nonetheless continue to perform this function in the western part of the allocation despite these changes".

"Planning Policy Context - Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the

Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)) including in particular The Setting of Heritage Assets (GPA3). Heritage assets are an irreplaceable resource [NPPF 184] and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected, including any contribution made by their settings to understand the potential impact of the proposal on their significance [NPPF 189], and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised [NPPF 190]. In accordance with the NPPF your authority should take account of the fact that it would be desirable to sustain and enhance the significance of Daw's Castle [NPPF 192] due to the positive contribution that conservation of this monument would make for the community in Watchet [NPPF 192]. In so doing you must give great weight to the conservation of that significance [NPPF 193] given that Daw's Castle as a scheduled monument is considered to be a designated heritage asset of the highest significance [NPPF 194b]. Any harm to its significance therefore must be clearly and convincingly justified [NPPF 194]".

"You will need to be satisfied that you can sufficiently control the visual impact from within the scheduled monument with appropriate safeguards to restrict development through detailed masterplanning where it would otherwise intrude into views from the scheduled monument. You must ensure that the development does not erode the current undeveloped character of the landscape as seen in those views, thereby retaining a sense of separation between the monument and proposed development and retaining the clear and open views which are recognised by the Heritage Assessment as fundamental to Daw's Castle's defensive function. We would also encourage both the applicant and

	<p><i>your authority to liaise with English Heritage in relation to a contribution from Section 106 funds for positive enhancements for the nationally important scheduled monument. We continue to welcome provision for interpretation, investigation and enhancement at the monument in the proposal and would be pleased to advise the applicant, jointly with your authority and English Heritage, on how that might be delivered through this allocation”.</i></p>	
Natural England	<p>With regard to designated sites – <i>“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.</i></p> <p>Natural England then objected stating the realignment of the B3191 would involve works within the SSSI (Blue Anchor to Lilstock) that would have a <i>“direct and damaging impact on its geological features of interest”.</i> This work related to the cliff and foreshore works (the installation of revetments on the beach to protect the lower slope and soil nails and mesh protection to the upper slope).</p> <p>Natural England corresponded with the former case officer and concluded, <i>“However, we now understand that your Authority is satisfied that the application is not reliant on the cliff and foreshore stabilisation works for the B3191 Blue Anchor to Watchet, which are subject to an options appraisal by Somerset County Council, and would be subject to a separate planning application in the future. On that basis, provided any approval of this application does fetter the objective determination of options for the B3191, Natural England does not object to the Land at Cleeve Hill application”.</i></p>	<p>The implications of the NE objection based on impact to the SSSI is discussed at Paragraph 12.61.</p>
Wessex Water	<p>An initial concern was raised concerning potential odour from the sewerage works to the west.</p> <p>On drainage – Concerns raised concerning surface water strategy - <i>“These recommendations must be actioned prior to planning approval to avoid permitting</i></p>	<p>The initial concern regarding odour was later withdrawn.</p> <p>Drainage is assessed at</p>

	<p><i>a site that cannot be adequately drained. In respect of the first bullet point it is the applicant's responsibility to provide a design for Wessex Water's comments, unless a requisition application and deposit is submitted to Wessex Water.</i></p> <p><i>The comments regarding foul water and water supply are for the applicant's information. These matters can be progressed should the surface water issues be resolved and the application obtains planning permission".</i></p>	<p>Paragraph 12.115 onwards.</p>
<p>Lead Local Flood Authority (LLFA) - SCC</p>	<p><i>"The applicant has demonstrated that there is a viable surface water drainage strategy through the original application, and submitted the same details under the resubmission. We note that the layout of the road and drainage strategy has changed since the original application, it would be useful for the applicant to update the drainage strategy based on the most recent layout, however, as this is a resubmission, the application is at outline stage and the layout could again change during later detailed design, and the applicant has demonstrated that there is a means of draining the site with the previous layout, we would advise that a suitably worded condition is applied to the application to secure the details at reserved matters".</i></p>	<p>Condition and Informative Note noted for any approval.</p>

8.1 Non-Statutory Consultees

Non-Statutory consultee	Comments	Officer comments
<p>SWT Conservation Officer</p>	<p><u>"Assessment of harm -</u> <i>The elevated position of the proposed development will result in intervisibility with the lower-lying conservation area, focused on the town and harbour below. It will also have intervisibility with the parish church, which is also located in an elevation position. Therefore, the development would cause harm to the significance of the conservation area and church through visual intrusion into their setting, particularly relating to the dense nature of the form of the development.</i> <i>The proximity of the site to the Scheduled Monument of Daw's Castle and the listed</i></p>	<p>Heritage impacts are assessed at Paragraph 12.98 onwards.</p>

	<p><i>limekilns, would sever the separation of these features from the town, an element of the setting of Daw’s Castle, in particular, which makes a considerable, positive contribution to its significance. The setting of the limekilns would also suffer visual intrusion from the development. The current buffer incorporated into the design on the W side of the development is not considered wide enough to preserve the isolated setting of the castle. There has been little attempt to enhance the monuments within the proposed development.</i></p> <p><i>In summary, due to the dense nature and the limited buffers within the layout of the proposed development, it would cause harm to the setting and therefore, the significance of all of the above-mentioned heritage assets and would not conserve or enhance them. This is contrary to Policy NH1, NH2 & LT1 of the West Somerset Local Plan to 2023 and para. 199 & 200 of NPPF. In line with para. 202 of NPPF, it has not been sufficiently demonstrated that the harm to the heritage assets will be outweighed by the public benefit of the scheme.</i></p> <p><i>Recommend refused due to the harm to the setting of the adjacent heritage assets”.</i></p>	
SW Heritage Trust	<p>The applicant is required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 205). This should be secured by the use of the following conditions attached to any permission granted.</p>	<p>Heritage impacts are assessed at Paragraph 12.98 onwards.</p>
SWT Landscape Architect	<p><i>“SUMMARY</i> <i>Objection</i> <i>There is landscape concern that:</i></p> <ul style="list-style-type: none"> <i>• The site occupies an elevated, sloping, and highly conspicuous hilltop position, where development will be seen from the town of Watchet and wider landscape to the east, including the coast and the nationally valued landscape of the Quantock Hills Area of Outstanding Beauty (AONB), and that</i> 	<p>Landscape impacts are assessed at Paragraph 12.98 onwards.</p>

	<p><i>insufficient reassurance has been provided, in the form of green infrastructure, building height parameters, building massing, form and appearance, to allay concern that the development proposals will conflict with the form and appearance of development in the landscape context, be overtly conspicuous and result in landscape harm.</i></p> <ul style="list-style-type: none"> • <i>To achieve a viable housing density on the steeply sloping land will require retaining structures, and that unless these are well considered and work with the green infrastructure, there is concern that the structures will contribute to a built development character that will assimilate poorly with the context, risk being overly conspicuous and contribute to landscape harm.</i> • <i>The site lies adjacent to the scheduled monument of Daws Castle and there is concern that the siting of development shown on the indicative layout, shows a lack of regard to its setting and significance, as well as ignoring the guidance in the submitted Landscape & Visual Capacity Appraisal that has been prepared to support the application and which advises that development should be distanced from the schedule monument;</i> • <i>The proposals lack sufficient information, in the form of parameter plans, and other supporting evidence, to allay concerns listed above, or provide reassurance that the development will deliver good design, having regard to the Watchet context and fulfil the requirements of local and national guidance on design.</i> <p><i>Because of the above concerns, it is considered that the proposals do not comply with local plan policies LT1, NH1, NH5, NH13, NH14 and Paragraphs 130, 134, 176 of the NPPF, and as a</i></p>	
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	<p><i>consequence, there is a landscape objection”.</i></p> <p>Further comments sought in relation to site capacity - <i>“SUMMARY For the indicative layout to reflect the scope and density of development described in the Swan Paul Partnership’s Landscape & Visual Capacity Appraisal, it is considered that the capacity of the development would need to be reduced by 24 units, from 134 to 110. Whilst it is recommended that regard is given to the Swan Paul Partnership’s Landscape & Visual Capacity Appraisal, there is concern that the Appraisal focuses on density and building height and that the pattern and type of development that would be suitable in this context has not been fully explored. It is recommended that the proposals are put before the QRP for advice”.</i></p>	
<p>SCC Ecologist</p>	<p>An initial objection was raised – additional information was submitted, including the incorporation of buffer zones adjacent to the southern boundary and properties at Lorna Doone, plus the retention of existing areas of scrub.</p> <p>Upon receipt of that additional information - <i>“No Objection subject to inclusion of specified condition and informative On receipt of these amended plans SES is satisfied that appropriate ecological buffers are now incorporated into the outline permission. As stated in previous consultation responses the protected species surveys will need to be fully updated with the results provided to support the reserved matters application”.</i></p> <p>Conditions suggested to cover impacts on badgers, dormice, reptiles and bats (from lighting) with requirements for a Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan) LEMP, mitigation compliance and encouragement for</p>	<p>Ecological matters are assessed at Paragraph 12.124 onwards.</p>

	Biodiversity Net Gain (BNG) at the reserved matters stage.	
SCC Rights of Way	<p>Clarification of existing PROWs in the vicinity, comments on the upgrade of WL 30/1 are incorporated into the SCC Highways response.</p> <p>Informative notes if the application is approved.</p> <p>Overall, no objections raised.</p> <p>Advice sent to the agent: <i>“s106 Draft Heads of Terms (Rights of Way):</i></p> <ul style="list-style-type: none"> • <i>TIMING TBA: to provide a dedicated footpath on the north west of the site generally in accordance with drawing no. 2162/201D, and with the provision of a dedicated safe and convenient footpath link scheme to the England Coast Path National Trail. To act as an alternative route for the England Coast Path when Cleeve Hill road is temporarily or permanently closed to walkers. To cooperate in full with the County Council and Natural England in relation to any rollback or variation report process to relocate the England Coast Path as may be necessary.</i> • <i>Prior to first occupation to provide a lit and metalled footway link from the development to public footpath WL 30/1.</i> • <i>Prior to commencement a contribution of £30k is payable to the County Council to upgrade the surface of footpath WL 30/1 from the development to West Street</i> OR <i>Prior to first occupation deliver surface upgrade works to WL 30/1 from the development to West Street (this will require 3rd party landowners to sign up to the s106/s278 .</i> <i>To improve the accessibility for pedestrians as far as possible.</i> • <i>Prior to completion to provide a footway connection link from the development to public footpath WL 30/2.</i> <p><i>With regard to the first bullet point the delivery of this should be as early as possible but may need to be partially/</i></p>	No further action.

	<i>wholly aligned with delivery of the realigned road, and in that regard we will probably need to discuss the timing aspects of both in more detail”.</i>	
SWT Environmental Health	<p>Commenting on a specific issued raised concerning air quality from idling vehicles on West Street –</p> <p><i>“I am not aware of any air quality issues for Watchet or any monitoring being undertaken and there is therefore no data to support this. There is monitoring of air quality in Minehead and Williton on major traffic routes and no Air Quality Management Areas have been declared for the district. That being the case, I wouldn’t anticipate there being any demonstrable increases in Watchet likely to lead to any health impacts which would justify objections from the Environmental Protection Team. There will always be fluctuating levels of air quality and we would advise seeking the views of the highway authority to ensure traffic pinch points are resolved rather than rely on air quality data”.</i></p>	No further action.
Crime Prevention Officer – Avon and Somerset Police	<p>Objection – the upgrade scheme for PROW WL 30/01 would be unsuitable for use by parents with children in pushchairs, the elderly and disabled, particularly if using wheelchairs or mobility scooters.</p>	These comments are expanded at Paragraph 12.28 onwards.
SWT Leisure	<p><i>“The original viability assessment included £220k for Community Infrastructure contribution and £50k for Open Space contribution. Total of £270k. Balancing the policy requirements of the Cleeve Hill site including the rerouting of the B3191, with policy and community evidence and the current offer at the Former Paper Mill application site it would seem reasonable to make the following Community Infrastructure asks at Cleeve Hill: High-quality semi-natural public open space linked with the calcareous grassland and Daws Monument/Limekilns area – the “buffer” area; 2 onsite children’s play areas (LEAP’s) cost c. £143k; Contribution towards Active/Outdoor Recreation used towards improved facilities at the Watchet Bowls Club – actual amount to be discussed with the Bowls Club and</i></p>	These comments are considered at Paragraphs 106 and 109.

	<i>internally within SWT, but an initial “ball-park” figure of £50k may be reasonable/achievable; Land for allotments – would need to be sensitively located given the prominence of the site on the hill (allotments are usually fenced off) and would be equivalent to 10 full sized plots. Perhaps onsite orchard planting or off site-contributions in-lieu is better. Contributions to allotments off-site could be c.£ £34,408 Total Community Infrastructure requirement above is £177,458”.</i>	
NHS Somerset LPA Engagement	<i>“The CCG’s concern is that the combined surgeries of Watchet Surgery and Williton Surgery, a community facility, as already over capacity within their existing footprints therefore it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review. Using the capacity from above as a starting point, the surgery already has 12,256 patients registered and this new development will increase the local population by a further 307 persons”.</i> Total contribution required = £78,684.	These comments are considered at Paragraphs 106 and 108.

8.2 Local representation

8.2.1 This application was publicised by letters of notification to neighbouring properties and a press advert.

8.2.2 485 (approx.) representations of objection have been received from members of the public and recognised bodies. Some residents have made representations multiple times. Given the number and length of representations received key issues and statements have been extracted and detailed below as representative of the views generally submitted. All letters can be viewed on the case file on the Council’s website.

Material Planning Obligations	
Objections	Officer Comment
<u>Principle of Development</u> - The Paper Mill/brownfield sites should be developed instead. - <i>“In view of the Agricultural Act 2020, I believe this (and other local) applications breach the realisation of this Act, where in the case of Watchet, there is suitable alternate land available at the Mill Site”.</i> - We have already had our quota of houses.	There is a live planning application for redevelopment of the Former Paper Mill ref 3/37/19/021, all residents should ensure their comments are known by submitting representations to that application.

<ul style="list-style-type: none"> - There is no evidence that Watchet needs more housing than has already been approved, there has been no population growth to justify more housing. - <i>“Watchet is reinventing itself and to destroy it with extra traffic would make it a very unwelcoming place for tourists and the less nimble footed”.</i> - The impacts need to be judged in the context of other developments in Watchet. - This development defies Somerset West and Taunton Council’s green credentials. - <i>“The purpose of a housing allocation is to provide for forecast housing need. Its purpose is not for financing a road diversion. If the purpose of bringing forward a post 2026 allocation is to meet a housing need, then the existence of the need should be demonstrated. If the purpose of bringing forward the allocation is to finance the road diversion, and a housing need prior to 2026 cannot be demonstrated, the current proposal would appear to lack justification”.</i> - No analysis seems to have been undertaken in allocating the site....” <i>unfortunately, the local plan process does not generate public interest in the same way as a planning application”.</i> - <i>“West Somerset has tremendous deprivation which must be addressed systematically and systemically and all effort made to get government funding to address the deprivation. The one thing that Watchet and Williton do not lack is houses, thus this excessive planned residential housing development is not appropriate”.</i> - This does not accord with SWaTs declared Climate Emergency and Climate Positive Planning document. 	<p>The West Somerset Local Plan sets out the housing requirement, see Paragraph 12.70 onwards.</p> <p>Traffic and transport matters are discussed at Paragraph 12.85 onwards.</p> <p>The allocation makes clear the road realignment is a key determining factor.</p> <p>All residents should seek to engage in the Local Plan process to help shape the future of their town.</p> <p>The sustainability credentials of the scheme are addressed at Paragraph 12.120 onwards.</p>
<p><u>Transport and Highways</u></p> <ul style="list-style-type: none"> - <i>“It is difficult to understand the estimates of traffic movement (Traffic Assessment) prepared by the consultants (Hydrock) as they appear to be based upon data from comparable(?) developments which has been processed in order to model and predict traffic movements that may result from the Cleeve Hill development. These estimates seem unrealistically low”.</i> - A traffic survey by residents between 22nd to 28th April 2021 found: 	<p>Traffic and transport matters are discussed at Paragraph 12.85 onwards.</p> <p>Commentary on the realignment of the B3191 can be seen at Paragraph 12.54 onwards.</p> <p>Connectivity for pedestrians is assessed at Paragraph 12.16 onwards.</p>

<ul style="list-style-type: none"> • The largest number of cars on a single day was 995 on Sunday. • The smallest number of cars on a single day was 658 on Wednesday when it rained heavily. • The average number of cars per day between 8-10, 12-2 and 3-5 was 819. • The average number of delivery vans between 8-10, 12-2 and 3-5 was 177. • The average number of all vehicles including lorries, buses camper van and cycles per day between 8-10, 12-2 and 3-5 was 992. • The average number of all pedestrians including dogs, children etc between 8-10, 12-2 and 3-5 was 614. • The average number of adults between 8-10, 12-2 and 3-5 was 479. • The average number of dogs between 8-10, 12-2 and 3-5 was 134. <ul style="list-style-type: none"> - West Street is not suitable for extra traffic, it presents several bottlenecks and acts as a diversionary route for the A39. - <i>“A decision needs to be made on whether the B3191 is an essential route for the local region or not”</i>, it should be rerouted around Watchet, or through the Paper Mill site. - The true cost of the road needs to be understood. - Vehicles often mount the pavement to pass each other. - Swain Street is narrow and has bottlenecks and would be ‘carnage’ at times if the development went ahead. - Multiple reports of near-misses, people being struck and one fatality. - Seasonal traffic flows, including the impact of caravans, tourers etc has not be assessed. - The walking routes from Whitehall and up West Street mean more people will drive. - <i>“There are no paths down to the town so anyone with mobility issues would be trapped there if not driving. I have a mobility scooter and would feel very unsafe on that hill either going up or down”</i>. - The roads in Watchet and the adjacent villages are not suitable to cater for HGVs during the construction period. - West Street is already busy with tourist traffic. 	<p>The construction period is discussed at Paragraph 12.96.</p>
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<ul style="list-style-type: none"> - The regeneration of the harbour/marina has brought and will bring more traffic and demand for parking. - The TRICS data used is questionable. - No assessment of online shopping vehicles. - The point at which the new road will re-join West Street (at Saxon Ridge) is still prone to erosion meaning the road will be closed anyway. A link through the Paper Mill development should be negotiated. - <i>“This development location will rely on motorised transport for the occupants to shop, attend school due to the steep access road, which despite plans to re route will eventually fail further down where it cannot be then diverted”.</i> - This application.... <i>“will increase fast moving vehicular traffic along the Watchet to Blue Anchor road making an already dangerous route for active travellers even more dangerous”.</i> - A cycleway between Watchet and Blue Anchor should be provided. - Most traffic will head in the Watchet direction. - The site does not encourage walking, necessary to reduce greenhouse gases. - Public footpaths do not present viable access to the town – narrow, rough, steep, over stiles and through mud. - There is no bus route. - There is no cycling infrastructure outside the site and the steep nature of the site would deter cyclists. - The town needs more parking. - A park and ride is necessary. - The development in Watchet isn’t matched by improved road structure to Taunton and Bridgwater. - <i>“....no CTMP [Construction Traffic Management Plan] would avoid the inevitable damage to the towns roads and buildings”.</i> 	
<p><u>Cliff/Land Stability</u></p> <ul style="list-style-type: none"> - The success of Option 1D (B3191 Watchet to Blue Anchor Option Assessment Report by WSP and commissioned by Somerset County Council) is contingent on funding and the appropriate permissions being in place to complete the scheme via foreshore armoring and stabilization of the upper part of the coastal slope. Option 1D should be ready to 	<p>Land Stability is assessed at Paragraph 12.11 onwards.</p>

<p>implement first before this application is determined.</p> <ul style="list-style-type: none"> - The road (and therefore the development) isn't required if the cliffs are protected. - <i>"The Watchet Fault Line lies very close to this site and is known to be, or may be, unstable".</i> - <i>"In the Seismic Atlas of Southern Britain of the British Geological Survey, the Watchet-Cothelstone Fault is named as the greatest fracture of the crust (2015)....Running up West Street, it was the fracture in the road which had to be filled with concrete to complete the road to Blue Anchor".</i> - <i>"The properties may well be unsuitable for mortgage or subsidence insurance".</i> - <i>"Everyone knows the B3191 is likely at any moment to be put out of use by geological action, but for the Council to set up a deal whereby developers would build the inevitable replacement would be absurd since they could leave it to the end of their five-year time allowance or simply let the Council take over responsibility and thus escape their side of the bargain. The Local Authorities should build the new road NOW along the soundest geological route, and only when it's done should any consideration be given to housing development in the area".</i> - Building houses on the cliff will increase the burden including excavation, water movements, stresses and weight. - An engineer's evaluation is needed. - There have been land slips at West Bay chalet park and in the Lorna Doone development. 	
<p><u>Heritage and Archaeology</u></p> <ul style="list-style-type: none"> - <i>"There has never been a full archaeological investigation of Daw's Castle and its surrounds".</i> - Does this field contain the as yet undiscovered minster? (referring to the previous application) <i>"English Heritage found this submission fell short of what is required to enable the LPA to ensure that the application adequately fulfils its legal obligations to protect and enhance the setting of the heritage assets near to the site".</i> 	<p>Heritage aspects are assessed at Paragraph 12.98 onwards.</p>
<p><u>Landscape, Layout and Design</u></p> <ul style="list-style-type: none"> - <i>"The proximity (10 metres) to the scheduled monument will significantly detract from the visual amenity of the monument. The context</i> 	<p>Landscape, layout and design matters are discussed at Paragraph 12.98 onwards.</p>

of the site will be impacted by the view of a housing estate so close”.

- It is not clear that all aspects of this issue have been properly considered within the impact report provided – neither the significance of historical viewpoints or the location of the Saxon Mint and the possible Saxon Minster appear to have been taken into account.
- “I find it very hard to believe that the council is considering allowing development on this green space. It is probably the site of the ancient Saxon settlement and therefore of significant historical significance”.
- The density is too great.
- Over half the proposed houses are four bedroomed which isn't what the town needs.
- Low-storey buildings would have less of an impact on the skyline.
- *“The development is out of character and will be a blight. The view that J.M.W Turner drew in 1811 and Samuel Taylor Coleridge enjoyed in 1797 will be lost forever”.*
- *“Old Watchet nestling between green hills is its greatest charm and its that quaintness that brings visitors to the town”.*
- Solar PV panels will create glare and reflectance.
- Streetlighting and lighting associated with the dwellings will be highly visible and no impact on dark skies has been undertaken.
- *“Post-COVID Britain is going to need more capacity for 'staycations', and Watchet, having lost the Paper Mill, needs the employment fostered by tourism. A great part of Watchet's appeal is the beautiful countryside in which it sits like a jewel. So now is not the time to ruin Cleeve Hill”.*
- The site is very steep.
- The view of the green hill and skyline will be spoilt.
- Several proposed houses will impact on adjacent property – The Anchorage, by reason of height and proximity, and houses at Lorna Doone by over-shadowing and overlooking.
- The applicant should state how much surplus soil by volume will be created.
- The layout does not reflect the road plan which shows embankments and cuttings.

<p><u>Affordable Housing</u></p> <ul style="list-style-type: none"> - The proposed affordable housing does not meet local requirements. - Is the provision guaranteed? - Question the support from Homes England, can it be relied on? 	<p>Affordable housing is discussed at Paragraph 12.8 onwards.</p>
<p><u>Local Services</u></p> <ul style="list-style-type: none"> - The development would create further strain on local services. - The development should have a shop to reduce car journeys. - Are there enough school places? 	<p>Impacts on health, play, recreation and education facilities is discussed at Paragraph 106 onwards.</p>
<p><u>Flood Risk and Drainage</u></p> <ul style="list-style-type: none"> - The applicant should indicate the locations and dimensions of attenuation tanks, identify surface water sewers and assess the impact on flood risk to third parties. - Concerned about impact of surface water run-off in Whitehall, on the railway, Mineral Line path, down West Street and properties adjoining the Washford River. 	<p>Surface water drainage is discussed at Paragraph 12.115 onwards.</p>
<p><u>Ecology and Wildlife</u></p> <ul style="list-style-type: none"> - The development will impact on rare wildlife. - Protected birds of prey nest on the cliff. - Cleeve Hill contains a SSSI. - Watchet currently has a large population of Hedgehogs. Development of the site will detrimentally fragment the habitation area needed for hedgehogs to survive. - <i>“... how is this an effective conservation solution when the introduction of domestic cats, pedestrians and traffic will drive the dormice away, threaten their numbers and their habitat?”</i> 	<p>Ecological matters are discussed at Paragraph 12.124 onwards.</p>
<p><u>Employment</u></p> <ul style="list-style-type: none"> - There is an insufficient number of jobs in the area. - The development does not bring employment. 	<p>The Local Plan allocation did not require employment land to be provided. There is an allocation of employment land at Parsonage Farm, Policy WA2.</p>
<p><u>Pollution</u></p> <ul style="list-style-type: none"> - More traffic jams at bottlenecks in Watchet will create air pollution. 	<p>See Paragraph 12.133.</p>
<p>Objections were also received on behalf on Watchet Conservation Society, Watchet Museum, CPRE and Khift Ltd on behalf of The Cleeve Hill Action Group.</p> <p>The points made are captured in the comments made by residents and are addressed in the officer’s commentary to follow. The letters can be viewed in full on the casefile on the Council’s website.</p>	

8.2.3 72 (approx.) representations of support have been received from members of the public and recognised bodies. Key issues and statements have been extracted and detailed below as representative of the views generally submitted. All letters can be viewed on the case file on the Council's website.

Support	Officer Comment
Watchet needs more houses for local people.	The West Somerset Local Plan sets out the housing requirement.
The realigned road is needed.	The West Somerset Local Plan sets out the requirement.
<i>"...the WSP report commissioned jointly by the district and county councils makes very very clear the catastrophe economic impact on watchet and blue anchor if this scheme is not approved. The WSP report was published before covid so the economic damage to watchet and blue anchor will be even greater than WSP forecast. Save watchet, save blue anchor, support this application".</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"The area earmarked for residential development is perfectly suitable, it just isn't to some people's personal liking.... There are no other areas in Watchet suitable for building to the current requirements without objection from nearby residents".</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"Social housing is in desperate demand in the area of account of high private rental prices and mainly minimum wage and/or seasonal work, and this proposal would be providing this".</i>	Affordable housing is discussed at Paragraph 12.8 onwards.
<i>"Growth can only be good for any town. If you don't allow growth and change you only get left behind..and the the current climate we need more job opportunities, and openings for apprenticeships".</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"...with more people living in the town it will benefit the shops and small businesses which can only be a good thing".</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"This will also help local businesses and the new road will keep holiday makers coming and travelling through this route otherwise if there is no road Watchet and Blue Anchor will get bypassed and this can affect businesses in both areas".</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>"The site is in keeping with the development of seaside towns, spread up each side of the valley, close to the harbour".</i>	Heritage, landscape, layout and design matters are discussed at Paragraph 12.98 onwards.

<i>“Access to the site in terms of traffic load is certainly not worse than that of the Liddymore sites already granted approval for hundreds of houses”.</i>	This is a factor Councillors will weigh up against other policies and material considerations.
<i>“The site is in the Development Plan and has been for several years, whereas the two other sites at Liddymore which have been given outline approved were not in the DP”.</i>	This is a factor Councillors will weigh up against other policies and material considerations.

8.2.4 Several comments were made that little weight can be given in the decision-making process.

Non-Material Planning Matters	
Objection	Officer Comment
Does the Council see this as a way of offloading the cost of rerouting the road?	This is a question for Somerset County Council, but the answer is no.
This will only benefit the developer financially.	All developers and landowners must make a reasonable profit to bring forward the site.
The housing will only be bought by people from outside the area.	The West Somerset Local Plan sets out the housing requirement.
My view of the Quantocks will be lost.	The loss of a personal view is not a planning consideration to which great weight can be applied.

8.2.5 1 representation contained comments neither objecting to nor supporting the Planning Application.

9. Relevant planning policies and Guidance

9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

9.2 The site lies in the former West Somerset District Council area. The development comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

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

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

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

West Somerset Local Plan to 2032

Policy SD1 Presumption in Favour of Sustainable Development
Policy SC1 Hierarchy of Settlements
Policy SC2 Housing Provision
Policy SC3 Appropriate Mix of Housing Types and Tenures
Policy SC4 Affordable Housing
Policy WA1 Watchet Development
Policy LT1 Post 2026 Key Strategic Development Sites
Policy EC8 Tourism in Settlements
Policy TR1 Access to and from West Somerset
Policy TR2 Reducing Reliance on the Private Car
Policy CF1 Maximising Access to Healthy Sport, Recreation and Cultural Facilities
Policy CF2 Planning for Healthy Communities
Policy CF3 Flood Risk Management
Policy CC5 Water Efficiency
Policy CC6 Water Management
Policy NH1 Historic Environment
Policy NH2 Management of Heritage Assets
Policy NH3 Areas of High Archaeological potential
Policy NH5 Landscape Character Protection
Policy NH6 Nature Conservation and the Protection and Enhancement of Biodiversity
Policy NH7 Green Infrastructure
Policy NH8 Protection of Best and Most Versatile Agricultural Land
Policy NH9 Pollution Contaminated Land and Instability
Policy NH13 Securing High Standards of Design
Policy NH14 Nationally Designated Landscape Areas
Policy ID1 Infrastructure Delivery

Retained saved polices of the West Somerset Local Plan (2006)

Policy TW/1 Trees & Woodland Protection
Policy TW/2 Hedgerows
Policy W/4 Water Resources
Policy T/8 Residential Car parking
Policy T/9 Existing Footpaths
Policy R/5 Public Open Space and Large Developments
Policy R/12 Informal Recreation Facilities

Supplementary Planning Documents

District Wide Design Guide, December 2021
West Somerset Planning Obligations SPD, December 2009 *[whilst this document exists it is considered largely out of date and so the comments of*

the from SWT Leisure, SSC Education, SWT Affordable Housing Enabler and SCC Highways are a more accurate and evidenced set of requirements].

Other relevant policy documents

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

Neighbourhood Plans

There is no made Neighbourhood Plan for the area.

The National Planning Policy Framework

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

Relevant Chapters of the NPPF include:

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

10. Local Finance Considerations

Community Infrastructure Levy

CIL is not currently payable in the area covered by the former West Somerset District Council.

11. Material Planning Considerations

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

- Principle of Development
- Affordable Housing
- Land Stability
- Pedestrian Access
- Site Capacity
- Delivering the realigned B3191
- Phasing/Prematurity of the Site Coming Forward – Policy LT1
- Watchet Development – Policy WA1
- Transport and Highways
- Landscape, Heritage and Archaeology

- Development Viability/Planning Obligations
- Flood Risk, Surface Water Drainage and Foul Drainage
- Sustainability and Climate Change
- Ecology
- Pollution

Principle of Development

12.2. The starting point must be the Development Plan and Councillors are reminded that the application site, and in fact another adjoining field which has not been included in this application, is allocated for development in the West Somerset Local Plan, Policy LT1 is relevant.

12.3. Policy LT1 Post 2026 key strategic development sites, states:
Within the two areas identified for longer term strategic development on the policies map.

- *To the south of Periton road, Minehead for which access would be via a distributor road through the site linking the distributor road for the MD2 site with the site's A39 frontage and;*
- *To the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's Castle and encouraging visitors to the monument through funding excavations and improvement of site management, and also to providing a new alignment for the B3191 to address the impact of coastal erosion.*
- *Proposals for the Watchet site must sustain and, where appropriate, enhance the historic assets of Daws Castle and the adjacent lime kilns and their settings.*
- *Development of both of these sites would be guided by the provision of indicative masterplans.*
- *In respect of the Minehead long term site, the masterplan should provide for an appropriate design response to the site's proximity to the Exmoor National Park.*
- *The masterplan for the Watchet long-term site should include the use of soft landscaping, green spaces and sympathetic design in terms of appearance to mitigate harm.*

Provision is made for development in the latter part of the plan period post 2026

12.4. The supporting text to the policy states:

- *In order to provide for the strategic development needs of the area in the later part of the plan period, it is essential to reserve some strategic development sites for development at that stage.*
- *There will remain a need for strategic development sites in the post-2026 part of the Local Plan period, without taking steps to reserve land for this purpose such land may not be available when it is needed.*
- *The development of the sites will be subject to an overall master-plan including phasing where appropriate.*

- *These two sites are held in reserve as a contingency and could potentially be released early if monitoring demonstrates a significant, ongoing shortfall in the rate of development of the Key Strategy Sites for Minehead and Watchet, or if those sites deliver less housing than anticipated in the Plan. The Watchet LT1 site could also be brought forward if the need to realign the B3191 becomes imperative due to coastal erosion.*
- *The site at Cleeve Hill, Watchet is relatively close to the town centre, and also offers the potential to re-align the B3191 where coastal erosion is threatening to destroy the current alignment of the road.*
- *Options for rescue archaeology excavations in advance of further coastal erosion of Daws Castle will be sought through Section 106 Agreements with developers.*

12.5. With regard to the Local Plan Inquiry Inspector's comments it is clear that the allocation at Cleeve Hill was made primarily to contribute towards the delivery of a re-aligned B3191 away from the cliff and safeguard the route between Watchet and Blue Anchor. The rationale was as follows:

- If the road is not realigned it could become dangerous within the lifetime of the plan and have to be closed.
- If the development does not occur the County will not get the developer contribution towards the re-alignment. This means that the realignment is unlikely to occur,
- It is noted that without the road realignment there is no alternative route to Minehead from the east along classified roads if the A39 becomes blocked /unusable. The A396, up the Ex valley via Dunster to the south, is tortuous and the A39, from the west traverses Exmoor.
- It is further noted that without realignment of the road Watchet is left more isolated with just two vehicular access routes into the town: the B3190/1 Brendon Road to the south and the unclassified Doniford Road, to the east.

12.6. To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal.

12.7. In addition to assessment of the Development Plan the Officer must assess all Material Considerations and judge what weight they should be given in the planning balance in order to reach a recommendation. In this case a significant material consideration is the fact the Council has already refused a planning application for the same number of dwellings (the previous app stated 'for 136 dwellings', this applications proposes 'up to 136 dwellings'), on the same land extent. The reasons for refusal, listed in Section 5, revolved around the lack of affordable housing, the lack of demonstration that the land was stable and therefore suitable for development and a failure to

demonstrate adequate pedestrian access to and from the site. As such this report will assess whether the revised application has addressed these matters, through the prism of the Development Plan policies.

Affordable Housing

- 12.8. Reason 1 of the Council's decision on application 3/37/18/015 stated the proposal (at 27% of units to be affordable) had failed to meet the 35% affordable housing requirement set out in Policy SC4.2.
- 12.9. The level of affordable housing able to be provided by this revised application is implicated by financial viability, largely compromised by the need to deliver the realigned B3191. The case for the road is made elsewhere in this report but simply put the allocation did not excuse this site from delivering affordable housing because of the need to deliver the road but the reality is that a development of only 'up to 136 dwellings' (or less as is the argument in this report), cannot pay for a road, 35% affordable housing and all the other requirements (these will be considered separately later). The outcome of the viability exercise is that the applicant cannot provide any affordable housing if they are to deliver the road in its entirety without any 'third party funding' from central Government, SWT, SCC or the new Somerset Council.
- 12.10. It must remain therefore that with no substantial change in circumstance other than clarifying for the applicant that a site allocated to deliver a road must in fact deliver a road, the non-provision of any affordable housing means the proposal has not overcome the reason for refusal and the application remains contrary to Policy SC4 of the West Somerset Plan. The supporting text to Policy SC4 states affordable housing is required because the West Somerset district has one of the highest disparities between average earnings and average house price in the Country and a lack of sufficient social housing for rent to meet local needs means that many of those on lower incomes cannot afford to remain in West Somerset, or have to live in other people's households, causing overcrowding and loss of privacy to the detriment of all concerned.

Land Stability

- 12.11. Reason 2 of the Council's decision on application 3/37/18/015 stated the applicant had failed to demonstrate the land was suitable for development due to concerns regarding land stability.
- 12.12. The applicant has responded by submitting information from Stantec. The Council employed Fairhurst to appraise the Stantec work and advise the Council. Several exchanges were made and a final response from Fairhurst was received at the beginning of December 2022. This was informed via a meeting facilitated by the Case Officer with Watchet Town Council (WTC) and their advisor Geckoella, Specialist Consultants in Geology based in Watchet. The meeting took place in September 2022 at the WTC offices and included visits to the West Street allotments, managed by WTC, which had become unstable in the months prior and were now closed and resigned as lost to the

sea, and also No 17 Lorna Doone which would back onto the development and has suffered from land slippage, with fears expressed that this would be made worse by the development which would be located on higher ground. The brief set by the Case Officer was to review the Stantec information and answer one simple question – Does the application, as it stands, comply with Policy NH9 (Pollution, Contaminated Land and Lands Stability) and could the Case Officer reasonably conclude that any part of the site ‘may be unstable’. The policy which states ‘*Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable*’ gives ‘may be unstable’ as the minimum test to meet. After consideration by Fairhurst their letter dated 01 December 2022 advised –

- 1) The road realignment involves development within or in close proximity to land known to be unstable, and therefore permission cannot be granted in accordance with West Somerset Local Plan 2032 Policy NH9 without inclusion of the stabilisation and coastal defences required to protect the road over its design life;
- 2) The application includes development in an area where the land may be unstable, or in close proximity to land known to be unstable adjacent to Lorna Doone and this permission for development in this area cannot be granted in accordance with NH9. If permission is to be granted to the outline application, a further no-build ‘buffer zone’ as indicated on Plate 1 would be required until such time that information is provided to confirm the land stability risks in this area;
- 3) Out with the areas noted above, if planning permission is granted in these portions of the site, a detailed levels strategy and land stability risk assessment is recommended to be conditioned at detailed design stage to take account of the terracing required;
- 4) Separate to the matter of land stability there are indications on the current layout assumption that the provision of up to 136 No. dwellings may not be feasible. A levels strategy would be required to confirm if the current layout assumptions are likely to be viable.

The full letter is attached as Appendix 4.

12.13. The first conclusion is covered in more detail in the section entitled ‘Delivering the realigned B3191’ from Paragraph 12.54 onwards; in short the road realignment does not solve the fundamental threat from coastal erosion if it is not defended by the accompanying cliff stabilisation works set out in the WSP B3191 report for Somerset County Council (Option 1D). The easternmost access from Cleeve Hill is within the 50m no build buffer set out by Stantec, so whilst proposed houses may be protected by such a no-build area there is nothing to demonstrate beyond reasonable doubt that the road will be protected. There is no scheme for the cliff stabilisation and the agent has made it clear this application is not responsible for it in his opinion.

12.14. The second, third and fourth conclusions are linked insofar as the application as it stands gives no information to test whether future land stability issues may arise. This is due to an outline application being pursued and therefore no detail being available, just an Illustrative Masterplan. Stantec state themselves that without proposed engineering levels they would be unable to

consider this further at this stage. The second reason highlights the issue with this in the vicinity of properties at Lorna Doone with Fairhurst concluding that in the absence of such information a precautionary buffer would need to be employed. Evidence shows that land in the vicinity of No.17 Lorna Doone is unstable. The agent could argue of course that this buffer could be conditioned, however within the no-build zone identified by Fairhurst the Illustrative Masterplan shows approximately 12 properties. This is important in understanding the site capacity given the application seeks permission for 'up to 136 dwellings' and those 136 dwellings or less need to deliver the realigned B3191 and associated planning obligations. The site capacity issues are picked up at Paragraphs 12.39 onwards. It is also the case that should full details of how levels are to be treated in the vicinity of Lorna Doone be put forward then an engineering solution could be found, but this could be costly (to an already largely unviable scheme) and or unsightly. Again, if cliff stabilisation works came forward that would change the Fairhurst conclusions. There are still many unknowns and for a number of reasons and consideration of the advice from Fairhurst and Geckoella on behalf of WTC it is concluded that the original reason for refusal stated by the Council has not been suitably overcome.

- 12.15. It is proposed to split the previous reason and define the two specific issues in more detail.

Pedestrian Access

- 12.16. Reason 3 of the Council's decision on application 3/37/18/015 stated the applicant had failed to demonstrate that there will be adequate pedestrian access to and from the site and was therefore contrary to WSC Policy TR1.
- 12.17. Policy TR1 states development must encourage the use of sustainable modes of transport within the community. The supporting text suggests the purposes of the policy is to maximise potential for increasing the attractiveness of and facilities for walking and cycling as a means of transport in the main settlements. Policy TR2 which was not quoted in the reason for refusal seeks developments to be located and designed so as to reduce the reliance on the private motor car and be accessible by a choice of modes.
- 12.18. This application shares the key similarity with the refused scheme insofar as no segregated or protected pedestrian provision in the form of footways (pavements) is proposed linking the site with the nearest section of footway on Cleeve Hill (B3191) at the Lorna Doone development, estimated to be a gap of circa 120m. The other characteristics to note is that Cleeve Hill (B3191) within this corridor is unlit, single carriageway with hedged banks affording no refuge, with only three private driveways for such. The road is a B-class road and therefore carries significant traffic. When questioned the Highway Authority could not confirm whether this section would have street lighting installed at the expense of the developer, instead referring to a review to be undertaken as part of the s278 technical approval process (post planning).

- 12.19. All commentary on walking and movement should be considered in the context that there is no bus route on the B3191 passing the site and arriving at the town centre or visa versa.
- 12.20. In response to the reason for refusal the applicant has submitted a scheme to enhance a public right of way (PROW) WL 30/1 which adjoins the eastern tip of the site and connects south onto Whitehall, and north onto the B3191 which is now West Street.
- 12.21. In doing so it is assumed therefore that the applicant accepts that Cleeve Hill is not a suitable environment for pedestrians to access the development, due to its narrowness, lack of lighting, lack of footway and the nature of traffic on the route.
- 12.22. The southern PROW linkage onto Whitehall would provide onward linkage to the town centre via quiet roads. The field which the PROW crosses is the other field allocated for development by Policy LT1. The owner is not bringing forward the field for development and has not allowed any physical changes to the PROW to facilitate improved access to this application site, which is their right. As such it is an obstructed (stile), unsurfaced, steep, unlit and unsuitable route for any future occupiers to reasonably use, especially children attempting to walk, cycle or scooter to school.
- 12.23. The northern PROW linkage onto West Street is the section subject to the proposed enhancement scheme. This section passes an allotment area and so there is no lighting, frontage or natural surveillance, and the path is grass/mud (with added dog excrement) and then drops down over a flight of steps, a dog-leg turn leading to more steps and then onto a surfaced and lit section in front of existing houses onto West Street.
- 12.24. A technical note by AWP refers to Policy TR2 and sets out opportunities to improve it. The note does recognise that the route would not in its current state be suitable for all users because it is only partially surfaced and is only partially lit. It also states the path at present is narrow, not DDA compliant and has intermittent pedestrian facilities. The report goes on to say that by improving the existing link and promoting it as the main pedestrian access to the site it would encourage people to use alternative means of sustainable travel, in accordance with Policy TR1.
- 12.25. As it is a PROW there are some limitations in what can be done but the report proposes to tarmac the grass path, explore low-level bollard lighting, carry out a condition survey of the existing handrails and replace the wooden backed steps with properly surfaced treads. The report rules out the potential for ramps to make the route DDA compliant. The report states this route provides onward travel to the town centre via West Street and Market Street and would be the route to school via the pedestrian bridge over the railway line. A route to school plan also shows the applicant proposes 5 spots along West Street, Swain Street/Harbour Road, and Liddymore Road where dropped kerbs could help facilitate pedestrians.

12.26. It is proposed this work forms part of a s106 with a dedicated sum of £30,000 to deliver it. This scheme has been agreed as implementable by the Public Rights of Way Team and SCC Highways whom state, *“it is the County Council’s opinion that improving this path as far as possible is the best option available for pedestrian access to the site, should the LPA be minded to grant consent”*. On the issue of lighting SCC Highways state *“Initial view from Highway Lighting is that it is not necessary, but design and audit processes might come to a different view”*. When questioned whether £30k was enough s106 contribution, *“No. Costing is very much ballpark based on similar footway schemes. Might be wise to craft an optional contribution into the s106 in the event that lighting is deemed necessary.” Even in seeking to provide certainty as a response to the previous reason for refusal there are still outstanding answers.*

12.27. The case officer assessment of this needs to consider the aim of the relevant policy, the view the Council took in determining the last application and the view of consultees.

12.28. The primary aspiration here must be to provide high quality pedestrian linkages to all relevant destinations to avoid the reliance on the private motor car. High quality should encompass access for all, safety and directness. Whilst the Highway Authority may not object it is felt this cannot be regarded as the sole pedestrian route into a development of this size or in fact any size. This design bakes in car dependency and social isolation at its infancy. The route, even taking into account the modest proposed improvements, would not provide adequate safe and convenient access for all and is dependent on an exploration of potential lighting to make it barely useable outside daylight hours. The evident concerns immediately visible after an initial site visit were flagged up to the Avon and Somerset Police Crime Prevention Design Advisor whom himself visited the site and made the following observations: *“I feel this pedestrian route is completely unsuitable for the proposed large scale new development.....the footpath would be unsuitable for use by parents with children in pushchairs, the elderly and disabled, particularly if using wheelchairs or mobility scooters”*.

12.29. Police advice with regard to footpath layout and design is as follows:-

Footpaths in new developments:-

1. Visually open to users and nearby residents
2. Direct
3. Well Used
4. Should not run to the rear of dwellings

Segregated Footpaths i.e. not running alongside roads etc. (as in this case):-

5. Straight as possible
6. Wide (isolated footpaths should be minimum of 3 metres to allow persons to pass without infringing personal space)
7. Well lit (see below)
8. Devoid of potential hiding places
9. Overlooked by surrounding buildings and activities

10. Well maintained to enable natural surveillance along the path and its borders

Planting Next to a Footpath:-

11. Should not immediately abut as this can result in overgrowing, creating pinch points and areas of concealment
12. Trees and shrubs overgrowing paths can impede natural surveillance and obstruct lighting making it difficult to maintain a clear and accessible route
13. Footpaths near buildings and roads should remain open to view

Lighting of Footpaths:-

14. If intended for 24 hour use, lighting should comply with BS 5489:2020
15. If not 24 hour use, footpath use should be deterred during hours of darkness
16. Bollard lighting should be avoided, as it is easily obscured, does not project sufficient light at the right height making it difficult to identify offenders and raises the fear of crime for users and is also easily vandalised.

It is arguable whether the route as whole as improved would meet any of these criteria satisfactorily.

- 12.30. The route joins West Street where there is no pedestrian crossing (informal or otherwise) to the footway on the other side of the road and this is an area where refuse/recycling is put out for collections and where cars park affording poor visibility. Many local residents have objected to the application on the basis of increased traffic impacting upon pedestrians from this point onward towards the town centre because of the lack of appropriate and continuous footways, resulting in people having to criss cross the roads for what footway provision there is or worse still walk in the road. It is understood there is a lack of space to provide such infrastructure but that is not itself a reason to allow the situation to become worse. If people cannot walk from the site they will be resigned to using their car and this will unduly impact on those further down West Street trying to walk to the town centre, and those using the town centre.
- 12.31. The walk to school route proposes 5 places where dropped kerbs and or tactile paving could be installed on side roads to improve the pedestrian journey to the primary school. The applicant was asked whether this work had been costed for the s106 agreement but there was no reply. It does however indicate parents and children will use the pedestrian bridge over the railway line. The pedestrian bridge provides an obstacle for those with buggies, pushchairs, cycles, scooters, mobility aids or mobility issues and so would not likely be used by a large proportion of those walking to school.
- 12.32. One alternative is walking along Swain Street to the junction with Brendon Road and then walking along Brendon Road to South Road. Neither Swain Street nor Brendon Road have pavements to make this journey easily.

- 12.33. The most direct and navigable route is therefore via Goviers Lane which connects directly into Liddymore Road on which the school is sited. This requires crossing the level crossing (pedestrian only) over the West Somerset Railway (WSR). Dialogue with WSR has indicated a worsening issue managing the level crossing with reports on several near misses and fears concerning liability which would impact on the railway operator (a heritage based tourist line) or the retention of the level crossing as a pedestrian passage. Concerns were raised by WSR in May 2018 in conjunction with the development at East Quay (application 3/37/17/030), which the level crossing adjoins. The application suggested the development would bring 100,000 visitors to Watchet, some of whom would explore the town via Goviers Lane, using the level crossing given the limited other options and its proximity.
- 12.34. The report listed Policy WA1 (Watchet Development) as a relevant policy. This policy requires, where appropriate, to improve linkages between the town centre and the parts of the town to the south of the railway. The Officer's report commented on the concerns raised by WSR and it was concluded measures would be considered as part of the Travel Plan for the development. There is no evidence of this having happened and this will be investigated with the operators of East Quay and WSR.
- 12.35. The issue identified with the East Quay development and a fact that is germane with this application is there is no data to illustrate the current use of the level crossing and therefore there can be no calculation as to the added foot traffic any one development may contribute over and above natural growth in the town and seasonal variations. This is something that has been discussed with WSR moving forward. It should be noted that other developments at Liddymore Farm and Donniford Road have also been approved, some 400 homes, without discussion with WSR and seemingly no mitigation as required by Policy WA1. WSR is clearly concerned that one more development/event or change of approach may be the straw that breaks the camels back.
- 12.36. If this application had been policy complaint in every other way this concern of WSR will have needed more investigation and assessment by the applicant, however given the previous reason for refusal based on pedestrian connectivity it is consider appropriate to capture this issue in that reason.
- 12.37. When viewed as a whole the pedestrian journey from the site to the town centre, the primary school and most other services in the town is so torturous, convoluted and in places just unsafe as to conclude the initial view of the Council that adequate pedestrian access to and from the site has not been sufficiently proposed to overcome the reason for refusal and the application remains contrary to Policy TR1 and is also contrary to Policy TR2 of the West Somerset Plan and is also contrary to Policy WA1 of the West Somerset Plan. Irrespective of the decision on this application the issues raised by WSR remain an issue the wider Council's (County and District and in future the Unitary) should work to address.

12.38. The Illustrative Masterplan also shows a connection to PROW 30/2 which runs in the adjacent field to the south. This connection would be worthwhile but the point of connection shown crosses third party land for which no consent has been given. As such this linkage cannot be relied upon. To stress this would only ever be a recreational route for dog walking, rambling etc. Any other link along this boundary would disrupt the ecological buffer shown and would require a replan of the Illustrative Masterplan and a consideration of the levels.

Site Capacity

12.39. This application seeks outline consent with all matters reserved except access for up to 136 dwellings. The viability exercise has been based on 133 dwellings and the illustrative site plans show 133 dwellings. Further changes at the reserved matters stage could mean 136 dwellings are proposed. All planning contributions have been calculated on 136 dwellings as per the description.

12.40. Whilst scale, layout, landscape, appearance are reserved for future consideration the quantum of development, up to 136 dwellings, is not. It is noted the allocation Policy LT1 does not refer to how many dwellings the site (including the field not included) are allocated for. The applicant has submitted a Landscape and Visual Capacity Appraisal. The report assesses the site, without a proposed site layout plan, and divides the site into parcels or areas which have distinct characteristics and differing capacity for development.

12.41. The report concludes – Visual Impacts: *“From this appraisal it is considered that the site has a fairly wide visibility due to its open and elevated position and is located on the edge of the built area of Watchet. These sensitivities can be mitigated to a large extent by working within the visual limitations of the site and proposing development where it is less visible and has a lower visual impact. This should result in a development that works with its urban edge location, providing a reduction in density as moves from east to west. In combination with the enhancement of vegetation assets to the south of the site and between it, and the majority of the visual receptors, a degree of screening and filtering can be achieved to raise the acceptability further”.*

12.42. The report concludes - Landscape Impacts: *“The landscape impact of any development will include the change of landscape cover on the site and a possible encroachment of built development towards local landscape sensitivities to the west at Daws Castle, the Lime Kilns and Cleeve Hill SSSI. These sensitivities can be mitigated by restricting development towards the western end of the site and providing a landscape buffer to the sensitive features. Enhancing the elements on the site that are making a contribution to the local landscape character, such as hedgerows and habitat areas will also help raise the acceptability”.*

12.43. The Opportunities and Development Capacity Plan shows those areas with a higher degree of sensitivity and therefore less capacity and those areas with a lower degree of sensitivity and therefore with potential for development.

- 12.44. These findings however have not been translated onto the illustrative site plans that show 133 dwellings. The area to the west near Daws Castle which the applicant's own report says should be kept free of development shows 10 properties, albeit possibly bungalows. The areas which the report says has high visibility with some opportunity for development also says building heights should retain views east from Daws Castle and the Lime Kilns. Again the illustrative plan shows dense largely terraced two-storey housing. If the report was to be followed more bungalows may be employed and therefore there will be more land take from fewer units. The eastern end has a medium degree of visibility with fairly steep slopes, the report says this has the opportunity to match the density of surrounding development. Whilst the description of the area is accurate, it is felt the cue for density would need to come from Saxon Ridge rather than Lorna Doone, and because of the steep slopes and evident ridge the number of dwellings shown on the illustrative plan is also ambitious.
- 12.45. The Council's Landscape Architect has reviewed this issue and has expressed concern regarding the fact the appraisal focuses on density and building height and not the pattern and type of development suitable for this site. His assessment is that the illustrative plan shows at least 24 units too many, and with regards to the potential use of bungalows he opines this would not give rise to a positive settlement edge character.
- 12.46. Commentary in the 'Land Stability' section of this report suggests that up to 12 further properties on top of the 24 suggested by the Landscape Architect may be lost to create a buffer in an area known to be unstable. That takes us to 100 properties instead of 133-136.
- 12.47. A plan has been provided illustrating the realignment and levels of the new section of the B3191, DrNo.PHL-101 RevB (AWP). This plan shows, not unexpectedly the cut and fill required to deliver an adoptable road. It shows a cutting at the Saxon Ridge end and some fill at the Blue Anchor end. The impact of the cut and fill is that there is large areas of slope either upwards or downwards from the new carriageway edge which would impact on the layout shown on the Illustrative Masterplan. This would result in houses being set back and set higher or lower relative to the road. In short, the Illustrative Masterplan has not taken this plan into account. By adjusting the layout to suit you would either need to excavate further which would impact on the resulting streetscene or make the scheme further unviable by even more extensive land reprofiling with subsequent impacts for drainage, landscape and heritage for example. This lack of joined up thinking it is considered would reduce dwelling numbers further by approx. 15 to nearer 85 at best.
- 12.48. The ecology section will also highlight that a lack of attention from the applicant in this regard means an ecology buffer has been added to the southern boundary during the application process which impacts on the gardens sizes to 28 properties, some of which will not be unviable meaning fewer houses will be achievable, whilst the retention of scrub on the rear boundary of Lorna Doone properties complicates issues there.

- 12.49. Why is this so important now? It is important to test the capacity of the site now because the description states permission is sought for up to 136 dwellings, and this will give the eventual developer a target. Rarely will a developer choose to develop to a significantly lesser density than an outline permission allows for. This has four major implications – the applicant’s own report suggests there would be visual and landscape impacts plus harm to the setting of Daws Castle, secondly the illustrative plan has not paid adequate attention to the topography which means at the reserved matters stage there will need to be significant land reprofiling to create development platforms which will impact on the quality of the scheme, its landscape integration and impact on adjoining neighbours, and thirdly the necessary significant drop in dwelling numbers to that capable of being accommodated on this sensitive site means the viability appraisal is rendered null and void. The only conclusion that can be reached is that the scheme would then not generate the returns to pay for the realigned road on which the allocation is predicated, nor may it be able to fund the other planning obligations required to make the development sustainable. Even setting aside affordable housing at 0%, the need to pay for the road is driving the need to deliver a quantum of housing to secure a return for the landowner large enough for them to release the site.
- 12.50. Policy WA1 requires development to sustain and enhance the attractiveness of the historic character and heritage assets as a tourist destination. It is considered the push to extend the development footprint and sweat the asset would result in an over dense development which when viewed at elevation in the context of the other hillsides of Watchet will jar with the modest density and extent of greenery. It is considered and informed by the comments of the Council’s Conservation Officer and Landscape Architect that this objective is not met, see Paragraph 12.98 onwards.
- 12.51. Policy LT1 says the scheme should be guided by an Illustrative Masterplan and that masterplan should include the use of soft landscaping, green space and sympathetic design in terms of appearance, to mitigate harm. The Illustrative Masterplan in this case is blind to a multitude of issues as described above and when viewed alongside other plans show that the site capacity is nowhere near what is being applied for and if ‘up to 136 dwellings’ were approved now there would be almighty issues stored up for the Reserved Matters stage and worse still the road, the very thing this site is actually allocated to deliver, would also be compromised.
- 12.52. This tips the planning balance irrevocably for this application towards a refusal as impacting upon the Historic Environment – Policy NH1 – the proposal would not sustain and /or enhance the historic rural urban and coastal heritage. Insufficient information has been provided which demonstrates that the setting of Daws Castle has not been compromised. It is noted that Historic England argue that the site had a defensive purpose and its surveillance of the surrounding landscape is a defining characteristic.
- 12.53. Furthermore Policy NH5 - Landscape Character Protection; this policy, *“requires that the character of the area should be treated as an important*

factor when designing and deciding on development proposals and that development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.” The way this application has been approached guided by the Illustrative Masterplan shows that a development of ‘up to 136 dwellings’ cannot be suitably accommodated with the site constraints and the local landscape character would suffer as a result.

Delivering the realigned B3191

- 12.54. In considering the West Somerset Local Plan the Local Plan Inspector said the site “is proposed as it offers an opportunity to realign the B3191, the current route of which will be subject to coastal erosion. The Council explained that this was a vital part of the strategic highway network in the event that the A39 was unavailable for any reason”.
- 12.55. Policy LT1 was adopted stating”to the west of Watchet at Cleeve Hill.....and also to providing a new alignment for the B3191 to address the impact of coastal erosion”.
- 12.56. The LPA is not seeking to question whether the road will need realigning, it is evident the road has been partially realigned once in 1952 when the road was rebuilt 8m inland, and the threat of coastal erosion continues. The proposal seeks to deliver part of Option 1D identified in the Somerset County Council (SCC) commissioned B3191 Watchet to Blue Anchor Option Assessment Report, February 2020 by WSP. This set out a number of options including a route through the Paper Mill (Option 1A), a link from Market Street/West Street across the back of Whitehall (Option 1B), coastal and cliff stabilisations measures (Option 1C), a route from the B3190 Washford Hill/Five Bells to west of Warren Farm Caravan Park (Option 1E) and Option 1F a tidal lagoon. Option 1D is in two parts, the realignment of the B3191 in the manner generally shown in this planning application, plus revetment on the beach to protect the lower slope and soil nails and mesh protection to the upper slope, at the pinch point at Saxons Ridge. This latter part of the option is not part of this planning application. As such one must regard this application as only contributing partly to the realignment and defence of the B3191. This is important because if undefended by the revetment and upper slope stabilisation work the B3191 at the pinch point is still as vulnerable as it is now. Even only installing the revetment means the upper slopes are still vulnerable. The WSP report for SCC shows predicted recession line of the cliff in the vicinity of Cleeve Hill. This prediction shows the pinch point very close to being eroded within 30 years and fully eroded within 60 years. This prediction is somewhat heightened by the fact the Town Council allotments further east on West Street, which are shown on a similar trajectory have succumbed to an acceleration of the erosion rate within the last few months and are now closed and useable on Health and Safety grounds.
- 12.57. The applicant has argued the policy wording does not compel his client to fund the entirety of the road, despite the supporting wording which the LPA suggests does. The site would not have been allocated should it not have

presented the opportunity for said development to deliver a realigned road. Attention then turned to what the road would cost to deliver. The applicant has not undertaken any costing exercise, intend relying on SCC estimates of between £7-10m (between £6.8 million without optimum bias and £9.7 million with optimum bias).

- 12.58. From the assessment regarding the delivery of affordable housing the delivery of a £7m road wipes out any affordable housing. If in fact the road costs more than £7m then incrementally all other required planning obligations for education, health, leisure (community), the steam coast trail, the PROW upgrade and heritage interpretation will be prejudiced. Given the context, that these figures are estimates by the SCC, made an unknown time ago, on a tricky site and against a backdrop of rising costs it is not unreasonable to assume the true final cost will be towards the top or beyond of the £9.8m, in the context that the applicant has provided no information or evidence to the contrary.
- 12.59. Then to recap the delivery of Option 1D and the project to defend the B3191 realigned or otherwise rests on the whole project being implemented at the same time or without a long gap in between. The applicant has stated they do not consider the revetment and soil nail works to be their obligation, presumably because it is not expressly stated in the policy. However, one could argue that this work is part and parcel of the realignment of the B3191 which is a policy requirement. So, who does the revetment and soil nail work rest with? Ultimately this is SCC as the Highway Authority given the implicated B3191. From investigations during this application it is clear there is no active project to progress the revetment and soil nail work, indeed this part of Option 1D will cost circa £2m.
- 12.60. Given the alignment works are inherently linked to (and as Khift Ltd describe) parasitic upon the cliff stabilisation works the individual and cumulative impact of these works should be accessed under the EIA Regulations 2017 as they would comprise the same project.
- 12.61. In addition, the process to gain consent for the cliff stabilisation works is extensive and not guaranteed. Discussions with the EA and a SWT colleague involved in the Blue Anchor scheme indicate the role of the Marine Management Organisation, Natural England, the EA, Crown Estate and landowners all coming together with SWT as current Coastal Protection Authority and SCC as Highway Authority to reach a solution. Technical issues revolve around what you do and how you do it, costs, and the environmental impacts for it and against it. The comments of Natural England are already noted in terms of the impact on the SSSI and these concerns may be added to once ecological surveys are undertaken. Daws Castle is an important element along this coastline but its preservation does not seem an overriding determining factor. The Devon and Somerset Coastal Advisory Group indicate this stretch of coastline, known as Policy Unit 7d25, as 'Hold the line' whereby you would intervene if funds were available to do so.

- 12.62. These points were ratified in a response from the Strategic Commissioning Manager – Highways and Transport at SCC, when asked about an eventuality whereby this application was refused again: *“Our observations on the planning application have advised on an appropriate form of access for the development considering the predicted extent of cliff recession shown in the Watchet to Blue Anchor Options Assessment Report, March 2020. We have advised that ideally an access would follow the preferred future alignment of the road as set out in Option 1D of the report. We do not view this application as a strategic solution to the risk of failure of the road given that as you note, the strategic solution requires road realignment and associated cliff protection and stabilisation measures, therefore the failure of the planning application does not change the options that are available to us to manage and mitigate the risk of failure. Any road constructed by developers along the new alignment and associated dedication of land would of course reduce the cost of the strategic solution to the public purse, but not to the extent that it were likely to be affordable as a complete solution in the near future. In the absence of planning consent for the development, our preferred strategic solution will remain to divert the road and protect/ stabilise the cliff but I must be absolutely clear that there is no obvious funding source for this work, so it remains a long-term aspiration. We will continue to actively consider our shorter-term options for managing and mitigating the risk of failure of the road and plan to discuss options with the new administration shortly. We will advise on the conclusions of this work in due course. It is worth noting that the ‘impacts of doing nothing’ set out on page 28 [of the WSP report] have already been addressed, in that the report resulted in us choosing to invest in cliff protection works at Blue Anchor to maintain access to businesses in the area in the event of a failure at Cleeve Hill”.*
- 12.63. This overview reinforces that the road realignment alone is not enough without the cliff stabilisation works and the consequences and cost in financial and other ways of pursuing the road in isolation as part of the residential development needs careful consideration. To that end the Case Officer does therefore concur with the view of Khift Ltd (Solicitors) employed by The Cleeve Hill Action Group and Geckoella.
- 12.64. The road has monitoring equipment, triggered by movement and ongoing risk assessment has led to a weight limit being applied and manual gates being deployed to close off the road if movement is detected. SCC is still deciding whether to implement WSP recommendations made in November 2021 for short term protection at the toe of the cliff in January 2022, favouring for now, a continuation of the monitoring undertaken for the last 21 years. SCC state: *“This June 2021 inspection report is leading us to consider whether any further action is required to further mitigate risks associated with the situation beyond the management measures already in place”. “We will continue to actively consider our shorter-term options for managing and mitigating the risk of failure of the road and plan to discuss options with the new administration shortly.”*
- 12.65. The consequences of the B3191 failing are discussed on Page 28 of the WSP report as mentioned above, this set out that intervention on the B3191 is

therefore critical for connectivity, tourist routes, a formal diversion route if the A39 is blocked, and support for local developments. The SCC view is those matters have been addressed to an extent by the progression of the Blue Anchor scheme, which forms the other half of the WSP options appraisal. Clearly if the B3191 did fail, and this could be at any time, Watchet would be less connected than it currently is and that could have many known and less known consequences.

- 12.66. The Town Council were asked on their view as to the economic and social value of preserving the link via the B3191 via the approval of this application, but the response reaffirmed their stance against the development and an understanding that SCC would have to solve the problem (through CPO and their own funds). The public view that the Paper Mill option should be pursued is ruled out by SCC as *“being too expensive due to the structures required to achieve the route compared to the preferred option (Option 1D)”*.
- 12.67. The applicant’s view (expressed by their agent) is that the Council should be prioritising this application in order to secure this vital piece of highway infrastructure; they have been at a loss to understand why there is not more urgency from the Council’s end given the situation and the opportunity to deliver a necessary highway solution at no cost to SCC. The repost to this is proper investigations have needed to be undertaken to inform his report. The agent’s role and involvement in this site is a temporary one whilst the consequences of any decision will live long in the community. The Planning Committee need all the facts (and viewpoints) in order to make a robust decision, should that be to refuse again to ensure the LPA is resilient to an appeal or legal challenge.
- 12.68. In summary the completion of the whole Option 1D project appears imperative, to be absolutely clear, is there value in realigning a road which would be just as vulnerable as before for an over-dense, non-affordable housing yielding development, where the eventual cost of the road may also wipe out other planning contributions being affordable rendering the development sustainable in virtually every policy metric possible?
- 12.69. The road will continue to be monitored by SCC, until and unless an even greater urgency transpires.

Phasing/Prematurity of the Site Coming Forward – Policy LT1

- 12.70. Policy LT1 (Post 2026 Key Strategic Development Site) sets out this site and another in Minehead are held in reserve as a contingency and could potentially be released early if monitoring demonstrates a significant, ongoing shortfall in the rate of development of Key Strategy sites for Minehead and Watchet, or if those sites deliver less housing than anticipated in the plan. The site could also be brought forward if the need to realign the B3191 becomes imperative due to coastal erosion. Due to the presence of this policy, Policy SC1 is not relevant as this captures all other development proposals not covered by a specific allocation.

- 12.71. An assessment of the Key Strategic Sites in Watchet and Minehead has been undertaken. In Watchet this site is Parsonage Farm allocated under Policy WA2 for 290 dwellings and 3ha of non-residential uses. Since the Local Plan was adopted in November 2016 this site has not come forward. During November 2022 a Public Exhibition was undertaken to start the process of public engagement and the assumed progression towards an application at some point. As such it is clear as far as Policy LT1 is concerned there is likely to be a significant shortfall which will not be addressed by Parsonage Farm by 2026 (this is based on 12 months to gain an outline, 12 months to seek Reserved Matters and mobilise on site and 24 months build out at 50 units per year, if carried out seamlessly and sequentially from this point in time).
- 12.72. In Minehead this site is Hopcott Road allocated under Policy MD2 for 750 dwellings and 3ha of non-residential uses over several land interests. Since the Local Plan was adopted in November 2016 one parcel has gained permission for 71 dwellings and is being built out pursuant to application 3/21/17/119, otherwise another parcel gained permission for 80 dwellings in outline but the permission lapsed (3/21/15/014) and another (3/21/19/092) gained consent for 60 dwellings in outline but hasn't come forward for reserved matters. The remainder of the site has interest but will only add 300. So in total approx. 501 dwellings are earmarked when the local plan stated 750 dwellings. The shortfall being attributable to the challenging topography and levels on the site.
- 12.73. As such it is clear as far as Policy LT1 is concerned there is likely to be a significant shortfall which will not be addressed by the Key Strategic Sites in Watchet (Parsonage Farm) and Minehead (Hopcott Road) by 2026 and it is therefore reasonable to trigger the LT1 sites, inclusive of this application site. The Case Officer does not therefore concur with the view of Khift Ltd (Solicitors) employed by The Cleeve Hill Action Group.
- 12.74. Outside of the LT1, WA2 and MD2 sites the five-year housing land supply in West Somerset is healthy at 7.4 years. However the 5-year housing requirement in West Somerset is relatively small and as such delay to one sizable development can have disproportionate impacts on the stated land supply figure. It remains the case that permissions are required on allocated and policy compliant windfall sites to maintain a strong housing supply position to stave off inappropriate speculative applications in villages.
- 12.75. Setting aside the 5-year land supply matter Policy LT1 does not recognise ongoing development in Watchet, at Liddymore Farm, nor in Williton. As such given the (lack of) progression of Parsonage Farm and Hopcott Road it is not advised to refuse this application on the basis of prematurity associated with Policy LT1. Even if approved now it is unlikely any development on this site would occur until 2024 and given the overall view is that planning permission should be refused any appeal process or revised application would extend this to 2025. As time goes on the strength of the prematurity argument dilutes.
- 12.76. The supporting text to Policy LT1 also says the application site could be brought forward if the *'need to realign the B3191 becomes imperative due to*

coastal erosion'. The investigation, research and assessment so far outlined in this report indicates that given the input of Somerset County Council as Highway Authority with responsibility for the B3191 it cannot be regarded as imperative right now, however the picture is ever changing and one storm could change that, however no strong representations have been made to that affect to this application and there is no scheme for the associated cliff stabilisation works, and so the evidence is suggesting this trigger has not be met either. The Case Officer does therefore concur with the view of Khift Ltd (Solicitors) employed by The Cleeve Hill Action Group. As Khift Ltd point out the Highway Authority can use its statutory powers to achieve the realignment (albeit at its cost) without this application being approved.

Watchet Development - Policy WA1

12.77. In addition to Policy LT1 which refers to the Cleeve Hill site specifically there is also a general 'development in Watchet', policy, Policy WA1.

12.78. It states development proposals must:

- support and strengthen the settlement's role as a local service and employment centre for the north eastern part of West Somerset district, particularly in terms of the range and quality of its services and facilities, and
- sustain and enhance the attractiveness of the historic character and heritage assets as a tourist destination, including the operation of the marina.

12.79. In response the site allocation did not require employment or service provision, nor is it the right site for such, the increase population would help support and perhaps create local services especially outside the tourist season.

12.80. In terms of sustaining and enhancing the attractive of the historic character and heritage assets this proposal has already been assessed at Paragraph 12.98 onwards and found to fail in achieving this.

12.81. Policy WA1 continue to require where appropriate, development proposals to also:

- contribute towards resolving the flood risk issues which affect the settlement,
- allow for potential realignment of the West Somerset railway which may be necessitated by coastal erosion,
- improve linkages between the town centre and the parts of the town to the south of the railway,
- provide additional allotments for the town, and;
- complement the provision of employment opportunities, services and facilities in neighbouring Williton.

12.82. In response the site drainage strategy is advocating a sustainable drainage system but concerns have been raised by Wessex Water and so it has not been proven that existing flooding issues elsewhere would not be made

worse. The site is not in the vicinity of the West Somerset Railway to provide land for realignment and the site allocation did not require employment or service provision. In terms of improving linkages between the town centre and parts of the town south of the railway this is assessed at Paragraph 12.33 onwards and no specific mitigation has been put forward, despite it being relied upon as a safe walking route to school.

- 12.83. In terms of allotments there would be an opportunity to repurpose public open space forming the buffer to Daws Castle if Members felt that was an appropriate use for the setting of the scheduled ancient monument and the Parish Council were happy to adopt, set up and maintain that area. The relevant SWT Officers have sought an off-site contribution for allotment land to be secured elsewhere, as set out at Paragraph 12.106 onwards and this may be preferable given the evident access issues. It is also noted that the Parsonage farm allocation has a specific requirement to provide allotments where the contribution from this site could be utilised more effectively. The recent loss of plots on West Street to coastal erosion has heightened the need for urgent reprovision.
- 12.84. In conclusion it is argued the development falls foul of Policy WA1 due to the impact on the attractiveness of the historic character and heritage assets and the lack of suitable improvement to linkages between the town centre and parts of the town south of the railway including the primary school.

Transport and Highways

- 12.85. The issue of pedestrian connectivity has already been considered and assessed above at Paragraph 12.16 onwards. All commentary on walking and movement should be considered in the context that there is no bus route on the B3191 passing the site and arriving at the town centre or vice versa.
- 12.86. A key issue for the Town Council has been the wider highways impact. Not accepting of the view of the Highway Authority the TC commissioned their own report via Entran Consultants which questions the approach of the Highway Authority and previous Planning Case Officer. Principally the reliance on this being an allocated site and a lack of acknowledgement concerning the highway impacts of the development. Indeed, Watchet Town Council suggest four policy-based reasons for refusal are sound and defensible as detailed below:
- 1) *The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)*
 - 2) *The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)*
 - 3) *The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians,*

cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)

- 4) *The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF).*

12.87. In response the Highway Authority stated: “In the interim since our aforementioned correspondence at the end of August, the LPA has asked the Highway Authority to provide comment on the Transport Appraisal commissioned by Watchet Town Council which questions the applicant’s own transport assessment and findings. Having reviewed this document it is not considered that it meaningfully undermines the conclusions of the applicant’s TA or gives reason for the Highway Authority to require the applicant to revisit this matter. As such the Highway Authority remain of the view that it would be difficult to object to the proposal for either highway safety or traffic impact reasons”.

12.88. The TC remain disappointed that the Highway Authority has not provided a more complete justification as to why they disagree with the TCs suggested four reasons for refusal.

12.89. Significant concerns about the consistency of advice given on the concurrent applications for this scheme and that for the Former Paper Mill, ref 3/37/19/021. The Paper Mill has attracted an objection about safe walking routes to school whilst this application has not, despite the road environments being very similar. In response the Highway Authority stated: “*We have previously had a discussion on the comparisons drawn between this site and the Paper Mill scheme in respect of NMU [non-motorised users] connectivity to the east side of Watchet and specifically the local primary school. It is acknowledged that both schemes experience similar issues, with limited pedestrian crossing facilities over the railway line and South Street / Donniford Road. Due to the scale of the Paper Mill scheme however and the immediacy of the site access on to Brendon Road it is considered that the need to improve these walking routes through this scheme is greater*”.

12.90. As the Highway Authority has not objected there is no assessment of car parking capacity in the town centre because people will be forced to drive and no impact on extra car journeys to the primary school due to the need for people to drive due to the inhospitable walking environment. The flow of traffic through the narrow High Street of Watchet is similarly not assessed other than not being considered severe. Another criticism of the Highway Authority is the lack of acknowledgement of the impacts of cumulative development impacts in Watchet.

12.91. These include approved residential developments at Liddymore Farm and Donniford, plus the pending application at the Former Paper Mill and additional allocation and future development site at Parsonage Farm. For example, there is no acknowledgement of the impacts of the East Quay development, ref 3/37/17/030. No visitor car parking and no off-site planning

obligation to improve walking cycling or indeed car access to the town generally or town centre specifically to mitigate the impacts of some 100,000 visitors annually. No improvements to the Goviers Lane railway crossing were secured despite concerns raised by the West Somerset Railway.

12.92. So in conclusion on the highway impacts one needs to be mindful of the NPPF guidance at Paragraph 111 that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. As such the bar can be considered to be very high as to what constitutes a severe impact especially if you only consider one development at a time rather than the cumulative impacts of development in any town over time. Whilst this is the paragraph the Highway Authority may focus on the next Paragraph states:

“Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”*.

From the assessment above it could be considered the proposal fails on points a), b) and c).

12.93. Policy SC5 seeks a better balance of land uses to minimise overall transport use however this site was allocated for housing only, but the lack of pedestrian connectivity and/or access to public transport does encourage use of the private car most of which will filter through the town centre.

12.94. In considering whether to recommend refusal reasons based on traffic impact in Watchet, founded on reasons 1 and 2 suggested by Watchet Town Council at Paragraph 12.86 one is minded of the lack of objection from the Highway Authority and the fact the Council’s previous decision did not contain such a reason. At any future appeal in defending such a reason or reasons, should the Planning Committee be minded to impose them now, there would be no professional support from the Highway Authority and as such the LPA would need to garner support from an external consultant, who was content to defend such reasons, or Watchet Town Council could agree to be a Rule 4 party meaning they could employ Entran to defend that reason or reasons, with responsibility to cover any fees or costs awarded by the Inspector. Given the other issues identified with the application it is suggested the wider

sustainability of the development be promoted as the primary issue rather than the specific impact of traffic on Watchet.

- 12.95. The Highway Authority also point to the requirement for a Travel Plan to be secured via a s106 agreement. The idea of a Travel Plan is to encourage sustainable travel, but it is questioned that with a lack of suitable infrastructure to facilitate such, the effectiveness of a Travel Plan will be prejudiced.
- 12.96. Other matters to consider are the impacts, albeit temporary, of construction traffic, given everything said above. It is entirely possible that construction impacts will be significant upon the local community and the local highway network. This section deals with the latter. The level of excavation and land modelling to create the development platforms will likely yield to significant 'muck away' trips. The fact the B3191 has a recent weight limit applied to it, due to the stability of the coast road and the road network through Watchet and from Blue Anchor do not easily support the movement of HGVs should in combination ensure a very bespoke Construction Environmental Management Plan (CEMP) which may require a remote compound to manage the size of vehicles accessing the site. This will likely add cost which further prejudices the delicate viability of the overall scheme.
- 12.97. In terms of the internal road layout this will be a reserved matter although modern estate road standards will be applied by the Highway Authority. This ironically will require wide footways, street lighting, road markings and signage, which will be viewed slightly at odds with the standard of the road leading to and from it. To counter this standard design, and as a recognition of the alternatives provided, the Highway Authority recognise some non-motorised users such as cyclists are likely to travel via Cleeve Hill. With this in mind, a reconsideration of the speed limit along West Street, Cleeve Hill and extending through the site to 20 mph may be beneficial. This would require a Traffic Regulation Order (TRO), which would need to be secured through a s106 agreement as part of any permission granted. The Highway Authority state therefore *"a scheme of works to control traffic speeds would also need to be considered"*. It is unclear whether this means within the site only or whether this would extend towards the town centre, and it is unclear whether this has been costed and therefore this could likely add cost which further prejudices the delicate viability of the overall scheme.

Landscape, Heritage and Archaeology

- 12.98. Policy LT1 includes wording in respect of the safeguarding and enhancement of the Daws Castle and associated heritage assets. It also specifically refers to options for rescue archaeology excavations in advance of further coastal erosion of Daws Castle will be sought through Section 106 Agreements. A sum of money has been put forward to address the latter, although it is not as much as requested, see Paragraph 12.106 and 12.112.
- 12.99. In terms of the setting this has already been discussed in Paragraph 12.39 onwards insofar as the Illustrative Masterplan encroaches into an area that

should be left undeveloped in the opinion of the applicant's own landscape study. In this regard the proposal is contrary to Policy LT1.

- 12.100. As well as the heritage and landscape references in Policy LT1 there are also policy tests to safeguard the historic and landscape character of settlements in West Somerset contained within policies NH1 'Historic Character', NH2 'Management of Heritage Assets', NH5 'Landscape Character Protection', NH7 'Green Infrastructure, NH13 'Securing High Standards of Design', NH14 'Nationally Designated Landscape Areas' and with specific reference to Watchet in Policy WA1. Whilst this is a weight of policy, when distilled, the fundamental objective is to sustain and/or enhance the historic rural, urban and coastal heritage of the district and maintain elements of the historic environment which contribute towards the unique identity of the area and help create a sense of place. The same policy aspirations are found within the NPPF at paras 130, 134, 176, 199 and 200.
- 12.101. The critical views of the Council's Landscape Architect and Conservation Officer are echoed by a detailed response from CPRE in particular the sense that due to the elevated nature of the site the proposed form and quantum of development would result in intervisibility between the site and the conservation Area and the site and heritage assets that would be harmful. The Landscape Officer also assesses the negative impact on the AONB.
- 12.102. The Conservation Officer neatly opines "*The proximity of the site to the Scheduled Monument of Daw's Castle and the listed limekilns, would sever the separation of these features from the town, an element of the setting of Daw's Castle, in particular, which makes a considerable, positive contribution to its significance. The setting of the limekilns would also suffer visual intrusion from the development. The current buffer incorporated into the design on the W side of the development is not considered wide enough to preserve the isolated setting of the castle. There has been little attempt to enhance the monuments within the proposed development*".
- 12.103. The Illustrative Masterplan does not demonstrate an understanding or valid attempt to consider, assess and allow for the landscape setting of Watchet or the significance of all the above-mentioned heritage assets. This is contrary to Policy LT1, WA1 NH1, NH2, NH5, NH13 and NH14 of the West Somerset Local Plan to 2023 and the mirrored aspirations set out in the NPPF. In line with para. 202 of NPPF, it has not been sufficiently demonstrated that the harm to the heritage assets will be outweighed by the public benefit of the scheme.
- 12.104. With regard to Policy NH3 'Areas of High Archaeological Potential' information has been submitted to appraise archaeological potential. The South West Heritage Trust is content that archaeology on the site is limited to locally significant features and any remaining possibilities to the west of the site could be dealt with via condition.

Development Viability/Planning Obligations

- 12.105. To mitigate the impacts of development relevant consultees have assessed the draw on local amenities from a development of up to 136 dwellings.
- 12.106. In total £1,642,791 has been required, broken down as follows:
- Education – £1,278,649
 - Health – £78,684
 - Community Infrastructure – £177,458
 - Steam Coast Trail (Cycle Link) – £39,000
 - Public Right of Way (PROW) – £30,000
 - Heritage Interpretation – £39,000
- 12.107. In terms of Education, Somerset County Council calculates a development of 136 dwellings in this location would generate the following number of pupils for each education type locally.
- 13 Early years
 - 32 First school pupils
 - 21 Middle school pupils and
 - 12 Upper school pupils
- This would require the following education contributions to ensure that sufficient capacity can be built as extensions to the local schools.
- £221,962.00 for early years development at the local nursery/pre-school
 - £546,368.00 for 1st school development at Knights Templar 1st school
 - £440,318.00 for middle school development at Danesfield Middle school
 - The upper school has sufficient capacity at present therefore will not require expansion.
- Contributions can only be sought for built structures and not staff or revenue costs.
- 12.108. In terms of health the current patient lists for the Watchet and Williton Surgeries is assessed in light of this and other committed development. This development would take the capacity of the surgeries over that which they can currently deal with and a financial contribution to extend the Williton facility has been requested. It is important to note that planning contributions can only be sought for built infrastructure such as extensions and cannot fund revenue costs such as staffing.
- 12.109. In terms of Community Infrastructure an ask of circa £178k has been requested, comprising two onsite LEAPs, a contribution towards improving facilities at Watchet Bowls Club and a contribution towards land for allotments. This is in addition to the use of the Daws Castle buffer as informal open space. A view may be taken to consolidate two LEAPs into one NEAP or one super LEAP and use remaining funds to improve the informal open space with a trim trial, nature-based play or similar.
- 12.110. In terms of the Steam Coast Trail this has been proposed by the applicant as it was on the previous application. These monies would go towards the delivery of the trails in and around Watchet.

- 12.111. The PROW sum is that connected to the upgrade of WL 30/1 between the site and West Street as discussed at Paragraph 12.16 onwards.
- 12.112. The Heritage Interpretation sum is envisaged as funding the interpretation/management of Dawes Castle (Scheduled Monument) currently in the ownership of English Heritage. The original ask was £68,000, comprising the following:
- | | |
|---------|---|
| £15,000 | Replacement of fencing and kissing gate at west end, |
| £10,000 | Water supply to site for grazing improvement, |
| £2,000 | Scrub clearance at west end and path improvement |
| £2,000 | Audio guide |
| £6,000 | Improved interpretation on site or in town and directional signage from Watchet to the site |
| £3,000 | Establish links with the history society and form a friends group |
| £10,000 | Training opportunity for people to learn how to do hedge laying |
| £20,000 | Community archaeological project including geophysics |
- Through the viability discussions as part of the previous application and this, the £68,000 figure has been reduced to £39,000 which will be given to cater as much of the above as possible.
- 12.113. Policy LT1 specifically requires this site to fund excavations to encourage visitors to the monument. During the course of the application discussions with English Heritage highlighted the fact that there is an urgent need to excavate, record and interpret the area in and around Daws Castle which itself is seriously threatened by coastal erosion. It was explained the more recent excavation project at Tintagel Castle which sampled an area of 28m x 10m, costing £250k provides an indication of the funding required for an excavation at Daws Castle. A larger area is threatened at Daws. There was the possibility of a research excavation taking this cost to circa £100k and although required by policy it should be questioned whether the site paying for the any excavation especially at that value meets the relevant planning obligation tests. It was considered £100k was too great an amount on top of the above request from Historic England, given the provision of 0% affordable housing, and that some monies from the £39,000 would allow English Heritage to sample the site and further evaluate its significance.
- 12.114. It should be noted that there is no final agreed viability picture. This was due to the applicant trying to offset costs associated with the realigned B3191. The applicant declined to update the District Valuers report instead confirming this application was to be determined on the basis of providing no affordable housing and the financial contributions stated at Paragraph 12.106. As such the failure to demonstrate that planning obligations can be met would result in an unsustainable development and this should form a further reason for refusal.

Flood Risk, Surface Water Drainage and Foul Drainage

- 12.115. The site falls within Flood Zone 1 (the zone of lowest risk). The LLFA has commented on the proposed drainage arrangements and conclude a condition can cover the requirements at Reserved Matters stage.

- 12.116. The applicant has however submitted further details in response to Wessex Water concerns regarding surface water drainage. They propose two catchment areas – the easternmost one (or south) would direct water to a underground tank, which is shown under retained scrub for ecological reasons on the Illustrative Masterplan. It would drain at a controlled rate to the Washford River via Whitehall and would need a surface water sewer to be requisitioned on land owned by a third party. Wessex Water state, *“There is no evidence to show that a gravity connection from site can be achieved to the Washford River through the existing built up area. A connection can be requisitioned from Wessex Water to enable the crossing of third party land but this does not mean that a suitable route to outfall can be found. Furthermore approval will still be required from the riparian owner at the point of discharge to the Washford River. We note the comment in the letter regarding discharging from the fabric of the bridge in Mill Street. It is up to the applicant to prove the feasibility of this option with a proposed gravity route from site showing engineering arrangements at the bridge and approval in principle from the appropriate authority”*.
- 12.117. The second catchment area is to the east also referred to as north) and surface water form here is also proposed to be drained towards an underground attenuation tank (in the 50m no build zone declared by Stantec). A new sewer is planned to be constructed within the newly aligned B3191 and discharge from the attenuation feature is proposed to drain into a newly constructed sewer within Cleeve Hill. Somerset County Council as Highway Authority have confirmed that there is currently a highway sewer within Cleeve Hill/ West Street and therefore it is proposed that the new sewer proposed to be adopted by Wessex Water connects into this existing network. The applicant states Wessex Water will be required to adopt the existing highway drain under a S102 agreement but it is anticipated that this will not cause an issue. To the contrary Wessex Water state there is no requirement under the Water Industry Act for Wessex Water to adopt a highway drain. They continue to say this option has not been examined in enough detail to be certain that it is achievable. The applicant was given ample time to respond to the comments of Wessex Water and exceeded their own deadline to reply.
- 12.118. It appears therefore that there is still no clear scheme to demonstrate how the site will be drained and what implications this may have. Until such details are known it would appear to add more confusion to an already uncoordinated application and is considered to be contrary to Policy CC6 – Water Management - Development that would have an adverse impact on areas at risk of flooding by surface water run-off and Paragraph 169 of the NPPF, incorporation of sustainable drainage systems.
- 12.119. On foul drainage the applicant states foul water produced by the development is proposed to discharge into the WW foul sewer within Whitehall and the Lorna Doone development. Due to site levels and existing topography it is anticipated that a foul pumping station will not be required,

although this statement is taken with caution given the general context of this application don't being rich in detail to make such assumptions.

Sustainability and Climate Change

- 12.120. The Council has declared a Climate Emergency and committed to working towards carbon neutrality by 2030. The Somerset Climate Emergency Strategy and the SWT Carbon Neutrality and Climate Resilience (CNCR) Action Plan both clearly identify the roles that the planning system can play in tackling the climate emergency in relation to both mitigation of and adaptation to the climate change that is projected to occur.
- 12.121. The application fails to address this matter and does not refer to the Council's Interim Guidance Statement on Planning for the Climate and Ecological Emergency ' Climate Positive Planning' (March 2022) or the sustainability emphasis with the Council's Districtwide Design Guide SPD (2021). The national context is set out in the NPPF - Paragraph 7 identifies that contributing to the achievement of sustainable development is the core purpose of the planning system. This paragraph now references the UN's Sustainable Development Goals as well as defining sustainable development as *"meeting the needs of the present without compromising the ability of future generations to meet their own needs"*, Paragraph 16 states plans should *"be prepared with the objective of contributing to the achievement of sustainable development"* and Paragraph 152 states that *"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure"*.
- 12.122. The development is contrary to Policy NH13 which expects new development to demonstrate the development promotes measures to minimise carbon emissions and promote renewable energy and reduce impact on climate change from an integral part of the design solutions. The applicant has failed to engage with the Climate Emergency Checklist contained with the Interim Guidance Statement which could have influenced the Illustrative Masterplan.
- 12.123. Some detailed matters could be addressed at Reserved Matters stage but the implications of not addressing the fundamentals in terms of this developments response to the Climate Emergency may impact on its ability to respond and/or development costs later down the line and this hasn't been factored into the fragile viability picture.

Ecology

- 12.124. The Council has declared an Ecological Emergency and is bound by the Natural Environment and Rural Communities Act 2006 duty to conserve (and

soon to be, enhance) biodiversity, alongside wider duties and requirements set out in the Environment Act 2021 including provisions relating to the issue of Biodiversity Net Gain.

- 12.125. The application is supported by an Ecological Survey Report. The site is not within a statutory site designated for nature conservation interest. There are two statutory designated sites within 2km of ST 065 432 (Cleeve Hill SSSI located approximately 500m southwest of the site and Blue Anchor and Lilstock Coast SSSI located to the north of the B3191). There are thirteen non-statutory designated sites within 2km of ST 065 432, all Local Wildlife Sites (LWSs). The closest sites include Minster Field Road Verge LWS located immediately to the west of the survey site, Tuck's Brake LWS located immediately south of the site and Daws Castle LWS located approximately 40m west of the site on the opposite side of the B3191.
- 12.126. Surveys have identified at least seven bat species commuting/foraging across the site and some historic badger activity. Surveys have also identified dormice as present within sections of dense scrub along the southern site boundary and a population of slow worms at the south-eastern end of the site. Areas of species-rich grassland have been identified at the northern and north-eastern ends of the site. The northern area is unfortunately the location of the access off Cleeve Hill for the proposed realigned B3191 and the north-eastern area is not proposed to be retained as open space. The dividing central hedgerow is assessed as species rich but part of a defunct hedgerow that could be retained and enhanced but is shown as removed on the Illustrative Masterplan. An area of dense scrub shown as providing habitat for mice including a dormouse, and a bat foraging corridor is also shown as being removed on the Illustrative Masterplan for back gardens. There will be Natural England licensing requirements for Dormice mitigation which impacts the road access in south west corner.
- 12.127. The previous application A Conservation Action Statement (CAS) includes provisional recommendations for the retention and compensation of hedgerow and grassland habitats and also details measures to enhance the site for biodiversity. Enhancement measures include provision wildlife boxes, creation of species-rich grassland areas and retention and enhancement of wildlife corridors across the site.
- 12.128. Half of the southern boundary adjoins a designated Local Wildlife site, Tucks Brake which contains ancient broadleaved woodland and species-rich unimproved calcareous grassland. The CAS sets out that a non-developed buffer along the southern boundary should be incorporated into plans. It is questioned whether this has actually been incorporated as the Illustrative Masterplan shows the realigned road and small back gardens immediately adjoining this boundary. The buffer zone has been subsequently shown as retained scrub and the existing hedge augmented and deepened. The concern being that a wider retained or planted buffer zone as required by the CAS would reduce the developable area and therefore this could likely

reduce the number of units deliverable which further prejudices the delicate viability of the overall scheme an issue discussed throughout this report.

- 12.129. On the edge of the site adjoining the B3191 is the Minster Field Road Verge LWS. The CAS sets out a requirement to avoid this road verge when creating site access which should be achievable and to set out protection measures in a Construction Environmental Management Plan (CEMP).
- 12.130. The Council's ecologist has assessed the submitted material with respect to impact on badgers, dormice and reptiles and has raised no objection subject to the inclusion of specified conditions and informative notes. He states details of a sensitive lighting scheme, a Landscape and Ecological Management Plan (LEMP) and a Biodiversity Enhancement Plan can be secured at the reserved matters application.
- 12.131. Due to the age of survey material it is likely a new set of surveys would be required to inform any reserved matters submission.

Pollution

- 12.132. There are no known pollution issues with developing this site. Wessex Water did initially object based on the potential for an odour nuisance from the Sewage Treatment Works located due west adjacent to the Former Paper Mill site, but this was later withdrawn.
- 12.133. A specific consultation was also sent to Environmental Health with regard to local concerns expressed about potential worsening air quality from increased traffic in West Street and the town centre. EH colleagues were not aware of any air quality issues for Watchet or any monitoring being undertaken and there is therefore no data to support any objection. By contrast there is monitoring of air quality in Minehead and Williton on major traffic routes and no Air Quality Management Areas have been declared for the district. Furthermore, it is advised "*there will always be fluctuating levels of air quality and we would advise seeking the views of the highway authority to ensure traffic pinch points are resolved rather than rely on air quality data*".

13. Planning Balance and Conclusion

- 13.1. The primary matter of concern has been the apparent overreliance by the applicant and Highway Authority on the fact this is an allocated site and therefore an assumption that most matters have been considered at the Local Plan stage or can just be considered at the Reserved Matters stage. There is no evidence that the range of matters at issue for the local community were considered robustly at the Local Plan stage, with the primary reason for allocation being the opportunity to realign the B3191, which even its feasibility was not assessed to any great extent. This report has sought to consider those issues more robustly based on a greater level of investigation, liaison with consultees and dialogue with the Town Council. After this greater level of scrutiny it is evident there are multiple existing and additional issues with the

application and those concerns need to be balanced against the benefits, in this case primarily the realignment of the road and the economic benefits of the construction project as a whole.

- 13.2. Against the backdrop of the previous decision by the Council, which is a material consideration to which the decision maker can attribute weight, it has been found that those issues have not all been sufficiently overcome. Following consideration of other matters, it has been found there are other areas of concerns Councillors should be aware of. It is the consideration of these issues which has delayed the progression of this application which it is appreciated has caused concern for the local community and applicant, however from the LPAs point of view all research and investigation ensures the eventual recommendation and decision are robust in the face of any future legal challenge or appeal scenario.
- 13.3. It is considered that the development fails to comply with the Development Plan when taken as a whole. The proposal is undermined by a really poor Illustrative Masterplan and a poor grasp of the key issues and their spatial requirements, in this regard it is evident heritage, landscape, ecology, drainage and topography have not been properly considered and the site is constrained by access and it is best therefore to make a clean decision based on the application as it stands.
- 13.4. For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused as set out in full in Section 1. There are more reasons for refusal than previously, in part because the issues straddle more policy than was stated previously.
- 13.5. The local community is reminded that this is an allocated site and as such there is still the prospect of a policy compliant development scheme coming forward in the future. This could involve a detailed design, third party funding for the road and cliff stabilisation works, fewer dwellings and engineering solutions to some technical issues. However, this particular application, in outline, is not of sufficient quality to meet policy aspirations and there is no prospect of doing so during the application process and so the conclusion must be to refuse. The casualty of the application is the road delivery (and the benefits this would have brought), however it has been concluded that this may not have been possible through this application in any case.
- 13.6. In preparing this report the Case Officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

APPENDICIES -

- 1) Watchet TC consultation responses, including Entran report
27 April 2021
25 May 2021
23 September 2021
03 November 2021
29 March 2022

- 16 December 2022
- 2) Highways consultation responses:
 - 09 July 2022
 - 13 July 2022
 - 25 August 2021
 - 21 October 2021
 - 08 August 2022
- 3) Previous application Committee Report and Minutes – 16 July 2020
- 4) Letter from Fairhurst dated 01 December 2022

APPENDIX -

- 1) **Watchet TC consultation responses, including Entran report**
 - 27 April 2021**
 - 25 May 2021**
 - 23 September 2021**
 - 03 November 2021**
 - 29 March 2022**
 - 16 December 2022**

APPENDIX -

2) Highways consultation responses:

09 July 2022

13 July 2022

25 August 2021

21 October 2021

08 August 2022

APPENDIX -

3) Previous application Committee Report and Minutes – 16 July 2020

APPENDIX -

- 4) Letter from Fairhurst dated 01 December 2022**

Rebecca Miller
Planning Officer – Planning Department

E-mail: R.Miller@somersetwestandtaunton.gov.uk
Copied to: planning@somersetwestandtaunton.gov.uk

27 April 2021

Dear Rebecca

At the meeting of Watchet Town Council's Environment & Planning Committee held on Thursday 22 April 2021, the following comments were recorded on plans received for comment:

- 3/37/21/008 High Bank House, High Bank, Goviers Lane, Watchet, TA23 0DG**
Erection of 1 No. bungalow with associated works in the garden to the front
Committee recommends refusal due to overdevelopment of the site and the plot size is inadequate in relation to the main house.
- 3/37/21/009 Neyburr, 25A Whitehall, Watchet, TA23 0BE**
Erection of a shed attached to the side of dwelling
Committee recommends approval.
- 3/37/21/010 Land to the west of 22B Lorna Doone, Watchet, TA23 0FD**
Change of use of amenity land to residential garden
Committee recommends approval on the condition that any landscaping work needs to demonstrate that it does not undermine the stability of the land in relation to the Watchet fault.
- 3/37/21/011 43 Risdon Road, Watchet, TA23 0HL**
Erection of single storey extension to replace existing garage
Committee recommends approval.
- 3/37/21/012 Land at, Cleeve Hill, Watchet, TA23 0BN**
Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural land for 136 dwellings with the creation of vehicular access (closing of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial re-alignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015)
Whilst the Committee acknowledge that several of the previous concerns that led to the refusal of this application have been addressed by the applicant, members would like to challenge the traffic analysis report, as they believe it was undertaken at the wrong time of the year and is not a true reflection of traffic numbers, and as a result is flawed. The Committee consider that an independent expert should be commissioned to undertake a traffic analysis of this area. The Committee request that SW&T Council commission such an expert examination. The Committee expect a response from SCC Highways in due course but consider that an expert demonstrably independent from the benefits of the application should be commissioned. If Somerset West and Taunton Council decline this request, the Committee consider that alternative approach to securing this examination must be sought and therefore request an extension to the consultation timetable, recognising that this action cannot be commissioned within the current timeframe given.
The Committee consider that this application has aroused extraordinary concern in the community and wish to be reassured that the SW&T will not seek to rush the application to the Planning Committee before residents have had sufficient time to put in their comments. Concern was expressed about the

pedestrian access to the site and do not consider it is adequate to withhold details of suggested improvements to public footpaths until the reserved matters stage. It would be preferable to see them at the outline stage so that they can be fairly appraised.

The Committee cannot comment on approval or refusal definitively until these matters have been addressed fully and therefore reserve the right to make further comments as appropriate.

Yours sincerely



Sarah Reed
Town Clerk

Rebecca Miller
Planning Officer – Planning Department

E-mail: R.Miller@somersetwestandtaunton.gov.uk
Copied to: planning@somersetwestandtaunton.gov.uk

25 May 2021

Dear Rebecca

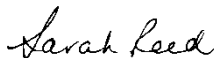
At the meeting of Watchet Town Council's Environment & Planning Committee held on Thursday 20 May 2021, the following resolution was made:

3/37/21/012 Land at, Cleeve Hill, Watchet, TA23 0BN

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural land for 136 dwellings with the creation of vehicular access (closing of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial re-alignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015)

“The E&P Committee are to recommend to Full Council that Watchet Town Council commission an independent road and traffic survey, as the residents of Watchet as a whole, would consider the use of taxpayers money spent on this acceptable. Research to begin with immediate effect by the Clerk/clerical officer to obtain reputable company quotations and timescales to carry out the surveys, and SW&T are informed in writing of the resolution taken by this committee”.

Yours sincerely



Sarah Reed
Town Clerk

Jeremy Guise

Planning Department

J.Guise@somersetwestandtaunton.gov.uk

23 September 2021

Dear Mr Guise

At the meeting of Watchet Town Council's Environment & Planning Committee held on 23 September 2021, the application below was discussed:

3/37/21/012 Land at Cleeve Hill, Watchet, TA23 0BN

Outline planning application with all matters reserved, except for access, for the residential redevelopment of agricultural land for up to 136 dwellings with the creation of a vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial realignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015).

The Committee endorsed the decision to submit an **objection** to the planning application based on the following four reasons for refusal:

1. The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)
2. The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)
3. The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians, cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)
4. The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers in order to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF)

Watchet Town Council commissioned an independent assessment of the transport effects of this proposed development. Please find attached to this letter a report prepared by Entran Ltd, an independent firm of Environmental and Transport consultants. The report was considered by the Committee who agreed to endorse its findings and their use in informing the reasons for refusal.

For ease of reference, the list of identified deficiencies and recommended actions, as set out in the report, are listed below.

- Any assessment of traffic impact must consider the highest combined peaks of background plus development traffic.

- Given the previous reason for refusal, considerable additional work is required to identify pedestrian and cycle desire lines and benchmark the distances against appropriate guidance.
- Multi-modal trip rates from the revised TRICS assessment should be submitted for consideration. Any assessment of NMU routes needs to include a review of the increase in usage along each route as a result of the proposed development.
- A full assessment of up-to-date PIA data is required to inform the access strategy and effects of development.
- The vehicle trip distribution should be re-assessed to take account of all modes and all trip types, not just employment traffic.
- The TA should be amended to include a quantified, objective assessment of the effects of additional traffic on highway capacity and safety.
- The TA should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety. It should include recommended mitigation for those combined effects and justify the level of mitigation that should be delivered by this proposed development.
- Pedestrian routes to all local facilities and transport interchanges must be given due consideration, not just one route to one school.
- The proposed footpath link should be included within the red line and notice served on that landowner.
- Walking route width, gradient, surface material, lighting and general condition must be assessed and recorded on any walking route plan.
- A proper assessment of walking routes must identify where any path falls below the widths prescribed in SCC and national guidance.
- A proper assessment of walking routes must identify where any path exceeds the gradients set out in SCC and national guidance.
- New surveys should be undertaken by the developer which record traffic volumes on all sensitive parts of the network, pedestrian volumes on the proposed walking routes and current congestion caused by the variable carriageway widths of the historic highway network in Watchet.
- Any new assessment of operational capacity, cumulative impact and highway safety should be based on up to date and reliable baseline survey data.
- The required stopping sight distance for the road realignment could range from 70m to 90m. This should be indicated on the submission drawings.
- Visibility splays should be shown on the plans for vehicles emerging onto the realigned B3191.
- The revised Transport Assessment should include an assessment of the operational capacity of the site access(es) in order to determine the appropriate junction form.
- The alignment and width of any new route must take account of existing restricted carriageway widths and seek to ameliorate it through appropriate highway design.
- It is inappropriate to encourage pedestrian movements from the new section of road onto the locations where it joins the B3191 unless appropriate provision is to be made for pedestrians beyond the length of realigned.

The application as submitted is deficient in many respects and fails to comply with local policies TR1, TR2 and WA1, as well as national policy as set out in the NPPF. The Committee expressed concern that given the narrow widths of the local roads and footways, and the steep gradients of the public footpaths, it seems unlikely that the applicant will be able to address these objections.

Yours sincerely



Sarah Reed
Clerk to the Council

Land at Cleeve Hill, Watchet, TA23 0BN (3/37/21/012)

TECHNICAL NOTE 1

Technical appraisal of transport effects of development

1. Introduction

- 1.1. Entran has been commissioned by Watchet Town Council to review an Outline planning application for residential development at Cleeve Hill, Watchet (3/37/21/012) with regards to its effects on highways and transportation in the local area. Although the application is Outline, the means of access (including off-site impact) is to be determined. The description of development states that the application is a resubmission of 3/37/18/015 which was refused for three reasons in August 2020.
- 1.2. For ease of reference, any recommended actions are highlighted **bold** and listed in the summary at the end of this report.
- 1.3. This report has been prepared by Richard Fitter. I am Incorporated Engineer, registered with the Engineering Council. I am a Chartered Fellow of the Institution of Logistics and Transportation, a Fellow of the Institution of Civil Engineers and a Fellow of the Institute of Highway Engineers. I am also a Member of the Council of the Institute of Highway Engineers and sit on their Carbon Steering Group.
- 1.4. I am a Director of Entran Ltd and have more than 30 years' experience in traffic engineering and transport planning in both the public and private sectors. I have extensive experience of assessing the transport implications of a range of developments including mixed-use and residential developments throughout the UK.
- 1.5. I have visited the site on a number of occasions and am familiar with its layout as well as the surrounding transport network.
- 1.6. I have prepared this Technical Note in accordance with the guidance of my professional institutions, and I confirm that the opinions expressed are my true and professional opinions.

2. Recent planning history

- 2.1. The previous planning application on this site was refused planning permission for three reasons, namely:
 - Lack of affordable housing (policy target not being met);
 - Lack of Land Stability Report; and
 - Failure to provide adequate pedestrian access to and from the site.
- 2.2. Following the decision to refuse planning permission, Somerset West and Taunton Council (SWTC) wrote to the applicant on 4th August 2020 setting out a list of matters that would need to be addressed in any new application. That letter is included here as Appendix A.
- 2.3. With regards to highways and transportation, SWTC's letter stated that the description should be amended to refer to 'up to' 136 dwellings; a new Masterplan should be produced; the route known as option 1D should be used for 80%-90% of the access road but joining up to the B3191 at either end (with additional land safeguarded); and, the applicants must demonstrate that there will be adequate pedestrian access to and from the site in full compliance with WSC Local Plan to 2023 policy TR1. The letter specifically states that part of any new DAS or Transport Assessment should directly address pedestrian access and that gradients should be detailed.



3. Local and national policy

- 3.1. The WSC Local Plan to 2032 was adopted in November 2016 and includes a section entitled Transport, Community and Health. Policy TR1: 'Access to and from West Somerset' states that:

"Proposals for new development must encourage the use of sustainable modes of transport within and between West Somerset's Communities and travel to and from communities outside the local plan area through the provision of travel plans, travel plan statements or measures-only travel statements in accordance with the thresholds adopted by Somerset County Council."

- 3.2. It is therefore incumbent on any new development to incorporate the infrastructure, information and incentives to promote and encourage the use of sustainable modes of travel. For clarity, SCC's guidance states that a full Travel Plan is required to support any development over 50 dwellings. The proposed development must therefore be supported by a full Travel Plan that complies with SCC's guidance.

- 3.3. Policy TR2 : 'Reducing reliance on the private car', is clearly closely linked to the objectives of TR1 and states that:

"Development should be located and designed to maximise the attractiveness of modes of transport other than the private car where appropriate".

- 3.4. This is an important policy as it relates to the Government objective of reducing the need to travel, especially by private car. The first part of this is to reduce the need to travel through careful land allocation policies, ensuring that new homes are located close to employment, education, retail and leisure facilities in order that walking and cycling are available as primary modes of travel, followed by public transport and then car.

- 3.5. Policy WA1: 'Watchet development', says that development proposals at Watchet must support and strengthen the settlement's role as a local service and employment centre and enhance the attractiveness of the historic centre as a tourist destination, including the operation of the marina. It should be noted that since the policy was written, Watchet now has a limited function as a local centre for employment and services and is heavily reliant on tourism to support the local economy, Any development which has an adverse effect on the attractiveness of Watchet as a tourist destination would fail to comply with Policy WA1.

- 3.6. Within the Local Plan, two areas are identified for longer term (post 2026) strategic development under policy LT1. These are at Periton Road, Minehead and at Cleeve Hill, Watchet (the application site). The policy says that the Cleeve Hill site must include a new alignment for the B3191 to address the impact of coastal erosion. Importantly, LT1 states that these two sites are reserved to ensure suitable strategic land remains available in the latter part of the plan period, if required. It says specifically that the two sites are '*held in reserve as a contingency*' and would only be released early if there is a '*significant, ongoing shortfall*' in the rate of strategic development sites for Minehead and Watchet, or if the need to realign the B3191 becomes imperative due to coastal erosion.

- 3.7. The National Planning Policy Framework 2021 (NPPF) includes Chapter 9, 'Promoting sustainable transport'. This provides the planning framework for ensuring the transport effects are given proper consideration in allocating land for development and that Local Plan policies actively promote sustainable travel choices.

- 3.8. When considering development proposals, NPPF para. 110 states:

"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been- taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;"



3.9. It also states that:

d) any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree.

3.10. Paragraph 112 then goes on to say that applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;”

3.11. The NPPF 2021 clearly goes further than Local Plan TR1 and TR2 in that it requires new developments not only to promote walking and cycling, but to give *priority* to pedestrians and cyclists. Any development that fails to do so would be in conflict with national planning policy.

4. Proposed development

4.1. The description of development is:

“Outline planning application with all matters reserved, except for access, for the residential redevelopment of agricultural land for up to 136 dwellings with the creation of a vehicular access (closure of existing), provision of estate roads, pathway, public rights of way, cycleways and open recreational space. Also, partial realignment of public highway (Cleeve Hill) (resubmission of 3/37/18/015).”

4.2. The planning application was not supported by a new Transport Assessment (TA) or Travel Plan (TP), instead a Technical Note from 2019 has been submitted (Hydrock document 06288-PO2) providing a revised assessment of vehicle trips. The earlier 2017 Travel Plan is also available on the planning portal, but not the earlier Transport Assessment. However, for the purpose of this report it is assumed that the 2017 Transport Assessment and Travel Plan submitted with the previous planning application are a material consideration in this current application, to be read in conjunction with the new (2019) Technical Note and any further transport information formally submitted in support of the current application.

5. Transport Assessment 2017

5.1. The baseline traffic conditions in the TA relate to a single classified automatic traffic count on Cleeve Hill in July 2017. The TA states that the survey identified the periods of 1000-1100 and 1700-1800 to be the highway peaks. That is incorrect; that survey showed the weekday average between 1200-1300 and also between 1300-1400 to be higher than the 1000-1100 period and also higher than the conventional AM peak period 0800-0900. The survey showed that the lunchtime peak in this location was more significant than the conventional AM peak or the (incorrectly) stated 1000-1100 peak. It is noted that the PM peak (1800-1900) represented the highest peak period.

5.2. Any assessment of traffic impact must consider the highest combined peaks of background plus development traffic.

- 5.3. DfT publication CD 123 provides advice on the geometric design of junctions as well as the assessment of those junctions. It states that “*where there are high seasonal variations, or short intense peaks in the traffic flows then the appropriate seasonal or peak flows should be used*”. In a tourist destination such as Watchet, full consideration must be given to the specific nature of seasonal peak traffic rather than assuming traffic impact is restricted to travel to work in the morning and evening during ‘neutral’ months.
- 5.4. The TA does not include any reference to the existing operation of any local roads or junctions. Many roads in Watchet are narrow due to their historic nature, including Cleeve Hill/West Street/Market Street which is the primary access to and from the site. This route includes a number of significant pinch-points where two vehicles cannot pass. As a result, there is considerable pre-existing congestion on this route caused by reduced link capacity. Any increase in vehicle trips on this route would exacerbate this congestion. The TA is silent on this point. This is addressed further in Section 9 below.

Image 5.1 – Single width carriageway with narrow footways





5.5. Table 4.1 in the TA (replicated in the Travel Plan) sets out walking distances to facilities. The TA does not state the routes along which these distances have been measured. We have been unable to replicate the stated distances by measuring from the centre of the site along currently available routes. Furthermore, the distances themselves have little value in considering the accessibility of the site unless they are benchmarked against desirable walking distances. TA refers to the IHT guidance document '*Designing for Journeys on Foot*'; that document includes the following table:

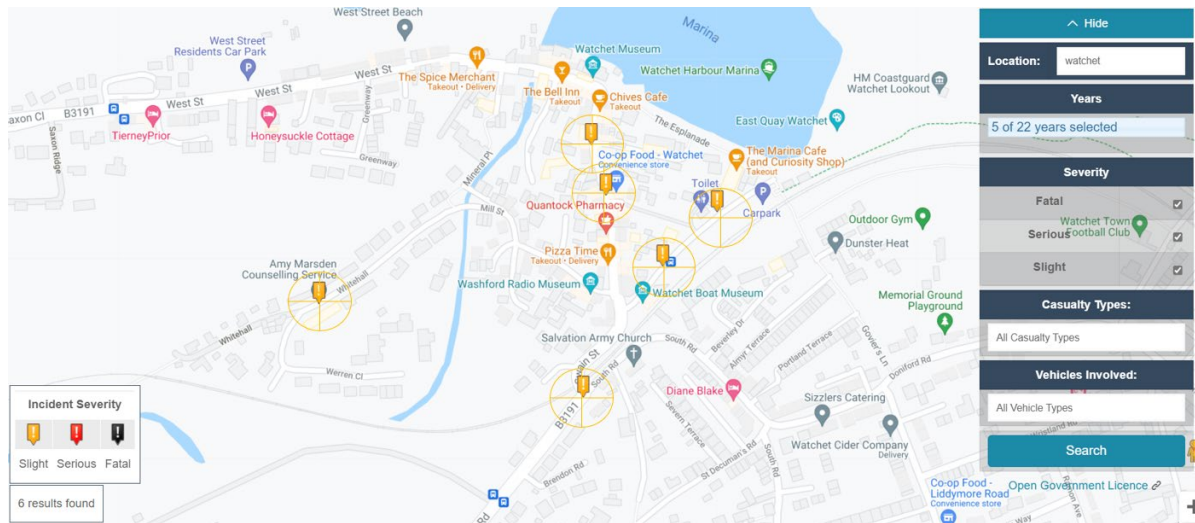
Table 5.1 – Suggested Acceptable Walking Distance (IHT, PJF Table 3.2)

	Town centres (m)	Commuting/school/sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	500
Preferred maximum	800	2000	1200

- 5.6. When judged against these distances, the facilities cited in Table 4.1 of the TA universally exceed the desirable walking distance, generally exceed the acceptable distance and in some instances even exceed the preferred maximum distance. **Given the previous reason for refusal, considerable additional work is required to identify pedestrian and cycle desire lines and benchmark the distances against appropriate guidance.**
- 5.7. Following receipt of comments from the highway authority, the applicant has provided a '*Routes to school NMU plan*' dated July 2021. For clarity, NMU stands for non-motorised users and includes pedestrians, cyclists and equestrians. The routes to school plan suggests minor infrastructure improvements such as tactile paving in locations where the footway widths are already reasonable but makes no attempt to address the significant issues of gradient, lack of footways and condition of public footpaths closer to the site. This is addressed further in Section 8 below. The suggested walking routes, even with the proposed minor works, are not fit for purpose.
- 5.8. The TA and subsequent Tech Note include predicted vehicle trips for the proposed development; however, no attempt has been made to predict the number of pedestrians, cyclists or public transport passengers that would be generated by the scheme. This fails to comply with SCC or national guidance on the assessment of transport effects. The original TA does include trip rates for these modes in the appendices, but they have not been converted into trips within the body of the report. The 2019 Tech Note which revised the vehicle trip rates, was also based on a multi-modal survey but for unknown reasons, only vehicle trip rates were appended to that note.
- 5.9. Based on the TRICS assessment included in the 2017 TA, the development would be expected to generate 271 new pedestrian, cycle and bus passenger trips per day. Of course, every bus passenger would need to walk to and from the bus stop and will therefore represent a pedestrian trip into and out of the site. **The multi-modal rates from the revised TRICS assessment should be submitted for consideration. Clearly, any assessment of NMU routes needs to include a review of the increase in usage along each route as a result of the development.** This has not been done for the proposed development.
- 5.10. The TA includes an assessment of personal injury accidents for the three years prior to the TA being written i.e. 2014-2017. This information is therefore out of date and should be repeated. The assessment should be for a five-year period in accordance with SCC and Government guidance. An initial assessment using the CrashMap website suggests an increase in incidents compared to the 2017 TA as shown below



Figure 5.1 – PIA data 2016 to 2020



- 5.11. The proposed development will generate additional traffic in five of the six incident locations and will result in additional pedestrians and/or cyclists in all six. It should be noted that a Fatal PIA occurred on the B3191 in 2021 to the west of the development site but is not yet listed on the CrashMap website. The proposed development will also increase vehicle traffic in that location.
- 5.12. **A full assessment of up-to-date PIA data is required to inform the access strategy and effects of development.**
- 5.13. In addition to the recorded PIA data, the narrow carriageway and very narrow (or non-existent) footways on Cleeve Hill/West Street/Market Street means that damage to vehicles and adjacent property occurs frequently, the results of which are apparent from a simple site inspection.
- 5.14. Section 7 of the TA is entitled Development Trip Generation and Impact; however, it does not include any assessment of the predicted impact of the development on the highway network.
- 5.15. Having quantified the predicted vehicle trips, the TA includes an assignment of traffic onto the highway network. The assignment process is flawed in that it uses journey-to-work data and applies it to all vehicle trips. Clearly, that does not account for retail, education, social, leisure or other trips, many of which will be more local than the employment trips and so would generate very different distribution patterns. **The trip distribution exercise should be re-assessed to take account of all modes and all trip types, not just employment.**
- 5.16. Importantly, the TA fails to then assess the effects of the additional traffic on link capacity, junction capacity or highway safety; it does not even calculate the proportional increase in vehicle trips on the roads surrounding the site in order to define an appropriate study area. This is a serious omission that should be corrected. **The TA should be amended to include a quantified, objective assessment of the effects of additional traffic on highway capacity and safety.**



6. Technical Note 2019

- 6.1. The 2019 Tech Note includes a revised TRICS assessment which indicates higher vehicle trips than those set out in the 2017 TA. The Tech Note only includes figures for 0800-0900 and 1700-1800. These do not represent the highway peak periods so figures should be provided for the combined background and development peak periods.
- 6.2. The Tech Note Appendix A includes a 2018 letter from SCC together with comments which are presumed to be those of the applicant's transport consultant. There are a number of comments which give cause to question the validity of the report findings:
- a. The use of sites in London and other built-up areas is in line with TRICS guidance.
 - b. TRICS recommends the use of all sites regardless of local population.
 - c. The site plan contains blocks of flats, so they have been included in the assessment .
 - d. The use of journey-to-work data for traffic distribution was deemed a sensible approach.
 - e. As the site is allocated in the Local Plan, any traffic impact generated by the development would already have been considered by SCC.
- 6.3. We would disagree with points a) and b). It is true that TRICS guidance does allow for a blanket assessment approach in order to maximise the data set, but it tempers this advice by advising a more refined selection criteria 'where local conditions dictate'. It is perfectly clear that traffic generation from a new development in Watchet will be very different from one in London (or any major town or city). A multi-modal TRICS assessment should reflect the accessibility of the site and access to public transport in order that the mode share accurately reflects the subject site.
- 6.4. We also disagree with point c) as the application is Outline with layout and design as reserved matters. The masterplan may well include flats for illustrative purposes, but the description of development is 'up to 136 dwellings'. Any assessment of transport effects must therefore assume all houses unless the unit mix is to be controlled by restrictive planning condition.
- 6.5. The traffic distribution method is flawed, as described above.
- 6.6. The most concerning comment is e) which shows a fundamental misunderstanding of the requirements of the Transport Assessment process for allocated sites. SCC were consulted on the Local Plan and land allocations and will have taken those allocations into account in their LTP; however, that does not remove the developer's obligation to assess the effects of their development as part of their planning application. This may explain why neither the TA nor the Tech Note assess the effects of the additional traffic on the surrounding network; however, the result is that the TA fails to provide sufficient information to properly assess the effects of the development.



7. Cumulative impact

- 7.1. As stated above, the TA (and Tech Note) quantifies the additional traffic on the local highway network but does not assess the effects of that additional traffic. However, DfT guidance on 'Travel Plans, Transport Assessments and Statements' also requires the cumulative impact of committed development to be considered as part of the Transport Assessment. The TA makes no reference to other allocated sites, planning consents or committed development.
- 7.2. Of the 2900 proposed dwelling allocations in the West Somerset Plan, 696 are located in Watchet and Williton, comprising:
- Parsonage Farm: 290 dwellings with 3 hectares of non resi uses at the farm building complex.
 - Williton development (3km from Watchet). : approx. 406 dwellings with 3 hectares of non-resi use, subject to an indicative masterplan.
 - Post 2026, Cleeve Hill (the site).
- 7.3. A list of nine planning applications for developments of more than two dwellings since 2019 is included as Appendix B. Those with planning permission (and potentially those awaiting a decision) represent additional committed development for the purposes of assessing the cumulative impact.
- 7.4. It is not acceptable for each development to be considered in isolation. The effects of an individual development may be considered minor adverse; however, the cumulative effects may be moderate or even severe. This is highly relevant to Watchet where the combined effects of recent and future developments are of great concern to local residents.
- 7.5. The TA should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety. It should include recommended mitigation for those combined effects and justify the level of mitigation that should be delivered by this proposed development.**
- 7.6. It should be noted that there are very few, if any opportunities to widen Cleeve Hill/West Street or to reduce two-way traffic through the town centre. Similarly, it does not appear possible to provide suitable pedestrian infrastructure along this length of road; however, the planning submission fails to demonstrate how this development, and the cumulative impact of all committed development would affect this route and the town centre generally.

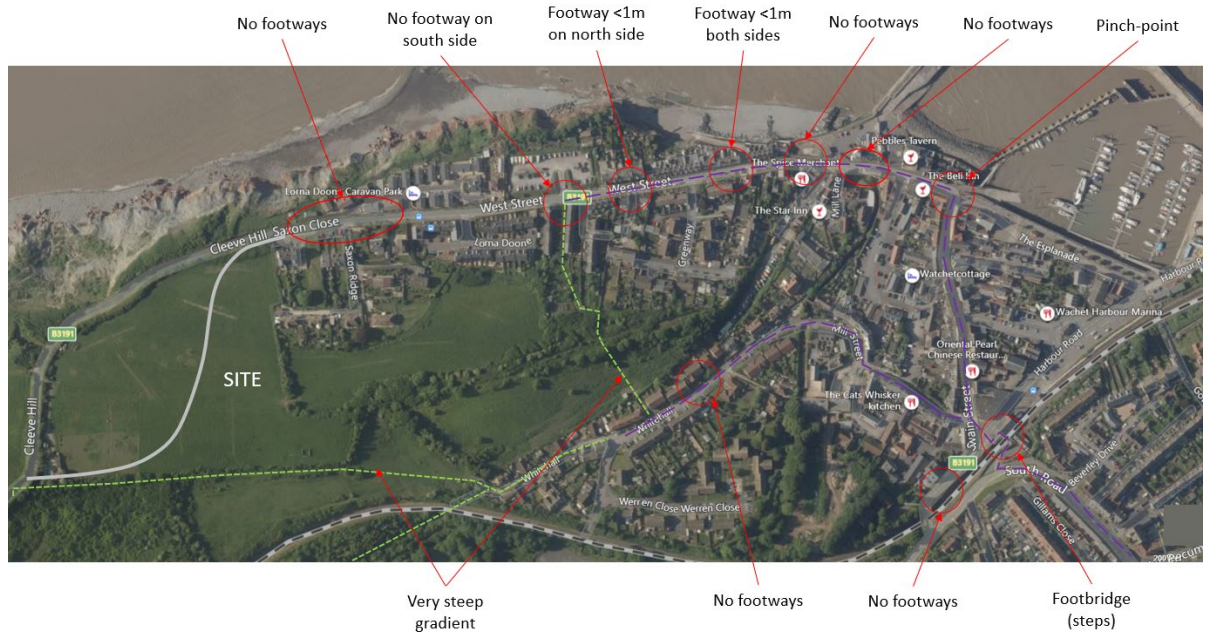


8. Pedestrian routes

- 8.1. The previous application was refused planning permission due to a failure to demonstrate adequate pedestrian access to and from the site. The applicant has submitted a plan entitled 'Route to school NMU plan'. **It is important that pedestrian routes to all local facilities and transport interchanges are given due consideration, not just one route to one school.**
- 8.2. Notwithstanding the above, the submitted plan includes a photographic record of four locations where minor improvements are being proposed (dropped kerbs and tactile paving) but does not record the significant deficiencies in the pedestrian infrastructure close to the site or along the remainder of the route.
- 8.3. The proposed development relies on two existing right of way footpaths to gain access to the highway network. The two footpaths are WL 30/02 which runs east/west along the southern boundary of the site, and WL 30/01 which runs north to south, through the eastern end of the site. Both footpaths provide a link from Whitehall to different points on Cleeve Hill.
- 8.4. We note that the SCC Rights of Way Officer is concerned that the proposed link to WL 30/02 includes land outside the application boundary and may require the permission of a third-party land owner. If that is the case then the link may not be deliverable as part of this development. At the very least, **the footpath link should be included within the red line and notice served on that landowner.**
- 8.5. If these routes are to be relied on as the only walking routes into Watchet (as suggested by the submitted plan), their **width, gradient, surface material, lighting and general condition must be assessed and recorded on any walking route plan.** If mitigation is required, then that should be submitted as part of the planning application so that it can form part of the decision-making process. Needless to say, it may be possible to improve surfacing and lighting, but it does not appear possible to improve the footpath widths and extreme gradients to an acceptable level.
- 8.6. Manual for Street (MfS) states that the minimum unobstructed width for pedestrians should generally be 2.0m but additional width should be provided between the footway and a heavily used carriageway. MfS refers to the DfT publication 'Inclusive Mobility' which advises that where vertical features are present on one side (hedge or fence) the width should be further increased by 0.25-0.5m. Needless to say, in historic locations where existing paths are to be used these dimensions may not be achievable; however, **a proper assessment of walking routes must identify where the path falls below these widths.** Observations on site suggest these routes fall well below appropriate widths for considerable lengths.
- 8.7. The submitted walking plan indicates new dropped kerbs and tactile paving at the junction with Greenway; however, the footways to the west of Greenway are extremely narrow on one or both sides of West Street. They are too narrow for two pedestrians to pass, thereby requiring one pedestrian to step into the carriageway. They are also too narrow for a pedestrian with a pushchair and certainly too narrow for a wheelchair or mobility scooter. This is clearly not a suitable walking route without significant mitigation.



Figure 8.1 – Deficiencies in developer’s identified walking routes



8.8. Figure 8.1 illustrates the significant deficiencies in the suggested walking and cycling routes on the submitted ‘Route to school NMU plan’. This is not intended to be a comprehensive study of the condition of walking and cycling provision as that responsibility falls to the developer; however, it is clear that the developer has still failed to demonstrate that safe and suitable provision can be made for pedestrians and cyclists in accordance with TR1 and TR2.

8.9. MfS states that longitudinal gradients should be no more than 5% but recognises that topography may make this difficult to achieve. **Again, a proper assessment of walking routes must identify where the path exceeds this gradient.**

8.10. We have not completed a formal appraisal of the public footpath gradients between the site and Whitehall (or West Street), but a review of the Ordnance Survey data indicates both routes exceed 25%. Observations on site show that these routes include steps and lengths where the surface is grass or stone. These are clearly unsuitable as walking routes for many pedestrians. Factors such as age, mobility impairments, the need to carry heavy items (school books, shopping etc), walking with a pushchair or trolley are likely to deter or prevent many residents from using these routes to walk to and from the site or to and from a bus stop. During the winter months or at night the absence of comprehensive street lighting is also likely to deter pedestrians from using these routes. The result is that most movement to and from this site will be by private car. This is contrary to TR1 and TR2 and the requirements of the NPPF. It appears unlikely that this fundamental issue can be addressed by conventional mitigation measures.

Image 8.2 – Public footpath conditions (narrow widths, steep gradients and steps)





9. Current highway conditions

- 9.1. The TA includes a traffic survey carried out in July 2017 on Cleeve Hill. Three more recent surveys have been carried out by local residents in April, June and August 2021. We have reviewed the methodology and findings and can confirm that the surveys are robust and reliable. A summary of the methodology and findings is included as Appendix C.
- 9.2. These up-to-date surveys recorded traffic volumes and pedestrian numbers, but importantly they also recorded stationary traffic and congestion at the times of the surveys. These demonstrate four important factors:
- The conventional 0800-0900 and 1700-1800 'peak' periods are not the observed peaks in Watchet;
 - There is significant seasonal variation as a result of summer visitors which should be taken into consideration in any assessment;
 - The variable width of Cleeve Hill / West Street with lengths of single-width carriageway currently results in significant congestion on the primary route leading to the development site (this also applies to other locations in Watchet town centre). Any increase in traffic on these routes would exacerbate the existing congestion (contrary to WA1 and TR1 and NPPF);
 - There are significant pre-existing numbers of pedestrians attempting to use the narrow footways in close proximity to high volumes of vehicle movements (and large vehicles) on narrow historic routes. Any increase in pedestrian trips would exacerbate the existing safety issues (contrary to WA1, TR1, TR2 and NPPF).

Image 9.1 – Existing congestion due to high traffic volumes and low link capacity



- 9.3. These surveys are robust and reliable and should be taken into consideration as part of the determination of this application; however, the developer should not rely on their incomplete data from a single 2017 survey. **New surveys should be undertaken by the developer which record traffic volumes on all sensitive parts of the network, pedestrian volumes on the proposed walking routes and current congestion caused by the variable carriageway widths of the historic highway network in Watchet.**
- 9.4. **Any new assessment of operational capacity, cumulative impact and highway safety should be based on full and reliable survey data.**

10. Realigned B3191

- 10.1. The planning application includes a proposal for the realignment of the B3191 as required by policy LT1. The proposed route comprises a 5.5m wide carriageway with 2m footways on both sides. The route forms an 'S' shape with a tight bend at its north-eastern end and a more gradual bend at its south-western end. The bends will require forward visibility envelopes on the inside which may affect the developable area. The design speed is not specified so needs to be clarified. Depending on the design speed, as there is no direct frontage access this route may need to comply with the requirements of DMRB rather than MfS as its primary function will be 'movement' rather than 'place'. If that is the case, **the required stopping sight distance could range from 70m to 90m. This should be indicated on the submission drawings.**
- 10.2. The illustrative masterplan shows the site taking access from both sides of the realigned B3191 in the form of a four-arm crossroads. This would be inadvisable given the strategic function of the B3191 as means of access into the town. A cross-roads would introduce conflicting right turn movements. Furthermore, **visibility splays should be shown on the plans for vehicles emerging onto the realigned B3191.**
- 10.3. **The revised Transport Assessment should include an assessment of the operational capacity of the site access in order to determine the appropriate junction form.** It may be that a simple priority junction is sufficient; however, a right-turn lane may be required for capacity or safety reasons, and this cannot be determined without an appropriate assessment (PICADY or similar).
- 10.4. The realigned road joins Cleeve Hill immediately to the west of Saxon Close. This is one of the locations where carriageway width is restricted, and two large vehicles are unable to pass. The residents' survey identified this as a location where vehicle queues regularly occur, and large vehicles have been observed attempting (unsuccessfully) to reverse into Saxon Close to allow other vehicles to pass. It does not appear possible to widen the existing carriageway in this location due to private land ownership on the southern side and unstable coastal erosion on the northern side. The choice of location for the new road to join the existing road has obvious safety implications so **the alignment and width of any new route must take account of this pre-existing issue and seek to ameliorate it through appropriate highway design.**

Image 10.1 – Congestion caused by narrow carriageway with at eastern end of proposed realigned B3191





10.5. The realigned route includes footways on both sides along its entire length; however, at the points where it joins the existing road there are no footways and the carriageway is narrow with high verges/hedges on both sides. **It is therefore inappropriate to encourage pedestrian movements to these locations unless appropriate provision is to be made for pedestrians beyond the length of realigned carriageway.**



11. Recommended actions

11.1. This report provides an independent assessment of the Outline planning application for residential development at Cleeve Hill, Watchet (3/37/21/012) with regards to its effects on highways and transportation in the local area. The assessment has identified a number of deficiencies with the proposed development and the information submitted to support the planning application. Where actions are recommended, they are highlighted throughout the report in **bold**; however, for ease of reference, these are summarised below:

- Any assessment of traffic impact must consider the highest combined peaks of background plus development traffic (paragraph 5.2)
- Given the previous reason for refusal, considerable additional work is required to identify pedestrian and cycle desire lines and benchmark the distances against appropriate guidance. (paragraph 5.6)
- Multi-modal trip rates from the revised TRICS assessment should be submitted for consideration. Any assessment of NMU routes needs to include a review of the increase in usage along each route as a result of the development (paragraph 5.9)
- A full assessment of up-to-date PIA data is required to inform the access strategy and effects of development (paragraph 5.12)
- The vehicle trip distribution should be re-assessed to take account of all trip types, not just employment (paragraph 5.15)
- The TA should be amended to include a quantified, objective assessment of the effects of additional traffic on highway capacity and safety (paragraph 5.16)
- The TA should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety. It should include recommended mitigation for those combined effects and justify the level of mitigation that should be delivered by this proposed development. (paragraph 7.5)
- Pedestrian routes to all local facilities and transport interchanges must be given due consideration, not just one route to one school (paragraph 8.1)
- The proposed footpath link should be included within the red line and notice served on that landowner (paragraph 8.4)
- Walking route width, gradient, surface material, lighting and general condition must be assessed and recorded on any walking route plan (paragraph 8.5)
- A proper assessment of walking routes must identify where any path falls below the widths prescribed in SCC and national guidance (paragraph 8.6)
- A proper assessment of walking routes must identify where any path exceeds the gradients set out in SCC and national guidance (paragraph 8.8)
- New surveys should be undertaken by the developer which record traffic volumes on all sensitive parts of the network, pedestrian volumes on the proposed walking routes and current congestion caused by the variable carriageway widths of the historic highway network in Watchet (paragraph 9.3)
- Any new assessment of operational capacity, cumulative impact and highway safety should be based on full and reliable survey data (paragraph 9.4)
- The required stopping sight distance for the road realignment could range from 70m to 90m. This should be indicated on the submission drawings (paragraph 10.1)
- Visibility splays should be shown on the plans for vehicles emerging onto the realigned B3191 (paragraph 10.2)
- The revised Transport Assessment should include an assessment of the operational capacity of the site access(es) in order to determine the appropriate junction form (paragraph 10.3)
- The alignment and width of any new route must take account of existing restricted carriageway widths and seek to ameliorate it through appropriate highway design (paragraph 10.4)
- It is inappropriate to encourage pedestrian movements from the new section of road onto the locations where it joins the B3191 unless appropriate provision is to be made for pedestrians beyond the length of realigned carriageway (paragraph 10.5)



Appendix A

Letter 4/8/2020 setting out requirements for new application

Case Ref: 3/37/18/015 (please quote on all correspondence)

04 August 2020

Mr Lee
Martin S. Lee Associates Ltd
Wyndham
Station Road
Hemyock
EX15 3SE

Dear Mr Lee

TOWN AND COUNTRY PLANNING ACT, 1990. (AS AMENDED)

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Land at, Cleeve Hill, Watchet, TA23 0BN

I write following the decision made at planning committee on the 16 July 2020 regarding the above mentioned planning application. As you are aware, the Planning Committee refused the planning application on the following grounds:

- Lack of affordable housing (policy target not being met);
- Lack of Land Stability Report;
- Concerns with the pedestrian access to and from the site.

We are in the process of finalising the full reasons for refusal and the decision notice will be issued in due course.

Following this decision, officers have given some consideration as to how the issues that have been raised could be addressed, if your client wanted to re-submit a new planning application for this site to be considered further. I consider that any re-submission of this scheme should include the following amendments/ additional information:

1. The description of development should be amended to include the phrase "up to 136no. dwellings".

2. A new Masterplan should be produced taking into account the new position of the road and surface water attenuation features (see below). This should also demonstrate the setback from the extant cliff line.
3. The route known as Option 1D in the WSP Options report, should be utilised for most (approximately 80-90%) of the access road traversing through the site but would need to join up to the existing route of the B3191 at the eastern and western ends, with additional land safeguarded to allow for fully connecting up the route as per Option 1D in the future. This should be shown on the Masterplan.
4. The applicants should demonstrate that there will be adequate pedestrian access to and from the site and that the application is in compliance with adopted WSC Local Plan to 2032 policy TR1 'Access to and From West Somerset'. Part of any subsequent Design and Access Statement (DAS) and/or Transport Statement should directly address pedestrian access. Gradients and possible pavement provision within the site should be detailed if possible.
5. The applicant should provide a Land Stability report, including intrusive ground surveys to demonstrate that the land is suitable for development and that the application is fully in compliance with adopted WSC Local Plan to 2032 policy NH9 'Pollution, contaminated land and land instability' and government guidance re: land stability.
6. Surface water attenuation features as detailed as a requirement in the LLFA's response to 3/37/18/015 should be shown on the Masterplan and appropriately detailed in new drainage assessment/report/plans, in compliance with SUDS (sustainable urban drainage systems).
7. The district valuer's report should be updated to include new details cited above, including any additional costings for engineering works as a consequence of land stability issues at the site and reductions in available land for residential use resulting from SUDS.
8. The application should address the provision of near-to 35% affordable housing target as stipulated in the adopted WSC Local Plan to 2032 policy SC4.2 'Affordable Housing', there may be some potential to look at the mix of tenure/types such as increasing the shared-ownership (and/or discounted open-market units) numbers over social rented, discussions with our SWT colleagues in housing enabling could further explore this issue.
9. Any new application would need an update to the ecological survey and should include other information used with the first application 3/37/18/015 (eg archaeological surveys and results).
10. Comments from Historic England should be addressed in a revised DAS/Heritage Statement and land near to the lime kilns/Daws Castle safeguarded to open space. Details of previous archaeological activities at the site should be included (with the plan of the trial pit sites, and photos showing the locations of trial pits after being covered up, and -if possible- during excavation works, would also be very useful).

Whilst I cannot guarantee the outcome of any planning application, it is considered by

WEST SOMERSET COUNCIL

Council Offices 20 Fore Street Williton Somerset TA4 4QA

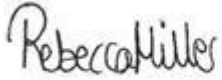
T 01643 703704 F 01984 633022 DX 117701 WILLITON

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officers that if the points raised above are addressed and no further issues are raised, the proposed development will receive officer support.

If you would like to discuss this further, please do not hesitate to contact me.

Yours sincerely



Rebecca Miller
Principal Planning Specialist



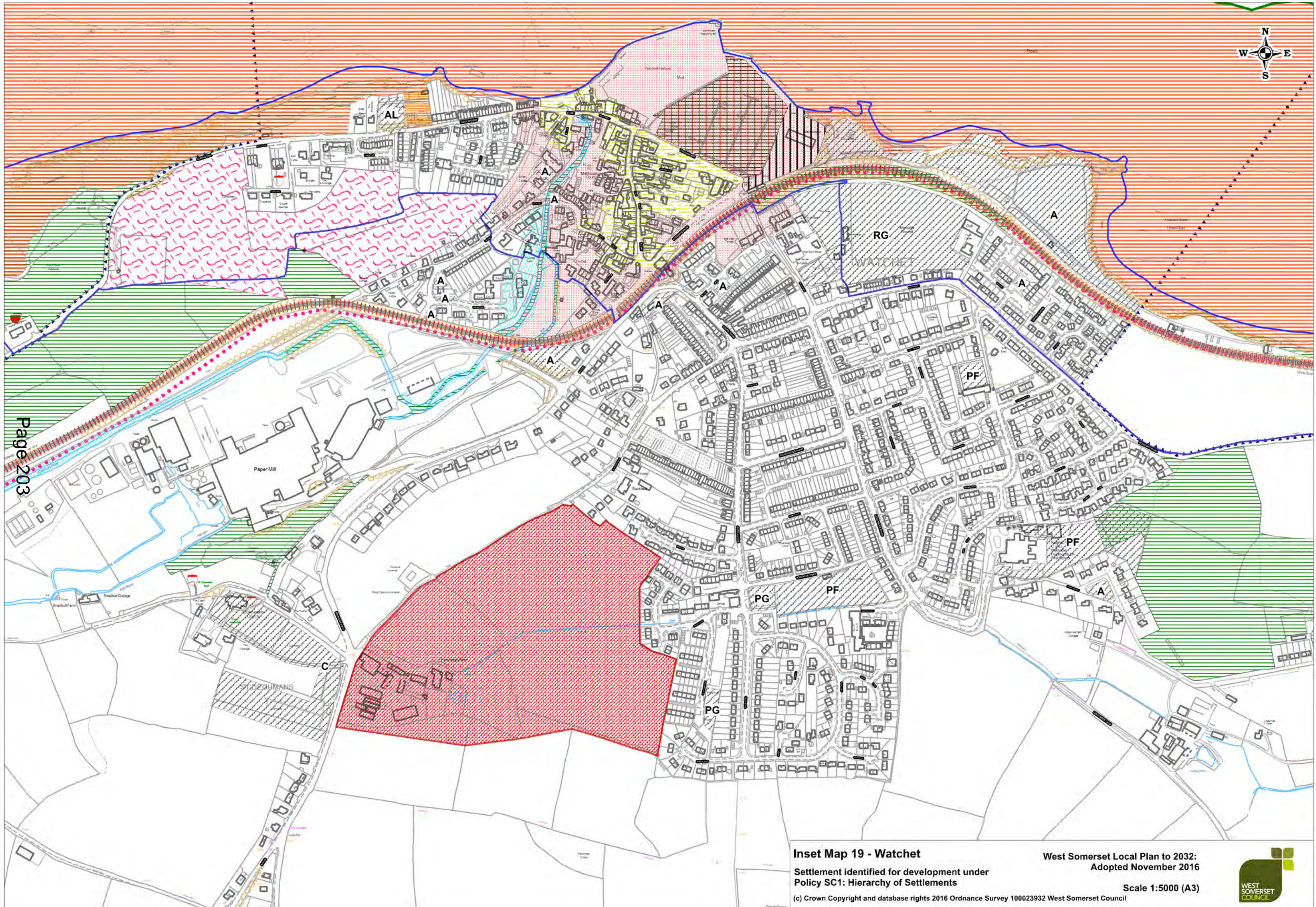
Appendix B

Summary of recent planning applications

No.	Location	Dwellings	Description	status
3/39/21/021	Mamsey House, Priest Street, Williton	4 no. 3 bed	Erection of 4 No. semi-detached dwellings with associated works	Registered
ABD/39/21/001	Fair Cross Williton	2 no. 3 bed	change of use of agricultural building into 2 No. dwelling houses	Refused
3/39/21/010	Priest Street Williton	2 no. 4 bed	Demolition of part of former care home and erection of 2 No. detached dwellings	Refused
3/37/20/007	Culvercliffe Road, Watchet		Replacement of garages with the erection of a club lounge, community hall and gy	Granted
3/39/20/010	Priest Street Williton	2 no.	Erection of 2 No. detached dwellings with associated works	Granted
3/39/20/009	Priest Street Williton	4 no. 3 bed	Change of use from a care home to provide 4 No. holiday units along with managers accommodation	Granted
3/39/20/003	Land to the west of Williton, off Priest Street, Williton	350	Outline application (with all matters reserved) for the erection of up to 350 dwellings (comprising a mix of dwelling sizes and types and affordable housing), approximately 1,000sqm of flexible uses within Use class E (limited to offices, R&D and light industrial), vehicle access, public open space, sports and recreational facilities, footpaths, cycle ways, enhancements to the Barrows scheduled monument including information boards, landscaping and associated works	Awaiting decision
3/39/18/009	Land to the East of Aller Mead, Doniford Road, Williton TA4 4RE	90	Outline planning application (with all matters reserved except access) for the erection of approximately 90 dwellings, creation of vehicular access, provision of open space and other associated works	Granted
3/39/19/001	Doniford Road, Watchet	3No.	Conversion of agricultural building into 3 No. self-contained holiday units	Granted

West Somerset Local Plan to 2032: Adopted November 2016 Inset Map Notation

POLICY AREAS	EXISTING
 West Somerset Local Planning Authority Area (boundary)	 Exmoor National Park Boundary (Policy NH14: Nationally Designated Landscape Areas)
 Area of Outstanding Natural Beauty (Policy NH14: Nationally Designated Landscape Areas)	PROPOSAL
 Site of Special Scientific Interest (SSSI) (WSDLP Policy NC/1)	 Strategic Mixed-Use Development Allocation Site (Policy SC2: Housing Provision, MD2: Minehead, WA2: Watchet and WI2: Williton)
 County Wildlife Site (Policy NH6: Nature Conservation and the Protection and Enhancement of Biodiversity)	 Major Employment Site (Policy Policy EC2: Manor Employment Site)
 Coastal Zone (Policy CC4: Coastal Zone Protection)	 Proposed Car Park Stogursey - Policy SY/1 Watchet - Policy T/7
 Scheduled Ancient Monument (Policy NH1: Historic Environment)	 Proposed Open Space PPF - Proposed Playing Field (Policy SY/1) PPG - Proposed Playground (Policy WIT/1) PSF - Formal Sports Facility (Policy CF1: Health, Sport, Recreation and Cultural Facilities)
 Other Archaeological Site of National or County Importance (Policy NH4: Archaeological Sites of Local Importance)	 Proposed Cemetery Extension Crowcombe - Policy CRO/1 Stogursey - Policy SY/1
 West Somerset Railway / County Archaeological Site (Policy NH4: Archaeological Sites of Local Importance)	 Proposed Environment Enhancement Scheme - Minehead Seafront (Policy MINE/2)
 Linear County Archaeological Site (Policy NH4: Archaeological Sites of Local Importance)	 Site for Mixed Employment, Housing, Community Uses: East Wharf, Watchet (Policy WAT/1)
 Area of High Archaeological Potential (Policy NH3: Area of High Archaeological Potential [AHAP])	 Parsonage Farm Heritage Protection (Policy WA2: Key Strategic Development Allocations at Parsonage Farm, Watchet)
 Historic Park and Garden (Policy NH1: Historic Environment)	 Battlegore Archaeological Protection (Policy WI2: Key Strategic Development Allocations at Williton)
 Conservation Area (Policy NH2: Management of Historic Assets WSDLP Policy CA/4, CA/5)	 Long-Term Strategic Mixed-Use Development Allocation Site (Policy LT1: Post 2026 Key Strategic Development Sites)
 Zone 3 Flood Risk Area	
 Tourism Area - Minehead (Policy TO/2)	
 Minehead Retail Area/Central Retail Area (Policy EC12: Minehead Retail Areas and Central Retail Areas for Alcombe, Watchet and Williton WSDLP Policy SH/3)	
 Minehead Secondary Retail Area (Policy EC12: Minehead Retail Areas and Central Retail Areas for Alcombe, Watchet and Williton)	
 Coastal Change Management Area (Policy CC3: Coastal Change Management Area)	
<p>Open Space</p> <p>A - Amenity (WSDLP Policy R/7)</p> <p>AL - Allotment (WSDLP R/8)</p> <p>C - Churchyard / Cemetery (WSDLP R/7)</p> <p>O - Orchard (WSDLP R/7)</p> <p>PG - Playground (WSDLP R/3)</p> <p>PF - Playing Field (WSDLP R/3)</p> <p>RG - Recreation Ground (WSDLP/3)</p>	<p>Notes:</p> <p>Known and potential built heritage assets should be checked against the (Somerset) Historic Environment Records - Somerset HER's currently held by South West Heritage Trust. See; http://www.swheritage.org.uk/</p> <p>Known and potential natural heritage assets should be checked against natural environment and geological records currently held by Somerset Environment Records Centre - SERC See; http://www.somerc.com/home/</p>
 Bat Consultation Zone (Policy NH11: Bat Consultation Zone)	



Inset Map 19 - Watchet

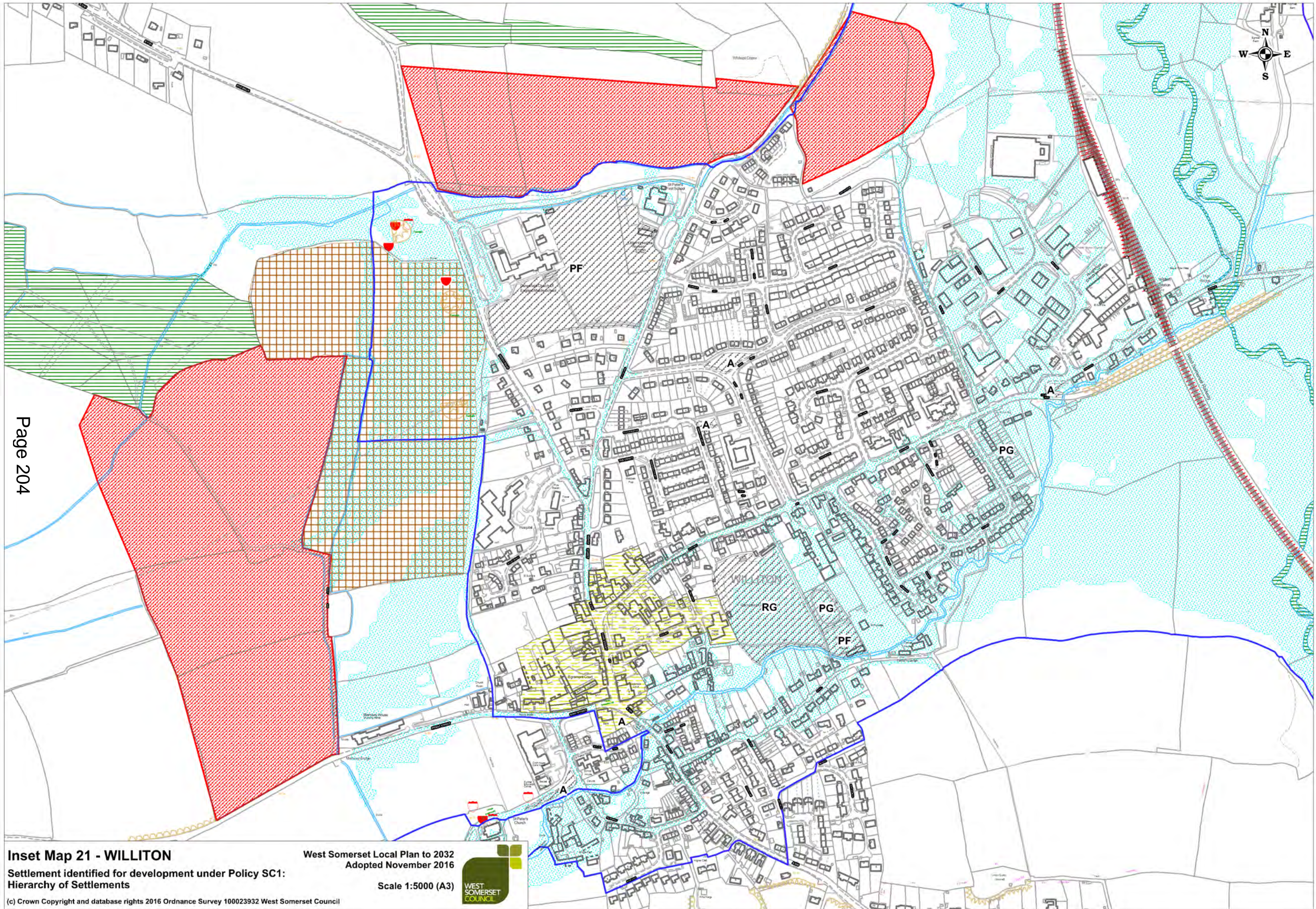
Settlement identified for development under
Policy SC1: Hierarchy of Settlements

West Somerset Local Plan to 2032:
Adopted November 2016

Scale 1:5000 (A3)

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Inset Map 21 - WILLITON

Settlement identified for development under Policy SC1:
Hierarchy of Settlements

West Somerset Local Plan to 2032
Adopted November 2016

Scale 1:5000 (A3)





Appendix C

Recent surveys, methodology and findings

Three Traffic Surveys Watchet 2021

Survey 1 April 22-28 inclusive Aware that the Cleve Hill Planning Application 3/37/21/012 was soon to be discussed, a Residents group mainly of those living on the B3191 in West Street, Watchet decided to survey the traffic to gauge what threat the development posed to existing congestion.

The survey took place during the Covid Lockdown between April 22- 28 inclusive. It sampled three time periods 7.45-9.45, 12-2 pm and 3-5 pm. Two people filled in a proforma counting traffic in both directions Westbound and Eastbound. It revealed that over the seven days:

- The flow was roughly the same in both directions.
- There was little difference between weekdays and the weekend.
- The average number of vehicles across the day, measured in those time slots, was 992
- Peak Hours as applied by Hydroc in the Transport Report, did not exist as the traffic was lightest at the beginning and end of the day and heaviest between 12-2 pm.
- There were almost as many pedestrians as cars.
- There were on average 22 bicycles a day. 157 in total.

Survey 2 June 4-6 inclusive When Lockdown eased, and traffic was increasing, the Residents group repeated the survey using the same time slots on Friday 4th June.

That day revealed:

- The flow was roughly the same in both directions.
- There was more traffic on Saturday and Sunday.
- The number of vehicles across the day, measured in those time slots, increased from 992 in April to 1268 in June.
- Peak Hours as applied by Hydroc in the Transport Report did not exist as the traffic was lightest at the beginning and end of the day and heaviest between 12-2 pm.
- There were 793 pedestrians on average each day increasing from an average of 634 per day in April
- There were 20 bicycles on average each day which was a similar number to the average of 22 a day in April.

Curious to discover how busy the road was during the whole day, the survey on the next two days was over the day from 8.15 am-5pm. The results were considered in the same three time periods

- The flow was roughly the same in both directions.
- The number of vehicles across the day, measured in the original time slots, was similar to April 2021 at 1281
- Peak Hours as applied by Hydroc in the Transport Report did not exist as the traffic was lightest at the beginning and end of the day and heaviest between 12-2 pm.
- There were twice as many pedestrians as cars increasing from an average of 634 per day in April to 1210 in June.
- There were on average 43 bicycles per day.

Survey 3 August 14-16 inclusive. The two earlier surveys focussed the Resident's attention on the congestion points on the B3191 and the split in traffic flow caused by the railway line. The major congestion points are at the Cooperative on Swain Street and Saxon Close where the Developer proposes to route his highway back onto the existing B319.

The traffic on the B3190 which is the road connecting to the A39 for Bridgwater in the East and the A39 Bridgwater- Minehead road to the South carries the traffic from both the East side of the railway line and from the West to the connecting road at Williton for the A39 and A358.

It was decided to sample traffic at all three sites on the same days at the same times.

the third survey was set up to test the following hypotheses;

- Traffic flow through Watchet on the B3190 is heavier than on the B3191.
- The traffic flow on both the B3190 and B3191 is similar in both directions throughout the day
- The Peak hours in Watchet are when people leave for work between 0800-0900 and returning between 1700-1900
- The main flow into traffic is in the middle of day on all days of the week.
- Jams confirm there is a major congestion point on the B3191 in Swain Street outside the Co-operative carpark.
- Jams confirm the major congestion point on the B3191 where the road narrows to single track at Saxon Close.

Method

Proformas with time slots broken into 15-minute fragments were produced for all three locations. (example attached)

Two monitors infilled the Pro forma one noting one direction, one noting the other.

Both monitors noted traffic jams. A jam was defined as the traffic stationary for more than one minute. Time was measured until the jam was cleared and the traffic was running freely

Results

There were 2621 cars on the B3190 on the 16th August and 2100 cars on the B3191.

There was minimal difference between directions on either the B3190 or B319

There was no evidence of a peak hour at 0800-0900 or returning between 1700-1900.

The main flow of traffic onto the B3191 was between 1200 and 1400 in Swain Street, Saxon Close and similarly on the B3190, Brendon Road,

There were 3 small jams at the Cooperative on 14 August, 1 on 15th August and none on 16th August indicating regular congestion.

- There were 4 jams at Saxon Close on Day 1 (14 August) the longest being 8 minutes.
- There were 2 jams at Saxon Close on Day 2, (15 August) the longest being 5 minutes.
- There were 2 jams at Saxon Close on Day (16 August) the longest being 20 minutes.
- There were no jams on Brendon Road.

Congestion was caused when a lorry, bus, caravan, campervan or bus met a van or large car like an SUV. Monitors noted cars always managed to get around one another by getting on to the pavement or into a slightly wider area.

All monitors in Swain Street noted that there was almost continuous slow-moving traffic with cars regularly mounting the pavements to avoid people. The monitors on Day 3 from 1600-1800 noted 25 cars mounting the pavements in that period.

There were positive and negative comments on Facebook during the survey someone suggested that the monitors on the pavement were, like pedestrians were exposed to danger.

Visual inspection of the results from the April – June and August surveys suggest that a graph would confirm that there is no morning and evening peak hour on the B3191.

Conclusion

The Transport Plan submitted by the Developer is not supported by the evidence.

From: [Miller, Rebecca](#)
To: [Planning](#)
Subject: FW: Response WTC - Cleeve Hill
Date: 04 November 2021 10:39:47
Attachments: [JGuise3Nov"21.pdf](#)

Please save

Thanks

Rebecca

Rebecca Miller
Head of Development Management
Somerset West and Taunton Council
r.miller@somersetwestandtaunton.gov.uk
01823 219470
www.somersetwestandtaunton.gov.uk

From: Town Clerk Watchet T.C. <mailbox@watchettowncouncil.org>
Sent: 04 November 2021 10:21
To: Guise, Jeremy <J.Guise@somersetwestandtaunton.gov.uk>
Cc: Miller, Rebecca <R.Miller@somersetwestandtaunton.gov.uk>
Subject: Response WTC - Cleeve Hill

Dear Mr Guise

Please find attached a formal submission to SW&T planning in response to the SCC Highways dismissal of the letter and report submitted by Watchet Town Council. Watchet Town Council expect this letter to be posted on the planning portal and into the public domain.

Many thanks

Regards

Sarah Reed

Sarah Reed
Town Clerk

: 01984 633344
: www.watchettowncouncil.org

Watchet Town Council
Watchet Visitor Centre
Harbour Road
Watchet
Somerset
TA23 0AQ

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Jeremy Guise
Planning Officer
Somerset West & Taunton Council

3 November 2021

Ref: *Further formal response from Watchet Town Council to planning application, Cleeve Hill Watchet, application 3/37/21/012*

Dear Mr Guise

On 23 September 2021 Watchet Town Council submitted a letter of objection against the above planning application, supported by a technical appraisal we had commissioned from Entran, an external independent traffic and environmental expert. This submission identified that the application is deficient in many respects and fails to comply with local policies TR1, TR2 and WA1, as well as national policy NPPF. Furthermore, it identified that the traffic assessment should include a quantified, objective assessment of the cumulative effects of committed development, including walking, cycling, public transport, highway capacity and highway safety, and that it should include recommended mitigation for these combined effects and justify the level of mitigation delivered by this proposed development.

We have reviewed the SCC Highway Authority's desultory consultation response dated 21/10/21 ref WSC/2021/015900 and posted on your portal in response to our submission.

WTC as a statutory consultee remains deeply concerned that the highway authority has dismissed the entire submission out of hand without even seeking a response from the applicant before making their latest comments or considering the wider responsibilities they hold as transport authority.

There can be no doubt that the developer has failed to assess the off-site effects of the additional traffic and had not even considered the cumulative effects of committed development. That is unquestionably a matter that needs to be addressed. Furthermore, in the absence of such a proper assessment that is a clearly defensible reason for refusal (NPPF para 110).

The previous application was refused by SW&T planning committee due to concerns about pedestrian and cycle access but again, the developer has undeniably failed to demonstrate how safe and suitable access can be provided for all non-motorised users (TR1, NPPF 110) and they have certainly not demonstrated how this development would give priority to pedestrians and cyclists and then to public transport users (TR2 and NPPF 112).

The Highways authority in their response have declined to require this to be done by the developer and have therefore failed in their duty properly to assess such matters which fall under their remit as Highway's authority.

Additionally, the local highway authority's obligations extend beyond ensuring safe, free flow of traffic; they have an obligation to ensure new development promotes sustainable travel behaviour which this proposal clearly does not. It is therefore extremely disappointing that they are entirely focused on the delivery of a short length of the B3191 rather than securing an appropriate form of development.

We therefore ask whether the SW&T as planning authority, despite SCC's response, have asked for the developer to address the issues we have raised, and if not, why not?

SW&T would similarly be failing in its duty as planning authority if it does not require such matters to be addressed.

By copy of this this reply to SCC Highways we are also formally requesting them to demonstrate and justify why they consider the proposed development complies with NPPF paras 110 and 112 as well as WA1, TR1 and TR2, and we would be appreciative of a meeting with the SW&T planning officer handling this application to discuss how these matters might be addressed to our satisfaction.

Yours sincerely



Sarah Reed
Town Clerk

Cc Rebecca Miller SW&T Planning
SCC Highways Traffic Manager



Sarah Reed
Town Clerk
Watchet Town Council
Watchet Visitor Centre
Harbour Road
Watchet
Somerset
TA23 0AQ

Dear Sarah,

135 new dwellings at Cleve Hill (3/37/21/012) – SWTC and SCC response to WTC objection

Thank you for passing us a copy of an email from the planning case officer in January 2022, including an extract from comments made by the local highway authority (SCC). We have reviewed that email and the full consultation responses made by SCC and would offer the following comments.

We were very surprised that the planning authority passed your letter of objection and our Technical Note 1 to SCC for comment, but does not appear to have asked the applicant to respond to any of the legitimate objections. As you are aware, we act for housing developers throughout the UK and it is very common for the planning authority to pass any highways objections made by Town or Parish Councils to us (via the applicant), requesting a written and/or technical response. Your letter of objection provided four policy-based reasons for refusal but importantly, set out some twenty detailed points where the applicant's submission material was deficient. We cannot understand why the applicant was not asked to respond to those points; at the very least so the Members of the Planning Committee can make an informed decision.

SCC have stated that they have reviewed your letter of objection and our Technical Note 1 and consider that there are "*not sufficient grounds for refusal of the development proposed subject to appropriate conditions and legal obligations being met*". We fundamentally disagree with this position because no conditions or obligations can address the fact that the applicant has failed to quantify the significant adverse effects of this development on highway safety and capacity (either in isolation or cumulatively). They have also failed to provide any coherent strategy to ensure the safety of pedestrians and cyclists, or people with disabilities. It is very disappointing that SCC has not provided a more complete justification as to why they disagree with your four reasons for refusal.

However, notwithstanding these important points, SCC's position appears to be setting a very low bar for new developments in Watchet. Paragraph 126 of the NPPF states "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*" The creation of high-quality places is not isolated to building design but extends to the movement strategy and means of access. Paragraph 130 then states, "*Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*". We would therefore expect the local highway authority to be seeking the best quality developments achievable rather than supporting self-evidently poor-quality developments. We would have expected as a minimum for SCC to ask the applicant to respond to your letter of objection, and to address each of the areas where their scheme and submitted information is currently deficient.

We are also somewhat alarmed by the planning case officer's comments in relation to the need to conduct a full and thorough Transport Assessment for a planning application where the site is allocated in the Local Plan. The case officer's statement that this is not a windfall site but an allocated site, inferring that the transport effects have already been fully assessed, suggests a fundamental misunderstanding of the DfT's guidance on Travel Plans, Transport Assessments and Statements.



The officer has commented that *“As an allocated site the issues around its general suitability to accommodate residential development have already been tested and considered acceptable by a Planning Inspector as part of the Local Plan process.”* It is certainly the case that the principle of residential use on this site was considered as part of the Local Plan process, but no transport modelling was carried out for Watchet as part of the process. In some circumstances a microsimulation model is used to inform the Local Plan EiP process and any subsequent planning applications for allocated sites then simply need to demonstrate how the proposed uses compare to those assumed in the model. That is clearly not the case here; it is therefore incumbent on the developer to assess the effect of their development on the transport network, both in isolation and cumulatively with relevant committed development, and to identify any mitigation measures that may be required. As stated in TN1 the applicant’s Transport Assessment does not include any reference to the existing operation of any local roads or junctions, nor does it assess the effect the development will have on those roads and junctions. They have therefore failed to assess the likely effects of the proposed development on an already congested highway network. A proper assessment is likely to identify essential mitigation measures or set a limit on the number of dwellings that can be developed. It is not possible to address these issues by condition or obligation until the proper assessment has been carried out.

An equally concerning comment is that *“pedestrians sharing a carriageway with vehicles along small stretches of existing streets is not that uncommon in historic towns.”* Again, this is factually correct but a wholly inappropriate comment when considering this proposed development and the specific nature of the only routes available to pedestrians, cyclists and people with disabilities and reduced mobility. As we pointed out in Technical Note 1, the applicant has not even attempted to quantify the number of additional people that would be walking or cycling along Cleeve Hill/West Street/Market Street as a result of this development. It is therefore not possible for the planning or highway authorities to make an informed decision as to the likely effects on highway safety as required by policy TR1. Equally, policy TR2 requires new developments to give priority first to pedestrian and cycle movement and then to public transport passengers. Given that the submitted Transport Assessment has not even determined the likely numbers of people travelling by these modes, it is evident that this will be a car-based development with very few opportunities for the residents to make sustainable travel choices. Even the briefest of site visits makes it quite clear that the current infrastructure would make it impossible for someone with limited mobility to live in this development without complete reliance on a car for even the shortest of journeys. The applicant has not suggested any suitable infrastructure improvements that would address this; in fact, they have not even identified this as an issue. It is not possible to address these issues by condition or obligation until the proper assessment has been carried out.

The most telling comment in the planning case officer’s email is that the proposal will deliver a new alignment for the B3191 and that this will be weighed in the planning balance. It appears that they consider such a tempting infrastructure scheme outweighs the most fundamental principles of delivering suitable development. Many of the new residents would be entirely reliant on private cars for the majority of their journeys. The proposals do not include off-site works to enable safe means of access for pedestrians and cyclists, or safe and suitable routes to public transport interchanges. The proposals do not include any realistic improvements that would make this a suitable location for people with disabilities or reduced mobility. Within the context of the NPPF, these key components of sustainable development cannot simply be outweighed by the highway authority’s desire for a development to fund a road realignment scheme.

In the absence of a Transport Assessment which properly quantifies and assesses the predicted effects of the development, any decision made based on this ‘planning balance’ may be challengeable.



The officer concludes by claiming that neither the planning officers nor highway officers consider there to be any material considerations that “*override the presumption in favour of development.*” The officer has omitted a critical word from this statement; the NPPF refers to a presumption in favour of *sustainable* development. For the reasons set out above, in Technical Note 1 and your letter of objection, this is demonstrably not a sustainable development in its current form.

We consider WTC’s four suggested policy-based reasons for refusal are sound and defensible. These are repeated below.

1. The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)
2. The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)
3. The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians, cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)
4. The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers in order to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF)

Please can we ask you to pass these comments to the planning case officer for consideration. We would recommend that you request the following actions:

- The applicant should be asked to provide a written response to WTC’s letter of objection, addressing each of the identified deficiencies in turn.
- SCC should be asked as a courtesy to write to WTC to explain in detail why they would not support each of the suggested reasons for refusal, setting out how the proposed development complies with the policies to which they refer.

I trust that the above covers all matters in sufficient detail, however, please do not hesitate to contact me if you require any further information.

Yours sincerely

Richard Fitter

Director FCILT, FICE, FIHE

Jeremy Guise
Planning Department
SW&T Council

J.Guise@somersetwestandtaunton.gov.uk

29 March 2022

Ref: Outline Application: Residential Redevelopment of Agricultural Land for Estate of up to 136 Dwellings. Creation of New Vehicular Access (closure of existing). Provision of Estate Roads, Pathway, New Public Rights of Way, Cycleways and Open Recreational Space. Partial Re-alignment of Existing Public Highway (Resubmission of 3/37/18/015): Cleeve Hill, Watchet ref. 3/37/21/012

Dear Mr Guise,

Watchet Town Council has instructed me to write to you and refer you to my previous letters of 23 September 2021, 3 November 2021 and email of 17th January 2022 outlining Watchet Town Council's objection to this application.

I am authorised by Watchet Town Council to reply to your email of 19th January 2022 by this letter because you have continued to fail to address the legitimate points we have raised.

Your email contains a number of key omissions and errors which are addressed in more detail in the attached letter from Mr Richard Fitter our consultant traffic and environmental consultant with Entran, who has asked that his report and comments be passed on to you in support of our continuing objection.

Your email concludes by claiming that neither the Planning Officers nor Highway Officers consider there to be any material considerations that "override the presumption in favour of development." This has omitted a critical word from the statement as the NPPF refers to a presumption in favour of **sustainable** development. For the reasons set out in our submissions, including Technical Note 1 and our letters of objection, **this is demonstrably not a sustainable** development in its current form.

Watchet Town Council's four suggested policy-based reasons for refusal are sound and defensible as detailed below:

1. The applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of highway capacity and congestion) or on highway safety can be mitigated to an acceptable degree. (NPPF)
2. The applicant has failed to demonstrate that any impacts from the development in terms of highway capacity and congestion will not have an adverse effect on the attractiveness of Watchet as a tourist destination. (Policy WA1)
3. The applicant has failed to demonstrate that safe and suitable access can be provided to and from the site for all users including pedestrians, cyclists, and people with disabilities and reduced mobility. (TR1 and NPPF)
4. The proposed development does not give priority first to pedestrian and cycle movement and then to public transport passengers to maximise the attractiveness of modes of transport other than the private car. (TR2 and NPPF)

As you have still failed to address properly many of the issues we have raised, Watchet Town Council formally request that you commit to complete the following actions.:

- The applicant should be asked to provide a written response to WTC's letters of objection, addressing each of the identified deficiencies in turn.
- SCC should be asked as a courtesy to write to WTC to explain in detail why they would not support each of the suggested reasons for refusal, setting out how the proposed development complies with the policies to which they refer.

Watchet Town Council would finally note that in the absence of a Transport Assessment which properly quantifies and assesses the predicted effects of the development, any decision made based on this 'planning balance' may be challengeable.

Watchet Town Council understand that the SW&T Planning Committee are scheduling a site visit prior to the application being considered at committee. Although historically, former West Somerset Council held such site visits as a public session of committee, Watchet Town Council understand this will be a closed meeting where the public are not permitted to attend. Watchet Town Council would therefore appreciate being informed on when this site visit is scheduled, and when it will be considered by committee such that Watchet Town Council may plan to request to make appropriate representation under public participation.

Yours sincerely

Sarah Reed
Clerk to the Council

cc SCC Highways

Simon Fox
Planning Officer
Somerset West & Taunton Council

16 December 2022

Comments on Cleeve Hill planning application 3/37/21/012 by Watchet Town Council

Following discussion at the Watchet Town Council Environment and Planning Committee held on Thursday 15 December, I wish to submit the following observations.

The Town Council stands by the comments it has made in its previous submissions dated on the Planning Portal as follows:

21 April 22, 5 April 22, 31 March 22, 3 November 21, 3 November 21, 23 September 21, 25 May 21, 27 April 21.

The Council has submitted evidence from two independent specialists to the Planning Authority, Richard Fitter of Entran who has over 30 years of experience in traffic engineering and transport planning, and by Dr Andrew King of Geckoella who are specialist consultants on Ecology and Geology. These specialists challenged the traffic analysis and the land stability assessments provided by the applicant.

The Council supports the assessments on land stability prepared for the Planning Authority by Clare Barber of Fairhurst consultants. The Council considers that to grant permission for this development would breach National Planning Policy NH9 regarding development on unstable ground. The ground cannot be made stable without coastal protection works which are at present un-costed and unfunded.

The Council would draw the attention of the Authority to the comments on pedestrian access by Somerset County Council Highways in their submission of 8 August 22 when they state that a contribution from S106 of some £30,000 would be required to upgrade footpath WL30/1 which leaves West Street opposite the Watchet Town Council car park to reach the proposed development site. They recognise "... that the constraints of this route, specifically in terms of its width and gradient, mean that it will not be accessible to all." This means wheelchair and buggy users would struggle using this especially since that cost does not include a lighting scheme. Highways recognise that two other footpaths cannot be upgraded due to landowner issues ie the landowners will not let the developer touch them. Given this, the development fails to meet national planning guidance on accessible pedestrian access.

The council would draw the attention of the Authority to the comments in the submission by the Somerset Clinical Commissioning Group dated 23 May 22. After making an assessment of doctors surgery capacity in Watchet and Williton they conclude that a S106 contribution of £78,684 is required to mitigate against the effects of the development were the authority is minded to grant permission for it.

The Council understands that the Authority is minded to forego these two S106 contributions in favour of the developer fully funding the realignment of the B3191. The Council can only deplore this situation.

The Council also fully supports the submissions by the West Somerset Railway which object to the proposed mitigations suggested for the Goviers Lane rail crossing which is shown as the preferred route to school from the proposed development site. It is considered that the extra foot and buggy

traffic generated by this development would stretch the capacity of the rail crossing without costly mitigation in the form of a ramped accessed bridge at that point.

The Council wishes to convey its serious objections to this planning application which is brought forward early without justification and is no longer a mixed use development as envisaged in the approved Local Plan.

APPENDIX -

2) Highways consultation responses:

09 July 2022

13 July 2022

25 August 2021

21 October 2021

08 August 2022

For Roads and Transport services: 0300 123 2224

Planning and
Development
The Deane House
Belvedere Road
Taunton
Somerset
TA1 1HE

please ask for:
Ben Willmott

extension:
01823 359540

email:
HighwaysDevelopmentControl@somerset.gov.uk

my reference:
WSC/2021/015900

your reference:
3/37/21/012

9 July 2021

FAO: Alex Lawrey

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS,
FOR THE RESIDENTIAL REDEVELOPMENT OF AGRICULTURAL LAND FOR 136
DWELLINGS WITH THE CREATION OF VEHICULAR ACCESS (CLOSURE OF
EXISTING), PROVISION OF ESTATE ROADS, PATHWAY, PUBLIC RIGHTS OF
WAY, CYCLEWAYS AND OPEN RECREATIONAL SPACE. ALSO, PARTIAL RE-
ALIGNMENT OF PUBLIC HIGHWAY (CLEEVE HILL) (RESUBMISSION OF
3/37/18/015)
APPLICATION REFERENCE: 3/37/21/012**

I refer to the above planning application received by the Highway Authority on 13 April 2021 and have the following observations on the highway and transportation aspects of this proposal. I apologise for the delay in our response.

The proposal is a resubmission of previous application 3/37/18/015 for the same number of dwellings but with a different route for the proposed relocation of the B3191 and two points of access to serve the residential development.

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Transport Assessment

The Highway Authority has assessed the supporting transport information and maintain our view that the proposal, on balance would be difficult to recommend and sustain an objection against the application and its compliancy with the NPPF.

Road Relocation and vehicular access

The application is seeking to secure the rerouting of the B3191 and the longer term security of the classified road, due to coastal erosion issues faced in the area. This was previously agreed in principle as part of former application 3/37/18/015 following guidance from the published B3191 Watchet to Blue Anchor Option Assessment Report from February 2020.

This proposal however, whilst in principle meets the associated policy requirement LT1 in the Local Plan, is limited in terms of detailed design for the Highway Authority to appropriately assess.

The Highway Authority need to ascertain, along with the proximity of the two access points whether the road and its proposed new route is deliverable. Therefore, with consideration of the topography of the proposal site, the Highway Authority would require, further detailed information on appropriately scaled, detailed engineered drawings highlighting how the B3191 would cut and tie into the proposed new route for further assessment to establish whether, in real terms its delivery is achievable.

It needs to be understood, how the rerouting of the road and closure of the existing route will work in harmony and be appropriately delivered in a manner that is acceptable to the Highway Authority.

Non-motorised user access

The supporting drawings would indicate proposed footways directing pedestrians, onto the B3191. The scheme needs to be designed to ensure pedestrian footfall does not encourage future pedestrian and vehicular conflict on the classified carriageway whilst ensuring appropriate crossing areas have been implemented and agreed in writing in conjunction with the Highway Authority. It is also recommended that the applicant investigate what desire line could be improved on the existing highway

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network to/from local amenities and destination points to promote non-motorised user travel.

The Highway Authority are in the process of providing detailed requirements and obligations for the applicant, to be secured through a S106 to improve and upgrade existing Public Rights of Way. This detail is to be finalised shortly, and the Highway Authority will provide this information to the LPA at the earliest opportunity once completed.

Estate Roads

Whilst the application is at outline stage with all matters reserved except for access the applicant has provided an indicative layout of how the scheme (if the LPA are minded to grant consent for this application) is proposed to be implemented at the reserved matters phase. The Highway Authority can offer the following comments at this stage based on the information provided to date and with reference to Drawing Numbers:2161/201C & 2161/202.

- It is assumed all brown shaded areas are indicated to be shared surface/blocked paved area, however not all are currently to an adoptable standard primarily due to their current design and lack of appropriate turning areas.
- The Octagon shaped 'arrangements' is not a design SCC currently cater for and would need to understand how it would work in harmony and remain S38 compliant.
- The current arrangement proposed to the eastern end of the site, would not be to an adoptable standard in its current format and would require amending. This would in turn compromise the adoptability of the internal Estate/approach road, primarily for the absence of an appropriate turning head.
- There are initial concerns about the indicative parking arrangement off the eastern Estate Road for plots 12-20 in relation to the proposed estate road layout. This may compromise any future S38 adoption submission.

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- Should consent be granted, vehicle, cycle, motorcycle, and electric vehicle charging points (EVCs) is expected to be in line with the Somerset Parking Standard when submitting supporting detail at reserved matters stage.

It is recommended prior to any reserved matters application, early engagement is made with the Highway Authority Estate Roads Team to discuss any S38 adoption proposals.

Travel Plan

The application consists of a supporting Travel Plan which has been assessed.

There are a number of issues identified, that will require addressing to achieve an acceptable Travel Plan. A suitable Travel Plan must be secured through a S106 with appropriate trigger points.

The key points that require addressing are:

- A Travel Plan Fee has not been committed to within the TP. The fee amount would be £3000 and paid directly to SCC.
- Safeguarding sum needs to be identified within the TP (£29,875). The use of safeguarding has been committed to in section 1.3.6.
- The Site Audit fails to provide sufficient detail regarding the sustainable access to and from the site via walking and cycling. An example being current speed limits on nearby roads to establish the feasibility of cyclist using the roads regularly.
- Bus Stop provisions have not been accounted for within the Travel Plan (e.g. shelters, flagpoles, and visible timetables).
- The site is located within a suitable cycling distance to a couple of schools however no detail is present as to what facilities are available to accommodate cyclists (e.g. how many bicycle stands they have available).
- The Action Plan fails to fully commit to measures it highlights in Table 9.2. Some of the measures noted require further clarification, for example the use of Travel Vouchers and public noticeboard.

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Drainage

Our comments in relation to previous submitted scheme 3/37/18/015 remain valid to this application, and our reiterated below:

Given the limited detail provided for the revised scheme, the applicant will need to be mindful of the existing drainage infrastructure. The new proposal must not compromise any of the existing arrangements or rights of discharge.

Full details will be required for the existing drainage and services and how the proposed drainage arrangement will work in harmony with the existing drainage arrangements.

Summary

The level of detail submitted to date for the proposed relocation of the B3191 and proposed accesses is insufficient for the Highway Authority to understand whether in principle it can be satisfactorily achieved without any prejudice to highway safety. Given access is not a reserved matter, detailed engineering drawings are required to be submitted to ascertain this through further assessment. The Highway Authority also recommend the applicant investigate the scope for pedestrian improvements on the wider network to improve non-motorised user accessibility to and from local destination areas.

Once the Highway Authority has received this necessary information further comments will be provided to the LPA once the detail has been appropriately assessed.

Yours faithfully,

Ben Willmott
Senior Planning Liaison Officer
Economic and Community Infrastructure Operations
Traffic and Transport Development Group
Somerset County Council

From: [Ben Willmott](#)
To: [Lawrey, Alex](#)
Cc: [Planning](#)
Subject: Cleeve Hill, Watchet - 3/37/21/012
Date: 13 July 2021 09:44:04

Dear Alex,

With regards to the above site and further to our comments dated 9 July 2021, please see the following requirements and obligations as part of the scheme to improve and upgrade non-motorised user access, to be secured as part of any S106 obligations:

- To provide a dedicated footpath on the north west of the site generally in accordance with drawing no. 2162/201D, and with the provision of a dedicated safe and convenient footpath link scheme to the England Coast Path National Trail. To act as an alternative route for the England Coast Path when Cleeve Hill road is temporarily or permanently closed to walkers. To cooperate in full with the County Council and Natural England in relation to any rollback or variation report process to relocate the England Coast Path as may be necessary (Timing to be agreed).
- Prior to first occupation to provide a lit and metalled footway link from the development to public footpath WL 30/1.
- Prior to commencement a contribution of £30k is payable to the County Council to upgrade the surface of footpath WL 30/1 from the development to West Street
OR
Prior to first occupation deliver surface upgrade works to WL 30/1 from the development to West Street (*this will require 3rd party landowners to sign up to the s106/s278*).
To improve the accessibility for pedestrians as far as possible.
- Prior to completion to provide a footway connection link from the development to public footpath WL 30/2.

Kind regards

Ben Willmott
Senior Planning Liaison Officer
Highways Development Management
Economic and Community Infrastructure Operations
Somerset County Council
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County Hall
Taunton TA1 4DY
☎ 01823 359540
01823 357245
* BWillmott@somerset.gov.uk
* HighwaysDevelopmentControl@somerset.gov.uk

As a result of Coronavirus, all Somerset County Council staff have been asked to work from

For Roads and Transport services: 0300 123 2224

Planning and
Development
The Deane House
Belvedere Road
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Somerset
TA1 1HE

please ask for:
Ben Willmott

extension:
01823 359540

email:
HighwaysDevelopmentControl@somerset.gov.uk

my reference:
WSC/2021/015900

your reference:
3/37/21/012

FAO: Jeremy Guise

25 August 2021

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS,
FOR THE RESIDENTIAL REDEVELOPMENT OF AGRICULTURAL LAND FOR 136
DWELLINGS WITH THE CREATION OF VEHICULAR ACCESS (CLOSURE OF
EXISTING), PROVISION OF ESTATE ROADS, PATHWAY, PUBLIC RIGHTS OF
WAY, CYCLEWAYS AND OPEN RECREATIONAL SPACE. ALSO, PARTIAL RE-
ALIGNMENT OF PUBLIC HIGHWAY (CLEEVE HILL) (RESUBMISSION OF
3/37/18/015)
APPLICATION REFERENCE: 3/37/21/012**

I refer to the additional information received by the Highway Authority on 28 July 2021 in relation to the above planning application and have the following observations on the highway and transportation aspects of this proposal.

In our previous comments dated 9 July 2021 the Highway Authority required further detail engineering drawings for the proposed relocation of the B3191 and the associated access points proposed to understand whether highway safety would not be compromised as a result of the scheme. The Highway Authority also advised that the applicant investigate what scope there was for NMU improvements from the site to local destination areas.

Following further assessment of the additional supporting information, whilst there does not appear to be overriding issues of the proposed relocation of the B3191,

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there remains elements of the proposal as highlighted by our in house team which firstly, need to be clarified and committed too. Therefore, and in order to move the application forward as efficiently as possible it is advised that a meeting involving the designers and our in house team is set up to discuss the outstanding matters in the expectation of agreeing works that would then be fit to be put forward to members at committee.

The applicant has also put forward minor works offsite to improve non-motorised user accessibility within Watchet, which the Highway Authority welcome and that can be implemented as we see appropriate should consent be granted.

With the above in mind, the Highway Authority will seek discussions in the near future with the relevant representatives of the applicant to discuss the outstanding technical queries for the B3191 and its proposed relocation.

Yours faithfully,

Ben Willmott
Senior Planning Liaison Officer
Economic and Community Infrastructure Operations
Traffic and Transport Development Group
Somerset County Council

For Roads and Transport services: 0300 123 2224

Planning and Development The Deane House Belvedere Road Taunton Somerset TA1 1HE	please ask for: Ben Willmott	extension: 01823 359540	email: HighwaysDevelopmentControl@somerset.gov.uk
	my reference: WSC/2021/015900	your reference: 3/37/21/012	

FAO: Jeremy Guise

21 October 2021

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990
OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS,
FOR THE RESIDENTIAL REDEVELOPMENT OF AGRICULTURAL LAND FOR 136
DWELLINGS WITH THE CREATION OF VEHICULAR ACCESS (CLOSURE OF
EXISTING), PROVISION OF ESTATE ROADS, PATHWAY, PUBLIC RIGHTS OF
WAY, CYCLEWAYS AND OPEN RECREATIONAL SPACE. ALSO, PARTIAL RE-
ALIGNMENT OF PUBLIC HIGHWAY (CLEEVE HILL) (RESUBMISSION OF
3/37/18/015)
APPLICATION REFERENCE: 3/37/21/012**

I refer to the additional information received by the Highway Authority since our previous comments dated on 25 August 2021 in relation to the above planning application and have the following observations on the highway and transportation aspects of this proposal.

Previously, the Highway Authority required further information regarding the proposed relocation of B3191, which had been submitted by the applicant, as denoted in the supporting information. The applicant has since provided additional documents and detail in response to our queries raised including their rationale for the proximity of the proposed access roads to the internal layout.

The Highway Authority are now in a position to be satisfied that the proposed relocation of the B2191 and the associated access points for this application, as

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shown on drawing No: PHL-101 REV D (and the accompanying supporting information) is acceptable in principle. Further detail can be agreed in writing with the Highway Authority at detailed design stage. It should be noted that any retaining wall implemented as part of the scheme along the proposed B3191 is likely to require a commuted sum and will require full details of its intended design for assessment, including but not limited to an Agreement in Principle (AIP).

In the interim since our aforementioned correspondence at the end of August, the LPA has asked the Highway Authority to provide comment on the Transport Appraisal commissioned by Watchet Town Council which questions the applicant's own transport assessment and findings. Having reviewed this document it is not considered that it meaningfully undermines the conclusions of the applicant's TA or gives reason for the Highway Authority to require the applicant to revisit this matter. As such the Highway Authority remain of the view that it would be difficult to object to the proposal for either highway safety or traffic impact reasons.

The Highway Authority will work with the LPA on the appropriate wording detailing how the scheme and all relevant obligations will be delivered. To reiterate, the legal agreement also needs to detail that the applicant/developer accept full responsibility should the existing adopted highway fail as a result of the works associated to the application.

With consideration of previous comments and the latest supporting detail, should the LPA and its members be minded to approve the planning application, then the Highway Authority would seek that the following matters be secured by an appropriate S106 agreement and planning conditions:

S106

- The proposed relocation of the B3191.
 - The associated access points.
 - The extent of the Stopping Up of the existing B3191 arrangement and necessary turning areas for maintenance and access purposes.
- To commit to providing the NMU access improvements pursuant to our recommendations set out in our email to the LPA dated 13 July 2021 (and to

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(also include the route to school plan improvements as generally shown on drawing number 01-SK-101 Rev B).

- A safeguarding obligation for an element of land to the south of the application site, in accordance with the route set out in the 2020 WSP report. Detail to be agreed in writing with the Highway Authority.

Note: No development of the above shall take place until full detailed plans of the above have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the Local Highway Authority) relating to line, level layout, visibility and its means of construction and surface water drainage.

- To provide and implement an appropriate Travel Plan, full detail to be agreed in writing with the Highway Authority and finalised at S106 stage.
- To submit and secure a TRO to extend the existing posted speed limit, to an extent that is compatible with the necessary visibility splays, to be agreed in writing with the Highway Authority. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to commencement of works.

Conditions

1. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
2. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation

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hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

3. During construction the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained, and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the construction phase of the site discontinues.
4. Before any building or engineering works are carried out on the site, the construction access and contractors' parking/compound area shall be provided, surfaced, and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall also indicate the eventual use of that area.
5. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
6. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout,

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levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

NOTE

- *The applicant/developer is advised to contact the Highway Authority at earliest opportunity prior to making a TRO application to agree visibility splays and the extent of the extended speed limit.*
- *The applicant will be required to secure a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.*
- *The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment. Should any element of the supporting detail, including red and blue line landownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application. As such the Highway Authority reserves the right to revisit our previously submitted comments and re address where deemed necessary. Where planning permission has already been granted, any inaccuracies which come to light may seriously affect the deliverability of the permission. If this includes highway works either on or adjacent to the existing public highway that may be the subject of a specific planning condition and/or legal agreement attached to the aforementioned consent, it may result in a situation whereby that condition and/or legal agreement cannot then be discharged/secured*

Yours faithfully,

Ben Willmott
Senior Planning Liaison Officer
Economic and Community Infrastructure Operations
Traffic and Transport Development Group
Somerset County Council

Somerset County Council

County Hall, Taunton
Somerset, TA1 4DY

For Roads and Transport services: 0300 123 2224



From: Alex Skidmore <ASkidmore@somerset.gov.uk>
Sent: 08 August 2022 12:51
To: Fox, Simon <S.Fox@somersetwestandtaunton.gov.uk>
Subject: RE: Cleeve Hill, Watchet

Dear Simon,

Firstly, my apologies for the delay in responding to you. You have sought clarification on a number of highway related issues concerning the above application to which I respond as follows:

It is first relevant to refer to planning policy and to bear in mind that the application site has been allocated under Policy LT1 of the West Somerset Local Plan as a Key Strategic Development Site. This policy stipulates that:

*“to the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw’s Castle and encouraging visitors to the monument through funding excavations and improvement of the site management, and also **to providing a new alignment for the B3191 to address the impact of coastal erosion.**”*

Given this is an adopted local plan policy that would have gone through rigorous examination by the Planning Inspector before the LP was found to be sound, it is necessary to make this our starting point in terms of what the development is expected to deliver. It has been further understood from your predecessor that the site’s allocation was primarily based on the premise that it would deliver the realignment of the road to protect this route in the longer term from coastal erosion.

The anticipated costings of the proposed highway works have been previously provided to you as being between £6.8 million (without optimum bias) and £9.7 million (with optimum bias). Unfortunately, until further details have been provided relating to the engineering requirements of the road build it is not possible to be more specific as to its likely cost.

For viability reasons you have queried whether the Highway Authority will be meeting some of the costs of the new road. It has always been the assumption that the development would be fully responsible to providing this realignment given the wording of Policy LT1, and the comments we have provided to date have been made based on this assumption.

In view of the viability concerns you’ve outlined, the issue of how the road build is to be funded has been raised internally to ascertain whether the HA might be able to make a contribution to its delivery. Your question of what provisions would be made for the road if it could not be secured either in full or part through this development has also been raised. It is my understanding that an internal meeting is being proposed to discuss these matters however given the impending changes to a Unitary council and the newly elected Councillors it is unclear how long it might be before we get feedback on this matter.

In the meantime, it should be noted that the HA would need to review the application if the LPA were minded to allow the scheme but without the delivery of the realigned road, as our comments to date have been based on the road being provided in its entirety as part of this scheme.

In terms of the non-motorised user (NMU) connectivity of the site, I believe we have previously commented on this. The primary pedestrian connection is anticipated to be along West Street via public right of way WL 30/1. It is acknowledged that the constraints of this route, specifically in terms of its width and gradient, mean that it will not be accessible to all. However, it is the County Council’s opinion that improving this path as far as possible is the best option available for pedestrian access to the site, should the LPA be minded to grant consent.

Following discussions with the applicant and our Rights of Way colleagues the applicant provided a Technical Note (Pedestrian Links) which gives an indication of the level and types of improvements that might be feasible. Whilst further detail will be required at a later stage to agree the exact specifications of the improvements it is considered that an acceptable level of information has now been provided to have an understanding of the likely scale and nature of the improvements, which can in turn be secured through an appropriate legal agreement (S106). It would be the Council's preference that these improvements works be undertaken by the developer. The works would need to be delivered prior to first occupation.

I understand that you raised a number of specific questions to SCC's Rights of Way team in reference to the proposed improvement works, to which they have responded as follows:

- *"Can you confirm that the SCC ROW Team has the necessary consent and power to carry out the works proposed here, subject to a financial contribution offered at paras 4.3 and 5.6? Yes. Not sure of standard s106 clauses, but we will probably seek to have an indemnity in place from the applicant for any claims arising from executing our powers of improvement to the highway (RoW)*
- *What level of financial contribution is to be sought by SCC for the identified works? £30k, although our preference is that the applicant deliver these works.*
- *Do you agree to low-level bollard lighting, or another form of lighting? What is going to be acceptable to you so I can judge merit? Initial view from Highway Lighting is that it is not necessary, but design and audit processes might come to a different view.*
- *Are the works sufficiently detailed to understand exactly what is proposed and therefore to cost? No. Costing is very much ballpark based on similar footway schemes. Might be wise to craft an optional contribution into the s106 in the event that lighting is deemed necessary."*

Due to landownership issues it would not be feasible to deliver improvements to either PROW WL 30/1 or WL 30/2 both of which lead into Whitehall. It would be expected that some provision be made however to allow access from the site into WL 30/2, to allow for maximum connectivity. The details of this could be subject to a condition.

Whilst future residents of the site will be encouraged to use WL 30/1 and West Street as the primary pedestrian route, some NMU's such as cyclists are likely to travel via Cleeve Hill. With this in mind, a reconsideration of the speed limit along West Street, Cleeve Hill and extending through the site to 20 mph may be beneficial. This would require a Traffic Regulation Order (TRO), which would need to be secured through a S106 agreement as part of any permission granted. A scheme of works to control traffic speeds would also need to be considered.

You have previously asked whether the street lighting along Cleeve Hill would need to be reviewed and I confirm that it would. This would be undertaken as part of the S278 technical approval process.

We have previously had a discussion on the comparisons drawn between this site and the Paper Mill scheme in respect of NMU connectivity to the east side of Watchet and specifically the local primary school. It is acknowledged that both schemes experience similar issues, with limited pedestrian crossing facilities over the railway line and South Street / Donniford Road. Due to the scale of the Paper Mill scheme however and the immediacy of the site access on to Brendon Road it is considered that the need to improve these walking routes through this scheme is greater.

Hopefully these comments go some way to answering your queries. I will get back to you again with further clarification once I am in receipt of the conclusions of the internal review for the delivery of the road realignment.

Kind regards

Alex Skidmore
Principal Planning Liaison Officer
Highways Development Management
Economic and Community Infrastructure Operations
Somerset County Council
B2 West
County Hall
Taunton TA1 4DY

Tel: 01823 359540
ASkidmore@somerset.gov.uk
HighwaysDevelopmentControl@somerset.gov.uk

From: Fox, Simon
Sent: 01 April 2022 16:34
To: Highways Development Control <HighwaysDevelopmentControl@somerset.gov.uk>
Subject: RECONSULTATION: Cleeve Hill, Watchet - 3/37/21/012

Good Afternoon,

Please register this as a formal consultation on additional information received from the applicant.

I would be grateful for comments on the attached document specifically whether in the opinion of the Transport Authority the proposal (now informed by this technical note) provides suitable pedestrian connections for all users, to the town centre and to the primary school (with specific comment on the awp plan 'safe routes to school' in particular the transition over the railway line, via the Swain Street road bridge, station footbridge, and at-grade level crossing off Harbour Road).

In doing so would you kindly compare and contrast with the Paper Mill site which currently has a Transport Authority objection on these same grounds.

It is also worth noting the Local Plan allocation is actually larger than the application site as currently proposed. This effectively cuts off any potential linkage to Whitehall.

If it is concluded that the scheme described in the technical note does not in itself or in combination with the wider scheme provide sufficient means of pedestrian connectivity for all users then could you outline any impacts this will have on car use from the site -

- a) on Cleeve Hill/West Street on those pedestrians who do use the fragmented footway route into the town centre;
- b) on the narrow sections within Market Street/Swain Street;
- c) any pedestrians using Brendon Rd, including any from the prospective Paper Mill development;
- d) traffic impacts in and around Liddymore Road and Primary School;
- e) traffic impacts at the North Street/Long Street/Fore Street junction in Williton;
- f) whether any bus route serving Watchet provides a viable alternative given the above; and therefore .
- g) the ability for a Travel Plan to have any positive impact on modal shift.

Are there alternative footway schemes that the applicant could explore, in your opinion?

Paras 110-113 of the NNPF are relevant and your considered thoughts with respect to these particular paragraphs would be appreciated. For example Is the Transport Authority satisfied that the development provides “safe and suitable access to the site can be achieved for all users” para 110). Para 111 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. Does this scheme in tandem with those approved in Watchet at Easy Quay, Donniford and Liddymore and proposed via the Paper Mill and planned at Parsonage Farm plus the current baseline traffic impacts not in the Transport Authorities opinion create a severe impact? Or gain via para 110 can any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree?

Watchet Town Council would also appreciate acknowledgement and assessment of its own commissioned Technical Noted ‘the Environ Report’, dated September 2021. There several alleged deficiencies with the applicants TA that the report highlights, what is your view? Part 1 of the Traffic Assessment (Appendix A) refers to a letter dated 10.10.2018 from West Somerset Council to Hydrock that raised a number of issues in relation to the traffic assessment. In particular WSC asked: “Following the results of the revised assessment, the impact to the local highway network needs to be considered (e.g. friction of movement/delay through the centre of Watchet) as advised during pre-application engagement. It would be of benefit to also assess the Swain St/South Road junction which has not been considered.” Has this now be satisfactorily addressed?

It has been pointed out to the LPA that Section 2.8 of the traffic assessment report, reference Hydrock Ref: R/C-06288-C/TA/001, indicates that only ONE PIA incident occurred between 2014 and 2016. Following a review (by the public) of the recorded road traffic collisions over the same area previously analysed established from www.crashmap.co.uk for 2018, 2019 and 2020, it is noted that 4 PIA incident have occurred. The member of the public opines this increase of PIA incidents located in the narrow street of Watchet demonstrate the difficulty drivers are encountering when driving through Watchet. The Environ Report also provides commentary. What is your assessment?

As you know, the application was previously refused on the poor pedestrian connectivity proposed by the scheme and the passage of pedestrians and the movement of cars has dominated. I would be grateful for some specific commentary on cycling please.

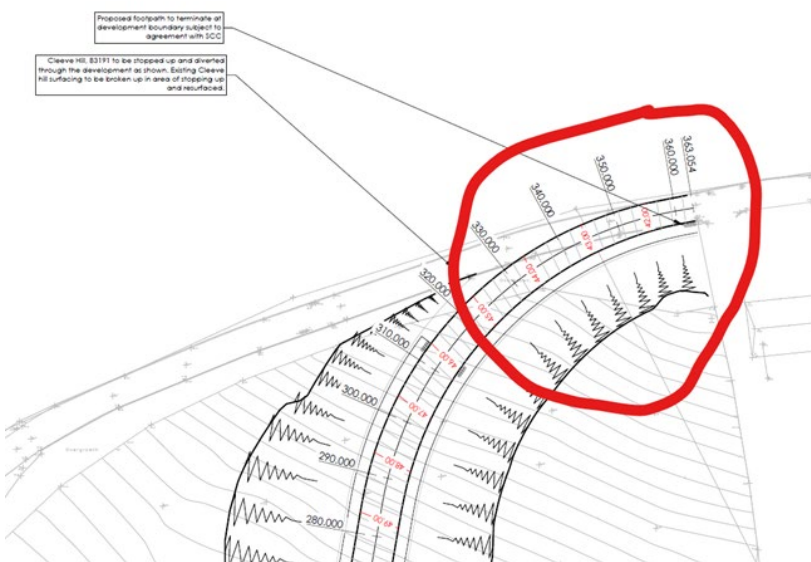
I would be grateful for Transport Authority comment on the coverage of streetlighting between the north-eastern tip of the site boundary along Cleeve Hill/Saxon Close/West Street and the town centre and a comment on lighting proposals set out in the technical note. Could it be clarified whether streetlighting will be expected on the new aligned section of the B1391 and internal estate roads? In the case of the former could you state what height those columns would need to be?

In terms of the road, could the Transport Authority disclose any information they have regarding the informed cost of the realigned section and confirm the likely bond cost that would form part of a s106? Could the Transport Authority also comment on whether it would accept a s106 agreement that secured an ‘up to’ max financial contribution whereby if final costs exceeded this amount then the Transport Authority would provide the additional funding? Could the Transport Authority also confirm

what Plan B is if this application is refused again and is dismissed at appeal? At what point is the last point the Transport Authority would intervene with a different solution? It is vital this is explained fully so it can be considered in the planning balance.

What is the Transport Authority's response to a 'Do Nothing scenario', whereby the sea reclaims the strategic B-road and what implications does this have on the network management in general in this area? Where do impacts start presenting themselves? You will be aware of the B3191 Watchet to Blue Anchor Report for SCC by WSP, it would be useful for me to speak with the officer with ownership of this matter as soon as possible. The question remains where the remainder of the Option 1D project lies, given the works to the upper slopes and provision of revetment protection to the lower slope appears to be integral to the realignment of the road.

This is important because as an observation, the road, even when realigned, will still be very close to the cliff edge (see extracts below) and whether in your opinion this still creates a vulnerability to the whole project if those cliff protections measures are not carried out in tandem? I would appreciate your view on this?





Referring back to the Local Plan allocation, what information did the Transport Authority present to the LPA in order for the applicant to now claim that all transport matters will have been considered by the Local Plan Inspector? Did the Transport Authority make any comment relating to traffic issues in the town centre or pedestrian connectivity?

With regards and anticipation, Simon

Simon Fox | Major Projects Officer (Planning) | Somerset West and Taunton Council | Deane House | Belvedere Road | Taunton | TA1 1HE
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APPENDIX -

3) Previous application Committee Report and Minutes – 16 July 2020

Application No:	3/37/18/015
Parish	Watchet
Application Type	Outline Planning Permission
Case Officer:	Alex Lawrey
Grid Ref	
Applicant	Cleeve Hill Development
Proposal	Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).
Location	Land at, Cleeve Hill, Watchet, TA23 0BN
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule
(A4) Red Line Plan (license number 100023932)
(A3) 1706 Site Cross Sections
(A1) 06288-HYD-XX-XX-DR-TP-0101 Rev P02 Proposed Highway Improvements

Technical Note 06288 Rev P02 (22 October 2019) HYDROCK
(A4) DrNo: 15.04.2020a Watchet Proposed Road Layouts (grey hatch)
(A4) DrNo: 15.04.2020b Watchet Proposed Road Layouts (grey lines)

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

- 3 Notwithstanding submitted documents from Hydrock CLE-HYD-PH1-XX-RP-D-5001-S2-P1 and Technical Design Note 06288-HYD-XX-XX -RP-D-5100 prior to the commencement of the development hereby permitted, works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

The surface water management and disposal strategy shall use surface based attenuation features, not underground storage, and shall follow Sustainable Urban Drainage System (SuDS) principles, unless otherwise agreed in writing by the local planning authority,

Reason: To prevent discharge into nearby water courses and to ensure the adequate provision of drainage infrastructure.

- 5 Prior to development commencing, details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/ bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority. For this purpose, details should include, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction as appropriate.

Reason: In the interests of highway and pedestrian safety

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

Reason: In the interests of highway safety

- 7 No development shall commence unless a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
 - o Construction operation hours;
 - o Construction vehicular routes to and from site;
 - o Construction delivery hours;
 - o Expected number of construction vehicles per day;

- o Car parking for contractors;
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety and amenity

- 8 The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown environmental's Preliminary Ecological appraisal dated March 2016, Blackdown environmental's Survey report dated December 2016 and SW Ecology's Ecological assessment dated January 2018 and an up to date badger survey and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for dormice, reptiles, bats and birds
 4. Lighting details
 5. A Construction and environmental management plan (CEMP)
 6. A Landscape and environmental management plan (LEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, dormice, reptiles and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, dormice and bird boxes and reptile refugia and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Prior to commencement reason: Groundworks could impact on protected species therefore the protective measures and associated methods for ecological mitigation and harm reduction must be in place before any works commence.

- 9 No works shall be undertaken on site until the Local Planning Authority has first approved in writing details of a programme of access which will be afforded to a named archaeologist to observe and record all ground disturbance during construction (such works to include any geological trial pits, foundations and service trenches). The named archaeologist shall thereafter be allowed access in accordance with the details so approved.

Reason: To enable the remains of archaeological interest which may exist

within the site to be appropriately recorded.

Reason for pre-commencement: Any works on site have the potential to disturb archaeological interests.

- 10 A geo-technical report from a suitably qualified structural engineer, geotechnical engineer, geophysicist or geologist in regards to the proposed development, methods of providing foundations, cut and fill operations, and the specifics of ground conditions and land stability at the site, including the results of intrusive ground investigations, shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of details for the 'reserved matters' specified by condition (1). The report shall include details of any proposed tree removal (if applicable) and any works which could impact on root systems, and any proposed drainage arrangements such as soakaways and surface attenuation features, which could impact upon land stability. The agreed foundation details shall be implemented in accordance with the approved methodology during the construction phase of the development hereby approved in outline form.

Reason: To ensure that the development hereby approved in outline form does not contribute to land instability, subsidence or slope instability and to safeguard the amenities and wellbeing of the occupiers of nearby properties, in accordance with Policy NH9 of the adopted West Somerset Local Plan up to 2032, and national planning policy guidance on 'Land Stability', issued by the MHCLG (DCLG at the time of the initial issue) on 6 March 2014 and updated 22 July 2019.

- 11 As part of the submission of details pursuant to condition 1 of this permission visualisations illustrating the indicative heights of proposed buildings shown in Viewpoint 1 of the Landscape and Visual Capacity Appraisal (Swan Paul, February 2016: SPP/1996/doc.1) shall be submitted to the Local Planning Authority. These should be supplemented by indicative visualisations illustrating the level of mitigation offered by the proposed landscape buffer and associated planting, and relationship to designated heritage assets, notably to Daws Castle.

Reason:

To safeguard the setting of designated heritage assets and in accordance with paragraphs 190, 192, 193 and 194 of the NPPF, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policies NH1 and NH2 of the adopted West Somerset Local Plan to 2032

- 12 As part of the details required for 'reserved matters' noted in condition 1 of this permission a survey of the current state of coastal erosion and extant cliff line shall be undertaken no more than two calendar months prior to the submission of details pursuant to condition 1 to the local planning authority. Details of the survey and accompanying plan/s shall be submitted to the local planning authority with details pursuant to condition 1 of this permission and shall demonstrate that no residential development will take place within 50 metres of the extant cliff line, at the date of the survey.

Reason:

In the interests of good planning and in accordance with policy NH9 of the adopted West Somerset Local Plan to 2032. To ensure that if there are significant cliff falls or instances of major coastal erosion between the date that this permission is granted and the date of submission of any subsequent reserved matters application then development would be required to be moved further back into the site and away from at-risk cliff edges.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application issues/concerns were raised. The Local Planning Authority contacted the applicant and sought amendments to the scheme to address this issue/concern and amended plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

- 2 The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

- 3 The development hereby permitted shall not be first occupied until the developer has applied for a Traffic Regulation Order (TRO) to relocate the existing 30mph speed limit. The TRO shall then be advertised and, if successful implemented at the developer's expense to the satisfaction of the Local Planning Authority prior to first occupation.

Proposal

Outline application with all matters reserved, except for appearance, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Site Description

Large open pasture field located near to cliffs and south of B3191 road located on the outskirts of Watchet. Land is sloping away from road. Existing footpaths cross the site and located in close proximity.

Relevant Planning History

none

Consultation Responses

Watchet Town Council - deferred comments (26/6/2018) no further comments received

Environment Agency - no comments received

Wessex Water Authority - to be verbally updated

Parrett Drainage Board - no comments received

Somerset Drainage Board Consortium - outside of the SDBC area so will not be making comments

South West Heritage Trust - no comments received

Highways Development Control - I refer to the additional information in support of the above application, received by the Highway Authority on 1 November 2019 and have the following observations for the highway and transportation aspects of this proposal. For clarity, it has been confirmed that the outline application is all matters reserved except for access.

The applicant has provided additional information in response to the original comments made by the Highway Authority. This additional information has been assessed by the Highway Authority, where for clarity and consistency our comments have been divided into each respective element of the application previously reviewed dated 10 October 2018.

Transport Assessment

The Highway Authority accept that resubmitted detail provides a more accurate representation of the likely number of vehicle movements the proposal site would generate in the peak hours. Whilst the calculated figures may still be slightly less than what is anticipated, it would be difficult to sustain an objection based on residual cumulative impact on the local highway network for this application.

Road Relocation

The proposed relocation of the B3191 has been revised and altered and as such the location of the proposed site access has changed. Given the sensitivity of the existing B3191 at this location, the principle of what has now been proposed is acceptable however there are still technical issues that would require overcoming at the detailed design stage moving forward. Full details of the proposed access arrangements and frontage works will also need to be submitted to and agreed in writing in conjunction with the LPA and appropriately secured.

With the above in mind, the applicant will be required to enter into a suitable legal agreement and accept full responsibility should the existing adopted highway fail.

Internal Layout

The current application is out outline stage with all matters reserved except for access (following clarification) and at present there is no detail on how the internal layout may be constructed at this stage. The applicant should be mindful of our previous comments dated 10 October 2018 prior the submission of any reserved matters application subject to outline consent being granted where it would be expected that non-motorised users access into other areas of Watchet would be upgraded appropriately at the developer's expense.

Vehicle, cycle, motorcycle and electric vehicle charging points (EVCs) should be in line with the Somerset Parking Standard.

Travel Plan

A suitable Travel Plan (TP) has yet to be submitted and approved by the Highway Authority. To reiterate a suitable TP will need to be secured through a S106 and delivered appropriately.

Drainage

Given the limited detail provided for the revised scheme, the applicant will need to be mindful of the existing drainage infrastructure. The new proposal must not compromise any of the existing arrangements or rights of discharge.

Full details will be required for the existing drainage and services and how the proposed drainage arrangement will work in harmony with the existing drainage arrangements.

Conclusion

On balance of the above, the principle of the road relocation is acceptable in this instance, subject to agreeing the detail at the detailed design stage. If the LPA were minded to approve the application, it is recommended that the necessary highway works, and a suitable TP are secured through a S106 prior to first occupation. A

number of conditions are requested.

Avon & Somerset Police - does not object, offered comments noting layout is open and enables good residential surveillance, dwelling overlooking street, that curtilage boundaries to the front are kept below 1m height, car-parking scheme is acceptable and referenced Building Regulations for SBD, lighting and security of dwellings
Rights of Way Protection Officer - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that crosses the site at the present time (public footpath WL 30/1) and another PROW which runs adjacent to the site (public footpath WL 30/2). In addition, the England Coast Path National Trail runs adjacent to the north-west edge of the site. I have attached a plan for your information.

We have no objections to the proposal, but the following should be considered:

1. Specific Comments

With regard to the footpaths WL 30/1 and WL 30/2: we require a £10,000 contribution for potential future improvements to them due to the potential for additional use of the paths and greater expectation as to the quality of the paths. Any unused balance to be refundable 10 years after completion of the site, all to be secured by legal agreement. The link path shown connecting to WL 30/2 may require the consent of a third party if the land is not in the control of the applicant. The Council would be supportive of such a link provided the connecting estate roads are formally adopted. If this is the case then the connection to the footpath should form part of

any planning approval wherever possible.

England Coast Path (ECP) National Trail: The England Coast Path National Trail follows the existing B3191 Cleeve Hill on the north side of the road, leaving the road near the top of the hill before the left hand bend to continue along the cliff top.

The England Coast Path (ECP) came about as a result of the Marine and Coastal Access Act 2009 (MCA09) and the route of the ECP in Somerset has been determined by the Secretary of State who says in his report "In addition, the West Somerset Local Plan to 2032 (Revised Draft Preferred Strategy, June 2013) identifies a site to the west of Watchet at Cleeve Hill for longer term strategic development. The site also offers the potential to re-align the B3191 where coastal erosion is threatening to destroy the current alignment of the road.

As and when the development takes place, or if the B3191 is re-aligned, we expect that Somerset County Council will work constructively with West Somerset Council and developers with the aim of ensuring that any development takes account of coastal access in an appropriate way with a view to establishing a suitable off road route for the coastal trail".

It would appear from the drawings that the alignment of the B3191 is to move further south with footways (pavements) on the north and south sides of the carriageway. If this is the case and, subject to the approval of the road layout by Highways colleagues, we would like to re-align the route of the ECP onto the northern footway. There also appears to be a landscaped public parkland area to

the north of the new road alignment which lends itself to the coastal margin (also required by the MCA09 which deems that any land seaward of the Trail is coastal margin-subject to some exceptions).

This is our initial view and further details of the scheme would be welcomed as would the opportunity to work with the planners and developers in the early stages of this proposal to secure the most effective route for the Coast Path and to discuss the practicalities of implementing the new route e.g. any new gates or signage which may be required.

The re-alignment of the Coast Path requires that Natural England submit a variation report to the Secretary of State for the new route to be legally defined and incorporated into the National Trail.

2. General Comments

Any proposed works must not encroach on to the width of the PROW & ECP.

The health and safety of the public using the PROW & ECP must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW/ECP resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way

Group:

- A PROW/ECP being made less convenient for continued public use.
- New furniture being needed along a PROW/ECP.
- Changes to the surface of a PROW/ECP being needed.
- Changes to the existing drainage arrangements associated with the PROW/ECP.

If the work involved in carrying out this proposed development would:

- make a PROW/ECP less convenient for continued public use; or
- create a hazard to users of a PROW/ECP,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-tem>

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Somerset Wildlife Trust - no comments received

Housing Enabling Officer - agreed to review of viability assessment, further comment once viability report has been submitted and assessed, may require independent assessment of viability report through District Valuer or Three Dragons

Planning Policy - no objections, acknowledged that site is allocated and do not consider that the proposal is 'premature'

Fire Safety - Noted that means of escape should comply with Building Regulations 2000 Approved Document B(ADB) and there should be full compliance with ADB, part 5 of the Building Regulations 2000

SCC - Estates - Following evidence from our School organisation plan I have the following observations on the Education implications of this proposal:-

A development of this size (136 dwellings) would generate the following number of school places:

$5/100 \times 136 = 6.8$ (7) pre school

$30/210 \times 136 = 19.4$ (20) First school

$30/263 \times 136 = 15.5$ (16) Middle school

$30/346 \times 136 = 11.7$ (12) Upper school

The price per pupil for each education type is as follows:

Early years & First School = £14,702.15

Middle school = £18,426.65

Upper school = £22,153.26

Therefore :

$27 \times 14,702.15 =$ £396,958 for early years and first school

$16 \times 18,426.65 =$ £294,826 for the middle school

$12 \times 22,153.26 =$ £265,839.12 for the upper school

These education contributions would be used to improve facilities at the schools to enable them to accept higher numbers of pupils.

Somerset Wildlife Trust - landscape ecologist - no comments received

Biodiversity and Landscaping Officer - The site lies on a relatively exposed and elevated site to the west of Watchet and is currently intensively grazed.

A LVIA was submitted in support of the application, the finding of which I generally support. However I would consider the landscape value of the site to be above, not just average because of its coastal scenic value with views to Watchet harbour, its proximity to the Scheduled ancient monument of Daws castle and adjacent lime kilns and due to the site's proximity to several sites designated for their nature conservation value.

Indeed because of this proximity, the eastern side part of the site, is likely to be a valuable stepping stone in the landscape for wildlife.

As stated a large part of the site is very prominent within the landscape, particularly from more distant locations. Other constraints include its gradient, proximity to the SAM and the botanical interest in the herb rich grassland in the eastern part of the site.

These constraints make it a difficult site to develop and so any masterplan must pay

careful attention to the placing and density of dwellings. The submitted layout does not appear to have satisfactorily addressed these constraints.

I consider that all the scrub area and hedgerows should be retained to help filter views of the development from the east.

The realignment of the coastal road, although it will have practical benefits will have localised landscape impact changing the sunken character of this section of the coastal road

Biodiversity

Blackdown Environmental carried out a Preliminary ecological assessment of the site in March 2016. Surveys for bat species, dormice and reptile species in addition to an updated grassland survey were undertaken in the period May to October 2016. An Ecological survey report was produced in December 2016.

At the time of survey the layout of the proposal was uncertain so a lot of recommendations in the earlier ecology reports are generic. An Ecological assessment was carried out by SW Ecology in January 2018.

Findings were as follows

Protected Sites

The site is not within a statutory site designated for nature conservation interest but there are two statutory designated sites within 2km of the site (Cleeve Hill SSSI located approximately 500m southwest of the site and Blue Anchor and Lilstock Coast SSSI located to the north of the B3191.)

The Cleeve Hill SSSI is designated for its unimproved calcareous grassland whilst Blue Anchor to Lilstock coastline SSSI is designated for its geological features.

The survey site lies within the Site of Special Scientific Interest (SSSI) Impact Risk Zones (IRZs) of these two designated sites. Where development of a certain type/ threshold is proposed, the Local Planning Authority will be required to consult with Natural England over potential risks to these sites.

Types of development where Natural England will be required to be consulted include any residential development of 100 units or more, or any residential development of 50 or more houses outside of existing settlements/ urban areas.

In addition there are thirteen non-statutory designated sites within 2km of the site, all Local Wildlife Sites (LWSs).

The closest sites include Minster Field Road Verge LWS located immediately to the west of the survey site, Tuck's Brake LWS located immediately south of the site and Daws Castle LWS located approximately 40m west of the site on the opposite side of the B3191.

Grassland

The updated grassland survey identified areas of species-rich grassland at the northern and north-eastern ends of the site. Botanical species identified within these areas include pyramidal orchid, a county notable species which is generally associated with unimproved soils in short grasslands. This was confirmed by a site

visit by myself in June 2018

I agree with the reports recommendation that layout of the proposal should incorporate areas of species-rich grassland within areas of landscaping and public open space. This may be achieved by retaining and enhancing existing areas of species-rich grassland or creation of species-rich grassland within non-developed buffer zones. Species-rich grasslands will provide suitable habitat for a variety of plant, invertebrate, reptile and bird species.

Hedgerows and scrub

Hedgerows on site vary in their condition (i.e. intactness) and species richness. I agree that hedgerows should be retained and enhanced but a section of hedgerow will need to be removed to provide the new access to the site.

The main area of scrub habitat on site forms a significant linear vegetated feature along part of the southern boundary of the site. The scrub forms a natural barrier between the site and steep grasslands to the south (including parts of Tucks Break LWS). I would like to see this habitat retained incorporated into design proposals to form both a buffer between the site and the Tuck's Brake LWS, and retain and enhance a vegetated 'corridor' which will facilitate movement of species along the southern boundary of the site.

Bats

There were no structures (e.g. buildings) or trees within the site which had potential to support roosting bats.

I agree that there are opportunities to incorporate new roosting opportunities within proposed dwellings on site.

Three walked transect surveys were carried out when at least four bat species were recorded (common pipistrelle, noctule, Leisler's and serotine). The automated static bat detector also recorded soprano pipistrelle, greater horseshoe and lesser horseshoe.

The site is therefore considered likely to be used by bat species whilst foraging and commuting, with habitats including hedgerows and dense scrub of greatest potential value to bat species. Residential development has potential to result in a loss of habitats used by bat species for foraging.

Artificial illumination associated with residential development (e.g. street lighting) also has potential to deter bat species from using areas of the site. To mitigate the potentially negative impacts of artificial lighting, a sensitive lighting plan will need to be designed and implemented.

Dormice

An adult dormouse and a further three dormouse nests were identified within nest tubes during surveys undertaken between May and October 2016.

Evidence of dormice was identified towards the eastern end of the site within dense scrub.

The removal of vegetation will impact on dormice so an EPS licence from Natural

England will be required to develop the site.

Badger

Mammal burrows characteristic of badger sett entrances and collapsed tunnels were initially identified along the southern boundary of the site but these did not appear to be in current use by badgers at the time of survey

Badgers may re-use abandoned setts (or create new setts within their territories) and so I agree that surveys to assess whether setts on site are in current use (and to identify any newly created setts) should be carried out pre-commencement (within 6-8 weeks) of any construction works

Birds

Hedgerows and areas of dense scrub have potential to be used by a variety of bird species. The site is considered to have negligible potential to support ground nesting birds such as Skylark due to the intensively managed grass sward and continuous presence of livestock.

I agree that any works which have potential to harm nesting birds, be undertaken outside of the main bird nesting season (1st March to end of September).

There are also significant opportunities for designing new nesting opportunities for bird species in the new development.

Reptiles

The majority of the site comprises an intensively grazed short sward which is unsuitable to support reptile species however there were areas of rank field margins and clearings within areas of dense scrub which had reptile potential.

A reptile survey was undertaken involving seven survey visits. Slow worms were recorded on six of the visits, with a recorded maximum on any visit totalling twenty-two individuals. . The majority of slow worms recorded were identified at the far eastern end of the site. Adult females, adult males and sub adult slow worms were observed, indicating a likely breeding population.

To develop the site the reptiles will need to be translocated to a receptor site

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown environmental's Preliminary Ecological appraisal dated march 2016, Blackdown environmental's Survey report dated December 2016 and SW Ecology's Ecological assessment dated January 2018 and an up to date badger survey and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest

for dormice, reptiles, bats and birds

4. Lighting details

5. A Construction and environmental management plan (CEMP)

6. A Landscape and environmental management plan (LEMP)

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats, dormice, reptiles and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat, dormice and bird boxes and reptile refugia and related accesses have been fully implemented

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

Informative Note

The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation

Dormice are known to be present on site. The species concerned are European Protected Species within the meaning of the Conservation of Natural Habitats and species Regulations 2010 (as amended 2011). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with the above regulations.

NE requires that the Local Planning Authority must be satisfied that derogation from the Habitats Directive is justified prior to issuing such a licence.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

West Somerset Railway - no comments received

Natural England - does not object, note that site is close to two SSSI sites, Blue Anchor to Lilstock Coast SSSI and Cleeve Hill SSSI but do not considered it likely that there would be significant impacts on these sites. Advise that habitats around the site are protected and enhanced

NHS England - no comments recieved

South West Heritage Trust - no comments received

SWT Play and Open Space

Play and Open Spaces

West Somerset Local Plan POLICY CF1 requires the appropriate provision of

formal sports facilities and/ or informal public amenity open-space/play-space as an integral part of new development.

The West Somerset Council Play Providers Audit (2008) found that there are distinct gaps in the amount of designated play spaces in West Somerset. The audit also highlighted that the overall quality of designated play spaces is only considered 'fair'. It is recommended that as this development will increase local need for play space this development provide some additional open space on the site.

The Council recommends the following standard of provision:

Children's play space: 20 square metres per family dwelling (a dwelling with 2 or more bedrooms) to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones;

In this proposed development of 133 dwellings, the proposal is for 125 dwellings to be 2bed+. Therefore the amount of space required is calculated to be 2,660 square meters.

Any commuted sum for offsite children's play contribution should be calculated as £3328.00 per each 2 bed + dwelling. The contribution will be index linked and spent on additional play equipment.

Play areas are both non-equipped, casual play spaces, and equipped, LEAPS and NEAPS. On site play areas should be centrally located and overlooked by front facing dwellings to promote natural surveillance.

For equipped areas:

LEAPs for children aged between 4-8 years should be included and be a minimum of 400 square meters in size with at least 5 types of equipment, covering all play disciplines of swinging, sliding, rocking, spinning, balancing and climbing.

Equipment must be on appropriate surfaces, and signage, seating and litter bins should be

provided. The equipment should come with a minimum 15 year guarantee. The play areas need to be within 400 meters walking distance of their home and be accessible and useable 365 days of the year. If fenced there should be 2 x outward opening, self-closing pedestrian gates and a larger gate for access by maintenance vehicles

NEAPs should be provided for children primarily aged 8 to adult. NEAPs must be at least 1,000 square metres in size, and preferably at least 2,000 square metres, excluding any buffer zone needed to prevent noise problems. There should be a minimum of 8 types of play equipment providing challenge and enjoyment. There should also be a 'kickabout' area or provision for wheeled play opportunities (such as for skateboards, roller skating or bicycles). The inclusion of a LEAP within a NEAP is supported.

All areas of child play space (casual areas, LEAPS and NEAPS) must be located and designed so as not to cause noise problems to nearby dwellings, in accordance with relevant environmental health standards. Buffer zones, perhaps including roads, buildings and landscaping, are likely to be needed. The buffer zone provided on this site is a area of bramble and small trees.

As the public open space is to be provided as part of a development, conditions will be imposed requiring the developer to arrange for its future maintenance. The developer may negotiate a commuted sum to discharge this liability to the Local Authority District or Parish Council.

SWT Affordable Housing

In order to be Policy Compliant, there is a requirement for a minimum of 35% of the

dwellings delivered to be in the form of affordable homes. For a scheme of 133 dwellings, this would equate to 47 affordable homes to be provided on site.

The type and size of the affordable housing units to be provided should fully reflect the distribution of property types and sizes in the overall development. A broad mix of tenures to meet assessed local housing need should be provided. This should comprise a mix of Shared Ownership, Discounted Open Market sale and rented housing offered at social rent levels.

If there are viability implications, full details will need to be submitted and independently assessed.

Up to date figures from Homefinder Somerset indicate a high local need for affordable housing in both the Somerset West and Taunton Council area and in Watchet. There is currently a total of 165 households registered as in housing need in Watchet. The need is for predominantly 1 and 2 bedroom rented properties with a smaller requirement for 3 and 4 rented bedroom properties. The required housing mix for the affordable homes should reflect this identified need. On this basis the following mix is required

- 45% 1b2p
- 30% 2b4p
- 20% 3b 5/6p
- 5% 4b6p

We would seek any 1b2p dwellings to be in the form of maisonette style properties with their own access and garden area. The shared ownership should be in the form of 2b4p and 3b5/6p houses.

The affordable homes should be integral to the development and should not be visually distinguishable from the market housing on site. In addition, the affordable housing is to be evenly distributed across the site. The practicalities of managing and maintaining units will be taken into account when agreeing the appropriate spatial distribution of affordable housing on site.

The developer should seek to provide the Housing Association tied units from West Somerset and Taunton's preferred affordable housing development partners list.

Historic England - Noted the designated heritage assets in the vicinity of the development, Daws Castle (SM33712; NHLE 1020882), a scheduled ancient monument; 3no. grade II listed lime kilns (NHLE1180302) to the NE of the site, and Watchet Conservation Area, and states that SWHT and SWT's heritage buildings officer should be referred to for advice. In terms of impacts of the proposed development HE have said that the development will, in their opinion impact on heritage significance and that the LPA should assess impacts inline with the NPPF 190/194B. Further HE considered that the submitted information was not sufficient to fully evaluate visual impacts, and recommended that further indicative visualisations showing heights and plantings/landscaping works are submitted. They welcomed provisions for interpretation investigation and enhancement at the site. HE expressed concerns although have not recommended refusal of the application

Representations Received

councillor Woods - Watchet ward WSC - will keep an open mind and would like to attend committee

One neutral comment, noted that Watchet requires further infrastructure;

One letter of support, noting that the area is unsightly, the road near the site needs improvements and the proposal would help providing housing

58 households sent in letters of objection, several sent in more than one letter, the issues raised were:

- Traffic impacts
- Infrastructure and services such as GP surgeries and schools
- Land instability
- Loss of farmland
- Drainage and flooding issues
- Lack of local jobs
- Loss of privacy
- Sea wall could be affected by drilling
- Light pollution
- Noise
- Increases in risks of landslides
- Detrimental to health and wellbeing
- Roads are too narrow in Watchet for increase in traffic
- The proposal does not comply with policy
- The ecology report is out of date
- Blue Anchor road is under threat due to coastal erosion so any changes to roads at site are pointless
- Distance to town facilities and steepness of hill means people will not walk or cycle and will drive adding to traffic congestion
- Impacts on existing utilities such as broadband and fresh water pressure
- No affordable housing
- No provision for refuse collection
- Impacts on views
- Geological fault-line and potential for earthquakes
- There are other residential developments in Watchet so it is not needed
- The development will negatively impact on tourism
- It will restrict light to Lorna Doone estate

Planning Policy Context

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

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

LT1	Post 2026 key strategic development sites.
SC4	Affordable Housing
SC2	Housing Provision
TR1	Access to and from West Somerset
TR2	Reducing reliance on the private car
CC3	Coastal Change Management Area
CC4	Coastal Zone Protection
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

Retained saved policies of the West Somerset Local Plan (2006)

LT1	Post 2026 key strategic development sites.
SC4	Affordable Housing
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TR1	Access to and from West Somerset
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CC3	Coastal Change Management Area
CC4	Coastal Zone Protection
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement
NH9	Pollution, contaminated land and land instability

Local finance considerations

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£1079 (per dwelling) x 136 = £146,744
Somerset County Council	£270 (per dwelling) x 136 = £36,720

6 Year Payment

Somerset West and Taunton	£6474 (per dwelling) x 136 = £880,464
Somerset County Council	£1619 (per dwelling) x 136 = £220,184

Determining issues and considerations

The main issues are:

Principle of development; affordable housing and viability; roads, cycleways and access; PROW; coastal erosion and land stability; ecology; landscape and visual impacts; heritage; drainage, surface and foul water management; legal agreements and off/onsite contributions; and reserved matters

Principle of development

This application is in outline form and is for the development of up to 136no. dwellings and includes works to the highway to facilitate a re-alignment (or re-location) of the existing B3191 public highway, which borders the site to the north. The site is located very close to the Bristol Channel coast and is on sloping ground, with cliffs to the northern side of the B3191 and several designated heritage assets including a Scheduled Ancient Monument

The proposed development is at a site on the edge of Watchet and has been allocated for longer-term strategic development through policy LT1, which identifies two sites (this one and another in the Minehead area) and requires that:

“Within the two areas identified for longer-term strategic development.....

- to the west of Watchet at Cleeve Hill, where development must contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's Castle and encouraging visitors to the monument through funding excavations and improvement of site management, and also to providing a new alignment for the B3191 to address the impact of coastal erosion,
- proposals for the Watchet site must sustain and, where appropriate, enhance the historic assets of Daw's castle and the adjacent lime kilns and their

settings.

development of both of these sites would be guided by the provision of indicative masterplans”

The proposal is for 136no. dwellings (affordable housing and viability issues are discussed below) with relocation or re-alignment of the B3191. The initial proposal has been subject to significant amendments due to the proximity of the cliff-face to the B3191 and coastal erosion which has necessitated providing an alternative route through the proposed development site for road traffic, as the existing B road could not be safely re-aligned. It is on the basis of the revisions to the proposal that this report has been prepared.

In terms of the principle of development the site is allocated for medium-scale residential development in the adopted West Somerset Local Plan to 2032 via policy LT1. Whilst LT1 envisaged that the two sites would come forward in the latter part of the plan period from 2026 to 2032 it is not considered to be a dis-benefit to bring the Watchet site forward early as there are benefits in terms of the revised road proposals from developing the site earlier than was stated in the policy. The proposal is not considered to be a departure from the Local Plan in this regard.

As the proposal is outline in form although includes estate and other roads, cycleways, re-alignment of the B3191, pathways, works to the existing right of way and open space provision within the site, with all other matters reserved except for access and the road issues, and assessment is made on the basis of indicative plans. The initial proposal would have involved works to change the coastal path alongside re-alignment of the highway however after negotiations to change the approach to road issues the B3191 will not be re-aligned so the existing coastal path will not be directly impacted by the development, there are however other issues related to public footpaths which are routed through or near to the site which are discussed below.

Aside from policy LT1 other relevant policies includes SC4 Affordable Housing, TR1 and TR2 (sustainable transport etc), CC3 and CC4 (coastal erosion and management) and NH1 and NH2 (heritage management).

Affordable housing and viability

Local Plan policy SC4 requires that on residential developments of 11 or more dwellings that 35% are provided onsite as affordable. However the development includes the provision of essential infrastructure in terms of the relocation of the clifftop B road through the site which it is acknowledged adds significant costs to the proposal.

The agent has submitted a viability assessment from Vickery Holman Associates which was initially flawed in certain respects as it used former TDBC Core Strategy policies as the baseline figure to calculate percentages of affordable housing provision, not the relevant West Somerset Local Plan policies, there were also other issues with the first draft of the viability report. This has subsequently been amended and the provisionally agreed by the LPA's housing enabling officer subject to a final

assessment by independent valuers Three Dragons. Provided that Three Dragons are in agreement with the costings and calculations contained within it the LPA are satisfied that a reduced level of affordable housing provision is justified and warranted. The final percentage achievable after due consideration of the viability report will be given in a verbal update at committee

Roads and access

The initial proposal would have included realignment of the B3191 which runs out of Watchet and is extremely close to the cliff edge in parts. Due to coastal erosion this road is deemed unsafe and land stability is constantly monitored with the road subject to regular closures. The proposal has been revised to site the road through the development which should ensure far more long-term usability and meets policy requirements for improvements to this route. The highways authority have agreed with the revisions subject to conditions.

Public Rights of Way (PROW)

The site has one PROW traversing through it, a second adjacent to it and the England Coastal Path outside of it close to the cliff edge. The PROW officer has not objected to the proposal but requires a (refundable) £10,000 deposit in respect of the potential for any works to impact onto the existing right of way through the site. This will be secured via the section 106 agreement.

Ecology

The application includes a Preliminary Ecological assessment from Blackdown Environmental dated March 2016 with further surveying work conducted in December 2016. The County ecologist noted that the site is in relatively close proximity to two designated areas, the Cleeve Hill SSSI and the Blue Anchor and Lilstock SSSI. The ecologist has raised no objections but has requested conditions and an informative. The ecologist further noted that dormice, which are a European Protected Species are present and that the LPA must be satisfied that derogation from the Habitats Directive is justified and the developers must obtain a license for translocation of all protected species. Natural England have also not objected to the proposal.

Landscape and visual impacts

The application includes an LVIA (landscape and visual impact assessment) and the SWT landscape officer is generally supportive of the approach taken although has concerns about siting and density of development and noted that scrub and hedgerows should be retained. Given that the LPA will retain control landscaping, layout and density through the reserved matters application process the visual and landscape impacts, at the 'outline' stage, are considered to be acceptable.

Heritage

The site is located close to designated heritage in regards to two listed structures, which are Grade II listed lime kilns, a Scheduled Ancient Monument which is Daws Castle, a Saxon era earth rampart, and the Watchet Conservation Area. Historic England have been consulted and have not objected to the scheme but have recommended appropriate landscaping and keeping development away from areas which could detrimentally impact upon the setting of Daws castle. It is considered that the proposed development would not have a significant impact upon the designated heritage assets and due to concerns about coastal erosion the area closest to the lime kilns and Daws Castle will be largely undeveloped so will not have significant adverse impacts on its heritage significance or setting. The final decisions regarding landscaping, layout, scale, form and design will be with the LPA via the reserved matters and as such it is considered that control over the setting of heritage assets can be maintained by the LPA and no substantive harm to designated heritage assets is evident at this 'outline' stage. Policy LT1 requires enhancements to Daws Castle as a visitor location as part of the site allocation and this has been agreed with the applicants and can be included within the provisions of the Section 106 agreement as Daws Castle is not within land in the applicant's ownership, although as yet no proposals for enhancement have been received by the LPA from relevant heritage organisations.

Drainage, and surface and foul water disposal

Submitted information includes a drainage strategy from Hydrock Consulting. After negotiations with Wessex Water agreement has been reached that the approach outlined in the strategy is acceptable, including addressing issues related to odour, sewerage disposal and management of surface water within the site. Final details of all relevant drainage arrangements, including for estate roads and roads scheduled to become adopted highways, will be required, by condition, as part of the reserved matters submission. The Lead Local Flood Authority noted that the proposal includes an attenuation based drainage system which is noted as being 'appropriate' provided that the strategy utilises surface based attenuation features not underground storage, and adheres to sustainable urban drainage system (SuDS) principles. This requirement will be set by condition.

Legal agreements and off/onsite contributions

The proposed development will require one or more legal agreements, via legislation known as Section 106 (s106), to ensure affordable housing requirements, offsite contributions for educational provision, and for play areas/open spaces, and any works associated with heritage assets, and concerned with highways and PROW issues and/or contributions. The agent has suggested separate, distinct s106s, to distinguish between highways/PROW matters (for SCC) and other issues. The planning authority consider this approach acceptable and warranted given the complexities of co-ordinating three sets of lawyers (representing the applicants, SWT and SCC) to negotiate of all issues were bundled into one document. The s106s will require appropriate trigger and compliance points for actions and payment of monies due. Therefore as a planning committee item the recommendation would

be for committee approval to approval once draft s106s are agreed and signed (and all matters related to viability and the exact affordable housing percentage in respect of viability has been agreed)

Land Stability

The site is near to a cliff although development has been set away from this area and the revised proposal to use the highway within the site instead of realigning the B3191 will lessen risks from coastal erosion. A visual and verbal update will be given at committee with projected mapping of future coastal erosion at the site.

Reserved matters

The conditions attached to any permission granted would include a condition for details of layout, design, landscaping and details of design to be submitted within two years of permission being granted.

Other matters

Watchet Town Council have been consulted and deferred comment, no further comments have since been received. Significant numbers of letters of representation have been received with issues raised discussed above.

Conclusion

The site has been allocated through the adopted Local Plan to 2032 for residential development with improvements to the existing public highway. Due to ground conditions changes were required to the road realignments which have been undertaken and on this basis the application can be recommended for approval subject to agreement with the viability assessment and signing of a legal agreement.

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

Cleeve Hill, Watchet 3/37/18/015: planning committee update report

The SWT Planning committee of 30th January 2020 was presented with the application 3/37/18/015, land at Cleeve Hill, Watchet (outline -136no. dwellings plus re-alignment of the B3191) and resolved that the application should be deferred and:

“Further information including viability report (to include percentage of affordable

housing), land stability report and to be presented with option from Somerset County Council.”

Introduction

This update report covers: land stability; viability; educational contributions; re-alignment of the B3191 and the WSP Options report; heritage; and letters of representations and other consultee responses received by the local planning authority (LPA) since the date of the last committee where the application was presented (30 January 2020). The report also details changes and additional conditions amended since the 30th January 2020 Planning Committee.

1. Land stability

In regards to land stability the LPA has followed central government guidance and the steps outlined in the relevant flow chart from the MHCLG. This identifies that the LPA has a statutory duty to assess land stability and to first take a view on whether a site has potential to be affected by land or slope instability, then ascertain if it is within a defined Development High Risk Area within a coalfield area, and then require the applicant to carry out a preliminary assessment of the site including desktop study and site visit to identify risks of land and/or slope instability. The assessment should identify if the risks are ‘acceptable or that the risks may be mitigated to an acceptable level’ the LPA can then proceed to decision and can impose appropriate conditions or planning obligations to land issues concerned with land stability.

In terms of the government guidance, revised edition published 22 July 2019, paragraph 1 notes that the planning system should consider issues related to land stability and minimise risks, ensure that development does not occur in unstable locations or without appropriate precautions, and help to bring unstable land back into productive use.

Paragraph 2 notes that the planning systems works alongside other regulatory regimes, notably Building Regulations (others cited are concerned with coalfields, mines and quarries so are not applicable in this instance)

Paragraph 6 also has relevance to this application and notes that LPAs “should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected” and require developers to undertake a “preliminary assessment of ground instability”, with developers allowed the choice to “adopt phased reporting, eg desk study results followed by ground investigation results.”

The applicant has now submitted a ‘Land Stability Appraisal’ from Stantec Ltd dated 27 February 2020. Stantec are acknowledged as being suitably qualified to undertake such a survey and appraisal as is required by both the planning

committee and relevant government guidance. This appraisal was in the form of a desk-based assessment and preliminary site visit and did not include intrusive ground investigations. As per the relevant and up-to-date government guidance on land stability, cited above, the initial assessment does not have to include intrusive ground investigations unless there are specific circumstances requiring this, examples such as a history of inland landslips or potentially unstable coal spoil heaps would potentially meet this test.

The desk-based assessment identifies details of landslips on the seaward side of the cliffs and coastal zones, and definite evidence of historical and current cliff regression but does not mention inland landslips. The report notes that the cliffs have regressed by approximately 15-20metres between 1888 and 1972. The report however notes that the position of any houses would be at least 78metres from the current cliff line, and that this development area could be moved further back still, with the potential re-alignment of the B3191 to 68metres inland from the cliff edge. The report notes that it “could be 250 years before the upper crest regressed as far back as the development area of the site” and even with impacts of sea-level rises and climate change this time-frame is likely to be “in excess of 150 years”.

The report also noted that “observations in the fields comprising the site did not reveal any evidence of instability in the ground that slopes down to the south within the site boundary. Generally, the landform of the site is gently sloping pasture with a relatively uniform gradient”. The findings of the report largely concur with the recent report commissioned by Somerset County Council from WSP into options for the B3191 road, discussed below.

The report from Stantec, whilst it does not include intrusive ground investigations, is considered to have fully met stipulated requirements in the most recent government guidance, for the stage in the planning and development process this outline application is at. Further requirements for stability assessments, including intrusive ground investigations and a detailed methodology for construction works, will be set by condition to be provided prior to the submission of any reserved matters applications. This condition has been revised from the wording previously drafted for the committee item from the 30th January 2020 to reference the fact that details would be required to be submitted and approved prior to the submission of any reserved matters application, and has included reference to surface attenuation features of any proposed drainage systems.

It should also be noted that further along the process any construction activities would be subject to the Building Control regime and would require substantive evidence of the ability to develop the site safely, without creating issues of instability

within and outside of the site, due to any proposed construction works.

It is therefore considered that the applicants have complied with the request from the 30th January 2020 planning committee to provide a land stability report, that this report has provided some certainty in terms of any attendant risks, and that issues related to land stability do not represent a reason to refuse the application.

In order to ensure that development could not take place within close proximity to the cliff edge a further condition is considered to be appropriate requiring that no residential development takes place within 50metres of the cliff edge and that an up-to-date survey of the cliffs is submitted no more than two months prior to the submission of any reserved matters application identifying the extant state of the cliffs. This would ensure that risk is minimised and that a reasonable gap is in place between the cliffs and any residential development and would take into any changes to the current cliff line.

It is also noted that in the British Geological Survey's 'Minehead district - a concise account of the geology' (1999, R A Edwards, page 10) comment is made regarding land instability and the fact that "...the possibility of landslipping should be considered prior to engineering activities on such slopes". It is considered important to stress that the Geological Survey does not advise against such developments but advises that there should be an evaluation 'prior to engineering activities'. The submitted report from Stantec is from qualified and indemnified engineers and it has advised that development at the site is not unreasonable provided that a sufficient buffer is in place to the edge of the cliff face. It is therefore considered that the report conforms to government requirements for assessing land instability issues, proportionate to the stage in the planning and development process this application represents.

The WSP report identifies six options, aside from 'doing nothing', for the section of the B3191 nearest to Watchet numbered 1A to 1F, ranging from cliff stabilisation works, re-aligned routes, through to the creation of roadway along a new tidal lagoon, with estimated costs between at the lower end £10 million (solely cliff stabilisation) to over a £1billion. The option earmarked to be taken forward to 'the next stage' is 1D, which travels through the Cleeve Hill site, which includes both re-alignment for the B3191 and cliff stabilisation works and is provisionally costed at £28million with reduced economic losses at £19million, the highest figure for any of the options in terms of sustaining economic development in the area.

From WSP Options report, commentary on central government funding for coastal protection measures:

"10.3.2. Option 1D and Option 2C have the potential to attract Flood and Coastal Erosion Risk Management (FCERM) Grant in Aid (GiA) should the Present Value

Benefits exceed the Present Value Costs.

10.3.3. FCERM GiA is funding provided by the Department for Environment, Food and Rural Affairs (DEFRA) to implement FCERM policy. The funding is administered by the Environment Agency and would be applied for by Somerset West and Taunton as the Coastal Protection Authority for the area.

10.3.4. Funding levels are linked to the number of households protected, the damages prevented, environmental benefits, amenity improvements, agricultural productivity and economic benefits. The payment rates for household protection vary depending on the number of properties affected, and the levels of deprivation in that area; the more properties that benefit from the works, and greater the level of household deprivation, the higher the eligible payments”

The salient points being that the higher number of households requiring coastal defence the higher the amount of GiA funding potentially available.

The WSP report further notes that private sector contributions to the ‘highway element’ of option 1D should form part of section 106 negotiations at Cleeve Hill:

“10.3.6. With regard to the highway element of Option 1D, the possibility of a Section 106 contribution should be explored in relation to the allocated Cleeve Hill site. It will be important to ensure the western end of this road realignment, where the cliff will not be protected, falls outside the projected cliff top erosion limit as shown in Section 3.3...”

Therefore in terms of land stability issues at the site the independent report produced by WSP has clearly identified benefits to re-aligning the B3191 through the Cleeve Hill site as the preferred option in comparison to five other assessed options, in terms of costs, economic benefits to the locality and potential for central government funding to contribute to cliff stabilisation works, which are likely to be at a higher level if a greater number of dwellings would be protected than without them. These factors are a significant material consideration in relation to the current application.

2. Viability report

A viability report from Vickery Holman has now been provided to the LPA and has been independently assessed by the District Valuer (DV). The DV has clearly indicated that full compliance with the stipulated 35% affordable housing provision at the site would not be economically viable given the extraordinary costs associated the road re-alignment and full costings of required educational contributions. The education contributions have been revised (see below) lowering the figure from £957,623 (as presented in 2018) to £768,330 (revised response from Somerset County Council, June 2020). With this reduction in requested offsite contributions for educational contributions the DV has set the viable percentage of affordable dwellings at the site to 27%, which would equate to 34 units on a 136 dwelling development. Initial findings from the District Valuer prior to the revised educational

contribution indicated a 25% figure but this was revised after the reduced requirement for educational contributions to 27%.

It is acknowledged that 27% affordable housing is a reduction from the 35% policy SC4 position from the Local Plan to 2032. However the initial percentage raised at the committee in January 2020 was between 10-12%, before submission of the Viability Report and its' review by the District Valuer. Clearly therefore the final percentage is quite close to a full SC4 requirement and in terms of actual numbers of houses would equate to 34. The breakdown of tenure and scale would be:

- 4 x 1 bed flats for social rent.
- 8 x 2 bed houses for social rent
- 9 x 3 bed houses for social rent
- 1 x 4 bed house for social rent
- 9 x 2 bed shared ownership houses
- 6 x 3 bed shared ownership houses

Total 34 and split 62% social rent and 38% shared ownership

Local Plan policy LT1 allocated the site for both housing development and delivery of works to re-align the B3191. This makes delivery at this site qualitatively different to many other housing developments. Therefore the LPA accept that any extraordinary costs associated with delivering an allocated site, as per the entirety of its' allocation to include roadworks for a public highway, have to be factored into the requirements for affordable housing. As the Viability Report has been independently assessed by the District Valuer the LPA recognise that the proposed development could not deliver both 35% affordable housing and works to re-align the road and accept fully the DV's findings. The revised percentage for affordable housing has significantly increased from that shown in the January 2020 planning committee report and is considered to be commensurate with the viability of the development as proposed.

3. Educational Contributions

Somerset County Council estates team (educational responsibility) have reviewed their initial request for educational contributions from that first made in 2018. The size of the required contribution has reduced from £957,623 required in 2018 to £768,330 as of the consultation response received in June 2020. This is due to a re-evaluation of existing capacity and likely demand and changes to the situation since the first consultation response. The revised figure equates to a costs per

dwelling of for early years £1,632.07 and for 1st school £4,017.4118. These contributions would be set via section 106 agreement tied to any permission granted. As cited above the revised contribution has positively impacted on the percentage of affordable housing which is considered to be economically viable at the site.

4. Re-alignment of the B3191 and the WSP Options report

Since the last committee for this application in January 2020 Somerset County Council have made public a report from consultants WSP looking at various options for re-aligning the B3191. This includes as option 1D, a route which traverses through the application site but slightly deviates from that as proposed, but is a potential and, given cost implications of the other options, reasonably likely option. The WSP report is a material consideration in relation to the current application.

After negotiations between the LPA, the highways authority and the developers it was agreed that drawings would be amended to include reference to the option 1D route and that this would be enabled as an alternative route should this option come forward. The detailed response from the highways authority to the application has also been revised to include reference to the option 1D route and reference to securing compliance through a section 106 agreement.

This therefore further supports the case that the proposed development would not be detrimental to land stability at the wider site, and beyond, as there would a legal agreement attached to any permission granted ensuring continuing stability of the land and an ongoing access to the B3191 until new works for re-alignment were undertaken and completed. The re-alignment of the B3191 through the application site would be at cost to the developer (within the red line) whereas options utilising other routes outside of the red line could be met largely or entirely by taxpayers through public funding. Equally if option 1D is pursued without the proposed development being given consent then costs for this road re-alignment (and additional costs for other matters such as land purchase) would be likely to fall to entirely public funding.

As cited above costs for cliff stabilisation are likely to be funded through a mix including GiA funds from central government, the level of which is partially dependent upon numbers of dwellings to be protected, the higher the number the greater the funding available from central government. It is therefore considered that in the light of the Options survey from WSP the case for the LPA to support the application has been strengthened, particularly as it was envisaged during the drafting of the West Somerset Local Plan that this would be case, and that the allocation would deliver community benefits through the works to re-align a road

which is under real and present threat to rapidly crumble into the sea.

The LPA are mindful of the provisions of the Equality Act 2010 and of section 49 of the Disability Discrimination Act 1995 and of the need for a surfaced footpath/pavement to run alongside a re-routed B3191 to facilitate access for pedestrians, wheelchair users and non-motorised users (eg parents with prams or buggies). However these details would be required as part of a reserved matters submission so do not directly impact upon this outline application. It is considered to be unnecessary to add additional conditions to achieve a surfaced pavement or footpath to run parallel to the re-routed B3191 as this matter would be covered within existing conditions (estate roads) and legislation as cited above. The estate-road pavement could not connect up to traverse the entire route into Watchet along Saxon Close and West Street as much of this is outside of the red line and, as extant, does not have pavements. This is on land outside of the ownership of the applicants and, as such, cannot be the responsibility of the applicants.

The main route for pedestrian access to Watchet from the proposed development site would be via the public footpath that crosses the site to the eastern side and enters onto West Street. Whilst this footpath has steps so is not fully accessible to non-motorised users (NMUs) the route could be subject to improvements to facilitate NMU use and access, which would be the responsibility of the highways authority as the steps are located some distance from the edge of the land indicated for development in the submitted red line plan. The section 106 agreement would include a clause to ensure that any works within the red line to facilitate access to the public footpath were undertaken. Both the agent and the County highways officer have confirmed that such an arrangement to be set through the section 106 legal agreement is acceptable. It is considered unreasonable to expect the developer to pay for works outside of the development area as much of Watchet has inadequate footpaths and pavements and the development cannot be held responsible for a general requirement to improve this wider situation. In regards to disabled access within the site and in terms of connections to the existing public footpath network the development would be fully compliant with the Disability Discrimination Act. Outside of the site the existing situation in Watchet is that there are many streets and roads without pavements, with steps and with very narrow pavements. This is not considered to be the responsibility of the applicants and it would not be reasonable to expect them to have to pay for improvements across the town

5. Heritage

Historic England have contacted the LPA noting that their comments were not cited in the report presented at the 30th January 2020. They have also provided updated comments. Their initial comments (July & August 2018) are reproduced in full in the

appendix below and further comments from June 2020. The South West Heritage Trust (SWHT) have also contacted the LPA in regards to Daws Castle and provisions within the section 106 and have also raised the question of whether trial archaeological trenches should be dug. In fact this has already taken place and has been shown in submitted, publicly-accessible documentation so the LPA has asked the Trust to provide revised responses. These have been provided and the SWHT have agreed to the wording of the archaeological watching brief condition as originally recommended in the 30th January committee report.

Historic England (HE) have raised concerns about the setting of designated heritage assets and in their 2018 consultation responses asked for indicative illustrations from one of the main viewpoints. However as the then indicative masterplan has been effectively superseded due to changes to the proposed repositioning of the B3191 it is not considered to be reasonable to require the developers to provide illustrative views as the masterplan would of necessity be changed by re-positioning the road. Therefore this will be amended to be set as a condition for any reserved matters to include illustrative views into the site as per the HE request.

HE also noted that the LPA should coordinate with their own conservation specialist and seek advice accordingly. After discussions with the SWHT conservation officer it was noted that the site is an allocated site which has been through due oversight during the review of the Local Plan by the Planning Inspectorate. The allocation included the extant B3191 which provides the existing access to the site and would provide to the easterly side the new access for the B3191. To the westerly side the option 1D cited above would move the B3191 further south which would be further away from Daws Castle. As the main access points to the site have been through Local Plan review when the Local Plan was assessed it is considered that the Inspectorate would have considered impacts of the allocation under LT1, with the westerly access next to the entrance to Daws Castle, and considered any impacts on heritage were acceptable. Furthermore both the lime kilns and Daws Castle were the subject of an assessment by the then West Somerset Council known as the Historic Environment Issues Paper, April 2014, which was part of the information that fed into the then Local Plan review.

It is considered that with a proposed move further away from the Daws Castle for the B3191 impacts should be lessened, not increased. It is also considered that public benefits from the proposed development including the provision of housing, re-routing the B3191 and offsite contributions including for education and information boards at Daws Castle and the lime kilns site, outweigh any perceived harm to the setting of heritage assets. Furthermore control of design, landscaping and choice of features such as materials will rest with the local planning authority at the reserved matters stage. With the cited condition for visualisation indicating aspects such as height of roofs and any landscape buffers any harm to setting can be adequately

mitigated. The planning authority does not consider that harm to designated heritage assets has been robustly established as a result of a recommendation to approve this application, at an outline stage, and that it would retain sufficient control to ensure that the reserved matters could effectively mitigate impacts on heritage and the setting of designated assets.

6. Letters of representation and other consultee responses

Watchet Town Council have responded to the WSP Options report with a letter to SWT dated 31 March 2020 and noted that “SCC has not currently identified funding for implementation of their recommended solutions” and that should option 1D move forward the Town Council “will be supporting it strongly and advocating that funding be found”. They also noted that due to the proposed road alignment in option 1D being further inland “this might suggest that development would not be sensible on the seaward side of the road and would markedly reduce the possible number of dwellings that could theoretically be squeezed into the remaining area”. This point is noted, however this would be part of any reserved matters submission and it is not considered appropriate to condition this as an alternative condition to set the development back at ;least 50 metres from the cliff edge, (at the date of the Reserved Matters submission), is proposed, as cited above.

Additionally five households and the Watchet Conservation Society have sent in letters of representation objecting to the proposed development, since the date of the committee on 30th January 2020. The issues raised relate mainly to land stability and perceived inadequacies of the Stantec report. These matters are discussed above. Additional points raised include compliance with legislation regarding pedestrian non-motorised user (wheelchairs/pushchairs/etc) access along a re-routed B3191. This matter is also discussed above.

APPENDIX

Historic England Advice

(July 2018)

Historic England Advice

The proposal is an outline application with all matters reserved, except for access, for the residential redevelopment of agricultural land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space and partial re-alignment of the existing public highway (Cleeve Hill).

Historic England is aware that the site was included in the West Somerset Local Plan to 2032, adopted in November 2016, and included under the long-term strategic mixed-use development allocations post 2026 (Policy LT1). The policy includes a requirement for development on the site to contribute to enhancing the unique historic environment of the town including mitigating the erosion of Daw's castle, and that proposals sustain and, where appropriate, enhance the historic assets of Daws castle and the adjacent lime kilns and their settings.

Whilst we appreciate that the proposal has been submitted as an outline application, your authority must ensure that you are satisfied you have received sufficient information prior to making your determination to be confident that the proposed development can be delivered in line with the requirements of the Local Plan policy relating to the site as well as in accordance with national policy and legislation.

Designated Heritage Assets

The proposed development site is located within the setting of a number of designated heritage assets, including the nationally important scheduled monument of Daw's Castle (SM 33712; NHLE 1020882), the three Grade II listed lime kilns (NHLE 1180302) to its north east, and the Watchet Conservation Area.

Our advice below focuses on the impact of development on the significance of Daw's Castle a fortified site of Saxon date and high status (as demonstrated by its possession of a mint) prominently located on the cliff edge above Warren Bay in the Severn Estuary. The fortification survives as a curvilinear earthen bank which represents the line of the Saxon defences. The north side of the site is now defined by the cliff edge as part of the defensive earthwork has been lost to coastal erosion and landslips. The monument has extensive inland views

towards the Quantock Hills to the east. The landscape surrounding the scheduled monument contributes positively to the significance the scheduled monument derives from its setting. Its current undeveloped character, retaining a separation between the monument and the encroachment of development to the west of Watchet, retains the clear and open views which are recognised by the Heritage Assessment as fundamental to its defensive function.

In relation to other designated heritage assets we refer you to the advice of your own Conservation Officer, and to your archaeological advisor at South West Heritage Trust in relation to the treatment of the archaeological resource across the site, informed by the results of the archaeological evaluation conducted in 2017.

Impact of Proposed Development

The conclusions drawn by the submitted Heritage Assessment in relation to the effect of the proposals on the nationally important scheduled monument of Daw's Castle do not reflect the assessment of significance set out in the same document. The ability to visualise the surrounding landscape and the encroachment of development towards the scheduled monument will, in our opinion, impact on its significance. It is therefore important that your authority is able to make your own assessment of how the impact of the proposed development on this heritage asset of the highest significance [NPPF 194b] might be avoided and conflict minimised [NPPF 190]. You must therefore be satisfied that you have sufficient information prior to making your determination to inform this part of your assessment. On the basis of the submitted information Historic England does not consider that you have as yet been submitted with enough clarification of the nature of the visual impacts of the development. Without this, in our view, you will not be able to identify whether all opportunities to avoid and minimise that impact have been taken account of in designing the development.

We do not disagree with the broad recommendations in the Landscape and Visual Capacity Assessment for restricting development towards the western end of the site, reducing the density of the development from east to west across the site, providing a landscape buffer with screening incorporated to the west and north and restricting taller buildings to those areas where they would be less visible due to the topography of the site. However our concerns relate to whether your authority as yet has sufficient information to assess whether the proposed implementation of the above mitigation proposals in the current indicative masterplan will be effective in minimising the level of harm to the experience and significance of the scheduled monument and satisfying your authority that it can be delivered at an acceptable level.

Policy Context

Historic England's advice is provided in line with the importance attached to significance and setting with respect to heritage assets as recognised by the Government's revised *National Planning Policy Framework* (NPPF) (2018) and in guidance, including the *Planning Practice Guidance* (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (*Historic Environment Good Practice Advice in Planning Notes* (2015 & 2017)) including the revised edition of *The Setting of Heritage Assets* (GPA3) published in 2017.

Historic England Position

Historic England acknowledges that the site has been allocated under the adopted Local Plan. The relevant policy takes a strong stance in relation to the requirements of development on the site with respect to the scheduled monument, and accords with the approach set out in the revised NPPF. Whilst we do not disagree with the selection of the proposed options for mitigation of the impact of development on this nationally important site, we consider that additional information will be required to inform your authority's decision. We advise that regardless of the type of application submitted, sufficient clarity is required regarding the visual impact of the proposals on views in particular from the scheduled area to inform your decision in this case. We would recommend that additional visualisations illustrating the indicative heights of proposed buildings in Viewpoint 1 in particular should be submitted. These should be supplemented by indicative visualisations illustrating the level of mitigation offered by the proposed landscape buffer and associated planting. Your authority needs to be broadly satisfied that the general approach to the extent and nature of this buffer will be sufficient and appropriate to address the nature and level of impact of the proposed scheme.

We are pleased to see provision for interpretation, investigation and enhancement at the nationally important scheduled monument of Daws Castle included in the proposal and would welcome an opportunity to advise the applicant, jointly with your authority, on how that might be delivered in the event development on this site is brought forward. However, we consider that the primary concern at this current time is in ensuring the approach to development on the site is designed in accordance with both national and local policy to conserve the significance of the scheduled monument.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Our concerns relate to the provision of sufficient information to enable your authority to ensure that development on this site is delivered in accordance with both the relevant policies of the Local Plan and national legislation, policy and guidance.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193 and 194 in particular of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

(August 2018)

The following advice supplements that we provided to your authority on 30 July 2018.

We note from your authority's website that the additional information submitted comprises a Transport Assessment and associated appendices, and that the description of the application has also been amended to reflect a change from appearance to access as the only matter for detailed consideration.

Historic England has no further detailed comments to make in relation to the scheme on the basis of the additional submitted information. However we would note that we welcome recognition of the importance of retaining and sustaining footpath access from the site and from Watchet through to the scheduled monument of Daw's Castle.

We refer you overall to our advice of 30 July 2018, a copy of which is attached for your convenience.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

Our advice remains as set out for your authority on 30 July 2018. Historic England's concerns relate to the provision of sufficient information to enable your authority to ensure that development on this site is delivered in accordance with both the relevant policies of the Local Plan and national legislation, policy and guidance.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 192, 193 and 194 in particular of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

(June 2020)

Previous Advice

Historic England previously advised West Somerset Council on this application on 30 July and 07 August 2018. Given the length of time since our last consultation we offer the following summary of the key issues raised in our advice to date. In addition both our previous letters are attached for your reference and to read in conjunction with our advice below.

In our previous advice we recognised that the site was included in the adopted West Somerset Local Plan and drew attention to the requirements under policy LT1 in relation to the unique historic environment of Watchet including the nationally important scheduled monument of Daw's Castle.

Given the important commitment in the Local Plan, in addition to those requirements under the policies of the National Planning Policy Framework (NPPF), we advised that it was essential to ensure that you were satisfied you had received sufficient information prior to making your determination to be confident that the proposed development could be delivered in accordance with both legislation and national and local policy.

We advised that we did not consider the conclusions of the submitted Heritage

Assessment in relation to the effect of the proposed development on Daw's Castle reflected the assessment of significance in the same document. We did not consider that sufficient visual assessment of the development had been submitted to ensure you were able to identify whether all opportunities to avoid and minimise the impacts of the encroachment of development into views of the surrounding landscape from Daw's Castle had been designed into the scheme.

Whilst we did not disagree with the broad recommendations in the Landscape and Visual Capacity Assessment (6.1.2) we remained concerned that you did not have sufficient information to assess whether the proposed mitigation included in the indicative masterplan would be effective in minimising the level of harm to an acceptable level to deliver the allocated development in accordance with legislation and policy.

Significance of Designated Heritage Assets

The proposed development site is located within the setting of a number of designated heritage assets, including the nationally important scheduled monument of Daw's Castle (SM 33712; NHLE 1020882), the three Grade II listed lime kilns (NHLE 1180302) to its north east, and the Watchet Conservation Area. Our advice continues to focus on the impact of development on the significance of Daw's Castle a fortified site of Saxon date and high status (as demonstrated by its possession of a mint) prominently located on the cliff edge above Warren Bay in the Severn Estuary. The fortification survives as a curvilinear earthen bank which represents the line of the Saxon defences. The north side of the site is now defined by the cliff edge as part of the defensive earthwork has been lost to coastal erosion and landslips. The monument has extensive inland views towards the Quantock Hills to the east. The character of the landscape surrounding the scheduled monument contributes positively to the significance the scheduled monument derives from its setting. This current undeveloped character, providing a sense of separation between the monument and the encroachment of development to the west of Watchet, retains the clear and open views which are recognised by the Heritage Assessment as fundamental to its defensive function.

Impact of Proposed Development

Historic England has previously stated that we were concerned that the ability to visualise the surrounding landscape and the encroachment of development towards the scheduled monument would, in our opinion, impact on its significance.

Consequently we advised in relation to the information that we considered your authority would need to ensure that you were satisfied that those impacts were avoided and minimised through the design of the proposed development. We advised that sufficient clarity is required, even at outline stage, regarding the visual impact of the proposals on views in particular from the scheduled area to inform your decision in this case. We recommended that additional visualisations illustrating the indicative heights of proposed buildings in Viewpoint 1 in particular should be submitted. These should be supplemented by indicative visualisations

illustrating the level of mitigation offered by the proposed landscape buffer and associated planting.

In relation to other designated heritage assets we continue to refer you to the advice of your own Conservation Officer, and to your archaeological advisor at South West

Heritage Trust in relation to the treatment of the archaeological resource across the site, informed by the results of the archaeological evaluation conducted in 2017. We note that you have been in discussion with South West Heritage Trust in relation to how any condition attached to the consent would ensure the delivery of an appropriate programme of archaeological work with subsequent deposition within a public collection of reports and archives in line with an approved written scheme of investigation (WSI). Given the proximity to the scheduled monument and the potential therefore for remains that would contribute to our understanding of the monument itself, Historic England would recommend that you ensure you are satisfied that appropriate and proportionate provision would be made in the event any archaeological remains more significant than those identified to date on the site during evaluation were identified during the construction programme. We refer you to the detailed advice of South West Heritage Trust in this regard.

Current Proposals

Having reviewed the documents submitted since our last advice in August 2018, we

understand that changes have been made to the application which broadly comprise a reassessment of the highway element of the scheme and adjustment of the realignment of the B3191 at greater distance from the scheduled monument of Daw's Castle, together with submission of additional information including a preliminary land stability appraisal.

We welcome careful consideration by your authority of the issues surrounding land

stability and coastal erosion particularly in view of the landslips in the latter part of

2019 since these will affect Daw's Castle in addition to the local highway. The implications for the proposed layout of the allocated site resulting from the adjustment

in the alignment of the B3191 will need to be considered. We advise that you will need

to be satisfied that the green landscape buffer, included to assist in minimising impact

on views from within the scheduled monument, will nonetheless continue to perform

this function in the western part of the allocation despite these changes.

Planning Policy Context

Historic England's advice is provided in line with the importance attached to

significance and setting with respect to heritage assets as recognised by the Government's revised National Planning Policy Framework (NPPF) and in guidance, including the Planning Practice Guidance (PPG), and good practice advice notes produced by Historic England on behalf of the Historic Environment Forum (Historic Environment Good Practice Advice in Planning Notes (2015 & 2017)) including in particular The Setting of Heritage Assets (GPA3). Heritage assets are an irreplaceable resource [NPPF 184] and consequently in making your determination your authority will need to ensure you are satisfied you have sufficient information regarding the significance of the heritage assets affected, including any contribution made by their settings to understand the potential impact of the proposal on their significance [NPPF 189], and so to inform your own assessment of whether there is conflict between any aspect of the proposal and those assets' significance and if so how that might be avoided or minimised [NPPF 190]. In accordance with the NPPF your authority should take account of the fact that it would be desirable to sustain and enhance the significance of Daw's Castle [NPPF 192] due to the positive contribution that conservation of this monument would make for the community in Watchet [NPPF 192]. In so doing you must give great weight to the conservation of that significance [NPPF 193] given that Daw's Castle as a scheduled monument is considered to be a designated heritage asset of the highest significance [NPPF 194b]. Any harm to its significance therefore must be clearly and convincingly justified [NPPF 194].

Historic England's Position

Since the new information submitted since our last consultation does not relate specifically to or directly address the concerns from a heritage perspective that we had raised previously, Historic England's position remains broadly as set out in our letter of 30 July 2018. We continue to acknowledge that the site has been allocated under the adopted Local Plan. The relevant policy takes a strong stance in relation to the requirements of development on the site with respect to the scheduled monument, and accords with the approach set out in the revised NPPF. Whilst we do not disagree with the

selection of the proposed options for mitigation through layout, density and restricting taller buildings to areas where the local topography will reduce their visibility in views from within the scheduled monument, we are disappointed to see that additional information has not been submitted to inform your authority's decision as set out above and in our letter of July 2018.

Your authority also needs to be broadly satisfied that the general approach to the extent and nature of the landscape buffer at the western end of the site will still be sufficient and appropriate to address the nature and level of impact of the proposed scheme in relation to Daw's Castle despite the changes to the road alignment. However, in the event your authority is minded to make your determination of this be satisfied that you can ensure you will be able to deliver a completed scheme that is sensitive to the significance of the scheduled monument of Daw's Castle and that you will be supplied with sufficient information by the applicant to enable you to assess and confirm this in detail at each subsequent reserved matters stage. We would strongly advise that you ensure that the wording of any conditions you might apply to any outline consent granted would enable you to confirm that the final detailed scheme will (following Local Plan policy LT1 and the NPPF):

- Contribute to enhancing the unique historic environment of Watchet including mitigating the erosion of Daw's castle; and
- Sustain and, where appropriate, enhance the historic assets of Daws castle and the adjacent lime kilns and their settings.

You will need to be satisfied that you can sufficiently control the visual impact from within the scheduled monument with appropriate safeguards to restrict development through detailed masterplanning where it would otherwise intrude into views from the scheduled monument. You must ensure that the development does not erode the current undeveloped character of the landscape as seen in those views, thereby retaining a sense of separation between the monument and proposed development and retaining the clear and open views which are recognised by the Heritage Assessment as fundamental to Daw's Castle's defensive function.

We would also encourage both the applicant and your authority to liaise with English Heritage in relation to a contribution from Section 106 funds for positive

enhancements
for the nationally important scheduled monument. We continue to welcome
provision
for interpretation, investigation and enhancement at the monument in the
proposal and
would be pleased to advise the applicant, jointly with your authority and English
Heritage, on how that might be delivered through this allocation.

Recommendation

Historic England has concerns regarding the application on heritage grounds.
We still have concerns related to the provision of sufficient information to enable
your
authority to ensure that development on this site is delivered in accordance with
both
the relevant policies of the Local Plan and national legislation, policy and
guidance.

We consider that the issues and safeguards outlined in our advice need to be
addressed in order for the application to meet the requirements of paragraphs
190,
192, 193 and 194 in particular of the NPPF. However, we recommend that your
authority discuss and are guided by your own conservation advisors in relation to
how
such safeguards can be robustly implemented, to ensure that you are able to
deliver a
sensitive and sustainable approach to development on this allocated site within
close
proximity to the nationally important scheduled monument of Daw's Castle.
In determining this application you should also bear in mind the statutory duty of
section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
to have special regard to the desirability of preserving listed buildings or their
setting or any features of special architectural or historic interest which they
possess, and under section 38(6) of the Planning and Compulsory Purchase Act
2004 to determine planning applications in accordance with the development
plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek
amendments, safeguards or further information as set out in our advice.

Agenda item

3/37/18/015

- [Meeting of SWT Planning Committee, Thursday, 16th July, 2020 1.00 pm \(Item 35.\)](#)
- Share this item

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleway and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill). at Land at, Cleeve Hill, Watchet, TA23 0BN

Minutes:

Outline application with all matters reserved, except for access, for the residential redevelopment of agricultural Land for 136 dwellings with the creation of a new vehicular access (closure of existing), provision of estate roads, pathway, new public rights of way, cycleways and open recreational space. Also, partial re-alignment of existing public highway (Cleeve Hill).

Comments from members of the public included:

- Concerns with the adverse effect that the development will have on the land lower down the hill to Watchet;
- Concerns with the visual impact and pollution to the town;
- There has been no justification as to why the site has been brought forward early from 2026;
- Concerns with the fast eroding cliffs at West Bay, two further falls in the last four months;
- Concerns with the instability of Cleeve Hill;
- Concerns with the further subsidence behind Lorna Doone;
- The site was of geological and historical importance;
- The road system through the town was inadequate and cannot be improved without major destruction to the towns architecture;
- Sensors confirm that there has not been any movement in the road around Daws Castle for 25 years;
- No need for a new Coastal Road;
- Concerns that no Geological Survey has been carried out;
- No need for 136 new homes with four storey terraced houses on the skyline in this location;
- Watchet has already exceeded its housing quota;
- Concerns that no new infrastructure planned;
- The application would contravene the Council's legal obligation in terms of affordable housing;
- Concerns that this site was now superfluous due to another site being available at the Wansborough Mill;

- There is no bus route along Cleeve Hill, to get out of Watchet cars are the only option;
- Concerns with the lack of employment in Watchet;
- Access to Watchet was a serious issue with the new road and footpaths joining Cleeve Hill at a point where it is very narrow and without footpaths for 300 metres;
- The land is waste land an eyesore and ripe for development that will enhance the town and its surroundings;
- This development is essential to allow the road/transport link is maintained;
- The road link will be borne by the Developer not the Council;

Comments from Members included:

- Concerns with the land stability on the site;
- Concerns that no geological study had been supplied;
- Concerns with the movement of the land behind Lorna Doone;
- Concerns with the access to and from Watchet;
- Residents will be reliant on cars to access the site;
- Concerns with the attenuation tanks above the ground on the front of the site;
- Concerns that a desk top study will not show up faults on the site;
- Concerns with the lack of affordable housing on the site, this needs to be 35%;
- Concerns with viability on the site;

At this point in the meeting a short break was called for.

- Concerns that the proposal was not the same as the one proposed in January 2020;
- The road needed to be rerouted before we agreed permission;
- Concerns with the increased traffic on the small narrow streets and pavements in the town of Watchet;
- It was not logical to build houses to support the coast;
- Concerns with pedestrian access to the site;

At this point in the meeting a half hour extension was proposed.

- This site had been identified in the Local Plan;
- The road redevelopment can take place without this application;
- Affordable housing was short in West Somerset;

Councillor Aldridge proposed and Councillor Whetlor seconded a motion for the application to be **REFUSED**

Reasons

- Lack of Affordable housing (Policy target not being met);
- Lack of Land Stability report;
- Concerns with the pedestrian access to and from the site;

The **Motion** was carried

APPENDIX -

- 4) Letter from Fairhurst dated 01 December 2022**



Our Ref: 146881/CB/PMcM/L2
Your Ref: Planning Application Ref: 3/37/21/012

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Email: london@fairhurst.co.uk
Website: www.fairhurst.co.uk

1st December 2022

Simon Fox
Somerset West and Taunton Council
(by email only)

**146881 CLEEVE HILL, WATCHET –
INDEPENDENT GEOLOGICAL REVIEW OF SUBMITTED LAND STABILITY PLANNING DOCUMENTS**

OUR BRIEF

Fairhurst have been appointed by Somerset and West Taunton Council to review technical reports, referenced below, which have been submitted in support of a planning application (reference 3/37/21/012). The West Somerset Local Plan 2032 Policy NH9, Pollution, Contaminated Land and Land Stability states that;

‘Development proposals will not be permitted on or in close proximity to land known to be, or which may be, unstable’.

The previous application for the development (3/37/18/015) was refused, with reason 2 of the decision notice stating that the applicant had not provided a Land Stability Report including intrusive ground surveys to demonstrate that the land is suitable for development and therefore the application was not considered to be in compliance with NH9. Somerset and West Taunton Council therefore requested that Fairhurst provide a review of the subsequent land stability information presented by the application (3/37/21/012) and to assist in determining if reason 2 of the previous refusal has been overcome.

Fairhurst previously provided review and comment of the Stantec ‘Land Ground Investigation Report and Slope Stability Report’ (2020) in our letter reference 146881/CB/PMcM, 21st January 2021). This letter provides review of the subsequent Stantec response (408502/Geo1, 8th March 2022), comment on additional information supplied by the Council and from our observations during a meeting with Watchet Town Council and Geckoella. The meeting, held on the 26th September 2022, included a visit to no. 17 Lorna Doone, Watchet and the West Street allotments to the north of the application site.

Stantec ‘Land off Cleeve Hill Watchet – Land Stability Technical Note’

Our original letter report should be referred to for full details of comments provided. This letter considers whether our previous comments have been addressed, or whether further assessment required.

1. Geological Features

Fairhurst previously identified that it is evident from previous coastal erosion events shown on historical mapping and satellite imagery, in addition to a previous assessment by others (Ruddleson, 2016), that the landslips along the coast have exploited fault lines and geological boundaries. The cyclical erosion and instability as a result, will be heavily influenced by the presence, form and orientation of these features. Faulting and the unconformity plane between the Mercia Mudstone Group (MMG) and Blue

ABERDEEN
BIRMINGHAM
BRISTOL
DUNDEE
EDINBURGH
ELGIN
GLASGOW
HUDDERSFIELD
INVERNESS
LEEDS
LONDON
NEWCASTLE
PLYMOUTH
SEVENOAKS
TAUNTON
THURSO
WATFORD
WESTHILL

Lias on site, along with the dip direction, which is noted to be variable, should be further considered in order to confirm that land stability does not pose a risk to the proposed development.

Stantec identify in their submitted response (Stantec, 2022) that the dip direction is variable and observed to dip in a southerly direction at one location in the cliff immediately north of the application site and in trial pits undertaken on site. The WSP B3191 Options Assessment Report records that the Lias stratum dips unfavourably to the north east, and that one of the two main failure mechanisms to the cliff relates to failure along the slip plane between mudstone and limestone bands, accentuated by the dip direction.

The potential change in dip direction may be another influencing factor driving which areas of the cliff near the subject site are more susceptible to failure. The information Stantec presents suggests a variable dip direction, although there isn't sufficient information to consider how the dip direction changes for the sections of cliff closest to the application site.

As discussed further under Section 6 of this letter, the re-aligned road which will provide access to the residential properties and forms part of the development under the planning application, is situated within the intended 50m buffer zone. As such, the road falls within an area '*in close proximity to land known to be, or which may be, unstable*'. As shown in Plate 1 below, Fairhurst would also note that there is a geological feature in proximity to the junction between the proposed road and the existing Cleeve Hill road, with evidence of preferential weathering to the east.

2. Groundwater

Fairhurst previously noted that the effect of groundwater on land stability should be addressed by the Stantec report and within their ground model. Further consideration has been provided by Stantec, and while they note that the Blue Lias will be much less weathered, with less dilated fractures and would be expected to have good strength – this assumption cannot be related back to the existing ground investigation data due to its depth and lack of groundwater monitoring.

Stantec report that the intention of their report was... 'to provide an assessment of the risks of stability affecting the site to support planning. It was not the intention to provide details on specific development proposals or detailed ground model for that purpose'. Groundwater monitoring and assessment would be required at detailed design stage.

3. Topography and global slope stability

Stantec have stated within their technical note that local benching (or terracing) as part of the detailed development will have no significant impact on the global stability of the site, and any detailed design associated with this is out with the scope of the outline planning application. Given the absence of proposed engineering levels, Stantec would be unable to consider this further at this stage.

Due to the geological structure beneath the site, there is a topographical ridge that trends through the site, approximately west to east, as shown in Plate 1 below. Ground levels along the apex of the ridge feature falls from c. 46mAOD from the boundary adjacent to 'Panorama' to the west of the site, dropping to approximately 38mAOD in an easterly direction. The ground levels also reduce towards Lorna Doone, with levels of c. 34.5mAOD at the extent of the topographical survey on site. The topographical levels to the northern site boundary have not been surveyed in this portion of the site due to vegetation. The steep gradient and level changes are also shown in the photographs contained within Appendix A of the Stantec Report (2020) and the site topographical survey.

Also within this area, Stantec note a small arc with depression to the north of this ridge feature (Plate 1), to the south of Lorna Doone. The Stantec report states that the arc depression was investigated via two trial pits, which did not record any evidence to indicate that the ground is effected by ground movement

and the feature is thought to be related to minor changes in weathering of the Langport Member and Blue Lias strata in this area.

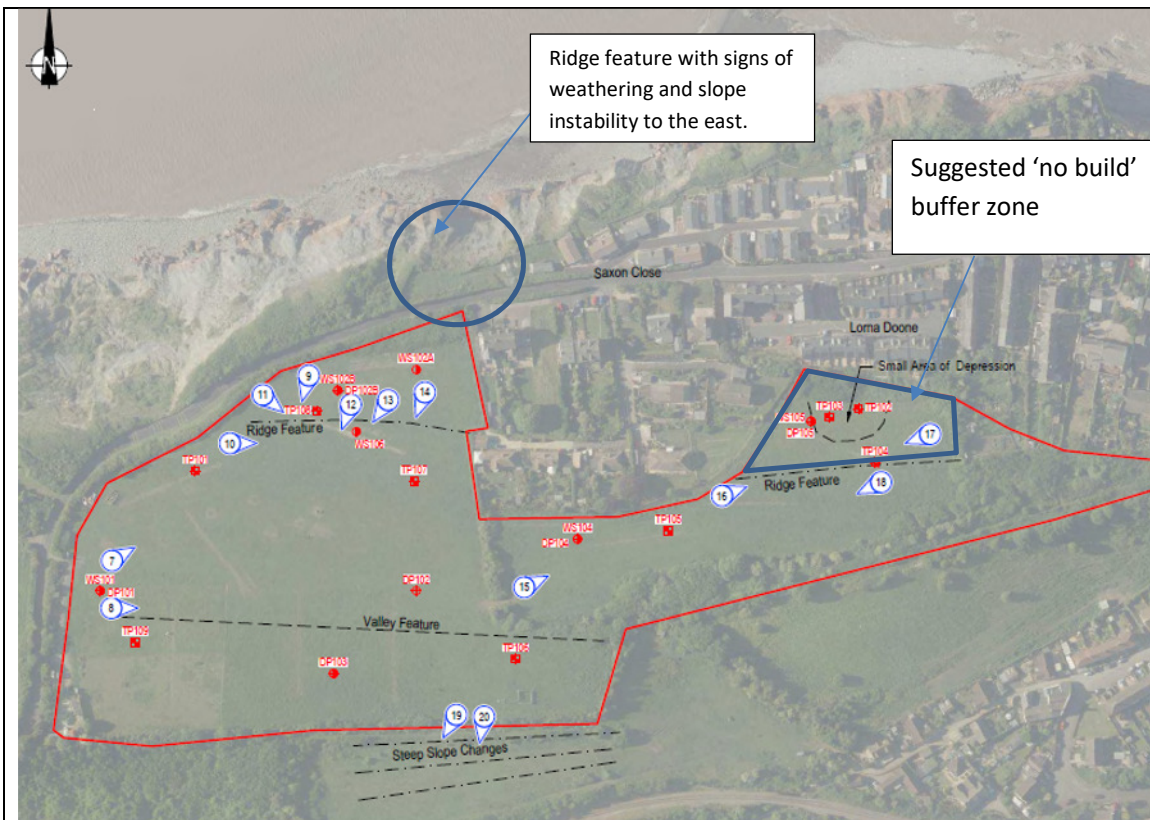


Plate 1 – Extract of Stantec (2020) Figure 2

Weathering in the Lias is evidenced by oxidation resulting in a colour change from grey to brown and typically extends to 5m below ground level (Hobbs, P.R.N et.al, 2012). The trial pits undertaken at this location (TP102, TP103) were of limited depth (1.7m and 1mbgl), the latter terminated in soils described as firm Clay. These trial pits were undertaken at levels of 37.5mAOD and 36mAOD respectively. The window sample borehole WS105, just to the south of the topographical depression was reportedly undertaken from c. 46mAOD (i.e. 10m higher elevation than the trial pits over a relatively short distance), records extremely weak mudstone to a depth of 1.5m, underlain by firm and stiff light brown gravelly clay. The dynamic probing undertaken adjacent to this borehole (DP105) confirms lower blow counts within this zone, with cumulative blows generally of 6 over 300mm to a depth of 2.6m, before much higher blow counts are recorded, which is in keeping with the descriptions from the ground investigation exploratory hole logs. Weathering in the Lias is typically accompanied by increased water content, and although testing has not been undertaken from locations in this particular area of the site, moisture content in clay encountered across the wider site is reported as up to 28% within the Stantec report (2020).

While there is evidence of weathering of the strata across the site, it is considered inconclusive that minor changes in weathering are the cause of the topographical depression in this area. However, if increased weathering of the geology in this area is the cause, this would suggest the potential for deterioration of the engineering properties, giving rise to increased risk of land instability.

In a planning application objection received by the Council and provided to Fairhurst for review (Objection 3/37/21/012) there is photographic evidence of a landslip to the south of no. 17 Lorna Doone, immediately north of the application site (and to the north of the arc feature).

Given the current steep gradients and required level changes to facilitate development in this area; evidence of previous instability to the immediate north of the site; imposed surcharge/loading as a consequence of the proposed development; and the evidence of lower strength material in the upper horizons of the ground – it is considered that this area of the application site is *in close proximity to land known to be, or which may be, unstable*.

As such, no development should be permitted in this area. Fairhurst would therefore recommend if the planning application is granted permission, that a no build buffer zone is implemented beyond the geological ridge in this portion of the site, as indicated on Plate 1.

4. Regression Rate

Stantec have provided justification for the 50m buffer and the benefits afforded by the drainage on the scheme. Fairhurst have no further comment on the intended extent of the buffer zone; however, it is noted that the realigned road footprint involves construction within 50m of the cliff edge as detailed below.

5. Road Realignment

Fairhurst previously provided commentary around the road realignment in our original letter (January 2021). It was noted within the Stantec report that the realignment of the road includes for a section of protection on shore at the base of the cliff and slope stabilisation works in the upper slopes at the eastern end of the road alignment.

Within the Stantec technical note (2022), responses to queries by Somerset West and Taunton Council are provided. Within their response to query 4 relating to coastal regression and the impact to the proposed road realignment, Stantec state that there is no discussion within their original report (2020) in relation to coastal erosion measures...‘however, any coastal protection measures if installed would offer benefit to the erosion and stability of the coastal slope’.

It is not clear if the comments within the technical note relate to wider coastal erosion measures at Cleeve Hill, as within the original Stantec report (Section 8, 2020), they state that the road alignment and associated coastal protection works will be undertaken by the Council.

The road realignment takes access adjacent to No. 6 Saxon Close into the applicant site, at which point the cliff edge is c. 15m to the north. This therefore requires construction within the intended 50m buffer zone as discussed within Section 1.0 of this letter.

Therefore, to permit the development, including the proposed road, protection to the cliff/coast would be required to allow the road to remain serviceable throughout the design life of the development. It is understood that there is currently no financial provision or proposals in place to undertake these coastal protection works by the Council or associated government agencies (as assumed by Stantec), and thus the provision of these protection works by others cannot be relied upon by the applicant. In the absence of proposals to provide protection to the realigned road within the planning application itself, it is considered that this section of road is *‘in close proximity to land known to be, or which may be, unstable’ (NH9)*.

6. Development Layout

Due to the geology and topography of the site, at detailed design stage, considerable assessment of proposed engineering levels, terracing, road access, and drainage will be required to confirm the layout as shown is feasible.

Fairhurst would note that the application is for the provision of up to 136 No. dwellings. Based on the layout provided to date, there are indications that this may not be feasible:

- Houses are shown in close proximity to the proposed realigned road. By comparison, the Awcock Ward Partnership Preliminary Vertical Alignment indicates the proposed road at levels c. 5-6m below current ground levels in sections and c. 3-4m above current ground levels in the south of the site. The associated footprint required with 1:3 gradients for the embankment and cutting slopes suggests that significant further cut or fill would be required to achieve the layout as shown.
- Due to the level changes, particularly with the secondary roads and terracing that will be required, it is considered likely that retaining walls and/or reinforced slopes and under-build will be required to facilitate the currently proposed layout. Therefore, while we concur that shallow spread foundations will likely be feasible from a bearing capacity perspective (as noted by Stantec (2022)), the proposed engineering levels will have an impact on the depth of foundations relative to finished levels. These abnormal costs may therefore impact the feasibility of the layout and housing provision as currently shown;
- The drainage strategy indicates the provision of an offline tank in the north east corner of the site. Due to the current topographical levels, this would likely either require significant filling along the Northern boundary adjacent to Lorna Doone in an area of potentially unstable land, and/or pumping;
- The requirement to connect the foul drainage to the sewer at Lorna Doone will require traversing land which could potentially be unstable, and therefore the viability of this would need explored further.

The above comments suggest that a levels strategy is required to inform the feasibility of provision of 136 dwellings.

From a land stability risk assessment perspective, it is recommended that if the outline planning application is granted, that a levels strategy and subsequent detailed land stability risk assessment is conditioned to consider land stability risks associated with the proposed development on the local scale and the impact to adjacent land, in particular within the area of Lorna Doone.

Site Visit & Geckoella Observations

During the site meeting with the Town Council and Geckoella, the ongoing coastal erosion of the regional area was discussed, and in particular, reports and observations regarding the ongoing land stability issues at the allotments on West Street.

Fairhurst were provided copies of reports pertaining to subsidence at West Street, including 'Update report on West Street Allotment Slippage 19/7/22' and associated site visit summary reports. A visit was also made to this location. The Geckoella reports suggest a greater rate of erosion in this particular section than the 'average' presented by WSP (February 2020). However, as stated in the WSP report and by Stantec, these are average values, and the nature of coastal erosion and slope stability is more complex and would be anticipated to have periods of increased followed by decreased regression rates. The Geckoella reports provide useful information regarding the wider issues of land stability for this section of coast and confirm the ongoing degradation and hence already anticipated further regression where the proposed realigned road meets the existing Cleeve Hill Road in the north east of the application site.

Recommendations and Conclusions

Based on the additional comments from Santec and taking account of the observations and information presented during our site visit, it is considered that:

- The road realignment involves development within or in close proximity to land known to be unstable, and therefore permission cannot be granted in accordance with West Somerset Local Plan 2032 Policy NH9 without inclusion of the stabilisation and coastal defences required to protect the road over its design life;
- The application includes development in an area where the land may be unstable, or in close proximity to land known to be unstable adjacent to Lorna Doone and this permission for development in this area cannot be granted in accordance with NH9. If permission is to be granted to the outline application, a further no-build 'buffer zone' as indicated on Plate 1 would be required until such time that information is provided to confirm the land stability risks in this area;
- Out with the areas noted above, if planning permission is granted in these portions of the site, a detailed levels strategy and land stability risk assessment is recommended to be conditioned at detailed design stage to take account of the terracing required;
- Separate to the matter of land stability there are indications on the current layout assumption that the provision of up to 136 No. dwellings may not be feasible. A levels strategy would be required to confirm if the current layout assumptions are likely to be viable.

If we can assist further, please do not hesitate to contact the underside.



Clare Barber
Technical Director – Geotechnical & Geo-Environmental South

Email: clare.barber@fairhurst.co.uk
Encl:

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

1. Recommendation

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

2. Executive Summary of key reasons for recommendation

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

3. Planning Obligations, conditions and informatives

3.1 Obligations

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

3.2 Conditions (see Appendix 1 for full wording)

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

3.3 Informatives (see Appendix 1 for full wording)

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

4. Proposed development, Site and Surroundings

Details of proposal

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

Site and surroundings

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

5. Relevant Planning History

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

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

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

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

	Block, Comeytrove Manor West, Lipe Hill Lane, Comeytrove		
42/22/0026	Application for a Non-Material Amendment to application 42/20/0042 to introduce a turning head at the entrance to the approved pumping station compound and associated delivery of designated cycle lane through the site on land at Comeytrove Rise, Trull	Refused on procedural grounds – not an NMA	21 April 2022
42/22/0027	Application for Approval of Reserved Matters in respect of the appearance, landscape, layout and scale, following Outline Approval 42/14/0069 for the erection of 70 No. dwellings, hard and soft landscaping, car parking including garages, internal access roads, footpaths and circulation areas, public open space and drainage with associated infrastructure and engineering works at Phase H1e, on land west of Comeytrove Lane, Taunton	Pending	
42/22/0040	SCC Consultation – Erection of primary school and nursery, to include construction of sports pitches, parking area and access onto spine road incorporating landscaping and infrastructure on land at Comeytrove, Taunton <i>For the full application file visit SCC's Planning register online, ref SCC/3938/2022</i>	Resolution to Grant 01/12/22	Comments sent to SCC 26 May 2022
42/22/0043	Variation of Condition No. 02 (approved plans), for the inclusion of a turning head at the entrance of the approved pumping station compound, of application 42/20/0042 at Orchard Grove New Community, Comeytrove Rise, Taunton	Pending	Deferred from October 2022 Planning Committee
42/22/0055	Application for approval of reserved matters following outline approval 42/14/0069 for the appearance, landscaping, layout and scale of the strategic infrastructure associated with the	Pending	

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

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

6. Environmental Impact Assessment

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

7. Habitats Regulations Assessment

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

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

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

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

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

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

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

8. Consultation and Representations

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

Date of Consultation: 04 April 2022

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

8.1 Statutory Consultees

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

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

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

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

8.2 Non-Statutory Consultees

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

	<ul style="list-style-type: none"> • <i>“An appropriate form of access control could be installed at the main vehicular entrance to deter unfettered access e.g., gate, rising barrier or similar which can be secured at night.</i> • <i>I have some concerns regarding the type of construction of the two cycle stores, which the DAS states are covered, secure and well overlooked. The stores are of open galvanised steel and polycarbonate roof construction with steel cycle stands. Although covered, I do not agree that they are secure as cycles can be easily accessed and stolen. I recommend enclosed, lockable cycle stores be provided for use by staff and visitors.</i> • <i>The building incorporates a flat roof and balconies, so any potential climbing aids should be avoided or designed out. In addition, garden furniture, fixtures and equipment should be of substantial construction and securely fixed to prevent theft, misuse, or use as climbing aids.</i> • <i>CCTV – is not a universal solution to security issues, however, it can deter crime and ASB and assist in the identification of offenders when a crime has been committed, reduce the fear of crime, and assist in the management of premises. The DAS states that cctv may be considered to protect the main entrance and car park. I recommend this and would encourage extending the system to monitor other potentially vulnerable external and internal communal areas.</i> • <i>Secured by Design (SBD) – the applicant, in Section 04 of the DAS, indicates that they may follow SBD guidelines and consider the above recommendations. If planning permission is granted, I strongly</i> 	
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	<p><i>recommend that the applicant refers to the ‘SBD Homes 2019’ design guide available on the Secured by Design website – www.securedbydesign.com – which provides further comprehensive guidance regarding designing out crime and the physical security of buildings”.</i></p>	
<p>SWT Conservation Officer</p>	<p><i>“Assessment of harm - The construction of the care home incorporates a landscaping scheme to soften the boundaries of the site within the wider landscape, which will help to minimise potential visual intrusion upon the setting of the listed buildings. The position of the care home is not located within the immediate, primary setting of any of the listed buildings. Although its position will remove a small part of the wider farmland setting of High Comeytrowe Farm, the primary focus of the setting of the heritage asset remains intact and tangible. Therefore, the proposed care home will not directly impact upon any of the listed buildings, or the primary focus of their settings. Recommend approval due to the preservation of the setting of the listed buildings”.</i></p>	<p>No further action.</p>
<p>South West Heritage Trust - Archaeology</p>	<p><i>“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds”.</i></p>	<p>No further action.</p>
<p>SWT Placemaking Officer</p>	<p><i>“In Placemaking terms, little has changed with this proposal. The principles are unacceptable and do not accord with the approved Masterplan and Design Guide for the Western Neighbourhood and do not fully address the concerns raised by the Quality Review Panel. The Masterplan and Design Guide for the Western Neighbourhood show this space as:</i></p> <ul style="list-style-type: none"> <i>• A key grouping and key building in the western neighbourhood – Yet the</i> 	<p>An assessment of these comments and of the design generally can be seen from Paragraph 12.16 onwards.</p>

	<p><i>proposed building would not be of a design quality that would achieve a key group or key building in townscape terms. The proposed building is of a mediocre quality of 'anywhere' design and has a series of flat roofs which do not create a landmark building that is needed in this gateway location to emphasise legibility and wayfinding. The building would have undue horizontal emphasis and would not function as a pivotal corner addressing both the square and the access road.</i></p> <ul style="list-style-type: none"> • <i>The key design principles as set out in the Masterplan and Design Guide are not met. This states that any proposal should have – a continuous edge to the entire length of the square, development abutting and fronting the square, active frontage fronting the square. The design principles state 'ground floor café or community use with spilling out area' onto the square.</i> • <i>A formal square addressing the gateway into the Western Neighbourhood – Yet the proposed square is random in its design, lacking the grandeur of the civic space shown in the design guide. The proposed building and square lack integration through the enclosure of the space, active uses and spilling out. There is little sense of interconnectivity and both the building and the square are isolated and separated. The building with its tall railings and gated entrance acts like a fortress between the public square. There is also inadequate connectivity between the square and the proposed bus stop on the opposite side of the street.</i> <p><i>Regarding the Quality Review Panels (QRP) comments, the QRP mentioned</i></p>	
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	<p><i>the following issues which have not been adequately addressed:</i></p> <ul style="list-style-type: none"> • <i>The proposal satisfactorily engage with its surroundings, with a design that meets the townscape design and community engagement aspirations for this site, as set out in the Masterplan and Design Guide.</i> • <i>Relationship to the 'Local Square' - the QRP mentioned that the Masterplan and Design Guide sets out a requirement for a building on this site to front onto the 'Local Square'; to create a more positive relationship between the care home and 'Local Square'</i> • <i>Design approach – the QRP questioned the design approach for the scheme which is very commercial in appearance and suggested that the care home should have a more domestic appearance; it questioned the bulky form of the roof structure over the first-floor terrace, as well as the use of grey cladding; it suggested the use of more domestic material palette, and more elegant detailing; the panel encourages the applicant to revisit the height of the building and explore the feasibility of delivering a three-storey care home - the extra storey was seen as helping to reduce the building's foot print, offer more flexibility for the building's position on the site, allow for more quality open space, and facilitate a better frontage and relationship to the 'Local Square'.</i> • <i>Sustainability - The panel suggested the applicant reviews its sustainability strategy to ensure the scheme is aligned with SWT's Carbon Neutrality and Climate Resilience Action Plan, and recommends that the scheme is designed to meet the requirements of the Future Homes Standards, which will come into operation by 2025.</i> 	
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	<p><i>As such this proposal does not adequately meet the principles set out in the approved Masterplan and Design Guide for the Western Neighbourhood and do not fully address the concerns raised by the Quality Review Panel. This in turn does not conform to the design principles set out in the Districtwide Design Guide SPD (2021) or the standards expected for new garden town communities set out in the Taunton Garden Vision or Taunton Garden Town Charter and Checklist”.</i></p> <p>Further comments are made in response to the applicant’s agent rebuttal of the above comments. Whilst it is recognised some improvement has been made following the QRP there are still several of the stated issues above that remain at issue.</p>	
SWT Green Infrastructure Officer	<p><i>“Generally, I think that the building's new alignment has a better interface with the adjacent 'Local Square'. However, I think that the proposal needs to meet the Masterplan and Design Guide requirement for a community facility fronting the square.</i></p> <p><i>I am still not sure that the outdoor space provision adequately addresses the residents' needs. The open spaces need to have a greater variety of areas for outdoor activity and sufficient seating areas.</i></p> <p><i>Few of the outdoor open space paths have a right angle, which might be difficult for residents in wheelchairs or walking frames. I suggest widening the paths and creating more organic shapes at these locations.</i></p> <p><i>I haven't seen a drainage plan to understand whether the new design collects rainwater within site and maximizes the potential of SuDS and rain gardens”.</i></p>	An assessment of these comments and of the design generally can be seen from Paragraph 12.16 onwards.
SCC Ecologist	<p>Conditions and Informatives discussed at Ecology Surgery on 30/11/2022 – lighting and enhancement conditions and bat and badger informative.</p>	Condition and Informatives imposed.

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

8.3 Local representation

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

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

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

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

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

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

9. Relevant planning policies and Guidance

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

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

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

Core Strategy 2012

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

Site Allocations and Development Management Plan 2016

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

Other relevant policy documents

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

Neighbourhood Plans

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

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

The National Planning Policy Framework

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

Relevant Chapters of the NPPF include:

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

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

10. Conclusion on Development Plan

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

11. Local Finance Considerations

Community Infrastructure Levy

The creation of a care home is not CIL liable.

NB – Employment floorspace is also not CIL liable.

12. Material Planning Considerations

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

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

Principle of Development

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

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

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

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

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

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

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

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

Design and Layout

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

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

Residential Amenity - Impacts on Neighbours

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

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

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

Transport and Highways

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

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

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

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

Other Considerations

Ecology

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

Drainage and Flood Risk

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

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

Impact on Heritage Assets and Landscape Designation

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

Sustainability

- 12.41. This application is supported by a Sustainability Statement, Energy Strategy Report and a response to the Council's requirements for a Climate Emergency Checklist, which states: *"The scheme will significantly exceed building regulations standards by adopting a hierarchical approach to energy use and carbon emissions. Building materials will be used to improve thermal performance and air permeability. Energy efficient heating, domestic hot water, cooling, ventilation, and lighting systems will be used throughout. In addition to the energy efficient measures referenced above, the proposed energy strategy include a combined heat and power unit and a photovoltaic array to maximise renewable energy potential and reduce the carbon emissions of the proposed development. Based on these measures the care home has been assessed as saving of 35.8 tonnes of carbon dioxide per year which equates to an overall 29% on-site reduction in the calculated carbon dioxide building emissions"*.
- 12.42. The application was also amended with updated reports to demonstrate compliance with the new Part L2: 2021 regulations and planning policies. Compliance with Part L2:2021 provides a circa 27% reduction over the Part L2A:2013 regulations. To achieve compliance with the new regulations air source heat pumps have been included to serve the heating and hot water, a more efficient MEP specification which includes power factor correction, out of range monitoring and more efficient lighting. Also included in the strategy was a 200m² PV array which was originally proposed for the scheme.
- 12.43. The outline consent and Western Neighbourhood Design Guide focused on other important but often forgotten measures of sustainability such as walkable neighbourhoods, cycling infrastructure, public transport and travel

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

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

13. Planning Balance and Conclusion

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

Appendix 1 – Planning conditions and informatives

1. The development hereby permitted shall be begun within three years of the date of this permission. Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A1) DrNo LP01 Rev A Site Location Plan
 - (A2) DrNo PL100 Rev A Existing Site Plan
 - (A2) DrNo PL101 Rev G Proposed Site Plan
 - (A2) DrNo PL102 Proposed Ground Floor Plan
 - (A2) DrNo PL103 Proposed First Floor Plan
 - (A2) DrNo PL104 Proposed Roof Plan
 - (A1) DrNo PL105 Rev A Proposed Elevations - Sheet 1

(A1) DrNo PL106 Rev A Proposed Elevations - Sheet 2
 (A1) DrNo PL107 Rev A Proposed Sectional Elevations
 (A1) DrNo PL108 Proposed 3D Visual - View 1
 (A1) DrNo PL109 Proposed 3D Visual - View 2
 (A1) DrNo PL110 Proposed 3D Visual - View 2 - Translucent Trees
 (A0) DrNo PL116 Proposed Street Scene - West
 (A0) DrNo PL117 Proposed Street Scene - North
 (A2) DrNo PL111 Rev C Boundary Treatment Plan
 (A1) DrNo 02-ATR-1001 Rev D Care Home Vehicle Tracking & Visibility Plan
 (A1) DrNo 02-DR-1001 Rev E Care Home Preliminary Drainage Layout Plan
 (A1) DrNo 02-SK-1001 Rev D Care Home Boundary Plan
 (A2) DrNo 101 Rev I Landscape Strategy
 (A2) DrNo 102 Rev A Landscape Layout
 (A1) DrNo 201 Rev A Landscape Layout
 (A4) DrNo PL113 Proposed Refuse Store
 (A4) DrNo PL114 Rev A Proposed Cycle Store
 (A4) DrNo PL115 Rev A Proposed Smoking Shelter
 (A3) DrNo 02-SK-1101 Rev A Temporary Wheel Wash Facility
 Design and Access Statement, August 2022 Rev G, KWL Architects
 Planning Statement, 21.9000, Boyer, August 2022 Issue 2
 Transport Statement, 1248 Rev D, awp, 08 August 2022
 Construction Environment Management Plan, 1248 Rev A, awp, 26/01/2022
 Sustainability Statement, Envision, December 2022, Version 7
 Energy Strategy Report, Harniss Consulting, 06/12/2022, RevE
 Flood Risk and Drainage Technical Note, 1248 Rev D, awp, 08 August 2022
 Arboriculture Technical Note, Prepared by: The Environmental Dimension
 Partnership Ltd, March 2022, Report Reference edp0782_r076a
 Ecological Appraisal, Prepared by: The Environmental Dimension Partnership
 Ltd, March 2022, Report Reference edp0782_r075a
 Shadow Habitats Regulations Assessment Report,
 220818_P1136_sHRA_Care Home, 18 August 2022, ead ecology
 Landscape Management Plan, August 2022, TPM Landscape Ltd
 Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

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

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

appropriately landscaped infrastructure serving the employment zone.

5. The landscaping/planting scheme shown on the approved plans shall have been completely carried out by the end of the first available planting season after the first occupation of the approved Care Home. For a period of ten years after the completion of the Care Home the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
Reason: To ensure that the proposed 'landscape led' development benefits from the approved landscaping scheme in the interests of visual amenity, ecological enhancement and landscape character in accordance with Policy CP8 of the Taunton Deane Core Strategy and Policy ENV2 of the SADMP.
6. The development hereby approved shall only be first occupied following its compliance with the Sustainability Statement (Envision, December 2022, Version 7) and Energy Strategy Report (Harniss Consulting, 06/12/2022, RevE).
Reason: To accord with CP1 of the Core Strategy and Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency.
7. A scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of a roofed mounted PV array based on the PV proposal at Para 8.1 of the Harniss Consulting Energy Strategy Report, RevD 04/08/2022. Prior to the first occupation the agreed scheme shall have been fully implemented and be operational and retained thereafter.
Reason: To accord with CP1 of the Core Strategy and Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency.
8. A scheme shall be submitted to and agreed by the Local Planning Authority detailing the provision of electric vehicle charging points. Prior to the first occupation the agreed scheme shall have been fully implemented and be operational and retained thereafter.
Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport to accord with Policies CP1, CP6, CP7 and CP8 of the Core Strategy and Policy A2 of the SADMP.
9. Prior to occupation of development to implement the Phosphates Mitigation Strategy and Fallow Land Management Plan as contained within the Shadow Habitats Regulations Assessment Report, 220818_P1136_sHRA_Care Home, 18 August 2022, and ecology in so far as they relate to the development the subject of this reserved matters application. The fallow land identified within the Fallow Land Management Plan shall be retained and maintained in accordance with that plan unless otherwise agreed in writing with the local planning authority. The Applicant may from time to time submit to the local planning authority a revised Phosphates Mitigation Strategy and Fallow Land Management Plan for its approval particularly in the event that Natural England guidance in relation to measures relevant to phosphates mitigation changes in

future or in the event that alternative mitigation strategies becomes available and in anticipation that the fallow land will in time come forward for development. Should the fallowed land not come forward for development within a period of 25 years following this approval the provisions of the Shadow Habitats Regulations Assessment Report, 220816_P1136_sHRA_H1e, 16 August 2022, ead ecology shall be implemented and maintained in perpetuity. Reason: To allow the development to proceed as phosphate neutral so as to ensure no adverse effect on the integrity of the Somerset Levels and Moors Ramsar site to accord with the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).

10. In accordance with the submitted Arboriculture Technical Note, March 2022 ref edp0782_r076a all protective hedgerow fencing shall be erected prior to any works within the plot. No trenches shall be dug within the RPA of the retained hedgerow for underground services (or anything else) without the prior assessment and written agreement of the Local Planning Authority. Reason: To safeguard an existing hedgerow to accord with Policy ENV1 of the SADMP.
11. Prior to occupation a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied. Reason: To promote sustainable modes of transport to accord with Policy A2 of the SADMP.
12. Prior to first occupation a strategy for Public Art shall have been submitted to and approved by the Local Planning Authority. The strategy shall set out how Public Art is being considered on this application site or as part of the wider Orchard Grove site and timescales for provision. Reason: To ensure Public Art is integrated into developments to promote placemaking as a key component of a Garden Community.
13. Prior to first occupation, the parking spaces, including disabled parking, and facilities for loading, unloading, circulation and manoeuvring shall have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses. Reason: To ensure the development is afforded suitable provision.
14. Prior to first occupation the cycle parking facilities shown on the submitted plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified. Reason: To promote cycling in the interests of sustainable development.
15. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Details

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

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

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

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

Notes to Applicant

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

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

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

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

Application Details	
Application Reference Number:	01/22/0013
Application Type:	Removal or Variation of Condition(s)
Earliest decision date:	28 October 2022
Expiry Date	30 November 2022
Extension of time	
Decision Level	Chair
Description:	Removal of Condition No. 07 (agricultural occupancy condition) of application 01/89/0006 at Burrow View, Ashbrittle
Site Address:	BURROW VIEW, BURROW LANE, ASHBRIITTLE, WELLINGTON, TA21 0JB
Parish:	01
Conservation Area:	NA
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	N/A
Case Officer:	Briony Waterman
Agent:	
Applicant:	MR M BEARD
Committee Date:	05/01/23
Reason for reporting application to Committee	Chair call in against officer recommendation for approval as the proposal is considered to comply with policy H1a.

1. Recommendation

1.1 That permission be granted.

2. Executive Summary of key reasons for recommendation

2.1 The proposal for the removal of the agricultural tie is considered to be acceptable in terms of policy H1a it has been evidenced that the dwelling is no longer needed for agricultural purposes as the land has been sold off and despite marketing at a lower price than market value for over a year there has been no proceedable offers.

Proposal is considered to comply with policy

3. Planning Obligations and conditions and informatives

3.1. Conditions

No conditions are necessary, the conditions on the original consent have all been complied with.

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

4. Proposed development, site and surroundings

4.1 Details of proposal

Removal of Condition No. 07 (agricultural occupancy condition) of application 01/89/0006. The condition was imposed on a new agricultural workers dwelling granted permission in August 1990, as the site is in an area where the Local Planning Authority's policy is to restrict new residential development to that required to meet the needs of agricultural or forestry.

4.2 Sites and surroundings

The site lies to the west of Burrow Farm, on the south side of Burrow Lane, a Class 3 highway and is visible from Staple Court House and the road running east from Staple Cross. Burrow View is a single storey agricultural workers dwelling, finished in render under concrete roof tiles. It was attached to Burrow Farm, but along with a number of agricultural buildings and a portion of the land, is now in separate ownership.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
01/19/0006	Erection of single storey extension and conversion of garage.	Granted	30/08/2019
01/18/0008	Erection of single storey extension and conversion of integral garage to gym	Granted	11/01/2019
01/93/0002	Erection of an agricultural workers dwelling (reserved matters)	Granted	01/11/1993
01/89/0006	Erection of agricultural workers dwelling	Granted	01/08/1990
01/74/0005	Erection of bungalow and garage with vehicular access	Granted	
90043/A	The erection of an agricultural workers dwelling	Granted application superseded by 01/74/005 and 01/89/005.	

6. Environmental Impact Assessment

NA

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar

site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is to remove an existing agricultural tie it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

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

8.1 Date of consultation: 06 October 2022

8.2 Date of revised consultation (if applicable):

8.3 Press Date: NA

8.4 Site Notice Date: A site notice was posted out to the applicant on the 6th October however the LPA has not had confirmation that it was displayed. However, the statutory duty to advertise has still been met as it advertised in the local paper and neighbour letters were sent out.

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
ASHBRITTLE PARISH COUNCIL	Objection. PC is concerned at the loss of agricultural tied properties and affordable housing for rural workers Clearly a market for a property with an agricultural tie PC believes no offers made as over priced considering the agricultural tie and came with no appreciable land. PC believe that at least one property should remain agriculturally tied condition could be to transfer the agricultural tie to the new dwelling.	Comments are noted see para 10.1.5.
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice	
WESSEX WATER	No comments received	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
NA		

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

No letters have been received.

9. Relevant planning policies and Guidance

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

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

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

Site Allocations and Development Plan Policy H1a – Permanent housing for rural workers
Taunton Deane Core Strategy Policy CP8 – Environment.

There is no Neighbourhood Plan in force in the area.

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

9.1 National Planning Policy Framework

The proposal is considered to accord with the general principle set out in the NPPF.

10. Material Planning Considerations

10.1.1 Condition 07 of planning consent 01/89/0006

This application is seeking to remove the following condition for the agricultural occupancy.

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry or a dependent of such a person residing with him or her or a widow or widower of such a person.

Reason: The site is in an area where the Local Planning Authority's policy is to restrict new residential development to that required to meet the needs of agriculture or forestry.

10.1.2 The principle of development

Within policy H1a Permanent housing for rural workers it is stated that "*occupancy conditions will be applied to new dwellings. Applications to remove these or other related conditions will not be permitted unless:*

- i. The dwelling is no longer needed on that unit for the purposes of agriculture or other rural based enterprises*
- ii. There is no current demand for dwellings for agriculture or other rural based industries in the locality; and*
- iii. The dwelling cannot be sold or let at a price which its occupancy condition for a reasonable period to be agreed with the local planning authority.*

The applicant has provided the following justification for the removal of the agricultural condition including the main unit that the dwelling was built to support has been subdivided into multiple lots and therefore the dwelling is no longer associated with an operational or viable agricultural unit. It is argued within the supporting statement that it is unlikely that this dwelling could or would ever appropriately serve the need of another agricultural holding. There have been a number of agricultural workers dwellings approved within the area which shows that there has been a demand for this type of property, however the lack of interest in the purchasing of the site could show that this demand has been fulfilled.

The property has been marketed since February 2021 on various outlets including with Welden & Edwards and Rightmove.com at a reduced price to the market value with no offers which has been confirmed via a phone call by the officer to the estate agents. A search on rightmove.com shows that the property is competitively priced in

comparison to other properties of a similar size and scale within the area. Burrow View is marketed at £545,000 which is cheaper than similar sized properties within 5 miles that range from £ 575,000 which is a 4 bed 2 bathroom to £1,200,000. There are no directly comparable properties however following discussions with the estate agents it was confirmed that the site is being sold at a reduced price from the estimated value of £750,000. This is a 30% reduction from the market value although it is not mentioned within the policy what the reduction in price should be.

Comments received from the Parish Council raise concerns over setting a precedent however each case must be determined on its own merits. A recent appeal reference APP/W3330/W/22/3294420 for the removal of an agricultural tie within the district was dismissed. The Inspector stated that the splitting of the holding was not reason enough as the condition does not limit the person employed in agriculture or forestry to that holding but to the area. This proposal has been marketed since February 2021 with no offers made from anyone working within agriculture or forestry. This site differs from the appeal in that there is evidence of marketing with no success.

Under application 01/19/0006 permission was granted to significantly extend the property. These extensions have raised the value of the property which, even when marketed at a reduced price, received no interest or offers from those who would comply with the agricultural tie.

Given the above it is considered that the proposal to remove the agricultural tie has met the requirements of policy and is acceptable in principle.

10.1.5 Additional comments

Comments received from the Parish Council relate to the loss of an agriculturally tied property within the Parish, and suggested that the tie be reallocated to the recently approved Class Q on the site, however this is outside the remit of this application.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Not applicable.

12 Planning balance and conclusion

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted.

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

Appendix 1 – Planning conditions and Informatives/ Reason/s for refusal

Conditions

None required

Notes to applicant.

- . In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

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

Agenda Item 14

Document is Restricted

Document is Restricted

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

Agenda Item 16

Document is Restricted

2022/23														
Indicator	National Target	SWT Target	Q1	On time	Total	Q2	On time	Total						
% of major planning applications determined within 13 weeks or within agreed extension of time**	60%	75%	83%	5	6	80%	12	15						
% of minor planning applications determined within 8 weeks or agreed extension of time**	70%	65%	69%	63	91	72%	110	152						
% of other planning applications determined within 8 weeks or an agreed extension of time**	80%	80%	75%	130	173	78%	282	361						
2021/22														
Indicator	National Target	SWT Target	Q1	On time	Total	Q2	On time	Total	Q3	On time	Total	Q4	On time	Total
% of major planning applications determined within 13 weeks or within agreed extension of time**	60%	75%	100%	5	5	100%	10	10	100%	12	12	100%	14	14
% of minor planning applications determined within 8 weeks or agreed extension of time**	70%	65%	80%	61	76	81%	131	162	80%	185	232	80%	229	287
% of other planning applications determined within 8 weeks or an agreed extension of time**	80%	80%	90%	236	263	88%	447	506	86%	611	712	84%	752	890

*Quarterly figures show performance from 1st April to the end of each quarter.

